

RESOLUTION NO. 2025-____

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

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

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

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

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

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

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

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

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

WHEREAS, on February 24, 2025, the Planning Commission held a duly noticed public hearing to consider these proposed ordinances, where all interested persons were given an opportunity to be heard, and after closing the public hearing, continued taking any action on this Ordinance to a special meeting held on March 6, 2025, whereby the Planning Commission recommended approval of the ordinances to the City Council;

WHEREAS, on April 1, 2025, the City Council held a duly noticed public hearing to consider the proposed ordinances, but the item was not heard and was continued to a date certain, May 6, 2025;

WHEREAS, on May 6, 2025, the City Council held a duly noticed public hearing to consider these proposed ordinances, but the item was not heard and was continued to a date certain, June 3, 2025;

WHEREAS, on June 3, 2025, the City Council held a duly noticed public hearing to consider these proposed ordinances, where all interested persons were given an opportunity to be heard; and

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

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

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

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

compliance with CEQA, the CEQA Guidelines, and the City's Local CEQA Guidelines. The City Council finds and determines that the Addendum reflects the City's independent judgment.

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

Furthermore, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the City is required to review any changed circumstances under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 to determine whether additional environmental review is required. Based on the substantial evidence set forth in the administrative record, including but not limited to the Transit Zoning Code EIR and the Addendum, the City Council finds that none of the conditions under CEQA Guidelines Section 15162 requiring subsequent environmental review have occurred because the proposed ordinances:

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

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

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

Section 4. The documents and materials associated with this Resolution that constitute the record of proceedings on which these findings are based are located at Santa Ana City Hall, 20 Civic Center Plaza, Santa Ana, CA 92701. The Planning and Building Agency is the custodian of records for the record of proceedings. This information is provided pursuant to Public Resources Code section 21081.6.


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

ADOPTED this 3rd day of June, 2025 by the following vote:

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

Valerie Amezcua
Mayor

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

By: _____
Melissa Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2025-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on June 3, 2025.

Date: _____

Jennifer L. Hall
City Clerk
City of Santa Ana

EXHIBIT 1
ADDENDUM