

15. Ten-Day Written Report Pursuant to California Government Code Section 65858(d) Following Adoption of Urgency Interim Ordinance No. NS-3063, a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

Department(s):

Recommended Action: Issue and file a Council 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 Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 (the Transit Zoning Code).



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 7, 2024

TOPIC: Ten-Day Written Report Pursuant to California Government Code Section 65858(d) Following the Adoption of Urgency Interim Ordinance No. NS-3063

AGENDA TITLE

Ten-Day Written Report Pursuant to California Government Code Section 65858(d) Following Adoption of Urgency Interim Ordinance No. NS-3063, a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

RECOMMENDED ACTION

Issue and file a Council 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 Urgency Interim Ordinance No. NS-3063, on April 16, 2024, regarding a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 (the Transit Zoning Code).

GOVERNMENT CODE §84308 APPLIES: No

EXECUTIVE SUMMARY

Pursuant to Section 65858(d) of the California Government Code, the purpose of this staff report is to provide a written report no less than ten days prior to the expiration of Urgency Interim Ordinance No. NS-3063 describing the measures City staff has taken to alleviate the condition which led to the adoption of the Ordinance.

On April 16, 2024, the City Council adopted Urgency Interim Ordinance No. NS-3063, which establishes a 45-day moratorium on the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in Specific Development No. 84, also known as the Transit Zoning Code (commonly referred to as the "Transit Zoning Code" or "TZC") while City staff researches appropriate regulations and determines whether an extension pursuant to the Government Code is necessary.

Urgency Interim Ordinance No. NS-3063 shall have no further force and effect 45 days from the date of its adoption, unless, after a report on the first 45 days and a public hearing, the City Council members, again by four/fifths (4/5) vote, extend the Ordinance

for an initial extension period of ten (10) months and fifteen (15) days. Based on the adoption date of April 16, 2024, the Ordinance is scheduled to expire on June 1, 2024.

As City staff begins to analyze and prepare an evaluation of industrial business uses within the TZC, the evaluation will enable staff to generate recommendations to the Planning Commission and City Council to determine whether further, permanent action is necessary. Such action may entail a zoning map amendment, zoning text amendment, or both, which would address industrial land uses in the TZC.

DISCUSSION

Background

On April 16, 2024, the City Council adopted Urgency Interim Ordinance No. NS-3063 to immediately offer protection of public health, safety, and welfare from industrial uses significantly causing pollution burden to adjacent neighborhoods through the following conditions, including: code enforcement active cases; irreconcilable land use conflicts in the TZC; alarming air quality, noise, traffic, proximity to noxious use facilities, and public health concerns; and external regulatory agency responsiveness. During the urgency interim moratorium period, the City will not issue permits that result in the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in the TZC.

Measures Taken

Review of City Department Activities

Immediately following the adoption of the 45-day moratorium, staff conducted an interagency meeting, which included representatives from multiple City departments. These departments include the Planning Division, Building Safety Division, Code Enforcement Division, Business License, and Information Technology. Moreover, engagement with additional agencies such as the Police Department, Public Works Agency, and the Community Development Agency's Economic Development Division has produced critical information illustrating the extent to which industrial activities are intertwined 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 the application of Urgency Interim Ordinance No. NS-3063 affects up to 130 industrial businesses in the TZC. Of these, over one-dozen have active applications for permits, the majority of which are to legalize unpermitted work on industrial properties and address ongoing Code Enforcement Division notices of violation.

City staff continues to gather, review, and analyze information regarding affected industrial businesses within the TZC. Specific data and reporting pertains to applications submitted by industrial businesses for permits, entitlements, certificates of occupancy, business licenses, and other relevant records immediately prior to and following the adoption of the Urgency Interim Ordinance and currently being reviewed by City staff. Requests for information on calls for service and incident activities responded to by public safety departments of the Santa Ana Police Department and Orange County Fire Authority (OCFA) are being reviewed by City staff to understand and validate public safety concerns or impacts shared by neighbors in disadvantaged communities with actual calls and emergencies reported.

In addition, City staff continues to monitor Code Enforcement Division activities and implementation of the City's Noxious Uses Ordinance pertaining to these facilities. Code Enforcement staff will broaden data reports that show enforcement activity beyond the Lacy and Logan neighborhoods within the TZC, where at the time of adoption of the Urgency Interim Ordinance on April 16, 2024, 17 active open cases were issued Notice 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. The close proximity of active open industrial cases during a short period is creating a public nuisance that is harming public health, safety, and general welfare of the two residential neighborhoods from the concentration of open code enforcement cases nearby.

Review of Records and Activities of External Agencies

To broaden the analysis beyond the City's local land use impacts, City staff have initiated public records requests of 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, the Department of Toxic Substances Control, and others responsible for issuing supportive 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 SD No. 84.

Data from external regulatory agencies would assist 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. In

response to the City's request, SCAQMD clarified the need to process the records request by larger geographic areas, not specifically matching the boundaries of the TZC. When reports become available to the City, additional time will be needed for City staff to carefully review and analyze other internal data to understand all activities (internal and external) and affected industrial businesses.

Comprehensive Zoning Code Update and Neighborhood Engagement

City staff continues to work with Project Consultant Moore, Iacofano, Goltsman, Inc. (MIG) to ensure the City's Zoning Code and General Plan are consistent and, to maintain compliance with state law, comprehensive amendments to the Zoning Code are required. MIG and City staff have already conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area.

City staff from the Neighborhood Initiatives and Environmental Services (NIES) section of the Planning Division will 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. In addition, the NIES team has been working with the residents selected to represent the City's EJ Clusters to complete the formation of the EJ Action Committee, the community-led EJ advocacy group, to guide the prioritization and resource investments to implement the City's General Plan EJ Policies and Implementation Actions.

Next Steps

Staff implements the 45-day moratorium established by Urgency Interim Ordinance No. NS-3063 through ongoing interagency coordination. Moreover, staff will continue to analyze and prepare an evaluation of industrial business uses within the TZC, which will enable staff to generate recommendations to the Planning Commission and City Council to determine whether an extension of the 45-day moratorium is recommended. If an extension is recommended, it would be placed on the May 21, 2024 City Council agenda as a public hearing item, which is prior to the June 1 expiration date.

During the 45-day moratorium and any potential extension period, staff will evaluate if further, permanent action to address the land use conflicts in the TZC is necessary. Such action may entail a zoning map amendment, zoning text amendment, or both, which would permanently address industrial land uses in the TZC.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

EXHIBITS

1. Adopted Urgency Interim Ordinance No. NS-3063
2. April 16, 2024 City Council Staff Report

Submitted By: Minh Thai, Planning and Building Agency Executive Director

Approved By: Alvaro Nuñez, Acting City Manager

ORDINANCE NO. NS-3063

AN URGENCY ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

WHEREAS, the City of Santa Ana has the police power pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect the public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, Specific Development No. 84 zoning district, also known as the Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010; and

WHEREAS, upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and

WHEREAS, the goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new and enhancement of existing communities through transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and

WHEREAS, industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern

zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and

WHEREAS, the TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were converted to the mixed-use zones allowed by the TZC; and

WHEREAS, Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called "disadvantaged communities", in their jurisdictions and address environmental justice in their general plans 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; and

WHEREAS, the City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and

WHEREAS, the Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana's General Plan update complied with all aspects of SB 1000 prior to its adoption; and

WHEREAS, as required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all of its elements, which include 77 implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

WHEREAS, numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), 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), and Policy CN-1.5 (Sensitive Receptor Decisions), 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; and

WHEREAS, the industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and

WHEREAS, the Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century and

WHEREAS, the construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in a number of families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and

WHEREAS, in the 1970s a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and

WHEREAS, 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 percent or greater, ranking in the 90th 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; and

WHEREAS, Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

WHEREAS, the updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and

WHEREAS, there are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City's Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice 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. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC's existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and

WHEREAS, in the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South

Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, in the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, there is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and

WHEREAS, there is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and

WHEREAS, The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and

WHEREAS, MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area; and

WHEREAS, the policies and implementation actions in the General Plan also require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

WHEREAS, given these concerns, the City Council hereby directs that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district; and

WHEREAS, based on the foregoing, the City Council finds that continuing to issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property located in the TZC for the purposes of industrial business use, prior to the City's completion of its study of the potential impact of such uses, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements in the TZC area is thus necessary; and

WHEREAS, if an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare for the following reasons:

- (1) Adversely impacts surrounding businesses and neighborhoods;
- (2) Adversely impacts sensitive uses such as residences, schools, parks, and places where children congregate;
- (3) Conflicts with the goals and policies of the City's General Plan;
- (4) Long-term incompatibility and inconsistency with surrounding uses; and
- (5) Risks to the public health, safety and welfare of the City; and

WHEREAS, prevention of detrimental impacts to residents, the public interest, health, safety and welfare requires the immediate enactment of this urgency 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; industrial business uses may be in conflict with or frustrate the contemplated updates and revisions to the Code. Moreover, permitting such uses during said studies and implementation would create

impacts on the public health, safety and welfare that the City Council, in adopting this ordinance, has found to be unacceptable; and

WHEREAS, the City Council finds, determines and declares that the current and immediate threat to the public health, safety and welfare of the city and its citizens necessitates the immediate enactment of this urgency ordinance by a four-fifths vote of the City Council.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation or expansion of uses in the zoning district.

Section 3. California Government Code Section 65858 authorizes the City Council to adopt an interim urgency ordinance, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 4. The City Council, in accordance with Government Code Section 65858, hereby adopts this urgency ordinance establishing a 45-day moratorium on the approval, commencement, establishment, modification, relocation or expansion of industrial uses in the TZC while City staff researches appropriate regulations and whether an extension pursuant to the Government Code is necessary. For the purposes of this Ordinance, "industrial uses" includes those specified by Divisions 18 and 19 of Article III of Chapter 41 of the Santa Ana Municipal Code, and by Section 41-2007 of the Santa Ana Municipal Code and Table 2A in the Transit Zoning Code (Specific Development No. 84).

Section 5. This ordinance shall have no further force and effect forty-five (45) days from the date of its adoption; unless, however, after public hearing the City Council members, by four/fifths (4/5) vote, extend this ordinance for an initial period of ten (10) months and fifteen (15) days and subsequently, after public hearing, the City Council members, by four/fifths (4/5) vote, extend this ordinance one more year.

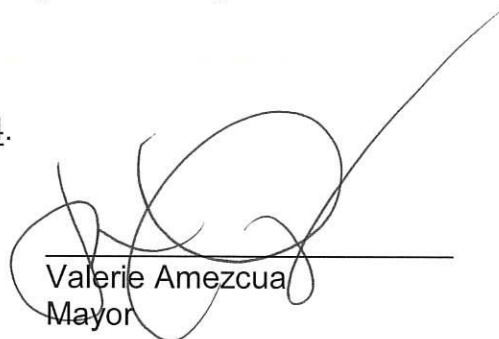
Section 6. It shall be unlawful and a misdemeanor for any person to violate or fail to comply with any provision of the ordinance. The violation of any provision of this ordinance shall be punished as provided in Section 1-8 of Chapter 1 of the Code.

Section 7. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

Section 8. This ordinance is introduced, passed and adopted at one and the same meeting and is thereafter immediately effective. The City Council finds that this ordinance is necessary to protect the public safety, health and welfare. The reasons for the emergency are set forth in Section 1 of this ordinance.

Section 9. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this 16th day of April, 2024.



Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

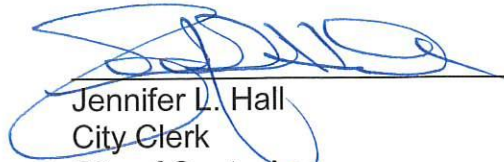
By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES:	Councilmembers	<u>Amezcu, Bacerra, Hernande, Lopez,</u> <u>Penaloza Phan, Vazquez (7)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-3063 to be the original ordinance adopted by the City Council of the City of Santa Ana on April 16, 2024.

Date: 4/25/2024



Jennifer L. Hall
City Clerk
City of Santa Ana

28. Urgency Interim Ordinance Pursuant to Section 65858(a) of the California Government Code Adopting a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

(A copy of the full text of the proposed urgency ordinance is available for review in the City Clerk's Office)

Department(s):

Recommended Action:

1. Adopt an urgency ordinance by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), adopting a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 zoning district.

ORDINANCE NO. NS-XXXX entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
April 16, 2024

TOPIC: Transit Zoning Code Urgency Interim Ordinance (Moratorium)

AGENDA TITLE

Urgency Interim Ordinance Pursuant to Section 65858(a) of the California Government Code Adopting a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84

RECOMMENDED ACTIONS

1. Adopt an urgency ordinance by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), adopting a 45-day moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within Specific Development No. 84 zoning district.

ORDINANCE NO. NS-XXXX entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.

GOVERNMENT CODE §84308 APPLIES: No

EXECUTIVE SUMMARY

Staff is recommending adoption of an urgency interim ordinance, pursuant to Government Code Section 65858(a), also known as a moratorium, to address current and immediate threats to public health, safety, and welfare, due to growing code

enforcement complaints stemming from the irreconcilable land use conflicts within the Specific Development No. 84 zoning district (commonly referred to as the “Transit Zoning Code” or “TZC”). Specifically, in the Logan and Lacy neighborhoods, and surrounding areas, the City’s Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice 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. The close proximity of active open industrial cases during a short period is creating a public nuisance that is straining City resources and that is harming public health, safety, and general welfare of the TZC’s existing and new residential neighborhoods.

If adopted, the urgency ordinance would establish a 45-day moratorium on the approval, commencement, establishment, modification, relocation, or expansion of industrial uses in the TZC while City staff researches appropriate regulations and determines whether an extension pursuant to the Government Code is necessary. The urgency ordinance shall have no further force and effect 45-days from the date of its adoption, unless, after a report on the first 45 days and a public hearing, the City Council members, again by four/fifths (4/5) vote, extend this ordinance for an initial extension period of ten (10) months and fifteen (15) days.

DISCUSSION

Background

Specific Development No. 84 (the Transit Zoning Code)

The Specific Development No. 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 in established residential communities. As shown in Exhibit 2, 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 under a variegated amalgamation of zoning districts and their regulations.

In June 2010, the City Council adopted Ordinance No. NS-2804, adopting various entitlements approving the creation of the TZC. The TZC established 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.

Moreover, the TZC provided new zoning for all of the properties contained within its boundary with the exception of those properties zoned Light Industrial (M1) or Heavy Industrial (M2). These M1 and M2 properties retained their existing zoning, but were covered by two overlay zones that allows for the option of future mixed-use development to be exercised 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. In these industrial overlay areas, however, the resulting new General Plan land use designations immediately resulted in zoning inconsistencies and land use conflicts between the new General Plan land use designations and the industrial overlays.

Since 2010, and specifically in the Logan and Lacy neighborhoods, these industrial uses have remained, changed ownership, undergone expansions or intensifications, and created 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 in underlying General Plan land use designation.

Comprehensive Zoning Code Update

The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required. Necessary amendments include the creation of new zoning district designations and corresponding development standards; updates to the definitions, signage, nonconforming, and parking sections; reorganization of the entire Zoning Code to a more user-friendly format; and new standards to reflect new land use trends, economic development trends, and land use goals of the City.

MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area.

Historically Disadvantaged Communities

Prior to the adoption of the City's Transit Zoning Code (TZC), the City permitted industrial uses within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools. By way of context, the Logan neighborhood represents the oldest Mexican and Mexican-American neighborhoods of Santa Ana and one of the oldest barrios in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy land due to restrictions and covenants based on race during the first half of the 20th century. Moreover, as a neighborhood, the area was established before the modern practice of separating impactful land uses, also known as zoning. The Logan neighborhood itself originated as early as 1886 and was largely settled by 1900, before the practice of zoning was enshrined by *Village of Euclid v. Ambler Realty Co.* in 1926. By then, the neighborhood comprised residential, industrial, commercial, and related land uses, with issues further exacerbated by rail lines, fuel storage depots, and the construction of the Santa Ana Freeway between 1947 and 1956.

Comprehensive data analysis and mapping tools generated by the California EPA (CalEPA), the Center for Diseases Control/Agency for Toxic Substances and Disease Registry (CDC/ATSDR), the U.S. EPA (EPA), and California Healthy Places Index (HPI), present concerning information regarding environmental conditions impacting residents in the Logan and Lacy neighborhoods. Exhibit 3 of this report references EJ maps showing rankings of at least 90% or higher in heavy air pollution attributed to indicators describing exposure to Particulate Matter (PM) 2.5, Diesel Particulate Matter, Air Toxics Cancer Risk, Toxic Releases to Air, and Hazardous Water Proximity exposures. Multiple sources of environmental exposure and pollution burden into communities of color, including the Logan and Lacy neighborhoods, presents an alarming set of challenges and decline in healthy community conditions that will impact their quality of life and life expectancy with continued heavy industrial uses nearby.

Implementation of Senate Bill (SB 1000), City General Plan Update (GPU), and new Environmental Justice (EJ) Policies and Actions

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 as a way to proactively plan for and address environmental concerns when developing and updating components of the General Plan. During this period, the City began and extended its comprehensive public engagement process for the General Plan Update through its adoption in April 2022. The City and community worked to ensure that the new General Plan included SB 1000 requirements of addressing environmental justice in local general plans 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 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.

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. City staff, over the past year, have worked on a process to create an EJ Action Committee of EJ cluster area residents, community-based organizations (CBOs), and County and City staff representatives, to guide implementation and resource investments to protect neighborhoods from experiencing any further environmental harm. 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, in close proximity to communities of color.

Code Enforcement and Immediate Ongoing Issues

In the Lacy and Logan neighborhoods within the TZC, the Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice 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. These violations include issues of odors, dust, traffic, noise, vibrations, and other documented impacts. The close proximity of active open industrial cases during a short period is creating a public nuisance that is harming public health, safety, and general welfare of the two residential neighborhoods from the concentration of open code enforcement cases nearby.

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 increased their reporting of 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. Six months ago, a fire incident at Macera Crematory, located at 1020 Fuller Street, alarmed neighbors at 9:18 p.m. on August 29, 2023. Neighbors shared with City officials disturbing video of high flames escaping the stack on the rooftop, the screeching noise that went nonstop for 10 minutes, and what they described as a foul odor attributed to the fire. As 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.

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. Despite this restructuring, it is now well documented that the NIES section's coordination with external regulatory agencies has not resulted in a favorable outcome in enforcement by responsible external 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) in many of these investigations. In response, the City has adopted new regulations such as a Noxious Uses Ordinance (Ordinance No. NS-3044, adopted June 20, 2023), which amends Zoning Ordinance No. 2023-01 that includes: 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 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, seven properties, primarily industrial businesses, sold and three of those businesses (800-808 E. Washington Avenue, 1045 Fuller Street, and 923 N. Logan Street) are located in the Logan neighborhood. Currently, two large properties are in the market for multifamily and land types located in the TZC.

Environmental Justice (EJ)/Disadvantaged Communities (DACs) Profile: Logan and Lacy neighborhood impacts

A demographic profile of the Lacy and Logan neighborhoods combined represent a population of 5,907, which encompass 1,564 households, a median household income of \$56,864, average household size is nearly four persons, median age is 27 years, per-capita income is \$23,495, and 74% comprise 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 12th grade with no diploma, over 31% are high school graduates, and nearly 97% of the working population over 16 years of age are employed.

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 90th 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 moratorium will further exacerbate the ongoing demographic and environmental justice challenges that these two neighborhoods within the TZC have grappled with since their founding.

General Plan Inconsistency with Present Land Uses

Numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), 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), and Policy CN-1.5 (Sensitive Receptor Decisions), 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 purpose of the interim ordinance is to immediately offer protection of public health, safety, and welfare from these irreconcilable land use conflicts in the TZC, during the time that City staff analyzes and prepares an evaluation of industrial business uses within the TZC. Such an evaluation will enable staff to generate recommendations to the Planning Commission and City Council to determine whether industrial uses should be permitted in the zoning district, and, if not, proceed with an ordinance and zoning map amendment to the district. During the interim moratorium period, City staff will not issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property for the purposes of industrial business use in the TZC.

ENVIRONMENTAL IMPACT

This ordinance is not subject to the California Environmental Quality Act (“CEQA”), as the proposed action is not subject to the requirements of CEQA, pursuant to Guidelines Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation, or expansion of uses in the zoning district.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

Transit Zoning Code Urgency Interim Ordinance (Moratorium)

April 16, 2024

Page 8

EXHIBITS

1. Interim Ordinance (Moratorium)
2. Transit Zoning Code (TZC) Map
3. Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps City General Plan Environmental Justice Implementation Actions
4. City General Plan Environmental Justice (EJ) Implementation Actions

Submitted By: Ali Pezeshkpour, AICP, Planning Manager

Approved By: Alvaro Nuñez, Acting City Manager

ORDINANCE NO. NS-XXXX

AN URGENCY ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

WHEREAS, the City of Santa Ana has the police power pursuant to Article XI, section 7 of the California Constitution, to make and enforce ordinances to regulate the use of land within its jurisdictional boundaries; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council, in order to protect the public health, safety and welfare, to adopt an interim urgency ordinance prohibiting a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time, provided that the urgency measure shall require a four-fifths vote of the legislative body for adoption, and shall be of no further force and effect forty-five (45) days from its date of adoption, unless duly extended; and

WHEREAS, Specific Development No. 84 zoning district, also known as the Transit Zoning Code (TZC), located in the central core of Santa Ana, comprises approximately 450 acres, encompasses the Logan, Lacy, and Downtown neighborhoods, and was adopted by the City Council on June 7, 2010; and

WHEREAS, upon the initial adoption of the TZC in 2010, the General Plan of the City of Santa Ana was updated with new land use designations for the areas covered by the TZC to allow for new, mixed-use residential and commercial communities; and

WHEREAS, the goals of the TZC are to provide a transit-supportive, pedestrian-oriented development framework to support the addition of new and enhancement of existing communities through transit infrastructure; to preserve and reinforce the existing character and pedestrian nature of the City by strengthening urban form through improved development and design standards; to encourage alternative modes of transportation; to provide zoning for the integration of new infill development into existing neighborhoods; to provide for a range of housing options; and to allow for the reuse of existing structures; and

WHEREAS, industrial uses were established within the Logan and Lacy neighborhoods in close proximity to sensitive land uses such as residences and schools prior to the adoption of the TZC, as far back as the late 19th century, predating modern zoning practices that take into account irreconcilable land use conflicts among variegated land uses; and

WHEREAS, the TZC provides new mixed-use zoning for properties contained within its boundary while creating industrial overlay zones allowing properties being used as industrial uses at the time of its adoption to continue to be governed by industrial zoning districts until such time that properties were converted to the mixed-use zones allowed by the TZC; and

WHEREAS, Senate Bill (SB) 1000 went into effect in 2018, requiring local governments to identify environmental justice communities, called “disadvantaged communities”, in their jurisdictions and address environmental justice in their general plans 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; and

WHEREAS, the City of Santa Ana completed a comprehensive update of its General Plan in April 2022; and

WHEREAS, the Office of the Attorney General of the State of California was actively involved in ensuring Santa Ana’s General Plan update complied with all aspects of SB 1000 prior to its adoption; and

WHEREAS, as required by SB 1000, update of the General Plan and its associated land use plan identified and addressed long standing environmental justice issues throughout all of its elements, which include 77 implementation actions aimed at reducing harmful pollutants and associated health risks in disadvantaged communities; and

WHEREAS, numerous policies of the General Plan are inconsistent with the present, irreconcilable land use pattern of the TZC. Specifically, these policies include Policy LU-1.1 (Compatible Uses), 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), and Policy CN-1.5 (Sensitive Receptor Decisions), 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; and

WHEREAS, the industrial overlay zones in the TZC perpetuate past planning practices of locating industrial uses, or other noxious and unwanted uses, in close proximity to communities of color; and

WHEREAS, the Logan neighborhood is the oldest Mexican and Mexican-American neighborhood in Santa Ana and one of the oldest in Orange County, and one of the few places where Mexicans and those of Mexican descent were allowed to buy

land due to restrictions and covenants based on race during the first half of the 20th century and

WHEREAS, the construction of Santa Ana (I-5) Freeway through Santa Ana in the 1950s resulted in a number of families being displaced through the demolition of single-family homes in the northeastern portion of the Logan neighborhood; and

WHEREAS, in the 1970s a proposed expansion of an arterial highway along Civic Center Avenue would have demolished a significant portion, if not all, of the Logan neighborhood; and

WHEREAS, 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 percent or greater, ranking in the 90th 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; and

WHEREAS, Assembly Bill (AB) 686 requires local jurisdictions to take deliberate actions to explicitly address, combat, and relieve disparities to disadvantaged communities, such as Logan and Lacy neighborhoods, resulting from past patterns of segregation, disinvestment, and planning practices; and

WHEREAS, the updated land use plan in the Land Use Element of the General Plan does not designate any properties within the TZC, including the Logan or Lacy neighborhoods, as industrial; rather, are designated as varying intensities of District Center or Urban Neighborhood land use designations—both of which are inconsistent with industrial uses; and

WHEREAS, there are pressing and growing code enforcement complaints stemming from the irreconcilable land use conflicts in the TZC. Specifically, in the Logan and Lacy neighborhoods, the City’s Code Enforcement Division has investigated over 33 commercial and industrial properties in the past nine months and currently has 17 active open cases that have been issued Notice 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. The close proximity of active open industrial cases during a short period of time is creating a public nuisance that is draining City resources and that is harming public health, safety, and general welfare of the TZC’s existing and new residential neighborhoods from the concentration of open code enforcement cases nearby; and

WHEREAS, in the Logan neighborhood, 52 industrial facilities (automotive, warehouse/storage, crematory, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution exposure to

disadvantaged communities, including lead risk in soil and housing, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, in the Lacy neighborhood, 76 industrial facilities (automotive, warehouse/storage, towing yards, construction) are presently in close proximity to sensitive uses monitored by external regulatory agencies such as South Coast AQMD, Orange County Health Care Agency – Certified Unified Program Agencies (OC CUPA), Santa Ana Regional Water Quality Board (SARWQB), Orange County Fire Authority. Industrial facilities have caused significant pollution onto disadvantaged communities, including lead risk exposure, diesel particulate matter from idling trucks, toxic release from facilities, traffic impacts, noise pollution, vibration impacts, and airborne particulate matter or fine inhalable particles of 2.5 (PM2.5) microns or less in diameter. CalEnviroScreen reports higher environmental effects from active facility cleanup sites, hazardous waste facilities, and solid waste locations. Cumulative health impacts in the area include asthma, cardiovascular disease, and low birth weight, in this overburdened disadvantaged community factored by socioeconomic indicators of poverty, linguistic isolation, housing burden, and education; and

WHEREAS, there is a recent surge in residential development activity in the TZC that is exacerbating the irreconcilable land use conflicts between residential and industrial land uses. Examples include the Lacy Crossing residential development with over 100 ownership units directly adjacent to existing industrial land uses, for which the City receives regular complaints from residential occupants of disturbances from noise, vibrations, odors, and truck traffic; and the Rafferty mixed-use development with 218 residential units, including 11 onsite units for very-low income households, which is located less than one-fifth of a mile from industrial land uses; and

WHEREAS, there is a marked increase in the pending and active development applications for industrial land uses in the TZC, including for contractor's yards, construction debris storage yards, manufacturing operations, expansion of existing industrial businesses, and storage and warehousing operations, stemming from shifting economic demands for goods and services emerging from the Covid-19 pandemic; and

WHEREAS, The City Council approved a contract with Moore, Iacofano, Goltsman, Inc. (MIG) on October 17, 2023. To ensure the City's Zoning Code and General Plan are consistent, and to maintain compliance with state law, comprehensive amendments to the Zoning Code are required; and

WHEREAS, MIG and City staff have conducted extensive community outreach, stakeholder interviews, and reviews of existing zoning-related codes and policies in

Santa Ana. These early efforts have indicated that the irreconcilable land use conflicts and land use inconsistencies in the TZC area are among the top, most pressing topics that must be addressed as part of the comprehensive Zoning Code Update process in order to protect the health, safety, and welfare of the most vulnerable communities that face the impacts of the land use conflicts within the TZC area; and

WHEREAS, the policies and implementation actions in the General Plan also require review, study, and possible revision in order to respond to recent concerns relating to the impacts of these industrial business uses in the TZC; and

WHEREAS, given these concerns, the City Council hereby directs that a study be undertaken of the current provisions of the TZC to address industrial business uses and determine whether such uses should be permitted in the zoning district, and if not, proceed with an ordinance amendment to preclude such uses from the district; and

WHEREAS, based on the foregoing, the City Council finds that continuing to issue permits, business licenses, or other applicable entitlements to individuals wishing to use their property located in the TZC for the purposes of industrial business use, prior to the City's completion of its study of the potential impact of such uses, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements in the TZC area is thus necessary; and

WHEREAS, if an industrial business use is permitted in the TZC without further review and potential regulation, it will pose a serious threat to the public interest, health, safety and welfare for the following reasons:

- (1) Adversely impacts surrounding businesses and neighborhoods;
- (2) Adversely impacts sensitive uses such as residences, schools, parks, and places where children congregate;
- (3) Conflicts with the goals and policies of the City's General Plan;
- (4) Long-term incompatibility and inconsistency with surrounding uses; and
- (5) Risks to the public health, safety and welfare of the City; and

WHEREAS, prevention of detrimental impacts to residents, the public interest, health, safety and welfare requires the immediate enactment of this urgency 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; industrial business uses may be in conflict with or frustrate the contemplated updates and revisions to the Code. Moreover, permitting such uses during said studies and implementation would create impacts on the public health, safety and welfare that the City Council, in adopting this ordinance, has found to be unacceptable; and

WHEREAS, the City Council finds, determines and declares that the current and immediate threat to the public health, safety and welfare of the city and its citizens necessitates the immediate enactment of this urgency ordinance by a four-fifths vote of the City Council.

NOW, THEREFORE, the City Council of the City of Santa Ana does ordain as follows:

Section 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as the ordinance will temporarily preclude the approval, commencement, establishment, relocation or expansion of uses in the zoning district.

Section 3. California Government Code Section 65858 authorizes the City Council to adopt an interim urgency ordinance, without following the procedures otherwise required for the adoption of an ordinance, to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City Council, Planning Commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 4. The City Council, in accordance with Government Code Section 65858, hereby adopts this urgency ordinance establishing a 45-day moratorium on the approval, commencement, establishment, modification, relocation or expansion of industrial uses in the TZC while City staff researches appropriate regulations and whether an extension pursuant to the Government Code is necessary. For the purposes of this Ordinance, "industrial uses" includes those specified by Divisions 18 and 19 of Article III of Chapter 41 of the Santa Ana Municipal Code, and by Section 41-2007 of the Santa Ana Municipal Code and Table 2A in the Transit Zoning Code (Specific Development No. 84).

Section 5. This ordinance shall have no further force and effect forty-five (45) days from the date of its adoption; unless, however, after public hearing the City Council members, by four/fifths (4/5) vote, extend this ordinance for an initial period of ten (10) months and fifteen (15) days and subsequently, after public hearing, the City Council members, by four/fifths (4/5) vote, extend this ordinance one more year.

Section 6. It shall be unlawful and a misdemeanor for any person to violate or fail to comply with any provision of the ordinance. The violation of any provision of this ordinance shall be punished as provided in Section 1-8 of Chapter 1 of the Code.

Section 7. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid or unconstitutional.

Section 8. This ordinance is introduced, passed and adopted at one and the same meeting and is thereafter immediately effective. The City Council finds that this ordinance is necessary to protect the public safety, health and welfare. The reasons for the emergency are set forth in Section 1 of this ordinance.

Section 9. The City Clerk shall certify to the adoption of this ordinance and cause the same to be published in the manner prescribed by law.

ADOPTED this ____ day of _____, 2024.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

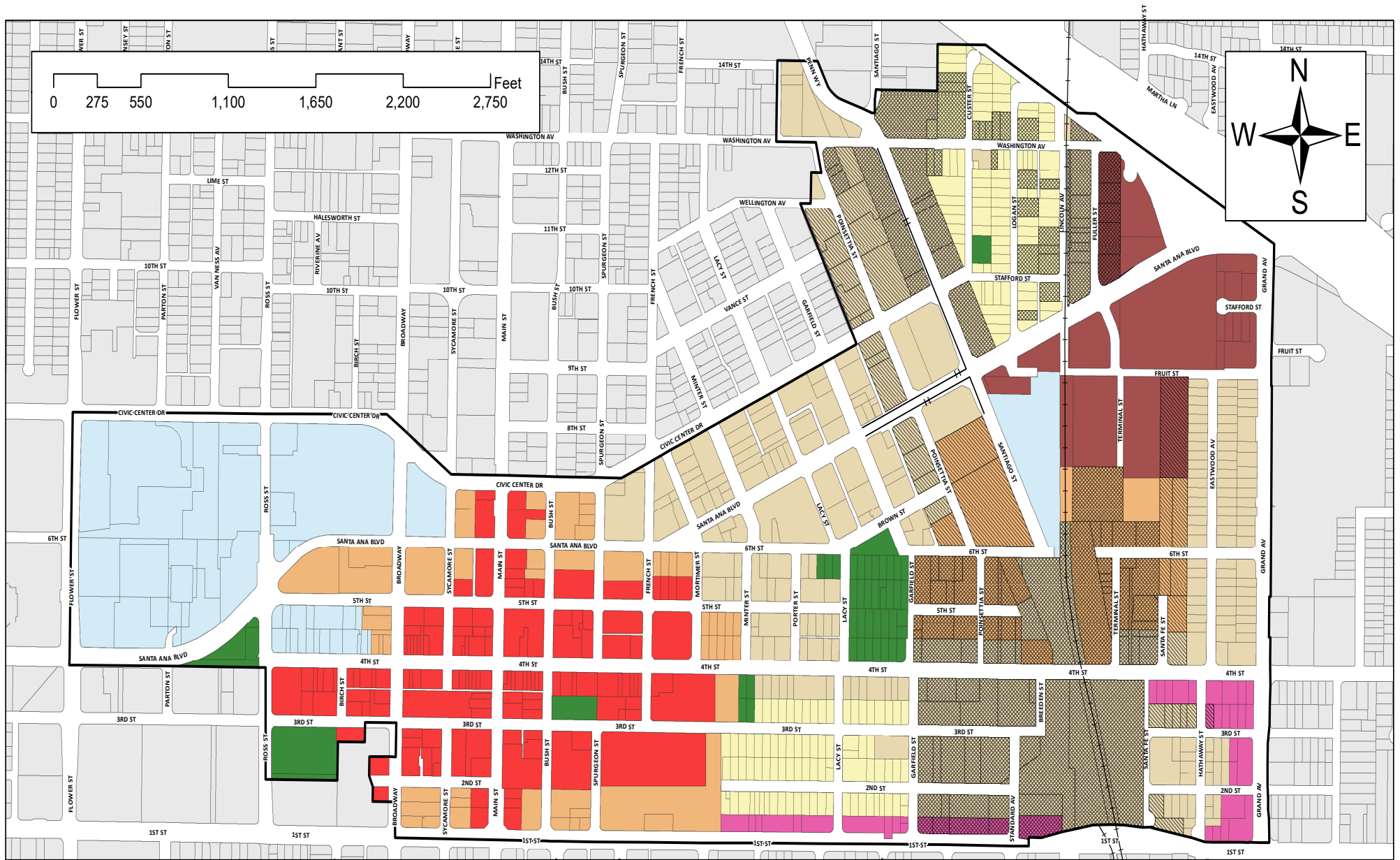
NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-XXXX to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, 2024.

Date: _____

City Clerk
City of Santa Ana



- | | |
|--|---|
| Corridor (CDR) | Urban Neighborhood (UN-1) |
| Downtown (DT) | Urban Neighborhood (UN-2) |
| Government Center (GC) | Industrial Overlay M-1 (OZ) |
| Open Space (OS) | Industrial Overlay M-2 (OZ) |
| Transit Village (TV) | SD-84 |
| Urban Center (UC) | |

Transit Zoning Code SD-84

District Boundary

EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps



Lacy and Logan Neighborhood Map

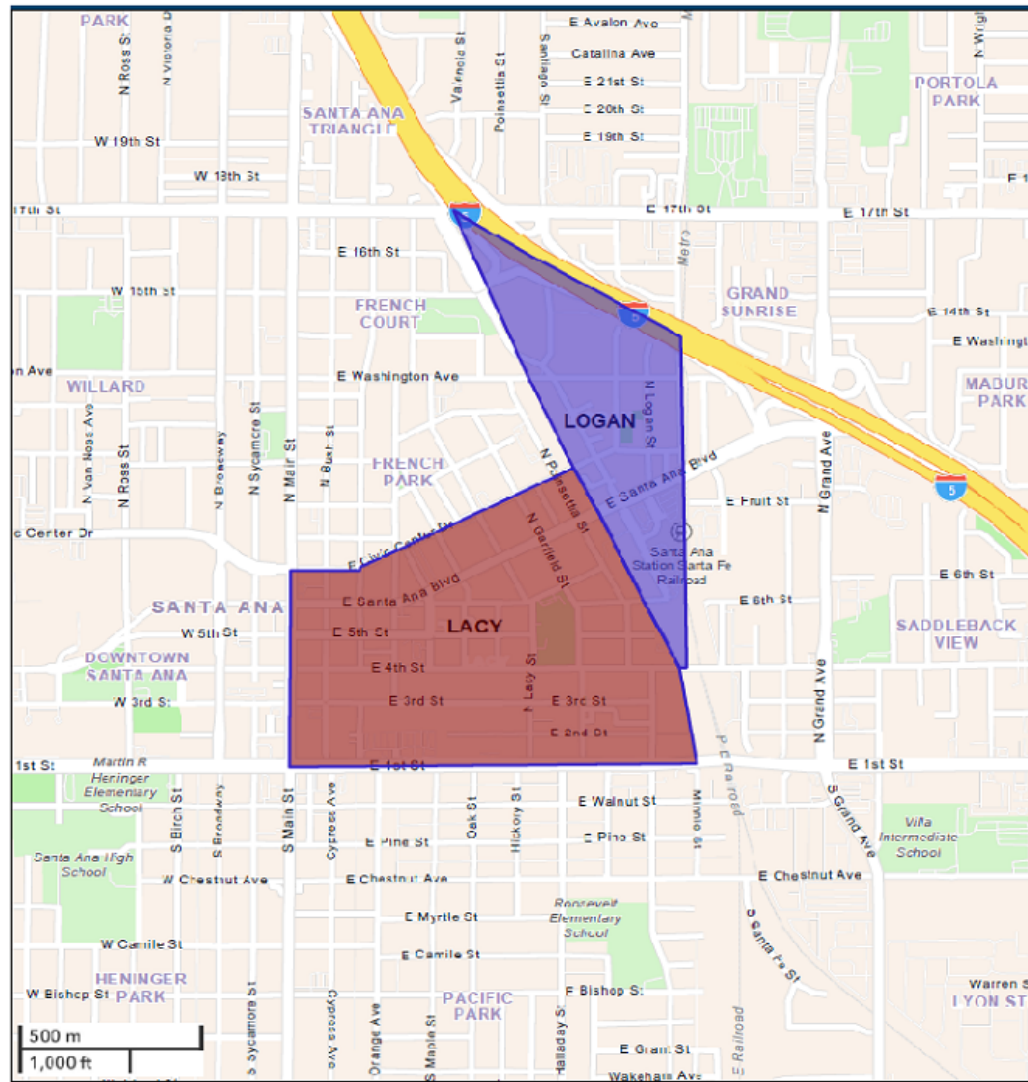


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **Community Summary** infographic data are from ESRI 2023 forecasts, U.S. Census Bureau, and prior year American Community Survey results. Data references population, race and ethnicity, income, age, employment, homeownership, and a population density greater than the City's population density of 12,471.5 people per square mile.

COMMUNITY SUMMARY

Lacy and Logan Combined
Area: 0.38 square miles



32.9%

Services



30.8%

Blue Collar



36.3%

White Collar

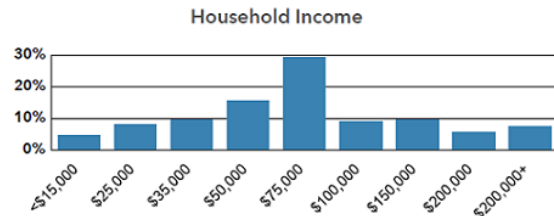
2023 Race and ethnicity (Esri)

The largest group: Hispanic Origin (Any Race) (89.74)

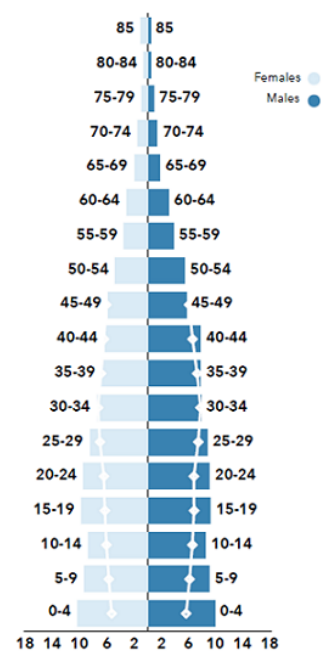
The smallest group: Pacific Islander Alone (0.12)

Indicator ▲	Value	Diff
White Alone	16.37	-25.16
Black Alone	0.76	-0.94
American Indian/Alaska Native Alone	4.28	+3.06
Asian Alone	2.69	-20.41
Pacific Islander Alone	0.12	-0.16
Other Race	52.24	+34.45
Two or More Races	23.53	+9.14
Hispanic Origin (Any Race)	89.74	+54.55

Bars show deviation from Orange County

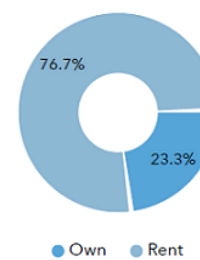


Age Profile: 5 Year Increments

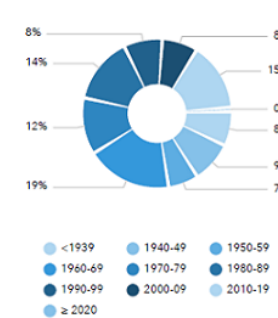


Dots show comparison to Orange County

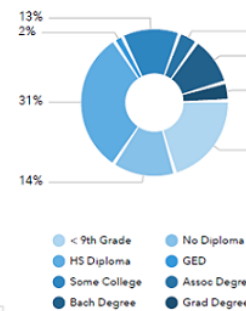
Home Ownership



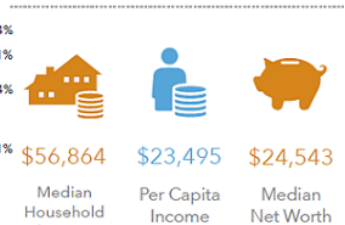
Housing: Year Built



Educational Attainment



INCOME



Source: This infographic contains data provided by Esri (2023, 2028), ACS (2017-2021).

Source: This infographic contains data provided by Esri (2023, 2028), ACS (2017-2021).

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EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **CalEnviroScreen 4.0** provides an insight into vulnerable communities that are most affected by pollution burdens, with special consideration on race and ethnicity. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana at **90% or above** as being burdened by pollution.

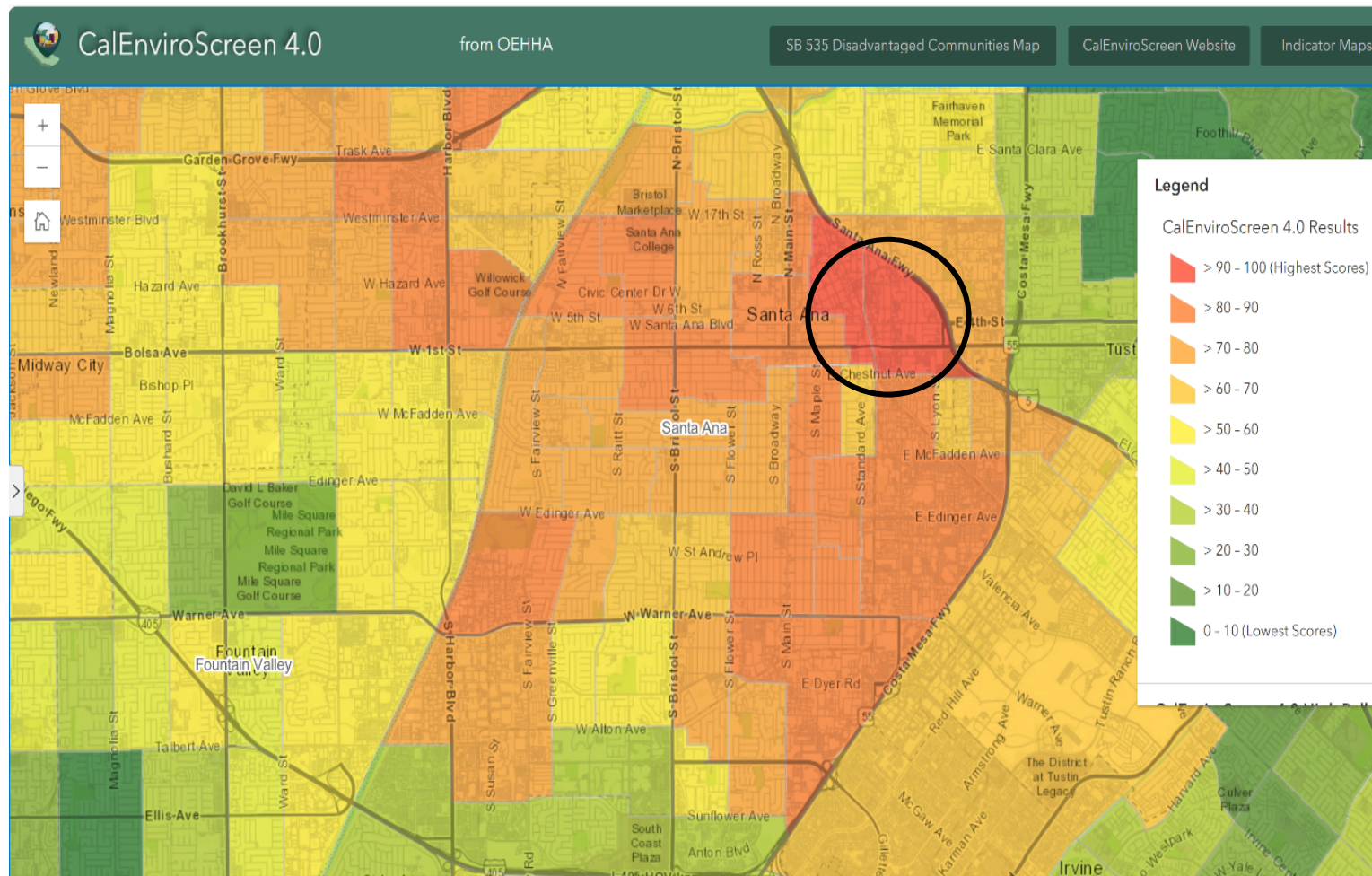
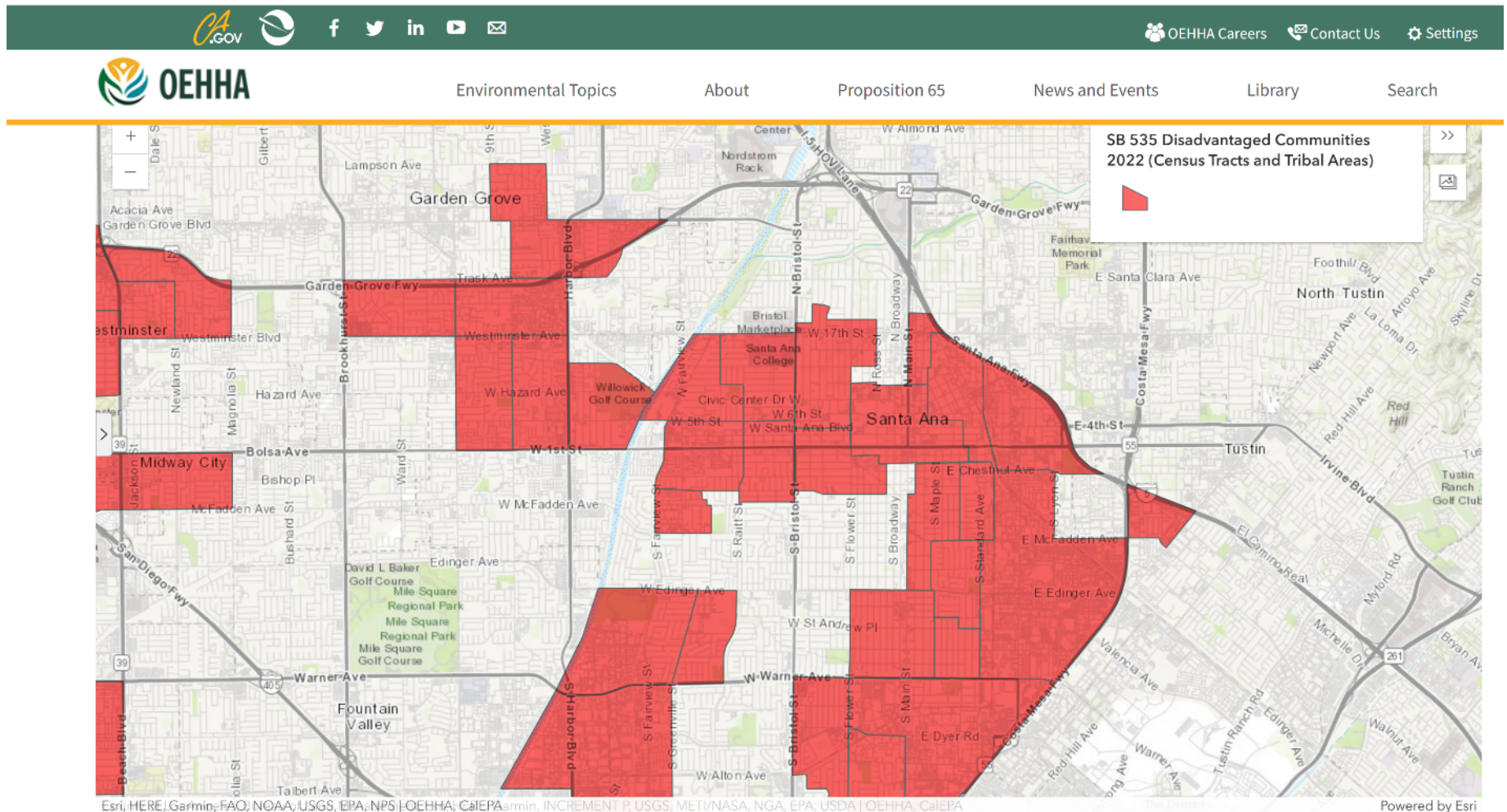


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below highlights the **Disadvantaged Communities (DACs)** within the City of Santa Ana, with **both Logan and Lacy neighborhoods** falling into that category. The CalEPA has responsibility for identifying those communities and CalEPA's designation of disadvantaged communities must be based on "geographic, socioeconomic, public health, and environmental hazard" criteria. CalEPA DACs affect an entire or a portion of thirty-three of Santa Ana's neighborhoods.



The **Center for Diseases Control (CDC) Environmental Justice Index Map** uses data from the U.S. Census Bureau, and other federal agencies to rank the cumulative impacts of environmental injustices on health for every census tract. The map below shows the census tract that includes part of the **Lacy neighborhood**, which appears to rank **HIGH** in air pollution due to exposure to **Particulate Matter (PM) 2.5, Diesel Particulate Matter from idling trucks, and Air Toxics Cancer Risk** indicators.

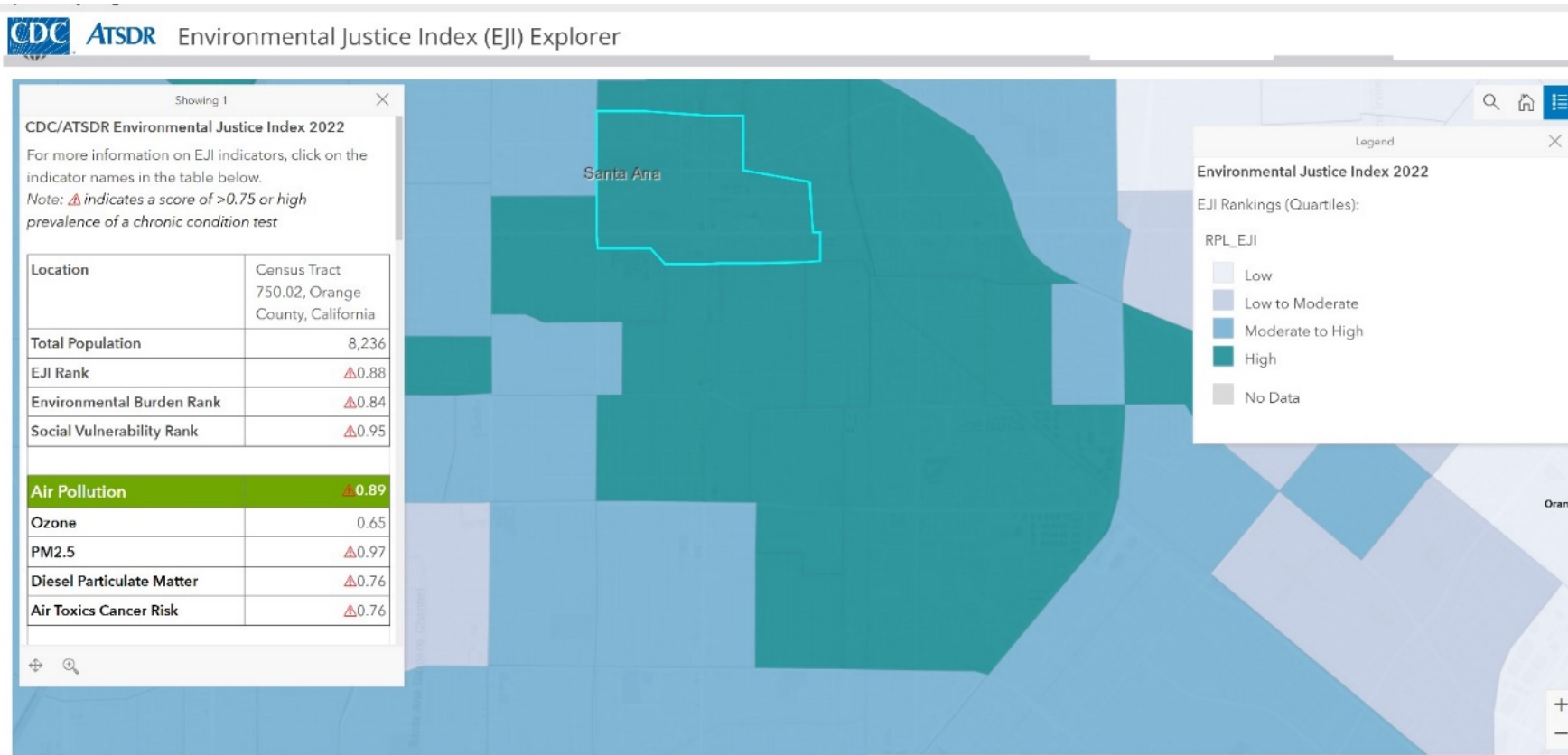


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below shows the census tract that includes the **Logan neighborhood**, which appears to rank **HIGH** in air pollution related to exposure to **Particulate Matter (PM) 2.5, Diesel Particulate Matter from idling trucks, and Air Toxics Cancer Risk** indicators.

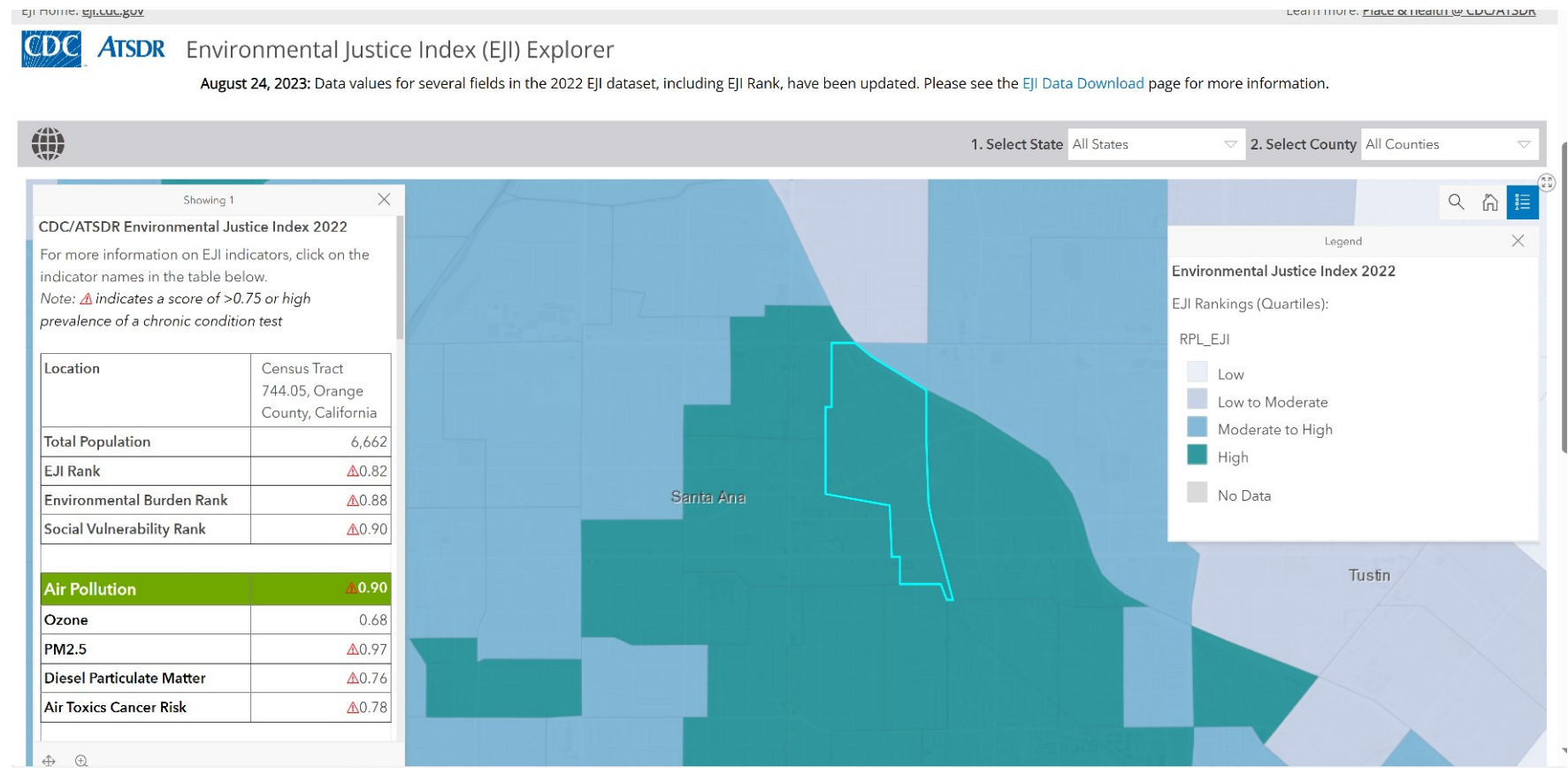
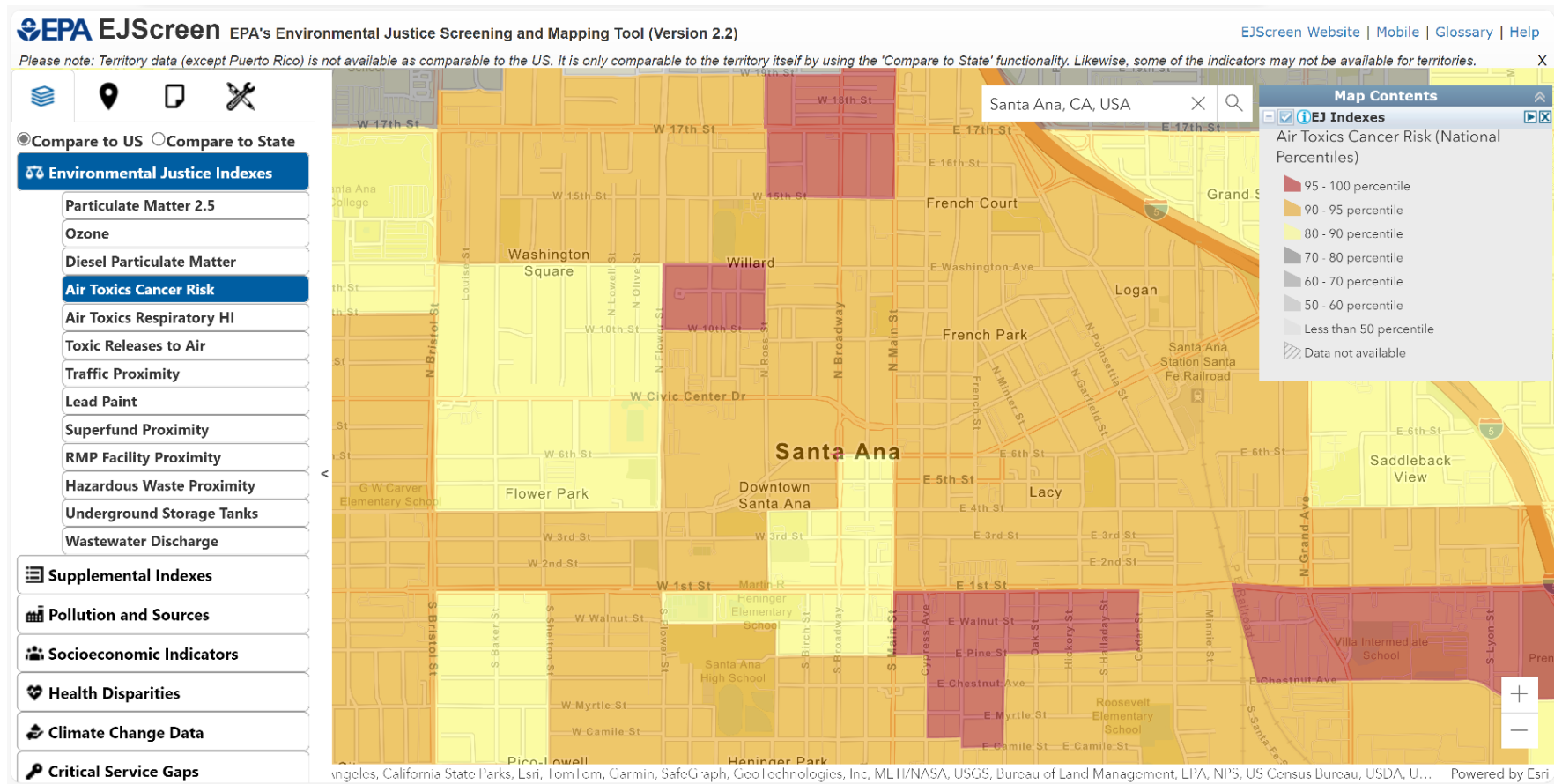


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The EPA's Environmental Justice map and screening tool uses national consistent data combining environmental and demographic indicators in maps and reports. The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Air Toxics Cancer Risk**, reflecting at **90% or higher**.



The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Diesel Particulate Matter** indicating **percentiles above 90%**.

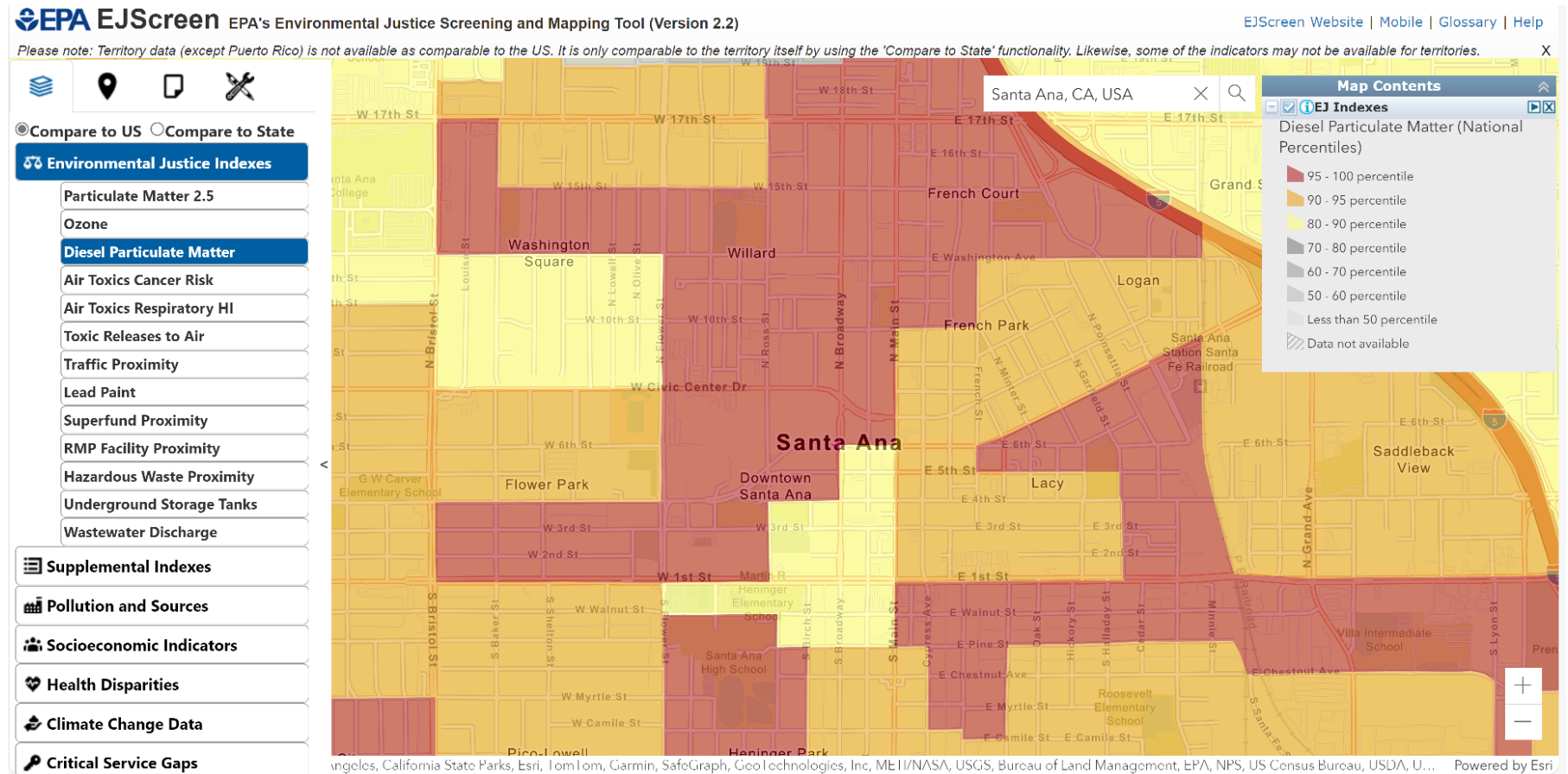


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Hazardous Water Proximity**, showing a **percentile of 95% or above**.

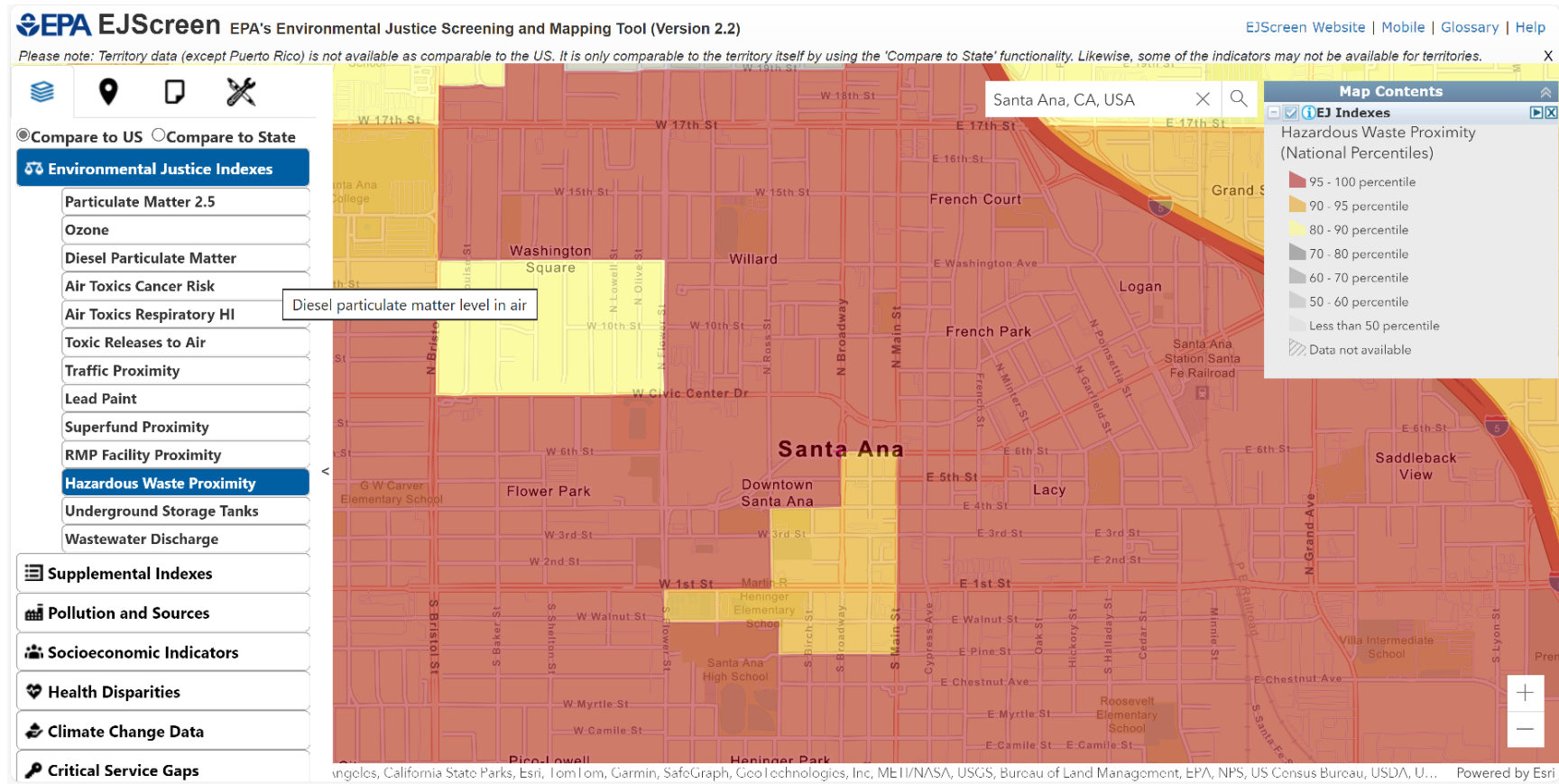
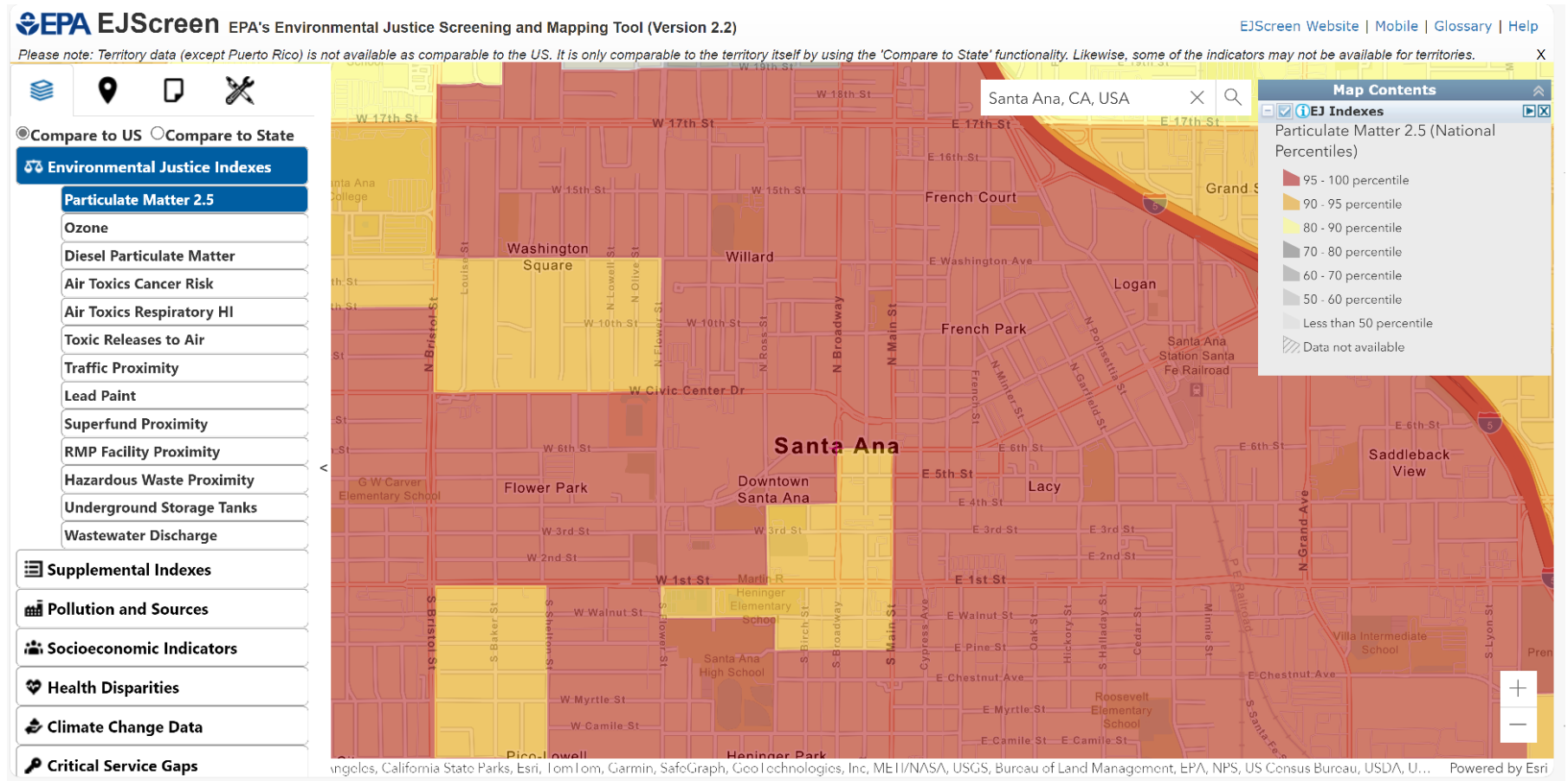
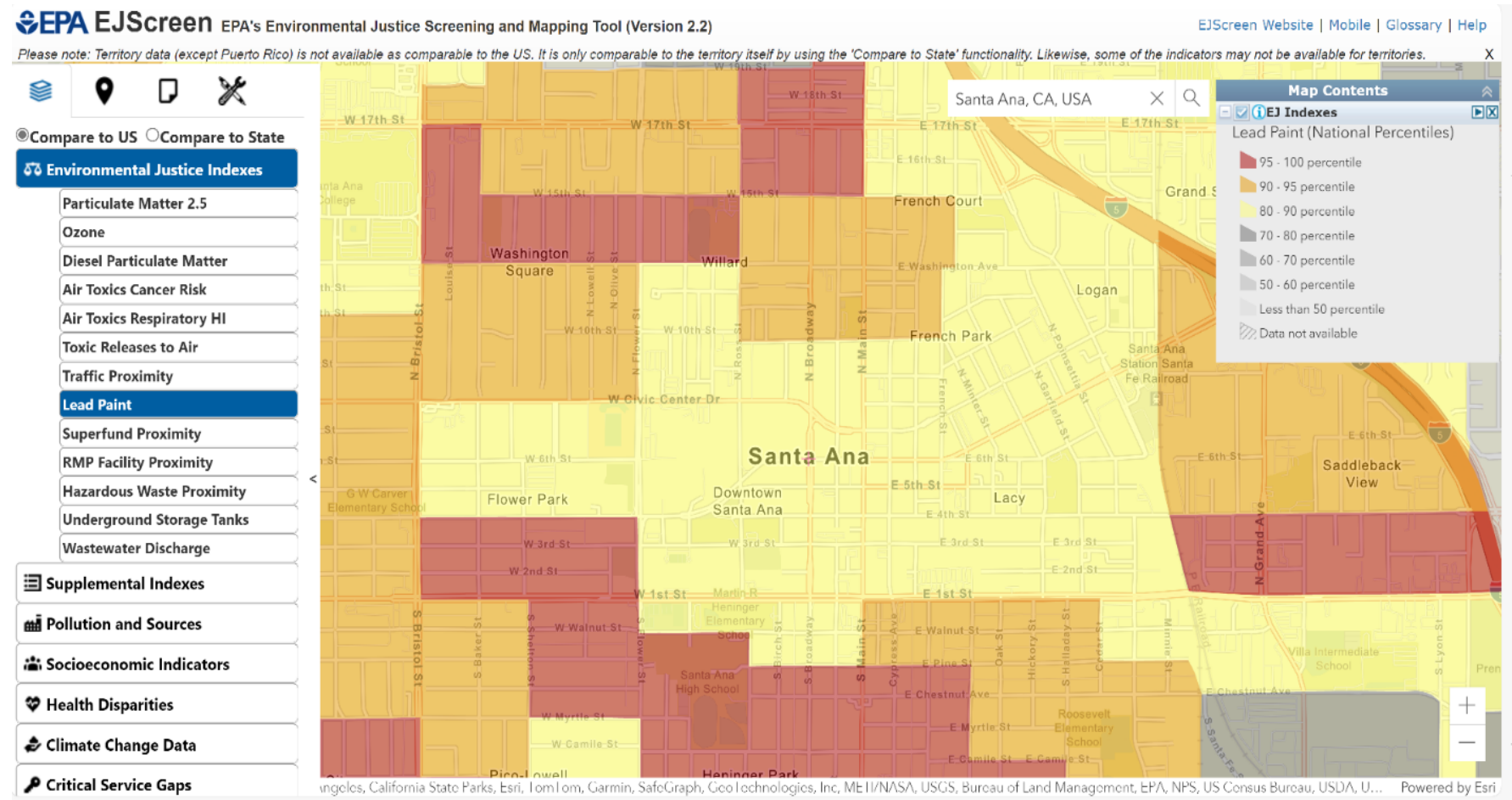


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Particulate Matter (PM) 2.5** reflecting a **heavy burden of 95% and above** in the percentile score.



The map below highlights the **Logan and Lacy neighborhoods** within the City of Santa Ana's ranking as it relates to **Lead Paint** showing that the percentile is **within 80% and 90%**.



The map below indicates the **Logan and Lacy neighborhoods** within the City of Santa Ana ranking as it relates to **Toxic Releases to Air** showing a **high percentile** score of **90%**.

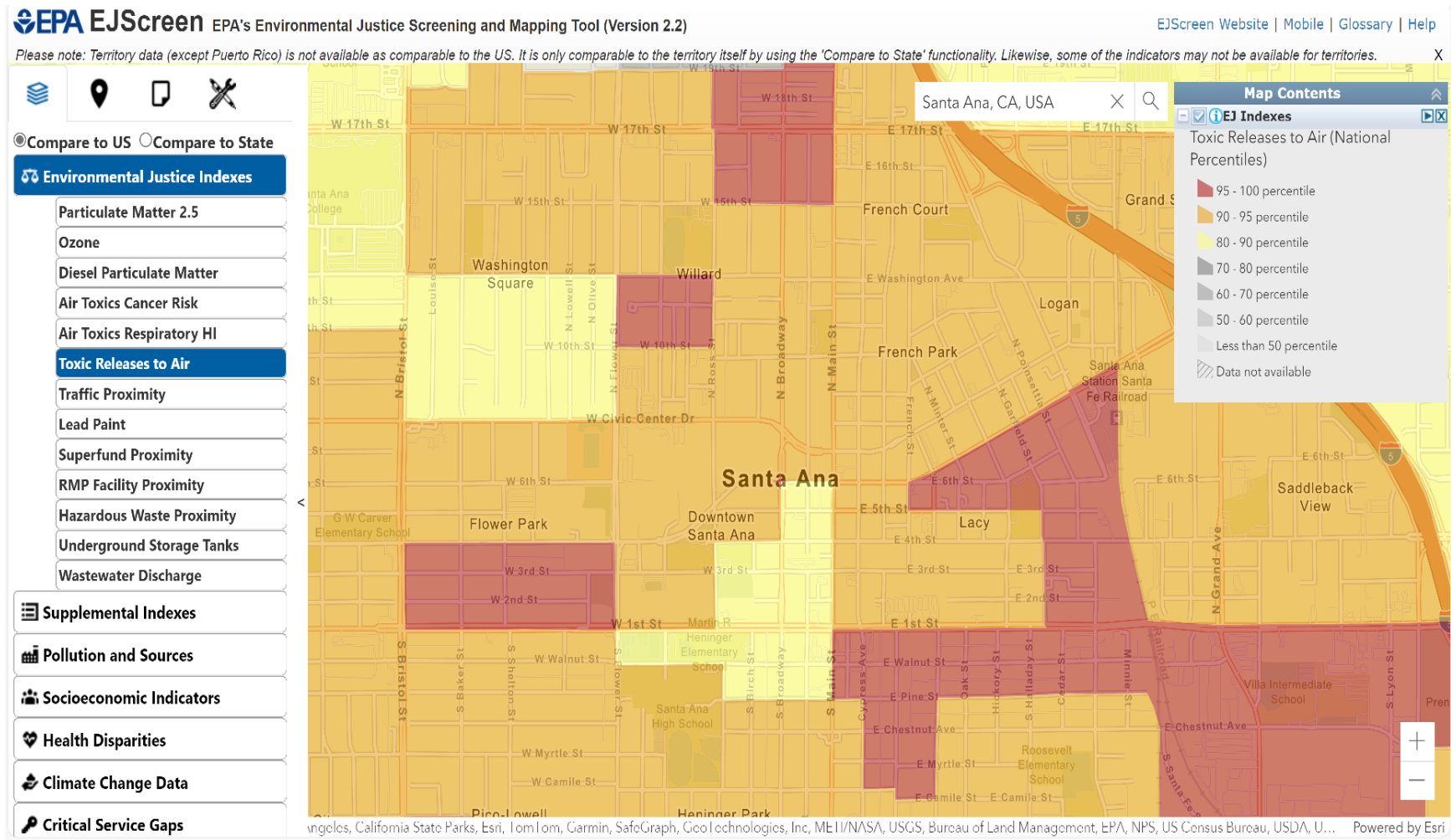


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

The **Healthy Places Index (HPI)** comprises a data and policy platform to advance equitable community investments, develop critical programs and policies and advance health equity through open and accessible data. The map below captures the City of Santa Ana, which indicates that the majority of the City of Santa Ana's neighborhoods rank on the **LOW** scale of the **healthy community conditions**, as seen in the dark blue and light blue layers.

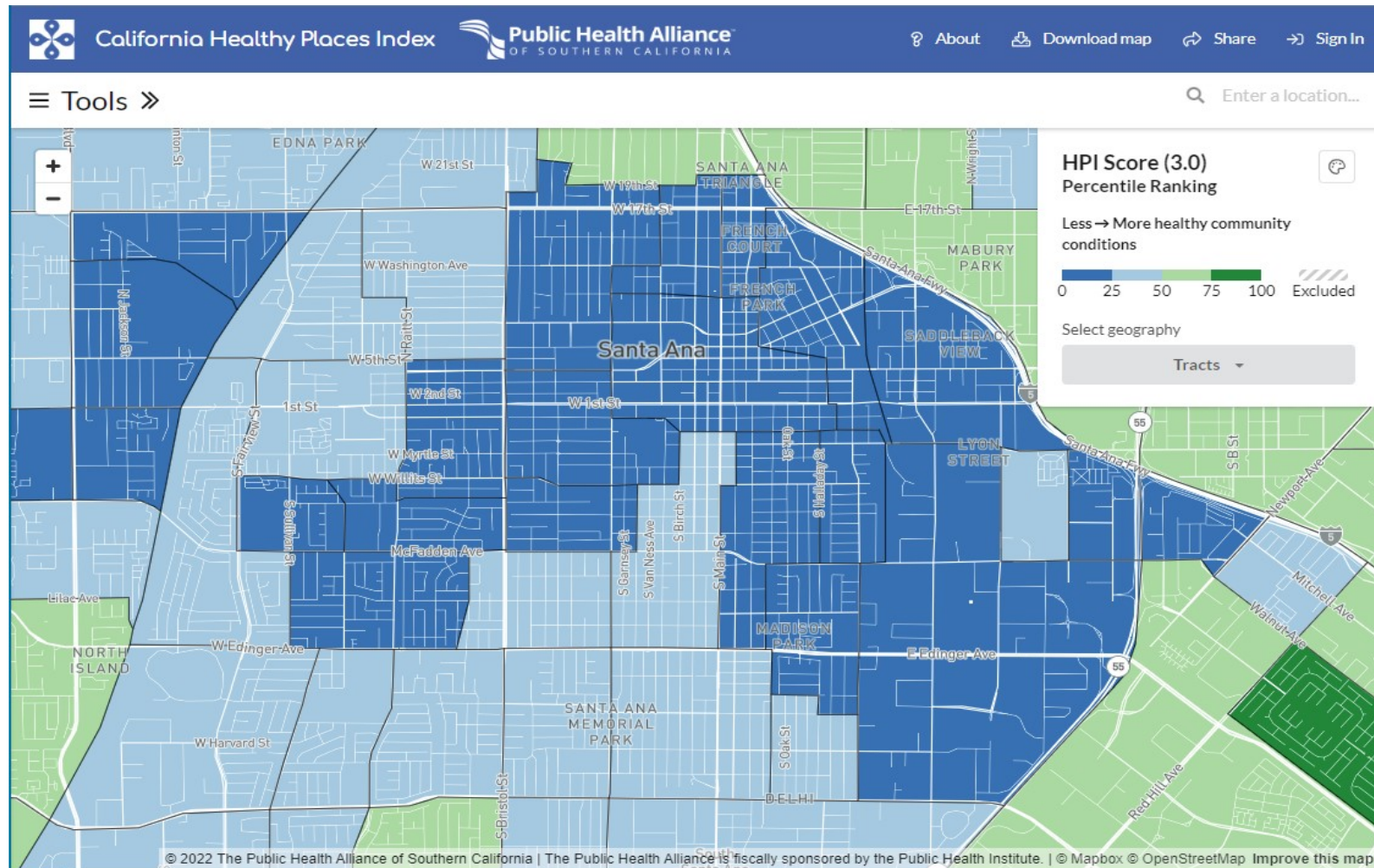
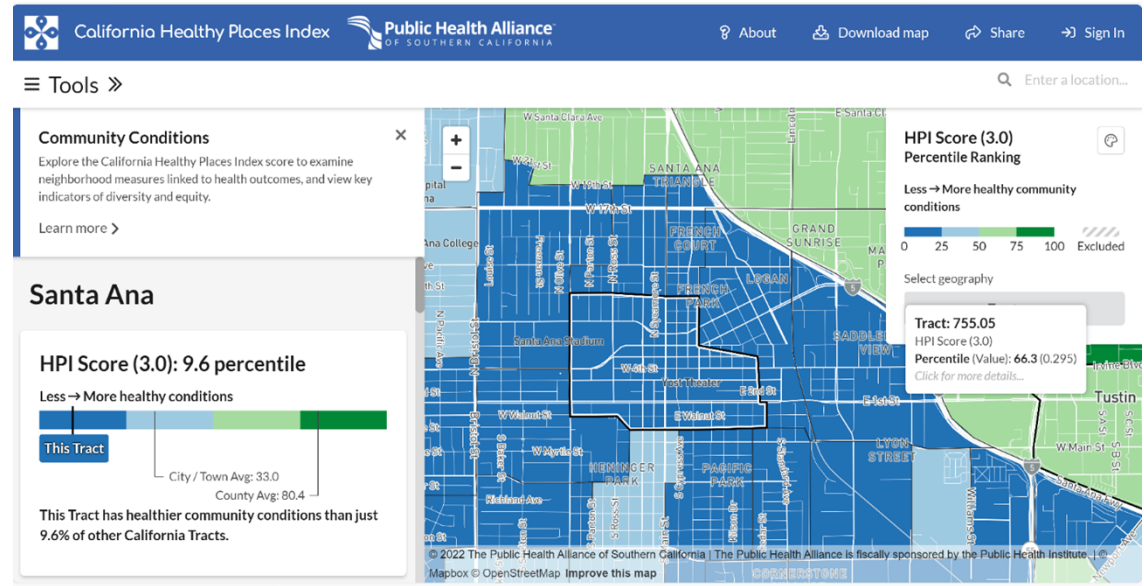
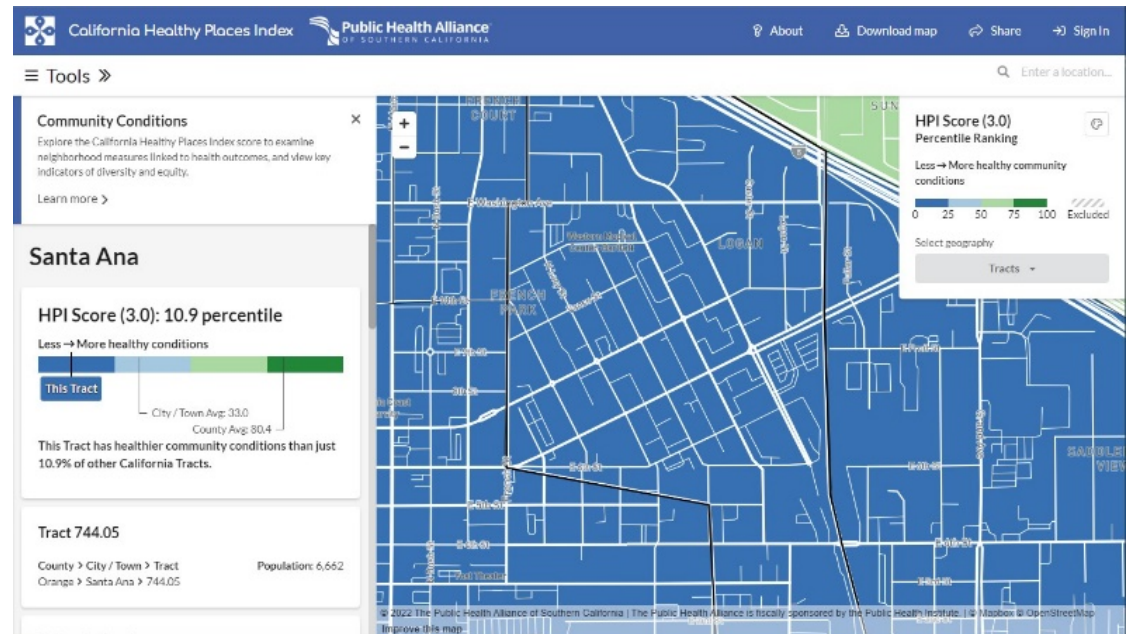


EXHIBIT 3 - Logan and Lacy Community Summary Infographic and Environmental Justice (EJ) Data Maps (Continued)

Using the HPI mapping tool, the **Lacy neighborhood** ranks at a **9.6% of the least healthy community conditions**.



Using the HPI mapping tool, the **Logan neighborhood** ranks on the **LOW end**, showing nearly **11% of the least healthy community conditions**.



City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	1.1	Yes	Engage EJ communities on recreation and cultural programs. Incorporate community stakeholders from environmental justice communities to form an Environmental Justice Action Committee to guide the identification of recreational and cultural programing needs and desires.	PRCSA / PBA	2023
Community	1.2	Yes	Community conversation. Plan for and conduct a community survey every two years related to community health, pollution concerns, parks, community engagement, and community service needs, with focused outreach to environmental justice priority areas utilizing various platforms, such as social media and school events, to encourage substantial survey participation.	CMO	Every two years
Community	1.3	Yes	Collaboration. Develop intentional, strategic partnerships with public, private, and nonprofit entities to improve health outcomes by leveraging capacity, resources, and programs around mutually beneficial initiatives that promote health, equity, and sustainability in neighborhoods within environmental justice area boundaries. Develop a comprehensive partnership policy providing guidelines that can be used throughout the City organization.	PBA/PRCSA	2022 -2024
Community	1.4	Yes	Community coordination on underutilized spaces. Coordinate with community residents, property owners, and other stakeholders to identify vacant and potentially underutilized properties and strategize how such properties could be repurposed into public parks or commercial recreation facilities.	PBA/PRCSA	2022 & ongoing
Community	1.5	Yes	Alternative facilities. In park deficient and environmental justice areas, identify facilities that are viable alternatives to public parks and municipal facilities for recreational, cultural, and health and wellness programs, including but not limited to school facilities, facilities of faith-based and civic organizations, and privately owned recreation and entertainment facilities. Identify, inventory, and rank other resources for potential park system acquisition, expansion to existing parks, and/or parks development opportunity within the community.	PRCSA	2022
Community	1.6	Yes	Program accessibility. To ensure residents of environmental justice area boundaries have access to recreational, cultural, and health and wellness programs, establish accessibility corridors that provide attractive, comfortable, and safe pedestrian and bike access to public recreational facilities in the Parks Master Plan (an implementation action of the Open Space Element). Identify public realm improvements needed to create these accessibility corridors. Prioritize investments for accessibility corridors in the city's capital investment program; include investments for accessibility corridors when investments are made in new parks and recreation facilities within environmental justice area boundaries.	PRCSA/PWA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	1.7	Yes	Rental property outreach. Augment the Proactive Rental Enforcement Team and Residential Response Team with additional outreach geared toward absentee owners of rental properties. Create and periodically distribute outreach materials in order to educate absentee owners about legal obligations to maintain and upkeep rental properties. Distribute information to tenants about their rights and protection, so they are not penalized for reporting or living in a dwelling unit that does not meet health and safety standards. Translate outreach efforts into Spanish, Vietnamese, and other appropriate languages. Prioritize such outreach for properties within environmental justice area boundaries.	PBA	2022 & Ongoing
Community	1.8	Yes	Neighborhood rehabilitation. Continue to seek state and federal funding for neighborhood rehabilitation projects and collaborate with community-based organizations to identify housing issues and improvements needed, especially for housing within environmental justice area boundaries.	CDA	Ongoing
Community	2.1	Yes	Facilities to support lifelong learning. For areas within park deficient and environmental justice areas , conduct, maintain, and publicize an inventory of public, nongovernmental, and private facilities that can be used by organizations to support early childhood education, after school activities, libraries and learning centers, and other meetings and educational opportunities.	CMO	2024
Community	2.2	Yes	Public realm. Identify areas in need of a public realm plan to provide attractive, comfortable, and safe walking corridors to promote accessibility to community programs or activity centers, in conjunction with the City's Active Transportation Plan.	PWA/PBA	Ongoing
Community	3.1	Yes	Community health care facilities. Evaluate options to support existing and potential community health care facilities in environmental justice focus areas through a variety of mechanisms such as reduced permit fees, reduced impact fees, and tax incentives.	PBA/CMO	2023
Community	3.2	Yes	Pedestrian access to health facilities. Ensure that new or redeveloped health care facilities include pedestrian-friendly site amenities. In areas where mobile clinics are stationed, ensure the location is safe and accessible for pedestrians, cyclists, and transit users.	PBA	Ongoing
Community	3.3	Yes	Health metrics. Engage with the Orange County Health Care Agency and other stakeholders to monitor key health indicators to measure the success of the outcome of General Plan policies and the implementation plan, including reduction in incidence in asthma and low birth weight of infants.	PBA/CMO	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Community	3.4	Yes	Prevention activities. Coordinate with the County Health Care Agency to identify the root causes of health disparities and inequities in Santa Ana, with additional detail for residents living within environmental justice area boundaries. Identify potential programmatic changes and resources to better address the root causes.	PBA/CMO	2022 - 2024
Community	3.5	Yes	Environmental education. Encourage all education institutions in Santa Ana to include curriculum regarding environmental justice and local efforts to promote clean business operations, environmental quality, and the health in our community.	PBA/CMO	2022 - 2024
Community	3.6	Yes	Fresh and healthy foods. Pursue programs, incentives, and/or grants to encourage urban agriculture and small grocery or convenience stores to sell fresh foods in the city, especially those within environmental justice area boundaries. Examples include grants or loans to purchase updated equipment, publicity, or directories of healthy food outlets, or connecting stores to wholesale sources of healthy, local, or organic food.	CDA	2022
Community	3.6A	Yes	Food Deserts. Collaborate with Orange County Health Care Agency (OCHCA) to gather and map food desert data, and share publicly through the City's Environmental Quality webpage.	PBA	2024
Community	3.7	Yes	Public health and wellness collaboration summit. Collaborate with health care providers, health and wellness advocates, and other public health stakeholders to identify ways to improve the provision of and access to health and wellness services throughout the city. Include a discussion on areas within environmental justice area boundaries and other areas underserved by parks, programs and services that support health and wellness.	PRCSA	2022 & ongoing
Community	3.8	Yes	Environmental soil and human health screening measures. Collaborate with Orange County Health Care Agency, and local stakeholders such as Orange County Environmental Justice and UC Irvine Public Health, in efforts to provide increased healthcare services (i.e., blood lead testing, treatment) for residents, especially those that reside in environmental justice communities. Additionally, collaborate to advocate for adjustment of the County and State policies for health and environmental screening levels to promote healthy outcomes related to lead contamination as recommended by health experts.	PBA	Ongoing
Community	3.9	Yes	Environmental Justice Staff. Identify funding and hire a full-time Environmental Justice staff member to collaborate with the community to implement the environmental justice policies and actions including community outreach, collaboration on environmental health studies, pursuing grants, and coordination with federal, state, and local agencies regarding environmental concerns in the City.	CMO	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.1	Yes	Air quality planning. Review existing and monitor the development of new air monitoring and emissions reduction plans prepared by the South Coast Air Quality Management District. Gather and evaluate measures and strategies in such plans for their applicability to and feasibility for Santa Ana.	PBA	2022 & annually
Conservation	1.2	Yes	Community identification. Coordinate with the South Coast Air Quality Management District and local stakeholders to pursue a priority community designation for eligible environmental justice areas of the city , with focus on areas with unique needs and highest pollution burden as identified in the CalEnviroScreen tool. If such designation is not awarded, seek grant funds for activities such as local air quality monitoring.	PBA	2022 & Ongoing
Conservation	1.3	Yes	Proactive engagement. Collaborate with the South Coast Air Quality Management District and local stakeholders in environmental justice areas experiencing local air pollutions issues to outline objectives and strategies for monitoring air pollution in advance of the establishment of a community emissions reduction and/or air monitoring plan.	PBA	2022 & Ongoing
Conservation	1.4	Yes	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.	PBA	2022 - 2027
Conservation	1.5	Yes	Agency permits. Monitor the South Coast Air Quality Management District permitting and inspection process and the Orange County Health Care Agency to identify businesses in Santa Ana with potential hazardous materials or by-products, with a special focus on environmental justice communities. Serve as a liaison for residents to identify potential emission violations. Share information and data with the community on the City's Environmental Quality web page.	PBA	2022 & Ongoing
Conservation	1.6	Yes	Emissions monitoring. Coordinate with the South Coast Air Quality Management District to monitor existing air measurements and recommend new air measurements and locations.	PBA	2022 & Ongoing
Conservation	1.7	Yes	Truck idling. Evaluate strategies to reduce truck idling found or reported in areas with sensitive receptors, with a priority placed on environmental justice areas	PBA/PD	2022 - 2024
Conservation	1.8	Yes	Improve older trucks. Promote the City's Vehicle Replacement Plan and explore the replacement of older trucks through City participation in regional incentive programs and education of Santa Ana private fleet owners of program opportunities.	PWA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.9	Yes	Indirect source rules. Support the development of indirect source rules, drayage truck rules, advanced clean truck routes, and heavy-duty low NOx rules by the South Coast Air Quality Management District.	CMO	Ongoing
Conservation	1.10	Yes	Interagency team. Establish an environmental quality interagency team to evaluate, monitor, and make recommendations to address air quality and environmental hazard issues, with a special focus on environmental justice areas. Publish results and information on the City's website through a dedicated Santa Ana Environmental Quality web page.	PBA	2022 & Ongoing
Conservation	1.11	Yes	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.	PBA/PWA	Ongoing
Conservation	1.12	Yes	Data collection for emissions plans. Coordinate with the South Coast Air Quality Management District to explore ways to initiate data collection efforts for a community emissions reduction and/or community air monitoring plan, including the identification of information needed (new or updated), potential data sources and needed resources, and strategies to engage residents and collect information.	PBA	2022
Conservation	1.13	Yes	Community survey on healthy lifestyles. Plan for and conduct a community survey of residents every two years related to community health, pollution, parks, community engagement, and community services, with focused outreach for environment justice concerns and priority areas (tie into other City efforts like Strategic Plan, park and recreation planning, community benefits, etc.). Report findings of survey through the various media platforms and utilize input to inform periodic evaluation and update of General Plan.	CMO	Every two years
Conservation	1.14	Yes	Expanded interactions. Identify opportunities to expand regular attendance and support neighborhood associations and community groups to hold regular meetings with City staff and decision-makers in neighborhoods within environmental justice communities, so that residents, community organizations and businesses can communicate their unique issues and needs, as well as their recommendations on how best to implement environmental quality, environmental health, and environmental justice policies. Arrange for language interpretation services as needed at these meetings so that all residents can participate.	PBA/CMO	Ongoing
Conservation	1.15	Yes	Expanded representation. Expand representation of residents from neighborhoods within environmental justice area boundaries by extending residents from such areas to become board, commission, and task force members as openings occur	PBA/CMO	Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Conservation	1.16	Yes	City budget. Evaluate the City's budget and financial policies to include direction for prioritizing public services and improvements within environmental justice area boundaries. Augment budget meeting presentations to include a section dedicated to the status of actions and improvements to address the needs of residents within environmental justice area boundaries.	CMO	Annually
Economic Prosperity	3.5	Yes	Green business incentives. Continue to promote and market the Recycling Market Development Zone. Develop an incentive program to encourage nonpolluting industry and clean green technology companies that reduce environmental impacts and the carbon footprint to locate to the city. Encourage existing businesses to invest in technology and best practice to transition to sustainable business practices.	CDA	Ongoing
Historical Preservation	3.8	Yes	Equitable access. Establish a fee reduction or waiver program for low-income applicants to ensure equitable access and participation in the Mills Act Program.	PBA	2023
Land Use	2.10	Yes	Open space requirements. Evaluate public open space and park requirements in the zoning code for residential and nonresidential uses. Consider requirements and/or incentives to aggregate public open space areas required by two or more uses to form larger and more usable areas and facilities.	PBA/PRCSA	2022 - 2027
Land Use	3.2	Yes	Design guidelines and standards. Update the zoning code's 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, schools, day care, and public facilities.	PBA	2022 - 2027
Land Use	3.3	Yes	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.	PBA	2022
Land Use	3.4	Yes	Funding for air filtration. Seek funding from South Coast Air Quality Management District and other regional sources for the installation of high-efficiency air filtration systems in buildings, homes, and schools located in areas with high levels of localized air pollution, especially for those within environmental justice area boundaries.	PBA	2022
Land Use	3.5	Yes	Business incentive. Explore economic development incentives and grant funding to encourage existing or draw new business investments in the industrial zones to incorporate more environmentally sustainable practices.	CDA	Ongoing
Land Use	3.6	Yes	Lead paint abatement. Coordinate with County of Orange Health Care Agency and community organizations to strengthen local programs and initiatives to eliminate lead-based paint hazards, with priority given to residential buildings located within environmental justice area boundaries.	CDA / PBA	2021 & Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.14	Yes	Sunshine ordinance. Update City Sunshine Ordinance, incorporating best practices for outreach in environmental justice areas in Santa Ana	CMO	2022
Land Use	3.15	Yes	Communication tools. Explore tools for communication with residents and sensitive receptors when new industrial uses are proposed in their areas	PBA	2022 - 2024
Land Use	3.16	Yes	Health in corridors. Require a Health Risk Assessment to identify best practices to minimize air quality and noise impacts when considering new residential uses within 500 feet of a freeway.	PBA	2022 - 2027
Land Use	3.17	Yes	Training for safe practice. Pursue the EPA Renovate Right Program to train local residential contractors for certification as lead renovators to promote safe work practices and prevent lead contamination.	PBA	2022
Land Use	3.18	Yes	Renovations and lead prevention. Evaluate the feasibility of requiring contractor training and/or certification for safe work practices to conduct residential renovations for pre-1978 structures that may contain existing lead paint.	PBA & CDA	Ongoing
Land Use	3.19	Yes	Promote health. Partner with local organizations (e.g., OC Health Care Agency, Latino Health Access, Santa Ana Unified School District, Garden Grove Unified School District, Orange County Environmental Justice, and the Coalition of Community Health Centers) to increase blood lead testing, outreach, education, and referral services through a 'promotora' or community peer outreach model that addresses the root causes of elevated blood lead levels impacting Santa Ana residents, with special focus in environmental justice communities and for children living in pre-1978 housing.	PBA	2022 - Ongoing
Land Use	3.20	Yes	Safe housing. Require all residential rehabilitation projects that use local, or HUD federal funds to comply with the Lead Safe Housing Rule, to remove lead paint hazards, depending on the nature of work and the dollar amount of federal investment in the property	CDA	Ongoing
Land Use	3.21	Yes	Prevention education. Collaborate with local organizations such as Orange County Health Care Agency, State Environmental Protection Agency, and community-based environmental justice organizations to identify funds and create a Santa Ana Prevent Lead Poisoning Education Program, with special focus on disadvantaged communities and pre-1978 housing stock.	PBA	2022 - Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.22	Yes	Public health outcomes. Support the Orange County Health Care Agency in their role in investigating public complaints regarding unsafe lead work practices and lead hazards wherein children are present, through enforcement of local housing standards to assure healthy outcomes, including for individuals and households presenting with concerns about lead exposure and/or with confirmed lead levels of >3.5ug/dL, which the Centers for Disease Control and Prevention indicates as the threshold for follow-up and case management in children.	PBA	2022 & Ongoing
Land Use	3.23	Yes	Agency permits. Work with South Coast Air Quality Management District and Orange County Health Care Agency to evaluate existing special permit process and criteria for approval, and identify potential policy changes to minimize issuance of special permits with potential health impacts.	PBA	2022
Land Use	3.24	Yes	Public health. Partner with Orange County Health Care Agency and community serving organizations to evaluate best practices and benefits of preparing a Public Health Plan to address environmental hazards in Santa Ana, with special focus in environmental justice communities. Conduct public meetings to gather information and present preliminary findings.	PBA	2022 - 2024
Land Use	3.25	Yes	Engage EJ communities. Work with community serving organizations, neighborhood leaders, and residents to form an Ad Hoc Committee to develop ongoing EJ Community Engagement programs for existing and new disadvantaged EJ communities, including multilingual communication protocols. Host quarterly Roundtable meetings with local stakeholders to guide and evaluate implementation of environmental justice policies.	PBA	2022
Land Use	3.26	Yes	Health conditions. Work with state agencies including the Department of Toxic Substances Control and South Coast Air Quality Management District, Orange County Health Care Agency and local	PBA	Ongoing
Land Use	3.27	Yes	Groundwater practice. Coordinate with the State Department of Toxic Substances Control (DTSC) to monitor the Santa Ana Southeast Groundwater Clean Up Project and identify measurable progress to remediate groundwater contamination. Share information with the community on the City's Environmental Quality web page.	PBA	Ongoing

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Land Use	3.28	Yes	Tenant protections. Provide information to residential tenants regarding Landlord Tenant Laws in the State, such as AB 1481, and Santa Ana's Just Cause for Tenant Eviction and Rent Stabilization ordinance that provide protections against evictions for those who seek action to improve substandard housing and hazardous conditions.	PBA	2022 & Ongoing
Land Use	3.29	Yes	Development site history. Update the City's Development Review application process to require developers to provide information regarding the prior use of the site and history of hazardous materials on the property, in order to identify potential for site contamination from hazardous materials or soil lead contamination to be remediated.	PBA	2022
Land Use	4.6	Yes	Fireworks and environmental pollution. Study the data available to understand the health effects and environmental exposure, including air quality and noise impacts, from airborne sources such as fireworks shows and displays, with special focus on environmental justice areas.	PBA/CMO/PD	2022 - 2024
Land Use	4.7	Yes	Construction improvements. Identify best practices and communication tools to monitor mitigation measures and oversight of private and public construction improvements to protect the health and safety of health of the community, with focus on environmental justice areas.	PWA/PBA	Ongoing
Mobility	3.5	Yes	Safe routes to schools and parks. Develop and pursue implementation of a Safe Routes to School Plan and a Safe Routes to Parks Plan	PWA/PRCSA	Ongoing
Mobility	4.5	Yes	Citywide Design Guidelines update. Update the Citywide Design Guidelines to strengthen pedestrian and cyclist linkages to development centers and residential neighborhoods and coordinate on-site landscape with public realm landscaping.	PBA/PWA	2022 - 2027
Mobility	5.8	Yes	Air quality improvements. Participate in inter-jurisdictional efforts to promote improvements in air quality and to meet state and federal mandates through advanced technology and TDM programs	PBA/PWA	2021-2035
Open Space	1.2	Yes	Interagency Forum. Convene an interagency forum to take a coordinated approach to evaluating the feasibility for converting City-owned properties to parkland, with special focus in park deficient and environmental justice areas.	PRCSA	2022
Open Space	1.7	Yes	Public parkland requirements for residential projects. Update the Residential Development Fee Ordinance for large residential projects, which include projects of 100 residential units or more, to require public parkland within the City limits and a 10-minute walking distance of the new residential projects.	PBA/PRCSA	2022

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Open Space	1.7A	Yes	Open space and park land incentives. Allow developers a reduction in on-site open space by giving credits for park land for public use. Establish a process and program to incentivize developers to provide additional on-site and/or publicly accessible open space to create public park land and open space. Research and collaborate with residents, developers, and community organizations to design and implement an open space density bonus to incentivize the creation of additional on-site open space in exchange for more density in the project.	PBA & PRCSA	2022-2027
Open Space	1.10	Yes	New parkland collaborative. Coordinate with property owners to explore options to provide public access and programming on privately-owned open space in park deficient areas, including options to acquire land through purchase, land dedication, easements, and land leases that would allow for permanent or temporary public use of land for open space and recreational opportunities.	PRCSA	2022 & Ongoing
Open Space	1.11	Yes	Joint-use agreements. Coordinate with public school districts, private schools, and other community organizations to provide community members with access to additional open space and recreational resources.	PRCSA	2022 & Ongoing
Open Space	1.13	Yes	New programming in underserved areas. Partner with community organizations to offer new programs that are accessible to residents who live in areas underserved by open space and recreational facilities. Develop a comprehensive partnership policy providing guidelines that can be used throughout the City organization.	PRCSA	2022
Open Space	1.14	Yes	Community partnerships. Continue building partnerships with community-based organizations that administer social services to the elderly, youth, and other special needs groups; create use agreements for these providers to use public park facilities to meet the recreational and educational needs of these groups.	PRCSA	Ongoing
Open Space	1.15	Yes	Community input. Identify and utilize multilingual and interactive community engagement tools, initiated through the Parks and Recreation Master Plan, for residents and facility users to provide ongoing input about open space needs, park design, facility improvements, and programming	PRCSA	2022
Open Space	1.16	Yes	Acquisitions to meet park standard. Using the Park Master Plan as guidance, identify and acquire property within the City for park and open space use which will focus on bringing the park and recreation system to three acres of land per 1,000 residents with a plan to keep pace with future urban growth.	PRCSA	2022 & ongoing
Public Services	1.4	Yes	Fiscal priority for public improvements. Identify City fiscal and operational procedures and potential thresholds involved in the prioritization of general funds for public programming, service, or infrastructure improvements for residents living within environmental justice area boundaries.	CMO	2021 & annually

City of Santa Ana
General Plan EJ Actions

GENERAL PLAN ELEMENT	REF #	EJ policy	IMPLEMENTATION ACTION	RESPONSIBLE DEPT/ AGENCY	TIME FRAME
Safety	2.4	Yes	Lead contamination. Work with local and regional partners, such as Orange County Environmental Justice, Orange County Health Care Agency and University of California at Irvine Public Health, to understand the prevalence, sources, and implications of lead contamination of soil across Santa Ana. Collaborate with environmental justice stakeholders in proposing solutions to remove hazardous lead-contaminated soils in the city and with benchmarks to measure and track effectiveness of proposed programs.	PBA/CDA	Ongoing
Safety	2.5	Yes	Business education. Collaborate with state and county agencies and trade organizations to educate and inform industrial business owners about permit regulations required for safe facility operations and about best practices.	PBA/CDA	Ongoing