



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**April 1, 2025**

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**TOPIC:** Transit Zoning Code Amendments

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**AGENDA TITLE**

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

Legal notice published in the OC Reporter on March 21, 2025 and mailed on same day.

**RECOMMENDED ACTIONS**

- 1) Adopt a resolution to make findings pursuant to Public Resources Code 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.

RESOLUTION NO. 2025-XXX entitled 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)

- 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.

ORDINANCE NO. NS-XXXX entitled 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

- 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.

ORDINANCE NO. NS-XXXX entitled 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

**GOVERNMENT §84308 CODE APPLIES:** Yes

### **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 City Council direction, and the research and analysis of the issues herein, staff has prepared Zoning Ordinance Amendment (ZOA) No. 2024-02 proposing to amend 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 ZOA 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. A second ordinance, Amendment Application (AA) No. 2024-03, proposes to 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.

## **DISCUSSION**

### ***The Transit Zoning Code/Specific Development No. 84***

The SD-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, whose 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 existing 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 20<sup>th</sup> 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% 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% 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 12<sup>th</sup> grade with no diploma, over 31% are high school graduates, and nearly 97% of the working population over 16 years of age are employed.<sup>1</sup>

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 90<sup>th</sup> 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 proposed ordinance 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 past 12 months, the Code Enforcement Division conducted investigations at over 35 commercial and industrial properties within the TZC. Currently, the City's Code Enforcement Division has 21 active open cases that have been issued Notices of

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<sup>1</sup> 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.

Violation 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. This activity demonstrates the City's direct involvement in overseeing these businesses to mitigate potential environmental and public health risks.

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. 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 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. Other recent incidents include a large fire at an open-air industrial recycling facility at 1035 E. Fourth Street on March 23, 2025 that resulted in contaminated effluent from water used in fire-fighting efforts draining into local gutters.

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 when businesses require a permit

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 are 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 the City Council's 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. 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% 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.

Currently, City staff have an internal process established that continues to track and monitor incoming notices of compliance or notices of violations from outside regulatory agencies issued 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 data show enforcement activity within the TZC, where at the time of adoption of the moratorium, 16 active open cases were issued Notices 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.

#### *Review of Records and Activities of External Regulatory Agencies*

To broaden the analysis beyond the City's local land use impacts, City staff have received public records requested of compliance status, 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 (SARQWCB), the Department of Toxic Substances Control (DTSC), Certified Unified Program Agencies (CUPA), California Environmental Reporting System (CERS) and others responsible for issuing regulatory 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 the TZC zoning district.

Data from outside regulatory agencies assists 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.

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 were issued to one industrial business for operating a paint spray booth without a valid permit to operate from SCAQMD.

The report from the SARWQCB from 2024 shows three (3) active industrial business in the TZC in violation of their permit for providing a late report or incomplete and/or insufficient information for their Stormwater Pollution Prevention Plan (SPPP). In March 2025, one of the three businesses with active violations concluded a financial settlement directly with the SARWQCB agency.

Public records from the 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.

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.

The proposed amendments for the TZC aim to strengthen the City's land use regulatory authority, providing a necessary tool to address the deficiencies of outside regulatory agencies and their permitting and oversight, and to safeguard the health, safety, and welfare of the community.

### Public Engagement

Following City Council's extension of the TZC moratorium on May 21, 2024, City staff have been developing permanent regulations for the TZC district for the City Council's consideration. Leading up to the special Planning Commission meeting held on March 6, 2025, City staff engaged in a comprehensive outreach effort regarding TZC regulations, holding 20 meetings in various formats with affected stakeholders. This included:

- Direct engagement through eight individual and group meetings with business owners and brokers,
- Two focus group meetings with TZC business owners,
- Community outreach involving two neighborhood/resident group meetings,
- Two City-hosted TZC (SD-84) meetings: The October 22, 2024 City Informational Meeting and the March 3, 2025 Community Meeting,
- Three site visits at the request of businesses, and
- Three Planning Commission meetings (February 10, 2025 Study Session and February 24/March 6 Public Hearings).

This extensive engagement aimed to gather diverse input for the development of permanent TZC regulations. To proactively ensure important communications reached all stakeholders, City staff mailed notices to all property owners and occupants, comprising 3,599 addresses, within the Transit Zoning Code area for each of the following meetings: the October 22, 2024 City Informational Meeting, the Planning Commission February 10, 2025 Study Session and February 24, 2025 Public Hearing notice, and the City Council April 1, 2025 Public Hearing Notice.

On January 15, 2025, City staff made draft TZC (SD-84) regulations available to the public for review in advance of the scheduled Planning Commission study session on February 10, 2025 and public hearing on February 24, 2025. The 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 moratorium project [webpage](#) with additional updates, including

the Study Session and Planning Commission Public Hearing Notice, Planning Commission’s Study Session PowerPoint presentation, and the draft ordinance and clarifications presented to the Planning Commission.

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 was made available on February 24, 2025, and is included as Exhibit 5 to this staff report.

City staff from the Neighborhood Initiatives and Environmental Services (NIES) section of the Planning Division 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. The recent SoCal Gas Company’s Climate grant award from the City from the SoCal Gas Company’s Climate Grant award will further assist in obtaining baseline air quality data and education in these communities.

*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.

ZOA No. 2024-02 & AA No. 2024-03 (Transit Zoning Code Amendments)

April 1, 2025

Page 12

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
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"> <li>• 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.</li> <li>• Prohibits expansion of a building or structure occupied by a nonconforming industrial use.</li> <li>• Elimination of certain nonconforming uses and structures.</li> <li>• Establishes a process for enacting amortization periods for eliminating certain nonconforming uses.</li> <li>• References to SAMC and State law for abatement of public nuisances.</li> <li>• Establishes authority for voluntary compliance agreements between the City and nonconforming uses.</li> </ul>
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 updated to add 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.

Code Section Title	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
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"> <li>• Modifies Table 2A containing the Use Standards by adding and reclassifying certain land use types appropriate to the TZC land use subcategories</li> <li>• 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.</li> </ul>
Operational Standards for Permitted Uses	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 though amortization. Section 41-2004 has been deleted in its entirety with the section number reserved.
- *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 for Permitted Uses 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 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; and 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.

*Planning Commission Public Hearing – February 24, 2025*

On February 24, 2025, the Santa Ana Planning Commission held a duly noticed public hearing to consider recommending ZOA No. 2024-02, AA No. 2024-03, and resolution to make findings and adopt Addendum to TZC SD-84 Final EIR. Upon hearing all testimony, the Commission closed the public hearing, held discussion, provided direction to staff, and continued the item to a special meeting scheduled for March 6, 2025. The Commission requested that staff conduct and provide certain deliverables for their further consideration of the proposed amendments, in order to render a recommendation to the City Council on the proposed TZC amendments. The three requested actions for staff were as follows:

- 1) Conduct an additional community meeting collectively, with interested parties in attendance at the hearing, including residents, businesses, and property owners, to facilitate further input on the proposed amendments;
- 2) Prepare a financial analysis to address potential impacts to the City as a result of adopting the proposed amendments; and
- 3) Provide a legal briefing related to potential challenges that may result from adoption of the proposed amendments.

*Additional Community Meeting – March 3, 2025*

Staff held a community meeting with interested parties, including business owners, property owners, residents, and others, on Monday, March 3, 2025, from 5:30 p.m. to 7:30 p.m. at the Santa Ana Regional Transportation Center (SARTC) First Floor Conference Room (1000 E. Santa Ana Blvd.) to garner additional feedback about the proposed changes. The summary of the March 3, 2025 TZC (SD-84) Community Meeting can be found in Exhibit 1 of Exhibit 7 (March 6, 2025 Special Planning Commission Supplemental Staff Report and Exhibits), which is attached to this staff report.

As a result of the input received at that community meeting, combined with the prior analysis of the proposed amendments as outlined in the February 24, 2025, Planning Commission staff report, staff proposed clarifying edits as well as text edits to the Ordinance presented to the Planning Commission on February 24, 2025 that can be found in Exhibit 7. Specifically, the clarifications address typographical errors as well as the emergent themes from the March 3<sup>rd</sup> community meeting related to hours of operation and clarifying that nonconforming and “legal” nonconforming are one and the same term for the purposes of implementing the TZC. The summary of the March 3, 2025 TZC (SD-84) Community Meeting can be found in Exhibit 1 of Exhibit 7 (March 6, 2025 Special Planning Commission Supplemental Staff Report and Exhibits), which is attached to this staff report.

*Financial Information related to adoption of proposed TZC (SD-84) amendments*

The Planning Commission requested City staff to provide financial information specifically on the amendments' effects on City revenues that would result from the proposed ordinance. Staff from the City's Finance and Management Services Agency evaluated aggregate financial information using data sources for the City's tax base that include sales tax, property tax, businesses license tax, and utility users' tax within the TZC. Staff provided information as part of City staff's presentation during the scheduled March 6, 2025, meeting and emphasized that due to confidentiality requirements, revenue details provided are in general and aggregate form, preventing the disclosure of individual business revenue.

Furthermore, evaluating the actual fiscal impact would be speculative and may vary significantly due to numerous unpredictable factors, including the fact the proposed ordinance does not propose the closure of any business; rendering business uses legal nonconforming does not preclude the establishment of a new, similar business in the same location that may result in no change to the City's revenues; fluctuations in economic conditions; and potential changes in business operations. These factors were presented to the Planning Commission, which took the information into account in making its recommendation to approve to the City Council. A description of the requested financial information is included in Exhibit 7 (March 6, 2025 Special Planning Commission Supplemental Staff Report and Exhibits), which is attached to this staff report.

*Legal Analysis*

The Commission requested that the City Attorney provide a briefing related to legal challenges to the proposed TZC amendments, specifically the creation of nonconforming status to business and structures, and the general argument of a "taking," as that term is used legally. The City Attorney's Office provided a confidential memorandum separately to the Planning Commission summarizing these legal questions. Due to the potential for litigation, the information contained in the memorandum is considered client privileged and confidential.

*Recommended Action Taken by the Planning Commission – March 6, 2025*

At a special meeting on March 6, 2025, the Planning Commission voted 4:2:1, with Commissioners Benninger and Leo dissenting and Vice-Chair Ramos absent (due to advisement of a potential conflict of interest due to her residence being in close proximity to the project area), to recommend that the City Council approve the recommended actions. As part of its recommendation to approve, the Planning Commission included clarifying edits to the draft ZOA proposed by staff, which have been incorporated into the proposed text amendments.

### General Plan Consistency

The proposed zoning ordinance amendments are consistent with various goals and policies of the [Santa Ana General Plan](#), including the [Land Use](#), [Community](#), [Economic Prosperity](#), and [Conservation](#) elements. Consistency with the General Plan is 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 TZC 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 TZC 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 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. February 24, 2025 Planning Commission Staff Report and Exhibits
7. March 6, 2025 Special Planning Commission Supplemental Staff Report and Exhibits
8. Exhibits
9. City Council Staff Report and Exhibits for the Adopted TZC Moratorium
10. Copy of Public Hearing Notice

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

Approved By: Alvaro Nuñez, City Manager