



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Planning Commission Staff Report
September 26, 2022

TOPIC: Zoning Ordinance Amendment No. 2022-03 – Updates to various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC).

AGENDA TITLE:

Zoning Ordinance Amendment No. 2022-03 – Updates to various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) related to family daycare, regional planned sign program regulations, short term rental prohibition, massage establishments, retail uses in industrial zones, trash bin enclosures, Urban Lot Split and Two-Unit Developments standards, various use definitions, regulation of noxious uses, regulation of electric fences, and clarifications to permitting standards for light processing facilities.

RECOMMENDED ACTION

Recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2022-03 to amend various sections of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC).

EXECUTIVE SUMMARY

Staff is proposing to amend several section of Chapter 41(Zoning) of the SAMC to comply with changes in state law, clarify and revise standards, respond to current economic trends, and begin a series of zoning code revisions consistent with actions adopted in the General Plan Update. Specifically, staff is requesting amendments to Chapter 41 including Section 41-42.5 (Child care facilities), Section 41-44.6 (Counseling services), Section 41-47.5 (Daycare center), Section 41-54.5 (Electric fence), Section 41-59 (Family daycare facilities), Section 41-100 (Landscape), Section 41-121 (Medical office), Section 41-127.5 (Professional, business, and administrative office), Section 41-152.1 (Short term rental), Section 41-152.2 (Reserved), Section 41-190.5 (Prohibited uses), Section 41-192.6 (Small and large family daycare accessory to residential uses), Section 41-199.4 (Noxious uses), Section 41-232 (Uses permitted in the R1 district), Section 41-247 (Uses permitted in the R2 district), Section 41-313 (Uses permitted in the P district), Section 41-365 (Uses permitted in C1 district), Section 41-365.5 (Uses subject to a conditional use permit in the C1 district), Section 41-375.1 (Uses permitted in the C1-MD district), Section 41-375.2 (Uses subject to a conditional use permit in the C1-MD district), Section 41-377.5 (Uses subject to a conditional use permit in the C2 district), Section 41-412.5 (Uses subject to a conditional use permit in the C4 district), Section 41-424 (Uses permitted in the C5 district), Section 41-424.5 (Uses subject to a conditional use permit in the C5 district), Section 41-472 (Uses permitted in the M1 district), Section 41-472.1 (Ancillary uses permitted in the M1 district), Section 41-472.5 (Uses subject to a conditional use permit in the M1 district), Section 41-521 (Uses permitted in the C-SM district), Section 41-522 (Uses subject to a conditional use permit in the C-SM district),

Section 41-609 (Landscape), Section 41-610.5 (Wall and fence requirements in the industrial and commercial zones), Section 41-623 (Trash bin enclosures), Section 41-683 (Discontinuance of nonconforming building or use), Section 41-683.6 (Discontinuance of nonconforming noxious use), Section 41-885 (Regional planned sign program), Section 41-1251 (Permits required), Section 41-1309.1 (Change of use, exceptions), Section 41-1752 (Permitted zones and locations), Section 41-1753 (Permits and certificates-contents of application), Section 41-2109 (Requirements), Section 41-2115 (Requirements), Table 3-2 (Permitted uses) of the Harbor Mixed Use Transit Corridor Specific Plan, Definition of “Personal services—restricted” in the Harbor Mixed Use Transit Corridor Specific Plan, Table 2A (Use Standards) of Section 41-2007 of the Transit Zoning Code, Definition of “Personal Services—Restricted” of Section 41-2080 of the Transit Zoning Code, and Table 3 (Permitted Land Uses) of Section 4.1 of the Metro East Mixed-Use Overlay Zone. The proposed amendments are described in further detail in the Discussion section of this report.

DISCUSSION

Various section within Chapter 41 (Zoning) of the SAMC have been revised periodically over the last several years to respond to changes in development and business practices, to adopt new permitting procedures, and to comply with changes to state and federal laws. In a continuing effort to comply with changes to state law, establish high-quality development standards, create a user friendly environment for residents and the business community, and to commence the work of enacting the various policies and actions set forth in the General Plan, the Planning Division is proposing revisions to various sections of the Zoning Code.

Table 1 below and on the following pages illustrates the existing and proposed regulations. The amendments identified are the first of several amendments that will be made to the Zoning Code leading up to the comprehensive update of the Zoning Code. The proposed changes would apply citywide.

Table 1: ZOA No. 2022-03 Current and Proposed Text Regulations

Topic	Existing Zoning Code Regulations	Proposed Zoning Code Regulations
Family Daycare Facilities	<ol style="list-style-type: none"> 1. Definition for “Child Care Facility” (Sec. 41-42.5). 2. Uses permitted in the Single-Family Residence (R1) section (Sec. 41-232) requires approval of a land use certificate for a large family daycare facility. 3. Child care facility permitted in the Professional (P), Community Commercial (C1), Community Commercial—Museum District (C1-MD), Arterial Commercial (C5), Light Industrial (M1), and South Main Street Commercial District (C-SM). 	<ol style="list-style-type: none"> 1. Update definitions to conform to state definition: Family daycare and Daycare center, respectively. 2. Delete references to child care facilities in various Zoning Code sections in which residential uses are permitted, and create a new section (Sec. 41-192.6) allowing small and large family daycare in residential districts 3. Delete references to child care facilities in various commercial and industrial zoning district sections and replace with new term “Daycare center.”

Regional Planned Sign Programs	Regional institutions such as hospitals and institutions of higher learning do not benefit from the sign regulation flexibility afforded by the Zoning Code's regulations on regional planned sign programs (Sec. 41-885).	Add definition for "regional institution," such as hospitals and institutions of higher learning, to afford such uses the same benefits as regional commercial centers, automobile dealerships, and attractions for the purposes of flexible on-premises signage.
Short Term Rentals	The SAMC is currently silent on short term rentals. The SAMC neither defines nor regulates short term rentals, which have proliferated significantly, along with their neighborhood impacts, during the Covid-19 pandemic.	<ol style="list-style-type: none"> 1. Create "short term rental" definition in Division 2 (Definitions), Article I of the Zoning Code. 2. Create new "Short term rentals - Prohibited" section (Sec. 41-198.250) in the Zoning Code to specify that short term rental are prohibited.
Massage Establishments	The SAMC currently allows massage establishments in commercial zoning districts and plan areas where service uses are permitted by right.	<ol style="list-style-type: none"> 1. Revise the uses subject to a conditional use permit sections of the Community Commercial (C1), Community Commercial—Museum District (C1-MD), General Commercial (C2), Planned Shopping Center (C4), Arterial Commercial (C5), and South Main Street Commercial District (C-SM) to require a conditional use permit for massage establishments. 2. Revise massage ordinance (Sec. 41-1752) to require conditional use for massage establishments.
Retail Use in Industrial Zoning Districts	Industrial zoning districts currently allow retail uses occupying up to five percent of tenant space as an ancillary use (Sec. 41-472.1).	Update the uses permitted section in Light Industrial (M1) district to allow retail uses by right on properties that front arterial streets (Sec. 41-472).
Change of Use Parking Exceptions	The SAMC (Sec. 41-1309.1) permits change of use in tenant spaces under two thousand five hundred (2,500) square feet without requiring additional parking and loading spaces.	Update the Zoning Code to extend change of use parking exception to industrial properties along arterial streets when converted to retail if retail component is equal to or less than 50 percent the gross square footage of the tenant space (Sec. 41-1309.1).
Trash Bin Enclosures	The SAMC (Sec. 41-623) provides trash bin enclosure standards. However, standards have not been updated in some time and no longer align with changes to state law related to waste collection.	Update the trash enclosure standards to align with CalGreen and SB 1383 requirements and provide use and maintenance standards (Sec. 41-623).
Urban Lot Splits and Two-Unit Developments (SB 9)	The City adopted its Urban Lot Split and Two-Unit Development standards (Sec. 41-2105 et seq.) in December of 2021 in response to California Senate Bill 9, the California Housing Opportunity and More Efficiency (HOME) Act. The SAMC requires at least one unit created under the	Provide clarity on the type and number of affordable units required for each type of project. Require one unit per lot be affordable to very low or low for rental products. Require new lot created through ordinance to be deed restricted and sold to a moderate income household (Sec. 41-2109 and Sec. 41-2115).

	ordinance be deed restricted as affordable.	
Noxious Uses	The SAMC regulates industrial and noxious land uses through permitting them in industrial zoning districts. However, the SAMC does not provide additional regulation for uses that have a regional, state, or federal permit to emit or store or process hazardous waste that are in close proximity to sensitive land uses.	<ol style="list-style-type: none"> 1. Create new “noxious uses” section to require approval of a conditional use permit for any use located within 500 feet of a sensitive land use that requires a permit to discharge air contaminants or process or store regulated chemicals (Sec. 41-199.4). 2. Update the Non-Conforming section of the Zoning Code to require a conditional use permit for noxious uses whenever an existing non-conforming business changes ownership and requires a new certificate of occupancy (Sec. 41-683 and Sec. 41-683.6).
Counseling Services - Definition	The SAMC does not currently define counseling services.	Create “counseling services” definition in Division 2 (Definitions), Article I of the Zoning Code (Sec. 41-44.6).
Medical Office - Definition	The SAMC does not currently define medical office.	<ol style="list-style-type: none"> 1. Create “medical office” definition in Division 2 (Definitions), Article I of the Zoning Code (Sec. 41-121). 2. Update the permitted uses sections of the Professional (P), Community Commercial (C1), Community Commercial—Museum District (C1-MD), Arterial Commercial (C5), and South Main Street Commercial District (C-SM) to consistently use “medical office.”
Professional, Business, and Administrative Office - Definition	The SAMC does not currently define professional, business, and administrative office.	<ol style="list-style-type: none"> 1. Create “professional, business, and administrative office” definition in Division 2 (Definitions), Article I of the Zoning Code (Sec.41-127.5) 2. Update the permitted uses sects of the Professional (P), Community Commercial (C1), Community Commercial—Museum District (C1-MD), Arterial Commercial (C5), and South Main Street Commercial District (C-SM) to consistently use “professional, business, and administrative office.”
Electric Fences	The SAMC is currently silent on electric fences. The SAMC neither defines nor regulates electric fences, which have become more widely used as a means to secure property from theft and/or vandalism.	<ol style="list-style-type: none"> 1. Create “electric fence” definition in Division 2 (Definitions), Article I of the Zoning Code (Sec. 41-54.5) 2. Add new section to regulate zones and properties where electric fences are permitted (M1 and M2, where abutting a rail right-of-way) subject to a minor exception (Sec. 41-610.5).
Light Processing Facilities	The SAMC (Sec. 41-472 and Sec. 41-472.5) requires a conditional use	Amend Section 41-1251 to explicitly list and require a conditional use permit for

	permit for light processing facilities in the Light Industrial (M-1) zoning district. Section 41-1251 (Permits required) in Article XIV. – Recycling Facilities does not explicitly state that a conditional use permit is required for a light processing facility.	light processing facilities, consistent with Section 41-472 and Section 41-472.5.
Landscaping – Synthetic Turf	The SAMC (Sec. 41-100 and Sec. 41-609) currently requires landscape areas be maintained with live plant material and other decorative elements. The code is silent on allowance of synthetic turf for projects where the Water Efficiency Landscape Standards do not apply.	Amend Section 41-100 and Section 41-609 to permit use of synthetic turf for projects that are not subject to the Water Efficiency Landscape Standards, provided they comply with landscape guidelines and permitting requirements established by the Director of the Planning and Building Agency.

Family Daycare Facilities

Under the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates family daycare homes. In Santa Ana, a small family daycare home, which may provide care for up to eight children, is considered a residential use of property for purposes of all local ordinances. Large family daycare homes, which provide care for up to 14 children, require approval of a permit.

Senate Bill (SB) 234, effective January 1, 2020, now requires a large family daycare facility to be treated as a residential use of property for purposes of all local ordinances. SB 234 also prevents local jurisdictions from requiring any form of a permit, license, tax, fee, or other clearance to operate a large day care facility on a residential property. Family daycare facilities must be allowed on any property where a residential use is allowed, including single-family residences, duplexes and triplexes, townhomes, and multiple-family dwellings (apartments), according to Section 1596.78 of the Health and Safety Code.

The text of various zoning district regulations in the Zoning Code currently require approval of a land use certificate (LUC) application and accompanying fee to operate a large family daycare facility. In addition, SAMC Section 41-42.5 contains a definition for “Child Care Facilities.” The proposed ordinance would delete references to child care facilities in various Zoning Code sections where residential uses are permitted, and would create a new Section 41-192.6 allowing small and large family daycare as an accessory use to residential uses. The proposed ordinance would also create new definitions for “Family Daycare Facilities” and “Daycare Centers,” and replace any reference to “Child Care Facilities” in the permitted uses sections in the commercial and industrial zoning districts with “Daycare Centers.” The changes would update the Zoning Code to be consistent with state law.

Regional Planned Sign Programs

The Zoning Code currently affords regional commercial centers, automobile dealerships, and attractions flexibility with their on-premises signage without the need for approval of a variance application. Instead, SAMC Sec. 41-885 provides for approval of a regional planned sign program (RSPG) by the Planning Commission; the RSPG contains all location, design, and installation specifications for signage within the scope of a regional commercial centers, automobile dealerships, or attractions. Examples of such regional facilities in Santa Ana with approved RSPGs include MainPlace, Discovery Cube Orange County, McFadden Place, Hutton Centre, and Tom's Truck Center. These regional facilities are approved for a combination of wall signs, banners, monument (freestanding) signs, mimetic signs, and digital signs for on-premises advertising.

Staff is proposing to amend SAMC Section 41-885 to define and allow a “regional institution” to submit an application for an RSPG for staff review and subsequent approval by the Planning Commission. This amendment is a proactive response to the effects of the global Covid-19 pandemic, during which many hospitals and institutions of higher learning began installing community-oriented signage to recognize the contributions of educational and hospital staff during a critical time. As with any other regional facility as defined by SAMC Section 41-885, these types of facilities would seek Planning Commission approval of an RSPG before installing such signage, along with any other permanent advertising signage they may contemplate in the RSPG package.

Short Term Rentals

Short Term Rentals (STRs), such as Airbnb or Vacation Rentals by Owner (Vrbo), are platforms in which customers may rent residences for short-term occupancy, often less than 30 days. STRs have proliferated in many parts of the country during the Covid-19 pandemic, as those living in more crowded urban settings have sought flexible living and work-from-home settings often in suburban and rural areas such as Orange County, mountain ski resort areas such as Big Bear, and desert communities.

STRs have been documented in many communities as resulting in negative impacts to housing affordability, physical property, and neighborhood quality of life. STRs can often result in artificially inflated housing prices and displacement of long-term tenants of a residence, as property owners seek the higher revenues afforded by STRs. In many areas, the daily fee rate of an STR matches those of mid- or upper-range hotels. Yet without local taxes on STRs, usage of these unauthorized accommodations results in a loss of local hotel tax revenues.

Other STR impacts include physical degradation of property, parking impacts, noise, trash and litter, excess solid waste collection, and loss of long-term tenants who form the social fabric of a community. One recent (February 2021) study by Elliott D. Pollack & Company of Scottsdale, Arizona, which provides economic and real estate consulting services for private companies and government agencies, finds that the market valuation of Airbnb alone

is more than those of Marriott and Hilton combined due in part to the enormous revenues generated by the STR industry without local obligations for taxes, licenses, fees, or any other form of community benefit programs.

The proposed ordinance will specify that STRs are prohibited citywide. The ordinance does not permit or enable the City to violate privacy and rights protected under the fourth amendment, to conduct unreasonable searches, or to enter a property without the consent of the occupant. Similar to many cities throughout California and nationally, the City of Santa Ana's code enforcement approach is responsive to the community and relies upon complaints from the public.

Massage Establishments

On March 16, 2009, the City adopted Ordinance Amendment No. 2008-02 and Zoning Ordinance Amendment No. 2008-01 to amend Chapter 22 (Massage Establishments) and Chapter 41 (Zoning) of the SAMC to regulate massage establishments and massage technicians in response to concerns relating to the impacts of massage establishments and the potential establishment of new locations in the city. Past amendments to Chapter 41 included requirements for a conditional use permit (CUP) for massage establishments, an LUC for ancillary massage uses, implemented separation criteria similar to adult entertainment uses, and created operational standards specific to the massage use.

Subsequently, in September of 2009, California Senate Bill 731 (SB 731) became effective, which restricted local governments' ability to regulate massage establishments and massage technicians. The passage of SB 731 exempted massage technicians that possessed a massage technician certificate issued by the California Massage Therapy Council (CAMTC), a nonprofit public benefit corporation, from regulations and permit requirements that were previously adopted by the City. The new law required that massage establishments and other professional service uses be regulated in a uniform manner, prohibiting local governments from requiring restrooms, showers, or other facilities not required of other professional services. The changes to state law preempted City regulations and made several provisions of the Code inconsistent with state law and resulted in the City being unable to enforce the massage ordinance, and establishments and technicians were able to operate within the City without obtaining a CUP, LUC, or massage establishment permit. The passage of SB 731 had unintended consequences that resulted in the proliferation of massage establishments that engaged in unlawful activity that local governments had to deal with.

On January 1, 2015, California Assembly Bill (AB) 1147 (AB 1147) became effective, amending several sections of the Business and Professions Code and of the Government Code relating to massage establishments. By adopting AB 1147, the State Legislature returned broad control over land use in regulating massage establishments to local governments, provided only reasonable and necessary fees and regulations were enacted. Subsequently, the City adopted Ordinance No. NS-2903, which made changes to Chapter 22 and Chapter 41 of the SAMC, establishing a by-right massage

establishment permitting program. The program allowed the establishment and operation of massage establishments with approval of a Certificate of Occupancy issued by the Planning and Building Agency and an annual massage establishment permit issued by the Police Department, provided operating and permit requirements were met.

Despite the existing requirements and development standards in place, massage establishments have proven to present opportunities for acts of prostitution, human trafficking, and the use and sale of illegal drugs, resulting in increased enforcement actions. Staff proposes to amend Chapter 41 of the SAMC to require a CUP for massage establishments, which would allow the City to more closely regulate this use and adopt conditions of approval to avoid or mitigate any impacts this use may have on the surrounding properties. The proposed amendment will also reduce the burdens on the City's enforcement agencies and permit the deployment of services to other matters.

Retail Uses in Industrial Zoning Districts

The global Covid-19 pandemic has resulted in impacts to local communities and businesses alike. It has also resulted in novel business concepts and the manner and types of spaces in which they operate to change. The Chapter 41 of the SAMC currently permits retail uses in the Light Industrial (M1) zoning district and Heavy Industrial (M2) zoning districts when they are ancillary to a primary industrial use and occupy no more than five percent of the gross square footage of the tenant space. To respond to changing business practices and needs, and to allow additional flexibility to allow business to thrive, staff is proposing to amend Section 41-472 of the SAMC to permit retail uses in the M1 zoning district on properties that front an arterial street.

Change of Use Parking Exceptions

In September of 2017, the City approved Ordinance No. NS-2923 amending Chapter 41 of the SAMC to permit a change of use exception to allow the change of certain uses within an existing building up to 2,500 square feet in size without the need to provide additional parking and loading spaces. For example, a tenant space may change from retail (five (5) parking spaces per 1,000 gross square feet) to a restaurant use (eight (8) spaces per 1,000 gross square feet) without providing additional parking. The adopted ordinance allowed more flexibility and facilitated the re-tenanting of commercial, professional, and industrial centers by removing barriers to permit the change in use. Staff is proposing amending Section 41-1309.1 of the SAMC to extend that flexibility and facilitate the change of use in existing industrial centers that front arterial streets from industrial uses to retail when the retail component is equal to or less than 50 percent of the gross square footage of the tenant space. Changes in use that exceed the proposed threshold would be required to provide the minimum off-street parking required by Chapter 41 of the SAMC.

Trash Enclosures

In response to SB 1383, also known as the Short-lived Climate Pollutant Reduction Act of 2016, and other changes to state law related to recycling and waste collection, the City updated Article II (Solid Waste Collection Regulations) of Chapter 16 (Garbage, Trash, and Weeds) of the SAMC April of 2022. Staff is proposing amending Section 41-623 of the SAMC to update the trash bin enclosure and maintenance standards to reflect and be consistent with the new regulations in Chapter 16.

Urban Lot Splits and Two-Unit Developments (SB 9)

The City adopted its Urban Lot Split and Two-Unit Development standards (Sec. 41-2105 et seq.) December of 2021 in response to SB 9, also known as the California Housing Opportunity and More Efficiency (HOME) Act. Currently, Chapter 41 of the SAMC requires at least one unit created under the ordinance be deed restricted as affordable. The existing code does not explicitly state the required affordability level of the unit. Additionally, existing code lacks clarity on the total number of affordable units that are required when an urban lot split is proposed. Staff is proposing amending Section 41-2105 to clarify that the new units created in for rent products under the ordinance be affordable to very low or low income households, and that if a lot create under the ordinance is sold, it be affordable to moderate income households. Staff is also proposing to make amendments to clarify that one affordable unit per lot is required, and that the owner/developer is required to enter into a housing agreement with the City, as is required for affordable units created under the Affordable Housing Opportunity and Creation Ordinance (AHOCO), formerly known as the Housing Opportunity Ordinance (HOO). Lastly, staff is proposing to correct a typographical error related to front yard setbacks. The existing code states that at least a twenty-five (25) foot setback is required, when it should have read twenty (20), consistent with the Single Family (R1) zoning district standards.

Noxious Uses

In response to community concerns related to environmental pollution and the proximity of certain industrial uses in relation to homes and parks, the City adopted numerous environmental justice policies and actions in its General Plan to amend use regulations and development standards in the Zoning Code. A majority of the actions in the General Plan related to use, buffers, and development standards will be analyzed and addressed through the comprehensive Zoning Code Update. However, staff will continue to analyze and propose amendments concurrent with the work taking place to comprehensively update the Zoning Code in an effort to immediately address pressing matters. To that end, staff is proposing to create a new Section 41-199.4 (Noxious uses) to require a CUP for all uses that require a permit to discharge air contaminants or process or store hazardous waste from a regional, state, or federal agency when located within 500 feet of a public park or a property used or zoned for residential purposes. Additionally, staff proposes to create a new Section 41-683.6 (Discontinuance of nonconforming use of

building for a use that requires a permit to emit or discharge air contaminants or process or store hazardous waste) to require these types of businesses that do not have a CUP and are nonconforming to comply with development standards and CUP requirements when a business changes ownership or requires a new Certificate of Occupancy.

Counseling Services

Chapter 41 of the SAMC currently permits “counseling services” in the General Commercial (C2) zoning district subject to a CUP, but Chapter 41 does not provide a definition for the use. As such, businesses offering counseling services have attempted to operate in zoning districts where the use is not permitted under the impression that the use could be classified as a “professional, business, and administrative office” or a “medical office.” To provide clarity to prospective businesses, staff is proposing to create a new Section 41-44.6 to define “counseling services.”

Medical Office

Chapter 41 of the SAMC currently does not provide a definition for “medical office,” and zoning districts where the use is permitted utilize inconsistent terminology. The lack of a definition and utilization of inconsistent terminology, staff spends an inordinate amount of time providing members of the public and prospective business operators clarification on what business uses are categorized as a medical office and where the use is permitted. Staff is proposing to create a new Section 41-121 to define “medical office” and to amend the uses permitted sections of various zoning districts where the use is permitted to provide consistency in terminology and clarity.

Professional, Business, and Administrative Office

Chapter 41 of the SAMC currently does not provide a definition for “professional, business, and administrative office,” and zoning districts where the use is permitted utilize inconsistent terminology. Staff is proposing to create a new Section 41-127.5 to define “professional, business, and administrative office” and to amend the uses permitted sections of various zoning districts where the use is permitted to utilize consistent terminology and provide clarity.

Electrified Security Fences

The State of California approved AB 358 August of 2021. The bill authorized property owners that meet specified requirements to install and operate electrified fences on their property to protect and secure commercial or industrial property where a local agency has adopted an ordinance to permit them. To provide property and business owners another option to protect their property from theft or vandalism, staff is proposing to amend Section 41-610.5 (Walls and fences) of the SAMC to permit electric fences in the Light Industrial (M1) and Heavy Industrial (M2) zoning districts, respectively, on properties that abut a railroad right-of-way subject to the issuance of a minor exception. Additionally,

staff is proposing a number of development standards such as minimum distance from residential properties, screening requirements, and accessibility requirements to ensure community compatibility, aesthetic considerations, and emergency responder access are addressed and maintained.

Light Processing Facilities

On July 6, 2021, the City Council adopted an Ordinance No. NS-3007 amending sections 41-472 and 41-472.5 of the SAMC to require a CUP for light processing facilities in the Light Industrial (M1) zoning district. While sections 41-472 and 41-472.5 were amended to require a CUP, Section 41-1251 (Permits required) in Article XIV. – Recycling Facilities was not updated to expressly require a CUP for light processing facilities. Staff is proposing to amend Section 41-1251 to explicitly list and require a CUP for light processing facilities, consistent with sections 41-472 and 41-472.5.

Landscaping – Synthetic Turf

In response to the extreme drought conditions throughout California, staff is proposing to amend Section 41-100 and Section 41-609 to include synthetic turf as a permissible material and to require compliance with landscape guidelines on file with the Planning and Building Agency. The proposed amendments will allow those properties and projects not subject to the Water Efficient Landscape Standards the ability to install synthetic turf as part of the required landscaping and the flexibility needed to adapt guidelines to address the evolving water crisis.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project", as defined in Section 15378 of the CEQA Guidelines. As a result, a Notice of Exemption, Environmental Review No. 2022-73 will be filed upon adoption of this ordinance.

FISCAL IMPACT

There is no direct fiscal impact associated with this action.

EXHIBIT(S)

1. Ordinance for ZOA No. 2022-03
2. Copy of Public Notice

Submitted By:
Ricardo Soto, AICP, Senior Planner

Approved By: Minh Thai, Executive Director