

ORDINANCE NO. NS-XXXX

ZONING ORDINANCE AMENDMENT NO. 2024-01 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 58 (SD-58) TO ESTABLISH PERMITTED AND CONDITIONALLY PERMITTED LIGHT INDUSTRIAL LAND USES, ESTABLISH DEVELOPMENT STANDARDS FOR THE NEW PROPOSED USES, AND TO INCLUDE ADDITIONAL COMPREHENSIVE/ZONING TEXT EDITS AND UPDATES, TO FACILITATE THE CONSTRUCTION OF A NEW INDUSTRIAL PARK DEVELOPMENT NAMED THE SOUTH COAST TECHNOLOGY CENTER LOCATED AT 3100, 3110, 3120, 3130, AND 3400 WEST LAKE CENTER DRIVE (APNS: 414-272-09, 414-272-10, AND 414-261-01)

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

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

- A. C.J. Segerstrom and Sons (“Applicant” and “Property Owner”), is requesting approval of Zoning Ordinance Amendment (“ZOA”) No. 2024-01 amending Specific Development No. 58 (“SD-58”) in order to facilitate the construction of a new industrial park development named the South Coast Technology Center located at 3100, 3110, 3120, 3130, and 3400 West Lake Center Drive (collectively referred to as 3100 W. Lake Center Drive). The proposed amendments to SD-58 would establish permitted and conditionally permitted light industrial land uses, and would include text amendments to various sections of SD-58, including development standards for signage, height, perimeter fencing, off-street parking, and landscaping, as well as project phasing, operational standards and development standards for the new light industrial uses proposed.
- B. On October 15, 1990, the City of Santa Ana City Council adopted Ordinance No. NS-2089, approving General Plan Amendment No. 90-08, Amendment Application No. 1043, and Development Agreement No. 1990-03, and certifying an Environmental Impact Report. These approvals rezoned certain properties from the Light Industrial (M-1) zoning district to Specific Development (SD), established the SD-58 zoning district, and permitted the development of an office/industrial park (“Lake Center Business Park”).
- C. On July 18, 2005, the City of Santa Ana City Council adopted Ordinance No. NS-2684, approving ZOA No. 2005-01), which amended SD-58 and modified the standards to conditionally permit private recreational fields and trade schools, within the boundaries of the Lake Center Business Park. At the same public hearing, the City Council adopted Resolution No. 2005-046

approving various entitlements to facilitate a trade school use and to allow a private recreational field at 3100 W. MacArthur Boulevard.

- D. The Lake Center Business Park was constructed in the mid- to late-1980s, generally in compliance with the original development plans approved by Ordinance No. NS-2089. However, the business park includes a vacant parcel, approximately 5.58-acres in size, located at the southwest corner of Lake Center Drive and Susan Street (APN: 414-261-01), originally entitled for 320,000 square feet of additional office construction, but which was never constructed.
- E. Due to the surrounding area not materially upgrading to the original vision of SD-58, the surrounding area remains largely industrial in nature, which has made it challenging for the Property Owners to attract office tenants. Moreover, following the COVID-19 (coronavirus disease 2019) pandemic, shifting market trends have resulted in a decline in demand to lease traditional office spaces. Therefore, the property owner seeks the redevelopment of 3100 W. Lake Center Drive, which may include a variety of uses, such as corporate offices, Research and Development (R&D), light manufacturing, and warehousing, among other industrial uses.
- F. The proposed amendments to the SD-58 support and are consistent with multiple General Plan goals and policies relating to the elements of Land Use, Urban Design, and Economic Prosperity. Attachment 1 to this Ordinance contains a full list of all applicable General Plan goals and policies that support the project.
- G. Pursuant to Santa Ana Municipal Code (“SAMC”) Section 2-153, the applicant has demonstrated compliance with all requirements of the Sunshine Ordinance, including public notification and hosting of required community meetings. Materials resulting from the meetings were subsequently posted to the City’s webpage for the project.
- H. On July 8, 2024, the Planning Commission held a duly-noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2024-01.
- I. On, August 6, 2024 the City Council held a duly-noticed public hearing to consider this Ordinance, where all interested persons were given an opportunity to be heard.
- J. For the reasons contained herein, and each of them, Zoning Ordinance Amendment No. 2024-01 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the SAMC; thus, changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 3. The City Council finds and determines that pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review per Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines. The environmental review that has been prepared and peer reviewed by a qualified CEQA consultant hired by the City included in the Planning Commission Staff Report for July 8, 2024, assesses the potential for the proposed project to result in environmental effects and whether the proposed project qualifies for an exemption under Section 15183 of the CEQA Guidelines. Moreover, the analysis evaluated whether the potential environmental impacts are addressed in the City of Santa Ana General Plan Update Final Recirculated Program Environmental Impact Report (“GPU EIR”). Specifically, the analysis evaluates demolition of the three existing office buildings, a parking structure, and parking lots to construct three new Class A industrial buildings for office, manufacturing, and/or warehouse use, ancillary improvements including landscaping, parking, freestanding signage, site lighting, and fencing as well as proposed off-site improvements including replacing asphalt, new grind and overlay, relocating the tree wells from the sidewalk to back of sidewalk, and modifications to sidewalks as needed to ensure ADA compliance.

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

1. The project is consistent with:
 - A. A community plan adopted as part of a general plan,
 - B. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
 - C. A general plan of a local agency, and
2. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

The GPU was adopted, and the GPU EIR certified, in April 2022 (State Clearinghouse Number 2020029087); the GPU went into effect on May 26, 2022. Any decision by the City affecting land use and development must be consistent with the GPU. The GPU EIR evaluates the potential environmental effects associated with implementation of the GPU and addresses appropriate and feasible mitigation measures

that would minimize or eliminate these impacts. Pursuant to Section 15183(i)(2) of the CEQA Guidelines, a project is consistent with the GPU if the development density does not exceed what was contemplated and analyzed for the parcel(s) in the certified GPU EIR and complies with the associated standards applicable to that development density. Development density standards can include the number of dwelling units per acre, the number of people in a given area, floor area ratio (FAR), and other measures of building intensity, building height, size limitations, and use restrictions.

The prepared environmental review provides a limited examination of environmental effects for the proposed project, evaluating whether there are impacts that are peculiar to the project or the project site, impacts not analyzed as significant effects in the GPU EIR, potentially significant off-site or cumulative impacts not evaluated in the GPU EIR, or previously identified significant effects that are determined to have a more severe adverse impact than discussed in the GPU EIR. Moreover, the review analyzed impacts to aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, energy consumption, site geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire risk. Additionally, the review outlines implementation of applicable regulatory requirements and mitigation measures detailed in GPU EIR, related to the above-listed topics analyzed in the environmental review.

The environmental review concluded that the proposed project is consistent with buildout of the General Plan Update. Upon implementation of regulatory requirements and mitigation measures contained in the GPU related to air quality, cultural resources, geology and soils, and noise the proposed project would not have any specific effects, which are peculiar to the project or the project site. Moreover, there are no project specific impacts or potentially significant off-site or cumulative impacts that the GPU PEIR did not analyze, and there are no new significant or substantially more severe impacts to aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, energy consumption, site geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire risk, than anticipated by the GPU PEIR. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-109 will be filed for this project.

Section 4. The Specific Development No. 58 (SD-58) is hereby amended to read as follows:

SPECIFIC DEVELOPMENT PLAN NO. 58

Section 1 - Applicability of Ordinance

The specific development zoning district for the subject property, as authorized by Chapter 41, Division 26 Section 41593 et seq., of the Santa Ana Municipal Code (SAMC), is specifically subject to the standards and regulations contained in this plan for the express purpose of establishing land use

regulations and standards. All other applicable chapters, articles, and sections of the ~~SAMC Santa Ana Municipal Code~~ are in full effect shall apply unless expressly ~~waived or superseded by this ordinance~~ regulations contained within this specific development.

Section 2 – Purpose

The Specific Development Plan Number 58 (SD-58) consisting of standards and regulations, is hereby established for the express purpose of protecting the health, safety, and general welfare of the people of the City by promoting and enhancing the value of properties and encouraging orderly development.

~~Lake Center~~ Specific Development Plan SD-58 sets forth the development and design criteria for a development consisting of approximately 33 acres. The purpose of this Specific Development Plan is to permit flexibility in site planning and design in response to market conditions while assuring high quality development

Specific Development Plan Number SD-58 specifically establishes for the property the following:

- The permitted uses;
- Maximum authorized development densities;
- ~~Anticipated phasing of onsite development~~
- Signage provisions; and
- Development standards for authorized uses, including building height limits, required setbacks, parking requirements, landscaping provisions and enforcement policies.

~~The EIR sets forth certain required mitigation measures specified on Exhibit I attached which are hereby incorporated as part of this Specific Development Plan No 58.~~

Objectives

The objectives of the ~~Lake Center Specific Development Plan~~ Specific Development Plan SD-58 include the provision of the following:

1. Landscaping that is appropriate to the level of development and sensitive to the surrounding community;
2. A visually harmonious development as viewed both internally and externally;
3. A circulation system that is responsive to the needs of both vehicular and pedestrian travel, particularly pedestrian safety across major arterials serving the subject site;

4. Development that is exclusive of heavy industrial or noxious fumes toxic or hazardous materials, except as permitted by the SAMC;
5. Flexibility in development in response to market conditions while achieving overall City and community goals;
6. Creation of new employment opportunities;
- ~~7. An integrated sign program that visually enhance the development and is harmonious with the adjacent environs.~~
7. Permitting certain uses consistent with the underlying General Plan Industrial land use designation within portions of the development;
8. Develop the site to enhance its economic viability, creating a range of employment opportunities and increasing municipal revenue, which contributes to the economic health of the City and the region;
9. Signage that visually enhances the development and is harmonious with the adjacent environs.

Section 3 – Uses Permitted

Professional and Business Offices

1. General offices providing personal and professional services including, without limit, employment agencies, medical insurance, real estate, travel, trade contractors, architects, engineers, finance, research and development, wherein high technology office use is coupled with minor assembly, research and/or warehousing and shipping, and other similar uses.

Commercial/Retail Uses

1. Commercial/retail uses including, but not limited to: service commercial uses such as banks and other financial institutions, delicatessens, food stores, newsstands, automobile support facilities providing services only within the parking structures such as auto detailing, health and exercise centers and other similar uses, day care centers, office and computer equipment, copy centers, postal centers, and other similar uses.
2. Restaurants, retail commercial, travel services, and other commercial uses incidental/accessing to office uses.

Uses permitted subject to conditional use permit.

1. Trade and professional schools.
2. Private recreational fields.

3. On the parcels illustrated on Figure 1, any use permitted in the M1 district either by right or subject to a conditional use permit, as listed in the SAMC, that is not listed in the Limited Light Industrial Uses section, above.
4. Any use subject to Section 41-199.4 of the SAMC.
5. Eating establishments exceeding 2,500 square feet in gross floor area.

Limited Light Industrial Uses

1. On the parcels illustrated on Figure 1 (the "Limited Light Industrial Parcels"), in addition to Professional and Business Offices and Commercial/Retail uses, the following Limited Light Industrial uses are permitted:
 - a. The compounding, processing, or treatment of raw or previously treated materials into a finished or semi-finished product, excluding those uses specified in sections 41-199.4 and 41-489.5 of the SAMC.
 - b. The manufacture of products from raw or previously treated materials, excluding those uses specified in sections 41-199.4 and 41-489.5 of the SAMC.
 - c. The assembly of products from raw or previously treated materials, excluding those uses specified in section 41-489.5 of the SAMC.
 - d. The packaging or distribution of previously prepared products or materials, excluding those uses specified in section 41-489.5 of the SAMC.
 - e. Wholesale establishments where the primary trade is business to business sale of products, supplies, and equipment.
 - f. Storage of previously prepared goods, products or materials for eventual distribution or sales where the goods, products or materials are the property of the owner or operator of the building or structure.
 - g. Machine shop or other metal working shops.
 - h. Warehousing.
 - i. Research laboratories.
 - j. Movie, photography, musical or video production studios.
 - k. Bulk products sales (twenty-five (25) cubic feet or greater) when such products are the primary sales activity.
 - l. Public utility structures.
 - m. Blueprinting, photoengraving, screen printing and other reproduction processes.
 - n. Eating establishments up to 2,500 square feet in gross floor area.
2. On the Limited Light Industrial Parcels, the following uses are permitted when ancillary to and physically integrated with any limited light industrial

uses permitted in Section 1, above, or to any use permitted subject to a conditional use permit:

- a. Cafes and eating establishments limited to use by employees of the uses specific in Section 1.
- b. Administrative office use occupying up to thirty (30) per cent of the gross floor area.
- c. Product sales or service uses occupying up to five (5) per cent of the gross floor area.
- d. Daycare centers occupying up to thirty (30) per cent of the gross floor area; provided, however, that no combination of uses permitted by this section shall exceed thirty (30) per cent of the gross floor area.
- e. The outside storage of Class I and Class II liquids (as defined in the fire code of the City of Santa Ana) in above-ground fixed storage tanks when properly screened pursuant to section 41-622 of the SAMC, as it may be amended from time to time. As used herein, "tank" means a vessel containing more than sixty (60) gallons.
- f. Enclosed storage where the goods, materials or supplies stored are the property of the owner or operator of the building or structure occupying up to thirty (30) per cent.
- g. Caretakers quarters consistent with the requirements in section 41-479 of the SAMC.

Section 4 – Maximum Permitted Building Density/Intensity

The maximum authorized building densities/intensities for the Specific Development Plan SD-58 Lake Center are as follows:

1. 400,890 square feet of existing and approved office and support commercial uses ~~consistent with the site Master Plan.~~
2. 569,230 square feet of additional floor area, including a maximum of 325,044 square feet of limited Light Industrial uses on the Light Industrial Parcels. ~~Parking structures and appurtenant uses are not included in the calculation of floor area. Figure 1 illustrates the locations of existing and proposed Master Plan of buildings.~~
3. Parking structures and appurtenant uses are not included in the calculation of floor area.
4. The precise timing of development, building sizes, and configuration are predicated on market conditions at the time of construction and are subject to change as market conditions change or as tenants become available.

Section 5 – Phasing

<u>Phase</u>	<u>Gross Floor Area (SQ. FT.)</u>	<u>Year</u>
1 Building #1	49,040	1990
2 Building #12	56,000	1990-1994
3 Building #11	104,190	1992
4 Building #17	40,000	1993
5 Building #10	160,000	1993
6 Building #9	160,000	1994-1995

~~Year of development, building size and configuration are predicted on market conditions at the time of construction and are subject to change as market conditions change or as tenants become available.~~

Section ~~5~~ 6 - Signage

1. ~~Except as set forth here in, a~~All future on-site signs shall conform to Article XI, Subsections 41-850 through 41-1099 of the SAMC Santa Ana Municipal Code, in effect at the time of adoption of this ordinance.
2. On-site signs for the Professional and Business office uses and Commercial/Retail shall also be consistent with an approved sign program to be on file with the Santa Ana Planning Division.
3. Signage in the SD-58 area is subject to the SAMC and Planned Sign Program on file with the City. Modifications to sign development standards may be made administratively provided they do not exceed a twenty percent deviation for proposed freestanding and wall signs of dimensions for location, height, length, and sign face area. In considering a request for such administrative modification, health and safety and design compatibility of the proposed signage shall be taken into consideration.

Section ~~6~~ 7 – Development Standards

~~Professional and Business Offices Commercial~~

1. Building Heights. All future on-site uses with the exception of limited light industrial uses on parcels illustrated on Figure 1 will be subject to a height limitation of 200 feet above ground level which is defined as a measurement from the elevation of the top slab of the first floor on-grade to the top of the structure. Limited light industrial uses on the parcels illustrated on Figure 1 will be subject to a height limitation of 55 feet above ground level, exclusive of any roof-mounted equipment.
2. Setbacks. A minimum of 15 feet setback shall be provided between proposed onsite uses and right of way boundaries for the following streets Lake Center Drive Susan Street Sunflower Avenue and MacArthur. A minimum ten foot setback will be provided for uses adjacent to internal roadways but such ten-foot setback shall not apply to drive aisles in parking lots.
3. Building Separation. Minimum building separation shall be governed by Uniform Building Code requirements except for parking structures which are

not required to be separated from structures on separate parcels, and except for walkway covers connecting pedestrian access and atrium connections between buildings.

4. Site Coverage. All building setbacks as described in Section 6.2 above (Setbacks) above. Building setbacks shall be maintained for site coverage ~~Site coverage for individual parcels or tracts shall be consistent with the approved precise plan provided that the setbacks described above are maintained.~~
5. Parking. Parking within ~~the Lake Center Specific Development Plan SD-58~~ will be design to take advantage of the urban setting and balance of uses provided to attract companies contemplated by the Permitted Uses described in Section 3 above (Uses Permitted). This is represented by the mix of similar land uses located within close proximity to transportation facilities the properties governed by the SD-58 zoning. It is the intent of the applicant to provide parking facilities in the form of surface parking, parking structures above and, possibly, below grade or any combination thereof. The parking structures' design shall be compatible with the surrounding land uses.

~~The site currently has 508 surface parking spaces and 861 spaces in parking structures. Future on-site buildings may be served by a mix of surface and structure parking (approximately 1,684 parking spaces in parking structures and 289 surface spaces). Future spaces will be provided on a phase-by-phase basis consistent with projected demand coinciding with the construction of the proposed buildings. At build out, projected total parking is anticipated to be 3,342 spaces in a combination of surface and structure parking.~~

- a. Location of Parking. Required off-street parking shall be provided. When parking is provided on a site of different ownership a recorded document shall be approved and filed with the City of Santa Ana Planning Division and signed by the owners of the parking site stipulating to the reservation of use of the site for said parking.
- b. Joint Use of Parking. Two or more office or commercial uses may jointly develop and utilize required parking facilities if approved by the Planning Division. Parking requirements for each individual use may be reduced through City of Santa Ana (i.e. no compact stalls) as of the date of adoption with regard to surfacing, marking, grading, lighting, walls circulation, parking dimensions, and layout. Landscaping requirements will be in accordance with this Specific Development Plan.
- c. Off-Street Parking Plan/Site Plan. A parking plan will be submitted for all projects requiring more than ten parking spaces, unless off street parking facilities are already provided.

The required number of off street spaces may be reduced commensurate with the specific type of use and demonstrated hourly parking demand upon approval by the Zoning Administrator. For off-

street parking plan areas which contain 500 or more parking spaces a twenty (20) percent reduction may be permitted for required off street parking subject to approval by the Zoning Administrator. This percentage is based upon representative factors for land use as provided by the Urban Land institute's (ULI) shared parking study.

The required number of off-street spaces provided may be further modified contingent upon implementation of a transportation demand management plan for Lake Center and based upon the results of a verified transportation study, subject to approval by the Planning Division.

- d. Number of Required Off-Street Spaces. The minimum number of off-street parking spaces to be provided within the project area are as follows:

Medical and Dental. Six spaces for each doctor or one space for each 200 square feet of gross floor area, whichever is greater.

Professional and Business Offices. One space for each 333 1/3 square feet of gross floor area.

Restaurant. Restaurant parking shall be in accordance with the following:

Restaurants shall provide one parking space per 100 gross square feet of floor area.

Outdoor dining areas may be reduced to provide one space per 200 square feet of gross floor area.

Parking requirements may be waived for restaurants which primarily serve an onsite building or can be demonstrated to serve on-site users who will not drive to the site.

Commercial. One (1) space for each 200 square feet of gross floor area for any freestanding commercial space larger than 3,000 square feet. Parking requirements shall be waived for commercial and service uses which primarily serve an on-site building, or can be demonstrated to serve onsite users who will not drive to the site

Trade and professional schools. One space for each 40 square feet of classroom area, plus one space for each 333 square feet of office floor area. A passenger loading and unloading zone shall be provided for each building used for instructional purposes.

Limited Light Industrial. One and one-quarter (1.25) spaces for each one thousand square feet of gross floor area.

6. Landscaping Standards. All areas not used for buildings parking or storage shall be landscaped using the following guidelines. All landscaped areas shall be irrigated using an automatic irrigation system. The project shall provide landscaping consistent with the existing landscape theme and existing improvements onsite. Plazas and courtyards shall provide a minimum of 30% of the area dedicated to such amenity in landscaping.

The design guidelines outlined herein form an integral element in achieving distinctive development character for the project area. As phases are implemented, landscape plans shall be approved which are consistent with and implement these concepts, and are consistent with existing improvements established by a Master Plan on file with the City Planning Division. Detailed landscaping plans shall be submitted to and be approved by the City of Santa Ana Planning Division prior to issuance of a building permit and installed prior to issuance of a certificate of Use and Occupancy.

- a. Setback Areas. To create a unifying element surrounding the project area, a landscaped edge will be maintained adjacent to Lake Center Drive, Susan Street, Sunflower Avenue, MacArthur Boulevard and interior streets. This edge will contain formal tree plants with ~~turf~~ ground cover or shrubs below.
- b. Side and Rear Yard Setback Area. All building setback areas shall be landscaped utilizing ground cover lawn and or shrub and tree materials consistent with existing improvements.
- c. Parking Areas. In all areas where there is surface parking the following standards shall apply:

Setback - The width of the landscaped edge adjacent to parking areas shall be a minimum of ten feet from the interior rear and interior side yard property lines.

Trees - ~~A landscape planter, not less than~~ For parking areas that feature head-to-head parking spaces there shall be a minimum five feet by five feet raised planter, including the thickness of the raised curb installed between the head-to-head parking spaces shall be required consistent with existing improvements at a ratio of one (1) planter for each (4) four parking spaces on each side of the head-to-head row (see Figure 2 for a depiction of such planters). For purposes of clarification, for parking spaces that terminate at a curb (i.e. not head-to-head), no such planter shall be required. For every ten parking spaces that terminate in a curb, there shall be a landscape finger at least five feet (5') wide, including the thickness of the raised curbs enclosing such planter, and each planter will require one 15 gallon size tree, 8 five gallon size shrubs and ground

cover to serve as filler materials. Other organic or inorganic materials are not accepted for substitution for ground cover or turf.

7. Enforcement. The penal provisions and permit requirements set forth in Article VIII of the (SAMC) ~~Santa Ana Municipal Code~~ (effective as of the date of adoption of this Specific Development Plan) shall apply to all development within ~~the Lake Center~~ Specific Development Plan SD-58.
8. Perimeter Fencing. All perimeter fencing abutting a public street or private street shall be of decorative, “see-through” material, such as wrought-iron, but in no event shall such fencing be a chain-link material. Such fencing shall be setback at least ten feet (10’) from the public right-of-way (the “Public Setback”) with landscaping, as approved by the City per Section 6.6 (Landscape Standards) above, between the fencing and the public right-of-way. Provided, however, the Public Setback may be less than ten feet (10’) from the public right-of-way to accommodate code-required, accessible exits through such fencing. The portion of the perimeter fencing that is less than ten feet (10’) to accommodate such code-required, accessible exit shall not exceed a length of twenty feet (20’) as measured parallel to the right-of-way. Perimeter fencing along interior property lines, if any, shall comply with Section 11.8.1 of the City’s Industrial Design Guidelines. No perimeter fencing shall exceed seven (7) feet in height as measured from the adjacent grade without the prior authorization by the City.

Section ~~7~~ 8 - Operational Standards

1. Conditions Covenants and Restrictions (CC & R’s) shall be provided which requires future tenants and property owners to participate in the required Transportation Demand Management Program and other mitigation measures as specified in the Environmental Impact Report, or prepared CEQA Exemption 15183 Environmental Documentation.
2. Each future structure(s) shall be required to demonstrate conformity with the applicable provisions of this Specific Development Plan SD-58 submit for Site Plan Review to ensure conformity with the Master Plan and certified Environmental Impact Report, or prepared CEQA Exemption 15183 Environmental Documentation, to provide the opportunity to apply conditions to ensure compliance.
- ~~3. Prior to issuance of a Building Permit dedicate curb returns and ultimate street right of ways on Lake Center Drive and Susan Street per the approved site plan.~~
3. Prior to issuance of a Utility Release complete the following:

- a) Comply with all mitigation measures applicable to the approved Site Plan and as set forth in the Draft EIR and as modified in the response to comments portion of the EIR.
 - b) Comply with the requirements of the Development Agreement, as applicable.
4. Any amendments and/or modifications to the project or site plan review approval per Development Project (DP) DP No. 2023-37, including modifications to approved materials, finishes, architecture, site plan, landscaping, and square footages must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available, per the following:
- a. Modifications up to ten-percent (10%) deviations shall be reviewed and approved by the City of Santa Ana's Planning Manager.
 - b. Modifications up to twenty-percent (20%) deviations shall require a discretionary review and approval of a minor exception application by the City of Santa Ana's Zoning Administrator, at a duly noticed public hearing, pursuant to all applicable requirements outlined in the SAMC.
 - c. Modifications exceeding twenty-percent (20%) deviations shall require a discretionary review and approval by the City of Santa Ana's Planning Commission, at a duly noticed public hearing, pursuant to all applicable requirements outlined in the SAMC.
5. Prior to the issuance of building permits for any building within the parcels illustrated on Figure 1 (the "Limited Light Industrial Parcels"), a detailed and comprehensive Landscape Plan shall be submitted to the Planning and Building Agency Executive Director or his/her designee for review and approval prior to the issuance of building permits.
- a. The plan shall comply with the City's Water Efficient Landscape Ordinance (WELO) Chapter 41, Article XVI of the SAMC. The plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately.
 - b. The plan shall include a Plant Legend containing: plant symbol, scientific name of plant material, common name of plant material, plant container size, and plant spacing. Very low, low and medium water usage plant materials are encouraged.

- c. The plan shall include details of site furnishings. Site furnishing should be compatible in style with the buildings and selected to bring comfort, scale and design expression to the streetscape. These must also be highly durable and easy to maintain. Planters and pots should be used to complement the project architecture and other site amenities; avoiding obstructions to pedestrian traffic flow with planters and pots. All elements of the furniture palette should be uniform.
 - d. Landscaping for the project shall be completed in phases by building and shall be installed and inspected prior to occupancy of units within that building. The Owner and/or maintenance association established by any relevant Conditions Covenants and Restrictions (CC & R's) shall be responsible for maintaining all common area landscaping within the development.
- 6. Prior to issuance of a building permit for any buildings within any of the parcels illustrated on Figure 1 (the "Limited Light Industrial Parcels"), the property owner shall satisfy all site improvement requirements identified by the City's Development Review Committee (DRC) as part of Development Project (DP) DP No. 2023-37, including but not limited to the following:
 - a. Implementing water and sewer requirements, if any, determined necessary as part of the Water Hydraulic Model Evaluation Study conducted by the City of Santa Ana.
- 7. Prior to issuance of a building permit for any buildings within any of the parcels illustrated on Figure 1 (the "Limited Light Industrial Parcels"), the property owner shall execute and record a Lot Merger Application to consolidate the lots at 3100 W. Lake Center Drive.
- 8. Prior to final occupancy of a business established within any of the parcels illustrated on Figure 1 (the "Limited Light Industrial Parcels"), a Property Maintenance Agreement must be executed between the City of Santa Ana and the Property Owner in a form reasonably satisfactory to the City Attorney. The Property Maintenance Agreement shall ensure that the Property and all improvements located thereupon are properly maintained. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);

- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties and obligations and responsibilities set forth under the maintenance agreement;
- g. The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City; and
- h. The execution of the maintenance agreement shall be a condition precedent to the Certificate of occupancy.
- i. The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in any real property illustrated on Figure 1 (the "Limited Light Industrial Parcels"), within the boundaries of Specific Development No. 58, or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties and obligations and responsibilities set forth under the maintenance agreement.

SD-58 Limited Light Industrial Parcels

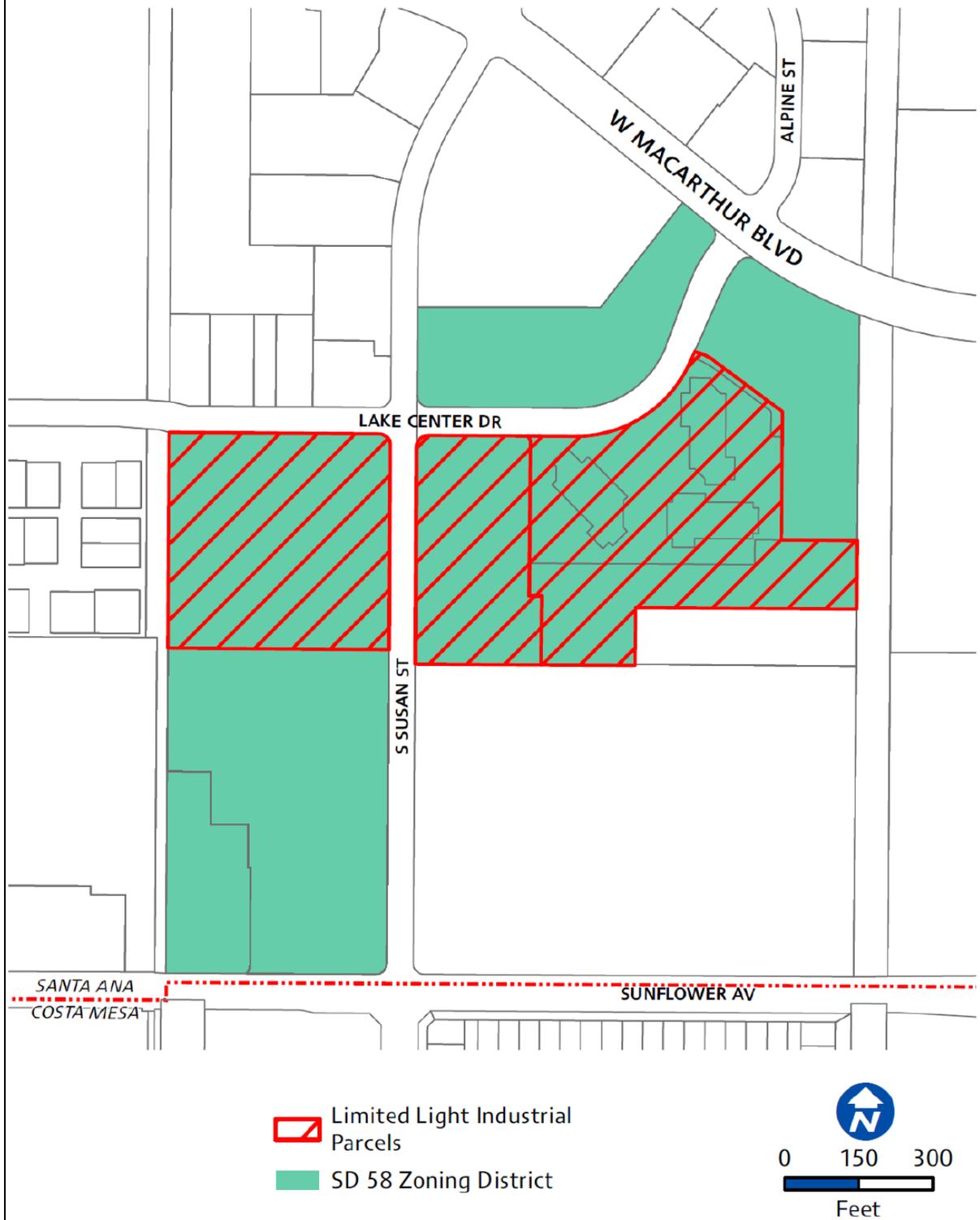


Figure 1

Parking Lot Planters

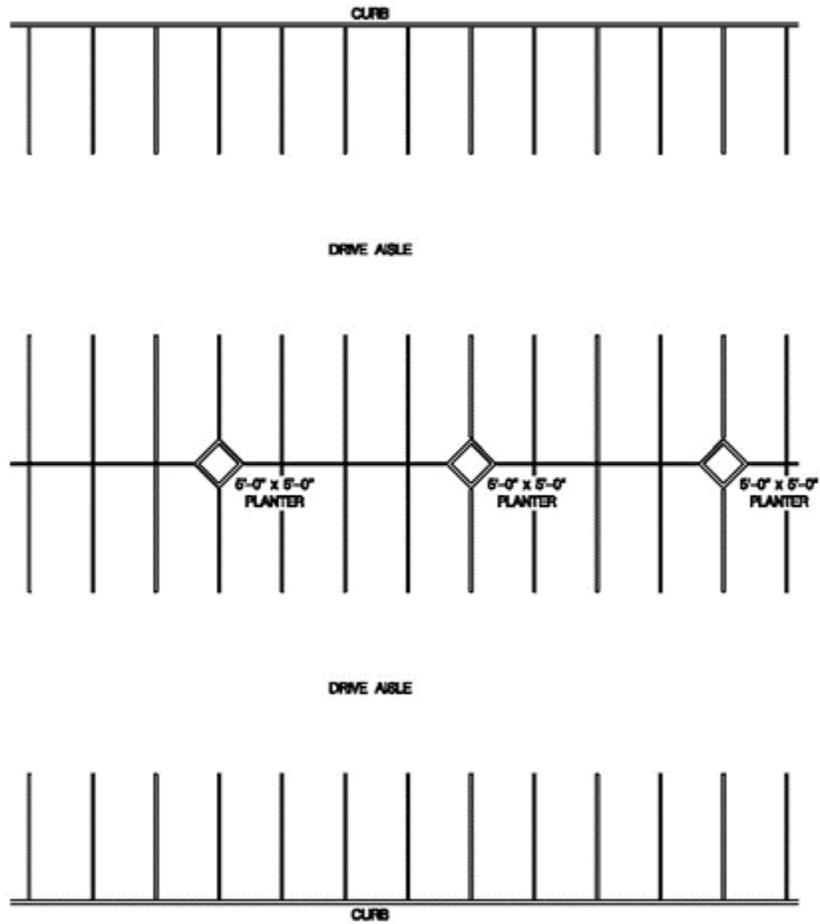


Figure 2

Section 5. 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 6. This Ordinance shall become effective thirty (30) days after its adoption.

Section 7. 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 _____, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, 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

Consistent and Supportive General Plan Goals and Policies

Land Use (LU) Element

Goal LU-2: Land Use Needs. Provide a balance of land uses that meet Santa Ana's diverse needs.

The project is consistent with this General Plan Land Use Element goal, as the current allowable uses are not meeting the community's needs. Office space demand has declined and with this request, the ownership proposes to diversify and adapt to these needs by establishing additional land uses within the specific development area.

Goal LU-3: Compatibility of Uses. Preserve and improve the character and integrity of existing neighborhoods and districts.

Policy LU-3.4: Compatible Development. Ensure that the scale and massing of new development is compatible and harmonious with the surrounding built environment.

The project is consistent with these General Plan Land Use Element goals and policies, as the goal for the site is to develop high-quality industrial buildings that would revitalize the area and make off-site improvements to enhance the character of the surrounding neighborhood. Additionally, the proposed improvements would also feature reduced mass and scale, which would be more compatible with the surrounding area.

Goal LU-4: Complete Communities. Support a sustainable Santa Ana through improvements to the built environment and a culture of collaboration.

Policy LU-4.2: Public Realm: Maintain and improve the public realm through quality architecture, street trees, landscaping, and other pedestrian-friendly amenities.

The project is consistent with these General Plan Land Use Element goals and policies, which support sustainable improvements to the built environment, maintain, and improve public spaces through quality architecture, street trees, landscaping, and other pedestrian-friendly amenities. As the ownership of the properties would redevelop the site by providing high-quality development and extensive landscaping along West Lake Center Drive, culminating in a passive park for the community and visitors to the nearby field or church. These improvements would improve the public realm, include pedestrian friendly amenities and support the built out environment.

Urban Design (UD) Element

Goal UD-1: Physical Character. Improve the physical character and livability of the City to promote a sense of place, positive community image, and quality environment.

Policy UD-1.1: Design Quality: Ensure all developments feature high quality design, materials, finishes, and construction.

Policy UD-1.5: Attractive Public Spaces. Encourage community interaction through the development and enhancement of plazas, open space, people places, and pedestrian connections with the public realm.

The project is consistent with these General Plan Urban Design Element goals and policies as the goal for the site would be to develop with high-quality industrial buildings that would feature high-quality materials and finishes that would improve the physical character of the area. Additionally, the proposed passive park would create a space for community interaction and encourage community interaction and pedestrian connection to the public realm.

Economic Prosperity (EP) Element

Goal EP-1: Job Creation and Retention: Foster a dynamic local economy that provides and creates employment opportunities for all residents in the city.

Policy EP-1.1: Protect Industrial: Protect industrial uses that provide quality job opportunities, including middle-income jobs; provide for secondary employment and supporting uses; and maintain areas where smaller emerging industrial uses can locate in a multitenant setting.

Policy EP-1.2: Attract Business: Promote new and retain existing job-producing businesses that provide living-wage employment opportunities.

The project is consistent with these General Plan Economic Prosperity Element goals and policies, as the request would allow the ownership to transition from a land use that is not attracting businesses or jobs to one that would, thereby benefiting the city's economic prosperity. Furthermore, the request would reintroduce industrial land uses to a site previously rezoned to accommodate only office or commercial uses, which would support industrial land uses Citywide that would provide for employment opportunity.