

ORDINANCE NO. NS-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2022-01 AMENDING THE ZONING MAP FOR THE PROPERTY LOCATED AT 1700, 1720, AND 1740 EAST GARRY AVENUE (APN 430-171-07) FROM PROFESSIONAL (P) TO LIGHT INDUSTRIAL (M1)

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. Rob Mitchell (“Applicant”), representing Greenlaw Partners (“Property Owner”) is requesting approval of Amendment Application (AA) No. 2022-01 to change the zoning designation of the property located at 1700, 1720, and 1740 East Garry Avenue (APN 430-171-07) from Professional (P) to Light Industrial (M1) in order to facilitate construction of a new, 91,500-square foot industrial warehouse and distribution building.
- B. Chapter 41, Article I, Division 1, Section 41-1 of the Santa Ana Municipal Code establishes that because of the necessity of segregating the location of residences, businesses, trades and industries; regulating the use of buildings, structures, and land; and regulating the location, height, bulk and size of buildings and structures, the size of yards and open spaces, the City is divided into land-use districts of such number, shape and area as may be considered best suited to carry out these regulations and provide for their enforcement. The regulations are considered necessary in order to: encourage the most appropriate use of land, conserve and stabilize property value, provide adequate open spaces for light and air and to prevent and fight fires, prevent undue concentration of population, lessen congestion on streets and highways, and promote the health, safety and general welfare of the people, all as part of the general plan of the City. The City of Santa Ana has adopted a zoning map which has since been amended from time to time.
- C. The entire Project as currently proposed entails, among other things, (1) demolition of an existing 105,558 square foot office development consisting of three buildings constructed between 1972 and 1974; (2) redevelopment of the Project Site with a 91,500-square foot warehouse and distribution building with ancillary/supportive office spaces and mezzanines, and associated site and public-right-of-way improvements; (3) approval of Conditional Use Permit No. 2022-14 to allow the use of the building as a distribution center; and (4) approval of Amendment

Application No. 2022-01 to change the site's zoning designation from Professional (P) to Light Industrial (M1).

- D. The applicant has demonstrated compliance with all requirements of the Sunshine Ordinance codified at Santa Ana Municipal Code Section 2-153, including public notification and hosting of required community meetings. Materials resulting from the meetings were subsequently posted to the City's webpage for the project.
- E. On August 22, 2022, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Amendment Application No. 2022-01. Following information received during the public hearing, the Planning Commission continued the item to its regular meeting on September 26, 2022, after which the project was continued to its regular meeting on October 10, 2022. During said October 10, 2022 meeting, the Planning Commission voted unanimously to adopt a resolution approving Conditional Use Permit No. 2022-14 and to recommend that the City Council adopt an ordinance approving Amendment Application No. 2022-01.
- F. On October 18, 2022 and on October 19, 2022, appellants Molly Greene with Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER) and Melinda Luthin with Melinda Luthin Law, on behalf of Garry Plaza Office Park Association, filed respective appeal applications, Appeal Nos. 2022-01 and 2022-02, respectively, for Conditional Use Permit No. 2022-14. Pursuant to SAMC Section 41-645, the City Council is authorized to review appeals of Planning Commission decisions and may, after holding a public hearing, affirm, reverse, change, modify the original decision and may make any additional determination it shall consider appropriate within the limitations imposed by Chapter 41 of the SAMC. The Conditional Use Permit application and two appeal applications are subject to concurrent City Council consideration with this Amendment Application.
- G. The City Council has reviewed applicable general plan policies and has determined that this proposed rezoning is consistent with the purpose of the General Plan. The General Plan identifies on Table LU-A-1 that the Interim Development Standard for the FLEX-3 area is M1. The subject site is designated by the General Plan Land Use Element as FLEX-3. This land use designation by the General Plan encourages developments that provide context appropriate development in areas with existing industrial uses. The building has been designed to feature taller height and contemporary finishes to ensure it remains aesthetically compatible with the surrounding area, even as adjacent properties may redevelop with new industrial or mixed-use office, industrial, and/or research and development uses. The project has been designed to conform to all applicable standards of the M1 zoning district.

- H. The City Council, prior to taking action on this ordinance, held a duly noticed public hearing on December 20, 2022.
- I. The City Council also adopts as findings all facts presented in the Request for Council Action dated December 20, 2022, accompanying this matter.
- J. For the reasons contained herein, and each of them, Amendment Application No. 2022-01 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the Santa Ana Municipal Code; thus changing the zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

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

Section 3. The City Council has reviewed and considered the information contained in the analysis performed pursuant to the California Environmental Quality Act (CEQA) (Environmental Review No. 2021-54). Pursuant to Public Resources Code section 21083.3 and CEQA Guidelines Section 15183, the Project is exempt from further review. This type of exemption analysis evaluates whether the potential environmental impacts of the proposed demolition of three office buildings, which total 105,558 square feet, and construction of a new 91,500 square foot light industrial warehousing building that would accommodate two tenants, are addressed in the *City of Santa Ana General Plan Update Final Recirculated Program Environmental Impact Report* (GPU EIR). A rezoning that is consistent with an adopted general plan falls within this exemption.

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

(B) The GPU was adopted, and the GPU EIR certified, in April 2022 (State Clearinghouse Number 2020029087); the GPU went into effect on May 26, 2022. Any decision by the City affecting land use and development must be consistent with the GPU. The GPU EIR evaluates the potential environmental effects associated with implementation of the GPU and addresses appropriate and feasible mitigation measures that would minimize or eliminate these impacts. A project is consistent with the GPU if its development density is the same or less than the standard expressed for the involved parcel in the general plan for which an EIR has been certified, and the project complies with the density-related standards contained in that plan. CEQA

Guidelines section 15183(i)(2). Development density standards can include the number of dwelling units per acre, the number of people in a given area, floor area ratio (FAR), and other measures of building intensity, building height, size limitations, and use restrictions.

(C) The GPU identifies that the Interim Development Standard for the FLEX-3 area is M1. The M1 zone provides for a variety of light industrial uses, including warehousing, manufacture, assembly, machine shops, and wholesale businesses. The Project would result in a FAR of 0.42, which is within the projections of the GPU EIR, which evaluated a density of 3.0 FAR on the site. The GPU EIR adequately anticipated and analyzed the impacts of this Project and identified applicable mitigation measures necessary to reduce impacts of the Project, and the Project implements the applicable mitigation measures.

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

1. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified. The Project would result in a FAR of 0.42, which is less than the maximum FAR of 3.0 allowable in the FLEX-3 designated area, which is the development density established by the GPU and analyzed in the GPU EIR. The Project site has an Interim Development Standard of M-1 (light Industrial zone). The M-1 zone does not have density requirements.
2. There are no Project specific effects which are peculiar to the Project or its site, and which the GPU EIR failed to analyze as significant effects. The subject property is similar to other properties in the area, including its land use designation and zoning. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects. In addition, as explained further in the prepared Exemption Checklist, project impacts were adequately analyzed by the GPU EIR; and as detailed in the GPU EIR, development projects pursuant to the GPU, such as the proposed Project, could result in potentially significant impacts to air quality, cultural resources, paleontological resources, noise, and tribal cultural resources. However, applicable mitigation measures specified within the GPU EIR would reduce potential impacts to a less than significant level.
3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate. The Project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the GPU. The GPU EIR considered the incremental impacts of the Project, and as explained further in the prepared Exemption Checklist, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.
4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR. As explained in the prepared Exemption

Checklist, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU EIR.

5. As explained in the prepared Exemption Checklist, the Project will undertake feasible mitigation measures specified in the GPU EIR. These GPU EIR mitigation measures will be undertaken through Project design, compliance with regulations and ordinances, and through the Project's conditions of approval.

(E) The Project therefore qualifies for an exemption from additional environmental review as set forth in Public Resources Code section 21083.3 and CEQA Guidelines Section 15183. The full exemption analysis is provided as Exhibit 10 of the staff report accompanying this Ordinance. Based on this analysis, a Notice of Exemption, Environmental Review No. 2021-54 will be filed for this project.

Section 4. Conditional Use Permit No. 2022-14 and two appeal applications are subject to concurrent City Council consideration with this Amendment Application.

Section 5. An amended Sectional District Map, showing the above described changes in use district designation, is hereby approved and attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

Section 6. The City Council of the City of Santa Ana, after conducting the public hearing, hereby approves Amendment Application No. 2022-01. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated October 10, 2022, the Request for Council Action dated December 20, 2022, and exhibits attached hereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

Section 7. 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 8. This Ordinance shall become effective thirty (30) days after its adoption.

Section 9. 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 _____, 2022.

Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-
_____ to be the original ordinance adopted by the City Council of the City of
Santa Ana on _____, 2022 and that said ordinance was published in
accordance with the Charter of the City of Santa Ana.

Date: _____

Clerk of the Council
City of Santa Ana



Print Date: 8/16/2022

ZONING DISTRICTS

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



Sectional District Map: IRS-9

City of Santa Ana, California



Exhibit: A