



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
February 24, 2025

Topic: Resolution to make findings and adopt Addendum to the Transit Zoning Code Environmental Impact Report (State Clearinghouse Number No. 2006071100), Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03 amending certain sections of Article XIX (The Transit Zoning Code, Specific Development No. 84) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) addressing industrial land uses, nonconformities, and operating standards, and amending the City of Santa Ana Zoning Map to remove the Light Industrial (M1) and Heavy Industrial (M2) suffixes from certain properties within the SD-84 district boundary.

RECOMMENDED ACTIONS

Recommend that the Planning Commission recommend that the City Council:

- 1) Adopt a resolution to make findings pursuant to Public Resources Code Section 21166 and to adopt the Addendum to the Transit Zoning Code Environmental Impact Report (State Clearinghouse Number No. 2006071100). Pursuant to the California Environment Quality Act (CEQA), and based on independent review and analysis, and the administrative record as a whole, that, in exercising its independent judgement, amend TZC SD-84 Final EIR with an addendum that the City Council find that pursuant to CEQA Guidelines Section 15162, no subsequent Environmental Impact Report (EIR) is required for the adoption of the proposed Ordinances; and pursuant to CEQA Guidelines Section 15164, an addendum to the Transit Zoning Code EIR was accordingly prepared.
- 2) Adopt an ordinance to approve Zoning Ordinance Amendment (ZOA) No. 2024-02 amending certain sections of Article XIX (The Transit Zoning Code, Specific Development No. 84 (SD-84)) of Chapter 41 (Zoning) of the Santa Ana Municipal Code including amendments to the regulations, overlay districts and maps in the zoning district; modifying the authorized land uses and permit types; establishing revised non-conforming use regulations, including the addition of an amortization/termination of use process and adding operational standards for certain permitted and non-conforming uses.
- 3) Adopt an ordinance to approve Amendment Application (AA) No. 2024-03 amending the zoning by removing the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 zoning district boundary as designated on the City of Santa Ana Zoning Map.

EXECUTIVE SUMMARY

On April 16, 2024, the City Council adopted a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District through adoption of Urgency Interim Ordinance No. NS-3063. The purpose of the moratorium was to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods within the SD-84 Zoning District. On May 7, 2024, the City Council issued a report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City's measures to alleviate conditions that led to the adoption of the moratorium. On May 21, 2024, the City Council adopted Ordinance No. NS-3064 to extend the moratorium for an additional ten (10) months and fifteen (15) days pursuant to the Government Code as necessary to provide sufficient time for staff to continue with data tracking and reporting, research appropriate regulations, and coordinate with outside regulatory agencies and City departments to determine whether further, permanent action is necessary and to generate recommendations to the Planning Commission and City Council.

Based upon this City Council direction, and the research and analysis of the issues herein, staff has prepared Ordinances amending certain sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC), Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District. The first Ordinance proposes amendments that would modify the list of land uses and permit types, including the deletion of industrial land uses; amend nonconforming regulations, including the addition of an amortization process/termination of use process; amend and add operational standards for allowed uses and nonconforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps. The second Ordinance deletes the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 Zoning District boundary as designated on the City of Santa Ana Zoning Map.

DISCUSSION

The Transit Zoning Code/Specific Development No. 84

The Specific Development (SD) No. 84 Zoning District, also known as the Transit Zoning Code (TZC), is located in the central urban core of the City and comprises over 100 blocks and 450 acres. The TZC includes the Civic Center, Downtown, and the Logan and Lacy neighborhoods, which are among the City's most historic in age and as established residential communities. The TZC is generally bounded by First Street, Flower Street, Civic Center Drive, Grand Avenue, and the Santa Ana (I-5) Freeway. Prior to the implementation of the TZC, the area consisted of a wide range of civic, commercial, industrial, and residential land uses regulated by varying zoning districts.

In June 2010, the City Council adopted Ordinance No. NS-2804, creating the TZC, which purpose was to establish a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure; preserve and reinforce the

existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; encourage alternative modes of transportation; provide for a range of housing options; and allow for the reuse of existing structures. In July 2019, the City Council adopted Ordinance No. NS-2970, amending the TZC to modify certain design criteria regulating height, massing, open space location, driveway standards, lot dimensions, and parking alternatives. The amendment did not include changes to land uses or permit types within the TZC.

When originally adopted, the TZC provided new zoning for all properties contained within its boundary. However, some properties with existing M1 and M2 zoning and/or exiting industrial businesses, also received an overlay district designation which allowed for the continuation of industrial land uses on those properties. The development of mixed-use on these properties consistent with the new zoning they received as part of the TZC adoption is at the discretion of the property owner. In support of the TZC, the City Council also approved a General Plan amendment, establishing numerous mixed-use General Plan land use designations for the entirety of the TZC. However, due to the continued application of the industrial overlay zones within the TZC, the implementation of the new General Plan land use designations immediately resulted in zoning inconsistencies and land use conflicts with the new General Plan.

Since establishment of the TZC, and specifically in the Logan and Lacy neighborhoods, industrial uses have remained, changed ownership, undergone expansions or intensifications, and have continued to create numerous land use conflicts and disturbances that affect surrounding residential communities. Specifically, in the Logan neighborhood alone, these land uses create quality of life, health and safety, and other trespass issues for residential properties that often directly abut these industrial land uses. These issues include odors, dust, traffic, noise, vibrations, and other documented impacts that have taken place for nearly a decade and a half despite the change to the new General Plan land use designations.

Historically Disadvantaged Communities and Senate Bill (SB) 1000

Prior to the adoption of the TZC, the City permitted industrial uses within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools. The Logan neighborhood represents one of Orange County's oldest barrios, established as early as 1886, and was one of the few areas where Mexicans and those of Mexican descent could purchase land due to racially restrictive covenants during the first half of the 20th century. Further, as a neighborhood, the area was established before the modern practice of separating or regulating impactful land uses, also known as zoning. The Logan neighborhood itself was largely settled by 1900, before the practice of zoning was enshrined by *Village of Euclid v. Ambler Realty Co.* in 1926. By that time, the neighborhood contained a mix of residential, industrial, commercial, and related land uses, in some cases side-by-side, with issues further exacerbated by rail lines, fuel storage depots, and the construction of the Santa Ana Freeway (I-5) between 1947 and 1956.

Comprehensive data analysis and mapping tools generated by the Office of Environmental Health Hazard Assessment (OEHHA) and California Environmental Protection Agency (CalEPA), the Center for Diseases Control/Agency for Toxic Substances and Disease Registry (CDC/ATSDR), the United States Environmental Protection Agency (EPA), and California Healthy Places Index (HPI) reveal concerning information regarding environmental conditions impacting residents in the Logan and Lacy neighborhoods. Recent CalEnviroScreen 4.0 data confirms that these neighborhoods rank at 90 percent or above among California's most pollution-burdened communities, with Environmental Justice (EJ) maps showing higher exposure to Particulate Matter (PM) 2.5, Air Toxics Cancer Risk, Hazardous Waste Proximity, Diesel Particulate Matter, and Toxic Releases to Air. This information is included as Exhibit 4 to this staff report. These multiple sources of environmental exposure and pollution burden communities of color, including the Logan and Lacy neighborhoods, present an alarming set of challenges that affect residents' quality of life and life expectancy with continued heavy industrial uses nearby.

Senate Bill (SB) 1000 went into effect in 2016, requiring local governments to address pollution and other hazards that disproportionately impact low-income and communities of color within their jurisdiction to proactively plan for and address environmental concerns when developing and updating components of the General Plan. The City and community worked to ensure that the new General Plan included SB 1000 requirements of addressing EJ through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options. Of note, the City's new General Plan mixed-use land use designations in the TZC area were largely left intact, including those in the Lacy and Logan neighborhoods, when the General Plan Update was adopted in 2022.

Environmental Justice/Disadvantaged Communities (DACs) Profile: Logan and Lacy Neighborhood Impacts

For the Logan and Lacy neighborhoods, incompatible land uses allowed from past zoning decisions, including the industrial overlay zones, have perpetuated the practices of locating industrial uses or other noxious and unwanted uses near communities of color.

The Logan and Lacy neighborhoods have a population of 5,907 within 1,564 households, a median household income of \$56,864, average household size of nearly four persons, median age 27 years, and per-capita income of \$23,495. Seventy-four percent are renter-occupied units based on demographic forecasts for 2023. Nearly 25 percent of the population is under 14 years of age and 14 percent are 55 years of age and older. Nearly three percent of the population attended up to 12th grade with no diploma, over 31 percent

are high school graduates, and nearly 97 percent of the working population over 16 years of age are employed.¹

These data illustrate that the Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model. Failure to address ongoing irreconcilable land use conflicts that are the target of this moratorium will further exacerbate the ongoing demographic and environmental justice challenges that these two neighborhoods within the TZC have grappled with since their founding.

Code Enforcement and Immediate Ongoing Issues

In the Logan and Lacy neighborhoods within the TZC, the Code Enforcement Division has investigated over 35 commercial and industrial properties in the past 12 months and currently has 16 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. These violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. The proximity of active open industrial cases during a short period is creating a public nuisance that is harming public health, safety, and general welfare of the two residential neighborhoods from the concentration of open code enforcement cases nearby.

Since June 2023, the TZC communities have experienced a marked increase in impacts stemming from the irreconcilable industrial and residential land use conflicts in the Logan and Lacy neighborhoods. Residents in the TZC have voiced and emailed complaints and public health concerns to City staff regarding emitted contaminants and zoning violations from industrial businesses in the neighborhoods. Concerns that range from air pollution and smoke, toxic release exposures, idling trucks on residential streets, lead exposure, illegal storage, unpermitted uses, loud noise at night, and other property maintenance pose an immediate public health threat that is straining public resources to continuously investigate and address these matters. Specifically, a fire incident at a crematory located in the neighborhood alarmed neighbors at 9:18 p.m. on August 29, 2023. Residents shared with City officials’ video of high flames escaping the stack on the rooftop, screeching noise that continued nonstop for ten minutes, and what was described as a foul odor attributed to the fire. As City staff followed up with external regulatory agencies issuing permits to operate this facility, and quickly, staff observed the limitations from regulatory agencies and their compartmentalized processes to investigate and act on enforcement measures. On August 9, 2024, the City received a complaint with photos of

¹ ESRI Community Analyst summary data, which utilizes U.S. Census Bureau sources (2017-2021 American Community Survey & 2020 Decennial Census Data), enhanced by ESRI’s forecasts and aggregations, covering demographics like population, income, age, and employment.

the the same crematory in which the complainant observed bodies stored in a container outside the facility. A City code enforcement inspector issued an abatement notice that same day; the bodies and container were removed and the case was closed on August 13, 2024 by code enforcement staff.

Since 2022, the City has enhanced community services by restructuring its Planning Division to contain a Neighborhood Initiatives and Environmental Services (NIES) section, which oversees, among other functions, environmental justice efforts in Santa Ana and regional coordination to address such issues. Staff encountered difficulty in achieving desired enforcement outcomes with external regulatory agencies such as South Coast Air Quality Management District (SCAQMD), California Department of Consumer Affairs Cemetery and Funeral Bureau (CFB), and Orange County Fire Authority (OCFA) with several heavy industrial business operators in the TZC. This is supported through internal correspondence and phone conversations with staff from these agencies to understand their investigation and compliance processes. To address issues of industrial operators, including recycling and waste processing facilities near schools and residential areas, the City adopted new regulations such as a Noxious Uses Ordinance (Ordinance No. NS-3044, adopted June 20, 2023) to include a notification requirement to the City by the property owner to obtain a permit from a regulatory public agency; a requirement of a 1,000 linear foot distance buffer measured from the outermost boundary of the subject property; and a conditional use permit requirement from a regulatory public agency to handle, store, emit, or discharge particulate materials, exhaust emissions, or regulated compounds, or chemicals near a public park, school (K-12), or property zoned for residential purposes.

City staff have also researched commercial real estate acquisition data and current for-sale properties to identify any trends that could potentially generate an increase in the application of the City's Noxious Uses Ordinance for proposed or expanded industrial uses. From September 2022 to date, 15 properties (six commercial, three office, and six industrial businesses) sold. Three of those businesses (800-808 E. Washington Avenue, 1045 N. Fuller Street, and 923 N. Logan Street) are located in the Logan neighborhood. Currently, multi-tenant industrial and manufacturing warehouse spaces on the market for lease located in the TZC.

Recent City Council Actions and Direction to Address TZC Land Use Conflicts

On April 16, 2024, the City Council adopted a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the TZC through adoption of Urgency Interim Ordinance No. NS-3063. The purpose of the moratorium was to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods within the TZC.

On May 7, 2024, the City Council issued a report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City's measures to alleviate conditions that led to the adoption of the moratorium.

On May 21, 2024, the City Council adopted Ordinance No. NS-3064 to extend the moratorium for an additional ten (10) months and fifteen (15) days pursuant to the Government Code as necessary to provide sufficient time for staff to continue with data tracking and reporting, research appropriate regulations, and coordinate with outside regulatory agencies and City departments to determine whether further, permanent action is necessary and to generate recommendations to the Planning Commission and City Council. As part of its approval, the City Council expressed a desire for City staff to begin evaluating permanent solutions to the irreconcilable land use conflicts in the TZC area in as timely a manner as possible, which resulted in immediate evaluation of the zoning code text and map amendments consistent with direction provided for City Council consideration as part of this request.

Review of City Department Activities

Immediately following the adoption of the Moratorium, City staff conducted an interagency meeting that included representatives from multiple City departments: the Planning Division, Building Safety Division, Code Enforcement Division, Business License, and Information Technology. Additionally, engagement with additional agencies such as the Santa Ana Police Department (SAPD), Public Works Agency, and the Community Development Agency's Economic Development Division has produced critical information illustrating the extent to which industrial activities interface with residential land uses in the TZC area, specifically and most concentrated in the Logan and Lacy neighborhoods.

Data based on Business License and Economic Development records indicate that application of the moratorium affects approximately 127 industrial businesses in the TZC. All businesses must obtain appropriate permits before operating: commercial locations require a Certificate of Occupancy from the Planning Department, while residential-based operations need a Home Occupation Permit. Of the affected businesses, approximately three have active applications for permits, primarily seeking to legalize unpermitted work on industrial properties.

City staff reviewed public safety data from SAPD and OCFA to assess community concerns regarding emergency responses in the TZC. SAPD records show a total of 18,736 calls for service between March 2023 and July 2024, with 226 of those occurring between April and July 2024 within the Logan and Lacy neighborhoods. These calls encompassed a wide range of incidents, including patrol checks, disturbances, and traffic-related issues. Notably, 1,909 calls involved collisions, vehicle impoundments, domestic violence, and SAMC violations. OCFA data from 2022 to August 2024 indicates 238 calls for advanced life support emergencies. In 2022, 29 calls were related to respiratory issues, chest pain, and cardiac arrest, with a subsequent 7-percent increase in health-related calls in 2023. While the data reflects a broad spectrum of emergency responses, the concentration of industrial businesses in the TZC raises the possibility that some of these calls, particularly those related to respiratory issues and traffic incidents, may be influenced by industrial operations. Further analysis is needed to determine the specific correlation between industrial activity and public safety concerns in the area.

OCFA data for 2024 reported 312 service calls in the Logan and Lacy neighborhoods. A substantial majority, exceeding 250, were EMS-related, indicating a high demand for emergency medical services. Other incidents included traffic and pedestrian accidents, fire responses (including unauthorized burning and a brush fire), and alarm activations. Some calls were cancelled or resulted in 'no incident found,' suggesting potential areas for improved dispatch accuracy. The volume and variety of these calls highlight the impact of the area's mixed land use, where dense residential areas, commercial activity, and industrial operations contribute to a wide range of emergency response needs.

Currently, City staff have an internal process established which tracks and monitors incoming notice of compliance and notice of violations given to a particular business/operator. City Code Enforcement activities and implementation of the City's Noxious Uses Ordinance continue being monitored at these facilities. Code Enforcement staff data reports show enforcement activity beyond the Logan and Lacy neighborhoods within the TZC, where at the time of adoption of the moratorium, 16 active open cases were issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. Such violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. Recent code enforcement complaints on properties in the Logan neighborhood involve complaints for recurring unpermitted work and land use violations that involve large commercial vehicles blocking street access and impacting nearby residents. Code Enforcement Division follow-up has resulted in larger administrative citations, continued enforcement, and onsite meetings with business owners.

Currently, 21 open code enforcement violations or compliance reviews from industrial businesses are recorded with the City of Santa Ana, underscoring the need for close monitoring within the TZC area. The profile highlights the critical role of regulatory agencies in overseeing these businesses to mitigate potential environmental and public health risks.

Review of Records and Activities of External Agencies

Data from outside regulatory agencies assist City staff in further understanding activities between external regulatory agencies and industrial businesses that may place additional impacts on public health, safety, and welfare in affected neighborhoods adjacent to industrial businesses in the TZC. This information would enable City staff to understand the correlation and environmental burdens that may be attributed to permitted activities for industrial businesses in historically environmentally disadvantaged communities, specifically the Logan and Lacy neighborhoods.

On April 25, 2024, City staff initiated public records requests from outside regulatory agencies, such as the South Coast Air Quality Monitoring District (SCAQMD), Santa Ana Regional Water Quality Control Board (SARWQCB), the Department of Toxic Substances Control (DTSC), and others responsible for issuing specific types of permits for industrial uses in the TZC. Such agencies are responsible for permit issuance, compliance activities,

and/or monitoring hazardous clean-up sites, or other industrial facility-related activities for sites located within the TZC.

The City has responses to its Public Records Act request from SCAQMD, the Santa Ana Regional Water Quality Control Board (SARWQB), and the Orange County Environmental Health Division Certified Unified Program Agency (CUPA). Records show SCAQMD issued two notices to comply with one industrial business on August 2023 and April 2024 for failure to maintain records, such as temperature graphs, poundage logs, and source test data. SCAQMD issued several permits to construct and to operate to the new operator of this same facility, which is currently in compliance with SCAQMD. Two notices of violation to one industrial business for operating a paint spray booth without a valid permit to operate from SCAQMD.

The report from the SARWQCB from 2023 shows five (5) active industrial businesses in the TZC that were in violation of their permit for providing a late report or incomplete and/or insufficient information for their Stormwater Pollution Prevention Plan (SPPP).

Public records from the Certified Unified Program Agency (CUPA) for Orange County, spanning 2022-2024, reveal a pattern of non-compliance with environmental and hazardous materials regulations among industrial businesses within the TZC. While some 2023 violations related to Hazardous Material Business Plan staff training and reporting were later corrected, current records indicate four businesses still have multiple open violations. These ongoing issues include non-compliance with documentation for hazardous waste transportation and disposal, as well as deficiencies in industrial stormwater reporting requirements. Notably, records from 2022-2024 show repeated failures to submit required stormwater reports and deficiencies in hazardous waste management and emergency response planning, including missing documentation and training. These violations highlight potential risks to public health and the environment. The proposed amendments for the TZC aim to strengthen the City's land use regulatory oversight, providing a necessary tool to address these deficiencies and safeguard the health, safety, and welfare of the TZC community.

Air emission complaints continue to be reported to SCAQMD. These complaints included one involving black smoke and another regarding unpermitted soil vapor extraction equipment onsite. SCAQMD staff has clarified that for air quality complaints they receive, their inspector is required to be physically present to observe the activity from the facility described in the complaint to determine if the complaint warrants further investigation or enforcement action in accordance with SCAQMD Rules 401 (Visible Emissions), 402 (Public Nuisance), and 403 (Fugitive Dust). Therefore, although community members continue to share concerns with City and SCAQMD staff, the turnaround time for an SCAQMD inspector to be physically present at an SCAQMD-permitted facility to investigate an air quality complaint, especially if a complaint is reported after working hours or on weekends, is ineffective in addressing the immediate needs of the community.

Public Outreach

Following City Council's extension of the SD-84 TZC Moratorium on May 21, 2024, the Planning and Building Agency has been developing proposed regulations for the TZC district, encompassing the Downtown, Lacy, and Logan neighborhoods. This effort includes updates to permitted uses (including the removal of industrial uses), operational standards, non-conforming use regulations (including a new amortization process), and reflects ongoing input from affected business owners, residents, community stakeholders, and industrial/commercial brokers gathered since July 2024, including a Community Information Meeting on October 22, 2024, and culminating in a series of meetings through February 20, 2025.

The draft amendments to the TZC were released to the public on January 15, 2025, and were made available on the City's Moratorium webpage. These amendments address the permitted uses table, nonconforming regulations, amortization, and operational standards, and are designed to prepare for the TZC Moratorium's expiration on April 15, 2025. Staff met with business owners and brokers on January 30, 2025, to discuss the draft regulations and met with the Lacy and Logan neighborhoods meeting on February 19, 2025, and again with a focus group of industrial businesses on February 20, 2025. Staff have continued to update the TZC (SD-84) Moratorium project [webpage](#) with additional updates, including the Study Session and Public Hearing Notice and recent Planning Commission's Study Session PowerPoint presentation.

City staff have also prepared two Frequently Asked Questions (FAQ) documents to clarify information regarding the Moratorium, affected businesses, the proposed zoning amendments, legal concerns, community engagement, and opportunities to participate in the public hearing process. The first FAQ became available prior to the City's project informational meeting on October 22, 2024, and the second FAQ is included with this staff report (Exhibit 5).

Current Code and Proposed Amendments to Text, Figures and Maps

Based upon the City Council's actions and direction enacting the moratorium combined with the research and analysis of the issues herein, staff has prepared the proposed zoning ordinance (ZOA No. 2024-02) and zoning map (AA No. 2024-03) amendments. The proposed amendments would modify the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the addition of an amortization/termination of use process; amend and add operational standards for allowed uses and nonconforming uses; delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the TZC boundary as designated on the City of Santa Ana Zoning Map.

Table 1: ZOA No. 2024-02 Current and Proposed Text Regulations

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
Application of Article	SAMC Section 41-2001 establishes the land uses and standards applicable to the TZC - primarily for new uses.	The update to text of this Section clarifies that the regulations apply to existing uses, whether conforming or nonconforming, change in land use or tenancy requiring issuance of Certificate of Occupancy.
Organization	SAMC Section 41-2001.5 establishes the contents and organization of the TZC regulations	The update to the text is necessary to encompass the new Section 41-2009 (Operational Standards for Nonconforming Industrial Uses).
Nonconforming Buildings, Structures and Uses	SAMC Section 41-2002 establishes the regulations for nonconforming buildings, structures or uses within the TZC boundary. The provisions contain minimal limits for rehabilitation of buildings and structures and their expansion for both residential and non-residential uses.	The update to text of this Section will further limit some rehabilitation of buildings and structures, with specific emphasis on nonconforming industrial uses. These updated provisions include: <ul style="list-style-type: none"> • Requiring rehabilitation or expansion of buildings and structures, occupied by any nonconforming use to comply with the new operational standards contained in Section 41-2009. • Prohibits expansion of a building or structure occupied by a nonconforming industrial use. • Discontinuation of nonconforming noxious uses through amortization. • Elimination of certain nonconforming uses and structures • Establishes a process for enacting amortization periods for eliminating certain nonconforming uses. • References to SAMC and State law for abatement of public nuisances. • Establishes authority for voluntary compliance agreements between the City and nonconforming uses.
The Industrial Overlay (I-OZ) Zone	SAMC Section 41-2004 establishes an overlay zone applied to M1 and M2 zoned properties located within the TZC boundary.	Section 41-2004 is deleted in its entirety, removing the I-OZ Zone from the TZC to eliminate industrial land use type zoning altogether.
Application for Discretionary Approvals	SAMC Section 41-2005 establishes the process and timing of vesting for certain uses approved with a discretionary permit.	Section 41-2005 is renumbered as 41-2004, and the update to the text of this Section adds clarification for effects of the amendments to the TZC dependent upon status of an application in the City process of review, approval, and/or building permit issuance, if required.

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
Zones Established	SAMC Section 41-2006 contains the regulations for zoning districts, land uses, and permit types within the TZC.	The update to the text of this Section deletes the I-OZ Zone, including replacing Figure 2.1, the Regulating Plan (map) with a new Figure 2.1 removing the I-OZ Zone designation from all parcels within the TZC boundary.
Uses Permitted	SAMC Section 41-2007 provides the allowable land uses and permit types required to establish a land use by each zoning district within the TZC.	The update to the text of this Section clarifies application of the use standards by zoning district as follows: <ul style="list-style-type: none"> • Modifies Table 2A containing the Use Standards by adding and reclassifying certain land use types appropriate to the TZC land use subcategories • Deletes certain land use types that are inconsistent with the intent and purpose of the TZC, including the deletion of the Small-Scale Industry land use subcategory in its entirety.
Operational Standards	SAMC Section 41-2008 primarily regulates new uses within the TZC.	The update to the text of this Section further limits certain operations to ensure greater compatibility between residential and non-residential land uses.
Operational Standards for Nonconforming Industrial Uses	SAMC Section 41-2009 is an entirely new set of regulations specific to existing nonconforming industrial uses within the TZC.	The new Section establishes regulations for operation of any existing, legally established, nonconforming industrial use. The regulations cover general standards, enclosed operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation.
Definitions	SAMC Section 41-2080 contains the definitions applicable to terms and land uses of the TZC.	The update to the text of this Section provides clarification for certain land use types (artisan/craft product with limited on-site production, commercial recreation facility – indoor, and research and development), adds definitions for land use types (automobile repair, automobile service, business support services, craft and specialized automotive restoration service, pet day care facility and trade school), and deletes corresponding definitions for land use types that were deleted as part of the amendments to SAMC Section 41-2006.

Analysis of the Issues

The proposed amendments to the Sections of the TZC under the topic headings of Application of Article, Organization, Application for Discretionary Approvals, and Definitions are largely to ensure internal consistency related to the more substantive changes being proposed for the TZC to address irreconcilable land use conflicts, described as follows:

- *Nonconforming Structures and Uses* - Section 41-2002 regulates the nonconforming building, structure or use specifically within the TZC. The regulations are unique to the TZC and do not apply citywide. The regulations determine under certain circumstances when a nonconforming structure or use can rehabilitate both structural or nonstructural; or expand conditions that would allow expansion. Due to the concerns enumerated within this report related to nonconforming industrial uses within the TZC, the amendments to this section increasingly limit rehabilitation of structures to those types of improvements that address compliance with the new Section 41-2009 operational standards for nonconforming industrial uses; and disallow the expansion of any nonconforming industrial use. This Section also includes new provisions to establish a process for the discontinuance of nonconforming uses, specifically noxious uses, and the elimination of those uses or structures through an amortization hearing process. The tools that these new regulations provide are necessary to address the environmental impacts that lead to the adoption of the Moratorium, provide the framework to initiate the process to eliminate noxious industrial land uses from the TZC, and align with the adopted EJ policies of the General Plan.
- *The Industrial Overlay (I-OZ) Zone* – Section 41-2004 created an “exception” zone for properties within the TZC that had already contained M1 or M2 industrial zoning, uses and structures, when the TZC was adopted in 2010. In order to be both consistent and to promulgate the new General Plan land use designations within the TZC, the removal of this overlay zone is necessary. The zone currently gives deference to the property owner of these parcels with an industrial overlay to decide when and whether to redevelop their properties in a manner that would remove the industrial structure and use, replacing it with an allowable use and conforming to the design standards of the TZC. Eliminating the I-OZ Zone will cause these properties to become nonconforming as to use and structure, subjecting them to the regulations as amended and added to Section 41-2002, including discontinuance of nonconforming use or structure through amortization. With the deletion of the entirety of the text of Section 41-2004, Section 41-2005 Application for Discretionary Approvals is renumbered as Section 41-2004.
- *Zones Established and Uses Permitted* – Amendments to Sections 41-2006 and 41-2007, respectively, include parallel deletion of the I-OZ Zone affecting the Regulating Plan (TZC zoning map) and the corresponding Use Standards tables regulating the land use and permit types for each of the remaining zones of the TZC. Table 2A categorizes land uses into broad subheadings for both residential and nonresidential land uses. The nonresidential land uses are further categorized into commercial-

oriented versus industrial-oriented types of uses. The amendments will eliminate the Small-Scale Industry sub-category altogether, since the majority of these uses are industrial uses incompatible with residential uses. The purpose of the TZC is to promote transit-oriented mixed-use development, which pairs residential and nonresidential land uses either horizontally or vertically on a site or within a building. Compatibility of allowable land use types is critical, particularly given the history of the negative impacts from industrial uses remaining in the area and in close proximity to existing and new residential areas. Amending this Section also replaces the TZC zoning map figure to ensure consistency with the City's Official Zoning Map and General Plan Land Use Map in accordance with requirements of State law, Government Code Section 65860.

- *Operational Standards and Operational Standards for Nonconforming Industrial Uses* – Section 41-2008 contains operational standards applicable to all uses within the TZC boundary. This Section is largely unchanged, with clarification and strengthening of certain regulations to address any possible industrial type function of an allowable land use type as listed in the tables of Section 41-2007. These amendments affected any possible manufacturing related activities, sound, screening walls and eliminated any vehicular service on Sundays. Section 41-2009 establishes new regulations governing existing industrial uses made nonconforming with the removal of the I-OZ Zone within the TZC, and include general standards, enclosed operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation. The amendments to Section 41-2008 and creation of new regulations under Section 41-2009 ensure that existing nonconforming uses comply with very specific operational standards and/or face amortization that leads ultimately to discontinuance of use, effectively reestablishing the TZC area with residential uses and allowing certain nonresidential uses compatible to such residential and/or mixed-use development.

Profile of Industrial Businesses Affected with Proposed Regulations

The SD-84 Transit Zoning Code (TZC) area is characterized by a diverse mix of approximately 127 industrial businesses. These businesses range from automotive services (the most common industry type) and manufacturing to warehousing and recycling centers. Data compiled from city and external regulatory agencies, including CalEPA, SCAQMD, and CERS, reveal that these businesses operate under various permits related to hazardous materials, air quality, and water quality.

Key business characteristics include the storage and use of hazardous materials such as motor oil, solvents, and various chemicals, as well as the operation of equipment like emergency generators and internal combustion engines. Notably, several businesses, particularly those engaged in manufacturing (spray booths, metal processing) and chemical storage, handle substances like xylene, resins, mineral oils, and acids, posing potential risks related to air and water contamination, as well as fire and health hazards. Heavier industrial operators, such as open air recycling and sorting facilities in the TZC have been creating a

range of issues in the neighborhood. Issues range from: 1) air pollution – dust and particulate matter from the sorting process that can become airborne, leading to respiratory problems and reduced air quality, VOCs released from decomposing materials, and odors; 2) water pollution from stormwater runoff that can carry contaminants, including debris, chemicals, or bacteria, from a facility to nearby waterways; 3) noise pollution from heavy machinery, trucks, and sorting equipment generating noise; 4) visual blight from the constant movement of trucks and equipment and from the piles of trash, debris, and recycling materials that detract from the aesthetic appeal of the community. The secondary effects affect residents' quality of life with increased traffic hazards and living next to these heavier industrial uses and the risks being exposed to these issues on a daily basis.

General Plan Consistency

The proposed zoning ordinance amendments are consistent with various goals and policies of the Santa Ana General Plan, as required by Government Code Section 65860, by timely addressing current inconsistencies within an area of the City prioritized for addressing EJ. In effect, the amendments are necessary to address numerous policies of the General Plan that the current TZC is found to be inconsistent with, that without such amendments, will continue the path of irreconcilable land use patterns within the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-3.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities. The proposed amendments support these goals and policies by:

- Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles, and improve public health and quality of life;
- Resolving the development of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse;
- Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance of those uses;
- Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources;
- Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC;

- Developing and adopting new regulations to address facilities that emit increased pollution new sensitive receptors within EJ area boundaries, which includes areas of the TZC;
- Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors; and
- Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.

Additionally, the proposed amendments implement and/or contribute to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through the creation of a discontinuance of nonconforming industrial uses through amortization:

LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies. Update the Metro East Mixed-Use Overlay District to remove the portion within the 17th Street and Grand Avenue Focus Area. Update the Midtown Specific Plan.

LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.

CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.

CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.

CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.

HE5.C – Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.

HE44.A – Fair Housing. Ensure all City programs and activities relating to housing and community development are administered in a manner that affirmatively furthers fair housing.

Santa Ana's current General Plan champions implementation policies, including 77 EJ actions that address air quality, noxious uses, water safety, residential lead exposure in the soil, and other environmental public health conditions. The proposed Transit Zoning Code amendments align with both the General Plan's EJ policies and the original land use designations applicable to the area since the adoption of the Transit Zoning Code in 2010.

ENVIRONMENTAL IMPACT

The California Environmental Quality Act (CEQA) requires public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions, and to limit or avoid those impacts if possible. CEQA Guidelines Section 15164 states the following with respect to an Addendum to an EIR:

- a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Additionally, CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*, states the following with respect to a Subsequent EIRs:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

ZOA No. 2024-02 and AA No. 2024-03 are considered a project as defined by the CEQA. The City, as the Lead Agency, has determined that it is subject to CEQA guidelines and regulations (Public Resources Code (PRC) Sections 21000-21177). An Addendum to the Transit Zoning Code Environmental Impact Report (EIR) (State Clearing House (SCH) No. 2006071100) has been prepared by the City. Based on its independent review and analysis, and the administrative record as a whole, and, in the exercising its independent judgement, hereby finds that pursuant to CEQA Guidelines Section 15162, no subsequent EIR would be required for the proposed project; and pursuant to CEQA Guidelines Section 15164, an addendum to the Transit Zoning Code EIR is required for the adoption of the Ordinances.

Specifically, pursuant to CEQA Guidelines Section 15162, the City finds on the basis of substantial evidence in light of the whole record, that: (1) no substantial changes are proposed in the project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete, that shows any of the following: (A) the project will have one or more significant effects not discussed in the EIR; (B) significant effect previously examined will be substantially more severe than shown in the EIR; (C)

mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) mitigation measures or alternative which are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Additionally, as detailed in the General Plan Consistency subsection of this report, the proposed Ordinances are consistent with numerous General Plan goals and policies that were evaluated as part of the General Plan Update Program EIR. The proposed Ordinances also satisfy and further implementation actions of the General Plan Update.

FISCAL IMPACT

There is no fiscal impact associated with this action.

EXHIBITS

1. Resolution of the City Council and Addendum to the TZC EIR
2. Ordinance for Zoning Ordinance Amendment (ZOA) No. 2024-02
3. Ordinance for Amendment Application (AA) No. 2024-03
4. Environmental Health Data and Reports
5. Frequently Asked Questions (FAQ)
6. City Council Staff Report and Exhibits for the Adopted TZC Moratorium
7. Copy of Public Hearing Notice

Submitted By: Margarita Macedonio, Principal Planner

Approved By: Ali Pezeshkpour, AICP, Acting Executive Director, Planning and Building Agency

RESOLUTION NO. 2025-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO MAKE FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND TO ADOPT THE ADDENDUM TO THE TRANSIT ZONING CODE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER NO. 2006071100)

WHEREAS, at a duly noticed public hearing held on June 7, 2010, the City Council of the City of Santa Ana ("City Council") adopted findings and a Statement of Overriding Considerations and certified the Transit Zoning Code Environmental Impact Report (State Clearinghouse No. 2006071100, "Transit Zoning Code EIR"), pursuant to the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations, §§ 15000, et seq., "CEQA Guidelines") and adopted the City of Santa Ana's Transit Zoning Code ("Transit Zoning Code"), which is designed to provide the zoning necessary to support the long-term development of a successful transit program; and

WHEREAS, after continued research and study, two ordinances have been developed that address the impacts from industrial land uses in the Specific Development No. 84 (SD-84) Zoning District, also known as the Transit Zoning Code: (1) Zoning Ordinance Amendment (ZOA) No. 2024-02 to amend certain provisions of the Santa Ana Municipal Code and amend portions of the Transit Zoning Code, including the deletion of industrial land uses; amendment of non-conforming regulations; and (2) Amendment Application (AA) No. 2024-03 to remove the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 Zoning District boundary as designated on the City of Santa Ana Zoning Map; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, the City has evaluated the proposed ordinances to the Transit Zoning Code in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and CEQA Guidelines section 15162, and concluded that the proposed changes would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects that were previously disclosed in the Transit Zoning Code EIR, and therefore no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, the proposed changes would nonetheless necessitate minor changes or additions to the Transit Zoning Code EIR and, thus, the City has prepared an Addendum for the Transit Zoning Code EIR ("Addendum"), attached as Exhibit 1, pursuant to State CEQA Guidelines section 15164 to address the proposed ordinances; and

WHEREAS, the Addendum was prepared in full compliance with CEQA, CEQA Guidelines, and the City's Local CEQA Guidelines; and

WHEREAS CEQA Guidelines Section 15164, subdivision (c) does not require the Addendum to be circulated for public review but can be included in or attached to a final EIR or adopted negative declaration; and

WHEREAS, under CEQA and the CEQA Guidelines and as referenced below, the "project" shall mean the proposed ordinances under the Transit Zoning Code including implementation of these ordinances; and

WHEREAS, on February 24, 2025, the Planning Commission held a duly noticed public hearing to consider these proposed ordinances, where all interested persons were given an opportunity to be heard, and recommended approval of the ordinances to the City Council;

WHEREAS, on March 18, 2025, the City Council held a duly noticed public hearing to consider these proposed ordinances, where all interested persons were given an opportunity to be heard; and

WHEREAS the City Council considered the entire administrative record, including the staff report (and all attachments thereto), the Transit Zoning Code EIR and Addendum, and oral and written testimony from interested persons;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana as follows:

Section 1. The above recitals are true and incorporated herein by reference.

Section 2. CEQA Guidelines Section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the administrative record, including but not limited to the Transit Zoning Code EIR and the Addendum, which are all incorporated by reference as though set forth fully herein, and finds that those documents taken together contain a complete and accurate reporting of all the environmental impacts associated with the Transit Zoning Code. The City Council further finds that the Addendum and the administrative record have been completed in compliance with CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines. The City Council finds and determines that the Addendum reflects the City's independent judgment.

The City Council finds that the foregoing is supported by substantial evidence in the record.

Furthermore, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the City is required to review any changed

circumstances under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 to determine whether additional environmental review is required. Based on the substantial evidence set forth in the administrative record, including but not limited to the Transit Zoning Code EIR and the Addendum, the City Council finds that none of the conditions under CEQA Guidelines Section 15162 requiring subsequent environmental review have occurred because the proposed ordinances:

- a) do not constitute substantial changes that would require major revisions to the Transit Zoning Code EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and
- b) do not constitute substantial changes with respect to the circumstances under which the project was developed that would require major revisions of the Transit Zoning Code EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and
- c) do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Transit Zoning Code was certified, showing any of the following: (i) that the project would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those previously analyzed would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

Pursuant to CEQA and CEQA Guidelines, the City Council hereby adopts the foregoing findings and adopts the Addendum attached as Exhibit 1. City Council further directs City staff to cause a Notice of Determination to be filed and posted with the County of Orange Registrar-Recorder/County Clerk and the State Clearinghouse within five working days of the City Council's adoption of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

Section 4. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at Santa Ana City Hall, 20 Civic Center Plaza, Santa Ana, CA 92701. The Planning and Building Agency is the custodian of records for the record of

proceedings. This information is provided pursuant to Public Resources Code section 21081.6.

Section 5. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 18th day of March, 2025 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTENTIONS: Councilmembers:

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 

Melissa Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2025-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on March 18, 2025.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana

EXHIBIT 1
ADDENDUM

**ADDENDUM TO THE
CITY OF SANTA ANA TRANSIT ZONING CODE
ENVIRONMENTAL IMPACT REPORT
SCH NO. 2006071100**

**City of Santa Ana
Amendment to Transit Zoning
Code/Specific Development No. 84**



Prepared For:

City of Santa Ana
20 Civic Center Plaza
Santa Ana, California 92701

Prepared By:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507

January 2025

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1.0 INTRODUCTION

1.1 Introduction and Purpose

On April 16, 2024, the City Council adopted a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District (or “SD 84A and 84B”) through adoption of Urgency Interim Ordinance No. NS-3063. The purpose of the moratorium was to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods within the SD84 Zoning District. On May 21, 2024, the City Council adopted Ordinance No. NS-3064 to extend the moratorium for an additional ten (10) months and fifteen (15) days pursuant to the Government Code to provide sufficient time for staff to continue with data tracking and reporting, research appropriate regulations, and coordinate with outside regulatory agencies and City departments to determine whether further, permanent action is necessary and to generate recommendations to the Planning Commission and City Council.

Based upon the City Council’s actions and direction enacting the moratorium combined with the research and analysis of the issues herein, staff has prepared Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03. The proposed amendments (“proposed amendments” or “project”) will modify the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the addition of an amortization process for industrial uses; amend and add operational standards for allowed uses and nonconforming uses; delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD84 Zoning District boundary as designated on the City of Santa Ana Zoning Map. Refer to Section 3.2 – Project Description.

Following preliminary review of proposed ZOA No. 2024-02 and AA No. 2024-03 amendments, the City, as the Lead Agency, has determined that the project is subject to CEQA (Public Resources Code (PRC) §§21000-21177; 14 CCR §§15000, et seq.). This Addendum to Transit Zoning Code (SD 84A and 84B) Environmental Impact Report (“TZC EIR”) (SCH No. 2006071100) has been prepared to demonstrate that, pursuant to the standards contained in CEQA Guidelines Section 15162, this project is within the scope of the TZC EIR. As a result, the City does not need to prepare a subsequent or supplemental EIR as the TZC EIR fully analyzed the potential impacts associated with the proposed amendments. This is consistent with Section 8.06 of the City’s Local Guidelines for Implementing CEQA.

1.2 Statutory Authority and Requirements

CEQA Guidelines Section 15164 states the following with respect to an Addendum to an EIR:

- a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*

- d) *The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

CEQA Guidelines Section 15162, *Subsequent EIRs and Negative Declarations*, states the following with respect to a Subsequent EIRs:

- (a) *When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*
 - (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
 - (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
 - (3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:*
 - (A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
 - (C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
 - (D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*
- (b) *If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.*

1.3 Incorporation by Reference

The TZC Final EIR, including the original Draft EIR (DEIR), and has been made available for public review at the Lead Agency office (City of Santa Ana). The Final EIR is incorporated into this Addendum by reference.

This Addendum is available for public inspection at the City at 20 Civic Center Plaza, Santa Ana, CA, and on the City's website at <https://www.santa-ana.org/environmental-impact-report-transit-zoning-code/>.

2.0 BACKGROUND

The TZC was established in June 2010, which is located in the area west of Interstate 5, north of First Street, and between Grand Avenue and Flower Street, and south of Civic Center Drive in the City of Santa Ana. The TZC provided new zoning for all of the properties contained within its boundary. However, some properties with existing M1 and M2 zoning and/or existing industrial businesses also received an overlay district designation which allowed for the continuation of industrial land uses on those properties and allows for the option of future mixed-use development to be exercised at the discretion of the property owner. The purpose was to establish a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure; preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; encourage alternative modes of transportation; provide for a range of housing options; and allow for the reuse of existing structures. On June 7, 2010, the City adopted the TZC and certified the TZC Final EIR (SCH No. 2006071100).

The TZC Final EIR provides a program-level and project-level analysis of the environmental impacts resulting from implementation of the TZC. The majority of the analysis is done at the program level; however, a project-level analysis is provided for the development proposal to demolish 30,000 square feet of existing structures on eleven Redevelopment Agency-owned parcels and to construct 220 affordable residential units. The TZC Final EIR concluded full implementation of the TZC would result in significant and unavoidable impacts with respect to the following: aesthetics, air quality, cultural resources, noise, transportation, and climate change. The TZC Final EIR's background and environmental impact conclusions are cited throughout this Addendum.

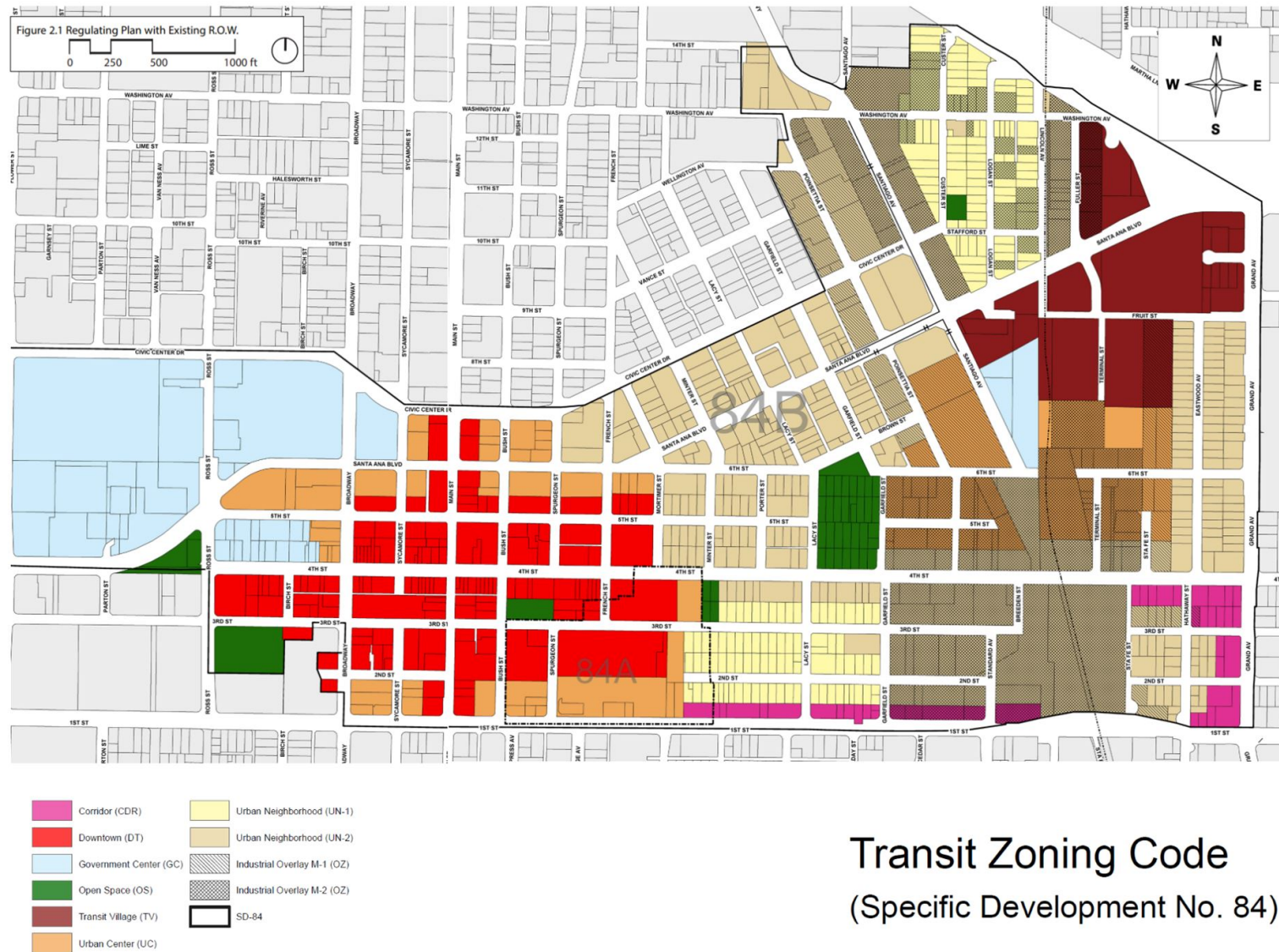
In July 2019, the City Council adopted Ordinance No. NS-2970, amending the Transit Zoning Code to modify certain design criteria regarding height, massing, open space location, driveway standards, lot dimensions, and parking alternatives, and determined that this ordinance was exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines, section 15061(b)(3). This amendment did not include changes to land uses or permit types within the TZC. In support of the TZC amendment, the City Council also approved a General Plan amendment, establishing numerous mixed-use General Plan land use designations for the entirety of the TZC. Refer to Figure 1 – Existing Transit Zoning Code area and Figure 2 Transit Zoning Code Designations, below.

However, due to the continued application of the industrial overlay zones within the TZC, implementation of the new General Plan land use designations immediately resulted in zoning inconsistencies and land use conflicts with the new General Plan.

Legend

- City of Santa Ana
- Transit Zoning Code Area

Figure 2 – Existing Transit Zoning Code Designations



3.0 DESCRIPTION OF PROPOSED PROJECT

The proposed amendments would modify the list of land uses and permit types, including the following:

- Deletion of industrial land uses
- Amend nonconforming regulations, including the addition of an amortization process
- Amend and add operational standards for allowed uses and nonconforming uses
- Delete the Industrial Overlay (I-OZ) zone from text and maps
- Delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD84 Zoning District boundary as designated on the City of Santa Ana Zoning Map

Implementation of the proposed amendments do not include nor require implementation of any site-specific development projects.

Table 1 – Current and Proposed Text Regulations, below lists the proposed amendments and is followed by a summary of each. Figure 2.5 Proposed Transit Zoning Code Designations depicts the removal of I-OZ from the map.

Table 1 – Current and Proposed Text Regulations

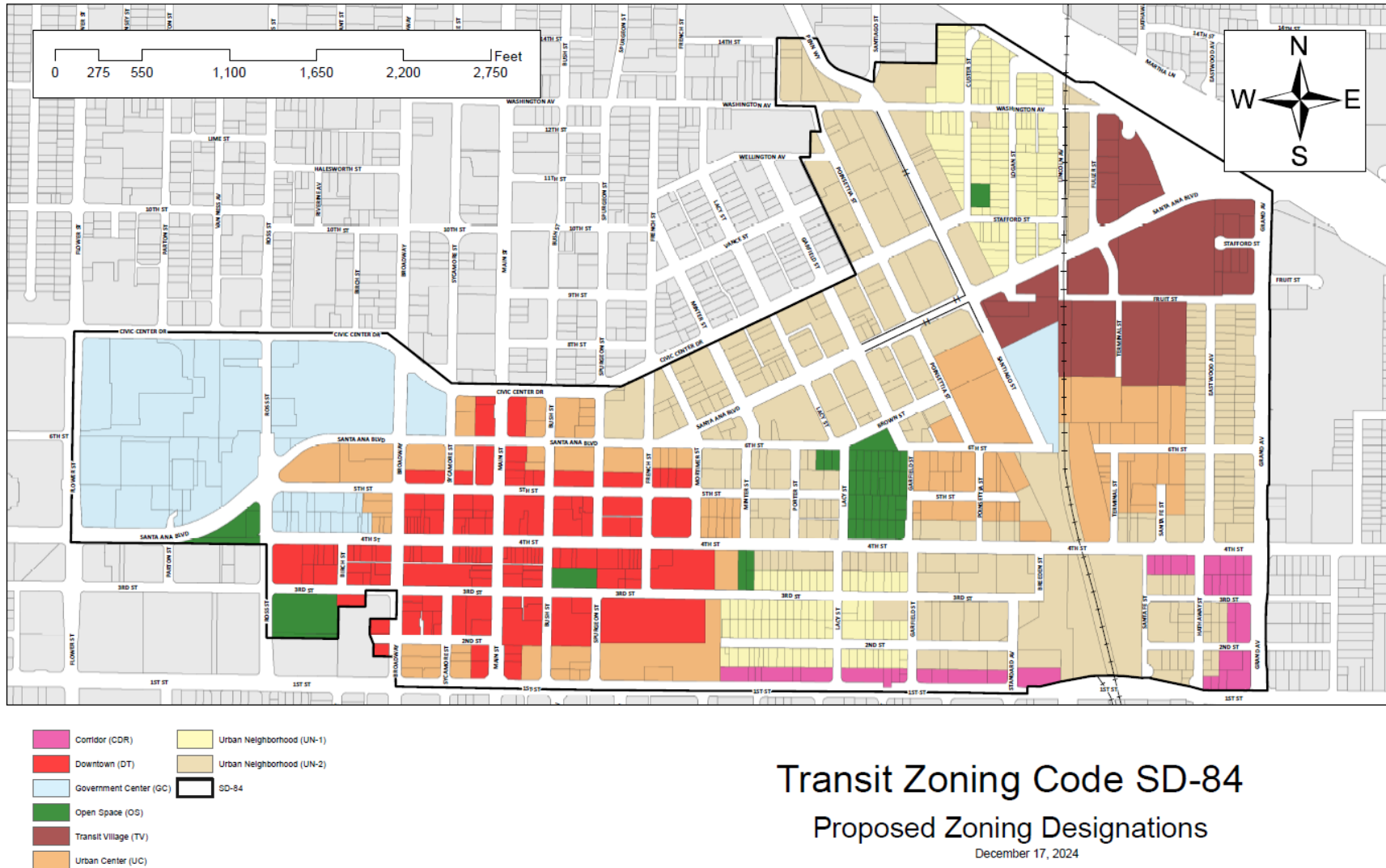
Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
Application of Article	SAMC Section 41-2001 establishes the land uses and standards applicable to the TZC - primarily for new uses.	The update to text of this Section clarifies that the regulations apply to existing uses, whether conforming or nonconforming, change in land use or tenancy requiring issuance of Certificate of Occupancy.
Organization	SAMC Section 41-2001.5 establishes the contents and organization of the TZC regulations	The update to the text is necessary to encompass the new Section 41-2009 (Operational Standards for Nonconforming Industrial Uses).
Nonconforming Buildings, Structures and Uses	SAMC Section 41-2002 establishes the regulations for nonconforming buildings, structures or uses within the TZC boundary. The provisions contain minimal limits for rehabilitation of buildings and structures and their expansion for both residential and non-residential uses.	<p>The update to text of this Section will further limit some rehabilitation of buildings and structures, with specific emphasis on nonconforming industrial uses. These updated provisions include:</p> <ul style="list-style-type: none"> • Requiring rehabilitation or expansion of buildings and structures, occupied by any nonconforming use to comply with the new operational standards contained in Section 41-2009. • Prohibits expansion of a building or structure occupied by a nonconforming industrial use. • Discontinuation of nonconforming

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
		<p>noxious uses through amortization.</p> <ul style="list-style-type: none"> • Elimination of certain nonconforming uses and structures • Establishes a process for enacting amortization periods for eliminating certain nonconforming uses. • References to SAMC and State law for abatement of public nuisances. • Establishes authority for voluntary compliance agreements between the City and nonconforming uses.
The Industrial Overlay (I-OZ) Zone	SAMC Section 41-2004 establishes an overlay zone applied to M1 and M2 zoned properties located within the TZC boundary.	Section 41-2004 is deleted in its entirety, removing the I-OZ Zone from the TZC to eliminate industrial land use type zoning altogether.
Application for Discretionary Approvals	SAMC Section 41-2005 establishes the process and timing of vesting for certain uses approved with a discretionary permit.	Section 41-2005 is renumbered as 41-2004, and the update to the text of this Section adds clarification for effects of the amendments to the TZC dependent upon status of an application in the City process of review, approval, and/or building permit issuance, if required.
Zones Established	SAMC Section 41-2006 contains the regulations for zoning districts, land uses, and permit types within the TZC.	The update to the text of this Section deletes the I-OZ Zone, including replacing Figure 2.1, the Regulating Plan (map) with a new Figure 2.1 removing the I-OZ Zone designation from all parcels within the TZC boundary.
Uses Permitted	SAMC Section 41-2007 provides the allowable land uses and permit types required to establish a land use by each zoning district within the TZC.	<p>The update to the text of this Section clarifies application of the use standards by zoning district as follows:</p> <ul style="list-style-type: none"> • Modifies Table 2A containing the Use Standards by adding and reclassifying certain land use types appropriate to the TZC land use subcategories • Deletes certain land use types that are inconsistent with the intent and purpose of the TZC, including the deletion of the Small-Scale Industry land use subcategory in its entirety.
Operational Standards	SAMC Section 41-2008 primarily regulates new uses within the TZC.	The update to the text of this Section further limits certain operations to ensure greater compatibility between residential and non-residential land uses.
Operational Standards for Nonconforming Industrial Uses	SAMC Section 41-2009 is an entirely new set of regulations specific to existing nonconforming industrial uses within the TZC.	The new Section establishes regulations for operation of any existing, legally established, nonconforming industrial use. The regulations cover general standards, enclosed

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
		operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation.
Definitions	SAMC Section 41-2080 contains the definitions applicable to terms and land uses of the TZC.	The update to the text of this Section provides clarification for certain land use types (artisan/craft product with limited on-site production, commercial recreation facility – indoor, and research and development), adds definitions for land use types (business support services, pet day care facility and trade school, nonconforming industrial, and noxious use), and deletes corresponding definitions for land use types that were deleted as part of the amendments to SAMC Section 41-2006.

Source: Planning Commission Staff Report

Figure 2.5 – Proposed Transit Zoning Code Designations



Analysis of the Amendments

The proposed amendments to the Sections of the TZC under the topic headings of Application of Article, Organization, Application for Discretionary Approvals, and Definitions are largely to ensure internal consistency related to the more substantive changes being proposed for the TZC to address irreconcilable land use conflicts, described as follows:

- **Nonconforming Structures and Uses** - Section 41-2002 regulates the nonconforming building, structure or use specifically within the TZC. The regulations are unique to the TZC and do not apply citywide. The regulations determine under certain circumstances when a nonconforming structure or use can rehabilitate both structural or nonstructural; or expand conditions that would allow expansion. Due to the concerns enumerated within this report related to nonconforming industrial uses within the TZC, the amendments to this section increasingly limit rehabilitation of structures to those types of improvements that address compliance with the new Section 41-2009 operational standards for nonconforming industrial uses; and disallow the expansion of any nonconforming industrial use. This Section also includes new provisions to establish a process for the discontinuance of nonconforming uses, specifically noxious uses, and the elimination of those uses or structures through an amortization hearing process. The tools that these new regulations provide are necessary to address the environmental impacts that lead to the adoption of the Moratorium, provide the framework to initiate the process to eliminate noxious industrial land uses from the TZC, and align with the adopted EJ policies of the General Plan.
- **The Industrial Overlay (I-OZ) Zone** – Section 41-2004 created an “exception” zone for properties within the TZC that contained M1 or M2 industrial zoning, uses and structures, when the TZC was adopted in 2010. In order to be both consistent and to promulgate the General Plan land use designations within the TZC, the removal of this overlay zone is necessary. The zone currently gives deference to the property owner of these parcels with an industrial overlay to decide when and whether to redevelop their properties in a manner that would remove the industrial structure and use, replacing it with an allowable use and conforming to the design standards of the TZC. Eliminating the I-OZ Zone will cause these properties to become nonconforming as to use and structure, subjecting them to the regulations as amended and added to Section 41-2002, including discontinuance of nonconforming use or structure through amortization. With the deletion of the entirety of the text of Section 41-2004, Section 41-2005 Application for Discretionary Approvals is renumbered as Section 41-2004.
- **Zones Established and Uses Permitted** – Amendments to Sections 41-2006 and 41-2007, respectively, include parallel deletion of the I-OZ Zone affecting the Regulating Plan (TZC zoning map) and the corresponding Use Standards tables regulating the land use and permit types for each of the remaining zones of the TZC. Table 2A categorizes land uses into broad subheadings for both residential and nonresidential land uses. The nonresidential land uses are further categorized into commercial-oriented versus industrial-oriented types of uses. The amendments will eliminate the Small-Scale Industry sub-category altogether, since the majority of these uses are industrial uses incompatible with residential uses. The purpose of the TZC is to promote transit-oriented mixed-use development, which pairs residential and nonresidential land uses either horizontally or vertically on a site or within a building. Compatibility of allowable land use types is critical, particularly given the history of the negative impacts from industrial uses remaining in the area and in close proximity to existing and new residential areas. Amending this Section also replaces the TZC zoning map figure to ensure consistency with the City’s Official Zoning Map and General Plan Land Use Map in accordance with requirements of State law, Government Code Section 65860.

- Operational Standards and Operational Standards for Nonconforming Industrial Uses – Section 41-2008 contains operational standards applicable to all uses within the TZC boundary. This Section is largely unchanged, with clarification and strengthening of certain regulations to address any possible industrial type function of an allowable land use type as listed in the tables of Section 41-2007. These amendments affected any possible manufacturing related activities, sound, screening walls and eliminated any vehicular service on Sundays. Section 41-2009 establishes new regulations governing existing industrial uses made nonconforming with the removal of the I-OZ Zone within the TZC, and include general standards, enclosed operations, air emissions and dust, light, glare, and heat, ground vibration, outdoor storage and screening, hazardous materials, liquid and solid waste, site maintenance, truck parking and loading, and hours of operation. The amendments to Section 41-2008 and creation of new regulations under Section 41-2009 ensure that existing nonconforming uses comply with very specific operational standards and/or face amortization that leads ultimately to discontinuance of use, effectively reestablishing the TZC area with residential uses and allowing certain nonresidential uses compatible to such residential and/or mixed-use development.

4.0 ENVIRONMENTAL SETTING

The City of Santa Ana is located in Orange County and serves as the County seat. The City is in the western central portion of Orange County, approximately 30 miles southwest of the City of Los Angeles and 10 miles northeast of the City of Newport Beach (refer to Figure 3, Regional Location). As shown in Figure 4, Citywide Aerial, the City is bordered by the City of Orange and unincorporated areas of Orange County to the north, the City of Tustin to the east, the cities of Irvine and Costa Mesa to the south, and the cities of Fountain Valley and Garden Grove to the west. The TZC area is shown in blue on both Figure 3 and Figure 4, and a detailed view is shown on Figure 1 in Section 2.0.

Figure 3 – Regional Location

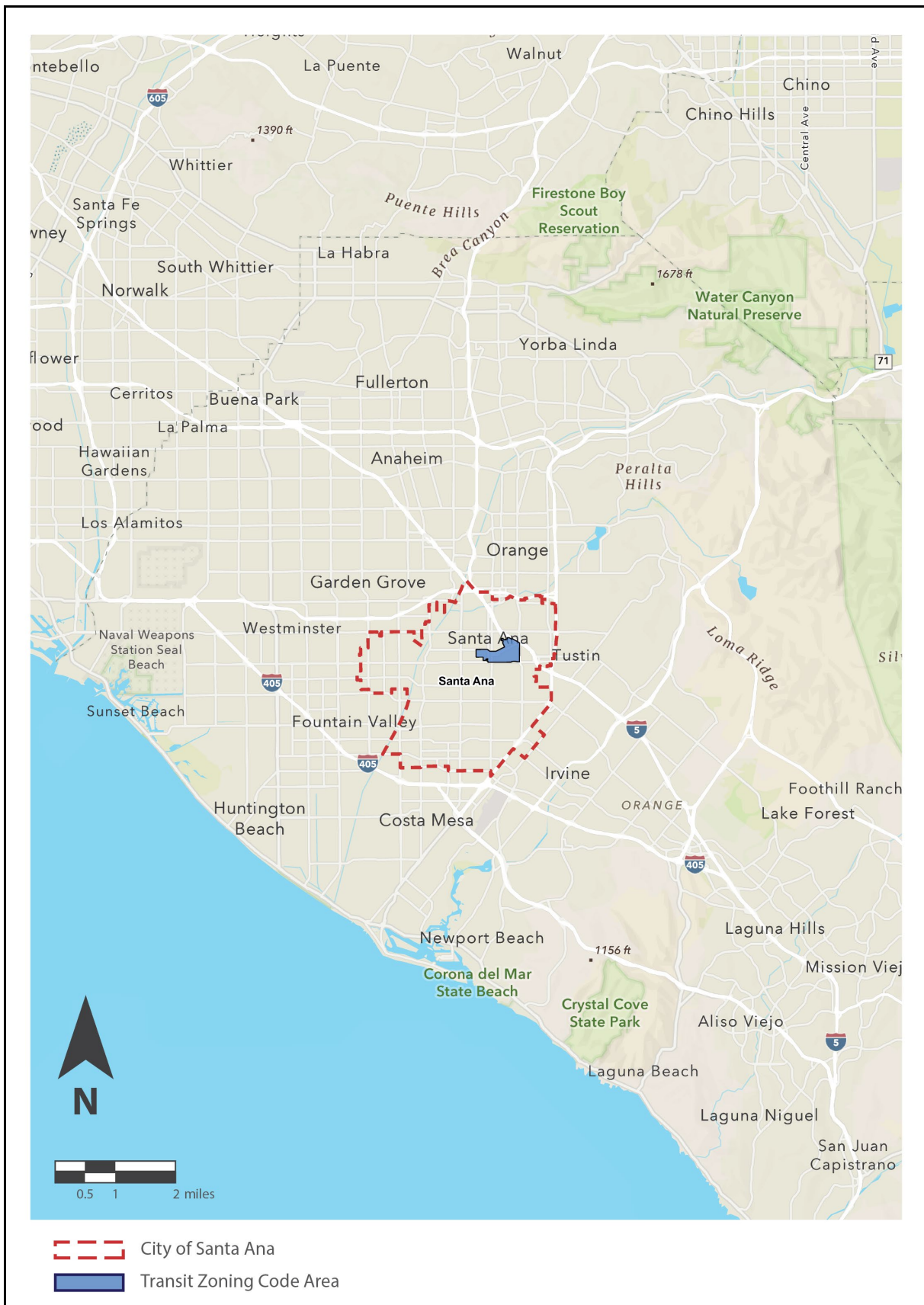
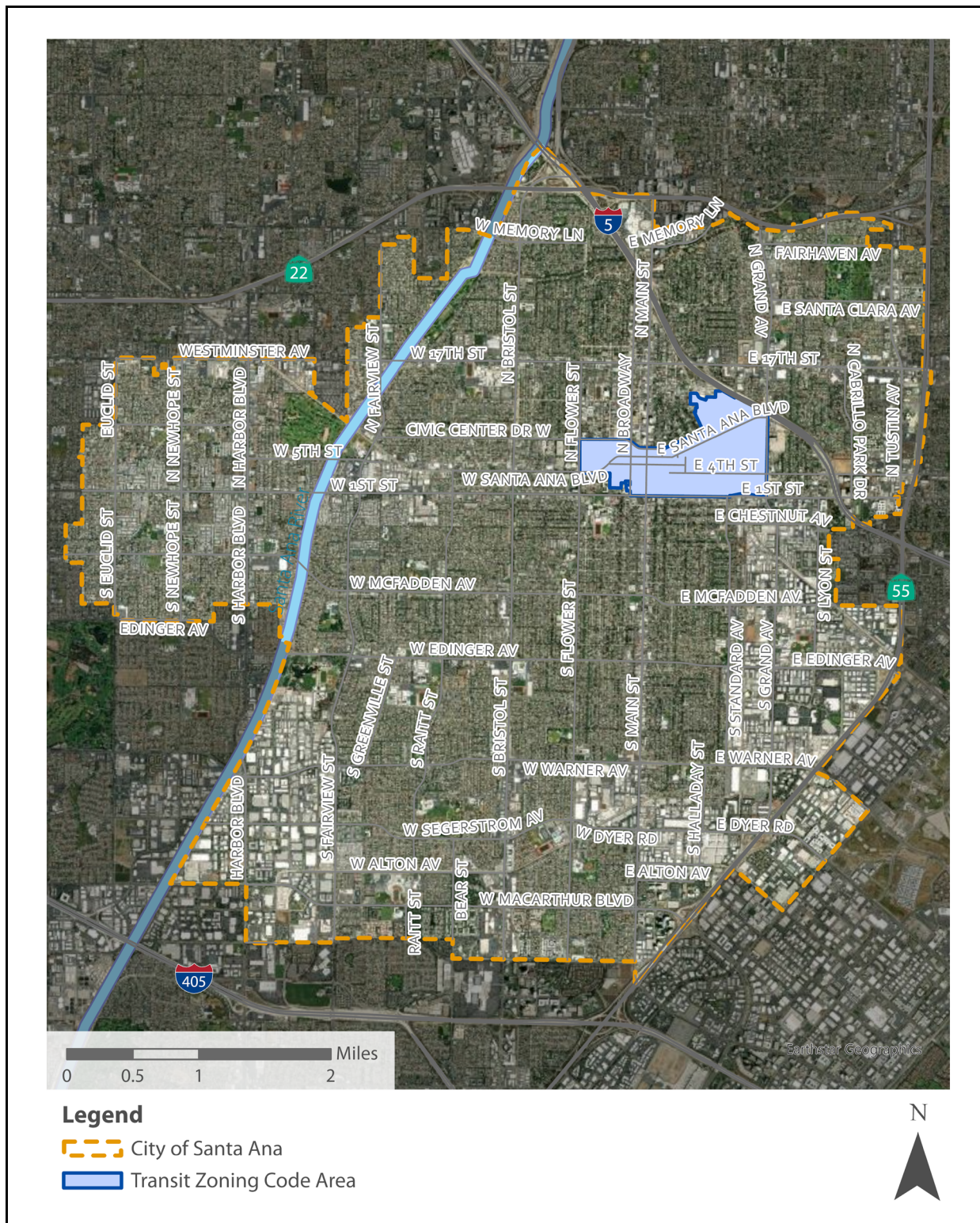


Figure 4 – Citywide Aerial



At the local level, the TZC area is located in the central urban core of the City and comprises over 100 blocks and 450 acres, and is generally bounded by I-5 to the north and east, First Street to the south, and Flower Street to the west. Refer to Figure 1 in the Background section.

The majority of the City is urbanized, with residential and nonresidential development, and mobility and public facilities all contributing to Santa Ana's existing built environment. The City's incorporated boundaries encompass approximately 27.4 square miles. Residential land uses occupy almost 40 percent of the land within the current City boundaries, accounting for 5,226 acres. Other predominant land uses include commercial (1,588 acres) and industrial (1,628 acres).

While Santa Ana is a densely populated urban center with one of the most diverse international populations in Orange County, it can generally be characterized as a City of neighborhoods. Santa Ana has over 65 neighborhoods which are distinguished by their history, architecture, housing types, amenities, and unique character.

The Specific Development (SD) No. 84 Zoning District, also known as the TZC, is located in the central urban core of the City and comprises over 100 blocks and 450 acres, and is generally bounded by First Street, Flower Street, Civic Center Drive, Grand Avenue, and the Santa Ana (I-5) Freeway.

The TZC area includes the Orange County Civic Center consisting of City, County and federal buildings, City, Downtown, the Logan and Lacy neighborhoods, which are among the City's most historic in age and are established residential communities. Additional land uses include a mix of residential, commercial and industrial uses. The TZC area overlaps portions of two of the City's five focus areas, which are suited for new growth and development under the GPU: the Grand Avenue Avenue/17th Street Focus Area and the West Santa Ana Boulevard Focus Area. The Grand Avenue Avenue/17th Street Focus Area is primarily business oriented with office and commercial storefronts and large apartment complexes. The West Santa Ana Boulevard Focus Area is characterized as a mix of residential, commercial and industrial.

5.0 ENVIRONMENTAL ANALYSIS

The Initial Study/Notice of Preparation of the DEIR (Appendix A) concluded certain topics to be "Effects Not Found to Be Significant" according to Section 15128 of the CEQA Guidelines as having less than significant or no impacts, and therefore were not included in the Final EIR.

Agricultural Resources. The Initial Study concluded that the soils within the Transit Zoning Code (SD 84A and SD 84B) area are not candidates for listing as prime farmland, unique farmland, or farmland of statewide importance. In addition, no farmland or agricultural activity exists on or in the vicinity of the Transit Zoning Code, and no portion is under a Williamson Act contract. The Initial Study concluded no that no impacts would occur.

Geology and Soils. The Transit Zoning Code (SD 84A and SD 84B) area is located in an area of minimal geologic hazards. Any development within the project area would be designed in accordance with applicable building code requirements, which account for seismic groundshaking. The Initial Study concluded that no and less than significant impacts to would occur.

Mineral Resources. The Initial Study determined that implementation of the Transit Zoning Code (SD 84A and SD 84B) would not result in the loss of availability of either a known mineral resource of value to the state or region, or a locally important mineral resource recovery site, because no such sites exist within the project area. The Initial Study concluded that implementation of the Transit Zoning Code (SD 84A and SD 84B) would not result in the loss of

availability of a locally important mineral resource delineated on a local general plan, specific plan, or other land use plan.

Because the TZC Final EIR was certified in 2010, certain topics that were later added to the state CEQA Guidelines checklist were not included. The Tribal Cultural Resources topic was added to the CEQA Guidelines in 2017. Although added as a separate topic, the TZC DEIR Cultural Resources section did include an evaluation of Native American resources in Section 4.4.1 – Environmental Setting and Section 4.4.2 – Regulatory Framework. Impact 4.4-1 included MM 4.4-1(a) that required construction monitoring by a tribe.

The TZC EIR included a Global Climate Change topic, which included greenhouse gas emissions. The Greenhouse Gas Emissions topic was added to the CEQA Guidelines in 2018. Greenhouse Gas Emissions was discussed in Section 4.13.2 – Existing Conditions, Section 4.13.2 – Regulatory Framework, and Section 4.13.4 – Project Impacts and Mitigation Measures.

The Energy and Wildfire topics were added to the CEQA Guidelines in 2018. Although added as separate topics, Energy is discussed within Sections 4.12.12 and 4.12.13 of the Utilities and Service Systems topic of the TZC EIR.

Wildfire (i.e. wildland fires), is discussed within Section 4.5.3 of the Hazards and Hazardous Materials topic of the TZC EIR.

Although these topics were added following certification of the TZC Final EIR, they were discussed and analyzed in the respective sections identified above and do not represent new impacts not previously addressed.

Sections 5.1 through 5.13, below, analyzes the potentially significant impacts that could occur as a result of implementing the proposed project through the adoption of the proposed text regulations identified in Table 1 – Current and Proposed Text Regulations. Each topical section lists impact statements and mitigation measures from the TZC EIR, and provides an analysis and conclusion. Each TZC EIR conclusion includes a reference to the EIR impact statement (ex., Impact 4.1-3) and includes its associated significance finding.

5.1 AESTHETICS/VISUAL RESOURCES

This section analyzes the effects to aesthetics and visual resources from implementing the proposed zoning code regulations.

Would the project:

- a. Have a substantial adverse effect on a scenic vista?*
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?*
- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?*
- e. A project would be considered to create significant shade/shadow impacts if shade/shadow from the project results in a substantial loss of sunlight in a residential area or other sensitive receptor. Other sensitive receptors would include schools and parks.*

TZC EIR Conclusions

- Implementation of the Transit Zoning Code (SD 84A and SD 84B) would not substantially damage scenic resources within a State scenic highway, and no further analysis is necessary in this EIR. (DEIR Section 4.1.3: Effects Found to Have No Impact)
- Development under the Transit Zoning Code (SD 84A and SD 84B) would contribute to the image of, and add to the aesthetic quality of the City. As such, development under the proposed project would not degrade the existing visual quality of the area or obstruct key existing views and/or vistas in the vicinity. (Impact 4.1-1: Less Than Significant without mitigation)
- Future development under the Transit Zoning Code (SD 84A and SD 84B) would improve the existing visual character. (Impact 4.1-2: Less Than Significant without mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code, and associated infrastructure improvements would result in new sources of increased daytime glare. (Impact 4.1-3: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code would result in new sources of spillover light. (Impact 4.1-4: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code (SD 84A and SD 84B) would result in a substantial increase in shade/shadows over sensitive uses. (Impact 4.1-5: Significant and Unavoidable and no feasible mitigation)

TZC EIR FEIR Mitigation Measures

MM4.1-1 Proposed new structures shall be designed to maximize the use of textured or other non-reflective exterior surfaces and non-reflective glass. Building materials shall be reviewed by the City of Santa Ana prior to issuance of building permits for each project. (Impact 4.1-3)

MM4.1-2 All exterior lighting and advertising (including signage) shall be directed onto the specific location intended for illumination (e.g., parking lots, driveways, and walkways) and shielded away from adjacent properties and public rights-of-way to minimize light spillover onto adjacent areas. (Impact 4.1-4)

MM4.1-3 Prior to issuance of a building permit for a specific development project, the applicant shall submit a lighting plan to the City for review and approval. The plan shall specify the lighting type and placement to ensure that the effects of security and other outdoor lighting are minimized on adjacent uses and do not create spillover effects. The plan shall specifically incorporate the following design features:

- All projects shall incorporate project design features to shield light and/or glare from vehicles entering or exiting parking lots and structures that face sensitive uses (e.g., schools, hospitals, senior housing, or other residential properties) by providing barriers so that light from vehicle headlights would not illuminate off-site sensitive uses.
- All projects shall incorporate project design features to provide landscaping, physical barriers, screening, or other buffers to minimize project-generated illumination from entering off-site areas and to prevent glare or interference with vehicular traffic, in accordance with the City's Municipal Code. (Impact 4.1-4)

MM4.1-4 For any proposed structure that would exceed four stories in height, applicants shall submit a site-specific shade/shadow report with renderings representing the level of shade/shadows associated with the proposed development at the following times: 9:00 A.M., 12:00 P.M., 3:00 P.M. PST for the both the winter and summer solstices. An additional rendering for the 5:00 P.M. PST time period shall be prepared for the summer solstice period. Typically, a variety of criteria are used to determine the significance of a shadow impact, including the following:

- Affected land use (criticality of direct sunlight for the use).
- Duration (hours per day in shadow); time of day (critical time period for direct sunlight).
- Season (time of year use would be shadowed).
- Extent (percentage of use that would be shadowed).
- Preexisting condition (shadow condition due to existing buildings, landscaping, or other features).
- Type (solid or dappled shadow).

The report shall include any feasible design considerations that would reduce the extent of shadows cast by a proposed structure. The analysis and the project design plans shall be forwarded to the Planning and Building Agency for review and approval. (Impact 4.1-5)

Project Analysis and Conclusion

The City determined that no impacts related to State Scenic Highways would result from implementation of the project because no scenic highways are located within the TZC area. Impacts related to visual and aesthetic quality (Impact 4.1-1) and visual character (Impact 4.1-2) were below the level of significance and did not require mitigation. Impacts related to daytime glare (Impact 4.1-3) and spillover light (Impact 4.1-4) were less than significant with the implementation of mitigation measures. Long-term development related shade and shadows (Impact 4.1-5) were found to be significant and unavoidable and that specific economic, social, or other considerations make mitigation infeasible. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Implementation of the project through the proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations does not trigger new aesthetic and visual resources impacts requiring preparation of a supplemental or subsequent EIR because the project modifies the list of land uses and permit types (refer to Table 1 – Current and Proposed Text Regulations) including the deletion of industrial land uses; amend nonconforming regulations including the additional of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the TZC area. Thus, there are no new land uses being introduced or different development standards that would have aesthetic or visual resource impacts. In particular, the proposed amendments will establish regulations for nonconforming uses, including light and glare. These regulations and standards will cover general standards, enclosed operations, light, glare, and outdoor storage and screening. No direct or indirect glare or heat, whether from floodlights or from high-temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line. Lighting must be shielded, boxed, or directed at a downward angle so as to minimize the generation of light and glare and to assure that there is no spillover of light and glare that will impact drivers or pedestrians on the public streets, on site activities, and adjoining or nearby properties. No activity shall be permitted which causes excessive light and glare to be transmitted or reflected to surrounding properties at a level resulting in detrimental impacts to adjacent properties. Light sources shall generally not be permitted in landscaped, buffer, or setback areas except for those illuminating

pedestrian walkways. Lighting used to illuminate parking areas shall be designed, located, and installed to be shielded and downlit and to reflect away from any nearby residential areas. Lighting for advertising signs shall not create glare or light which extends to surrounding properties.

Any future development within the TZC area requiring discretionary action would be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to aesthetics and visual resources. Mitigation measures MM4.1-1 through MM4.1-4 would continue to apply. Therefore, the project does not trigger new aesthetics impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more significant impacts to aesthetics and visual resources.

5.2 AIR QUALITY

This section analyzes the effects to air quality from implementing the proposed zoning code regulations.

Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan?*
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
- d. Expose sensitive receptors to substantial pollutant concentrations?*
- e. Create objectionable odors affecting a substantial number of people?*

TZC EIR Conclusions

- The project would not create substantial objectionable odors. (Impact 4.2-1: Less Than Significant with mitigation)
- The project would not create short-term quantities of criteria pollutants above the significance thresholds published by SCAQMD. (Impact 4.2-2: Less Than Significant with mitigation)
- Operation of the project would increase local traffic volumes, but would not expose sensitive receptors to substantial localized carbon monoxide (CO) concentrations. (Impact 4.2-3: Less Than Significant without mitigation)
- The anticipated population increase of 12,225 new residents as a result of the long-term cumulative development pursuant to the Transit Zoning Code is consistent with the SCAG growth projections for Santa Ana and, therefore, would not conflict with or obstruct implementation of the Air Quality Management Plan. (Impact 4.2-4: Less Than Significant without mitigation)
- Construction activities associated with the construction of individual projects within the Transit Zoning Code area, including the Developer project, would contribute substantially to an existing or projected air quality violation for criteria air pollutants. (Impact 4.2-5: Significant and Unavoidable with mitigation)

- Operation of the proposed project would exceed South Coast Air Quality Management District standards for VOC, NOX, CO, and PM10 and would result in a projected air quality violation. (Impact 4.2-6: Significant and Unavoidable and no feasible mitigation)
- Construction and operation of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the proposed project region is in nonattainment under an applicable federal or state ambient air quality standard. (Impact 4.2-7: Significant and Unavoidable and no feasible mitigation)

TZC EIR Mitigation Measures

MM4.2-1 Trash receptacles within the Transit Zoning Code (SD 84A and SD 84B) will be required to have lids that enable convenient collection and loading and will be emptied on a regular basis, in compliance with City of Santa Ana regulations for the collection of solid waste. (Impact 4.2-1)

MM4.2-2 The construction contractor should ensure that no more than 5 acres per day are actively graded or developed. (Impact 4.2-2)

MM4.2-3 The construction contractor should ensure that all active disturbed surfaces should be watered three times per day throughout the construction period. (Impact 4.2-2)

MM4.2-4 The construction contractor should ensure that the mass grading, fine grading, and structure construction are conducted at separate time periods and do not overlap with one another. (Impact 4.2-2)

MM4.2-5 The construction contractor should ensure that all haul roads are watered three (3) times per day. (Impact 4.2-2)

MM4.2-6 The construction contractor should ensure that all traffic on unpaved roads is reduced to 15 mph or less. (Impact 4.2-2)

MM4.2-7 Project applicants shall require by contract specifications that all diesel-powered equipment used will be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that they are readily available in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

MM4.2-8 Project applicants shall require by contract specifications that all heavy-duty diesel-powered equipment operating and refueling at the project site use low-NOX diesel fuel to the extent that it is readily available and cost effective (up to 125 percent of the cost of California Air Resources Board diesel) in the South Coast Air Basin (this does not apply to diesel-powered trucks traveling to and from the project site). Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

MM4.2-9 Project applicants shall require by contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) be utilized to the extent that the equipment is readily available and cost effective in the South Coast Air Basin. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

MM4.2-10 Project applicants shall require by contract specifications that construction equipment engines be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

MM4.2-11 Project applicants shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specifications shall be included in project construction documents, which shall be reviewed by the City of Santa Ana prior to issuance of a grading permit. (Impact 4.2-5)

MM4.2-12 As required by South Coast Air Quality Management District Rule 403—Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of project development to reduce the amount of particulate matter entrained in the ambient air. These measures include the following:

- Application of soil stabilizers to inactive construction areas.
- Quick replacement of ground cover in disturbed areas.
- Watering of exposed surfaces three times daily.
- Watering of all unpaved haul roads three times daily.
- Covering all stock piles with tarp.
- Reduction of vehicle speed on unpaved roads.
- Post signs on-site limiting traffic to 15 miles per hour or less.
- Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.
- Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.
- Install wheel washers where vehicles enter and exit unpaved roads onto paved roads to wash off trucks and any equipment leaving the site each trip. (Impact 4.2-5)

MM4.2-13 The developer shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than 5 minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

MM 4.2-14 The developer shall require by contract specifications that construction parking be configured to minimize traffic interference during the construction period and, therefore, reduce idling of traffic. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

MM 4.2-15 The developer shall require by contract specifications that temporary traffic controls are provided, such as a flag person, during all phases of construction to maintain smooth traffic flow. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

MM 4.2-16 The developer shall require by contract specifications that construction activities that affect traffic flow on the arterial system by scheduled to off-peak hours (9:00 A.M. to 3:00 P.M.).

Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Santa Ana. (Impact 4.2-5)

MM4.2-17 Upon issuance of building or grading permits, whichever is issued earliest, notification shall be mailed to owners and occupants of all developed land uses within ¼ mile of any project within the Transit Zoning Code (SD 84A and SD 84B) boundaries greater than four stories in height or 25,000 sf in area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager shall be responsible for complying with all project requirements related to PM10 generation. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, the police department, and a sign on site. (Impact 4.2-5)

MM4.2-18 The developer shall require by contract specifications that the architectural coating (paint and primer) products used would have a VOC rating of 125 grams per liter or less. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

MM4.2-19 The developer shall require by contract specifications that materials that do not require painting be used during construction to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

MM4.2-20 The developer shall require by contract specifications that pre-painted construction materials be used to the extent feasible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City of Santa Ana. (Impact 4.2-5)

MM4.2-21 As individual components of the Transit Zoning Code (SD 84A and SD 84B) are implemented, an air quality impact analyses will be completed to determine their independent significance levels. Mitigation is to be incorporated at the individual component level to bring the individual components to less than significant on a site-by-site basis. (Impact 4.2-6)

MM4.2-22 Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures exceeds current Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; The Energy Commission adopted the 2008 Standards on April 23, 2008, and the Building Standards Commission approved them for publication on September 11, 2008. The 2008 Residential Compliance Manual was adopted by the Commission on December 17, 2008, and the 2008 Non-residential Compliance Manual was adopted January 14, 2009. Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent, subject to review by the County Building Official. Documentation of compliance with this measure shall be provided to the Planning Department and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or equipment will be confirmed by the County Building Official prior to certificate of occupancy. Any combination of the following design features may be used to fulfill this mitigation provided that the total increase in efficiency meets or exceeds 20 percent:

- Increase in insulation such that heat transfer and thermal bridging is minimized

- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption
- Incorporate dual-paned or other energy efficient windows
- Incorporate energy efficient space heating and cooling equipment
- Incorporate energy efficient light fixtures
- Incorporate energy efficient appliances
- Incorporate energy efficient domestic hot water systems
- Incorporate solar panels into the electrical system
- Incorporate cool roofs/light-colored roofing
- Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended November 1, 2005; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent. (Impact 4.2-6)

MM4.2-23 Prior to issuance of a building permit, the applicant shall provide a landscape plan for the Project that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. (Impact 4.2-6)

MM4.2-24 Prior to issuance of a building permit, the applicant shall demonstrate that the proposed building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

MM4.2-25 The applicant shall provide education and publicity about reducing waste and available recycling services to future tenants. The education and publicity materials shall be provided to the City for review and approval by the Planning Department. (Impact 4.2-6)

MM4.2-26 All showerheads, lavatory faucets, and sink faucets within the residential units shall comply with the California Energy Conservation flow rate standards. (Impact 4.2-6)

MM4.2-27 Low-flush toilets shall be installed within all commercial and residential (including Congregate Care) units as specified in California State Health and Safety Code Section 17921.3. (Impact 4.2-6)

MM4.2-28 All commercial/industrial/common area irrigation areas shall be capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. (Impact 4.2-6)

MM4.2-29 Landscape designers shall ensure that Project landscaping of commercial/industrial/common areas uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy. (Impact 4.2-6)

MM4.2-30 Landscape designers shall ensure that the landscape plan includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter. (Impact 4.2-6)

MM4.2-31 Project designers shall ensure that design features incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy. (Impact 4.2-6)

MM4.2-32 The Project designers shall ensure that designs include all illumination elements to have controls to allow selective use as an energy conservation measure. (Impact 4.2-6)

MM4.2-33 Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

MM4.2-34 Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.2-6)

MM4.2-35 Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the City Building Official. (Impact 4.2-6)

MM4.2-36 Tenants shall be responsible to ensure that preferential parking spaces are allocated to ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles. (Impact 4.2-6)

MM4.2-2 through MM4.2-29 would also apply to this impact. (Impact 4.2-7)

Project Analysis and Conclusion

The City determined that impacts related to increased local traffic volumes (Impact 5.2-3) and SCAG growth projections (Impact 4.2-4) were below the level of significance and did not require mitigation. Impacts related to objectionable odors (Impact 4.2-1), criteria pollutants (Impact 4.2-2), contribute to an air quality violation (Impact 4.2-5) were less than significant with the implementation of mitigation measures. Impacts related to exceeding criteria pollutants during operations (Impact 4.2-6) and construction (Impact 4.2-7) were significant and unavoidable, and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because the project modifies the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the additional of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the TZC area. Thus, there are no new land uses being introduced that would have air quality impacts. The proposed amendments will introduce new regulations for nonconforming industrial use that would discontinue nonconforming noxious uses, establish screening walls, eliminate vehicle servicing on Sundays. These regulations would reduce dust and lessen air quality emissions. No land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere. Uses, activities, and processes shall not operate in a manner that emits dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District. These regulations will have a beneficial impact to air quality.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated, which will result in a beneficial impact to air quality. Mitigation measures MM4.2-1 through MM4.2-36 would continue to apply. Therefore, the project does not trigger new air quality impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to air quality.

5.3 BIOLOGICAL RESOURCES

This section analyzes the effects to biological resources from implementing the proposed zoning code regulations.

Would the project:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
- c. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

TZC EIR Conclusions

- No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the USFWS, CDFG, or CNPS are known to occur or expected to occur within the Transit Zoning Code (SD 84A and SD 84B) area. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- No riparian habitat or other sensitive natural communities are located in these areas. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is not in proximity to, nor does it contain, wetland habitat or a blueline stream. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) is surrounded by urban uses on all four sides, including two highways, and, therefore, does not function as a wildlife movement corridor. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- Implementation of the project would not conflict with any local policies or ordinances protecting biological resources. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- No conflict with an adopted habitat conservation plan, Orange County NCCP/HCP or other local, regional, or state habitat conservation plan would occur, and there would be no impact. (DEIR Section 4.3.3: Effects Found to Have No Impact)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code would not result in a potential reduction in nesting opportunities for resident and migratory avian species of special concern. (Impact 4.3-1: Less Than Significant without mitigation)

TZC EIR Mitigation Measures

MM4.3-1 To ensure that avian species of concern, protected migratory species (e.g., MBTA), or raptors species are not injured or disturbed by construction in the vicinity of nesting habitat, the project applicant shall implement the following measures:

1. Tree removal shall be restricted to the period between August 30 and February 15, to the extent feasible, to avoid the breeding season of any migratory species that could be using the area, and to discourage nesting in the vicinity of an upcoming construction area. If it is not feasible to remove trees outside this window then, prior to the beginning of mass grading, including grading for major infrastructure improvements, during the period between February 15 and August 30, all trees within 250 feet of any grading or earthmoving activity shall be surveyed for active nests by a qualified biologist no more than 30 days prior to disturbance. If active nests are found, and the site is within 250 feet of potential construction activity, a temporary fence shall be erected, where appropriate, around the tree(s) at a distance of up to 250 feet, depending on the species, from the edge of the canopy to prevent construction disturbance and intrusions on the nest area. The appropriate buffer shall be determined in consultation with the City of Santa Ana Park Naturalist or a designee.
2. No construction vehicles shall be permitted within restricted areas (i.e., protection zones), unless directly related to the management or protection of the legally protected species.
3. If a legally protected species nest is located in a tree designated for removal, the removal shall be deferred until after August 30, or until the adults and young of the year are no longer dependent on the nest site as determined by a qualified biologist. (Impact 4.3-1)

Project Analysis and Conclusion

The City determined that impacts related to endangered, rare, threatened, or special status plant species or associated habitats or wildlife species, riparian habitat and sensitive natural communities, wetlands or blue line streams, wildlife movement corridors, habitat conservation plans, and biological resource policies would not have any impacts. Impacts to avian species were less than significant with implementation of the mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because the TZC area is intended to be developed for urban uses and located in an area that is completely developed for urban uses. Because TZC area is a heavily disturbed and graded area consisting of industrial and residential uses, and the project does not introduce any new types of land use, and instead removes the industrial overlay zone, there will be no impacts to biological resources.

Any future development within the TZC area requiring discretionary action would be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to biological resources. The project does not trigger new biological resource impacts requiring the preparation of a subsequent or supplemental EIR. Mitigation measure MM4.3-1 would continue to apply. There would be no new or more significant impacts to biological resources.

5.4 CULTURAL RESOURCES

This section analyzes the effects to cultural resources and tribal cultural resources from implementing the proposed zoning code regulations.

Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines?*
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?*
- c. Directly or indirectly destroy a unique paleontological resource or unique geologic feature?*
- d. Disturb any human remains, including those interred outside of dedicated cemeteries?*

TZC EIR Conclusions

- Long-term cumulative development occurring pursuant to the Transit Zoning Code could cause a substantial adverse change in the significance of an archaeological resource or disturb human remains. (Impact 4.4-1: Less Than Significant with mitigation)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. (Impact 4.4-2: Less Than Significant with mitigation)
- The adoption of the Transit Zoning Code (SD 84A and SD 84B) would result in substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. (Impact 4.4-3: Significant and Unavoidable and no feasible mitigation)

TZC EIR Mitigation Measures

MM4.4-1(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Santa Ana, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b). (Impact 4.4-1)

MM4.4-1(b) If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Santa Ana shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the SCCIC. (Impact 4.4-1)

MM4.4-2(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain a professional paleontologist to determine if the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The investigation shall include, as determined appropriate by the paleontologist and the City of Santa Ana, a paleontology records check and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies the paleontological sensitivity of the development area and includes recommendations and methods for eliminating or avoiding impacts on paleontological resources or unique geologic

features. The technical report or memorandum shall be submitted to the City for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on paleontological resources or unique geologic features identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain a paleontologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-3(b). (Impact 4.4-2)

MM4.4-2(b) Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
2. Assess effects on identified sites
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
4. Obtain comments from the researchers
5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

In considering any suggested mitigation proposed by the consulting paleontologist, the City of Santa Ana staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out. (Impact 4.4-2)

MM4.4-3 Prior to development activities that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting, the project applicant shall retain a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the cultural resource professional and the City of Santa Ana, the appropriate archival research, including, if necessary, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) and a pedestrian survey of the proposed development area to determine if any significant historic-period resources would be adversely affected by the proposed development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the development area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum shall be submitted to the City Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or reducing impacts on historical

resources identified in the technical report or memorandum. Such methods could include, but not be limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey (HABS) documentation that is appropriate to the significance (local, state, national) of the resource. (Impact 4.4-3)

Project Analysis and Conclusion

The City determined that impacts related to archaeological resources (Impact 4.4-1) unique paleontological resources (Impact 4.4-2), and disturbing human remains were less than significant with the implementation of mitigation measures. Impacts related to historical resources (Impact 4.4-3) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The TZC EIR states that there are 80 designated historic properties that are listed on the Santa Ana Register of Historical Properties, five that are listed on the California Points of Historical Interest, and one that is listed on the California Historical Landmarks within and adjacent to the TZC area.

The TZC area has already been subject to extensive disruption from previous development and may contain artificial fill materials. The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required, nor would the project introduce new land uses that would have impact to cultural or tribal cultural resources that could otherwise make the long-term significant and unavoidable historical resource impacts more severe.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Mitigation measures MM4.4-1(a), MM4.4-1(b), MM4.4-2(a), MM4.2(b), and MM4.4-3 would continue to apply. In addition, compliance with the existing regulations and proposed regulations identified in Table 1 – Current and Proposed Text Regulations will assure that potential impacts are not exacerbated, which will result in a beneficial impact to cultural resources. Therefore, the project does not trigger new cultural or tribal cultural resource impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to cultural and tribal cultural resources.

5.5 HAZARDS AND HAZARDOUS MATERIALS

This section analyzes the effects to hazards and hazardous materials from implementing the proposed zoning code regulations.

Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*
- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*
- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*
- g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- h. *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

TZC EIR Conclusions

- A private airstrip/heliport is not known to be located within the Transit Zoning Code (SD 84A and SD 84B) area, nor is the Transit Zoning Code (SD 84A and SD 84B) area located in close proximity to a private airstrip/heliport. (DEIR Section 4.5.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is located in a dense urban environment and is surrounded by existing development. There are no wildland areas, nor wildland interface areas located in the vicinity. Consequently, no wildland fires would affect, or be affected by, implementation of the proposed Transit Zoning Code (SD 84A and SD 84B). (DEIR Section 4.5.3: Effects Found to Have No Impact)
- Long-term cumulative development occurring pursuant to the Transit Zoning Code could involve the transportation, use, storage, and/or disposal of hazardous materials, such as diesel exhaust. (Impact 4.5-1: Less Than Significant without mitigation)
- Construction activities associated with implementation of the proposed Transit Zoning Code (SD 84A and SD 84B) would result in the release of hazardous materials to the environment through reasonably foreseeable upset and accident conditions. (Impact 4.5-2: Less Than Significant with mitigation)
- Construction activities associated with the implementation of the Transit Zoning Code would result in the handling of hazardous materials, substances, or waste within one-quarter mile of an existing school. (Impact 4.5-3: Less Than Significant without mitigation)
- The Transit Zoning Code (SD 84A and SD 84B) includes sites which are included on a list of hazardous materials sites and as a result, would create a significant hazard to the public or environment. (Impact 4.5-4: Less Than Significant with mitigation)
- Construction activities associated with the implementation of the Transit Zoning Code could result in a safety hazard for people residing or working in the project area. (Impact 4.5-5: Less Than Significant with mitigation)
- The Transit Zoning Code could impair the implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan resulting in a significant impact. (Impact 4.5-6: Less Than Significant with mitigation)

TZC EIR Mitigation Measures

MM4.5-1 When sites that are listed in the EDR Report initiate project development, the project applicant shall prepare a Phase I ESA for the proposed site. The Phase I ESA shall be prepared in accordance with ASTM E-1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (November 1, 2006). The purpose of a Phase I ESA is to identify environmental conditions at a proposed project site that may suggest environmental contamination. The Phase I ESA report shall be prepared by a CA EPA Registered Environmental Assessor or similarly qualified individual prior to initiating any construction activities at the site.

If recommended in the Phase I ESA, the project sponsor shall undertake (or require the responsible party to undertake) a Phase II ESA soil sampling plan; or if any environmental contamination is identified by the Phase I ESA, the project sponsor shall implement (or require the responsible party to implement) the recommendations of the report to further investigate and to remove any soil contamination. (Impact 4.5-2)

MM4.5-2 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the Transit Zoning Code (SD 84A and SD 84B) area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Santa Ana Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area. (Impact 4.5-2)

MM4.5-3 Prior to the demolition of structures that were constructed before 1980, a thorough investigation shall be completed to determine if asbestos, lead, or PCBs exist on the site. All demolition that could result in the release of lead and/or asbestos must be conducted according to Cal/OSHA standards. (Impact 4.5-2)

MM4.5-4 For development of structures that exceed 200 feet in height above ground level at a development site, applicants shall file a Notice of Proposed Construction or Alteration with the FAA (FAA Form 7460-1). Following the FAA's aeronautical evaluation of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the project shall be reviewed by the ALUC for consistency analysis. (Impact 4.5-5)

MM4.5-5 Prior to initiation of construction activities, any development within the Transit Zoning Code (SD 84A and SD 84B) Area shall have a completed traffic control plan, prepared by the project proponent that will be implemented during construction activities. This may include, but is not limited to, the maintenance of at least one unobstructed lane in both directions on surrounding roadways. At any time if only a single lane is available, the developer shall provide a temporary traffic signal, signal carriers (i.e., flagpersons), or other appropriate traffic controls to allow travel in both directions. If construction activities require the complete closure of a roadway segment, the developer shall provide appropriate signage indicating alternative routes. (Impact 4.5-6)

MM4.5-6 The City Public Works Department shall consult with the Santa Ana Police Department and the Santa Ana Fire Department to disclose temporary closures and alternative travel routes in order to ensure adequate access for emergency vehicles when construction of future projects would result in temporary land or roadway closures. (Impact 4.5-6)

MM4.5-7 The Santa Ana Fire Department, in consultation with other applicable City Departments (e.g., Police), shall update their Emergency Preparedness Plan prior to occupancy of the first project developed under the Transit Zoning Code (SD 84A and SD 84B), to address the potential for the accidental release of hazardous materials that may be used, stored, and/or transported in association with operation of project implementation. (Impact 4.5-6)

MM4.5-8 Project applicants shall submit evacuation plans on a project by project basis that shall be reviewed and approved by the City Police and Fire Departments. (Impact 4.5-6)

Project Analysis and Conclusion

The City determined that impacts related to people residing or working in the vicinity of a private airstrip/heliport and wildland areas would have no impact (DEIR Section 4.5.3: Effects Found to Have No Impact). Impacts related to transportation, storage and disposal of hazardous materials (Impact 4.5-1) and handling of hazardous materials near a school (Impact 4.5-3) were below the level of significance and did not require mitigation. Impacts related to reasonably upset of hazardous materials into the environment (Impact 4.5-2), hazardous materials sites (Impact 4.5-4), construction safety hazards for people or residing in the TZC area (Impact 4.5-5) and interference with an adopted emergency response plan (Impact 4.5-6) were less than significant with the implementation of mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would require that no material or waste shall be deposited upon a subject parcel in such form or manner that it may be transferred off the parcel by natural causes or forces and that all materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers. Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment in compliance with City of Santa Ana regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited. No activities shall be permitted which emit dangerous radioactivity at any point nor shall electrical disturbances which adversely affect the operation of any equipment, other than that of the creator of such disturbances, be allowed. No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the property line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.5-1 through MM4.5-8 would continue to apply. Therefore, the project does not trigger new hazards and hazardous materials impacts requiring the preparation of a subsequent or supplemental EIR. In addition, compliance with the existing regulations and

proposed amendments will assure that potential impacts to hazards and hazardous materials are not exacerbated. There would be no new or more severe significant impacts to hazards and hazardous materials.

5.6 HYDROLOGY AND WATER QUALITY

This section analyzes the effects to hydrology and water quality from implementing the proposed zoning code regulations.

Would the project:

- a. Violate any water quality standards or waste discharge requirements?*
- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner that would result in substantial erosion or siltation on or off site?*
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site?*
- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- g. Otherwise substantially degrade water quality?*
- h. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
- i. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?*
- j. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?*
- k. Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?*

TZC EIR Conclusions

- The Transit Zoning Code (SD 84A and SD 84B) area is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, and is not within the 100-year or 500-year flood hazard area. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is not within the 100-year flood hazard area, (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) area is not located in the flood inundation area of the Prado Dam or the Santiago Dam. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would not expose people to a significant risk of loss, injury, or death involving inundation by a seiche, tsunami, or mudflow because the project site is not located near a coastal area, large water body, or

unstable and exposed hills or slopes. (DEIR Section 4.6.3: Effects Found to Have No Impact)

- Implementation of the Transit Zoning Code would not violate water quality standards, waste discharge, or otherwise substantially degrade water quality. (Impact 4.6-1: Less Than Significant with mitigation)
- The majority of the Transit Zoning Code (SD 84A and SD 84B) area is already developed and because the project area is not used for groundwater recharge, the operation of future development under the proposed project would not interfere substantially with groundwater recharge. (Impact 4.6-2: Less Than Significant without mitigation with mitigation)
- Development under the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern of the area and potentially result in erosion and siltation. (Impact 4.6-3: Less Than Significant)
- Future development in the Transit Zoning Code (SD 84A and SD 84B) could alter the existing drainage pattern and potentially result in increased downstream flooding through the addition of impervious surfaces, or exceeding the capacity of existing or planned stormwater drainage systems. (Impact 4.6-4: Less Than Significant with mitigation)

TZC EIR Mitigation Measures

MM4.6-1 In order to comply with the current version of the Drainage Area Master Plan (DAMP), future development projects in the Transit Zoning Code (SD 84A and SD 84B) area shall prepare Storm Drain Plans, Stormwater Pollution Prevention Plans (SWPPP), and Water Quality Management Plans (WQMP) conforming to the current National Pollutant Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer or Environmental Engineer, shall be submitted to the Public Works Agency for review and approval.

a. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all dewatering operation flows, and for nuisance flows during construction. The SWPPP may include, but would not necessarily be limited to, the following applicable measures:

- Minimum required pavement widths for residential streets needed to comply with all zoning and applicable ordinances
- Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces
- Reduce the overall imperviousness associated with parking lots by using pervious materials in spillover parking areas
- Direct rooftop runoff to pervious areas and avoid routing rooftop runoff to the roadway or the stormwater conveyance system
- Biofilters including vegetated swales and strips
- Extended/dry detention basins
- Infiltration basin
- Infiltration trenches or vaults
- Catch basin inserts

- Continuous flow deflection/separation systems
- Storm drain inserts
- Media filtration
- Foundation planting
- Catch basin screens
- Normal flow storage/separation systems
- Clarifiers
- Filtration systems
- Primary waste water treatment systems
- Dry Wells
- Cistern

b. A WQMP shall be prepared, maintained, and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved phases of the project. (Impact 4.6-1 and Impact 4.6-3)

MM4.6-2 Prior to issuance of grading permits for future development projects in the Transit Zoning Code (SD 84A and SD 84B) area, applicants shall submit site-specific Hydrology and Hydraulic Studies to the Public Works Department for review and approval. If existing facilities are not adequate to handle runoff that may be generated by the proposed development, then the applicant shall propose feasible remedies to assure that adequate drainage facilities will be available prior to issuance of occupancy permits. The applicant may propose storm drain improvements to be constructed in order to meet project needs. If necessary storm drain upgrades cannot be implemented prior to issuance of occupancy permits, on site detention facilities or other methods acceptable to the City shall be included with new development projects to ensure that post-construction runoff does not exceed pre-development quantities. (Impact 4.6-4)

MM4.6-3 During the design of individual projects, applicants shall minimize impervious area by incorporating landscaped areas over substantial portions of a proposed project area. Furthermore, impervious areas shall be directly connected to landscaped areas or bioretention facilities to promote filtration and infiltration of stormwater. (Impact 4.6-4)

MM4.6-4 During the design of individual projects, applicants shall control structural source through storm drain stenciling and signage, coverage of trash area to minimize direct precipitation, efficient irrigation to minimize runoff into stormwater conveyance system, slope and channel protection to decrease potentials for erosions of slopes, and use of deep-rooted, drought tolerant plant species for erosion control. (Impact 4.6-4)

Project Analysis and Conclusion

The City determined that impacts related to within a 100-year flood hazard area, flood inundation area, inundation from the Prado Dam, a seiche, tsunami, or mudflow would have no impacts (DEIR Section 4.6-3). Impacts related to interference with groundwater recharge (Impact 4.5-1), alteration to existing drainage patterns (Impact 4.6-3) and increased downstream flooding (Impact 4.6-4) were less than significant with the implementation of mitigation measures.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of specific development projects, introduce new land uses nor increase the intensity the existing uses. The new regulations would require liquid or

solid wastes discharged from future development projects be properly treated and would therefore not pollute or contaminate any water courses or groundwater.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.6-1 through MM4.6-4 would continue to apply. Therefore, the project does not trigger new hydrology and water quality impacts requiring the preparation of a subsequent or supplemental EIR. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Therefore, there would be no new or more severe significant impacts to hydrology and water quality.

5.7 LAND USE

This section analyzes the effects on land use from implementing the proposed zoning code regulations.

Would the project:

- a. Introduce new land uses that would result in conflicts of use?*
- b. Physically divide an established community?*
- c. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.?*
- d. Conflict with any applicable habitat conservation plan or natural community conservation plan?*

TZC EIR Conclusions

- The Transit Zoning Code (SD 84A and SD 84B) area is not located within either a natural community plan or applicable habitat conservation plan. The Transit Zoning Code (SD 84A and SD 84B) area does not contain any critical or sensitive habitat. (DEIR Section 4.6.3: Effects Found to Have No Impact)
- The Transit Zoning Code (SD 84A and SD 84B) would not result in conflicts of use. (Impact 4.7-1: Less Than Significant without mitigation)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would not physically divide an established community. (Impact 4.7-2: Less Than Significant without mitigation)
- The proposed Transit Zoning Code (SD 84A and SD 84B) would conflict with the Santa Ana General Plan by adopting standards and land uses not currently allowed within the proposed Transit Zoning Code (SD 84A and SD 84B) area; however, as part of the proposed project, the General Plan would be amended to incorporate the proposed land uses and development standards. (Impact 4.7-3: Less Than Significant without mitigation)

TZC EIR Mitigation Measures

All impacts were below the level of significance and mitigation measures are not necessary nor recommended.

Project Analysis and Conclusion

The City determined that impacts related to conflicts with a natural community plan or applicable habitat conservation plan would have no impacts (DEIR Section 4.6.3: Effects Found to Have No Impact). Impacts related to incompatible land uses (Impact 4.7-1), potential to divide an established community (Impact 4.7-2), and conflicts with the Santa Ana General Plan (Impact 4.7-3) were below the level of significance and did not require mitigation.

The proposed zoning ordinance amendments are consistent with various goals and policies of the Santa Ana General Plan, as required by Government Code Section 65860, by timely addressing current inconsistencies within an area of the City prioritized for addressing environmental justice and impacts were found to be less than significant. In effect, the amendments are necessary to address numerous policies of the General Plan that the current TZC is found to be inconsistent with, that without such amendments, will continue the path of irreconcilable land use patterns within the TZC area. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-3.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities.

The proposed amendments support these goals and policies by:

- Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles.
- Resolving the conflict of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse.
- Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance of those uses.
- Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources.
- Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC.
- Developing and adopting new regulations to address facilities that emit high levels increased pollution near sensitive receptors within EJ (Environmental Justice) area boundaries, which includes areas of the TZC.
- Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors
- Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.

Additionally, the proposed amendments implement and/or contribute to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through discontinuing nonconforming industrial uses through amortization:

LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies. Update the Metro East Mixed-Use Overlay District to remove the portion within the 17th Street and Grand Avenue Focus Area. Update the Midtown Specific Plan.

LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.

CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.

CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.

CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.

HE5.C – Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.

HE44.A – Fair Housing. Ensure all City programs and activities relating to housing and community development are administered in a manner that affirmatively furthers fair housing.

Implementation of the proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations does not trigger new land use impacts that might otherwise occur with a development project requiring preparation of a supplemental or subsequent EIR. The new regulations would provide that any nonconforming business that operates in an unlawful manner, including but not limited to, frequent code violations, police calls, or loitering complaints, or is not in good standing with the City, including, but limited to constant service calls or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including business license revocation or terminating utility services or connections. For the purposes of this section, "frequent" is defined as more than one violation, call, or complaint per month during any twelve month period, and "constant service calls" is defined as more than one service call per month during any twelve (12) month period.

Thus, the project would not physically divide an established community, or conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. Therefore, the project does not trigger new land use impacts requiring the preparation of a subsequent or supplemental EIR. There would be no new or more severe significant impacts to land use.

5.8 NOISE

This section analyzes the effects to noise from implementing the proposed zoning code regulations.

Would the project:

- a. Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. Expose persons to or generate excessive groundborne vibration or groundborne noise levels?*
- c. Cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- d. Cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

TZC EIR Conclusions

- The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. (DEIR Section 4.8.3: Effects Found to Have No Impact)
- Construction activities associated with the proposed project would generate noise levels that exceed the noise standards established by the City of Santa Ana Municipal Code. (Impact 4.8-1: Less Than Significant with mitigation)
- Operation of the proposed project could expose noise-sensitive land uses to noise levels that exceed the standards established by the City of Santa Ana General Plan. (Impact 4.8-2: Less Than Significant with mitigation)
- Operation of the proposed project would not expose sensitive receptors on or off site to excessive groundborne vibration or groundborne noise levels, (Impact 4.8-3: Less Than Significant without mitigation)
- Occupants of the proposed residential units would not be exposed to potentially significant vibration levels. (Impact 4.8-4: Less Than Significant without mitigation)
- Physical impact from an increase in ambient noise levels could occur from the construction activities associated with the proposed project, an adverse effect on the nearby residents would not occur. (Impact 4.8-5: Less Than Significant)
- No temporary or periodic noise impacts to on- or off-site receptors due to operation of the project. (Impact 4.8-6: Less Than Significant without mitigation)
- Operation of the proposed project would not generate increased local traffic volumes that would cause a substantial permanent increase in ambient noise levels in the project vicinity. (Impact 4.8-7: Less Than Significant without mitigation) Operation of the Southern California Regional Rail Authority's (SCRRA) rail line would potentially expose noise-sensitive land uses located within the Transit Zoning Code (SD 84A and SD 84B) area to noise levels that exceed the standards established by the City of Santa Ana General Plan. (Impact 4.8-8: Significant and Unavoidable and no feasible mitigation)
- Construction activities associated with the proposed project would generate or expose persons or structures to excessive groundborne vibration. (Impact 4.8-9: Significant and Unavoidable and no feasible mitigation)

TZC EIR Mitigation Measures

MM4.8-1 All construction activity within the City shall be conducted in accordance with Section 18-314(e) of the City of Santa Ana Municipal Code. (Impact 4.8-1 and Impact 4.8-9)

MM4.8-2 Each project applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

Two weeks prior to the commencement of construction, notification must be provided to property owners within 300 feet of a project site disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period

Ensure that construction equipment is properly muffled according to industry standards and be in good working condition

Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible

Schedule high noise-producing activities between the hours of 8:00 A.M. and 5:00 P.M. to minimize disruption on sensitive uses

Implement noise attenuation measures, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources

Use electric air compressors and similar power tools rather than diesel equipment, where feasible

Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes

Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1)

MM4.8-3 Each project applicant shall require by contract specifications that construction staging areas along with the operation of earthmoving equipment within the project area would be located as far away from vibration and noise sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1 and Impact 4.8-9)

MM4.8-4 Each project applicant shall require by contract specifications that heavily loaded trucks used during construction would be routed away from residential streets. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit. (Impact 4.8-1 and Impact 4.8-9)

MM4.8-5 When residential uses would be located in areas with noise levels in excess of 60 dBA CNEL (either through conversion of use/structure or new construction), the project applicant shall provide noise barriers around private open space areas, including patios and balconies, as necessary. The height and density of the barriers shall be sufficient to reduce the exterior noise levels within private open space areas to a CNEL of 65 dBA or less. (Impact 4.8-2)

MM4.8-6 Prior to issuance of building permits, building plans shall specify the STC rating of windows and doors for all residential land uses. Window and door ratings shall be sufficient to reduce the interior noise level to a CNEL of 45 dBA or less, and shall be determined by a qualified acoustical consultant as part of the final engineering design of the project. (Impact 4.8-2)

MM4.8-7 Each project applicant shall provide proper shielding for all new HVAC systems used by the proposed residential and mixed use buildings to achieve an attenuation of 15 dBA at 50 feet from the equipment. (Impact 4.8-2)

MM4.8-8 The City shall provide a written statement to each applicant for projects located within 400 feet of the SCRRA tracks that shall be provided for each residential unit and resident, notifying them of potential noise and vibration issues associated with the railroad tracks, including the following:

Notice of Disclosure

Each owner's [or renter's] interest is subject to the fact that trains operate at different times of the day and night on the railway tracks immediately adjacent to a project site; and that by accepting the conveyance of an interest [or lease agreement] in that project, owner [or renter] accepts all impacts generated by the trains.

Posting of Notice of Disclosure in each residential unit.

Prior to offering the first residential unit for purchase, lease, or rent, the property owner or developer shall post a copy of the Notice of Disclosure in every unit in a conspicuous location. Also, a copy of the Notice of Disclosure shall be included in all materials distributed for the Project, including but not limited to: the prospectus, informational literature, and residential lease and rental agreements. (Impact 4.8-8)

Project Analysis and Conclusion

The City determined that no impacts related to the proximity public use airport would not result in impacts would result. Impacts related to exposure of sensitive receptors from excessive groundborne vibration (Impact 4.8-3), potentially significant vibration levels (Impact 4.8-4), ambient noise increase (Impact 4.8-5), periodic noise impacts (Impact 4.8-6), and noise from increased traffic volumes (Impact 4.8-7) were below the level of significance and did not require mitigation. Impacts from noise levels exceeding City noise standards (Impact 4.8-1) and exposure to noise-sensitive land uses (Impact 4.8-2) were less than significant with the implementation of mitigation measures. Impacts causing groundborne vibration and development exposure near the Southern California Regional Rail Authority's (SCRRA) rail line (Impact 4.8-8) and construction activities from project implementation (Impact 4.8-9) were found to be significant and unavoidable. Specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would limit daily operations times and days of week, and maximum noise that could be generated from existing uses. No industrial use shall generate ground vibration perceptible without instruments at any point along the property line of the site except for motor vehicle operations. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the property lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel are exempt from this standard.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.8-1 through MM4.8-8 would continue to apply. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. This will result in a beneficial impact. Therefore, the existing less than significant and significant and unavoidable noise impacts would not result in new or different impacts.

5.9 POPULATION, HOUSING AND EMPLOYMENT

This section analyzes the effects to population, housing and employment from implementing the proposed zoning code regulations.

Would the project:

- a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

TZC EIR Conclusions

- Implementation of the proposed project would accommodate projected population and housing growth. (Impact 4.9-1: Less Than Significant without mitigation)
- Construction of development projects pursuant to the Transit Zoning Code (SD 84A and SD 84B) could displace existing people or housing. However, this displacement would not necessitate the construction of additional replacement housing elsewhere. (Impact 4.9-2: Less Than Significant without mitigation)

TZC EIR Mitigation Measures

All impacts were below the level of significance and mitigation measures are not necessary nor recommended.

Project Analysis and Conclusion

The City determined that impacts related to accommodating population and housing growth (Impact 4.9-1) and displacement of existing housing (Impact 4.9-2) were below the level of significance and did not require mitigation.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require development of housing units. The new regulations would provide architectural standards to any future development that would regulate the manner in which individual parcels and blocks are developed to create diverse and pedestrian-oriented development that would be consistent with the TZC area. In addition, 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 the SAMC. Therefore, the existing less than significant population, housing and employment impacts would not result in new or different impacts nor would it increase unplanned growth and does not trigger new population and housing impacts requiring the preparation of a subsequent or supplemental EIR.

5.10 PUBLIC SERVICES

This section analyzes the effects to public services and recreational and park facilities from implementing the proposed zoning code regulations.

Would the project:

- a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*
- b. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*
- c. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*
- d. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for library services?*
- e. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services?*

TZC EIR Conclusions

- Construction of new projects pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for fire protection services, but it would not require the construction of new or physically altered facilities to accommodate the increased demand or maintain acceptable response times. (Impact 4.10-1: Less Than Significant with mitigation)
- Operation of the proposed project would increase the demand for police services, thereby requiring additional staffing, although it would not require the construction of new or physically altered facilities or personnel to accommodate the increased demand. (Impact 4.10-2: Less Than Significant with mitigation)
- Construction of new residential units within the project area would generate new students that could require the addition of new classroom facilities, thereby requiring

new or physically altered facilities to accommodate additional students in Santa Ana Unified School District (SAUSD) schools. (Impact 4.10-3: Less Than Significant)

- Construction of new residential units within the project area would generate new library users that could require the addition of new library facilities. (Impact 4.10-4: Less Than Significant without mitigation)
- All properties identified as having new development potential to be built out pursuant to the provisions of the Transit Zoning Code (SD 84A and SD 84B) these new projects would generate a need for new or physically altered park facilities in order to maintain acceptable service ratios. (Impact 4.10-5: Less Than Significant without mitigation)

TZC EIR Mitigation Measures

MM4.10-1 Prior to an issuance of a building permit, individual projects in the Transit Zoning Code (SD 84A and SD 84B) area shall perform a water supply, fire flow test and fire protection system design analysis to ensure that proposed projects are in accordance to meet standard fire protection design requirements. (Impact 4.10-1)

MM4.10-2 Any development that would exceed two stories in height shall submit site-specific security plans to the SAPD for review prior to issuance of a building permit. (Impact 4.10-2)

MM4.10-3 No developer within the Transit Zoning Code (SD 84A and SD 84B) boundaries shall utilize a frequency of 800 MHz, which is reserved for emergency services. (Impact 4.10-2)

MM4.10-4 Individual project developers shall pay school impact fees prior to the issuance of occupancy permits. (Impact 4.10-3)

MM4.10-5 Prior to issuance of a building permit for a residential development project, or change of use from non-residential to residential within the Transit Zoning Code (SD 84A and SD 84B) area, project applicants shall pay to the City of Santa Ana the Park Acquisition and Development Fee. (Impact 4.10-5)

Project Analysis and Conclusion

The City determined that impacts related to the provision of library services (Impact 4.10-4) and recreation park facilities (Impact 4.10-5) were below the level of significance and did not require mitigation. Impacts related to fire services (Impact 4.10-1), Police services (Impact 4.10-2) and generation of new school children (Impact 4.10-3) were less than significant with the implementation of mitigation measures.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.10-1 through MM4.10-5 would continue to apply.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated, which will result in a beneficial impact to public services. Therefore, the existing less than significant and significant and public services impacts would not result in new or different impacts.

5.11 TRANSPORTATION

This section analyzes the effects on transportation from implementing the proposed zoning code regulations.

Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?*
- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?*
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- e. Result in inadequate emergency access?*
- f. Result in inadequate parking capacity?*
- g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

TZC EIR Conclusions

- Operation of the proposed project would result in impacts related to neighborhood traffic in the adjacent residential areas to the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.11-1: Less Than Significant with mitigation)
- Long-term cumulative development pursuant to the implementation of the Transit Zoning Code would exceed standards established by the Orange County Transportation Authority within the study area. (Impact 4.11-2: Less Than Significant without mitigation)
- Development projects constructed pursuant to the standards contained within the Transit Zoning Code would not result in a change in air traffic patterns. (Impact 4.11-3: Less Than Significant) without mitigation)
- Development projects constructed pursuant to the Transit Zoning Code would not increase hazards due to a design future or incompatible uses. (Impact 4.11-4: Less Than Significant without mitigation)
- Development projects constructed pursuant to the Transit Zoning Code could result in inadequate emergency access. (Impact 4.11-5: Less Than Significant without mitigation)
- Long-term cumulative development under the implementation of the Transit Zoning Code would not result in inadequate parking capacity. (Impact 4.11-6: Less Than Significant without mitigation)
- The Transit Zoning Code would not conflict with adopted policies, plans, or programs supporting alternative transportation. (Impact 4.11-7: Less Than Significant)
- Long-term cumulative development under implementation of the Transit Zoning Code would cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. (Impact 4.11-8: Less Than Significant with mitigation)
- Long-term cumulative development under implementation of the Transit Zoning Code would result in impacts related to freeway ramps in the vicinity of the Transit Zoning

TZC EIR Mitigation Measures

MM4.11-1 The City of Santa Ana shall, during any roadway improvement within the Transit Zoning Code boundaries, evaluate, consider, and implement as appropriate the traffic calming measure(s), including but not limited to the following:

- Curb extensions at local intersections
- Short medians at entries to wide streets
- Traffic circles at oversized intersections
- Speed humps
- Turn restrictions (Impact 4.11-1)

MM4.11-2 As part of the project, the City of Santa Ana and the project sponsors shall work with the transit providers to implement various transit-related measures to improve and expand bus system service within the Transit Zoning Code (SD 84A and SD 84B) area. These measures may include, but are not limited to, the following:

- Adding bus stops to the Transit Zoning Code (SD 84A and SD 84B) area along existing roadways
- Changing bus service headways to respond to increased demand
- Changing bus service destinations to respond to changing demand
- Adding local shuttle service for employees and patrons of the Transit Zoning Code (SD 84A and SD 84B) area
- The details of bus service improvements shall be determined in coordination with OCTA. The following recommendations would help encourage public transit patronage for project-related trips:
 - Bus Stop Locations—Relocation of existing bus stops and the provision of additional bus stops should be considered to accommodate transit users at convenient locations.
 - Days of Operation—The City should work with OCTA to consider changes to route times to serve nighttime and weekend project visitors and employees.
 - Headway—The City should work w would be appropriate to reduce them Code (SD 84A and SD 84B) area.

MM4.11-3 The City of Santa Ana Public Works Agency shall monitor the traffic signals within the Transit Zoning Code study area once every five years to ensure that traffic signal timing is optimized. (Impact 4.11-8)

MM4.11-4 The City of Santa Ana shall institute a program for systematic mitigation of impacts as development proceeds within the Transit Zoning Code to ensure mitigation of the individual improvements. The program shall prescribe the method of participation in the mitigation program by individual projects and guide the timely implementation of the mitigation measures. The program shall include the following elements:

A funding and improvement program should be established to identify financial resources adequate to construct all identified mitigation measures in a timely basis.

All properties that redevelop within the Transit Zoning Code should participate in the program on a fair share per new development trip basis. The fair share should be based upon the total cost of all identified mitigation measures, divided by the peak hour trip generation increase forecast.

This rate per peak hour trip should be imposed upon the incremental traffic growth for any new development within the Transitioning Code.

The program should raise funds from full development of the Transit Zoning Code to fund all identified mitigation measures.

The program should monitor phasing development of the Transit Zoning Code and defer or eliminate improvements if the densities permitted in the Transit Zoning Code are not occurring.

Program phasing should be monitored through preparation of specific project traffic impact studies for any project that is expected to include more than 100 dwelling units or 100,000 sf of non-residential development. Traffic impact studies should use traffic generation rates that are deemed to be most appropriate for the actual development proposed.

Properties within Santa Ana and within one-half mile of the Transit Zoning Code that redevelop to result in higher traffic generation should also participate in the program to insure equity.

The City may elect to implement appropriate mitigation measures as a condition of approval of the proposed developments, where appropriate. All or part of the costs of these improvements may be considered to be a negotiated credit toward the program, however the program must be administered in a manner that assures that it can fund necessary improvements to maintain adequate level of service at all intersections within this study. If funding of priority improvements cannot be assured, credit for construction of lower priority improvements may not be assured or may be postponed until more program funds are available. (Impact 4.11-8)

MM4.11-5 Main Street at First Street—Install a second northbound and southbound left-turn lanes and a dedicated northbound right-turn lane for 2030 and 2035 conditions. (Impact 4.11-8)

MM4.11-6 Lacy Street at Santa Ana Boulevard—Install a traffic signal and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions. (Impact 4.11-8)

MM4.11-7 Lacy Street at First Street—Install a traffic signal for both 2030 and 2035 conditions, a traffic signal, and provide exclusive left-turn lane for both northbound and southbound directions for both 2030 and 2035 conditions. (Impact 4.11-8)

MM4.11-8 Santiago Street at Washington Avenue—Install a traffic signal and provide one exclusive left-turn lane for both eastbound and westbound traffic for 2035 conditions only. (Impact 4.11-8)

MM4.11-9 Santiago Street at Civic Center Drive—Install a traffic signal and provide: one exclusive left-turn lane, one through lane, and one shared through and right-turn lane on northbound and southbound approaches; and one exclusive left-turn lane and one shared through and right lane on eastbound and westbound approaches. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

MM4.11-10 Santiago Street at Santa Ana Drive—Construct a second southbound left-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

MM4.11-11 Santiago Street at Fourth Street—Install a traffic signal. The lane configuration for the signal is recommended as 1 Left, 1 Through, 1 Through+ Right for all approaches. (Impact 4.11-8)

MM4.11-12 Standard Street at First Street—Construct third eastbound and westbound shared through-right lanes for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

MM4.11-13 Grand Avenue at Santa Ana Boulevard—Construct a third southbound through lane and eastbound right-turn overlap signal phasing. (Impact 4.11-8)

MM4.11-14 Grand Avenue at First Street—Construct a third eastbound shared through/right-turn lane, a third westbound shared through/right-turn lane, and a third northbound through lane with dedicated northbound right-turn lane for 2035 conditions. The improvement is only needed for 2035 conditions. (Impact 4.11-8)

MM4.11-15 Grand Avenue at I-5 Northbound Ramps—Construct a second westbound right-turn lane and for the I-5 northbound off ramp under both 2030 and 2035 conditions. (Impact 4.11-8)

MM4.11-16 I-5 at Santa Ana Blvd.—Northbound Off-Ramp—The City of Santa Ana Department of Public Works shall coordinate with Caltrans for the installation of a second ramp lane for the I-5 northbound off ramp. The improvement shall be implemented to mitigate 2035 conditions. (Impact 4.11-9)

Project Analysis and Conclusion

The City determined that impacts related to exceeding standards from the Orange County Transportation Authority (Impact 4.11-2), change in air traffic patterns (Impact 4.11-3), hazards due to a design future or incompatible uses (Impact 4.11-4), inadequate emergency access (Impact 4.11-5), inadequate parking capacity (Impact 4.11-6), and alternative transportation (Impact 4.11-7) were below the level of significance and did not require mitigation. Impacts related to neighborhood traffic (Impact 4.11-1) and traffic increases to the existing traffic load (Impact 4.11-8) were less than significant with the implementation of mitigation measures. Impacts related to development near freeway ramps (Impacts 4.11-9) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Any future development within the TZO area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.11-1 through MM4.11-16 would continue to apply.

The proposed adoption of the text regulations identified in Table 1 – Current and Proposed Text Regulations would not require preparation of a supplemental or subsequent EIR because specific development projects are neither included nor required. The new regulations would provide recharging spaces for electric vehicles. Also, all truck parking areas must be on paved surfaces and the parking, loading or unloading of trucks associated with a business on public streets is prohibited. In addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated. This will result in a beneficial impact to transportation. Therefore, the existing less than significant and significant and unavoidable transportation impacts would not result in new or different impacts.

5.12 UTILITIES AND SERVICE SYSTEMS

This section analyzes the effects to utilities and service systems from implementing the proposed zoning code regulations.

Would the project:

- a. *Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- b. *Require new or expanded water entitlements and resources if there are not sufficient water supplies available to serve the project from existing entitlements and resources?*

TZC EIR Conclusions

- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would generate an additional demand for water, but would not require water supplies in excess of existing entitlements and resources or result in the need for new or expanded entitlements. (Impact 4.12-1: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not require or result in the construction of new or expanded water treatment facilities, the construction of which could cause significant environmental effects. (Impact 4.12-2: Less Than Significant) without mitigation
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not exceed wastewater treatment requirements of the Orange County Sanitation District. (Impact 4.12-3: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) could require the construction of new or expanded wastewater conveyance systems, the construction of which would not cause significant environmental effects. (Impact 4.12-4: Less Than Significant with mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would not increase wastewater generation such that treatment facilities would be inadequate to serve the project's projected demand in addition to the provider's existing commitments. (Impact 4.12-5: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code would not generate solid waste that exceeds the permitted capacity of landfills serving the area. (Impact 4.12-6: Less Than Significant without mitigation)
- Long-term cumulative development under the implementation of the Transit Zoning Code (SD 84A and SD 84B) would comply with all applicable federal, state, and local statutes and regulations related to solid waste. (Impact 4.12-7: Less Than Significant without mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code (SD 84A and SD 84B) would increase the demand for electricity and gas, but would not require or result in the construction of new energy production or transmission facilities, the construction of which could cause a significant environmental impact. (Impact 4.12-8: Less Than Significant without mitigation)

TZC EIR Mitigation Measures

MM4.12-1 Individual project applicants shall prepare site-specific sewer evaluations, including flow monitoring and modeling, during the project design to determine the adequacy of the existing sewer pipe capacity in the affected project area lines. The evaluation shall be submitted to the City of Santa Ana or OCSD, as appropriate, for review and approval prior to issuance of building permits. Any recommendations made in the site-specific sewer evaluations shall be incorporated into the design of each individual project. (Impact 4.12-4)

MM4.12-2 Individual non-residential project applicants are encouraged to apply for Southern California Edison's "Savings By Design" program. The program is aimed at generating an overall reduction in energy use through design methods and incentive programs by maintaining a 15% or greater exceedance of Title 24. (Impact 4.12-8)

MM4.12-3 Individual development projects within the boundaries of the Transit Zoning Code (SD 84A and SD 84B) shall implement energy conservation measures (such as energy-efficient lighting and microprocessor controlled HVAC equipment) to reduce the demand for electricity and natural gas as part of the project design. The energy conservation measures shall be subject to modification as new technologies are developed, or if current technology becomes obsolete, through replacement and shall be reviewed by the Planning and Building Agency prior to issuance of a building permit. (Impact 4.12-8)

MM4.12-4 Individual development projects within the boundaries of the Transit Zoning Code (SD 84A and SD 84B) shall implement energy conservation measures (such as energy-efficient lighting and microprocessor controlled HVAC equipment) to reduce the demand for electricity and natural gas as part of the project design. The energy conservation measures shall be subject to modification as new technologies are developed, or if current technology becomes obsolete, through replacement and shall be reviewed by the Planning and Building Agency prior to issuance of a building permit. (Impact 4.12-8)

Project Analysis and Conclusion

The City determined that impacts related to additional water demand (Impact 4.12-1), expanded water treatment facilities (Impact 4.12-2), exceed wastewater treatment requirements (Impact 4.12-3), increase wastewater generation (Impact 4.12-5), generate solid waste exceeding permitted capacity (Impact 4.12-6), and compliance with applicable federal, state, and local solid waste regulations (Impact 4.12-7) were below the level of significance and did not require mitigation. Impacts related to new or expanded wastewater conveyance systems (Impact 4.12-4) and an increased demand for electricity and gas (Impact 4.12-8) were less than significant with the implementation of mitigation measures.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM4.12-1 through MM4.12-4 would continue to apply.

The new regulations identified in Table 1 – Current and Proposed Text Regulations would provide any nonconforming business that operates in an unlawful manner, including but not limited to, frequent code violations, police calls, or loitering complaints, or is not in good standing with the City, including, but limited to constant service calls or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including business license revocation or terminating utility services or connections. Also, in addition, compliance with the existing regulations and proposed amendments will assure that potential impacts are not exacerbated which will result in a beneficial impact to utilities and service systems. Therefore, the existing less than significant utilities and service systems impacts would not result in new or different impacts requiring the preparation of a subsequent or supplemental EIR.

5.13 GLOBAL CLIMATE CHANGE

This section analyzes the effects to global climate change from implementing the proposed zoning code regulations.

Would the project:

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Generate greenhouse gas emissions, conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gas?*

TZC EIR Conclusions

- Long-term cumulative development pursuant to the Transit Zoning Code at full build-out would result in significant localized air quality impacts for operational level emissions. As a whole, this impact is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.13-1: Significant and Unavoidable and no feasible mitigation)
- Long-term cumulative development pursuant to the Transit Zoning Code at full build-out has the potential to conflict with AB 32. The Project as a whole is significant for operational emissions due to the size of the Transit Zoning Code (SD 84A and SD 84B) area. (Impact 4.13-2: Significant and Unavoidable and no feasible mitigation)

TZC EIR Mitigation Measures

MM4.13-1 All diesel fueled construction equipment shall be classified EPA Tier II or better emission efficiencies. (Impact 4.3-1)

MM4.13-2 All construction equipment shall be shut off when not in use and shall not idle for more than five minutes, unless actively engaged in construction activities.

MM4.13-3 Queuing of trucks on- and offsite shall be limited to periods when absolutely necessitated by grading or construction activities. (Impact 4.3-1)

MM4.13-3 Queuing of trucks on- and offsite shall be limited to periods when absolutely necessitated by grading or construction activities. (Impact 4.3-1)

MM4.13-4 All on-road construction trucks and other vehicles greater than 10,000 pounds shall be shut off when not in use and shall not idle for more than 5 minutes. (Impact 4.3-1)

MM4.13-5 To the extent feasible, all diesel- and gasoline-powered construction equipment shall be replaced with equivalent electric equipment.

MM4.13-6 Project plans and specifications shall include policies and procedures for the reuse and recycling of construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard). (Impact 4.3-1)

MM4.13-7 Project plans and specifications shall include education for construction workers about reducing waste and using available recycling services. (Impact 4.3-1)

MM4.13-8 Prior to issuance of a building permit, the applicant shall demonstrate that the design of the proposed buildings or structures meets or exceeds the most recent Title 24 requirements (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings; Cool Roof Coatings performance standards), subject to review by the City Building Official. Documentation of compliance with this measure shall be provided to the Planning and Building Agency and Building Official for review and approval prior to issuance of the permit. Installation of the identified design features or

equipment will be confirmed by the City Building Official prior to certificate of occupancy. The following design features should be considered by the applicant as a way to achieve Title 24 compliance in excess of the minimum requirement:

- Increase in insulation such that heat transfer and thermal bridging is minimized
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption
- Incorporate dual-paned or other energy efficient windows
- Incorporate energy efficient space heating and cooling equipment
- Incorporate energy efficient light fixtures
- Incorporate energy efficient appliances
- Incorporate energy efficient domestic hot water systems
- Incorporate solar panels into the electrical system
- Incorporate cool roofs/light-colored roofing

Or other measures that will increase the energy efficiency of building envelope in a manner that when combined with the other options listed above exceeds current Title 24 Standards (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended September 11, 2008; Cool Roof Coatings performance standards as amended September 11, 2006) by a minimum of 20 percent. (Impact 4.3-1)

MM4.13-9 Prior to issuance of a building permit, applicants for individual projects shall provide a landscape plan that includes shade trees around main buildings, particularly along southern elevations where practical, and will not interfere with loading dock locations or other operational constraints. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval. (Impact 4.3-1)

MM4.13-10 All showerheads, lavatory faucets, and sink faucets within the residential units, and where feasible within non-residential developments, shall comply with the California Energy Conservation flow rate standards. (Impact 4.3-1)

MM4.13-11 Low-flush toilets shall be installed within all Congregate Care units as specified in California State Health and Safety Code Section 17921.3.

MM4.13-12 Project designers should consider design features to incorporate light-colored roofing materials that will deflect heat away from the building and conserve energy. (Impact 4.3-1)

MM4.13-13 Landscape designers shall ensure that landscaping of common areas for Industrial/Commercial projects uses drought-tolerant and smog-tolerant trees, shrubs, and groundcover to ensure long-term viability and conserve water and energy. (Impact 4.3-1)

MM4.13-14 Landscape designers shall ensure that the landscape plan for Industrial/Commercial projects includes drought resistant trees, shrubs, and groundcover within the parking lot and perimeter. (Impact 4.3-1)

MM4.13-15 Individual project applicants shall ensure that designs for Industrial/Commercial projects include all illumination elements to have controls to allow selective use as an energy conservation measure. (Impact 4.3-1)

MM4.13-16 The applicant for Industrial/Commercial projects should promote ride sharing programs such as, but not necessarily including, publishing ride sharing information for all of

the tenants, designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a website or message board for coordinating rides. Prior to issuance of a building permit, the applicant shall demonstrate that measures have been included to provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience pursuant to SAMC Chapter 41 regarding bicycle parking standards and Chapter 16 of the Santa Ana Citywide Design Guidelines regarding Bikeway Support Facilities Guidelines. Documentation of compliance with this measure shall be provided to the City Building Official for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.3-1)

MM4.13-17 Prior to issuance of any certificate of occupancy, the applicant shall demonstrate that all Multi-family/Industrial/Commercial projects' interior building lighting supports the use of compact fluorescent light bulbs or equivalently efficient lighting to the satisfaction of the Building Official. (Impact 4.3-1)

MM4.13-18 Applicants for Multi-family/Industrial/Commercial projects shall consider providing preferential parking spaces for ultra-low emission vehicles and alternative fueled vehicles to encourage the use of alternative fuels and ultra-low emission vehicles. (Impact 4.3-1)

MM4.13-19 Prior to issuance of a building permit, the applicant shall demonstrate that the proposed Multi-family/ Industrial/Commercial uses building or structure designs incorporate exterior storage areas for recyclables and green waste and adequate recycling containers located in public/common areas pursuant to the adopted standards. Documentation of compliance with this measure shall be provided to the Planning and Building Agency for review and approval. Installation of the identified design features or equipment will be confirmed by the City Building Official prior to issuance of certificate of occupancy. (Impact 4.3-1)

MM4.13-20 All common area irrigation areas for Multi-family/Industrial/Commercial projects shall consider systems that are capable of being operated by a computerized irrigation system which includes an onsite weather station/ET gage capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain, and wind. In addition, the computerized irrigation system shall also consider the ability to be equipped with flow-sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks, and eliminating over-watering and flooding due to pipe and/or head breaks. (Impact 4.3-1)

MM4.13-21 Consideration of installation of solar roofs on homes and businesses to offset the increasing demand for energy and natural gas. (Impact 4.3-1)

MM4.13-22 Project applicants shall, where feasible, incorporate passive solar design features into the buildings, which may include roof overhangs or canopies that block summer shade, but that allow winter sun, from penetrating south facing windows. (Impact 4.3-1)

MM4.13-23 Use Energy Efficient Roofing Materials. All roofing materials used in commercial/retail buildings at the Mixed-Use Retail Development shall be Energy Star® certified. All roof products shall also be certified to meet American Society for Testing and Materials (ASTM) high emissivity requirements. (Impact 4.3-1)

MM4.13-24 All commercial/industrial projects shall, where feasible, include up to 10% renewable energy sources within the project. (Impact 4.3-1)

MM4.13-1 through MM4.13-24 would also apply to this impact. (Impact 4.3-2)

Project Analysis and Conclusion

The City determined that long-term development related to localized air quality impacts from operational emissions (Impact 4.13-1) and operational emissions due to the size of the TZC area with the potential to conflict with AB 32 (Impact 4.13-2) were found to be significant and unavoidable and that specific economic, social, or other considerations make infeasible additional mitigation. Specifically, no additional feasible mitigation measures exist that would avoid or substantially reduce these impacts.

Any future development within the TZC area requiring discretionary action would continue to be subject to a project-level CEQA review at the time an application is filed for an individual project. Mitigation measures MM 4.13-1 through MM4.13.24 would continue to apply.

The new regulations in Table 1 – Current and Proposed Text Regulations would provide that no land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere and that uses, activities, and processes shall not operate in a manner that emits dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. This will result in a beneficial impact to climate change/greenhouse gas emissions. Therefore, the existing significant and unavoidable global climate change impacts would not result in new or different impacts requiring the preparation of a subsequent or supplemental EIR.

5.14 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:

- a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*
- b. Does the project have potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?*
- c. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As detailed herein, on the basis of substantial evidence in the light of the whole record, a Subsequent or Supplemental EIR is not appropriate for the project because none of the criteria permitting such a document under State CEQA Guidelines section 15162 are met.

Project implementation does not include nor require implementation of specific development projects. The majority of the City is urbanized, with residential and nonresidential development, and mobility and public facilities all contributing to Santa Ana’s existing built environment.

The proposed text amendments to SAMC Sections 41-2001, 41-2001.5, 41-2002, 41-2004, 41-2005, 41-2006, 41-2008, 41-2009, and 41-2008 would merely update to clarify that the

regulations apply to existing uses, further limit some rehabilitation of existing buildings and structures, clarify the effects of amendments to the TZC, further limit certain existing operations to ensure greater compatibility between residential and non-residential land uses, and to establish regulations for operation of any existing, legally established, nonconforming industrial uses. Section 41-2001.5 is updated to encompass new SAMC Section 21-2009, which establishes regulations for operation of any existing, legally established, nonconforming industrial use. Section 41-2004 deletes the Overlay I-OZ zone from the text and map.

Implementation of these SAMC amendments would not require implementation of any specific developments or direct physical changes to the environment, and therefore would not be in conflict with the GPU and no intensification of land uses would result.

The City of Santa Ana, which includes the TZC area, is not within a NCCP/HCP area, and therefore would not conflict with an adopted NCCP/HCP plan. No direct or indirect substantial adverse effects on human beings would occur.

5.15 CONCLUSION

This project proposes amendments to the Transit Zoning Code (SD-84) by way of ZOA No. 2024-02 and AA No. 2024-03. These proposed amendments would modify the list of land uses and permit types including the deletion of industrial land uses; amend nonconforming regulations including the addition of an amortization process; amend and add operational standards for allowed uses and nonconforming uses; delete the Industrial Overlay (I-OZ) zone from text and maps; and delete the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 Zoning District boundary as designated on the City of Santa Ana Zoning Map. Refer to Section 3.0 – Description of the Proposed Project.

This project would not result in new or more severe environmental impacts than previously addressed in the TZC FEIR, nor has any new information regarding the potential for new or more severe significant environmental impacts have been identified because the project basically limits industrial uses and would not lead to the expansion or intensification of new, expanded or more intensive uses. Therefore, there will be no new or more severe impacts as the result of the implementation of this project, beyond the impacts that have already been analyzed in the TZC FEIR.

In taking action on any of the approvals, the decision-making body of the lead agency must consider the whole of the data presented in the TZC FEIR. As outlined in this Addendum analysis, all impacts of the project were fully examined in the TZC FEIR, and the proposed changes do not require substantial changes to the prior-certified EIR or previously adopted mitigation measures. Therefore, the preparation of an Addendum to the existing certified EIR is the appropriate CEQA document to support the City's consideration of the project, as outlined in CEQA Guidelines Sections 15162 and 15164.

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING ZONING ORDINANCE AMENDMENT NO. 2024-02, AMENDING CERTAIN SECTIONS OF CHAPTER 41 (ZONING) OF ARTICLE XIX OF THE SANTA ANA MUNICIPAL CODE RELATED TO THE REGULATIONS, OVERLAY DISTRICTS AND MAPS IN THE TRANSIT ZONING CODE/SPECIFIC DEVELOPMENT (SD) NO. 84 ZONING DISTRICT; MODIFYING THE AUTHORIZED LAND USES AND PERMIT TYPES; ESTABLISHING REVISED NONCONFORMING USE REGULATIONS, INCLUDING THE ADDITION OF AN AMORTIZATION/TERMINATION OF USE PROCESS AND ADDING OPERATIONAL STANDARDS FOR CERTAIN PERMITTED AND NONCONFORMING USES

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

Section 1. The City Council has, by separate action taken on March 18, 2025, adopted an Addendum to the Transit Zoning Code Environmental Impact Report (“EIR”) (State Clearinghouse No. 2006071100), which was certified on June 7, 2010, by the City Council (“Addendum”). The Addendum analyzed the environmental impacts of the actions taken in this Ordinance. Adopting the Addendum satisfied the City Council’s obligations under the California Environmental Quality Act (“CEQA”) regarding amendments to the Transit Zoning Code and none of the conditions in Public Resources Code section 21166 or State CEQA Guidelines 15162 apply. Thus, no further environmental review is required as adoption of this Ordinance falls within the scope of the adopted Addendum and previously certified EIR.

Section 2. The City Council of the City of Santa Ana hereby adopts the findings contained in the attached Exhibit “A” to this Ordinance as if fully set forth herein.

Section 3. Section 41-2001 (Application of Article) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2001. Application of Article

- (a) The Transit Zoning Code, as authorized by Chapter 41, Article III, Division 26, Section 41-593 et seq., of the Santa Ana Municipal Code (SAMC), is subject to the standards and regulations contained in this Article for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles, and sections of the SAMC and any other regulations adopted by the City Council shall apply unless expressly stated or superseded by this Article. All terms contained herein shall be defined by the SAMC, unless specifically defined in this Article.

(b) Proposed development, including the construction, reconstruction or structural alteration of a structure, subdivisions, and new and existing land uses, whether conforming or nonconforming, as defined in Section 41-126 of the SAMC, within the specific development area shall comply with all the applicable regulations established by this Article ~~article~~.

(c) The regulations contained in this Article shall also apply to:

1. A change in land use within an existing building; and
2. A change in tenancy within an existing building requiring issuance of a new Certificate of Occupancy."

Section 4. Section 41-2001.5 (Organization) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

"Sec. 41-2001.5 Organization

(a) Regulating Plan and Zones Established: Sections 41-2006 through ~~2008~~ 2009 of this Article defines the zones within the Specific Development (SD) boundaries of SD-84, the parcels included within each zone, and describes, zone by zone, the standards for building placement, design, and use consistent with the permitted uses identified in Table 2A.

(b) Use Standards: Table 2A identifies the land use types allowed by the City in each of the zones established by the Regulating Plan. A parcel within ~~the Specific Development (SD-84)~~ boundaries shall be occupied only by land uses identified as allowed within the applicable zone and the type of City approval required by Table 2A.

(c) Urban Standards by Zone: Sections 41-2010 through 2015 of this Article regulates the features of buildings that affect the public realm. The urban standards regulate building and parking placement, height, and profile, and vary according to the parcel's zone applied by the Regulating Plan. Standards for items not explicitly described in this section, including but not limited to, walls and fences, mechanical equipment, trash bin enclosures, heliport and helipad, underground utility, installation of dish antennas, loading areas, parking lot design standards, refer to other Sections of Chapter 41 of the Santa Ana Municipal Code SAMC and the Citywide Design Guidelines.

(d) Architectural Standards: Sections 41-2020 through 2039 regulates the manner in which individual parcels and blocks are developed to create diverse and pedestrian-oriented development, through the use of three main components:

- (1) Sections 41-2020 through 2032 building types (e.g., duplex, rowhouse, courtyard housing)

- (2) Sections 41-2033 through 2039 frontage types (e.g., front yard/porch, stoop, arcade, shopfront)
- (3) Section 41-2040 (Table 4.3A) architectural styles (e.g., Main Street Commercial, Mission Revival, Art Deco, Folk Victorian, Craftsman, California Contemporary).
- (e) Sign Standards: Section 41-2050 regulates all signage within the SD boundaries to be consistent with the character described for each zone.
- (f) Subdivision Guidelines: Establishes guidelines for the creation and maintenance of a finely grained and walkable network of blocks punctuated by integral and varied open spaces.
- (g) Street Network Concepts: identifies conceptual location and guidelines for the street network. This section provides guidelines for the rights-of-way alignment, and width in plan and section with the corresponding details.
- (h) Definitions: Sections 41-2080 identifies and defines the terms used in this Code.”

Section 5. Section 41-2002 (Nonconforming Buildings, Structures and Uses) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2002. Nonconforming Buildings, Structures and Uses

- (a) A nonconforming building, structure or use shall comply with Article VI of this Chapter, except as provided below ~~modified as follows~~:
 - (1) A building or structure that does not conform to the architectural style or story height requirements ~~at the time of the adoption~~ of this Article shall not cause the structure to be non-conforming.
 - (2) A nonconforming building, structure or use shall not be required to conform to current zoning regulations based solely upon a change in ownership of the property, except as otherwise provided in this Article.
 - (3) A sale, lease or other transfer of a property containing a nonconforming building, structure or use does not trigger the loss of nonconforming status, except as otherwise provided in this Article.
 - (24) Sections 41-681.1 through 41-681.4 and 41-683.6 of Article VI of this Chapter shall not apply to this buildings, structures and uses addressed within this Article or building, structures, and uses within SD-84, nor to existing accessory dwelling units (ADUs) permitted by the City of Santa Ana before the amendment to this Article.

(35) 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 made as follows:

a. Rehabilitation, limited to structural or non-structural alterations without any building expansion and without any intensification of a nonconforming use, is permitted if:

1. The operational standards contained in sections 41-2008 and 41-2009, as applicable, of this Article are met.

4. 2. All signage on the structure and the site on which it is located is brought into conformity with the signage requirements of this Chapter, as approved by the Executive Director of the Planning and Building Agency, or designee.

2. 3. All outdoor storage is screened by a solid screen wall not to exceed eight (8) feet in height. Outdoor storage shall not exceed the height of the screen wall.

3. 4. There shall be no increase in the number of dwelling units unless the site on which the structure is located complies with the off-street parking and open space requirements of this Chapter.

4. 5. Architectural massing, features and detailing shall be modified to bring the structure into closer compliance with the architectural standards of this Article code, as approved deemed appropriate by the Executive Director of the Planning and Building Agency, or their designee.

b. Rehabilitation may include expansion of floor area without intensification of the nonconforming use when the total floor area of all ~~expansions occurring in any five-year period~~ does not exceed ten (10) percent of the floor area as it legally existed as permitted and constructed as of April 15, 2025 at the beginning of the five-year period, provided that the following standards conditions are met:

1. The existing use is not a nonconforming industrial use. Nonconforming industrial uses may not be expanded.

2. The operational standards contained in Section 41-2008 are met.

4. 3. All signage on the structure and the site on which it is located shall be brought into conformity with the requirements of this chapter Chapter as approved by the Executive Director of the Planning and Building Agency, or designee.

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

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

- a. Structural alterations and additions may be made where the total floor area of all such expansions occurring in a five-year period does not exceed forty (40) percent of the floor space of the building as it existed at the beginning of that five-year period, provided the number of dwelling units is not increased; and no new non-conformances with the requirements of this ~~code~~ Chapter are created.
- b. Structural alterations and additions which exceed forty (40) percent of the total floor area as it existed at the beginning of a five-year period; or remodeling which involves the demolition of more than fifty (50) percent of the building shall be permitted; provided that the following conditions are met:
 1. Off-street parking shall be provided in conformance with the requirements of this Chapter.
 2. No new nonconformities with the requirements of this Chapter are created.

3. A minimum of eight hundred (800) square feet of usable, continuous, non-front yard open-space, excluding driveways and parking areas is provided. Any open space with a minimum dimension of fifteen (15) feet by fifteen (15) feet shall be deemed continuous open space.
 - c. Where rehabilitation of a building involves more than fifty (50) percent of a building wall which encroaches into a front or side yard setback and is demolished or is structurally altered, the remainder of the building wall shall be demolished. Any subsequent building wall shall conform to all provisions of this Chapter.
 - d. An existing two-car garage with a minimum dimension of eighteen (18) feet by eighteen (18) feet exterior dimension shall be considered conforming.
 - e. Remodeling 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, as determined by the Executive Director of the Planning and Building Agency, or designee.
 - f. No provision contained in this Article shall be interpreted or implemented in a manner inconsistent with State law addressing accessory dwelling units, as contained in Government Code Section 66310, et. seq., as amended from time to time.
- (5) Discontinuance of Nonconforming Uses, Generally. Nonconforming uses shall be discontinued pursuant to Sec. 41-683 (Discontinuance of nonconforming building or use) of this Chapter, regardless of intent, except as provided below:
- a. Discontinuance of Noxious Use.
 1. If a nonconforming industrial use that meets the definition of a Noxious Uses as defined in this Article requires a new certificate of occupancy for any reason other than a change in business name with no change in owner of the business, legal nonconforming status shall be lost and any subsequent use must conform in every respect to the provisions of this Article.
 2. If a nonconforming industrial use that meets the definition of a Noxious Use as defined in this Article is in violation of any applicable Federal, State, or local regulation, as provided below, legal nonconforming status shall be lost and any subsequent use of the building shall conform in every respect to the provisions of this Chapter:
 - A. The violation lasts a period of thirty (30) consecutive days; or
 - B. The violation(s) are observed and documented for a total period of sixty (60) days in a one-year period; or

- C. Three noncompliant notices from a Federal, State, or local regulatory agency relating to or arising from the nonconforming use are sent in a one-year period.

3. For the purpose of this subsection 5(a)(2):

- A. The thirty (30) consecutive day time period shall be measured from the date of the first observed and documented violation.
- B. A one-year period shall be the twelve (12) consecutive months of time preceding the sixtieth (60th) day of total violations; or the twelve (12) consecutive months of time preceding the issuance of the third (3rd) noncompliant notice.
- C. Local regulations mean the SAMC, including, but not limited to, the operational standards contained in Section 41-2009 of this Article.
- D. A local regulatory agency includes the City, County of Orange, special districts, or any other local government agency charged with regulating noxious uses.
- E. Noncompliant notices may include, but are not limited to, Notice to Comply and Notice of Violation as issued by the South Coast Air Quality Management District (SCAQMD), Department of Toxic Substances Control (DTSC), California Environmental Protection Agency (CalEPA), Certified Unified Program Agency (CUPA), and Santa Ana Regional Water Quality Control Board (SARWQB).

(6) Elimination of Nonconforming Uses and Structures.

a. Elimination of Nonconforming Uses and Structures, Generally.

- 1. The City Council has determined that elimination of nonconforming uses and structures by amortization may be considered based upon one or more of the following factors:
 - A. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use or structure;
 - B. Adaptability of the land and improvements to a currently permitted use;
 - C. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

- D. Excessive calls for service to applicable response agencies related to the operation of the nonconforming use; and
 - E. Failures to remedy notices of violation, administrative warnings, or other notices of noncompliance issued by a Federal, State, or local agency, including the City.
- 2. The Executive Director of the Planning and Building Agency, or designee, in conjunction with other City Departments and Agencies, may establish, and periodically update, a list or data resource that identifies categories of nonconforming uses or structures with specific metrics and operational characteristics, to develop a ranking system for use in the consideration of eliminating nonconforming uses or structures through amortization.
- 3. The determination of an appropriate amortization period for termination of a nonconforming use pursuant to this Article shall be made by a Hearing Officer retained by the City and who has professional legal and land use experience to address amortization. The Hearing Officer shall order nonconforming uses and structures to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Subsection b (Establishment of Amortization Periods), and consider the following:
 - A. If the nonconforming user has not made a substantial investment in furtherance of the use or structure, or if the investment can be substantially utilized or recovered through a currently permitted use, the order may require a nonconforming use or structure to be discontinued and removed from their site within a minimum of one year after the date of the order.
 - B. If the nonconforming user has made a substantial investment in furtherance of the use or structure, or if the investment cannot be substantially utilized or recovered through a currently permitted use, the order may require the discontinuation and removal of the nonconforming use or structure within a longer reasonable amount of time.
 - C. Nonconforming uses or structures that are determined to be an imminent threat to the public health or safety may be subject to immediate cessation and removal, pursuant to Chapter 1 (General Provisions) of the SAMC.
- 4. Nonconforming uses and structures may also, upon order from the City or a court order, be subject to immediate cessation and removal of the nonconforming use or structure.
- b. Establishment of Amortization Periods. Where a period during which a nonconforming use or structure is to be discontinued and removed from a

site or sites is required pursuant to this Article, such period shall be established as follows:

1. The Executive Director of the Planning and Building Agency, or designee, shall submit the nonconforming use or structure and a recommended amortization period, based on subsection 4. herein, to a Hearing Officer pursuant to Chapter 3 of the SAMC for review;
2. The Hearing Officer shall hold a noticed hearing to consider the recommended amortization period. Notice of the hearing shall be provided to the owner or operator of the nonconforming use or structure and the property owner at least ten (10) days prior to the hearing. Additional notice may also be provided to surrounding property owners and/or tenants, at the discretion of the Executive Director of the Planning and Building Agency, or designee.
3. The Hearing Officer shall consider the recommendations submitted by the Executive Director of the Planning and Building Agency, the General Plan of the City, and any testimony or evidence provided during the hearing, in order to determine the amortization schedule for elimination of the nonconforming use or structure.
4. The Hearing Officer shall establish a maximum amortization period during which the nonconforming use or structure shall be permitted to continue after considering the following in relation to the use or structure:
 - A. The amount of investment or original cost of the use or structure;
 - B. The present actual or depreciated value of the use or structure;
 - C. The remaining useful life of the use or structure;
 - D. The remaining term of the lease (if applicable);
 - E. The date or dates of construction;
 - F. Amortization of the business or structure for tax purposes;
 - G. The salvage value;
 - H. Adaptability of the land and improvements to a currently permitted use;
 - I. Cost of moving and reestablishing the use elsewhere;
 - J. Compatibility with the existing land use patterns and densities of the surrounding neighborhood;

- K. The threat to the public health, safety, and welfare posed by the continuance of the nonconforming use or structure;
- L. Calls for service to applicable response agencies;
- M. Notices of violation, administrative warnings, or other notices of noncompliance arising from or related to the nonconforming use issued by a Federal, State, or local agency, including the City; and
- N. Other factors as appropriate.

c. Hearing Officer Determination and Compliance. The determination of the Hearing Officer shall be made in writing and shall be final.

1. Notice of Amortization and Termination of Use. The Executive Director of the Planning and Building Agency, or designee, shall give notice by certified mail of the date upon which an amortization period will end to each owner of record whose property, or use of property, is not in conformance with the regulations of this Article, in those instances where an amortization period has been determined pursuant to this Article. Such notice shall be sent within ten (10) days of the termination of any appeal period. If the amortization period ends before or less than six (6) months after providing such notice, the notice shall be given that the amortization period in each instance shall be not less than six (6) months from the date the notice is sent. The notice shall set forth all pertinent provisions of this Article, including the declared purposes thereof and the approved amortization term. Failure to send notice by mail to any such owner where the address of such owner is not a matter of public record shall not invalidate any proceedings under this Article. The Executive Director of the Planning and Building Agency, or designee, shall be authorized record a Notice of Amortization Term & Termination of Use with the County Recorder, as provided for in California Government Code Section 27201(a).
2. Notice of Termination and Order to Comply and Conclusion of Amortization Period. Notice of Termination of a nonconforming use and order to comply shall be served by the Executive Director of the Planning and Building Agency, or designee, at the end of the amortization period upon the owner of record whose property contains such nonconforming use. In those instances, where the Executive Director of the Planning and Building Agency, or designee, is unable with reasonable effort to serve such notice to the property owner, such notice and order shall be served within thirty (30) days of the end of the amortization period by delivering same to an occupant of the structure containing the nonconforming use.

3. Request for a Continuance of Nonconformities Beyond Period of Amortization Period. A request for a continuance of nonconformities beyond the period of amortization may be granted as follows:
- a. Grounds for Continuance. A nonconforming use or structure may be maintained for a reasonable time beyond its period of amortization as specified in this Article if the Executive Director of the Planning and Building Agency, or designee, makes the following determinations:
 - i. Special Circumstances. That special circumstances apply to any such use or structure that do not apply generally to others affected hereby; and
 - ii. Compatibility with Public Welfare. That such a continuance for a prescribed period of additional time is in the public interest and will be reasonably compatible with, and not detrimental to, the use of adjacent properties.
 - b. Application Process for Continuance. Any application for a continuance of a nonconforming use or structure must be filed with the Planning Division no later than thirty (30) days following the service of a Notice of Termination and Order to comply, or within thirty (30) days following the continued termination date. An application for a continuance may be filed by the owner of the property, a person with a power of attorney from the owner of the property, or a lessee, if the terms of the lease permit the existing use. Fees shall be required in accordance with this Code.
 - c. Determination by Executive Director of the Planning and Building Agency, or designee. Upon filing of a complete application, the Executive Director of the Planning and Building Agency, or designee, shall investigate the matter, give proper notice to the applicant, hold an administrative hearing and make a decision thereon based on the criteria set out in this Section and supported by written findings of fact within seventy-five (75) days from the date the application is filed, or within such extended period of time as may be mutually agreed upon by the applicant and the Executive Director of the Planning and Building Agency, or designee. The Executive Director of the Planning and Building Agency, or designee, may impose such conditions, including additional time extensions not to exceed two (2) additional years, as may

be deemed necessary for the compatibility of such nonconformity with adjacent properties.

- d. Appeals. Appeals shall be filed in accordance with Chapter 3 of the Santa Ana Municipal Code.
- 4. Failure to Comply with Hearing Officer's Determination. Failure to comply with the Hearing Officer's determination to discontinue a nonconforming use or structure shall constitute a violation of this Chapter and is subject to fines and enforcement provisions of Sec. 1-8 of the SAMC.
- 5. Failure to Terminate Use at Conclusion of Amortization Period. The failure to terminate a nonconforming use at the conclusion of an approved amortization period shall be deemed a public nuisance in accordance with California Government Code, Section 38771. The City is hereby authorized to abate the nuisance in accordance with Chapter 17 of this Code or may pursue any alternative remedy to abate the use authorized by this Code or State law.
- d. Additional Administrative Policies and Procedures. The Executive Director of the Planning and Building Agency, or designee, may enact and shall publish any additional administrative policies and procedures to effectuate the purposes of this Chapter, including, but not limited to, administrative policies and procedures to govern the selection of a neutral hearing officer and the conduct of hearings for the Establishment of Amortization Periods in order to implement the provisions of this Article.
- (7) Abatement. The provisions of this Section are in addition to authority existing under State law to declare and abate a public nuisance pursuant to California law and other applicable provisions of the SAMC. In the event that a legal nonconforming structure or use is found to constitute a public nuisance, appropriate and alternative action may be taken by the City pursuant to Chapter 1 (General Provisions) of the SAMC and Article VIII (Enforcement) of this Chapter).
- (8) Exception. The provisions of this section shall not apply to multifamily dwellings damaged or destroyed by fire in accordance with Government Code Section 65852.2.
- (9) Voluntary Compliance Agreement. The Executive Director of the Planning and Building Agency, or designee, is hereby authorized to enter into a Voluntary Compliance Agreement with a business owner or property owner in order to establish terms for compliance with the provisions of this Article."

Section 6. Section 41-2004 (The Industrial Overlay I-OZ) Zone) of Chapter 41 of the SAMC is hereby amended to read as follows:

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

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

Section 7. Section 41-2005 (Application for Discretionary Approvals) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

~~“Sec. 41-2005. Application for Discretionary Approvals~~

- ~~(a) Site Plan Review shall mean specific development plan and shall comply with Sections 41-593.4 through 41-593.6. Sections 41-593.4 through 41-593.6 shall only apply to structures over four (4) stories in height.~~
- ~~(b) Conditional use permits, variances and minor exceptions. Conditional use permits, variances and minor exceptions shall be subject to Article V of this Chapter, except for the permit thresholds for minor exceptions shall be as identified in Table 1B of this Article.~~
- ~~(c) Effect of amendments to this Article on applications in progress shall apply as follows:~~
 - ~~(1) Discretionary Applications Submitted and Determined Complete. All discretionary permit applications that are active and that have been determined to be complete before the effective date of the Article or any amendment, shall be processed in compliance with the requirements in effect when the application was deemed complete, and pursuant to all requirements of Sections 41-2008 and 41-2009.~~
 - ~~(2) Approved Projects Not Yet Under Construction. Any structure authorized by a discretionary permit or approval of a land use as allowed by this Article for which a Building Permit application has been submitted or a Building Permit~~

has been issued may be constructed in compliance with the permit or approval, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension.

- (3) Project Under Construction. A project for which a Building Permit has been issued may be continued and completed in compliance with the plans and specifications upon which the permit was issued.”

Section 8. Section 41-2006 (Zones Established) of Chapter 41 of the Santa Ana Municipal Code is hereby amended, including the replacement of Figure 2.1, to read as follows:

“Sec. 41-2006. Zones Established

- (a) Purpose. This section establishes the zones applied to property within the plan area by the Regulating Plan. The Regulating Plan divides the plan area into separate zones that are based on a transect of intensity within the plan area that ranges from the most urban types of development and land use to the least urban types, with most zones providing for a significant mixture of land uses within them.

This approach differs from conventional zoning maps that typically divide cities into zones that rigidly segregate residential, commercial, industrial, and institutional uses into separate areas, and thereby require residents to drive for nearly all daily activities. The use of zones based on development intensity (instead of land use zones) as the spatial basis for regulating development, directly reflects the functions of, and interrelationships between, each part of the plan area. The zones also effectively implement the City’s urban design objectives for each part of the plan area, to establish and maintain attractive distinctions between each zone. This is why some parcels are zoned with more than one zone. In such cases, the zoning is divided along a clear boundary such as the middle of a block.

The zones of this Regulating Plan allocate architectural types, frontage types, and land uses within the plan area, as well as providing detailed standards for building placement, height and profile. ~~The diagram to the right~~ Figure 2.1 identifies the eight (8) ~~9~~ zones applied within the plan area as they relate to existing rights-of-way and parcels.

- (b) Zones established. The following zones are applicable to this specific plan, and applied to property within the boundary as shown on the Regulating Plan.

- (1) Transit Village (TV) Zone.

The Transit Village zone is intended to provide standards for compact transit-supportive mixed-use/residential development. This zone is characterized by a wide range of building intensity, including mixed-use tower-on-podium buildings, flex blocks, liners, stacked flats, and courtyard housing. The zone accommodates retail, restaurant, entertainment, and other pedestrian-oriented uses at street level, with offices and flats above in the mixed-use building types, at high intensities and densities. The landscape palette is urban, with shading

and accent street trees in parkway strips along Santa Ana Boulevard, and in sidewalk tree wells where on-street parking is provided. Parking is accommodated on-street, in structures with liner buildings, and underground.

(2) Government Center (GC) Zone.

This area accommodates a wide variety of civic uses, including Federal, State, and local government offices and services, libraries, museums, community centers, and other civic assembly facilities and is identified, but not regulated, by this Article. Refer to City requirements as identified in SAMC Chapter 41. Building types vary according to their public purpose, are programmed by the various government agencies for their specific sites, and therefore are not coded by this Article ~~the Transit Zoning Code (SD84A and SD84B)~~. The landscape style is urban, emphasizing shading street trees in sidewalk tree wells, and in landscaped public plazas.

(3) Downtown (DT) Zone.

This zone is applied to the historical shopping district of Santa Ana, a vital, pedestrian-oriented area that is defined by multi-story urban building types (flex blocks, live-work, stacked dwellings, and courtyard housing in the Downtown edges) accommodating a mixture of retail, office, light service, and residential uses. The standards of this zone are intended to reinforce the form and character represented by pre-World War II buildings and recognized as a National Historic District, through restoration, rehabilitation, and context-sensitive infill. The standards also facilitate the replacement or improvement of post-war development that eliminated the pedestrian orientation of various downtown blocks (for example, parking structures with no features of pedestrian interest along their entire lengths). The landscape style is urban, emphasizing shading and accent street trees in sidewalk tree wells. Parking is accommodated on-street and may also be in structures with liner buildings, underground, and within block centers in surface lots not visible from streets.

(4) Urban Center (UC) Zone.

This zone is applied to the area surrounding the Downtown, which serves as a transitional area to the surrounding lower intensity neighborhoods and to other areas where mixed-use and multi-unit residential buildings create a pedestrian-oriented urban fabric. The zone provides for a variety of non-residential uses and a mix of housing types at medium intensities and densities. Besides accommodating community serving businesses, this zone may also serve the daily convenience shopping and service needs of nearby residents. Building types include mixed-use Flex Blocks, stacked flats, live-work, row- houses, and courtyard housing. The landscape is urban, emphasizing shading street trees in sidewalk tree wells. Parking is accommodated on-street and may also be in structures with liner buildings and underground in areas adjacent to the DT zone, and in surface lots away from street frontages.

(5) Corridor (CDR) Zone.

This zone is applied to properties fronting existing commercial corridors and provides standards to improve pedestrian-orientation in a transit-supportive, mixed-use area. Mixed-use flex block and live-work building types are at or

near the sidewalk, and accommodate street level retail, service, and office uses, with office and residential above. The landscape style is urban, emphasizing shading street trees in sidewalk tree wells. Parking is accommodated on-street, and in screened surface lots between buildings, or away from streets, with no more than half the site frontage occupied by parking.

(6) Urban Neighborhood 2 (UN-2) Zone.

This zone is applied to primarily residential areas intended to accommodate a variety of housing types, with some opportunities for live-work, neighborhood-serving retail, and cafes. Appropriate building types include single dwellings, duplexes, triplexes and quadplexes, courtyard housing, rowhouses, and live-work. In some areas, the more intense, hybrid court building type is allowed where additional intensity is warranted while maintaining compatibility with neighboring properties (see Regulating Plan). The landscape is appropriate to a neighborhood, with shading street trees in parkway strips, and shallow- depth landscaped front yards separating buildings from sidewalks. Parking is on-street, and in garages located away from street frontages.

(7) Urban Neighborhood 1 (UN-1) Zone.

This zone is applied to existing primarily residential areas and is intended to strengthen and stabilize the low intensity nature of these neighborhoods. Appropriate building types include single dwellings, duplexes, triplexes, and quadplexes, and live-work. The landscape is appropriate to a neighborhood, with shading street trees in parkway strips and landscaped front yards separating buildings from sidewalks. Parking is on-street, and in garages located away from street frontages.

~~(8) Industrial Overlay (I-OZ) Zone.~~

~~The I-OZ is applied to areas currently zoned M1 or M2, and occupied with an industrial use, to allow the types of land use activity and development permitted by existing M1 and M2 zoning to continue until such time that the owner chooses to apply the new zones identified in Figure 2.1. In order to determine if the M1 or M2 land use activity and development apply to a particular parcel, the I-OZ is further identified as I-OZ-M1 or I-OZ-M2. Until the property owner applies to modify the zoning district, property in the I-OZ shall be regulated by the provisions of the M1 and M2 zones (SAMC 41, Article III, Divisions 18 and 19), as applicable.~~

~~(8) (9) Open Space (O) Zone.~~

~~This zone identifies areas reserved for community parks and other open spaces and is identified, but not regulated, by this Article. Refer to City requirements as identified in SAMC Chapter 41. Allowable structures in this zone are limited to those necessary to support the specific purposes of the particular open space area (e.g., sport-court enclosures and multi-purpose buildings in active parks, and trails within passive parks)."~~

~~Figure 2.1 Regulating Plan with Existing R.O.W.~~

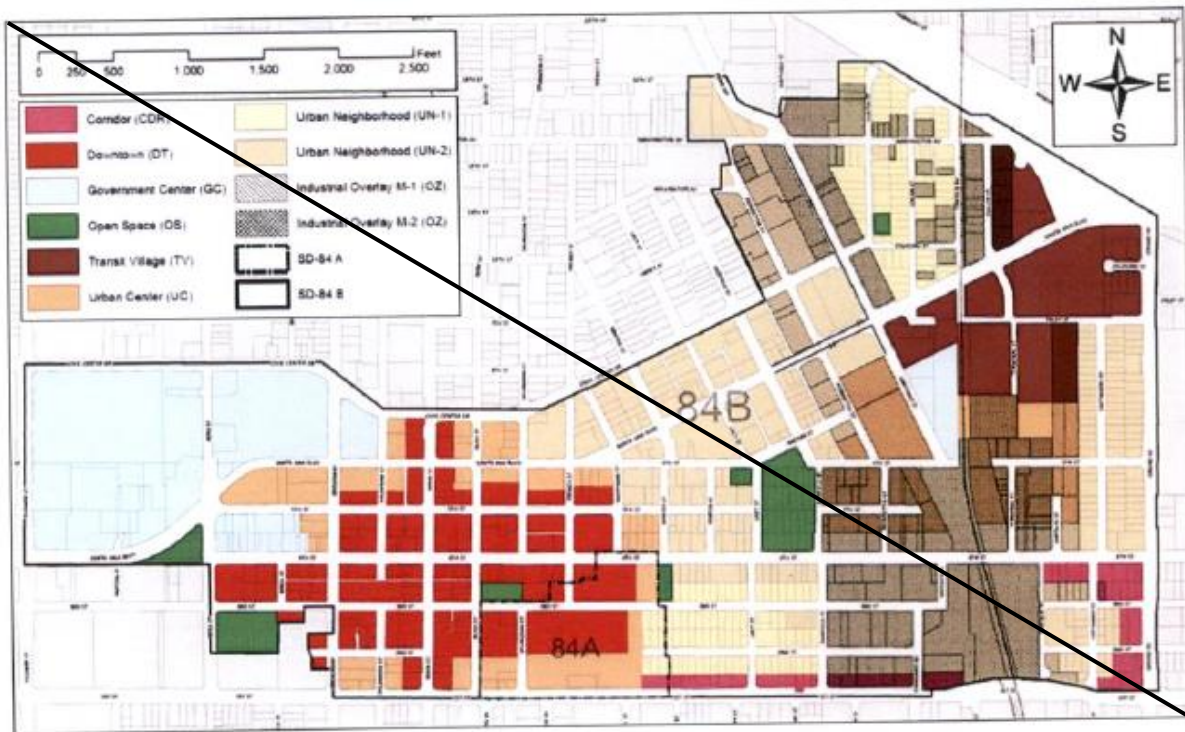
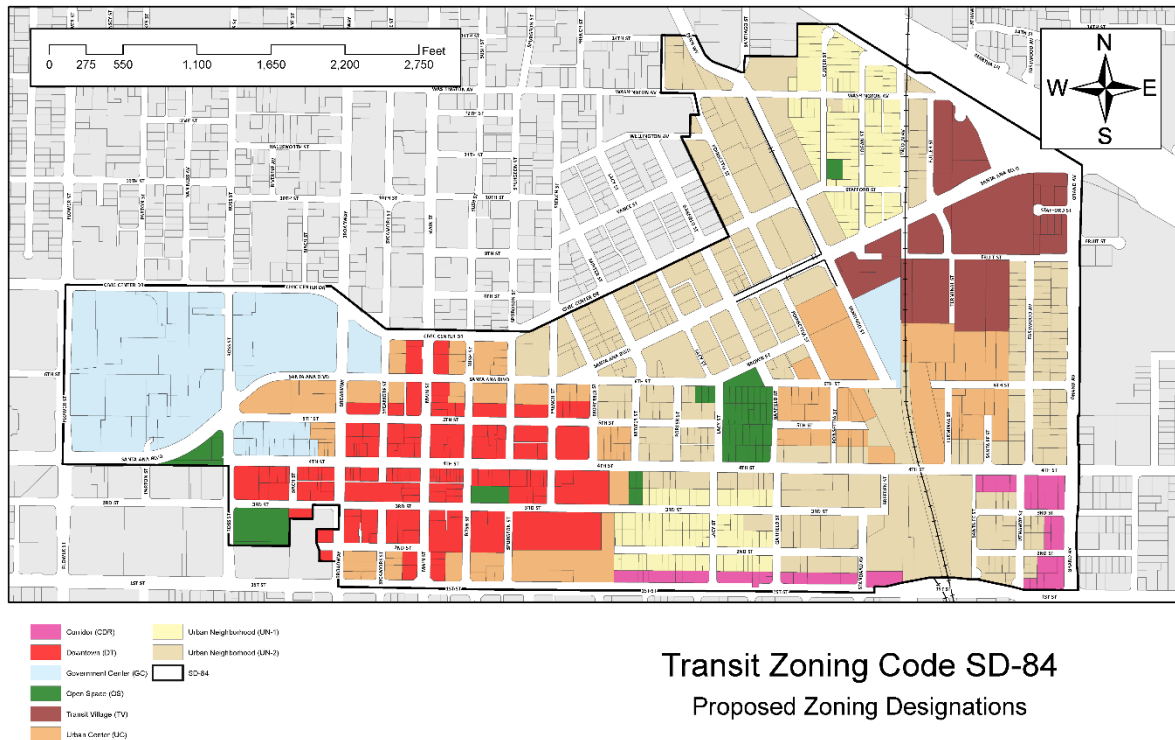


Figure 2.1 Regulating Plan with Existing R.O.W.



Section 9. Section 41-2007 (Uses Permitted) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2007. Uses Permitted.

(a) Allowable Land Use Types. A parcel or building within the Specific Development SD-84 area shall be occupied by only the land uses allowed by the table entitled Use Standards (hereinafter Use Standards Table) within the zone applied to the site by the Regulating Plan.

(b) No building shall be erected, constructed, reconstructed or structurally altered except in conformance with the provisions contained herein; nor shall any building or land be used for any purpose other than that which is permitted in the district or modified district in which such building or land is located. All uses, as defined in this Article, not expressly permitted in any district enumerated in Table 2A, are prohibited.

~~(b)~~ (c) Garage sales are allowed in compliance with Section 41-193.

~~(e)~~ (d) Temporary outdoor activities are allowed in compliance with Section 41-195.5.

~~(d)~~ (e) Youth amusement rides are permitted in compliance with Section 41-366 for C1 districts.

(e) (f) Drive-through facilities shall not be permitted.

(g) The conversion of existing structures containing residential land uses to non-residential land uses is prohibited in the UN-1 and UN-2 zones.

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RESIDENTIAL						
Live-Work Use / Joint living-working quarters	P (2)	P (2)	P (2)	P (2)	CUP	CUP
Care Homes	CUP	CUP	CUP	CUP	CUP	CUP
Single Dwelling	---	---	---	---	P	P
Multi-Family Dwellings	P (1)	P (1)	P (1)	P (1)	P	P

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RECREATION, EDUCATION AND ASSEMBLY						
Community assembly	P (1)	P (1)	P (1)	P	CUP	CUP
Health/fitness facility	P	P	P	P	CUP	---
Library, museum	P	P	P	P	P	CUP
Schools	P (1)	P (1)	P (1)	P	CUP	CUP
Studio	P	P	P	P	CUP	CUP
<u>Trade School</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>P (1)</u>	<u>CUP</u>	<u>---</u>
Theater, cinema or performing arts	P	P	P	P	<u>CUP</u>	---
Commercial Recreation (Indoor) <u>up to 5,000 square feet maximum floor area per tenant</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	<u>CUP</u> <u>P</u>	---	---	---
<u>Commercial Recreation (Indoor) > 5,000 square feet floor area per tenant</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
RETAIL						
General retail, except with any of the following features	P	P	P	P	P (2)	---
• Floor area over 20,000 per tenant	CUP	CUP	P	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
<u>Artisan/craft product – limited on-site production</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---	<u>CUP</u>	---
Eating establishments	P	P	P	P	P (2)	---
Auto or motor vehicle service	---	---	<u>P</u>	<u>P</u>	---	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
SERVICE GENERAL						
Banquet facility/catering-sub. to 41.199.1(a) through (d)	CUP	CUP	CUP	CUP (1)	<u>CUP</u>	---
Child day <u>Day</u> care center	P (3)	P (3)	P	P	CUP	CUP
Adult day care center-subject to 41.199.2 of the SAMC	P (3)	P (3)	P	P	P	---
Hotel, excludes transient residential hotel and long-term stay	P	P	P	P	---	---
Mortuaries, funeral homes	---	---	<u>CUP</u>	<u>P</u>	---	---
Personal services	P	P	P	P	P (2)	P (2)
Personal services - restricted	---	---	CUP	CUP	CUP	---
<u>Pet day care facility</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	---
Tattoo/Body Art Establishments - subject to 41.199.3 of the SAMC	P	P	P	P	---	---
<u>Craft and specialized automotive restoration service</u>	---	<u>P</u>	<u>P</u>	<u>P</u>	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
<u>SERVICES-BUSINESS-FINANCIAL-PROFESSIONAL-TECHNOLOGY</u>						
Bank, financial services	P	P	P	P	---	---
Business support service	P	P	P	P	P (2)	P (2)

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
Clinic, urgent care	---	---	CUP	P	---	---
Doctor, dentist, chiropractor, etc., office	P (1)	P (1)	P (1)	P	---	---
Extended Care	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	CUP	---
<u>Laboratory – medical – analytical</u>	---	<u>P (1)</u>	<u>P (1)</u>	<u>P</u>	---	---
					<u>CUP</u>	
<u>Media production – office or storefront type (no soundstage)</u>	<u>P</u>	<u>P</u>	<u>P (1)</u>	---	<u>P</u>	---
Professional / administrative/service office	P (1)	P (1)	P (1)	P	P (2)	P (2)
<u>Research and development</u>	<u>P (3)</u>	---	<u>P (3)</u>	---	<u>CUP</u>	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
SMALL SCALE INDUSTRY						
Artisan/craft product manufacturing	CUP	CUP	CUP	---	CUP	---
Furniture and fixture manufacturing, cabinet shop	P (3)	---	P (3)	---	---	---
Laboratory – medical – analytical	---	P (1)	P (1)	P	---	---
Manufacturing – light	P (3)	---	P (3)	---	CUP	---
Media production – office or storefront type (no sound stage)	P	P	P (1)	---	---	---
Printing and publishing	---	P (1)	P	---	---	---
Research and development	P (3)	---	P (3)	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
TRANSPORTATION, COMMUNICATION, INFRASTRUCTURE						
Helistops	CUP	CUP	---	---	---	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
Parking facility - public or commercial, <u>inclusive of ancillary recharging spaces for electric vehicles</u>	P	P	P	P	---	---
Transit station or terminal	CUP	---	---	CUP	---	---
Public utility structure, excluding wireless communication facilities	---	---	---	---	CUP	---

Table 2A – Use Standards						
Land Use Type	Permit Required by Zone					
	TV	DT	UC	CDR	UN-2	UN-1
MISCELLANEOUS						
Any structure over four (4) stories in height	SPR	SPR	SPR	SPR	SPR	---
Businesses operating between 12 and 7 am	CUP	CUP	CUP	CUP	CUP	CUP
Alcoholic beverage sales or consumption	CUP	CUP	CUP	CUP	CUP	---
<u>Expansion of existing, legally established self-storage facility</u>	---	---	---	---	<u>CUP</u>	---
<u>Drive-thru facility</u>	---	---	---	---	---	---

Key

- (1) Use permitted only on second or upper floors, or behind retail or service ground floor use.
- (2) Permitted only as part of a vertical mixed use project, with upper floor residential
- (3) Permitted only as part of a mixed use project with a commercial or residential component

P use is permitted subject to compliance with all applicable provisions the Santa Ana Municipal Code

LUC use is permitted subject to the approval of a Land Use Certificate.

CUP use is permitted subject to the approval of a Conditional Use Permit.

SPR use is permitted subject to the approval of Site Plan Review.

--- use not permitted in particular zones.

Section 10. Section 41-2008 (Operational Standards) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2008. Operational Standards

- (a) All property shall be maintained in a safe, sanitary and attractive condition including, but not limited to, structures, landscaping, parking areas, walkways, and trash enclosures.
- (b) All business activities shall be conducted and located within an enclosed building, except as allowed by Section 41-195 of the SAMC and except that the following business activities may be conducted outside of an enclosed building:
 - (1) Newsstands
 - (2) Flower Stands
- (c) There shall be no manufacturing, processing, compounding, assembling or treatment of any material or product, ~~other than that which is clearly incidental to a particular retail and service general enterprise, and where such goods are sold on the premises.~~
- (d) There shall be no work inside of a structure that generates noise that exceeds 60 dB CNEL measured at the exterior wall of the individual tenant unit of a structure.
- (e) Storage of goods and supplies shall be limited to those sold at retail on the premises or utilized in the course of business.
- (f) Public utility structures, including electric distribution and transmission substations shall be screened by a solid wall at least eight (8) feet high, except as restricted by Sections 36-45, 36-46, and 36-47.
- (g) Any activity permitted shall be conducted in such a manner as not to have a detrimental effect on permitted adjacent uses by reason of refuse matter, noise, light, or vibration.
- (h) ~~Small scale industry~~ Artisan/craft product - limited on site production and research and development land uses shall require a solid wall or fence not less than eight (8) feet in height along any rear or side lot line.
- (i) All business activities, including, but not limited to, compounding, processing, packaging or assembly of articles of merchandise and treatment of products shall be conducted within a completely enclosed building. No ancillary vehicle maintenance or repair shall be allowed on site.
- (j) Loading areas shall not be visible from streets. Loading areas not facing a street shall be setback at least thirty-five (35) feet from the property line.
- (k) No business activity that generates noise or vibration shall be conducted between 8:00 p.m. and 7:00 a.m. Monday through Friday and 8:00 p.m. and 10:00 a.m. Saturday and Sunday.

(l) Automobile servicing uses including nonconforming establishments, shall comply with the following operational standards:

- (1) No automobile servicing shall be conducted before 7:00 a.m. or after 8:00 p.m. Monday through Friday and before 10:00 a.m. or after 8:00 p.m. Saturday ~~and Sunday~~. No servicing shall be conducted on Sundays.
- (2) All work shall be conducted inside an enclosed structure.
- (3) Outdoor or overnight vehicle storage is not permitted.”

Section 11. Section 41-2009 (Operational Standards for Nonconforming Industrial Uses) of Chapter 41 of the Santa Ana Municipal Code is hereby added in its entirety to read as follows:

“Sec. 41-2009. Operational Standards for Nonconforming Industrial Uses.

(a) In addition to the operational standards listed in Sec. 41-2008, the following shall apply to nonconforming industrial uses:

- (1) The purpose of these operational standards is to protect and improve the living and working environment, the appearance of the community, reduce or eliminate nuisance conditions, and minimize the impacts of industrial uses on adjacent properties.
- (2) These standards are in addition to the operational standards established in Sec. 41-2008 and shall apply to all nonconforming industrial uses, including those existing industrial uses that become nonconforming at the effective date of any implementing ordinance.
- (3) Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- (4) If any nonconforming use that operates in an unlawful manner, including but not limited to: frequent code violations, police calls, or loitering complaints relating to the nonconforming use; or is not in good standing with the City, including, but not limited to violations of Chapter 16 of the Santa Ana Municipal Code or public nuisances as defined and addressed by Chapter 17 of the Santa Ana Municipal Code, or lapses in Business License renewal, will lose its nonconforming status, enabling the City to take corrective action as it deems appropriate, including initiating a hearing to consider business license revocation and/or terminating utility services or connections. For the purposes of this section, “frequent” is defined as more than one (1) violation, call, or complaint per month during any twelve (12) month period, and “constant service calls” is defined as more than one (1) service call per month relating to or arising from the nonconforming use during any twelve (12) month period

(b) Enclosed Operations.

- (1) All business activities, including, but not limited to, compounding, processing, packaging, or assembly of articles of merchandise and treatment of products shall be conducted within a completely enclosed building.
- (2) No automobile service or repair of any kind shall be allowed outdoors on site.

(c) Air Emissions and Dust

- (1) No land use shall generate or cause any visible dust, gases, or smoke to be emitted into the atmosphere.
- (2) Uses, activities, and processes shall not operate in a manner that emit dust, fumes, odors, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the South Coast Air Quality Management District.

(d) Light, Glare, and Heat

- (1) No direct or indirect glare or heat, whether from floodlights or from high-temperature processes (including combustion or welding or otherwise) shall be visible or felt at the property line.
- (2) To ensure that industrial development does not create light and glare nuisances, the following performance standards shall be observed:
 - a. Lighting must be shielded, boxed, or directed at a downward angle so as to minimize the generation of light and glare and to ensure that there is no spillover of light and glare that will impact drivers or pedestrians on the public streets, on-site activities, and adjoining or nearby properties.
 - b. No activity shall be permitted which causes excessive light and glare to be transmitted or reflected to surrounding properties at a level resulting in detrimental impacts to adjacent properties as determined by the Executive Director of the Planning and Building Agency, or designee.
- (3) Light sources shall generally not be permitted in landscaped, buffer, or setback areas except for those illuminating pedestrian walkways. Lighting used to illuminate parking areas shall be designed, located, and installed to be shielded and down-lit and to reflect away from any nearby residential areas. Lighting for advertising signs shall not create glare or light which extends to surrounding properties.
- (4) No use shall be operated such that significant, direct glare, incidental to the operation of the use, is visible beyond the boundaries of the lot where the use is located.

(e) Ground Vibration

- (1) No use shall generate ground vibration perceptible without instruments at any point along the property line of the site except for motor vehicle operations.
- (2) No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the property lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel are exempt from this standard.

(f) Storage and Screening

- (1) No material or waste shall be deposited upon a subject parcel in such form or manner that it may be transferred off the parcel by natural causes or forces.
- (2) All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(g) Hazardous Materials

- (1) Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment in compliance with City of Santa Ana regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited.
- (2) No activities shall be permitted which emit dangerous radioactivity at any point nor shall electrical disturbances which adversely affect the operation of any equipment, other than that of the creator of such disturbances, be allowed.
- (3) No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the property line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

(h) Liquid and Solid Waste

- (1) Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment.

- (2) The disposal or dumping of solid wastes, such as slag, paper and fiber wastes, or other industrial wastes, is prohibited.
- (3) Wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards, and to facilitate recycling subject to the review and oversight of the Fire Department. Closed containers shall be provided and used for the storage of any materials which by their nature are combustible, volatile, dust, or odor producing or edible or attractive to rodents, vermin, or insects.
- (i) Site Maintenance. All industrial land uses shall be maintained in compliance with Chapter 16 of the Santa Ana Municipal Code and not constitute public nuisances as defined and addressed by Chapter 17 of the Santa Ana Municipal Code at all times and consistent with project conditions of approval (if applicable).
- (j) Truck Parking and Loading
 - (1) All truck parking areas must be on paved surfaces. The parking, loading or unloading of trucks associated with a business on public streets is prohibited.
 - (2) Trucks idling is prohibited.
 - (3) All truck parking and loading areas shall be maintained in good condition as determined by the City. Annual inspections may be conducted by the City to ensure compliance. Any violation or failure to comply with any of the requirements of this Chapter shall be deemed a nuisance.
- (k) Hours of Operation
 - (1) For non-conforming industrial uses which are directly across a street from or abutting residential uses or structures, hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. Saturday.
 - (2) No operating hours are permitted on Sundays, or Federal Holidays.”

Section 12. Section 41-2080 (Definitions) of Chapter 41 of the Santa Ana Municipal Code is hereby amended to read as follows:

“Sec. 41-2080 - Definitions

The words and phrases, shall be construed as defined in this Article, 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 Santa Ana Municipal Code (SAMC), these definitions shall control for the purposes of this Article. If any term herein is not defined by this subsection, the definitions contained within Division 2 (Definitions) of Article I of Chapter 41 of the SAMC shall apply.

1. Access (Direct): The physical pedestrian entrance to a unit that is provided directly from the street or courtyard. Also described as walk-up access.
2. Access (Point): The physical pedestrian entrance to a unit that is provided through a common space, such as a lobby or corridor that connects directly to the street or courtyard. Also described as non-walk-up access.
3. 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.
4. 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.
5. Arcade: see 'Frontage Types'
6. Artisan/craft product manufacturing- limited on-site production: The manufacturing of products primarily by hand by persons trained in an artistic skill, including ceramics, pottery, glass blowing, or sculptures. A specialized commercial facility with a retail-facing operation open to the public. Products are typically made by hand or with a restricted level of automation demonstrating an artistic skill. On-site production of artisan/craft product activities include design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage. Typical artisan/craft products include, but are not limited to, electronics, food products, furniture-making, beverages, leather products, clocks and watches, jewelry, clothing/apparel, metal work, furniture and fine woodworking, glass, ceramics, paper and paper products, soaps, perfumes, and lotions, together with ancillary training and/or educational program activities.
7. Attic: The area found directly below the roof of a building and the ceiling of the top floor. The attic shall be an uninhabitable area.
8. Automobile repair: Automobile repair is the repair of motor vehicles, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of non-factory installed products except those permissible through automobile servicing as defined herein.
9. Automobile service or Automobile servicing: Automobile service or automobile servicing is the servicing and minor repair of motor vehicles, including the replacement of belts, hoses, batteries, tires, shock absorbers, oil and air filters, chassis lubrication, air conditioning servicing, wheel alignments, replacement of brake pads, and engine tune-ups.
10. 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.

11. **Basement:** That portion of a building between floor and ceiling which is either totally or partly below grade and in compliance with the definition of basement established in the California Building Code (CBC).

12. **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.

13. **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.

14. **Building Placement:** The maximum horizontal envelope available for placing a building on a lot.

15. **Building Type:** A structure defined by the combination of configuration and placement. The building types used in this Article are listed below:

- a. **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.
- b. **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.
- c. **Duplex, Triplex, and Quadplex:** Multiple dwelling forms that are architecturally presented as large single-family houses in their typical neighborhood setting.
- d. **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.
- e. **House:** A structure occupied by a single household that also accommodates commercial and office uses as allowed.
- f. **Hybrid Court:** A building that combines the point-access portion of the stacked dwelling building type (double-loaded corridor element) with the walk-up portion of the courtyard housing building type.

- g. 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.
- h. 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.
- i. 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.
- j. Stacked Dwellings: A building of single-floor or multi-floor residences of similar configuration either above or below that are stacked.
- k. Tower-on-Podium: A multi-level building organized around a central core with the first two to five floors expressed as a podium building.
- l. Tuck-Under Housing: 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. Such structure shall be developed with at least four such individual structures, or a structure of at least four attached townhouse units types arranged side by side along the primary frontage.

16. Bungalow Court: See 'Building Types'

17. Business support service. Commercial establishment that provides services to other businesses including maintenance, repair and service, testing, rental, etc. including the following examples:

- a. Computer-related services (rental/repair)
- b. Copying and quick printing services
- c. Film processing and photofinishing (retail)
- d. Graphic design services
- e. Mailing and mail box services
- f. Security systems services

18. 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:

- a. Medical offices with five or more licensed practitioners or medical specialties

b. Out-patient care facilities, urgent care facilities.

c. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

19. 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.

20. Commercial Recreation Facility - Indoor: Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

a. Bowling alleys, Tossing or Throwing Games, Indoor Sports

b. Coin-operated amusement arcades

c. Electronic game arcades (video games, etc.) Pool, billiards

d. Skating sports (ice, roller, board), Escape Room, Mystery Games

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.

Ancillary uses include meeting rooms, snack bars, and equipment rental or sales are permitted within an indoor recreation facility, provided that their gross floor area of the ancillary use does not exceed twenty percent (20%). Ancillary uses shall operate in conjunction with the primary recreation use, and shall maintain the same or fewer hours of operation.

21. Commercial Frontage: The non-residential frontage of a building. Non-residential activities subject to city approval are allowed within this space, which must be at least 25 feet in depth. These spaces are limited to the first floor and as such, have different building requirements than upper floors (e.g., large storefront windows, signage, etc.).

22. Courtyard Housing: See 'Building Types'

23. Craft and specialized automotive restoration service: A specialized business or commercial enterprise occurring inside of a fully-enclosed structure that focuses on repairing and restoring older cars, often considered "collector cars" as defined by the State; which includes (1) a vehicle model 35+ years old, (2) a vehicle model 25+ years old with historic plates, or (3) a vehicle model classified as a special interest vehicle. Such restoration services return these types of vehicles to their original condition, including mechanical components, bodywork, and interior, aiming to preserve their historical authenticity and aesthetic appeal. The vehicle must not be altered from the manufacturer's original specifications or considered a "kit" car.

24. Doctor, dentist, chiropractor, etc. 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.

25. Duplex, Triplex and Quadplex: See 'Building Types'

26. Dwelling Unit Types:

- a. Apartment: A rental version of a Flat, Loft, or Townhouse.
- b. Condominium: An ownership version of a Flat, Loft or Townhouse
- c. Flat: A single-story unit.
- d. Loft: A double-story height unit with a mezzanine.
- e. Townhouse: A two to three-story unit.

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

28. 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.

~~Extended Care: 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; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Care Homes."~~

29. 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.

30. Flex Block: See 'Building Types' Forecourt: See 'Frontage Types'

31. 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.

32. 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 Article are listed below:

- a. 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.

- b. 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.
- c. Front yard / 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.
- d. Gallery: A colonnade that is attached to storefronts and projects over the sidewalk.
- e. 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.
- f. 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.

33. Front yard/Porch: See 'Frontage Types'

~~Furniture and Fixture Manufacturing, cabinet shop: The manufacture or assembly of high-grade articles of furniture and fixtures calling for fine finish, such as decorative cabinets, desks and chairs, store fixtures and office equipment. In the production of such goods, noise above 60 dB CNEL beyond the walls of the building is prohibited.~~

34. Gallery: see 'Frontage Types'

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

- a. art galleries, retail
- b. art supplies, including framing services bicycles
- c. books, magazines, and newspapers cameras and photographic supplies clothing, shoes, and accessories department stores

- d. drug stores and pharmacies dry goods
- e. fabrics and sewing supplies
- f. florists and houseplant stores with indoor sales only hobby materials
- g. furniture and home decor stores
- h. hardware and building supply stores
- i. jewelry
- j. luggage and leather goods
- k. musical instruments (small), parts and accessories,
- l. Large instruments are under "Furniture, Furnishings, and Appliance Store"
- m. orthopedic supplies small wares specialty shops
- n. sporting goods and equipment stationery
- o. toys and games variety stores
- p. videos, DVDs, records, CDs, including rental stores

General retail does not include the following:

- a. 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.
- b. 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.
- c. 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 code.

36. 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 zaguanes shall be counted as "ground floor/footprint."

37. Ground Floor Residential: Dwellings with their primary entrance and habitable space at grade.

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

39. Hotel (land use): A facility offering ~~short-term~~ lodging accommodations, as defined and regulated by the SAMC, 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 5 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.~~

40. House: See 'Building Types'

41. House Scale: Multi-family building form that is derivative of and compatible with surrounding single-family houses and that can be applied in 1 to 4 direct-access assemblies of units to form larger buildings from duplex up to and including Courtyard Housing.

42. Hybrid Court: See 'Building Types'

43. Laboratory- medical-analytical: A place equipped for experimentation or observation in a field of study, or devoted to the application of scientific principles in testing and analysis. Quantities of biological or hazardous materials used in situ, shall be limited to those quantities established by the fire department

~~Light Manufacturing: 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 manufacturing include:~~

~~athletic equipment
bakeries
camera, photo equipment
clothing
electronics
musical instruments
optical goods
woodworking (limited)~~

44. Lined Block: See 'Building Types' Live/Work: See 'Building Types'

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

46. Media production: An establishment dedicated to the production of visual and audio mass media, including television, films, videos, video games, mobile devices, internet and digital interactive media, but excludes magazines, newspapers, and periodicals.

47. Mixed-Use Building: A structure lawfully containing residential and non-residential uses.

48. Multi-Family Building: A residential structure lawfully containing two or more dwelling units.

49. Net Developable Area: The private area defined by blocks which is not to remain for public uses such as Plazas, Greens, Squares, Thoroughfares or Streetscapes.

50. Nonconforming Industrial Use: A nonconforming use as defined in Section 41-126 of the SAMC that was established on any parcel or within any building located within the boundaries of SD-84 established by this Article that is listed in the uses permitted or uses permitted subject to a conditional use permit of Division 18. M-1 (Light Industrial) or Division 19. M-2 (Heavy Industrial) of this Chapter but that are no longer permissible through amendment to this Article.

51. Noxious Use: A nonconforming industrial use that is located within one thousand (1,000) linear feet of a public park, school (K-12) as defined by Section 11362.768 of the Health and Safety Code, or property used or zoned for residential purposes whose primary business operations involve any two (2) or more of the following:

- a. Emitting, generating, or discharging of particulate materials; exhausting emissions; or handling, storing emitting or discharging regulated compounds, hazardous materials, chemicals, or substances;
- b. Operations that are regulated by and require a permit from a federal, state, or regional agency;
- c. Storing, processing, or disposing of listed or hazardous waste; or
- d. Operations that are not contained within a fully enclosed building.

52. A primary use is the principal and dominant activity that the business is devoted to, distinguishing it from a secondary or ancillary use as defined in Section 41-13.5 of the SAMC.

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

- a. 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.
- b. 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:
- c. airline, lodging chain, and rental car company reservation centers, not including retail travel agencies
- d. computer software and hardware design and development consumer credit reporting
- e. data processing services
- f. health management organization (HMO) offices where no medical services are provided
- g. insurance claim processing

- h. mail order and electronic commerce transaction processing telecommunications facility design and management telemarketing
- i. 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:
 - j. accounting, auditing and bookkeeping services advertising agencies
 - k. attorneys
 - l. business associations, chambers of commerce commercial art and design services construction contractors (office facilities only) counseling services
 - m. court reporting services
 - n. detective agencies and similar services
 - o. design services including architecture, engineering, landscape architecture, urban planning
 - p. educational, scientific and research organizations financial management and investment counseling literary and talent agencies
 - q. management and public relations services media postproduction services
 - r. news services
 - s. photographers and photography studios political campaign headquarters psychologists
 - t. secretarial, stenographic, word processing, and temporary clerical employee services
 - u. security and commodity brokers
 - v. writers and artists offices

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

55. Pedestrian First: 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 cross-walk distances, interconnected and short blocks).

56. Pedestrian Shed: An area defined by the average distance that may be traversed at an easy pace from its edge to its center in approximately 5 minutes. This distance is used to determine the size of a neighborhood. This dimension averages one quarter of a mile or approximately 1,400 feet for generally flat terrain.

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

- a. barber, nail salons and beauty shops clothing rental
- b. dry cleaning pick-up stores with limited equipment home electronics and small appliance repair locksmiths
- c. pet grooming with no boarding shoe repair shops
- d. tailors

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

58. **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:

- a. laundromats (self-service laundries). Laundromats shall comply with the development and performance standards set forth in Section 41-199.
- b. massage establishments (licensed, therapeutic) as defined on Section 41-1751 of the SAMC. Massage establishments shall comply with Article XVII.I of Chapter 41 of the SAMC. Pawnshops.

59. **Pet day care facility:** Establishment offering daily, without overnight, care to a customer's personal canine or feline pets. Grooming and educational training may be allowed as an ancillary use within the establishment. Does not include veterinary care or treatment, hospitalizations, or long-term boarding of pets.

60. **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.

61. **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.

62. **Porch:** see 'Frontage Types'

63. **Private Frontage:** The privately held layer between the frontage line and the principal building facade. The structures and landscaping within are held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches and galleries. These elements influence social behavior in the public realm. The Frontage layer may overlap the public streetscape in the case of awnings, Galleries and Arcades.

64. **Research and Development:** A ~~quasi-industrial~~ facility where creative work is undertaken on a systematic basis in order to increase the stock of knowledge generally in the fields of medicine, scientific instruments, safety- critical mechanism or high technology. These facilities may include pilot plant operations as an ancillary use, which shall not exceed 25 percent of the floor area. A facility providing full scale production shall be deemed a manufacturing use and shall be prohibited.

65. **Rowhouse:** See 'Building Types'

66. **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 Division 3 of this Article.

67. Shared Parking (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).

68. Shopfront: see 'Frontage Types'

69. Stacked Dwellings: See 'Building Types'

70. Stoop: see 'Frontage Types'

71. 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

72. 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.

73. 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 Sec 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.

74. Tandem Parking Stall: Two or more parking spaces arranged one behind the other.

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

76. Tower-on-Podium: See 'Building Types'

77. Trade school: A school consisting of vocational educational programs for students to be trained in the fields related to healthcare, technology, legal services, and professional trades.

78. **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.

79. **Transect:** A system of classification deploying the conceptual range of 'rural-to-urban' to arrange in useful order, the typical context groupings of natural and urban areas. This gradient, when rationalized and subdivided into zones becomes the basis of the Regulating Plan and the 9 zones supporting this Plan.

80. **Transit-Oriented Development:** A remedial pattern within a loose urbanized area. Its structure creates nodes at an efficient spacing for commuter or light rail. These nodes are mixed-use areas limited in extent by walking distance to the transit stop. These nodes are usually surrounded by a residential hinterland, structured as neighborhood T.O.D.'s connected by a feeder bus system.

81. **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.

82. **Tuck-under Housing:** See 'Building Types'

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

Section 13. Any section or subsection of this Article, Article XIX (The Transit Zoning Code, Specific Development No. 84) that is not reprinted or modified by this ordinance is hereby unamended.

Section 14. Any provision of the Santa Ana Municipal Code (SAMC) or appendices thereto found inconsistent with the provisions of the Ordinance, only to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance, inclusive of corrections for typographical error, and shall be considered the same as if adopted at the time of this Ordinance.

Section 15. 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 16. This Ordinance shall become effective thirty (30) days after its adoption. Upon the effective date of this Ordinance, Ordinance_Nos. NS-3063 and NS-3064 shall be automatically repealed and rescinded as of that date.

Section 17. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2025.

Valerie Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: 

Melissa M. Crosthwaite
Senior Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2025 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana

EXHIBIT “A”

- A. On April 19, 2022, The City adopted an Amended General Plan. The Amended General Plan became effective on May 26, 2022 and adopted a new Land Use Plan for the City and established new land use designations and policies for development of the City.
- B. On April 16, 2024, the City Council passed an Urgency Ordinance to adopt a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District (Moratorium Ordinance”). No. NS-3063. The purpose of the moratorium was to immediately protect the public health, safety, and welfare of residents and businesses from incompatible industrial uses that cause a significant pollution burden to adjacent residential neighborhoods within the SD84 Zoning District.
- C. On May 7, 2024, the City Council issued and file a Council report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City’s measures to alleviate conditions that led to the adoption of Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 (the Transit Zoning Code).
- D. On May 21, 2024, the City Council adopted an extension of the Moratorium Ordinance for an additional ten (10) months and fifteen (15) days pursuant to the California Government Code, Section 65858. The extension was necessary to allow sufficient time for staff to continue with conduct research of appropriate regulations, and coordinate with outside regulatory agencies and City departments to develop appropriate zoning regulation to address the impacts of industrial development in the SD84 Zoning District.
- E. The Planning and Building Agency routinely reviews its ordinances to incorporate best practices, reflect changes to State law, and address community needs.
- F. In adopting the Moratorium on April 16, 2024, the City Council of the City of Santa Ana established the following findings, all of which below remain true, applicable and necessary to support the adoption of Zoning Ordinance Amendment (ZOA) No. 2024-02 amending certain portions of Chapter 41 (Zoning) of the Santa Ana Municipal Code, Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District:
 - 1. The Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010, and amended on July 16, 2019; and

2. Upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and
3. The goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new, and enhancement of existing communities through, transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and
4. Industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and
5. The TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were developed or improved to the mixed-use zones allowed by the TZC; and
6. Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called “disadvantaged communities”, in their jurisdictions and address environmental justice in their general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options; and
7. The City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and
8. The Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana’s General Plan update complied with all aspects of SB 1000 prior to its adoption; and
9. As required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all its elements, which include 77

implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

10. Numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities; and
11. The industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and
12. The Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century; and
13. The construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in many families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and
14. In the 1970s, a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and
15. The Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model; and
16. Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

17. The updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, they are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and
18. There are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City's Code Enforcement Division has investigated over 35 commercial and industrial properties in the past twelve months and currently has 16 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC's existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and
19. In the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently near sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and
20. In the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently near sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration

impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

21. There is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and
22. There is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and
23. The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023 to ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and
24. MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area. Since adoption of the moratorium and its extension, MIG and City staff have focused the comprehensive update through an initial phase concentrating on amending the TZC; and
25. The policies and implementation actions in the General Plan also require review, study, and possible revision to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

26. Given these concerns, the City Council directed that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district.

- G. Following said analysis of the City Council points of discussion as iterated above, City staff has prepared ZOA No. 2024-02 to amend and add certain sections to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC), Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, including the deletion of industrial land uses; amend non-conforming regulations including the addition of an amortization process; amend and add operational standards for allowed uses and non-conforming uses; and delete the Industrial Overlay (I-OZ) zone from text and maps from certain properties within the SD84 Zoning District.
- H. Amendments to Chapter 41 (Zoning) are necessary to ensure uniform and legally consistent regulations as well as additions to enable the City to implement a regulatory framework that protects the health, safety, and welfare of the City.
- I. The proposed amendments to the Santa Ana Municipal Code (SAMC) that are the subject of this Ordinance support the objectives and policies of the City's General Plan and are required to ensure consistency in accordance with Government Code Section 65860.
- J. Specifically, these amendments to the SAMC timely address current inconsistencies within an area of the City prioritized for addressing EJ. In effect, the amendments are necessary to address numerous policies of the General Plan that the current TZC is found to be inconsistent with, that without such amendments, will continue the path of irreconcilable land use patterns within the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-2.4 (Cost and Benefit of Development), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), Policy EP-3.3 (Mitigate Impacts), Policy CN-1.5 (Sensitive Receptor Decisions), Policy CM-3.2 (Healthy Neighborhoods), and Policy HE-5.5 (Community Development), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities. The proposed amendments support these goals and policies by:
 - 1. Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles, and improve public health and quality of life;

2. Resolving the development of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse;
 3. Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance or elimination of those uses;
 4. Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources;
 5. Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC;
 6. Developing and adopting new regulations to address facilities that emit pollution near sensitive receptors within EJ area boundaries, which includes areas of the TZC;
 7. Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors; and
 8. Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.
- K. Additionally, the proposed amendments implement and/or contribute to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through the creation of a discontinuance of nonconforming industrial uses through amortization:
1. LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies.
 2. LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.
 3. CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.

4. CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.
 5. CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.
 6. HE5.C – Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.
 7. HE44.A – Fair Housing. Ensure all City programs and activities related to housing and community development are administered in a manner that affirmatively furthers fair housing.
- L. ZOA No. 2024-02 amends and adds certain sections to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC), Article XIX. The Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, including Section 41-2001 (Application of Article), Section 41-2001.5 (Organization), Section 41-2002 (Nonconforming Buildings, Structures and Uses), Section 41-2004 (The Industrial Overlay (I-OZ) Zone), Section 41-2005 (Application for Discretionary Approvals), Section 41-2006 (Zones Established), Section 41-2007 (Uses Permitted) Section 41-2008 (Operational Standards), Section 41-2009 (Operational Standards for Nonconforming Industrial Uses), and Section 41-2080 (Definitions).
- M. On February 24, 2025, the Planning Commission held a duly noticed public hearing to consider this Ordinance, where all interested persons were given an opportunity to be heard, and recommended approval of the Ordinance to the City Council.
- N. On March 18, 2025, the City Council held a duly noticed public hearing to consider this Ordinance, where all interested persons were given an opportunity to be heard.

ORDINANCE NO. NS-XXXX

AMENDMENT APPLICATION (AA) NO. 2024-03 – AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING THE OFFICIAL ZONING MAP OF
THE CITY OF SANTA ANA BY REMOVING THE M1
(LIGHT INDUSTRIAL) AND M2 (HEAVY INDUSTRIAL)
SUFFIXES FROM CERTAIN PROPERTIES WITHIN THE
SD-84 ZONING DISTRICT BOUNDARY

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

Section 1. The City Council has, by separate action taken on March 18, 2025, adopted an Addendum to the Transit Zoning Code Environmental Impact report (“EIR”) (State Clearinghouse No. 2006071100), which was certified on June 7, 2010, by the City Council (“Addendum”). The Addendum analyzed the environmental impacts of the actions taken in this Ordinance. Adopting the Addendum satisfied the City Council’s obligations under the California Environmental Quality Act (“CEQA”) regarding amendments to the Transit Zoning Code and none of the conditions in Public Resources Code section 21166 or State CEQA Guidelines 15162 apply. Thus, no further environmental review is required as adoption of this Ordinance falls within the scope of the adopted Addendum and previously certified EIR.

Section 2.

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

- A. Chapter 41, Article I, Division 1, Section 41-1 of the Santa Ana Municipal Code provides 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:

- (a) Encourage the most appropriate use of land;
- (b) Conserve and stabilize property value,
- (c) Provide adequate open spaces for light and air and to prevent and fight fires,
- (d) Prevent undue concentration of population, lessen congestion on streets and highways, and

(e) Promote the health, safety and general welfare of the people, all as part of the general plan of the City.”

Consistent with this purpose, the City of Santa Ana has adopted a zoning map, which has since been amended from time to time.

- B. On April 19, 2022, the City adopted an Amended General Plan. The Amended General Plan became effective on May 26, 2022 and adopted a new Land Use Plan for the City and established new land use designations and policies for development of the City.
- C. On April 16, 2024, the City Council passed an Urgency Ordinance to adopt a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District (the “Moratorium Ordinance”). The purpose of the Moratorium Ordinance was to immediately protect the public health, safety, and welfare of residents and businesses from incompatible industrial uses that cause a significant pollution burden to adjacent residential neighborhoods within the SD-84 Zoning District.
- D. On May 7, 2024, the City Council issued and file a Council report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City’s measures to alleviate conditions that led to the adoption of Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within the Transit Zoning Code Specific Development No. 84.
- E. On May 21, 2024, the City Council adopted an extension of the Moratorium Ordinance for an additional ten (10) months and fifteen (15) days pursuant to California Government Code, Section 65858. The extension was necessary to allow sufficient time for staff to continue with conduct research of appropriate regulations, and coordinate with outside regulatory agencies and City departments to develop appropriate zoning regulation to address the impacts of industrial development in the SD-84 Zoning District.
- F. After continued research and study, two ordinances have been developed that address the impacts from industrial land uses in the SD-84 Zoning District. The ordinances address the following:
 - a. Zoning Ordinance Amendment (ZOA) No. 2024-02 to amend certain provisions of the Santa Ana Municipal Code and amend portions of the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, including the deletion of industrial land uses; amendment of non-conforming regulations; and,
 - b. Amendment Application (AA) No. 2024-03 to remove the M1 (Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties

within the SD-84 Zoning District boundary as designated on the City of Santa Ana Zoning Map.

- G. AA No. 2024-03 is consistent with and implements the amendments proposed by ZOA No. 2024-02 by ensuring uniform and legally consistent mapping of the City's Zoning Districts; and enables the City to implement a regulatory framework that protects the health, safety, and welfare of the City and its residents.
- H. The proposed amendments to the Zoning Map contained in AA No. 2024-03 are required to ensure consistency with the City's General Plan in accordance with California Government Code, Section 65860.
- I. Adoption of AA No. 20243 is consistent with and implements the Amended General Plan. Specifically, it is consistent with the following:

The amendments timely address current inconsistencies within an area of the City prioritized for addressing EJ.

- (a) Policy LU-1.1 (Compatible Uses),
 - (b) Policy LU-2.4 (Cost and Benefit of Development)
 - (c) Policy LU-3.8 (Sensitive Receptors),
 - (d) Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses),
 - (e) Policy LU-3.11 (Air Pollution Buffers),
 - (f) Policy LU-4.3 (Sustainable Land Use Strategies),
 - (g) Policy LU-4.6 (Healthy Living Conditions),
 - (h) Policy CM-3.2 (Healthy Neighborhoods),
 - (i) Policy EP-1.9 (Avoid Conflict of Uses),
 - (j) Policy EP-3.3 (Mitigate Impacts);
 - (k) Policy CN-1.5 (Sensitive Receptor Decisions),
 - (l) Policy CM-3.2 (Healthy Neighborhoods), and
 - (m) Policy HE-5.5 (Community Development) which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities. The proposed amendments support these goals and policies by:
- 1. Fostering the compatibility between residential and nonresidential land uses within the TZC to enhance livability and promote healthier lifestyles, and improve public health and quality of life;
 - 2. Resolving the development of industrial land uses and sensitive receptors being in close proximity to each other that pose health hazards by eliminating an overlay zone that promulgated continuation of industrial uses without recourse;
 - 3. Improving the health of the existing and future residents of the TZC by regulating the operations of noxious, hazardous, dangerous, and polluting uses by giving priority to the discontinuance of those uses;

4. Responding to overarching EJ policies to develop and implement land use and zoning strategies to separate existing sensitive uses from heavy industrial facilities and emission sources;
 5. Continuing to support the creation of healthy neighborhoods by addressing land use conflicts and incompatible uses through the elimination of the I-OZ zone and associated industrial land use types from the list of allowable land uses within the TZC;
 6. Developing and adopting new regulations to address facilities that emit increased pollution new sensitive receptors within EJ area boundaries, which includes areas of the TZC;
 7. Avoiding potential land use conflicts in the future by prohibiting the location of noxious land uses in proximity to sensitive receptors; and
 8. Creating a sustainable land use plan for the area that phases out land uses that are causing a substantial drain on City and other public agency resources in addressing the impacts from irreconcilable land use conflicts in the TZC area.
- J. Additionally, AA No. 2024-03 implements and/or contributes to achieving the following specific action programs of the General Plan, most particularly directly addressing LU3.3 through the creation of a discontinuance of nonconforming industrial uses through amortization:
1. LU1.1 - Development Code Update. Prepare a comprehensive update to the zoning code to ensure that the City's zoning regulations align with the General Plan's goals and policies. Update the Metro East Mixed-Use Overlay District to remove the portion within the 17th Street and Grand Avenue Focus Area. Update the Midtown Specific Plan.
 2. LU3.3 - Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.
 3. CN1.4 - Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.
 4. CN1.7 - Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas.
 5. CN1.11 - Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.

6. HE5.C - Healthy Neighborhoods Initiatives. Update the City's zoning code development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences.
7. HE44.A - Fair Housing. Ensure all City programs and activities relating to housing and community development are administered in a manner that affirmatively furthers fair housing.

Section 3. The City Council of the City of Santa Ana hereby adopts and approves the Amendment to the Official Zoning Map of the City of Santa Ana, as shown in Exhibit "A," attached hereto and incorporated herein by reference. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for City Council Action dated March 18, 2025, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 4. 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 5. This Ordinance shall become effective thirty (30) days after its adoption.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2025.

Valerie Amezcu
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: 
Melissa Crosthwaite
Senior Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that the attached Ordinance No. NS-_____ 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: _____

Jennifer L. Hall
City Clerk
City of Santa Ana

Exhibit A



ZONING DISTRICTS

A1	GENERAL AGRICULTURAL	CSM	SOUTH MAIN STREET COMMERCIAL DIST.	R2	TWO-FAMILY RESIDENCE	-B	PARKING MODIFICATION
C1	COMMUNITY COMMERCIAL	GC	GOVERNMENT CENTER	R3	MULTIPLE-FAMILY RESIDENCE	-OZ	OVERLAY ZONE
C1-MD	COMMUNITY COMMERCIAL - MUSEUM DIST.	M1	LIGHT INDUSTRIAL	R4	SUBURBAN APARTMENT	-PRD	PLANNED RESIDENTIAL DEVELOPMENT
C2	GENERAL COMMERCIAL	M2	HEAVY INDUSTRIAL	RE	RESIDENTIAL ESTATE	-HD2	HEIGHT DISTRICT II
C4	PLANNED SHOPPING CENTER	O	OPEN SPACE	SD	SPECIFIC DEVELOPMENT		
C5	ARTERIAL COMMERCIAL	P	PROFESSIONAL	SP	SPECIFIC PLAN		
CR	COMMERCIAL RESIDENTIAL	R1	SINGLE-FAMILY RESIDENCE	OZ1	METRO EAST OVERLAY ZONE		



SECTIONAL DISTRICT MAP: 7-5-9

CITY OF SANTA ANA, CALIFORNIA



EXHIBIT 4

Environmental Health Reports

EXHIBIT 4.1- Office of Environmental Health Hazard Assessment (OEHHA-EPA)

The map illustrates **Disadvantaged Communities** within Santa Ana as identified by the Office of Environmental Health Hazard Assessment (OEHHA), with the **Logan and Lacy neighborhoods** shown in red in the central core of the city. The map below highlights the **Disadvantaged Communities (DACs)** within the City of Santa Ana, with **both Logan and Lacy neighborhoods** falling into that category. The CalEPA has responsibility for identifying those communities and CalEPA's designation of disadvantaged communities must be based on "geographic, socioeconomic, public health, and environmental hazard" criteria. CalEPA DACs affect an entire or a portion of thirty-three of Santa Ana's neighborhoods.

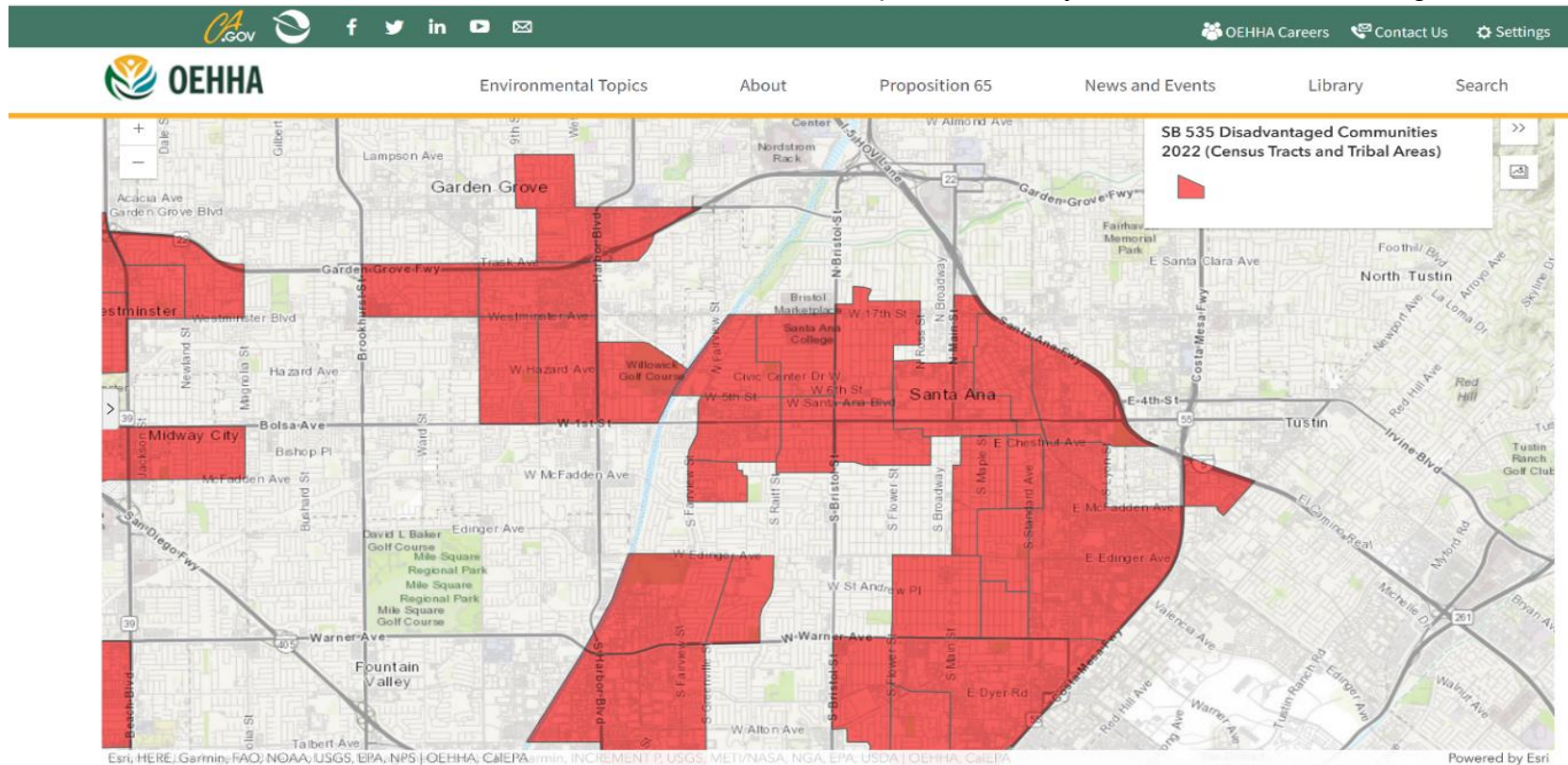
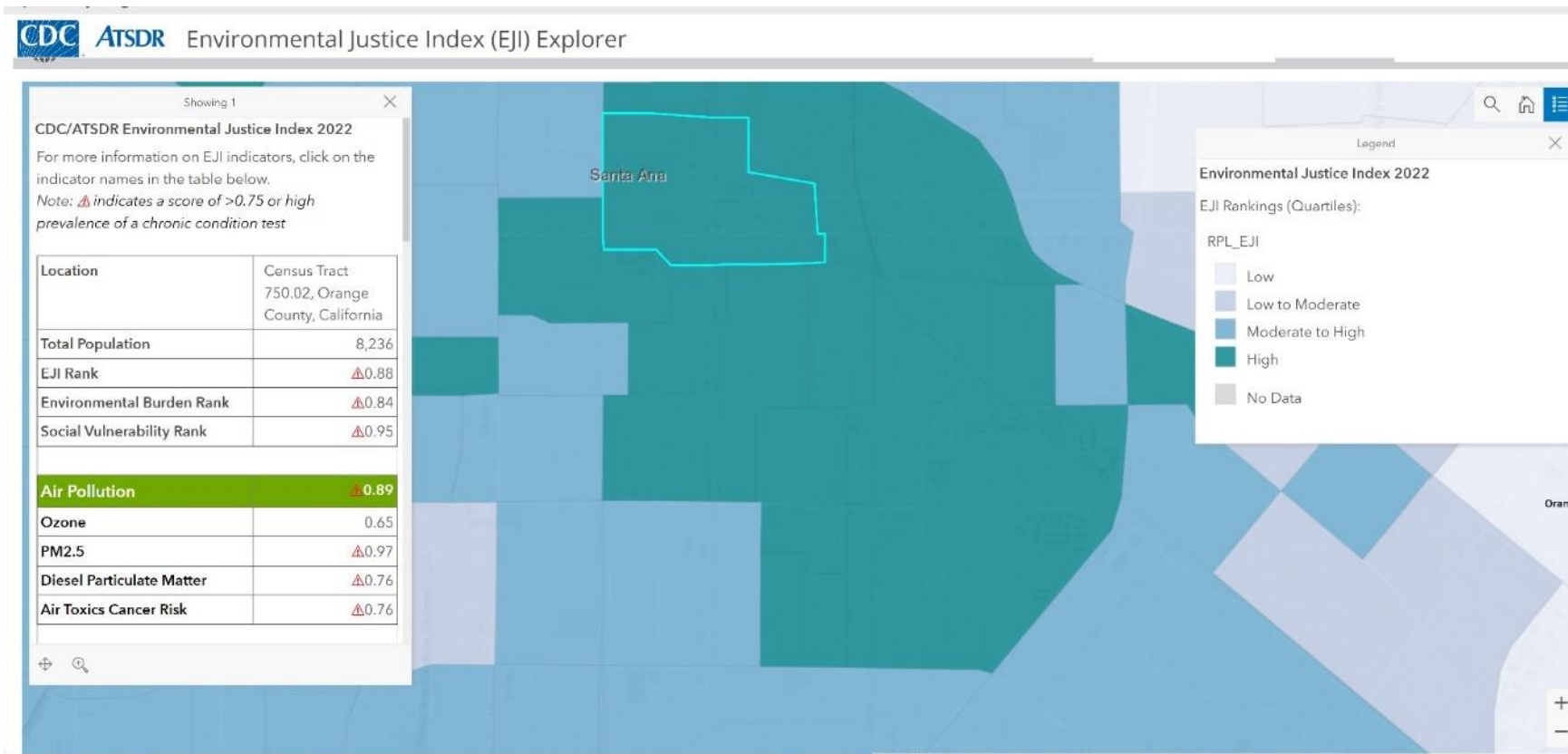


EXHIBIT 4.2- Center for Disease Control/ Agency for Toxic Substances and Disease Registry (CDC/ ATSDR)

The CDC/ATSDR Environmental Justice Index Map illustrates environmental health burdens in Santa Ana's **Lacy neighborhood**. The data shows significant environmental justice concerns, with the area ranking high (0.89) for overall air pollution impacts. Specifically, the neighborhood shows elevated exposure levels for Particulate Matter (PM) 2.5 (0.97), Diesel Particulate Matter (0.76), and Air Toxics Cancer Risk (0.76).



**EXHIBIT 4.2- Center for Disease Control/ Agency for Toxic Substances and Disease Registry (CDC/ ATSDR)
(Continued)**

The CDC/ATSDR Environmental Justice Index Map demonstrates significant environmental burdens in Santa Ana's **Logan neighborhood**. The data indicates high environmental justice concerns, with an air pollution ranking of 0.90. Specifically, the area shows severe exposure to Particulate Matter (PM) 2.5 (0.97), Diesel Particulate Matter (0.76), and Air Toxics Cancer Risk (0.78).

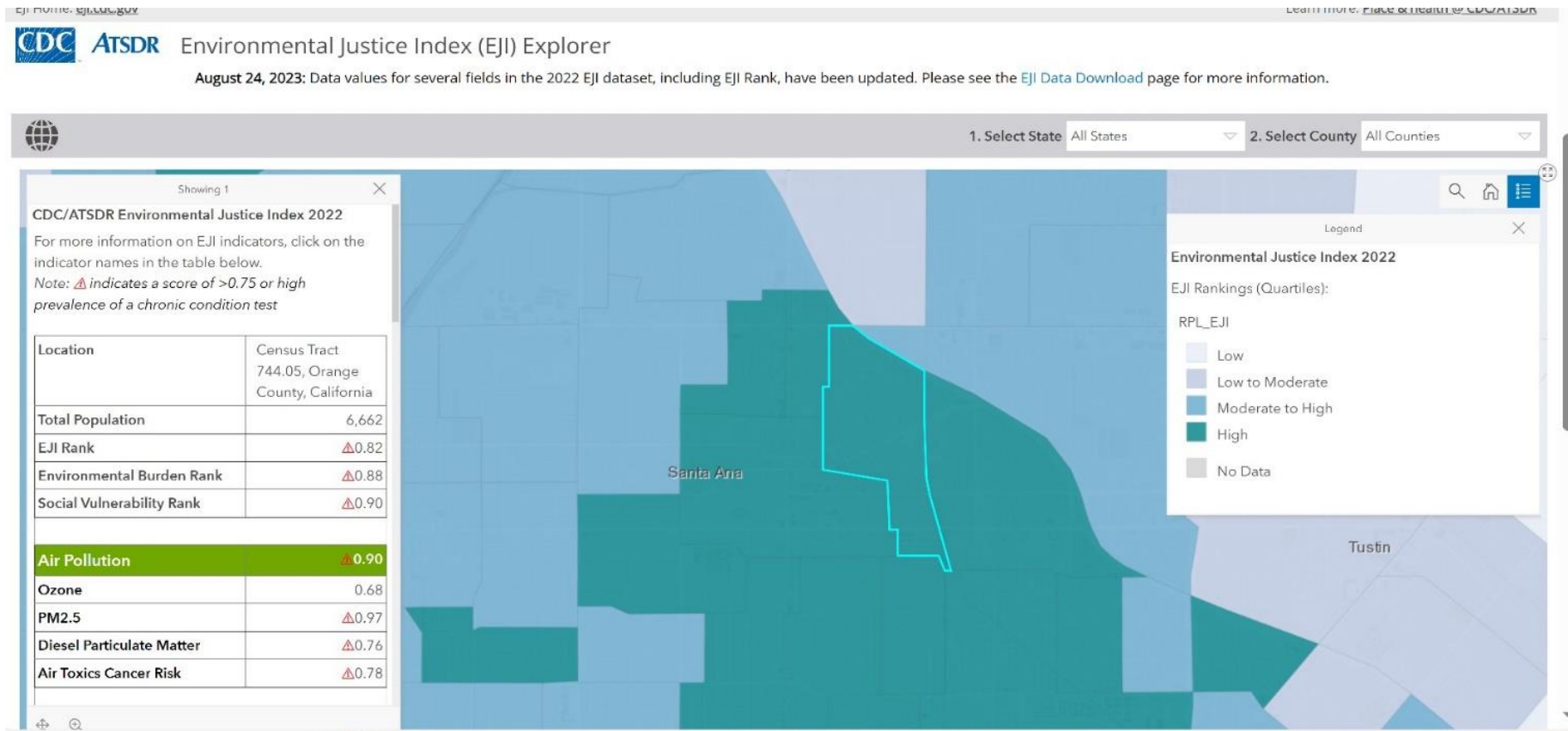


EXHIBIT 4.3- City of Santa Ana Overview, United States Environmental Protection Agency (EPA)

The EPA's Environmental Justice screening map illustrates the City of Santa Ana's environmental burden distribution. This data aligns with CalEnviroScreen 4.0 findings and highlights the concentration of environmental impacts in the central urban core, where industrial uses continue to affect long-established residential communities.

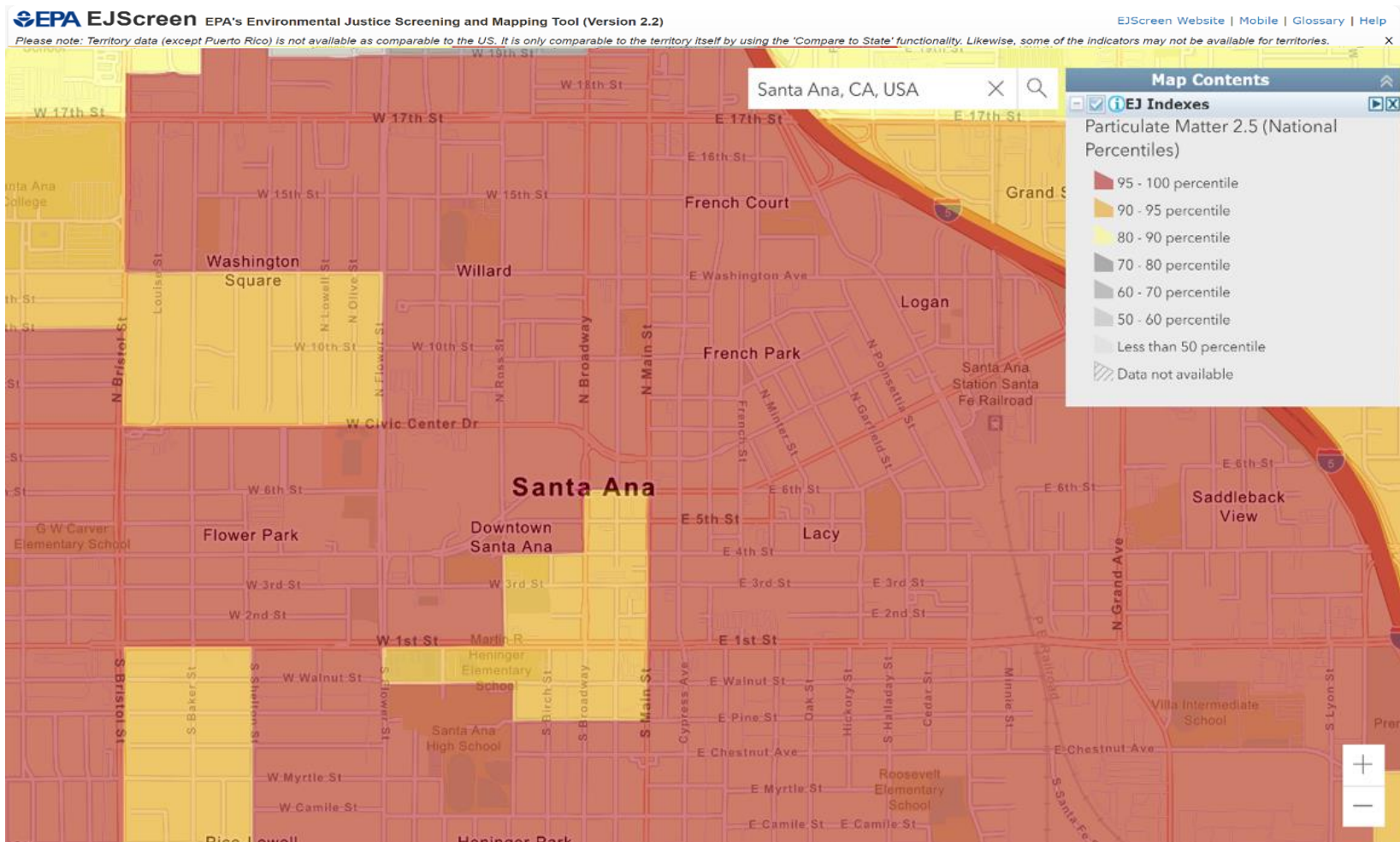


EXHIBIT 4.3.1- Particulate Matter (PM 2.5) for Logan and Lacy Community, United States Environmental Protection Agency (EPA)

The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Particulate Matter (PM) 2.5** reflecting a **heavy burden of 95% and above** in the percentile score

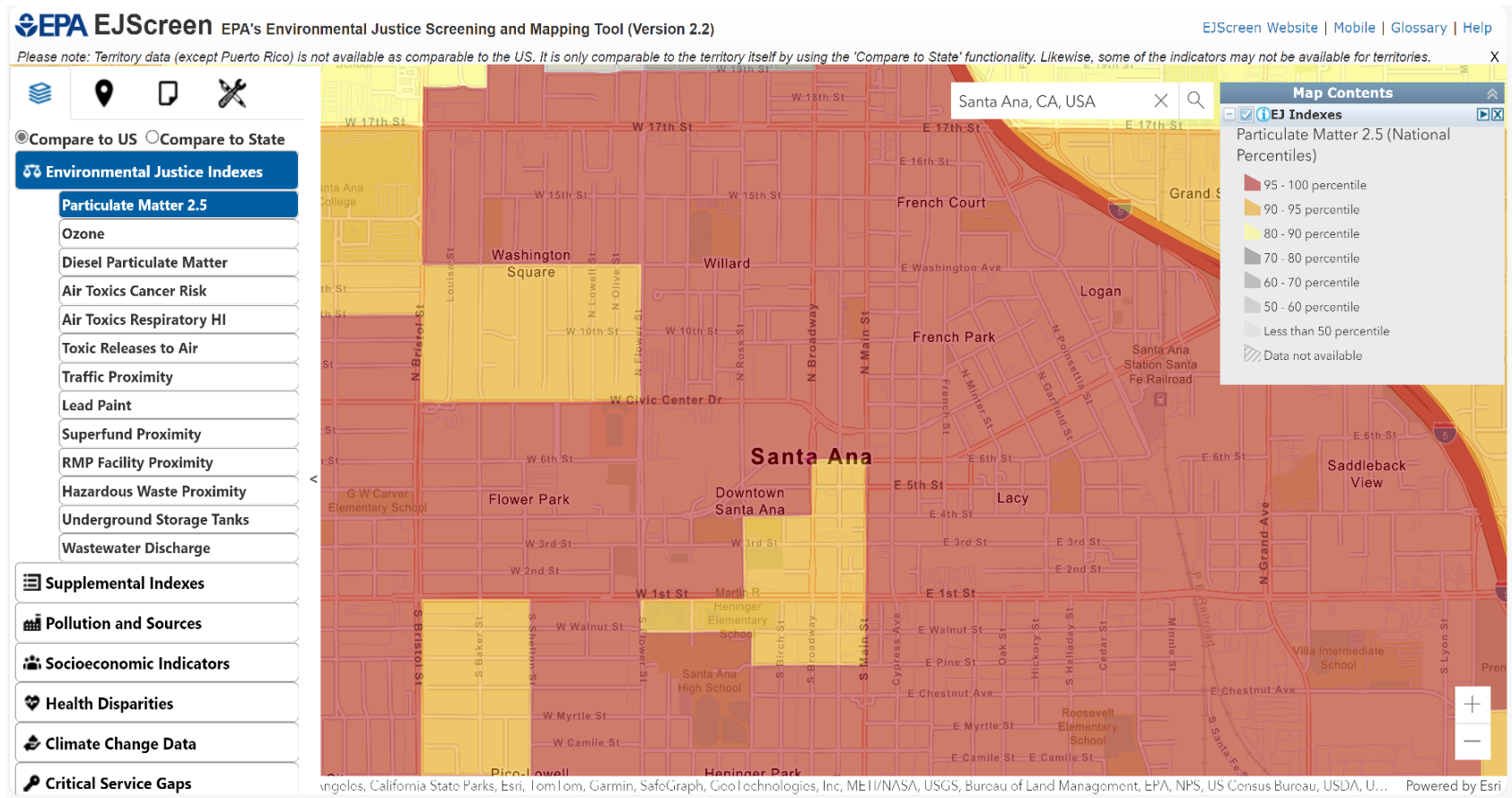


EXHIBIT 4.3.2- Air Toxics Cancer Risk for Logan and Lacy Community, United States Environmental Protection Agency (EPA)

The EPA's Environmental Justice map and screening tool uses national consistent data combining environmental and demographic indicators in maps and reports. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Air Toxics Cancer Risk**, reflecting at **90% or higher**.

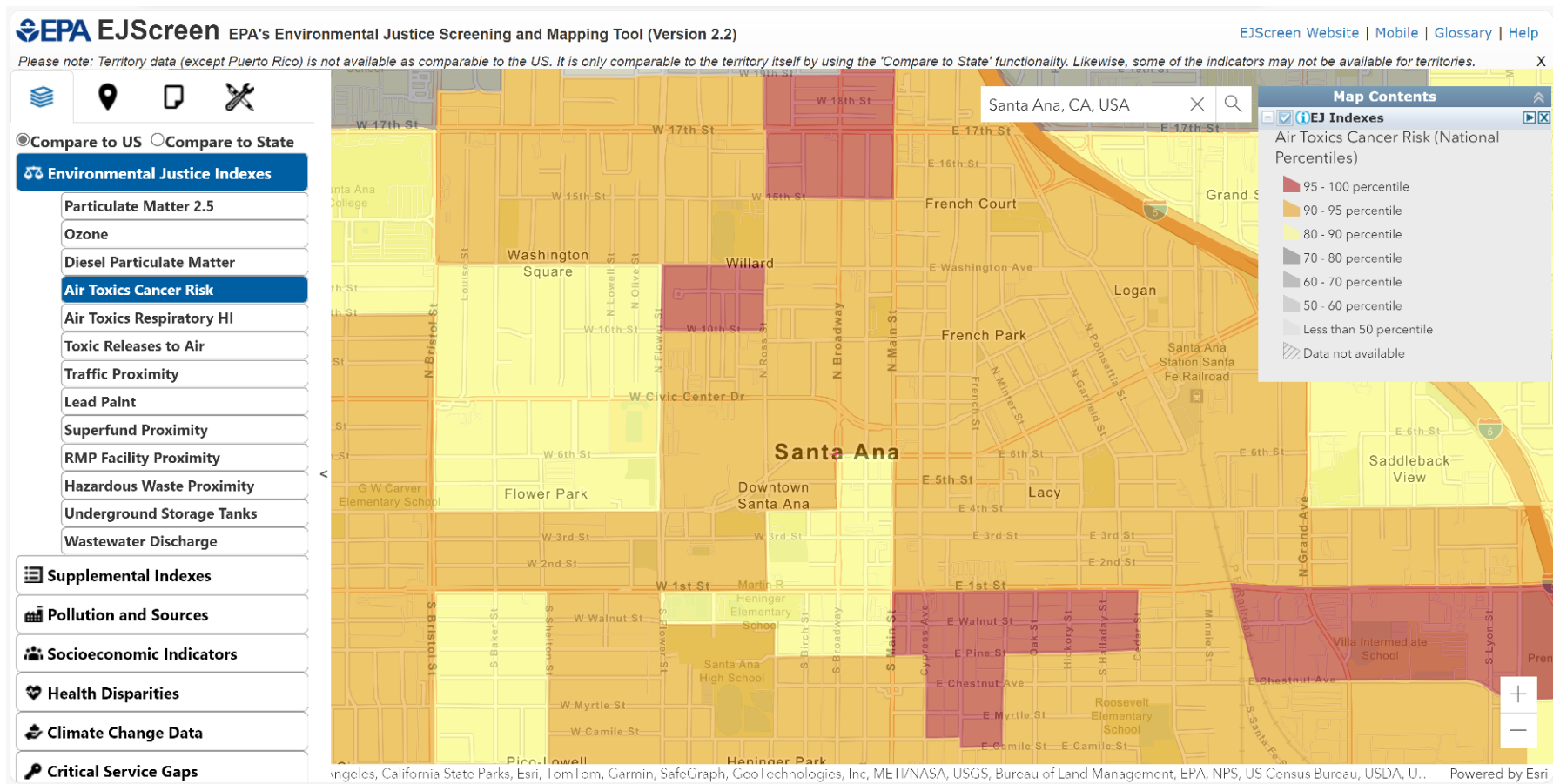


EXHIBIT 4.3.3- Hazardous Waste Proximity for Logan and Lacy Community, United States Environmental Protection Agency (EPA)

The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Hazardous Water Proximity**, showing a percentile of 95% or above.

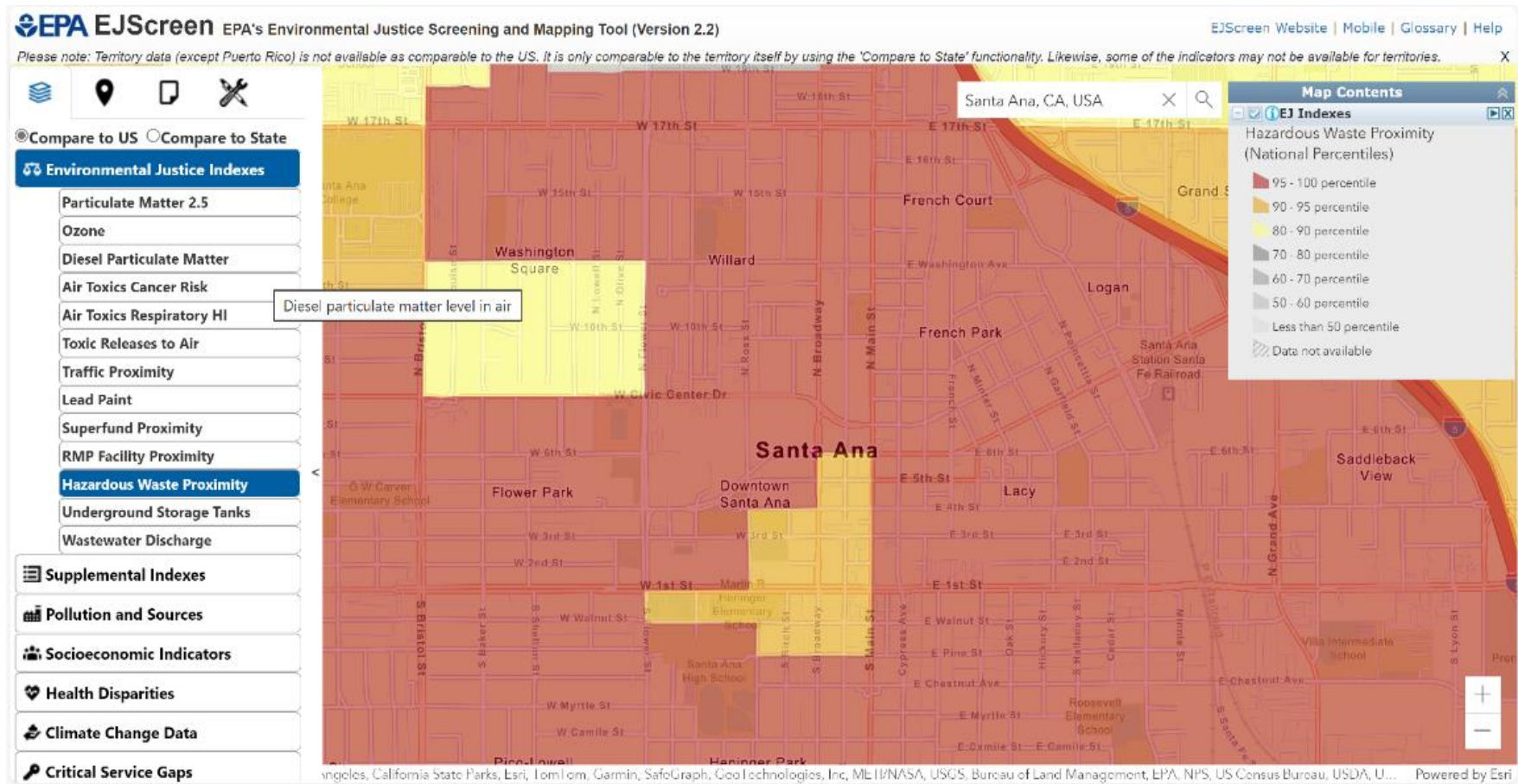
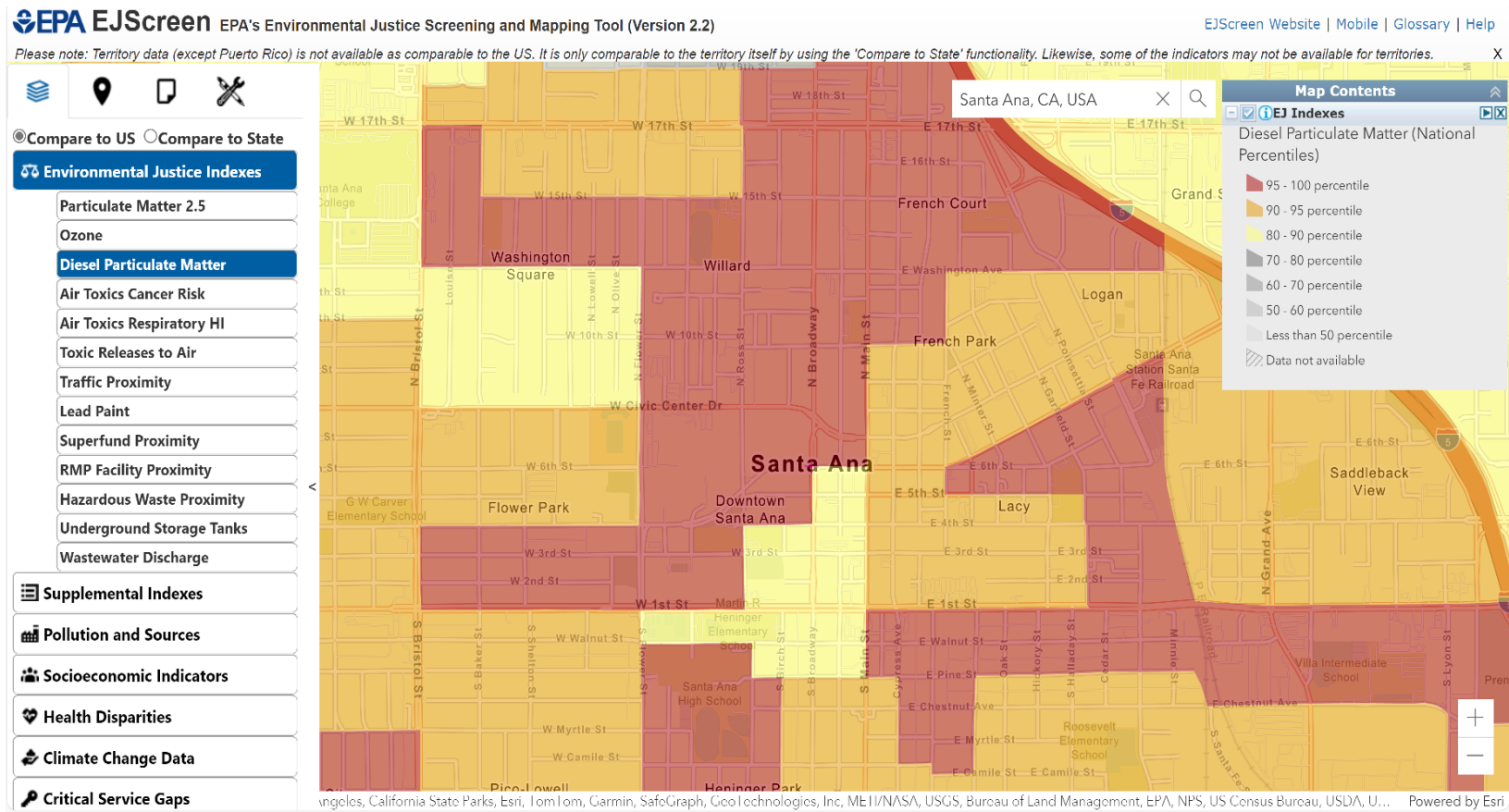


EXHIBIT 4.3.4- Diesel Particulate Matter for Logan and Lacy Community, United States Environmental Protection Agency (EPA)

The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Diesel Particulate Matter** indicating percentiles above 90%.



The map below indicates the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Toxic Releases to Air** showing a **high percentile** score of **90%**.



EXHIBIT 4.4- City of Santa Ana Overview, Healthy Places Index (HPI)

The **Healthy Places Index (HPI)** comprises a data and policy platform to advance equitable community investments, develop critical programs and policies and advance health equity through open and accessible data. The map below captures the City of Santa Ana, which indicates that the majority of the City of Santa Ana's neighborhoods rank on the **LOW** scale of the **healthy community conditions**, as seen in the dark blue and light blue layers.

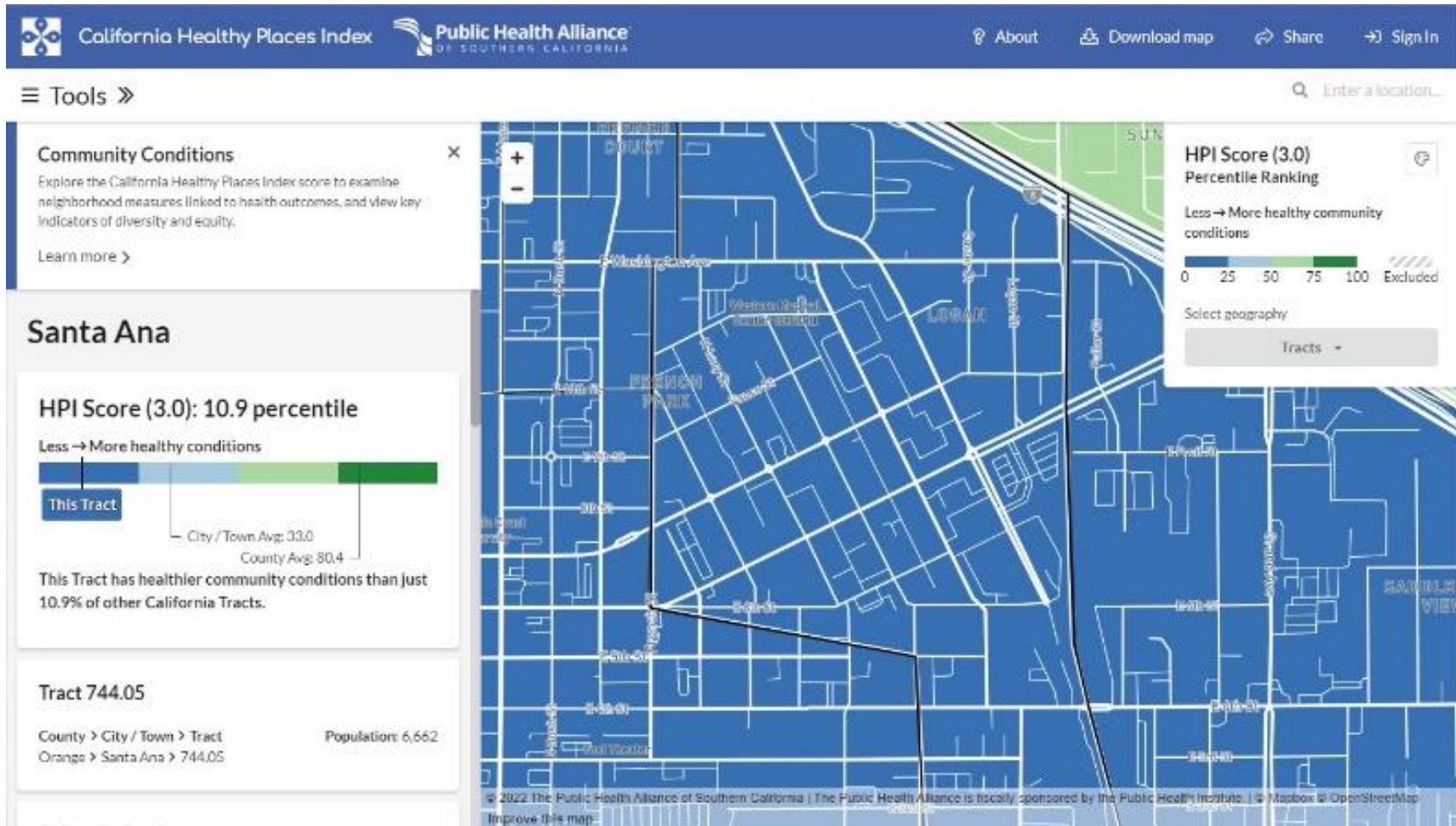


EXHIBIT 4.4- City of Santa Ana Overview, Healthy Places Index (HPI), Lacy Neighborhood (Continued)

Using the HPI mapping tool, the **Lacy neighborhood** ranks at a **9.6% of the least healthy community conditions**.

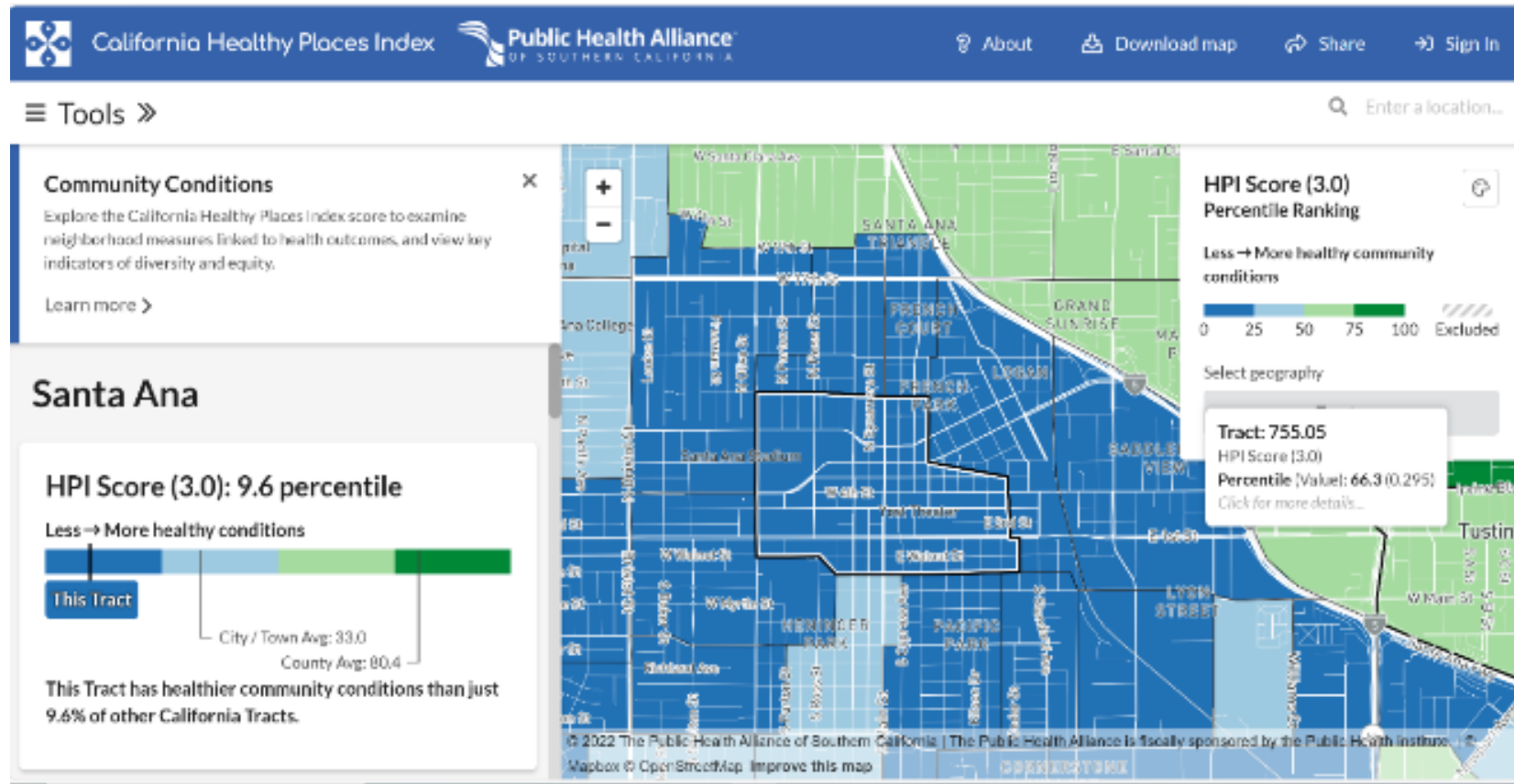


EXHIBIT 4.4- City of Santa Ana Overview, Healthy Places Index (HPI), Logan Neighborhood (Continued)

Using the HPI mapping tool, the **Logan neighborhood** ranks on the **LOW end**, showing nearly **11% of the least healthy community conditions**.

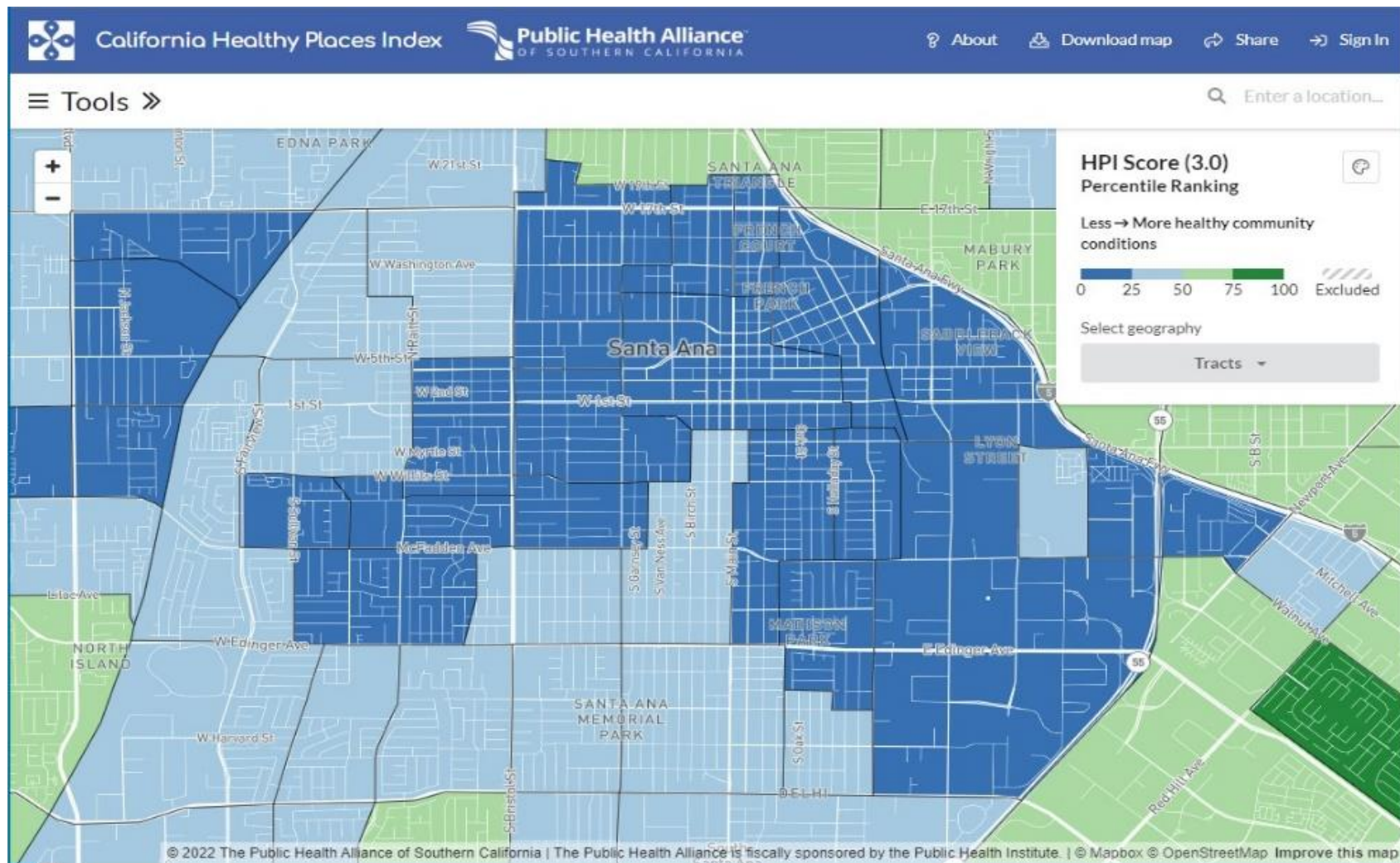
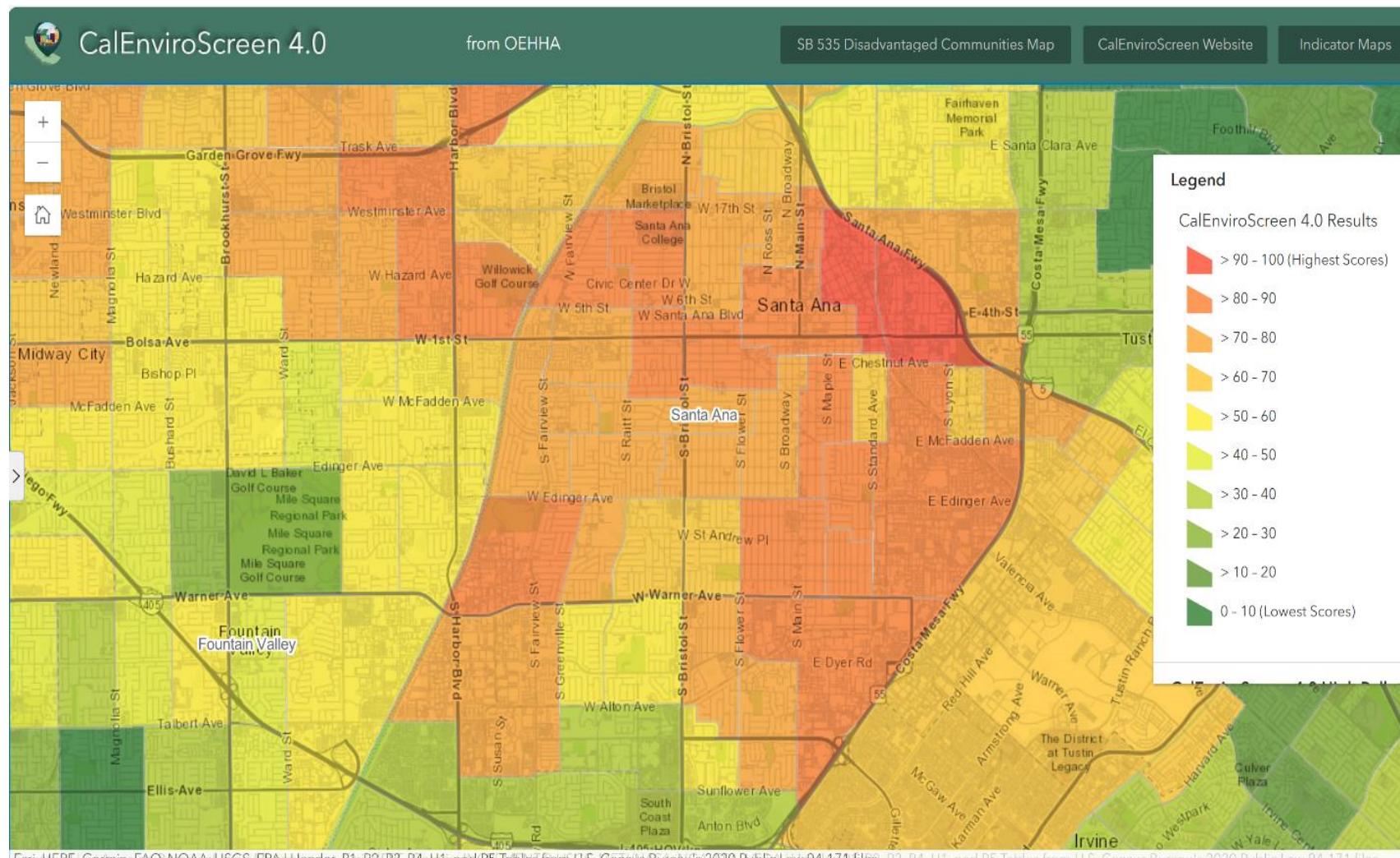


EXHIBIT 4.5- CalEnviroScreen 4.0- Logan and Lacy Neighborhoods

The **CalEnviroScreen 4.0** provides an insight into vulnerable communities that are most affected by pollution burdens, with special consideration on race and ethnicity. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana at **90% or above** as being burdened by pollution.



SD-84/Transit Zoning Code (TZC) Moratorium and Ordinance Amendment Frequently Asked Questions

This document provides information about the Specific Development No. 84 (SD-84) zoning district, otherwise known as the Transit Zoning Code (TZC), moratorium and the proposed ordinance amendment. Please note, the information provided in this FAQ is for general informational purposes only. Interested parties should review the proposed Moratorium text and the Ordinance text for detailed information and applicability.

1. When does the moratorium expire? The Transit Zoning Code (TZC/ SD-84) is a special zoning district in central Santa Ana designed to create a pedestrian-friendly, transit-oriented community while protecting existing neighborhoods. TZC industrial moratorium began with Ordinance No. NS-3063 on April 16, 2024, as a 45-day urgency measure. The City Council then adopted Ordinance No. NS-3064 on May 21, 2024, extending the moratorium for an additional ten months and fifteen days. The current moratorium will expire on April 15, 2025.

2. Why was the moratorium adopted? The City Council adopted the TZC industrial moratorium on April 16, 2024 to immediately protect public health, safety, and welfare from industrial uses causing significant pollution burden to adjacent residential neighborhoods within the TZC district. The action addressed historical land use conflicts in the Logan and Lacy neighborhoods, where industrial uses have remained, changed ownership, expanded, or intensified despite the area's 2010 transit-oriented zoning designation. CalEnviroScreen 4.0 data confirms these neighborhoods rank at 90 percent or above among California's most pollution-burdened communities, with documented exposure to various environmental hazards. The existing Industrial Overlay Zone (I-OZ) created inconsistencies with the General Plan's mixed-use designations and allowed industrial uses to continue operating near residential areas.

3. What impact does the moratorium have on business permits and future development? The moratorium prohibits the establishment of new, or expansion or intensification of existing, industrial businesses within the TZC. Existing industrial businesses can obtain permits for work that is for routine maintenance, or of a similar nature, that does not result in new, expanded or intensified use. The moratorium does not impact residential, commercial, or mixed-use development in the TZC plan area.

4. How does the proposed permanent ordinance to amend the TZC propose to regulate industrial intensification within the plan area? The ordinance would remove the industrial overlay and remove industrial type uses from the permitted uses table in the TZC. The removal of the overlay and of industrial type uses from the permitted uses table would render all existing industrial businesses within the plan area as nonconforming, thereby prohibiting the expansion of the existing industrial businesses and the establishment of new industrial businesses in the plan area. Moreover, the ordinance would prohibit intensification of nonconforming industrial uses, meaning the businesses would be prohibited from expanding operations that result in more potential impacts.

5. Does this impact commercial businesses or residential uses? The proposed amendments primarily address industrial uses within the TZC district. Commercial businesses that are

Disclaimer: The information provided in this FAQ is for general informational purposes only and should not be construed as legal advice.

compatible with mixed-use and transit-oriented development will continue to be permitted uses in the TZC. The amendments aim to enhance the compatibility between residential areas and neighboring businesses by removing industrial uses that create environmental and health impacts. These changes support the original 2010 TZC vision of creating a transit-supportive, pedestrian-oriented development framework that strengthens the area's mixed-use character while protecting existing residential neighborhoods. The amendments focus on safeguarding the residential communities in the area from industrial impacts while maintaining appropriate commercial activities that serve neighborhood needs.

6. How does this ordinance compare to similar policies in other cities? Most cities, including the City of Santa Ana, regulate nonconforming uses and structures. Several cities also include abatement or amortization processes to further regulate and terminate nonconforming uses and structures to advance overall land use policy direction. A few cities target termination of specific nonconformities, such as adult entertainment, industrial uses, and billboards or other types of signage, or certain types of buildings or structures. The City of National City has a well-established industrial amortization program, reviewing and ranking various businesses to be prioritized for amortization.

7. What are the differences between the M1 and M2 overlay, and how does it impact businesses within each zone? The Industrial Overlay (I-OZ) Zone is currently applied to areas that were zoned M1 (Light Industrial) or M2 (Heavy Industrial) and occupied with an industrial use when the TZC was originally adopted in 2010. As written, this overlay allows the type of land use activity and development permitted by the M1 and M2 zoning districts to continue until such time that the owner chooses to develop to the standards in the new residential and mixed-use zones that were applied to all of the properties within the plan area when the TZC was originally adopted. In order to determine if the M1 or M2 land use activity and development apply to a particular parcel, the I-OZ was further identified on the regulating plan (map) as I-OZ-M1 or I-OZ-M2.

8. Why is the City considering permitting residential on industrial properties? All of the properties within the TZC were assigned zones that permit residential and/or mixed-use development in 2010, when the plan was originally adopted. The proposed ordinance would not change or affect the zones that are already applicable to the properties within the boundary of the TZC. Rather, the proposed ordinance would simply remove the industrial overlay that was applied to certain properties within the plan area that had existing industrial businesses when the plan was adopted in 2010.

9. Why does the proposed ordinance prohibit the conversion of residential land uses or buildings to non-residential uses in the UN-1 and UN-2 zones of the TZC? UN-1 and UN-2 zones are applied to primarily residential areas intended to accommodate a variety of housing types, with some opportunities for live-work, neighborhood serving retail and cafes. The proposed ordinance would prohibit the conversion of residential uses/building to non-residential uses in these areas to strengthen and stabilize the low intensity residential nature of these

neighborhoods, while still allowing some limited neighborhood-serving commercial uses on properties that are already non-residential in nature.

10. How will this ordinance affect businesses that want to sell or transfer ownership to future owners? As proposed, the ordinance will not affect the transferability of nonconforming industrial uses, as defined in the ordinance, to future owners. However, the nonconforming status of a business that meets the definition of a Noxious Use, as defined in the TZC, would lose its nonconforming status when the business ownership changes or if it meets the code enforcement thresholds established in the proposed ordinance.

11. How does the City determine when a business has transferred to new ownership? All businesses operating in commercial locations must obtain a Certificate of Occupancy (COO) from the Planning Division before receiving a business license, while those in residential areas must secure a Home Occupation Permit. A new COO is required whenever a business changes its use, changes ownership, changes location, expands, or changes its name. Businesses that do not apply and obtain a COO may face code enforcement action.

12. What is a nonconforming use? A nonconforming use is a use that was lawful when established but became unlawful due to new or amended ordinances. These uses are sometimes referred to as "grandfathered" uses and are typically allowed to continue without expansion or intensification. The SAMC defines "nonconforming uses" generally as uses initiated before July 20, 1960, or those that were compliant with applicable provisions when established but later became nonconforming due to code changes or public agency property acquisition.

13. What is amortization? Amortization is a tool that provides a reasonable transition period for owners to phase out a nonconforming use. This "grace period" allows owners to recoup their investments before the use must cease, and serves as a lawful equivalent to "just compensation." Under the proposed ordinance, the City may consider amortizing certain nonconforming industrial uses based on factors enumerated in the ordinance. If the City elects to eliminate a use through amortization, a reasonable amortization period would be determined by an independent hearing officer be based on an individualized assessment.

14. The proposed ordinance references the use of a Hearing Officer for determining amortization periods in cases where the City elects to pursue elimination of a business/use through that mechanism. Who serves as hearing officer and what educational/professional background do they have? Hearing officers typically possess a background in law, urban planning, public administration, or a related field, and are already on retainer by the City of Santa Ana to adjudicate certain code enforcement appeals and other matters. Cities often utilize hearing officers to provide a neutral and impartial forum for dispute resolution, thereby increasing procedural fairness and public trust. Additionally, hearing officers often bring specialized expertise in navigating complex regulatory frameworks, which can streamline the hearing process and lead to more informed decision-making. The proposed ordinance requires that any hearing officer retained for the purposes of administering the amortization provisions must possess land use and legal background.

15. What industrial businesses would be considered nonconforming if the ordinance were adopted as proposed? The proposed ordinance defines nonconforming industrial use as a use established on any parcel or within any building located within the boundaries of the TZC that is listed in the uses permitted or uses permitted subject to a conditional use permit of the M1 (Light Industrial) or M2 (Heavy Industrial) zoning districts but that are no longer permissible through the proposed amendment. As such, all industrial businesses would be considered nonconforming if the ordinance were adopted as proposed.

16. What are the differences between a nonconforming industrial use and a noxious use? A nonconforming industrial use is a use established on any parcel or within any building located within the boundaries of TZC that is listed in the uses permitted or uses permitted subject to a conditional use permit of the M1 (Light Industrial) or M2 (Heavy Industrial) zoning districts but that are no longer permissible through the proposed amendment. A noxious use, as the term is defined and used in the proposed ordinance, is a nonconforming industrial use that is located within one thousand (1,000) linear feet of a public park, school (K-12) as defined by Section 11362.768 of the Health and Safety Code, or property used or zoned for residential purposes whose primary business operations involve any two or more of the following: 1) Emitting, generating, or discharging of particulate materials; exhausting emissions; or handling, storing emitting or discharging regulated compounds, hazardous materials, chemicals, or substances; 2) Operations that are regulated by and require a permit from a federal, state, or regional agency; 3) Storing, processing, or disposing of listed or hazardous waste; or 4) Operations that are not contained within a fully enclosed building. If an existing industrial business does not meet the criteria included in the definition of a noxious use, then it is considered a nonconforming industrial use. However, if the nonconforming industrial use meets the criteria of noxious use, then the business is also considered a noxious use.

17. How is *artisan/craft product – limited production* defined in the proposed ordinance? Artisan/craft product - limited production is defined as a specialized commercial facility with a retail-facing operation open to the public. Products are typically made by hand or with a restricted level of automation demonstrating an artistic skill. On-site production of artisan/craft product activities include design, production, processing, printing, assembly, treatment, testing, repair, and packaging, as well as any incidental storage. Typical artisan/craft products include, but are not limited to, electronics, food products, furniture-making, beverages, leather products, clocks and watches, jewelry, clothing/apparel, metal work, furniture and fine woodworking, glass, ceramics, paper and paper products, soaps, perfumes, and lotions, together with ancillary training and/or educational program activities.

18. What adjustments can be made to operational business hours to mitigate noise concerns? The proposed ordinance does not include language modifying noise standards. However, the proposed ordinance does include hours of operation that would apply to nonconforming industrial uses, which would limit noise impacts experienced by residents of the area. The TZC currently requires approval of a conditional use permit (CUP) for any business operating between 12:00 a.m. (midnight) and 7:00 a.m. During the CUP consideration process, the Planning

Commission may approve specific conditions of approval to address individual noise concerns on a per-application basis.

19. Can the City require a CUP and conditions of approval for noise regulation to existing nonconforming industrial businesses as done for late-night establishments? A CUP and conditions of approval cannot be applied retroactively. The TZC currently requires a conditional use permit for late-night operations, and through Planning Commission approval of conditions of approval, noise-generating activities can be addressed on a per-application basis.

20. How were noise level limits determined, and do they align with City standards? There are no proposed modifications to the TZC's existing noise standards.

21. What standards are proposed to mitigate air contaminants from industrial businesses? The proposed TZC amendments require all operations to be conducted within enclosed buildings, with measures to prevent dust, smoke, and other air contaminants. While businesses must comply with South Coast Air Quality Management District (SCAQMD) permit requirements, it's important to note that regulatory agencies rely on self-reported emissions data rather than independent measurements. The City's standards require enclosed operations, proper materials handling, and controlled loading activities. For specific requirements, please refer to Section 41-2009 of the proposed ordinance regarding Operational Standards for Nonconforming Industrial Uses.

22. How does truck idling impact the environment, and how can it be controlled? Truck idling releases high levels of nitrogen oxides (NOx) and particulate matter (PM 2.5), contributing to respiratory diseases, cardiovascular illnesses, and increased cancer risks, in accordance with the Environmental Protection Agency (EPA, 2023) and California Air Resources Board (CARB, 2023). While anti-idling laws exist, enforcement by South Coast Air Quality Management District (SCAQMD) is limited due to resource constraints and the requirement for in-person violation confirmation, making stricter enforcement and alternative mitigation strategies essential (SCAQMD, 2024).

23. What role do external agencies play in regulating businesses in this area? Several agencies regulate air and water quality to protect public health and the environment. The Environmental Protection Agency (EPA) sets national air quality standards under the Clean Air Act (CAA), while California Air Resources Board (CARB) enforces statewide pollution and emissions regulations. South Coast Air Quality Management District (SCAQMD) oversees regional air quality compliance in Southern California through permitting, monitoring, and enforcement programs. Additionally, the California State Water Resources Control Board (CSWRCB) and its regional boards regulate industrial wastewater discharge and water pollution under the Clean Water Act (CWA) and Porter-Cologne Water Quality Control Act to safeguard water resources.

24. Are these agencies issuing and enforcing permits for air quality and other regulations? Yes, businesses must obtain emissions permits under the Clean Air Act (CAA) and CARB regulations, with periodic reporting required to maintain compliance. However, the City's experience with these outside agencies shows that enforcement is often limited, as violations must be witnessed

in real time by an inspector, who may take up to three hours to respond, with restricted weekend availability. Additionally, video evidence of violations is not accepted under current policies, making enforcement more challenging.

25. Is there ongoing air quality testing in the TZC? Yes. Air quality monitoring in this area is conducted through multiple agencies. The South Coast Air Quality Management District (SCAQMD) provides regular monitoring and responds to community complaints. The CalEnviroScreen 4.0 data tracks ongoing pollution measurements, confirming these neighborhoods rank in the 90th percentile for pollution burden. The Environmental Protection Agency's (EPA) environmental justice mapping provides additional air quality monitoring data.

26. How are violations currently tracked, and what code enforcement reports exist? City staff have an internal process established which tracks and monitors incoming notice of compliance and notice of violations given to a particular business/operator from federal, state, or regional regulatory agencies. However, this process is dependent on the collaborative communication with external regulatory agencies' reports and enforcement, which has been limited.

27. What measurable environmental impacts justify this ordinance? Data from CalEnviroScreen 4.0 ranks the TZC plan area among the top 90 percent of California's most pollution-impacted areas, with high emissions from toxic releases, traffic, and diesel particulate matter. According to the EPA and CDC, prolonged exposure to these pollutants has led to 58 percent of children suffering from asthma, 84 percent of newborns having low birth weight, and 49 percent of residents experiencing cardiovascular diseases. Additionally, asthma-related emergency room visits in TZC are 117 percent higher than in the nearby city of Tustin (CDHHS, 2019), underscoring the urgent need for stricter air quality regulations.

28. Can the City address environmental concerns in the area without displacing or forcing businesses to relocate/close? The proposed ordinance aims to address the quality-of-life issues experienced by residents in the area through adoption of operating and development standards that would be applicable to industrial businesses, and by establishing a framework for amortization that the City may use for businesses that meet certain factors. Nonconforming industrial uses that comply with all applicable standards, would be permitted to remain in their current location and would not be forced to relocate or close.

29. What programs or alternative solutions exist for impacted businesses? Impacted businesses can continue to operate in their current locations, provided they comply with all applicable operating and development standards.

30. How does this ordinance affect financial factors such as jobs, tax revenue, economic growth? The proposed ordinance amendments do not require any immediate closure of businesses within the affected area. Should individual business owners and property owners elect to modify business operations, cease operations, or redevelop properties with new uses, financial factors would be evaluated on a per-application basis. Therefore, estimating any financial impacts of the proposed ordinance would be speculative.

31. What steps have been taken to ensure effective community engagement? The City has implemented a community engagement strategy that includes multiple formats and opportunities for participation. Since April 16, 2024, engagement efforts have included a community information meeting at the Santa Ana Train Station; regular in-person meetings at City Hall with business stakeholders and residents, together, with opportunities for discussion; field visits to affected neighborhoods have allowed for direct observation and community input in context; and tours of industrial businesses. The Planning Commission Study Session and subsequent public hearings have and will also offer formal venues for community feedback. Additionally, the City maintains a dedicated project webpage (www.santa-ana.org/transit-zoning-code-update/) that provides regular updates, meeting materials, and upcoming engagement opportunities, as well as contact information for project staff. Additional outreach has included neighborhood-specific sessions with Lacy and Logan residents, one-on-one consultations, direct email communications, phone calls, and coordination through the Environmental Justice Action Committee.

32. How does this ordinance promote common ground among stakeholders? The City ensured business owners and residents were informed about the meetings through door-to-door canvassing by City staff, as well as announcements on the City's website, NextDoor, Neighborhood Initiatives and Environmental Services' (NIES) Mailer, and the NIES Newsletter. These efforts facilitated open communication and engagement, fostering collaboration among stakeholders.

33. How can the public be involved in the process? The public can participate through multiple channels. Community members can attend public hearings and Planning Commission meetings, visit the project webpage at www.santa-ana.org/transit-zoning-code-update/ for current information and updates, and contact the Planning Division directly with questions or concerns. The City continues to hold focused community meetings and maintains open communication with residents, business owners, and stakeholders throughout this process.

34. What additional outreach efforts should be made before implementation? The City has established robust interdepartmental and interagency coordination to support implementation. The City maintain active collaboration with Orange County Fire Authority (OCFA) regarding safety compliance and emergency response planning, and the South Coast Air Quality Management District (SCAQMD) for technical guidance on air quality monitoring and compliance. Internal coordination continues between City departments including the Planning Division, Code Enforcement Division, Santa Ana Police Department, and the Public Works Agency to ensure comprehensive implementation oversight. The City's Neighborhood Initiatives and Environmental Services team coordinates with federal and state agencies including CalEPA's Environmental Justice Team and the Centers for Disease Control (CDC) to identify additional resources and support for affected communities. The Environmental Justice Action Committee, comprising residents, community organizations, and agency representatives, helps guide implementation priorities. Given these established partnerships and communication channels, the City is prepared to move forward with implementation while maintaining these collaborative relationships to ensure effective oversight and responsive community support.

35. How does the TZC compare to the West Santa Ana Boulevard Focus Area? The TZC area and West Santa Ana Boulevard Focus Area have fundamentally different General Plan land use designations and regulatory frameworks. The TZC was established in 2010 with mixed-use General Plan designations throughout, but retained an Industrial Overlay Zone (I-OZ) that allowed industrial uses to continue, creating inconsistencies. The West Santa Ana Boulevard Focus Area has its own distinct General Plan designations and does not have an industrial overlay. The proposed ordinance would remove the TZC's Industrial Overlay Zone, bringing its zoning into alignment with its mixed-use General Plan designations and supporting the area's intended transit-oriented, pedestrian-friendly development pattern.

36. Will this process be applied to other parts of the City? The proposed ordinance amendments will only affect the area zoned as the Transit Zoning Code (SD-84). The City is also underway with a comprehensive Zoning Code Update, which is a separate and ongoing effort to update and modernize the City's Zoning Code to reflect the goals and values of the General Plan Update from 2022.

37. What type of environmental document pursuant to the California Environmental Quality Act (CEQA) will be prepared for this project? The City, as the Lead Agency, has determined that the proposed ordinance and map amendment are subject to CEQA guidelines and regulations (Public Resources Code (PRC) Sections 21000-21177). An Addendum to the Transit Zoning Code Environmental Impact Report (EIR) (State Clearing House (SCH) No. 2006071100) has been prepared by the City to evaluate the impacts of the proposed ordinance amendments.

28. Extension of Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84 (“SD-84”), Also Known as the Transit Zoning Code (“TZC”) for Ten (10) Months and Fifteen (15) Days Pursuant to Government Code Section 65858(a)

Legal notice published in the Orange County Reporter on May 6, 2024.

Department(s):

Recommended Action: 1. Adopt an urgency ordinance extending a moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within SD-84, by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), for an additional 10 months and 15 days.

UNCODIFIED URGENCY ORDINANCE NO. NS-XXXX entitled AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA EXTENDING A MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS PURSUANT TO GOVERNMENT CODE SECTION 65858

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 21, 2024

TOPIC: Extension of Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses in Specific Development No. 84

AGENDA TITLE

Extension of Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84 ("SD-84"), Also Known as the Transit Zoning Code ("TZC") for Ten (10) Months and Fifteen (15) Days Pursuant to Government Code Section 65858(a)

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GOVERNMENT CODE §84308 APPLIES: No

Extension of Moratorium on the Approval, Commencement, Establishment, Relocation,
or Expansion of Industrial Uses in Specific Development No. 84
May 21, 2024
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Extension of Moratorium on the Approval, Commencement, Establishment, Relocation,
or Expansion of Industrial Uses in Specific Development No. 84

May 21, 2024

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EXECUTIVE SUMMARY

On April 16, 2024, the City Council adopted a Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84 Zoning District through adoption of Urgency Interim Ordinance No. NS-3063. The purpose of this Moratorium was to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods in the Transit Zoning Code (Specific Development No. 84) through the following conditions, including: code enforcement active cases; irreconcilable land use conflicts in the TZC; alarming air quality, noise, traffic, proximity to noxious use facilities, and public health concerns; and external regulatory agency responsiveness. During the moratorium, the City is not issuing permits that result in the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in the Transit Zoning Code (TZC).

Pursuant to Government Code Section 65858, the Moratorium shall have no further force and effect 45-days from the date of its adoption, which was April 16, 2024, unless extended. An extension requires the City Council issue a written report ten days prior to the expiration of the Moratorium, or extension thereof, describing the measures taken to alleviate the condition which led to the adoption of the Moratorium, provide notice pursuant to Government Code Section 65090, and hold a public hearing. Government Code Section 65858(a) allows an extension for 10 months and 15 days and a subsequent extension for one year. An extension also requires a four-fifths (4/5) vote of the City Council.

On May 7, 2024, the City Council issued a report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City's measures to alleviate conditions that led to the adoption of the Moratorium.

City staff has determined that an extension of the Moratorium for an additional ten (10) months and fifteen (15) days pursuant to the Government Code is necessary to continue with data tracking and reporting, research appropriate regulations, and coordinate with outside regulatory agencies and City departments to provide a complete analysis and thorough evaluation of the more than 130 industrial businesses within the TZC.

An extension of the Moratorium would provide sufficient time to enable staff to determine whether further, permanent action is necessary and to generate recommendations to the Planning Commission and City Council. Such action may entail a zoning map amendment, zoning text amendment, or both, which would address industrial land uses in the TZC.

DISCUSSION

Background

Review of City Department Activities

Immediately following the adoption of the Moratorium, staff conducted an interagency meeting, which included representatives from multiple City departments. These departments include the Planning Division, Building Safety Division, Code Enforcement Division, Business License, and Information Technology. Moreover, engagement with additional agencies such as the Police Department, Public Works Agency, and the Community Development Agency's Economic Development Division has produced critical information illustrating the extent to which industrial activities are intertwined with residential land uses in the TZO area, specifically and most concentrated in the Logan and Lacy neighborhoods.

Data based on Business License and Economic Development records indicate that the application of the Moratorium affects more than 130 industrial businesses in the TZO. Of these, over one-dozen have active applications for permits, the majority of which are to legalize unpermitted work on industrial properties and address ongoing Code Enforcement Division notices of violation.

City staff continue to gather, review, and analyze information regarding affected industrial businesses within the TZO. Specific data and reporting pertains to applications submitted by industrial businesses for permits, entitlements, certificates of occupancy, business licenses, and other relevant records immediately prior to and following the adoption of the Urgency Interim Ordinance and currently under review by City staff. Requests for information on calls for service and incident activities responded to by public safety departments of the Santa Ana Police Department (SAPD) and the Orange County Fire Authority (OCFA) are being reviewed by City staff to understand and validate public safety concerns or impacts shared by neighbors in disadvantaged communities with actual calls and emergencies reported.

Initial reports from the SAPD show calls for service in the TZO totaling 18,510 calls between March 2023 and April 2024. These calls for service included patrol checks, car stops, disturbances, alarm activation, trespassing, and many more types of calls for service. Of the 18,510 calls for service, 1,909 incidents reported were related to collisions, impounded vehicles, hit and run collisions, domestic violence, and Santa Ana municipal code violations. Similarly, data from OCFA shows 62 calls for service in 2022 and 66 calls for service for 2023 for a combined 128 calls for service for both 2022 and 2023 for advanced life support-related emergencies. Specifically, 29 of the service calls responded to by OCFA in 2022 were related to health stemming from respiratory concerns to chest pain and cardiac arrest, along with long-term diabetic issues and chest pains. In 2023, there was nearly a seven percent (7%) increase in the number of health-related calls OCFA responded to related to health issues.

In addition, City staff continue to monitor Code Enforcement Division activities and implementation of the City's Noxious Uses Ordinance pertaining to these facilities. Code Enforcement staff will broaden data reports that show enforcement activity beyond the Lacy and Logan neighborhoods within the TZC, where at the time of adoption of the Moratorium, 17 active open cases were issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. Such violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. The amount of active open industrial cases, in close proximity to one another, during a short period of time is creating a public nuisance and harming the public health, safety, and general welfare of the two residential neighborhoods.

Since the adoption of the Moratorium, City staff have received multiple code enforcement complaints from community members about industrial businesses in the TZC area that were also reported previously before the adoption of the Moratorium. City staff have received repeated code enforcement and air emission complaints about facilities in the Logan neighborhood and are working with Code Enforcement Division and SCAQMD staff to obtain responses, investigations, or reports provided by the Code Enforcement Division and SCAQMD to the complaints reported. Recent code enforcement complaints on properties in the Logan neighborhood involve complaints for recurring unpermitted work and land use violations that involve large commercial vehicles blocking street access and impacting nearby residents.

Code Enforcement Division follow-up has resulted in larger administrative citations, continued enforcement, and onsite meetings with business owners. Moreover, air emission complaints have been reported to SCAQMD. These complaints include one involving black smoke and another regarding unpermitted soil vapor extraction equipment onsite. Part of the jurisdictions that City staff are working with include SCAQMD staff to obtain updates regarding the status of these complaints. SCAQMD staff investigated one complaint that did not result in an enforcement action and is investigating the other complaint. SCAQMD staff has clarified that for air quality complaints they receive, their inspector is required to be physically present to observe the activity from the facility described in the complaint to determine if the complaint warrants further investigation or enforcement action in accordance with South Coast AQMD Rules 401 (Visible Emissions), 402 (Public Nuisance), and 403 (Fugitive Dust). Community members continue to share concerns with City and SCAQMD staff regarding the turnaround time for an SCAQMD inspector to be physically present at an SCAQMD-permitted facility to investigate an air quality complaint, especially if a complaint is reported after working hours or on weekends.

Review of Records and Activities of External Agencies

To broaden the analysis beyond the City's local land use impacts, City staff have initiated public records requests from outside regulatory agencies, such as the South Coast Air Quality Monitoring District, Santa Ana Regional Water Quality Control Board, the Department of Toxic Substances Control, and others responsible for issuing supportive permits for industrial uses in the TZC. Such agencies are responsible for permit issuance, compliance activities, and/or monitoring hazardous clean-up sites, or other industrial facility-related activities and received current data requests for sites located within SD No. 84 that were initiated by City staff on April 25, 2024.

Data from outside regulatory agencies will assist City staff in further understanding activities between external regulatory agencies and industrial businesses that may place additional impacts on public health, safety, and welfare in affected neighborhoods adjacent to industrial businesses in the TZC. This information would enable City staff to understand the correlation and environmental burdens that may be attributed to permitted activities for industrial businesses in historically environmentally disadvantaged communities, specifically the Logan and Lacy neighborhoods. In response to the City's request, SCAQMD clarified the need to process the records request by larger geographic areas, such as zip code area as an example, not specifically matching the boundaries of the TZC. The City has not received responses to its Public Records Act requests and once it does, additional time will be needed for City staff to carefully review and analyze the data in order to understand all activities (internal and external) and affected industrial businesses.

Comprehensive Zoning Code Update and Neighborhood Engagement

City staff continue to work with Project Consultant MIG to ensure the City's Zoning Code and General Plan are consistent. In order to maintain compliance with state law, comprehensive amendments to the Zoning Code will likely be required. MIG and City staff have already conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts continue to indicate that there are irreconcilable land use conflicts and land use inconsistencies in the TZC area which are among the most pressing topics to be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area.

The Neighborhood Initiatives and Environmental Services (NIES) section of the Planning Division continue to coordinate with City departments, outside regulatory agencies, and staff from other federal and state agencies to identify additional resources available to enhance deeper awareness of pollution exposure in disadvantaged communities, long-term health effects, and options for immediate

solutions. The NIES team has held meetings and discussions with staff from the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry and CalEPA Environmental Justice Team to identify opportunities for linking environmental justice (EJ) resources and support to the Logan and Lacy neighborhoods. NIES staff also continue to coordinate with residents selected to represent the City's EJ Clusters to complete the formation of the EJ Action Committee, the community-led EJ advocacy group. This group will help guide the prioritization and resource investments to implement the City's General Plan EJ Policies and Implementation Actions.

Next Steps

During the Moratorium, staff will evaluate if further, permanent action to address the land use conflicts in the TZC is necessary. Such action may entail a zoning map amendment, zoning text amendment, or both, which would permanently address industrial land uses in the TZC.

Staff continues to receive, analyze, and prepare a thorough evaluation of industrial business uses within the TZC. Staff has determined that an extension of the Moratorium for an additional ten (10) months and fifteen (15) days, pursuant to Government Code Section 65858(a), is recommended to provide the additional staff time and resources needed to implement a comprehensive evaluation of the industrial uses in the TZC utilizing the data reporting and tracking, regulatory research, enforcement reports, and department discussions to fully understand the effects of industrial uses in the TZC and to continue to address current and immediate threats to public health, safety, and welfare, due to growing code enforcement complaints stemming from the irreconcilable land use conflicts within the TZC.

On May 7, 2024, a ten-day report was issued by the City Council pursuant to California Government Code Section 65858(d) and is attached and referenced as Exhibit A to the Ordinance attached to this staff report. The April 16, 2024 City Council Meeting staff report is included in this report as Exhibit 3, providing background on the issues and analysis on the original need for the Moratorium.

ENVIRONMENTAL IMPACT

The extension of the Moratorium is not subject to the California Environmental Quality Act ("CEQA"), as the proposed action is not subject to the requirements of CEQA, pursuant to Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project, as the ordinance will temporarily preclude the approval,

Extension of Moratorium on the Approval, Commencement, Establishment, Relocation,
or Expansion of Industrial Uses in Specific Development No. 84

May 21, 2024

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commencement, establishment, relocation, or expansion of uses in Specific
Development No. 84 (the Transit Zoning Code).

FISCAL IMPACTS

There is no fiscal impact associated with this action.

EXHIBITS

1. Uncodified Urgency Ordinance Extending Moratorium for Ten (10) Months and
Fifteen (15) Days
2. Urgency Interim Ordinance No. NS-3036 adopted on April 16, 2024
3. April 16, 2024 City Council Staff Report and Exhibits
4. Public Notice

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

Approved By: Alvaro Nuñez, Acting City Manager

UNCODIFIED URGENCY ORDINANCE NO. NS-XXXX

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, EXTENDING A MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS PURSUANT TO GOVERNMENT CODE SECTION 65858

WHEREAS, the City of Santa Ana has the police power pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect the public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, on April 16, 2024, the City Council adopted a Moratorium on the approval, commencement, establishment, relocation or expansion of industrial uses within Specific Development No. 84 ("SD-84") also known as the Transit Zoning Code ("TZC") by adoption of Urgency Ordinance No. NS-3063 to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent residential neighborhoods in the TZC (SD-84) through the following conditions, including: code enforcement active cases; irreconcilable land use conflicts in the TZC; alarming air quality, noise, traffic, proximity to noxious use facilities, and public health concerns; and external regulatory agency responsiveness; and

WHEREAS, the Moratorium will expire on June 1, 2024 unless extended; and

WHEREAS, Government Code Section 65858 authorizes the City Council, after notice pursuant to Government Code Section 65090 and a public hearing, to adopt an ordinance extending the Moratorium for 10 months and 15 days, upon approval by a fourth-fifths vote, and upon making the same findings required for the adoption of the initial forty-five (45) day Moratorium; and

WHEREAS, Government Code Section 65858(d) requires the City Council, ten days prior to the expiration of the Moratorium or any extension thereof, to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Moratorium; and

WHEREAS, on May 7, 2024, City staff prepared, and the City Council issued and filed a report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City's measures to alleviate conditions that led to the adoption of the Moratorium; and

WHEREAS, Santa Ana Charter Sections 415 and 417 expressly authorize the City Council to enact urgency ordinances, which take effect immediately upon introduction, for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency; and

WHEREAS, Government Code Section 65858, authorizes the City Council to adopt an interim urgency ordinance with a four-fifths vote, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, in unanimously adopting the Moratorium on April 16, 2024, the City Council of the City of Santa Ana established the following findings, all of which below remain true and applicable and necessary to support extending the Moratorium:

- The TZC, located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010; and
- Upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and
- The goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new and enhancement of existing communities through transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and

- Industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and
- The TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were converted to the mixed-use zones allowed by the TZC; and
- Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called “disadvantaged communities”, in their jurisdictions and address environmental justice in their general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options; and
- The City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and
- The Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana’s General Plan update complied with all aspects of SB 1000 prior to its adoption; and
- As required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all of its elements, which include 77 implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and
- Numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict

of Uses), and Policy CN-1.5 (Sensitive Receptor Decisions), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities; and

- The industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and
- The Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century; and
- The construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in a number of families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and
- In the 1970s a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and
- The Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model; and
- Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and
- The updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, are designated as varying intensities of District Center or Urban

Neighborhood land use designations—both of which are inconsistent with industrial uses; and

- There are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City's Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC's existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and
- In the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and
- In the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities

have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

- There is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and
- There is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and
- The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and
- MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the

comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area; and

- The policies and implementation actions in the General Plan also require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and
- Given these concerns, the City Council directed that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district; and
- Based on the foregoing, the City Council found that continuing to issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property located in the TZC for the purposes of industrial business use, prior to the City's completion of its study of the potential impact of such uses, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements in the TZC area is thus necessary; and
- The City Council further found that if an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare for the following reasons:
 - Adversely impacts surrounding businesses and neighborhoods;
 - Adversely impacts sensitive uses such as residences, schools, parks, and places where children congregate;
 - Conflicts with the goals and policies of the City's General Plan;
 - Long-term incompatibility and inconsistency with surrounding uses; and
 - Risks to the public health, safety and welfare of the City; and
- The City Council also determined that prevention of detrimental impacts to residents, the public interest, health, safety and welfare required the immediate enactment of the urgency

ordinance and that the absence of the urgency ordinance will create a serious threat to the orderly and effective implementation of any code amendments, general plan amendments or specific plan amendments which may be adopted by the City; industrial business uses may be in conflict with or frustrate the contemplated updates and revisions to the Code. Moreover, permitting such uses during said studies and implementation would create impacts on the public health, safety and welfare that the City Council, in adopting the ordinance, found to be unacceptable; and

WHEREAS, Since the adoption of the Moratorium, City staff has begun to gather data and research the impact of these industrial uses in the TZC as set forth in the report issued by the City Council on May 7, 2204; and

WHEREAS, there is a need to study further the issues associated with industrial uses in the TZC and the impact that these uses have on the adjacent residential neighborhoods and their residents; and

WHEREAS, City staff, the Planning Commission, and the City Council each require a reasonable period of time to study the existing SD-84/TZC and to evaluate if further, permanent action to address the land use conflicts in the TZC is necessary; and

WHEREAS, the City Council wishes to extend the Moratorium for a period of ten (10) months and fifteen (15) days, or until the City Council adopts an ordinance addressing the issues raised, whichever occurs first; and

WHEREAS, at a duly noticed public hearing on May 21, 2024, the City Council heard testimonial evidence and all other evidence submitted from members of the public that were present and from City staff. The City Council reviewed, analyzed, considered and studied all oral and written testimony and evidence presented at the public hearing, including staff reports and presentations of City staff.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds that there is a current and immediate threat to public health, safety and welfare posed by industrial uses in SD-84, also known as, the TZC. If an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare due to adverse impacts on surrounding businesses and neighborhoods; adverse impacts on sensitive uses such as residences, schools, parks, and places where children congregate; conflicts with the goals and policies of the City's General

Plan; and the effect of long term incompatibility and inconsistency with surrounding uses.

Section 3. In accordance with Government Code Section 65858(d), on May 7, 2024, the City Council issued a written report describing the measures being taken to alleviate the conditions that lead to the adoption of the Moratorium and this extension thereof, attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Government Code Section 65858 authorizes the City Council to adopt an interim Urgency Ordinance, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission of the planning department is considering or studying or intends to study within a reasonable time.

Section 5. Government Code Section 65858(a) provides that the City Council, after notice and a public hearing, may extend the interim Ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension requires a four-fifths vote.

Section 6. The City Council, in accordance with Government Code Section 65858 and Santa Ana Charter Sections 415 and 417 hereby adopts this uncodified Urgency Ordinance extending the Moratorium on the approval, commencement, establishment, modification, relocation or expansion of industrial uses in the TZC for a period of ten (10) months and fifteen (15) days, commencing June 1, 2024. The Moratorium will now expire on April 15, 2025, or until the City Council adopts an Ordinance addressing the issues related to the approval, commencement, establishment, relocation or expansion of industrial uses within SD-84, also known as the TZC. For the purposes of this Urgency Ordinance, "industrial uses" includes those specified by Divisions 18 and 19 of Article III of Chapter 41 of the Santa Ana Municipal Code, and by Section 41-2007 of the Santa Ana Municipal Code and Table 2A in the Transit Zoning Code (Specific Development No. 84).

Section 7. This Ordinance shall have no further force and effect after a period of ten (10) months and fifteen (15) days, commencing June 1, 2024; unless, however, after public hearing the City Council, by four/fifths (4/5) vote, extend this Ordinance for a period of one more year.

Section 8. It shall be unlawful and a misdemeanor for any person to violate or fail to comply with any provision of the ordinance. The violation of any provision of this Ordinance shall be punished as provided in Section 1-8 of Chapter 1 of the Code.

Section 9. The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a

direct or reasonably foreseeable indirect physical change in the environment, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation or expansion of uses in the zoning district.

Section 10. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

Section 11. This Ordinance is introduced, passed and adopted at one and the same meeting and is thereafter immediately effective. The City Council finds that this ordinance is necessary to protect the public safety, health and welfare. The reasons for the emergency are set forth in Section 1 of this Ordinance.

Section 12. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this ____ day of _____, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief 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.

Date: _____

City Clerk
City of Santa Ana



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 7, 2024

TOPIC: Ten-Day Written Report Pursuant to California Government Code Section 65858(d) Following the Adoption of Urgency Interim Ordinance No. NS-3063

AGENDA TITLE

Ten-Day Written Report Pursuant to California Government Code Section 65858(d) Following Adoption of Urgency Interim Ordinance No. NS-3063, a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

RECOMMENDED ACTION

Issue and file a Council report to the public, pursuant to Section 65858(d) of the California Government Code, describing the City's measures to alleviate conditions that led to the adoption of Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 (the Transit Zoning Code).

GOVERNMENT CODE §84308 APPLIES: No

EXECUTIVE SUMMARY

Pursuant to Section 65858(d) of the California Government Code, the purpose of this staff report is to provide a written report no less than ten days prior to the expiration of Urgency Interim Ordinance No. NS-3063 describing the measures City staff has taken to alleviate the condition which led to the adoption of the Ordinance.

On April 16, 2024, the City Council adopted Urgency Interim Ordinance No. NS-3063, which establishes a 45-day moratorium on the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in Specific Development No. 84, also known as the Transit Zoning Code (commonly referred to as the "Transit Zoning Code" or "TZC") while City staff researches appropriate regulations and determines whether an extension pursuant to the Government Code is necessary.

Urgency Interim Ordinance No. NS-3063 shall have no further force and effect 45 days from the date of its adoption, unless, after a report on the first 45 days and a public hearing, the City Council members, again by four/fifths (4/5) vote, extend the Ordinance

for an initial extension period of ten (10) months and fifteen (15) days. Based on the adoption date of April 16, 2024, the Ordinance is scheduled to expire on June 1, 2024.

As City staff begins to analyze and prepare an evaluation of industrial business uses within the TZC, the evaluation will enable staff to generate recommendations to the Planning Commission and City Council to determine whether further, permanent action is necessary. Such action may entail a zoning map amendment, zoning text amendment, or both, which would address industrial land uses in the TZC.

DISCUSSION

Background

On April 16, 2024, the City Council adopted Urgency Interim Ordinance No. NS-3063 to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent neighborhoods through the following conditions, including: code enforcement active cases; irreconcilable land use conflicts in the TZC; alarming air quality, noise, traffic, proximity to noxious use facilities, and public health concerns; and external regulatory agency responsiveness. During the urgency interim moratorium period, the City will not issue permits that result in the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in the TZC.

Measures Taken

Review of City Department Activities

Immediately following the adoption of the 45-day moratorium, staff conducted an interagency meeting, which included representatives from multiple City departments. These departments include the Planning Division, Building Safety Division, Code Enforcement Division, Business License, and Information Technology. Moreover, engagement with additional agencies such as the Police Department, Public Works Agency, and the Community Development Agency's Economic Development Division has produced critical information illustrating the extent to which industrial activities are intertwined with residential land uses in the TZC area, specifically and most concentrated in the Logan and Lacy neighborhoods.

Data based on Business License and Economic Development records indicate that the application of Urgency Interim Ordinance No. NS-3063 affects up to 130 industrial businesses in the TZC. Of these, over one-dozen have active applications for permits, the majority of which are to legalize unpermitted work on industrial properties and address ongoing Code Enforcement Division notices of violation.

City staff continues to gather, review, and analyze information regarding affected industrial businesses within the TZC. Specific data and reporting pertains to applications submitted by industrial businesses for permits, entitlements, certificates of occupancy, business licenses, and other relevant records immediately prior to and following the adoption of the Urgency Interim Ordinance and currently being reviewed by City staff. Requests for information on calls for service and incident activities responded to by public safety departments of the Santa Ana Police Department and Orange County Fire Authority (OCFA) are being reviewed by City staff to understand and validate public safety concerns or impacts shared by neighbors in disadvantaged communities with actual calls and emergencies reported.

In addition, City staff continues to monitor Code Enforcement Division activities and implementation of the City's Noxious Uses Ordinance pertaining to these facilities. Code Enforcement staff will broaden data reports that show enforcement activity beyond the Lacy and Logan neighborhoods within the TZC, where at the time of adoption of the Urgency Interim Ordinance on April 16, 2024, 17 active open cases were issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. Such violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. The close proximity of active open industrial cases during a short period is creating a public nuisance that is harming public health, safety, and general welfare of the two residential neighborhoods from the concentration of open code enforcement cases nearby.

Review of Records and Activities of External Agencies

To broaden the analysis beyond the City's local land use impacts, City staff have initiated public records requests of violation records and violation status of outside regulatory agencies, and have contacted staff from external regulatory agencies such as the South Coast Air Quality Monitoring District (SCAQMD), Santa Ana Regional Quality Water Control Board, the Department of Toxic Substances Control, and others responsible for issuing supportive permits for industrial uses in the TZC. Specifically, these agencies are responsible for permit issuance, compliance activities, and/or monitoring hazardous clean-up sites, or other industrial facility-related activities and have received current data requests for sites located within SD No. 84.

Data from external regulatory agencies would assist City staff in further understanding activities between external regulatory agencies and industrial businesses that may place additional impacts on public health, safety, and welfare in affected neighborhoods adjacent to industrial businesses in the TZC. This information would enable City staff to understand the correlation and environmental burdens that may be attributed to permitted activities for industrial businesses in historically environmentally disadvantaged communities, specifically the Logan and Lacy neighborhoods. In

response to the City's request, SCAQMD clarified the need to process the records request by larger geographic areas, not specifically matching the boundaries of the TZC. When reports become available to the City, additional time will be needed for City staff to carefully review and analyze other internal data to understand all activities (internal and external) and affected industrial businesses.

Comprehensive Zoning Code Update and Neighborhood Engagement

City staff continues to work with Project Consultant Moore, Iacofano, Goltsman, Inc. (MIG) to ensure the City's Zoning Code and General Plan are consistent and, to maintain compliance with state law, comprehensive amendments to the Zoning Code are required. MIG and City staff have already conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area.

City staff from the Neighborhood Initiatives and Environmental Services (NIES) section of the Planning Division will continue to coordinate with City departments, external regulatory agencies, and staff from other federal and state agencies to identify additional resources available to enhance deeper awareness of pollution exposure in disadvantaged communities, long-term health effects, and immediate solutions. The NIES team has held meetings and discussions with staff from the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry and CalEPA Environmental Justice Team to identify opportunities for linking environmental justice (EJ) resources and support to the Logan and Lacy neighborhoods. In addition, the NIES team has been working with the residents selected to represent the City's EJ Clusters to complete the formation of the EJ Action Committee, the community-led EJ advocacy group, to guide the prioritization and resource investments to implement the City's General Plan EJ Policies and Implementation Actions.

Next Steps

Staff implements the 45-day moratorium established by Urgency Interim Ordinance No. NS-3063 through ongoing interagency coordination. Moreover, staff will continue to analyze and prepare an evaluation of industrial business uses within the TZC, which will enable staff to generate recommendations to the Planning Commission and City Council to determine whether an extension of the 45-day moratorium is recommended. If an extension is recommended, it would be placed on the May 21, 2024 City Council agenda as a public hearing item, which is prior to the June 1 expiration date.

During the 45-day moratorium and any potential extension period, staff will evaluate if further, permanent action to address the land use conflicts in the TZC is necessary. Such action may entail a zoning map amendment, zoning text amendment, or both, which would permanently address industrial land uses in the TZC.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

EXHIBITS

1. Adopted Urgency Interim Ordinance No. NS-3063
2. April 16, 2024 City Council Staff Report

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

Approved By: Alvaro Nuñez, Acting City Manager

ORDINANCE NO. NS-3063

AN URGENCY ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

WHEREAS, the City of Santa Ana has the police power pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect the public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, Specific Development No. 84 zoning district, also known as the Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010; and

WHEREAS, upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and

WHEREAS, the goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new and enhancement of existing communities through transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and

WHEREAS, industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern

zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and

WHEREAS, the TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were converted to the mixed-use zones allowed by the TZC; and

WHEREAS, Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called "disadvantaged communities", in their jurisdictions and address environmental justice in their general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options; and

WHEREAS, the City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and

WHEREAS, the Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana's General Plan update complied with all aspects of SB 1000 prior to its adoption; and

WHEREAS, as required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all of its elements, which include 77 implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

WHEREAS, numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), and Policy CN-1.5 (Sensitive Receptor Decisions), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities; and

WHEREAS, the industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and

WHEREAS, the Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century and

WHEREAS, the construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in a number of families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and

WHEREAS, in the 1970s a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and

WHEREAS, the Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as "disadvantaged communities" by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model; and

WHEREAS, Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

WHEREAS, the updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and

WHEREAS, there are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City's Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC's existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and

WHEREAS, in the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South

Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, in the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, there is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and

WHEREAS, there is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and

WHEREAS, The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and

WHEREAS, MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area; and

WHEREAS, the policies and implementation actions in the General Plan also require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

WHEREAS, given these concerns, the City Council hereby directs that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district; and

WHEREAS, based on the foregoing, the City Council finds that continuing to issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property located in the TZC for the purposes of industrial business use, prior to the City's completion of its study of the potential impact of such uses, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements in the TZC area is thus necessary; and

WHEREAS, if an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare for the following reasons:

- (1) Adversely impacts surrounding businesses and neighborhoods;
- (2) Adversely impacts sensitive uses such as residences, schools, parks, and places where children congregate;
- (3) Conflicts with the goals and policies of the City's General Plan;
- (4) Long-term incompatibility and inconsistency with surrounding uses; and
- (5) Risks to the public health, safety and welfare of the City; and

WHEREAS, prevention of detrimental impacts to residents, the public interest, health, safety and welfare requires the immediate enactment of this urgency ordinance. The absence of this urgency ordinance will create a serious threat to the orderly and effective implementation of any code amendments, general plan amendments or specific plan amendments which may be adopted by the City; industrial business uses may be in conflict with or frustrate the contemplated updates and revisions to the Code. Moreover, permitting such uses during said studies and implementation would create

impacts on the public health, safety and welfare that the City Council, in adopting this ordinance, has found to be unacceptable; and

WHEREAS, the City Council finds, determines and declares that the current and immediate threat to the public health, safety and welfare of the city and its citizens necessitates the immediate enactment of this urgency ordinance by a four-fifths vote of the City Council.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation or expansion of uses in the zoning district.

Section 3. California Government Code Section 65858 authorizes the City Council to adopt an interim urgency ordinance, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 4. The City Council, in accordance with Government Code Section 65858, hereby adopts this urgency ordinance establishing a 45-day moratorium on the approval, commencement, establishment, modification, relocation or expansion of industrial uses in the TZC while City staff researches appropriate regulations and whether an extension pursuant to the Government Code is necessary. For the purposes of this Ordinance, "industrial uses" includes those specified by Divisions 18 and 19 of Article III of Chapter 41 of the Santa Ana Municipal Code, and by Section 41-2007 of the Santa Ana Municipal Code and Table 2A in the Transit Zoning Code (Specific Development No. 84).

Section 5. This ordinance shall have no further force and effect forty-five (45) days from the date of its adoption; unless, however, after public hearing the City Council members, by four/fifths (4/5) vote, extend this ordinance for an initial period of ten (10) months and fifteen (15) days and subsequently, after public hearing, the City Council members, by four/fifths (4/5) vote, extend this ordinance one more year.

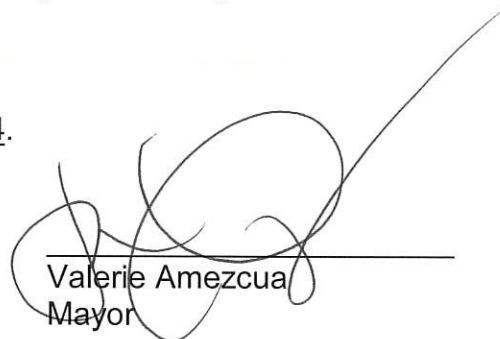
Section 6. It shall be unlawful and a misdemeanor for any person to violate or fail to comply with any provision of the ordinance. The violation of any provision of this ordinance shall be punished as provided in Section 1-8 of Chapter 1 of the Code.

Section 7. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

Section 8. This ordinance is introduced, passed and adopted at one and the same meeting and is thereafter immediately effective. The City Council finds that this ordinance is necessary to protect the public safety, health and welfare. The reasons for the emergency are set forth in Section 1 of this ordinance.

Section 9. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this 16th day of April, 2024.


Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

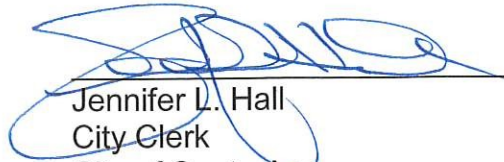
By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES:	Councilmembers	<u>Amezcua, Bacerra, Hernande, Lopez,</u> <u>Penaloza Phan, Vazquez (7)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-3063 to be the original ordinance adopted by the City Council of the City of Santa Ana on April 16, 2024.

Date: 4/25/2024



Jennifer L. Hall
City Clerk
City of Santa Ana

28. Urgency Interim Ordinance Pursuant to Section 65858(a) of the California Government Code Adopting a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

(A copy of the full text of the proposed urgency ordinance is available for review in the City Clerk's Office)

Department(s):

Recommended Action:

1. Adopt an urgency ordinance by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), adopting a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 zoning district.

ORDINANCE NO. NS-XXXX entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
April 16, 2024

TOPIC: Transit Zoning Code Urgency Interim Ordinance (Moratorium)

AGENDA TITLE

Urgency Interim Ordinance Pursuant to Section 65858(a) of the California Government Code Adopting a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

RECOMMENDED ACTIONS

1. Adopt an urgency ordinance by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), adopting a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 zoning district.

ORDINANCE NO. NS-XXXX entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.

GOVERNMENT CODE §84308 APPLIES: No

EXECUTIVE SUMMARY

Staff is recommending adoption of an urgency interim ordinance, pursuant to Government Code Section 65858(a), also known as a moratorium, to address current and immediate threats to public health, safety, and welfare, due to growing code

enforcement complaints stemming from the irreconcilable land use conflicts within the Specific Development No. 84 zoning district (commonly referred to as the “Transit Zoning Code” or “TZC”). Specifically, in the Logan and Lacy neighborhoods, and surrounding areas, the City’s Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period is creating a public nuisance that is straining City resources and that is harming public health, safety, and general welfare of the TZC’s existing and new residential neighborhoods.

If adopted, the urgency ordinance would establish a 45-day moratorium on the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in the TZC while City staff researches appropriate regulations and determines whether an extension pursuant to the Government Code is necessary. The urgency ordinance shall have no further force and effect 45-days from the date of its adoption, unless, after a report on the first 45 days and a public hearing, the City Council members, again by four/fifths (4/5) vote, extend this ordinance for an initial extension period of ten (10) months and fifteen (15) days.

DISCUSSION

Background

Specific Development No. 84 (the Transit Zoning Code)

The Specific Development No. 84 zoning district, also known as the Transit Zoning Code (“TZC”), is located in the central urban core of the City and comprises over 100 blocks and 450 acres. The TZC includes the Civic Center, Downtown, and the Logan and Lacy neighborhoods, which are among the City’s most historic in age and in established residential communities. As shown in Exhibit 2, the TZC is generally bounded by First Street, Flower Street, Civic Center Drive, Grand Avenue, and the Santa Ana (I-5) Freeway. Prior to the implementation of the TZC, the area consisted of a wide range of civic, commercial, industrial, and residential land uses under a variegated amalgamation of zoning districts and their regulations.

In June 2010, the City Council adopted Ordinance No. NS-2804, adopting various entitlements approving the creation of the TZC. The TZC established a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure; preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and

design standards; encourage alternative modes of transportation; provide for a range of housing options; and allow for the reuse of existing structures.

Moreover, the TZC provided new zoning for all of the properties contained within its boundary with the exception of those properties zoned Light Industrial (M1) or Heavy Industrial (M2). These M1 and M2 properties retained their existing zoning, but were covered by two overlay zones that allows for the option of future mixed-use development to be exercised at the discretion of the property owner. In support of the TZC, the City Council also approved a General Plan amendment, establishing numerous mixed-use General Plan land use designations for the entirety of the TZC. In these industrial overlay areas, however, the resulting new General Plan land use designations immediately resulted in zoning inconsistencies and land use conflicts between the new General Plan land use designations and the industrial overlays.

Since 2010, and specifically in the Logan and Lacy neighborhoods, these industrial uses have remained, changed ownership, undergone expansions or intensifications, and created numerous land use conflicts and disturbances that affect surrounding residential communities. Specifically, in the Logan neighborhood alone, these land uses create quality of life, health and safety, and other trespass issues for residential properties that often directly abut these industrial land uses. These issues include odors, dust, traffic, noise, vibrations, and other documented impacts that have taken place for nearly a decade and a half, despite the change in underlying General Plan land use designation.

Comprehensive Zoning Code Update

The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required. Necessary amendments include the creation of new zoning district designations and corresponding development standards; updates to the definitions, signage, nonconforming, and parking sections; reorganization of the entire Zoning Code to a more user-friendly format; and new standards to reflect new land use trends, economic development trends, and land use goals of the City.

MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area.

Historically Disadvantaged Communities

Prior to the adoption of the City's Transit Zoning Code (TZC), the City permitted industrial uses within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools. By way of context, the Logan neighborhood represents the oldest Mexican and Mexican-American neighborhoods of Santa Ana and one of the oldest barrios in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century. Moreover, as a neighborhood, the area was established before the modern practice of separating impactful land uses, also known as zoning. The Logan neighborhood itself originated as early as 1886 and was largely settled by 1900, before the practice of zoning was enshrined by *Village of Euclid v. Ambler Realty Co.* in 1926. By then, the neighborhood comprised residential, industrial, commercial, and related land uses, with issues further exacerbated by rail lines, fuel storage depots, and the construction of the Santa Ana Freeway between 1947 and 1956.

Comprehensive data analysis and mapping tools generated by the California EPA (CalEPA), the Center for Diseases Control/Agency for Toxic Substances and Disease Registry (CDC/ATSDR), the U.S. EPA (EPA), and California Healthy Places Index (HPI), present concerning information regarding environmental conditions impacting residents in the Logan and Lacy neighborhoods. Exhibit 3 of this report references EJ maps showing rankings of at least 90% or higher in heavy air pollution attributed to indicators describing exposure to Particulate Matter (PM) 2.5, Diesel Particulate Matter, Air Toxics Cancer Risk, Toxic Releases to Air, and Hazardous Water Proximity exposures. Multiple sources of environmental exposure and pollution burden into communities of color, including the Logan and Lacy neighborhoods, presents an alarming set of challenges and decline in healthy community conditions that will impact their quality of life and life expectancy with continued heavy industrial uses nearby.

Implementation of Senate Bill (SB 1000), City General Plan Update (GPU), and new Environmental Justice (EJ) Policies and Actions

SB 1000 went into effect in 2016, requiring local governments to address pollution and other hazards that disproportionately impact low-income and communities of color within their jurisdiction as a way to proactively plan for and address environmental concerns when developing and updating components of the General Plan. During this period, the City began and extended its comprehensive public engagement process for the General Plan Update through its adoption in April 2022. The City and community worked to ensure that the new General Plan included SB 1000 requirements of addressing environmental justice in local general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing

harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options. Of note, the new General Plan mixed-use land use designations in the TZC area were largely left intact, including those in the Lacy and Logan neighborhoods, when the General Plan Update was adopted in 2022.

Santa Ana's current General Plan champions implementation policies, including 77 EJ actions that address air quality, noxious uses, water safety, residential lead exposure in the soil, and other environmental public health conditions. City staff, over the past year, have worked on a process to create an EJ Action Committee of EJ cluster area residents, community-based organizations (CBOs), and County and City staff representatives, to guide implementation and resource investments to protect neighborhoods from experiencing any further environmental harm. For the Logan and Lacy neighborhoods, incompatible land uses allowed from past zoning decisions, including the industrial overlay zones, have perpetuated the practices of locating industrial uses or other noxious and unwanted uses, in close proximity to communities of color.

Code Enforcement and Immediate Ongoing Issues

In the Lacy and Logan neighborhoods within the TZC, the Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. These violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. The close proximity of active open industrial cases during a short period is creating a public nuisance that is harming public health, safety, and general welfare of the two residential neighborhoods from the concentration of open code enforcement cases nearby.

Since June 2023, the TZC communities have experienced a marked increase in impacts stemming from the irreconcilable industrial and residential land use conflicts in the Logan and Lacy neighborhoods. Residents in the TZC have increased their reporting of complaints and public health concerns to City staff regarding emitted contaminants and zoning violations from industrial businesses in the neighborhoods. Concerns that range from air pollution and smoke, toxic release exposures, idling trucks on residential streets, lead exposure, illegal storage, unpermitted uses, loud noise at night, and other property maintenance pose an immediate public health threat that is straining public resources to continuously investigate and address these matters. Six months ago, a fire incident at Macera Crematory, located at 1020 Fuller Street, alarmed neighbors at 9:18 p.m. on August 29, 2023. Neighbors shared with City officials disturbing video of high flames escaping the stack on the rooftop, the screeching noise that went nonstop for 10 minutes, and what they described as a foul odor attributed to the fire. As City staff

followed up with external regulatory agencies issuing permits to operate this facility, and quickly, staff observed the limitations from regulatory agencies and their compartmentalized processes to investigate and act on enforcement measures.

Since 2022, the City has enhanced community services by restructuring its Planning Division to contain a Neighborhood Initiatives and Environmental Services (NIES) section, which oversees, among other functions, environmental justice efforts in Santa Ana and regional coordination to address such issues. Despite this restructuring, it is now well documented that the NIES section's coordination with external regulatory agencies has not resulted in a favorable outcome in enforcement by responsible external agencies such as South Coast Air Quality Management District (SCAQMD), California Department of Consumer Affairs Cemetery and Funeral Bureau (CFB), and Orange County Fire Authority (OCFA) in many of these investigations. In response, the City has adopted new regulations such as a Noxious Uses Ordinance (Ordinance No. NS-3044, adopted June 20, 2023), which amends Zoning Ordinance No. 2023-01 that includes: a notification requirement to the City by the property owner to obtain a permit from a regulatory public agency; a requirement of a 1,000 linear foot distance buffer measured from the outermost boundary of the subject property; and a conditional use permit requirement from a regulatory public agency to handle, store, emit, or discharge particulate materials, exhaust emissions, or regulated compounds, or chemicals near a public park, school (K-12), or property zoned for residential purposes.

City staff have also researched commercial real estate acquisition data and current for sale properties to identify any trends that could potentially generate an increase in the application of the City's Noxious Uses Ordinance for proposed or expanded industrial uses. From September 2022 to date, seven properties, primarily industrial businesses, sold and three of those businesses (800-808 E. Washington Avenue, 1045 Fuller Street, and 923 N. Logan Street) are located in the Logan neighborhood. Currently, two large properties are in the market for multifamily and land types located in the TZC.

Environmental Justice (EJ)/Disadvantaged Communities (DACs) Profile: Logan and Lacy neighborhood impacts

A demographic profile of the Lacy and Logan neighborhoods combined represent a population of 5,907, which encompass 1,564 households, a median household income of \$56,864, average household size is nearly four persons, median age is 27 years, per-capita income is \$23,495, and 74% comprise renter-occupied units based on demographic forecasts for 2023. Nearly 25% of the population is under 14 years of age and 14% are 55 years of age and older. Nearly 3% of the population attended up to 12th grade with no diploma, over 31% are high school graduates, and nearly 97% of the working population over 16 years of age are employed.

This data illustrates that the Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90% or

greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model. Failure to address ongoing irreconcilable land use conflicts that are the target of this moratorium will further exacerbate the ongoing demographic and environmental justice challenges that these two neighborhoods within the TZC have grappled with since their founding.

General Plan Inconsistency with Present Land Uses

Numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), and Policy CN-1.5 (Sensitive Receptor Decisions), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities.

The purpose of the interim ordinance is to immediately offer protection of public health, safety, and welfare from these irreconcilable land use conflicts in the TZC, during the time that City staff analyzes and prepares an evaluation of industrial business uses within the TZC. Such an evaluation will enable staff to generate recommendations to the Planning Commission and City Council to determine whether industrial uses should be permitted in the zoning district, and, if not, proceed with an ordinance and zoning map amendment to the district. During the interim moratorium period, City staff will not issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property for the purposes of industrial business use in the TZC.

ENVIRONMENTAL IMPACT

This ordinance is not subject to the California Environmental Quality Act (“CEQA”), as the proposed action is not subject to the requirements of CEQA, pursuant to Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation, or expansion of uses in the zoning district.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

EXHIBITS

1. Interim Ordinance (Moratorium)
2. Transit Zoning Code (TZC) Map
3. Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps City General Plan Environmental Justice Implementation Actions
4. City General Plan Environmental Justice (EJ) Implementation Actions

Submitted By: Ali Pezeshkpour, AICP, Planning Manager

Approved By: Alvaro Nuñez, Acting City Manager

ORDINANCE NO. NS-XXXX

AN URGENCY ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

WHEREAS, the City of Santa Ana has the police power pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect the public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, Specific Development No. 84 zoning district, also known as the Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010; and

WHEREAS, upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and

WHEREAS, the goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new and enhancement of existing communities through transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and

WHEREAS, industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and

WHEREAS, the TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were converted to the mixed-use zones allowed by the TZC; and

WHEREAS, Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called “disadvantaged communities”, in their jurisdictions and address environmental justice in their general plans through facilitating transparency and public engagement in the planning and decision-making processes, reducing harmful pollutants and the associated health risks in disadvantaged communities, and promoting equitable access to health-inducing benefits such as healthy housing options; and

WHEREAS, the City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and

WHEREAS, the Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana’s General Plan update complied with all aspects of SB 1000 prior to its adoption; and

WHEREAS, as required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all of its elements, which include 77 implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

WHEREAS, numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), Policy LU-3.8 (Sensitive Receptors), Policy LU-3.9 (Noxious, Hazardous, Dangerous, and Polluting Uses), Policy LU-3.11 (Air Pollution Buffers), Policy LU-4.3 (Sustainable Land Use Strategies), Policy LU-4.6 (Healthy Living Conditions), Policy CM-3.2 (Healthy Neighborhoods), Policy EP-1.9 (Avoid Conflict of Uses), and Policy CN-1.5 (Sensitive Receptor Decisions), which are targeted at correcting past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed disadvantaged communities; and

WHEREAS, the industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and

WHEREAS, the Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy

land due to restrictions and covenants based on race during the first half of the 20th century and

WHEREAS, the construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in a number of families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and

WHEREAS, in the 1970s a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and

WHEREAS, the Logan and Lacy neighborhoods are within the second and third highest scored census tracts in Santa Ana, each with a composite score of 90 percent or greater, ranking in the 90th percentile or greater of census tracts in the State, and identified as “disadvantaged communities” by the Office of Environmental Health Hazard Assessment (OEHHA) in its CalEnviroScreen model; and

WHEREAS, Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

WHEREAS, the updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and

WHEREAS, there are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City’s Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice of Violations and administrative citations for the following types of violations: illegal storage, land use, zoning, property and landscape maintenance, unpermitted work, business license, and certificate of occupancy. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC’s existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and

WHEREAS, in the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to

disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, in the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, there is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and

WHEREAS, there is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and

WHEREAS, The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and

WHEREAS, MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in

Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area; and

WHEREAS, the policies and implementation actions in the General Plan also require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

WHEREAS, given these concerns, the City Council hereby directs that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district; and

WHEREAS, based on the foregoing, the City Council finds that continuing to issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property located in the TZC for the purposes of industrial business use, prior to the City's completion of its study of the potential impact of such uses, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements in the TZC area is thus necessary; and

WHEREAS, if an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare for the following reasons:

- (1) Adversely impacts surrounding businesses and neighborhoods;
- (2) Adversely impacts sensitive uses such as residences, schools, parks, and places where children congregate;
- (3) Conflicts with the goals and policies of the City's General Plan;
- (4) Long-term incompatibility and inconsistency with surrounding uses; and
- (5) Risks to the public health, safety and welfare of the City; and

WHEREAS, prevention of detrimental impacts to residents, the public interest, health, safety and welfare requires the immediate enactment of this urgency ordinance. The absence of this urgency ordinance will create a serious threat to the orderly and effective implementation of any code amendments, general plan amendments or specific plan amendments which may be adopted by the City; industrial business uses may be in conflict with or frustrate the contemplated updates and revisions to the Code. Moreover, permitting such uses during said studies and implementation would create impacts on the public health, safety and welfare that the City Council, in adopting this ordinance, has found to be unacceptable; and

WHEREAS, the City Council finds, determines and declares that the current and immediate threat to the public health, safety and welfare of the city and its citizens necessitates the immediate enactment of this urgency ordinance by a four-fifths vote of the City Council.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation or expansion of uses in the zoning district.

Section 3. California Government Code Section 65858 authorizes the City Council to adopt an interim urgency ordinance, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 4. The City Council, in accordance with Government Code Section 65858, hereby adopts this urgency ordinance establishing a 45-day moratorium on the approval, commencement, establishment, modification, relocation or expansion of industrial uses in the TZC while City staff researches appropriate regulations and whether an extension pursuant to the Government Code is necessary. For the purposes of this Ordinance, "industrial uses" includes those specified by Divisions 18 and 19 of Article III of Chapter 41 of the Santa Ana Municipal Code, and by Section 41-2007 of the Santa Ana Municipal Code and Table 2A in the Transit Zoning Code (Specific Development No. 84).

Section 5. This ordinance shall have no further force and effect forty-five (45) days from the date of its adoption; unless, however, after public hearing the City Council members, by four/fifths (4/5) vote, extend this ordinance for an initial period of ten (10) months and fifteen (15) days and subsequently, after public hearing, the City Council members, by four/fifths (4/5) vote, extend this ordinance one more year.

Section 6. It shall be unlawful and a misdemeanor for any person to violate or fail to comply with any provision of the ordinance. The violation of any provision of this ordinance shall be punished as provided in Section 1-8 of Chapter 1 of the Code.

Section 7. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

Section 8. This ordinance is introduced, passed and adopted at one and the same meeting and is thereafter immediately effective. The City Council finds that this ordinance is necessary to protect the public safety, health and welfare. The reasons for the emergency are set forth in Section 1 of this ordinance.

Section 9. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this ____ day of _____, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

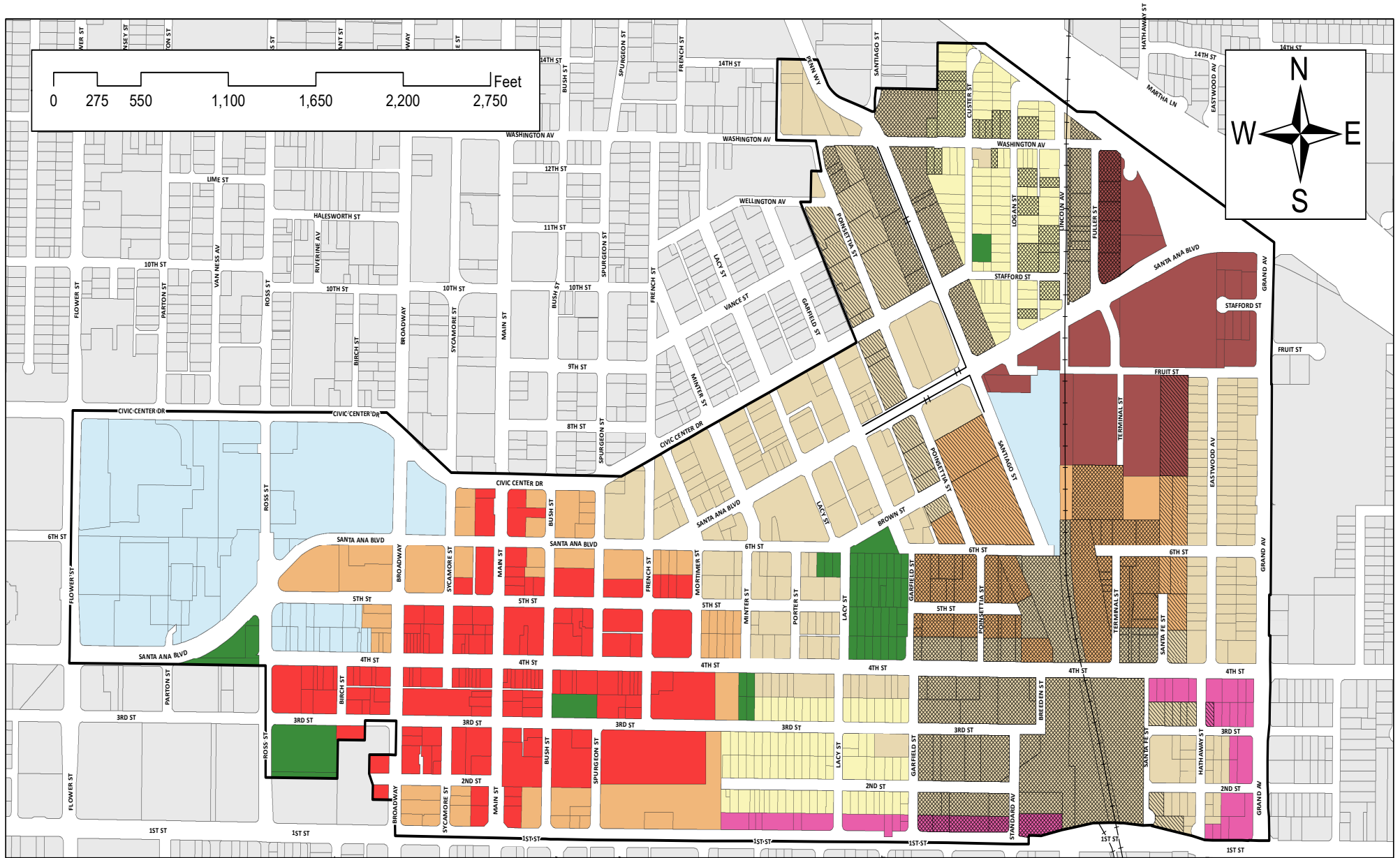
NOT PRESENT: Councilmembers: _____












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.

Date: _____

City Clerk
City of Santa Ana



- | | | | |
|---|------------------------|---|-----------------------------|
|  | Corridor (CDR) |  | Urban Neighborhood (UN-1) |
|  | Downtown (DT) |  | Urban Neighborhood (UN-2) |
|  | Government Center (GC) |  | Industrial Overlay M-1 (OZ) |
|  | Open Space (OS) |  | Industrial Overlay M-2 (OZ) |
|  | Transit Village (TV) |  | SD-84 |
|  | Urban Center (UC) | | |

Transit Zoning Code SD-84

District Boundary

EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps



Lacy and Logan Neighborhood Map

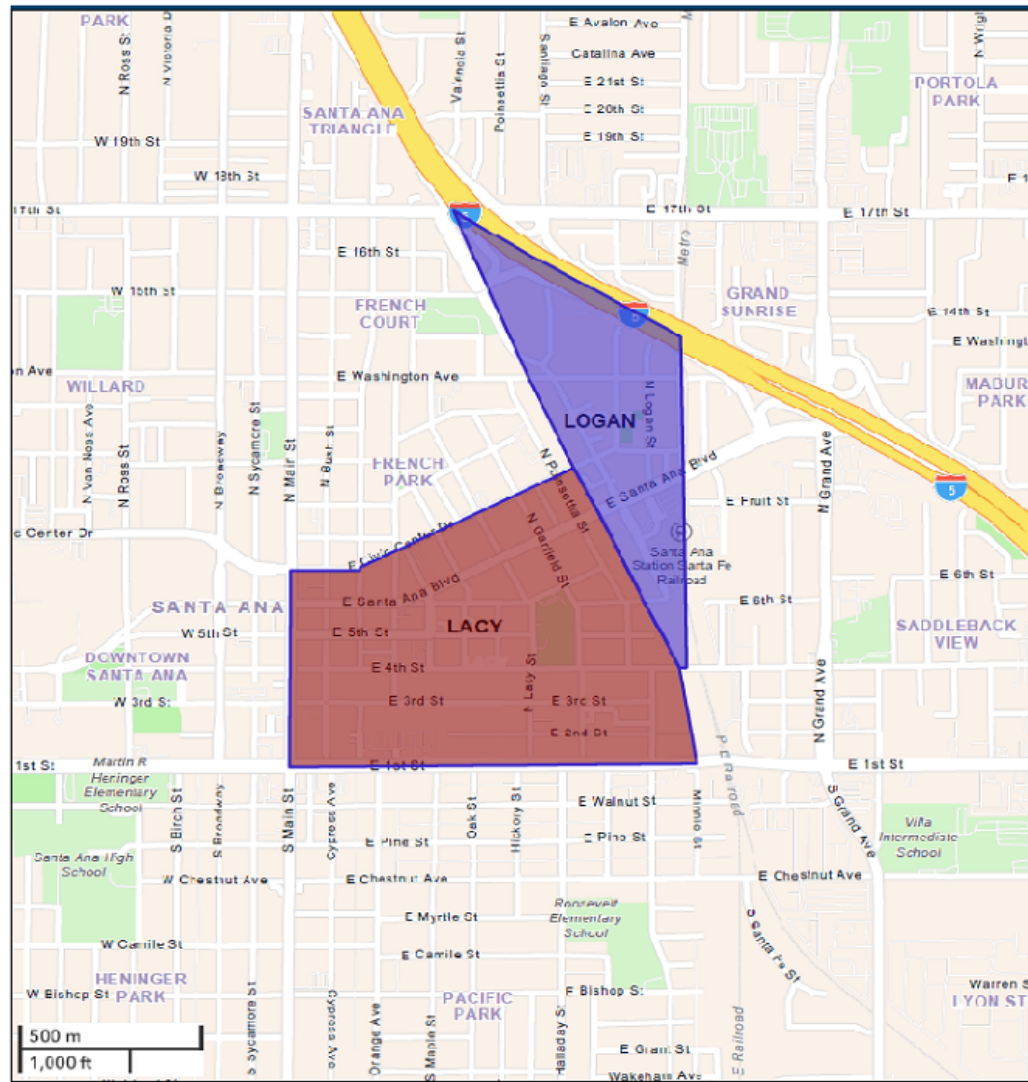
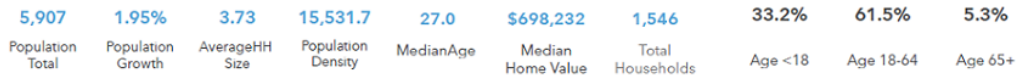


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **Community Summary** infographic data are from ESRI 2023 forecasts, U.S. Census Bureau, and prior year American Community Survey results. Data references population, race and ethnicity, income, age, employment, homeownership, and a population density greater than the City's population density of 12,471.5 people per square mile.

COMMUNITY SUMMARY

Lacy and Logan Combined
Area: 0.38 square miles



32.9%

Services



30.8%

Blue Collar



36.3%

White Collar

2023 Race and ethnicity (Esri)

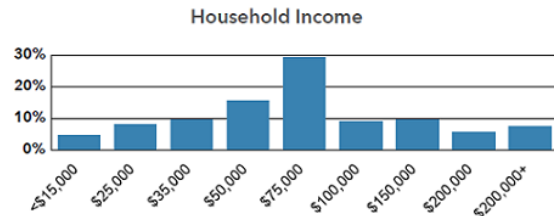
The largest group: Hispanic Origin (Any Race) (89.74)

The smallest group: Pacific Islander Alone (0.12)

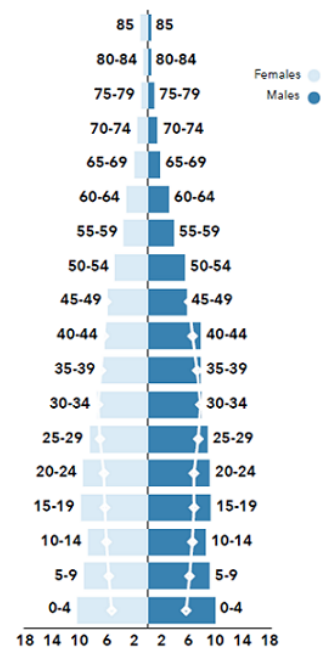
Indicator ▲	Value	Diff	
White Alone	16.37	-25.16	
Black Alone	0.76	-0.94	
American Indian/Alaska Native Alone	4.28	+3.06	
Asian Alone	2.69	-20.41	
Pacific Islander Alone	0.12	-0.16	
Other Race	52.24	+34.45	
Two or More Races	23.53	+9.14	
Hispanic Origin (Any Race)	89.74	+54.55	

Bars show deviation from

Orange County



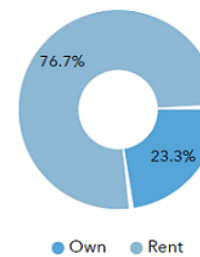
Age Profile: 5 Year Increments



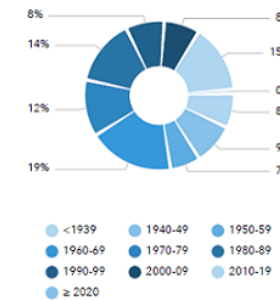
Dots show comparison to

Orange County

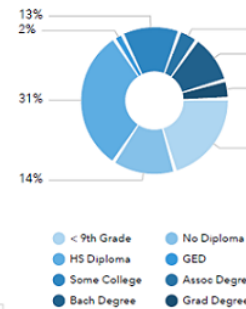
Home Ownership



Housing: Year Built



Educational Attainment



INCOME



\$56,864 Median Household Income
\$23,495 Per Capita Income
\$24,543 Median Net Worth



Source: This infographic contains data provided by Esri (2023, 2028), ACS (2017-2021).

Source: This infographic contains data provided by Esri (2023, 2028), ACS (2017-2021).

© 2024 Esri

EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **CalEnviroScreen 4.0** provides an insight into vulnerable communities that are most affected by pollution burdens, with special consideration on race and ethnicity. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana at **90% or above** as being burdened by pollution.

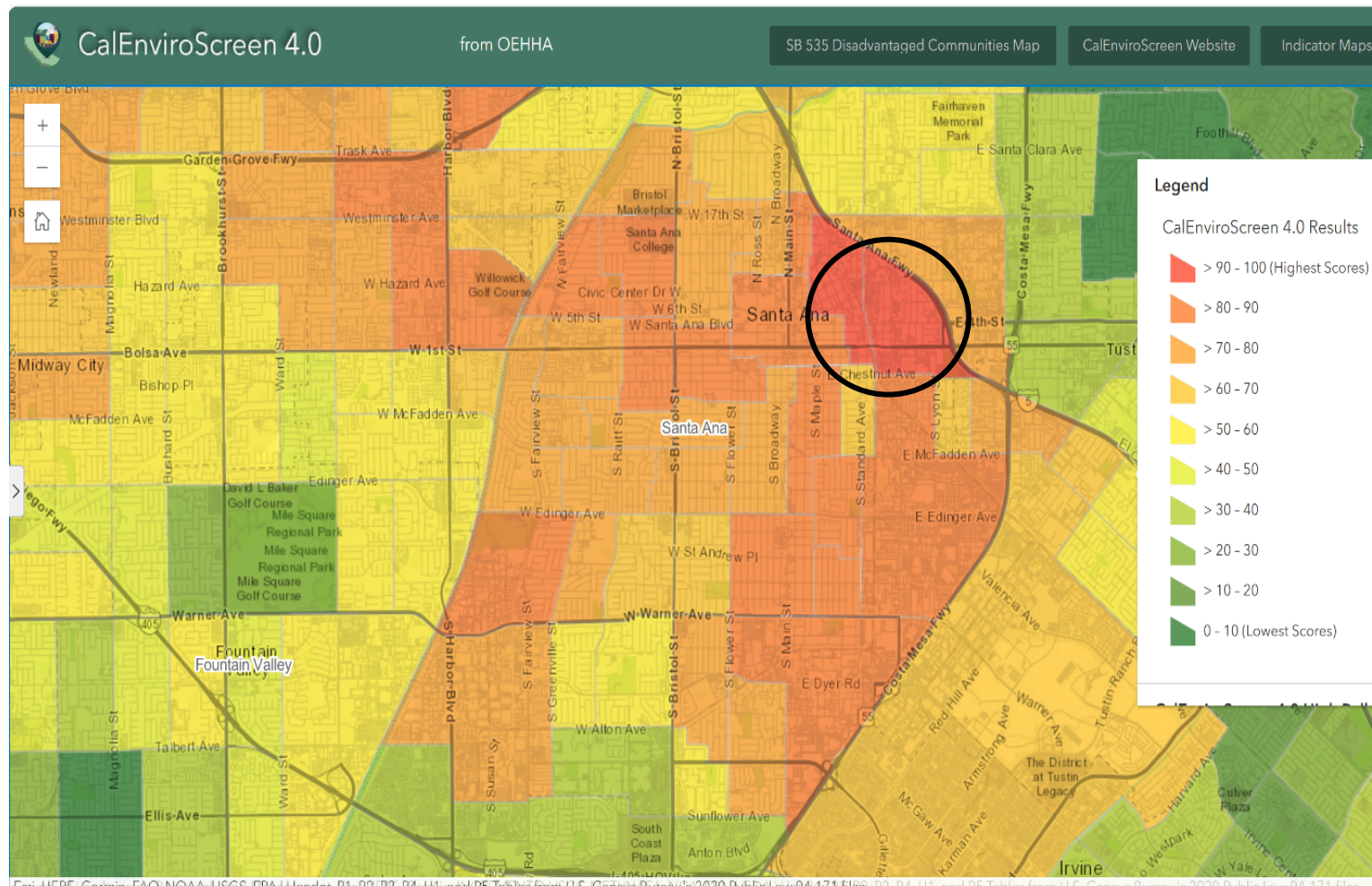
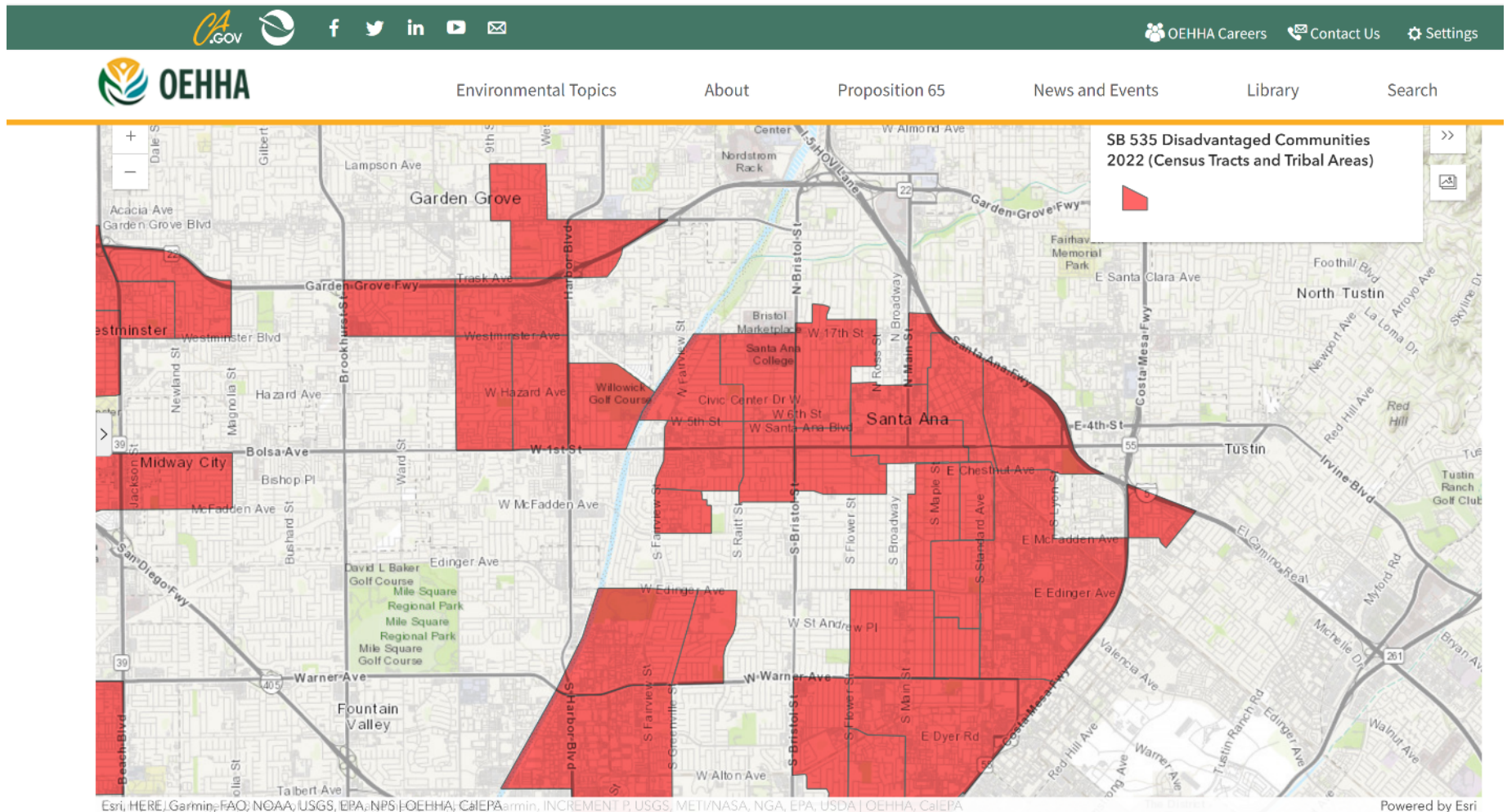


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below highlights the **Disadvantaged Communities (DACs)** within the City of Santa Ana, with **both Logan and Lacy neighborhoods** falling into that category. The CalEPA has responsibility for identifying those communities and CalEPA's designation of disadvantaged communities must be based on "geographic, socioeconomic, public health, and environmental hazard" criteria. CalEPA DACs affect an entire or a portion of thirty-three of Santa Ana's neighborhoods.



The **Center for Diseases Control (CDC) Environmental Justice Index Map** uses data from the U.S. Census Bureau, and other federal agencies to rank the cumulative impacts of environmental injustices on health for every census tract. The map below shows the census tract that includes part of the **Lacy neighborhood**, which appears to rank **HIGH** in air pollution due to exposure to **Particulate Matter (PM) 2.5, Diesel Particulate Matter from idling trucks, and Air Toxics Cancer Risk** indicators.

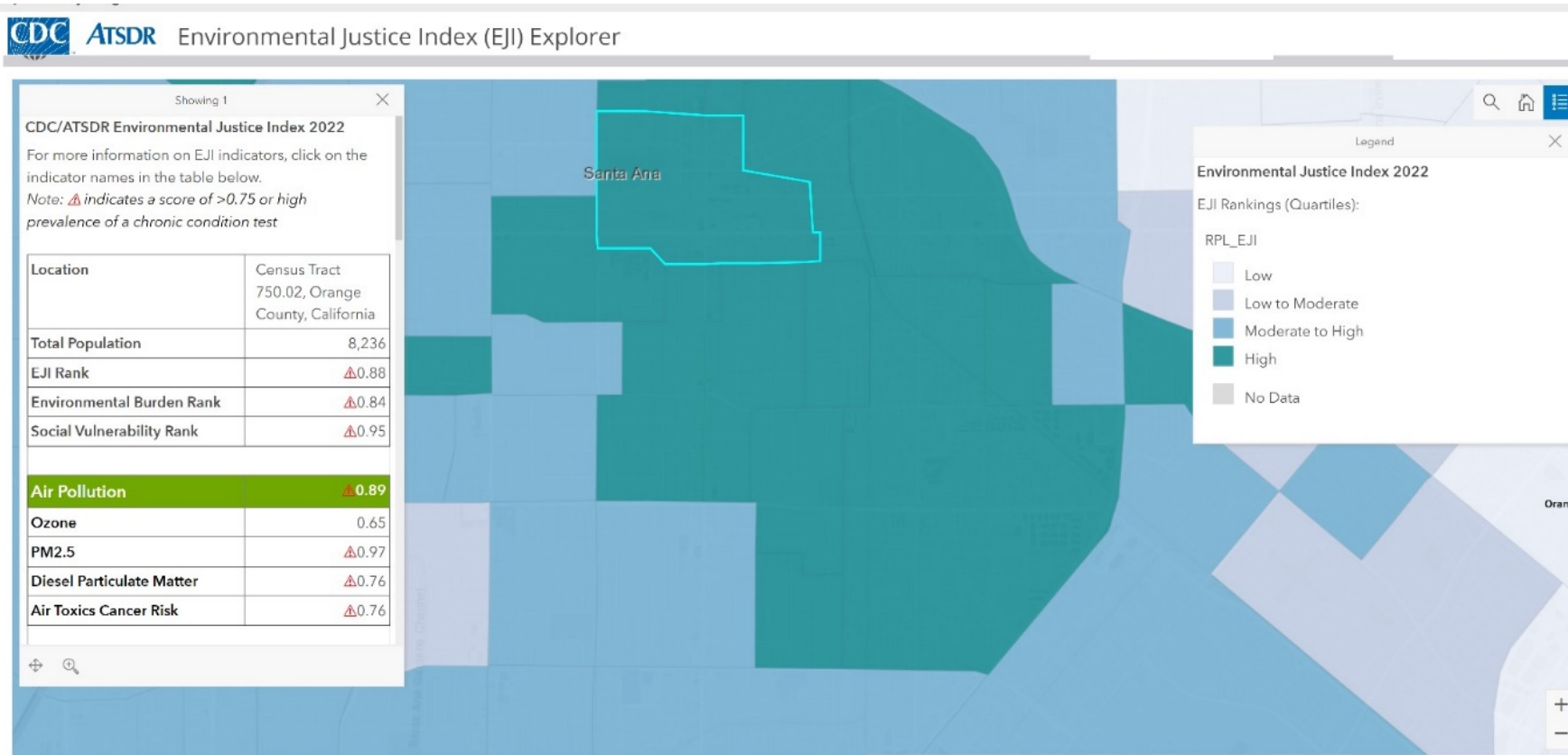


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below shows the census tract that includes the **Logan neighborhood**, which appears to rank **HIGH** in air pollution related to exposure to **Particulate Matter (PM) 2.5, Diesel Particulate Matter from idling trucks, and Air Toxics Cancer Risk** indicators.

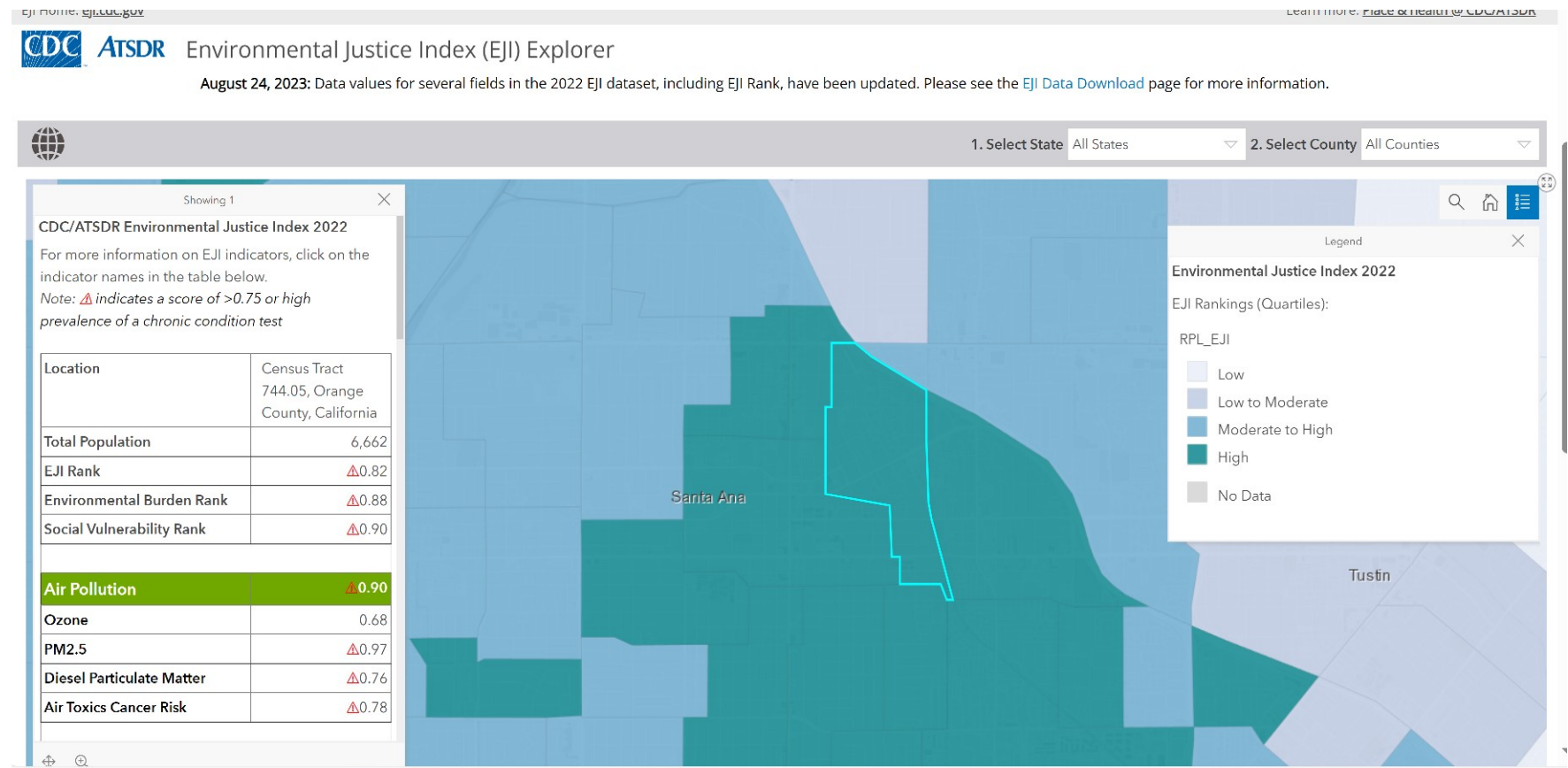
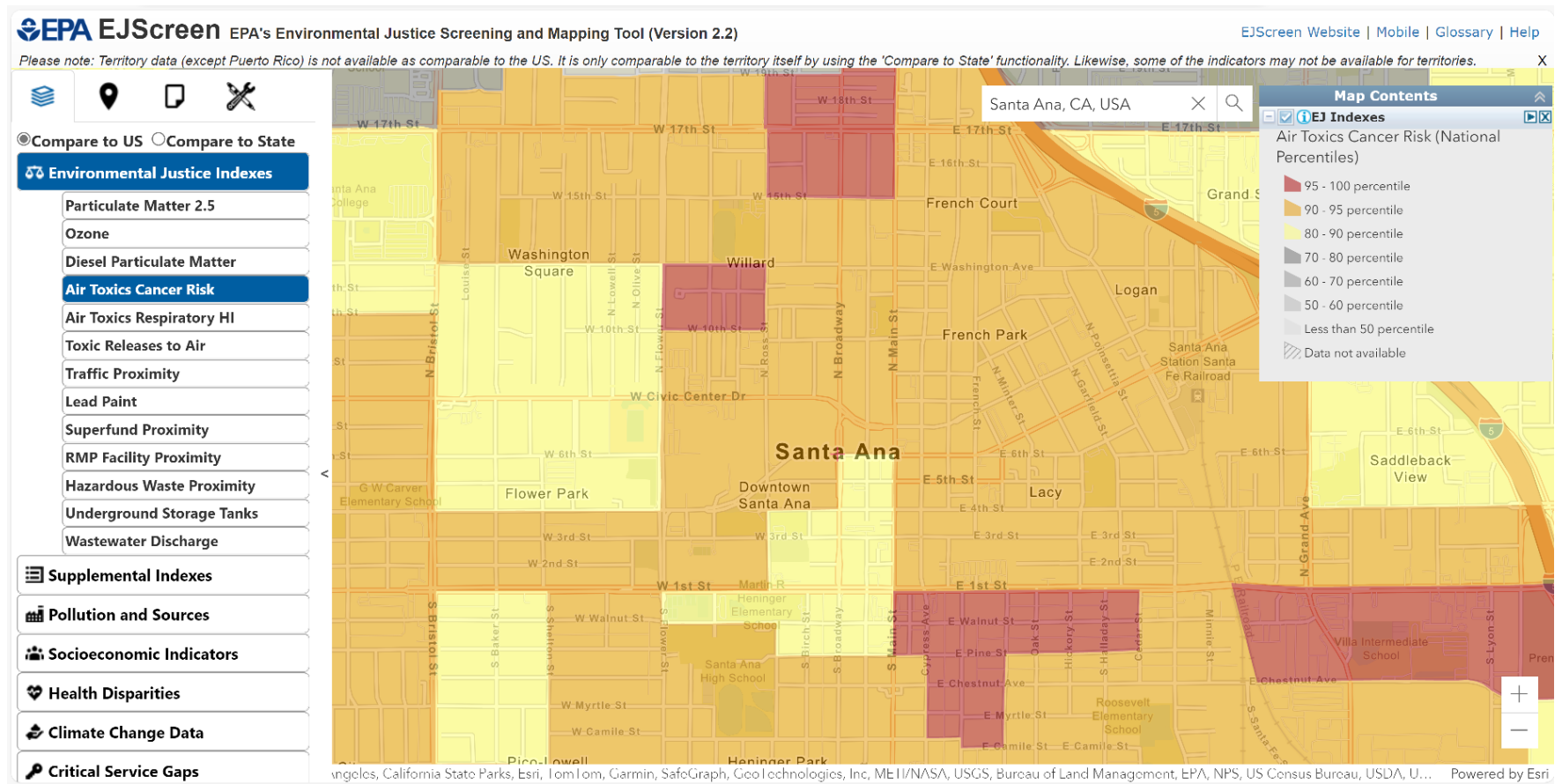


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The EPA's Environmental Justice map and screening tool uses national consistent data combining environmental and demographic indicators in maps and reports. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Air Toxics Cancer Risk**, reflecting at **90% or higher**.



The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Diesel Particulate Matter** indicating **percentiles above 90%**.

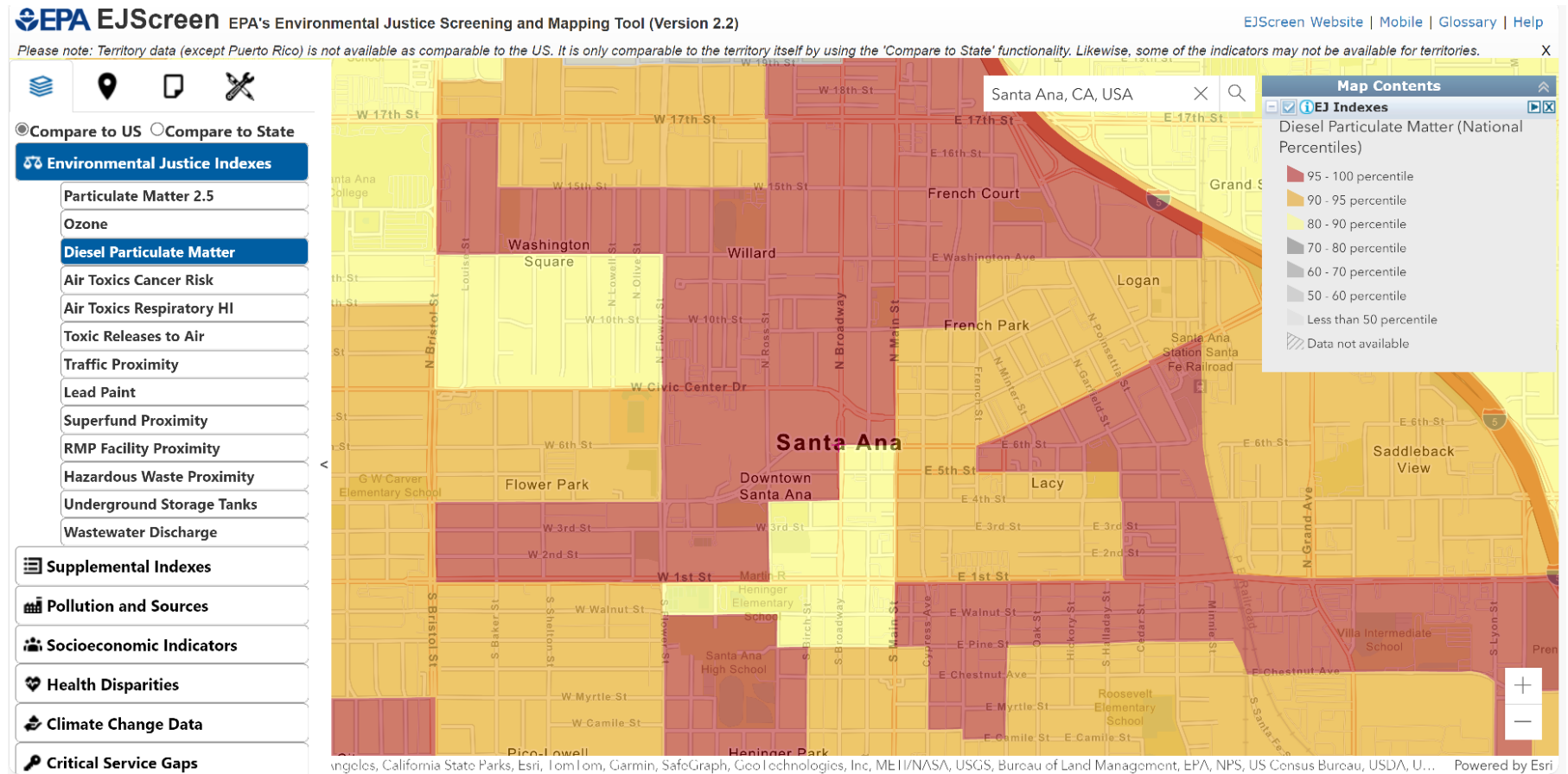
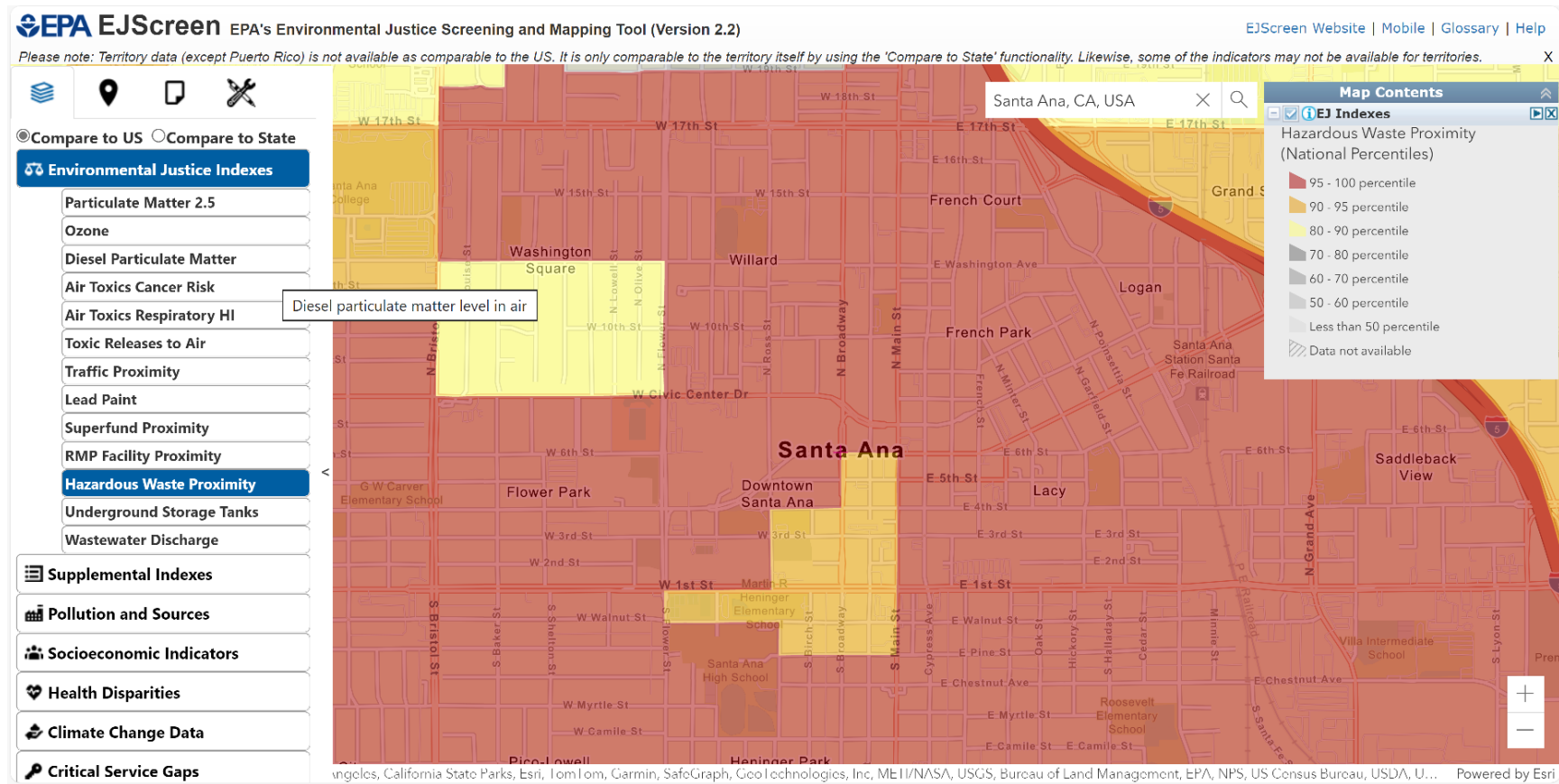
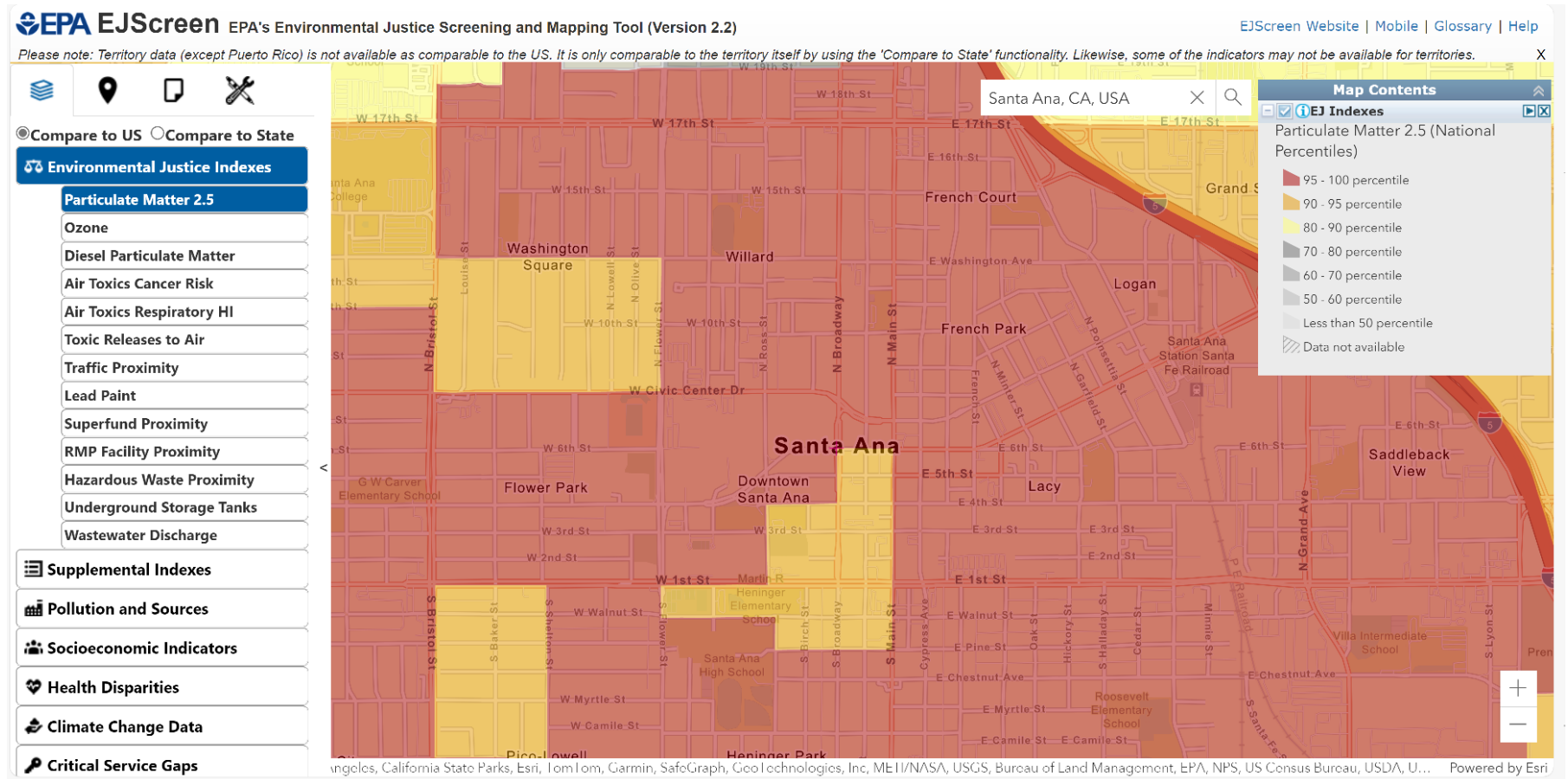


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

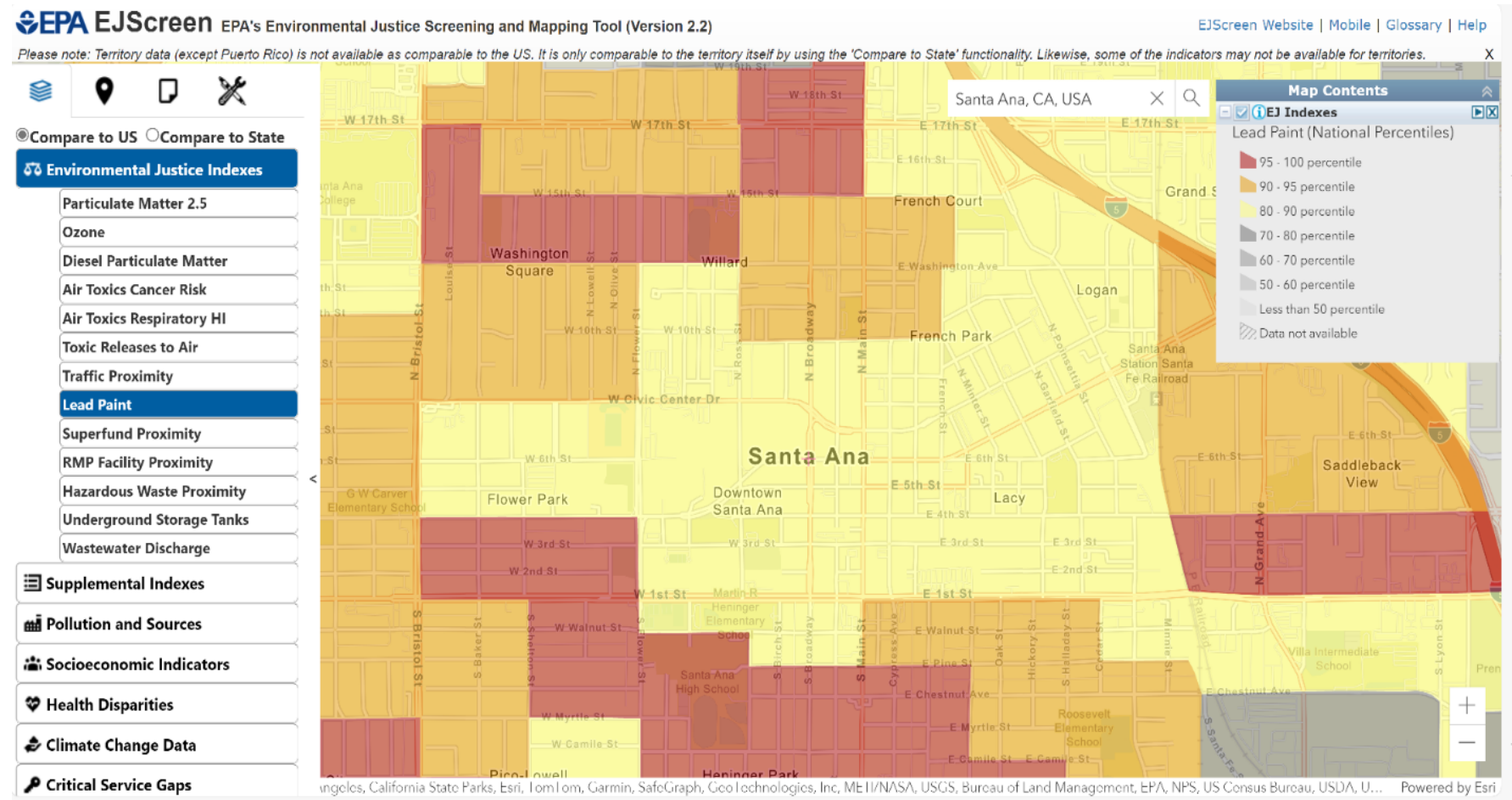
The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Hazardous Water Proximity**, showing a **percentile of 95% or above**.



The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Particulate Matter (PM) 2.5** reflecting a **heavy burden of 95% and above** in the percentile score.



The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana's ranking as it relates to **Lead Paint** showing that the percentile is **within 80% and 90%**.



The map below indicates the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Toxic Releases to Air** showing a **high percentile** score of **90%**.

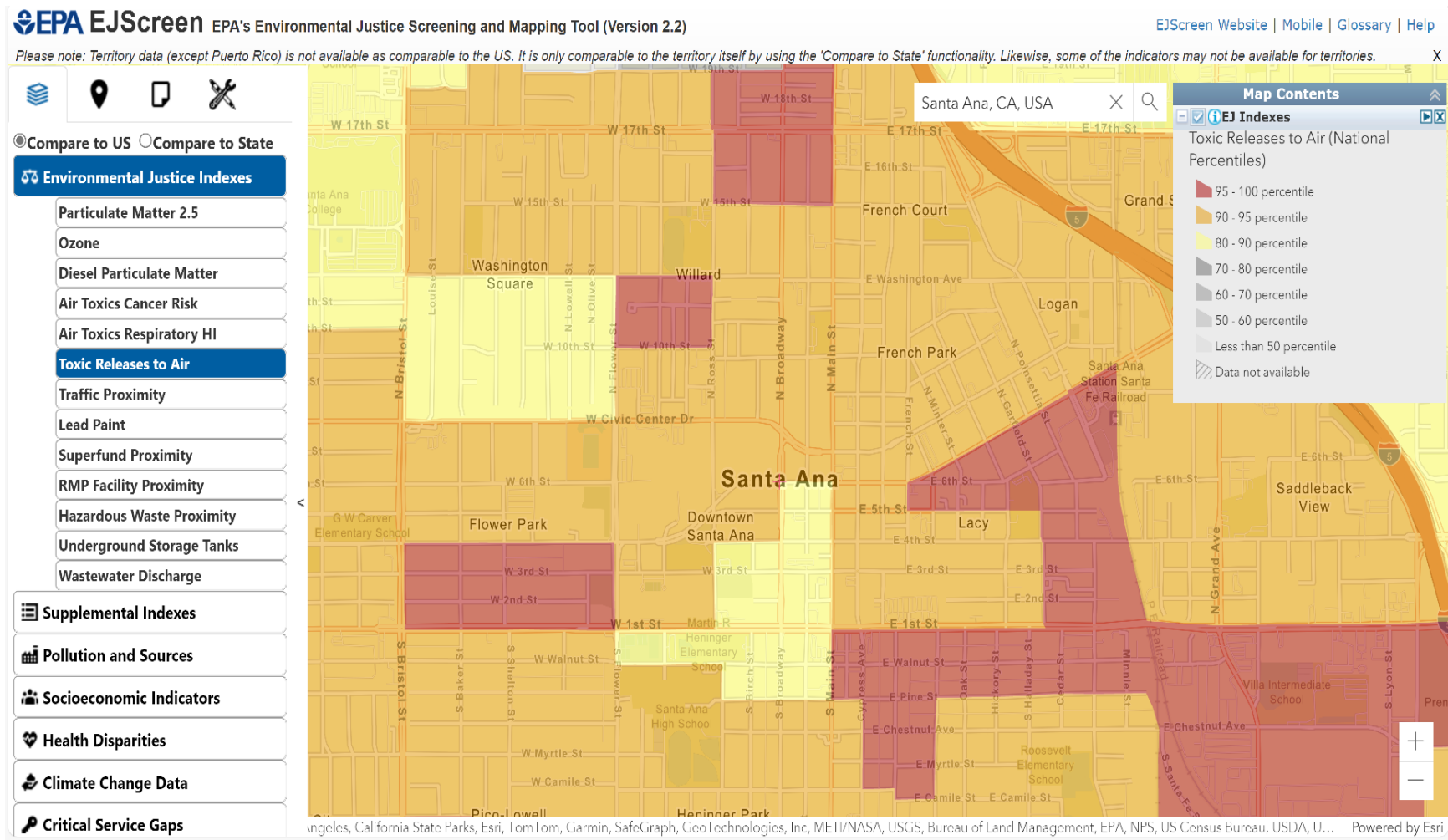


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **Healthy Places Index (HPI)** comprises a data and policy platform to advance equitable community investments, develop critical programs and policies and advance health equity through open and accessible data. The map below captures the City of Santa Ana, which indicates that the majority of the City of Santa Ana's neighborhoods rank on the **LOW** scale of the **healthy community conditions**, as seen in the dark blue and light blue layers.

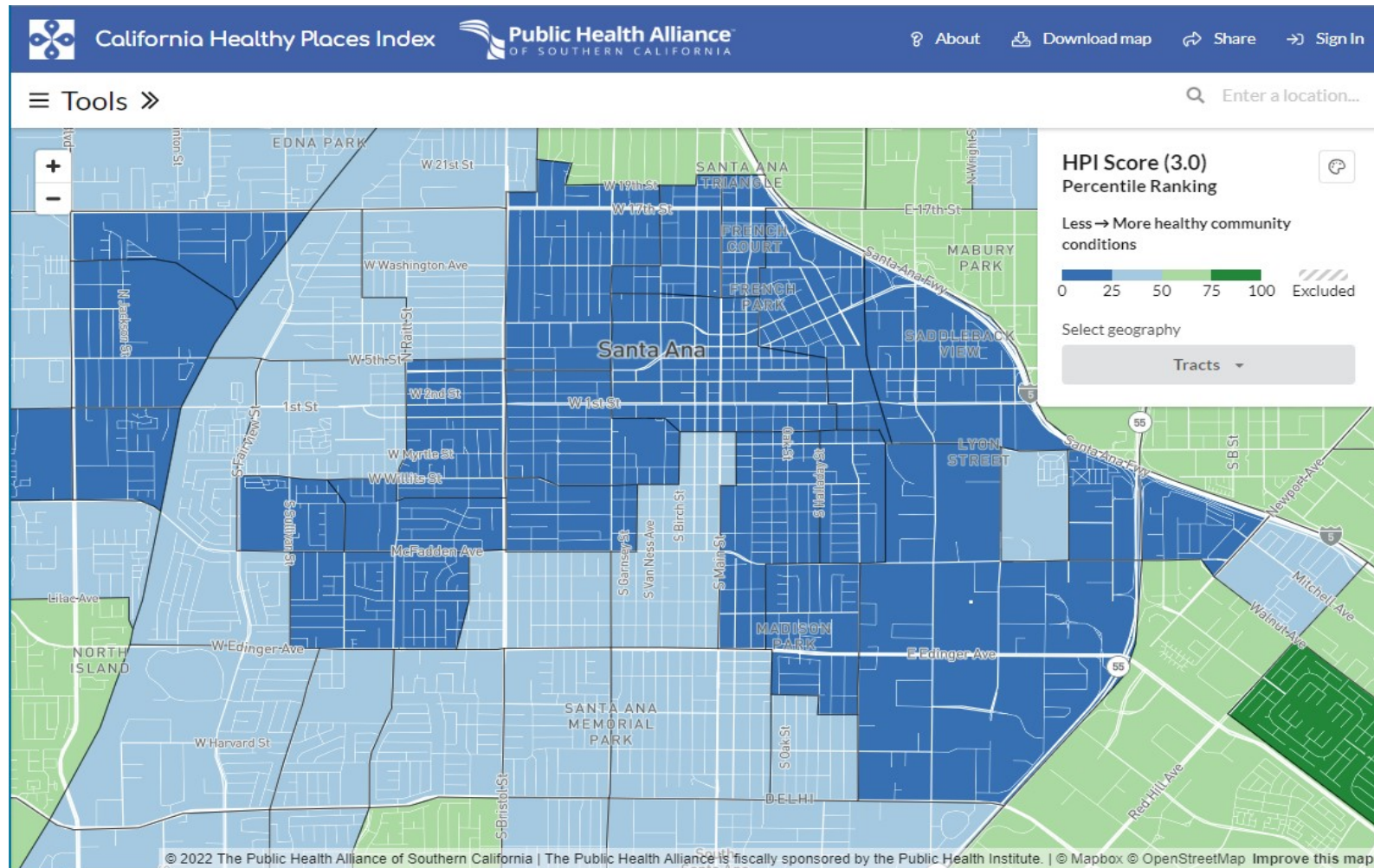
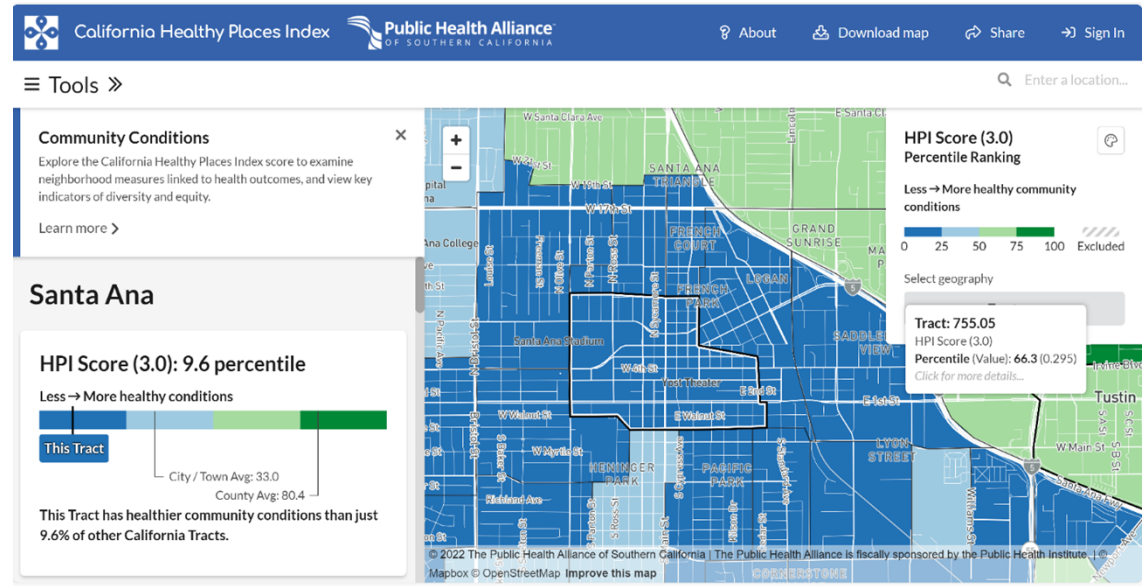
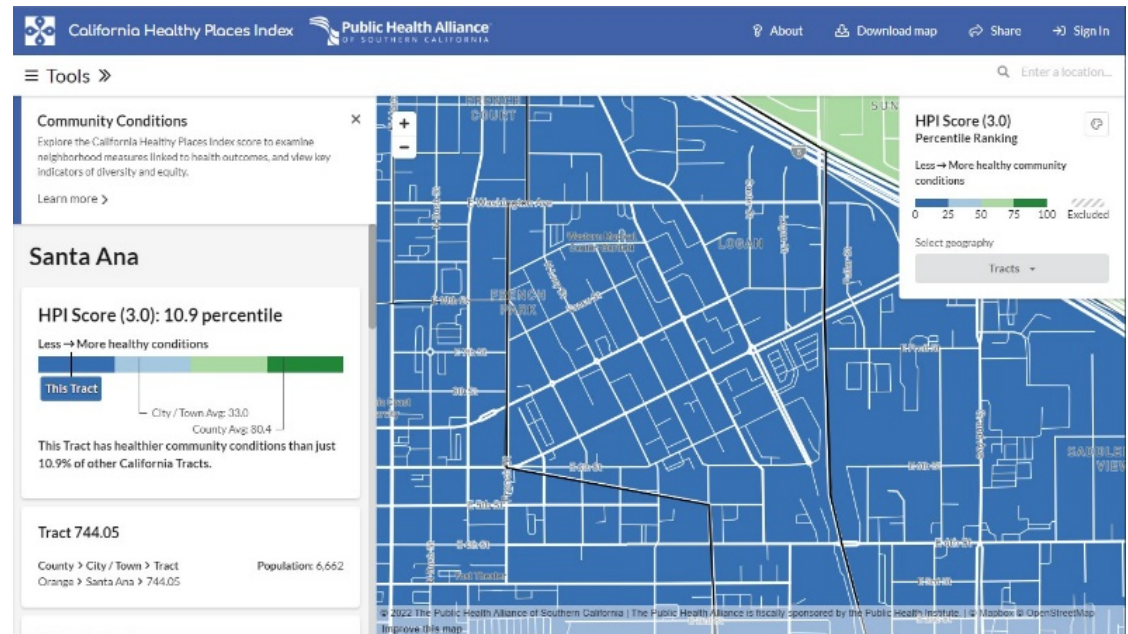


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

Using the HPI mapping tool, the **Lacy neighborhood** ranks at a **9.6% of the least healthy community conditions**.



Using the HPI mapping tool, the **Logan neighborhood** ranks on the **LOW end**, showing nearly **11% of the least healthy community conditions**.



City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	1.1	Yes	Engage EJ communities on recreation and cultural programs. Incorporate community stakeholders from environmental justice communities to form an Environmental Justice Action Committee to guide the identification of recreational and cultural programing needs and desires.	PRCSA / PBA	2023
Community	1.2	Yes	Community conversation. Plan for and conduct a community survey every two years related to community health, pollution concerns, parks, community engagement, and community service needs, with focused outreach to environmental justice priority areas utilizing various platforms, such as social media and school events, to encourage substantial survey participation.	CMO	Every two years
Community	1.3	Yes	Collaboration. Develop intentional, strategic partnerships with public, private, and nonprofit entities to improve health outcomes by leveraging capacity, resources, and programs around mutually beneficial initiatives that promote health, equity, and sustainability in neighborhoods within environmental justice area boundaries. Develop a comprehensive partnership policy providing guidelines that can be used throughout the City organization.	PBA/PRCSA	2022 -2024
Community	1.4	Yes	Community coordination on underutilized spaces. Coordinate with community residents, property owners, and other stakeholders to identify vacant and potentially underutilized properties and strategize how such properties could be repurposed into public parks or commercial recreation facilities.	PBA/PRCSA	2022 & ongoing
Community	1.5	Yes	Alternative facilities. In park deficient and environmental justice areas, identify facilities that are viable alternatives to public parks and municipal facilities for recreational, cultural, and health and wellness programs, including but not limited to school facilities, facilities of faith-based and civic organizations, and privately owned recreation and entertainment facilities. Identify, inventory, and rank other resources for potential park system acquisition, expansion to existing parks, and/or parks development opportunity within the community.	PRCSA	2022
Community	1.6	Yes	Program accessibility. To ensure residents of environmental justice area boundaries have access to recreational, cultural, and health and wellness programs, establish accessibility corridors that provide attractive, comfortable, and safe pedestrian and bike access to public recreational facilities in the Parks Master Plan (an implementation action of the Open Space Element). Identify public realm improvements needed to create these accessibility corridors. Prioritize investments for accessibility corridors in the city's capital investment program; include investments for accessibility corridors when investments are made in new parks and recreation facilities within environmental justice area boundaries.	PRCSA/PWA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	1.7	Yes	Rental property outreach. Augment the Proactive Rental Enforcement Team and Residential Response Team with additional outreach geared toward absentee owners of rental properties. Create and periodically distribute outreach materials in order to educate absentee owners about legal obligations to maintain and upkeep rental properties. Distribute information to tenants about their rights and protection, so they are not penalized for reporting or living in a dwelling unit that does not meet health and safety standards. Translate outreach efforts into Spanish, Vietnamese, and other appropriate languages. Prioritize such outreach for properties within environmental justice area boundaries.	PBA	2022 & Ongoing
Community	1.8	Yes	Neighborhood rehabilitation. Continue to seek state and federal funding for neighborhood rehabilitation projects and collaborate with community-based organizations to identify housing issues and improvements needed, especially for housing within environmental justice area boundaries.	CDA	Ongoing
Community	2.1	Yes	Facilities to support lifelong learning. For areas within park deficient and environmental justice areas , conduct, maintain, and publicize an inventory of public, nongovernmental, and private facilities that can be used by organizations to support early childhood education, after school activities, libraries and learning centers, and other meetings and educational opportunities.	CMO	2024
Community	2.2	Yes	Public realm. Identify areas in need of a public realm plan to provide attractive, comfortable, and safe walking corridors to promote accessibility to community programs or activity centers, in conjunction with the City's Active Transportation Plan.	PWA/PBA	Ongoing
Community	3.1	Yes	Community health care facilities. Evaluate options to support existing and potential community health care facilities in environmental justice focus areas through a variety of mechanisms such as reduced permit fees, reduced impact fees, and tax incentives.	PBA/CMO	2023
Community	3.2	Yes	Pedestrian access to health facilities. Ensure that new or redeveloped health care facilities include pedestrian-friendly site amenities. In areas where mobile clinics are stationed, ensure the location is safe and accessible for pedestrians, cyclists, and transit users.	PBA	Ongoing
Community	3.3	Yes	Health metrics. Engage with the Orange County Health Care Agency and other stakeholders to monitor key health indicators to measure the success of the outcome of General Plan policies and the implementation plan, including reduction in incidence in asthma and low birth weight of infants.	PBA/CMO	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	3.4	Yes	Prevention activities. Coordinate with the County Health Care Agency to identify the root causes of health disparities and inequities in Santa Ana, with additional detail for residents living within environmental justice area boundaries. Identify potential programmatic changes and resources to better address the root causes.	PBA/CMO	2022 - 2024
Community	3.5	Yes	Environmental education. Encourage all education institutions in Santa Ana to include curriculum regarding environmental justice and local efforts to promote clean business operations, environmental quality, and the health in our community.	PBA/CMO	2022 - 2024
Community	3.6	Yes	Fresh and healthy foods. Pursue programs, incentives, and/or grants to encourage urban agriculture and small grocery or convenience stores to sell fresh foods in the city, especially those within environmental justice area boundaries. Examples include grants or loans to purchase updated equipment, publicity, or directories of healthy food outlets, or connecting stores to wholesale sources of healthy, local, or organic food.	CDA	2022
Community	3.6A	Yes	Food Deserts. Collaborate with Orange County Health Care Agency (OCHCA) to gather and map food desert data, and share publicly through the City's Environmental Quality webpage.	PBA	2024
Community	3.7	Yes	Public health and wellness collaboration summit. Collaborate with health care providers, health and wellness advocates, and other public health stakeholders to identify ways to improve the provision of and access to health and wellness services throughout the city. Include a discussion on areas within environmental justice area boundaries and other areas underserved by parks, programs and services that support health and wellness.	PRCSA	2022 & ongoing
Community	3.8	Yes	Environmental soil and human health screening measures. Collaborate with Orange County Health Care Agency, and local stakeholders such as Orange County Environmental Justice and UC Irvine Public Health, in efforts to provide increased healthcare services (i.e., blood lead testing, treatment) for residents, especially those that reside in environmental justice communities. Additionally, collaborate to advocate for adjustment of the County and State policies for health and environmental screening levels to promote healthy outcomes related to lead contamination as recommended by health experts.	PBA	Ongoing
Community	3.9	Yes	Environmental Justice Staff. Identify funding and hire a full-time Environmental Justice staff member to collaborate with the community to implement the environmental justice policies and actions including community outreach, collaboration on environmental health studies, pursuing grants, and coordination with federal, state, and local agencies regarding environmental concerns in the City.	CMO	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.1	Yes	Air quality planning. Review existing and monitor the development of new air monitoring and emissions reduction plans prepared by the South Coast Air Quality Management District. Gather and evaluate measures and strategies in such plans for their applicability to and feasibility for Santa Ana.	PBA	2022 & annually
Conservation	1.2	Yes	Community identification. Coordinate with the South Coast Air Quality Management District and local stakeholders to pursue a priority community designation for eligible environmental justice areas of the city , with focus on areas with unique needs and highest pollution burden as identified in the CalEnviroScreen tool. If such designation is not awarded, seek grant funds for activities such as local air quality monitoring.	PBA	2022 & Ongoing
Conservation	1.3	Yes	Proactive engagement. Collaborate with the South Coast Air Quality Management District and local stakeholders in environmental justice areas experiencing local air pollutions issues to outline objectives and strategies for monitoring air pollution in advance of the establishment of a community emissions reduction and/or air monitoring plan.	PBA	2022 & Ongoing
Conservation	1.4	Yes	Health risk criteria. Establish criteria for requiring health risk assessments for existing and new industries, including the type of business, thresholds, and scope of assessment. Review existing and establish new regulation to reduce and avoid increased pollution near sensitive receptors within environmental justice area boundaries.	PBA	2022 - 2027
Conservation	1.5	Yes	Agency permits. Monitor the South Coast Air Quality Management District permitting and inspection process and the Orange County Health Care Agency to identify businesses in Santa Ana with potential hazardous materials or by-products, with a special focus on environmental justice communities. Serve as a liaison for residents to identify potential emission violations. Share information and data with the community on the City's Environmental Quality web page.	PBA	2022 & Ongoing
Conservation	1.6	Yes	Emissions monitoring. Coordinate with the South Coast Air Quality Management District to monitor existing air measurements and recommend new air measurements and locations.	PBA	2022 & Ongoing
Conservation	1.7	Yes	Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas	PBA/PD	2022 - 2024
Conservation	1.8	Yes	Improve older trucks. Promote the City's Vehicle Replacement Plan and explore the replacement of older trucks through City participation in regional incentive programs and education of Santa Ana private fleet owners of program opportunities.	PWA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.9	Yes	Indirect source rules. Support the development of indirect source rules, drayage truck rules, advanced clean truck routes, and heavy-duty low NOx rules by the South Coast Air Quality Management District.	CMO	Ongoing
Conservation	1.10	Yes	Interagency team. Establish an environmental quality interagency team to evaluate, monitor, and make recommendations to address air quality and environmental hazard issues, with a special focus on environmental justice areas. Publish results and information on the City's website through a dedicated Santa Ana Environmental Quality web page.	PBA	2022 & Ongoing
Conservation	1.11	Yes	Public education. Augment existing outreach programs to improve public awareness of State, regional and local agencies' roles and resources to identify, monitor, and address air quality and other environmental hazards in the community.	PBA/PWA	Ongoing
Conservation	1.12	Yes	Data collection for emissions plans. Coordinate with the South Coast Air Quality Management District to explore ways to initiate data collection efforts for a community emissions reduction and/or community air monitoring plan, including the identification of information needed (new or updated), potential data sources and needed resources, and strategies to engage residents and collect information.	PBA	2022
Conservation	1.13	Yes	Community survey on healthy lifestyles. Plan for and conduct a community survey of residents every two years related to community health, pollution, parks, community engagement, and community services, with focused outreach for environment justice concerns and priority areas (tie into other City efforts like Strategic Plan, park and recreation planning, community benefits, etc.). Report findings of survey through the various media platforms and utilize input to inform periodic evaluation and update of General Plan.	CMO	Every two years
Conservation	1.14	Yes	Expanded interactions. Identify opportunities to expand regular attendance and support neighborhood associations and community groups to hold regular meetings with City staff and decision-makers in neighborhoods within environmental justice communities, so that residents, community organizations and businesses can communicate their unique issues and needs, as well as their recommendations on how best to implement environmental quality, environmental health, and environmental justice policies. Arrange for language interpretation services as needed at these meetings so that all residents can participate.	PBA/CMO	Ongoing
Conservation	1.15	Yes	Expanded representation. Expand representation of residents from neighborhoods within environmental justice area boundaries by extending residents from such areas to become board, commission, and task force members as openings occur	PBA/CMO	Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.16	Yes	City budget. Evaluate the City's budget and financial policies to include direction for prioritizing public services and improvements within environmental justice area boundaries. Augment budget meeting presentations to include a section dedicated to the status of actions and improvements to address the needs of residents within environmental justice area boundaries.	CMO	Annually
Economic Prosperity	3.5	Yes	Green business incentives. Continue to promote and market the Recycling Market Development Zone. Develop an incentive program to encourage nonpolluting industry and clean green technology companies that reduce environmental impacts and the carbon footprint to locate to the city. Encourage existing businesses to invest in technology and best practice to transition to sustainable business practices.	CDA	Ongoing
Historical Preservation	3.8	Yes	Equitable access. Establish a fee reduction or waiver program for low-income applicants to ensure equitable access and participation in the Mills Act Program.	PBA	2023
Land Use	2.10	Yes	Open space requirements. Evaluate public open space and park requirements in the zoning code for residential and nonresidential uses. Consider requirements and/or incentives to aggregate public open space areas required by two or more uses to form larger and more usable areas and facilities.	PBA/PRCSA	2022 - 2027
Land Use	3.2	Yes	Design guidelines and standards. Update the zoning code's development and operational standards for industrial zones to address incompatibility with adjacent uses, including minimum distance requirements to buffer heavy industrial uses from sensitive receptors. Conduct a study to evaluate and establish appropriate minimum distances and landscape buffers between polluting industrial uses from sensitive receptors such as residences, schools, day care, and public facilities.	PBA	2022 - 2027
Land Use	3.3	Yes	Healthy lifestyles. Collaborate with residents and industry stakeholders to create a program to incentivize and amortize the removal of existing heavy industrial uses adjacent to sensitive uses.	PBA	2022
Land Use	3.4	Yes	Funding for air filtration. Seek funding from South Coast Air Quality Management District and other regional sources for the installation of high-efficiency air filtration systems in buildings, homes, and schools located in areas with high levels of localized air pollution, especially for those within environmental justice area boundaries.	PBA	2022
Land Use	3.5	Yes	Business incentive. Explore economic development incentives and grant funding to encourage existing or draw new business investments in the industrial zones to incorporate more environmentally sustainable practices.	CDA	Ongoing
Land Use	3.6	Yes	Lead paint abatement. Coordinate with County of Orange Health Care Agency and community organizations to strengthen local programs and initiatives to eliminate lead-based paint hazards, with priority given to residential buildings located within environmental justice area boundaries.	CDA / PBA	2021 & Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.14	Yes	Sunshine ordinance. Update City Sunshine Ordinance, incorporating best practices for outreach in environmental justice areas in Santa Ana	CMO	2022
Land Use	3.15	Yes	Communication tools. Explore tools for communication with residents and sensitive receptors when new industrial uses are proposed in their areas	PBA	2022 - 2024
Land Use	3.16	Yes	Health in corridors. Require a Health Risk Assessment to identify best practices to minimize air quality and noise impacts when considering new residential uses within 500 feet of a freeway.	PBA	2022 - 2027
Land Use	3.17	Yes	Training for safe practice. Pursue the EPA Renovate Right Program to train local residential contractors for certification as lead renovators to promote safe work practices and prevent lead contamination.	PBA	2022
Land Use	3.18	Yes	Renovations and lead prevention. Evaluate the feasibility of requiring contractor training and/or certification for safe work practices to conduct residential renovations for pre-1978 structures that may contain existing lead paint.	PBA & CDA	Ongoing
Land Use	3.19	Yes	Promote health. Partner with local organizations (e.g., OC Health Care Agency, Latino Health Access, Santa Ana Unified School District, Garden Grove Unified School District, Orange County Environmental Justice, and the Coalition of Community Health Centers) to increase blood lead testing, outreach, education, and referral services through a 'promotora' or community peer outreach model that addresses the root causes of elevated blood lead levels impacting Santa Ana residents, with special focus in environmental justice communities and for children living in pre-1978 housing.	PBA	2022 - Ongoing
Land Use	3.20	Yes	Safe housing. Require all residential rehabilitation projects that use local, or HUD federal funds to comply with the Lead Safe Housing Rule, to remove lead paint hazards, depending on the nature of work and the dollar amount of federal investment in the property	CDA	Ongoing
Land Use	3.21	Yes	Prevention education. Collaborate with local organizations such as Orange County Health Care Agency, State Environmental Protection Agency, and community-based environmental justice organizations to identify funds and create a Santa Ana Prevent Lead Poisoning Education Program, with special focus on disadvantaged communities and pre-1978 housing stock.	PBA	2022 - Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.22	Yes	Public health outcomes. Support the Orange County Health Care Agency in their role in investigating public complaints regarding unsafe lead work practices and lead hazards wherein children are present, through enforcement of local housing standards to assure healthy outcomes, including for individuals and households presenting with concerns about lead exposure and/or with confirmed lead levels of >3.5ug/dL, which the Centers for Disease Control and Prevention indicates as the threshold for follow-up and case management in children.	PBA	2022 & Ongoing
Land Use	3.23	Yes	Agency permits. Work with South Coast Air Quality Management District and Orange County Health Care Agency to evaluate existing special permit process and criteria for approval, and identify potential policy changes to minimize issuance of special permits with potential health impacts.	PBA	2022
Land Use	3.24	Yes	Public health. Partner with Orange County Health Care Agency and community serving organizations to evaluate best practices and benefits of preparing a Public Health Plan to address environmental hazards in Santa Ana, with special focus in environmental justice communities. Conduct public meetings to gather information and present preliminary findings.	PBA	2022 - 2024
Land Use	3.25	Yes	Engage EJ communities. Work with community serving organizations, neighborhood leaders, and residents to form an Ad Hoc Committee to develop ongoing EJ Community Engagement programs for existing and new disadvantaged EJ communities, including multilingual communication protocols. Host quarterly Roundtable meetings with local stakeholders to guide and evaluate implementation of environmental justice policies.	PBA	2022
Land Use	3.26	Yes	Health conditions. Work with state agencies including the Department of Toxic Substances Control and South Coast Air Quality Management District, Orange County Health Care Agency and local	PBA	Ongoing
Land Use	3.27	Yes	Groundwater practice. Coordinate with the State Department of Toxic Substances Control (DTSC) to monitor the Santa Ana Southeast Groundwater Clean Up Project and identify measurable progress to remediate groundwater contamination. Share information with the community on the City's Environmental Quality web page.	PBA	Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.28	Yes	Tenant protections. Provide information to residential tenants regarding Landlord Tenant Laws in the State, such as AB 1481, and Santa Ana's Just Cause for Tenant Eviction and Rent Stabilization ordinance that provide protections against evictions for those who seek action to improve substandard housing and hazardous conditions.	PBA	2022 & Ongoing
Land Use	3.29	Yes	Development site history. Update the City's Development Review application process to require developers to provide information regarding the prior use of the site and history of hazardous materials on the property, in order to identify potential for site contamination from hazardous materials or soil lead contamination to be remediated.	PBA	2022
Land Use	4.6	Yes	Fireworks and environmental pollution. Study the data available to understand the health effects and environmental exposure, including air quality and noise impacts, from airborne sources such as fireworks shows and displays, with special focus on environmental justice areas.	PBA/CMO/PD	2022 - 2024
Land Use	4.7	Yes	Construction improvements. Identify best practices and communication tools to monitor mitigation measures and oversight of private and public construction improvements to protect the health and safety of health of the community, with focus on environmental justice areas.	PWA/PBA	Ongoing
Mobility	3.5	Yes	Safe routes to schools and parks. Develop and pursue implementation of a Safe Routes to School Plan and a Safe Routes to Parks Plan	PWA/PRCSA	Ongoing
Mobility	4.5	Yes	Citywide Design Guidelines update. Update the Citywide Design Guidelines to strengthen pedestrian and cyclist linkages to development centers and residential neighborhoods and coordinate on-site landscape with public realm landscaping.	PBA/PWA	2022 - 2027
Mobility	5.8	Yes	Air quality improvements. Participate in inter-jurisdictional efforts to promote improvements in air quality and to meet state and federal mandates through advanced technology and TDM programs	PBA/PWA	2021-2035
Open Space	1.2	Yes	Interagency Forum. Convene an interagency forum to take a coordinated approach to evaluating the feasibility for converting City-owned properties to parkland, with special focus in park deficient and environmental justice areas.	PRCSA	2022
Open Space	1.7	Yes	Public parkland requirements for residential projects. Update the Residential Development Fee Ordinance for large residential projects, which include projects of 100 residential units or more, to require public parkland within the City limits and a 10-minute walking distance of the new residential projects.	PBA/PRCSA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Open Space	1.7A	Yes	Open space and park land incentives. Allow developers a reduction in on-site open space by giving credits for park land for public use. Establish a process and program to incentivize developers to provide additional on-site and/or publicly accessible open space to create public park land and open space. Research and collaborate with residents, developers, and community organizations to design and implement an open space density bonus to incentivize the creation of additional on-site open space in exchange for more density in the project.	PBA & PRCSA	2022-2027
Open Space	1.10	Yes	New parkland collaborative. Coordinate with property owners to explore options to provide public access and programming on privately-owned open space in park deficient areas, including options to acquire land through purchase, land dedication, easements, and land leases that would allow for permanent or temporary public use of land for open space and recreational opportunities.	PRCSA	2022 & Ongoing
Open Space	1.11	Yes	Joint-use agreements. Coordinate with public school districts, private schools, and other community organizations to provide community members with access to additional open space and recreational resources.	PRCSA	2022 & Ongoing
Open Space	1.13	Yes	New programming in underserved areas. Partner with community organizations to offer new programs that are accessible to residents who live in areas underserved by open space and recreational facilities. Develop a comprehensive partnership policy providing guidelines that can be used throughout the City organization.	PRCSA	2022
Open Space	1.14	Yes	Community partnerships. Continue building partnerships with community-based organizations that administer social services to the elderly, youth, and other special needs groups; create use agreements for these providers to use public park facilities to meet the recreational and educational needs of these groups.	PRCSA	Ongoing
Open Space	1.15	Yes	Community input. Identify and utilize multilingual and interactive community engagement tools, initiated through the Parks and Recreation Master Plan, for residents and facility users to provide ongoing input about open space needs, park design, facility improvements, and programming	PRCSA	2022
Open Space	1.16	Yes	Acquisitions to meet park standard. Using the Park Master Plan as guidance, identify and acquire property within the City for park and open space use which will focus on bringing the park and recreation system to three acres of land per 1,000 residents with a plan to keep pace with future urban growth.	PRCSA	2022 & ongoing
Public Services	1.4	Yes	Fiscal priority for public improvements. Identify City fiscal and operational procedures and potential thresholds involved in the prioritization of general funds for public programming, service, or infrastructure improvements for residents living within environmental justice area boundaries.	CMO	2021 & annually

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Safety	2.4	Yes	Lead contamination. Work with local and regional partners, such as Orange County Environmental Justice, Orange County Health Care Agency and University of California at Irvine Public Health, to understand the prevalence, sources, and implications of lead contamination of soil across Santa Ana. Collaborate with environmental justice stakeholders in proposing solutions to remove hazardous lead-contaminated soils in the city and with benchmarks to measure and track effectiveness of proposed programs.	PBA/CDA	Ongoing
Safety	2.5	Yes	Business education. Collaborate with state and county agencies and trade organizations to educate and inform industrial business owners about permit regulations required for safe facility operations and about best practices.	PBA/CDA	Ongoing



CITY OF SANTA ANA

Planning and Building Agency

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NOTICE OF PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF SANTA ANA, CA.

The City of Santa Ana encourages the public to participate in the decision-making process. The following notice is being provided so that you can ask questions, make comments and stay informed about projects that might be important to you. We encourage you to contact us prior to the Public Hearing if you have any questions.

NOTICE IS HEREBY GIVEN - The City Council of the City of Santa Ana will hold a public hearing to receive public testimony and will take action on the item described below.

Proposed Action: The City of Santa Ana is proposing to adopt an ordinance extending Ordinance No. NS-3063 for 10 months and 15 days pursuant to Section 65858(a) of the California Government Code continuing a moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 zoning district.

Environmental Impact: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed action is not subject to the requirements of CEQA pursuant to Section 15060(c)(2) and 15060(c)3. The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Furthermore, the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly.

Meeting Details: This public hearing will be held on **Tuesday, May 21, 2024, at 5:30 p.m.** or as soon thereafter as the matter may be heard, in the City Council Chamber, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in-person or join via Zoom.** For the most up to date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/agendas-and-minutes/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to eComment@santa-ana.org (reference the Agenda Item # in the subject line) or mail to Jennifer L. Hall, City Clerk, City of Santa Ana, 20 Civic Center Plaza – M30, Santa Ana, CA 92701. Deadline to submit written comments is **4:00 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the City Council but will be made part of the record.

Where To Get More Information: All staff reports regarding any item on this agenda are available for public inspection in the City Clerk's Office during regular business hours and posted on the City's website the Tuesday before a Council meeting at: <https://www.santa-ana.org/agendas-and-minutes/>.

Who To Contact For Questions: Should you have any questions, please contact Margarita Macedonio with the Planning and Building Agency by phone at (714) 667-2288 or by email at MMacedonio@santa-ana.org.

Note: If you challenge the decision on the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council of the City of Santa Ana at, or prior to, the public hearing.

Si tiene preguntas en español, favor de llamar a Margarita Macedonio (714) 667-2288.

Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Tony Lai số (714) 565-2627.

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NOTICE OF STUDY SESSION

& PUBLIC HEARING BEFORE THE SANTA ANA PLANNING COMMISSION

The City of Santa Ana encourages the public to participate in the decision-making process. This notice is provided consistent with applicable State and local law, in addition to being provided to those persons who have expressed an interest in the proposed action. We encourage those with questions or comments to contact us prior to either or both the Study Session and/or Public Hearing.

Please be advised that the City will hold a Study Session concerning the following, more fully described below: Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03 to amend the Transit Zoning Code (Specific Development (SD) No. 84) zoning district of Chapter 41 (Zoning) during the regular meeting of the Planning Commission on the following date and time:

Study Session Date: Monday, February 10, 2025 Time: 5:30 PM

Further, NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Santa Ana will hold a public hearing to receive public testimony and take action on Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03 to amend the Transit Zoning Code (Specific Development (SD) No. 84) zoning district of Chapter 41 (Zoning).

Public Hearing Date: Monday, February 24, 2025 Time: 5:30 PM

Project Location : The area within the Transit Zoning Code/Specific Development (SD) No. 84 Zoning District, as depicted in the attached map.

Project Applicant: City of Santa Ana

Proposed Project: Planning Commission recommendation that the City Council adopt Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03 to amend the Transit Zoning Code (Specific Development (SD) No. 84) zoning district of Chapter 41 (Zoning) of the Santa Ana Municipal Code and to amend the City's Zoning Map. The proposed amendments include removal of industrial uses from the permitted uses table, updates to the nonconforming regulations, a new amortization process, and new operational standards applicable to businesses within the zoning district. The proposal also includes removing



the Light Industrial (M1) and Heavy Industrial (M2) suffixes from certain properties within the SD-84 zoning district, as shown on the City's Zoning Map.

Environmental Impact: In accordance with CEQA and the CEQA Guidelines, an addendum has been prepared to the City of Santa Ana's Transit Zoning Code (SD-84) Environmental Impact Report (EIR) to demonstrate that, pursuant to the standards contained in CEQA Guidelines Section 15162, this project is within the scope of the Transit Zoning Code (SD-84) EIR No. 2006-02, State Clearinghouse (SCH) No. 2006071100, certified by the City of Santa Ana on June 7, 2010. The Transit Zoning Code (SD-84) EIR fully analyzed the potential impacts associated with the proposed code amendments. This is consistent with Section 8.06 of the City's Local Guidelines for Implementing CEQA.

Meeting Details: This matter will be heard in the City Council Chambers, 22 Civic Center Plaza, Santa Ana, CA 92701. **Members of the public may attend this meeting in person or join via Zoom.** For the most up-to-date information on how to participate virtually in this meeting, please visit <https://www.santa-ana.org/planning-and-building-meeting-participation/>.

Written Comments: If you are unable to participate in the meeting, you may send written comments by e-mail to PBACComments@santa-ana.org (reference the Agenda Item # in the subject line) or by mail to Nuvia Ocampo, Recording Secretary, City of Santa Ana, 20 Civic Center Plaza - M20, Santa Ana, CA 92701. Deadline to submit written comments is **3:30 p.m.** on the day of the meeting. Comments received after the deadline may not be distributed to the Commission but will be made part of the record.

Where To Get More Information : Additional details regarding the proposed action(s), including the full text of the discretionary item, may be found on the City website 72 hours prior to the public hearing at <https://santa-ana.primegov.com/public/portal>.

Who To Contact For Questions: Should you have any project questions, please contact Principal Community Planner Margarita Macedonio with the Planning Division by phone at (714) 667-2288 or by email at MMacedonio@santa-ana.org.

Note: If you challenge the decision on the above matter, you may be limited to raising only those issues you or someone else raised at the

public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council of the City of Santa Ana at, or prior to, the public hearing.

**N ư c n liên l c b ng t i ng V i t, xin
i n th o i cho Kristie Ha (714) 667-
2206.**

1/31/25

CNS-3891625#

ORANGE COUNTY REGISTER



CITY OF SANTA ANA

Planning and Building Agency

20 Civic Center Plaza • P.O. Box 1988
Santa Ana, California 92702
www.santa-ana.org/pba

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Nếu cần liên lạc bằng tiếng Việt, xin điện thoại cho Kristie Ha (714) 667-2206.

**City of Santa Ana
Transit Zoning Code Area**

