



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 4, 2021

TOPIC: Zoning Ordinance Amendment (ZOA) No. 2021-01 – Light Processing (Recycling) Facilities Urgency Ordinance

AGENDA TITLE:

Public Hearing - Zoning Ordinance Amendment (ZOA) No. 2021-01 to Amend Sections 41-472 and 41-472.5 of the Santa Ana Municipal Code (SAMC) to Require a Conditional Use Permit (CUP) for Light Processing Facilities as Defined by (SAMC) 41-1250 (d)

RECOMMENDED ACTION

Approve ZOA No. 2021-01 to adopt an Urgency Ordinance to amend Sections 41-472 and 41-472.5 of the Santa Ana Municipal Code (SAMC) to require a conditional use permit (CUP) for Light Processing Facilities in the Light Industrial (M-1) zoning district.

EXECUTIVE SUMMARY

Prevention of detrimental impacts to residents, the public interest, health, safety and welfare requires the immediate enactment of this ordinance. The absence of this Urgency Ordinance will create a serious threat to the orderly and effective implementation of any code amendments, General Plan amendments, or specific plan amendments which may be adopted by the City; light processing facilities permitted by-right may be in conflict with or frustrate other provisions of the SAMC intended to guarantee or preserve the public peace, health, or safety. The proposed Urgency Ordinance would amend Section 41-472 of the SAMC to remove light processing facilities as a use permitted by right in the Light Industrial (M-1). The Urgency Ordinance would also amend Section 41-472.5 of the SAMC to add light processing facilities as a conditionally-permitted use in the same zoning district, thereby allowing the Planning Commission and City Council to approve, conditionally approve, or deny applications for such facilities.

DISCUSSION

On January 19, 1988, the City Council adopted Ordinance NS-1946, adding Article XIV to Chapter 41 of the Santa Ana Municipal Code (SAMC) to regulate recycling facilities. The ordinance created a regulatory framework to define, allow, and regulate recycling facilities and related uses in Santa Ana, including recycling facilities, collection facilities, and processing facilities. A subsequent ordinance, Ordinance NS-2333, was adopted on October 6, 1997 to update and bring the City's existing recycling facilities ordinance into conformance with State laws in place at the time.

Recycling uses range from smaller drop-off (collection) facilities and reverse vending machines at the various commercial centers throughout Santa Ana, to processing facilities where recyclable materials are baled, compacted, flattened, grinded and crushed, sorted, shredded, cleaned, and remanufactured. These more complex operations are defined as processing facilities, further broken down into two categories: Light and Heavy, and are permitted in Santa Ana's Industrial (M-1 and M-2) zoning districts.

Processing facilities are defined in SAMC Section 41-1250 (d). As defined in the SAMC, a processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing includes the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Pursuant to the SAMC, a light processing facility occupies an area of under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two (2) outboard truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to quality as a certified processing facility. Light processing facilities may not shred, compact, or bale ferrous metals other than food and beverage containers. Further, the SAMC states that a heavy processing facility is any processing facility other than a light processing facility. As presently written, the SAMC requires a CUP for heavy processing facilities, which are only permitted in the Heavy Industrial (M-2) zoning district.

Section 41-1255 of the SAMC contains operational standards for all processing facilities, whether light or heavy, one of which is that such facilities may not abut a property zoned or used for residential purpose. However, due to the City's age, development patterns, and past zoning practices, there exists multiple areas of the City where Industrial (M-1 and M-2) zoning districts directly abut residentially-zoned or used properties, including in the Delhi, Logan, Cornerstone Village, Lacy, French Park, Artesia Pilar, Casa Bonita, and other residential properties near Harbor Mixed-Use Transit Corridor Specific Plan (SP-2), Santa Anita, and Mar-Les neighborhoods that are not part of an established neighborhood association. In these areas and under the current SAMC regulations, a light processing facility may operate just one property away from a residential land use, without any CUP requirement. The absence of a CUP requirement does not allow the City to evaluate each submitted application for consistency with surrounding properties and neighborhoods, as well as the General Plan, to therefore recommend approval or denial of such applications subject to a discretionary review process. Moreover, the current by-right review prevents the Planning Commission and City Council from imposing conditions of approval to ensure compatible and unimpactful operations of such facilities with surrounding properties and neighborhoods.

Operations typical of light processing facilities, which include preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling,

briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing, are known to have detrimental effects on surrounding properties due to the noise, odor, vibration, vermin infestation, visual, and traffic impacts caused by inbound and outbound truck movements to and from such facilities. The absence of a CUP requirement for such facilities severely circumscribes the City's ability, through its administrative review process, to impose conditions on such operations that would otherwise protect the health, welfare, and safety of residents and visitors to properties abutting or in the vicinity of light processing facilities.

There currently exist 12 light processing facilities in the City. Of these, six are located in the Light Industrial (M-1) zoning district and five are operating without a Conditional Use Permit. Out of the 12 light processing facilities, 11 are within 1,000 feet of property zoned or used for residential purposes. The proposed SAMC amendment would ensure continued consistency of the Zoning Code's regulations with SAMC Section 41-1, which articulates the purpose of the City's Zoning Code. The absence of a Conditional Use Permit requirement for light processing facilities is inconsistent with the goals expressed by SAMC Section 41-1 in that discretion by the Planning Commission and City Council may not be exercised to ensure that the location and operation of such facilities are compatible with the scale, character, and nature of surrounding properties and neighborhoods as specified in SAMC Sections 41-1 (a), (b), (e), and (f). Specifically, these include goals to encourage the most appropriate use of land; conserve and stabilize property value; lessen congestion on streets and highways, and; promote the health, safety and the general welfare of the people, all as part of the Santa Ana General Plan.

Urgency Ordinance

Pursuant to Charter Section 415 of the Santa Ana Municipal Code and California Government Code Section 65858, the City Council is authorized to adopt an interim (urgency) ordinance, without following the procedures otherwise required for the adoption of an ordinance. The ordinance will protect the public safety, health, and welfare, prohibiting a use that has been determined to be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the Planning Division is considering or studying or intends to study within a reasonable time.

Concurrent with this effort, the Planning Division is preparing a permanent ordinance that will require Planning Commission review before consideration by the City Council. Upon adoption, that ordinance would become effective 30 days after the City Council's second reading.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act ("CEQA") and the state CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review pursuant to California Code of Regulations section 15061(b)(3), which is applicable if it can be seen with certainty that there is no possibility that the project may have a significant effect on

the environment. As a result, a Notice of Exemption will be filed upon adoption of this ordinance.

FISCAL IMPACT

There is no direct fiscal impact associated with this action. However, adoption of this Ordinance would result in a CUP application requirement for light processing facilities. The current CUP application review fee is \$6,150.89.

EXHIBIT(S)

1. Urgency Ordinance
2. Map of Processing Facilities Operating in Santa Ana with Zoning Districts Indicated

Submitted By: Minh Thai, Executive Director

Approved By: Kristine Ridge, City Manager