

SPECIFIC DEVELOPMENT No. 82

AMENDMENT APPLICATION 2023-03

NS-3056

ORDINANCE NO. NS-3056

ZONING ORDINANCE AMENDMENT NO. 2023-03 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 82 (SD-82) TO EXPAND THE BOUNDARIES OF THE SD-82 AND TO AMEND VARIOUS SECTIONS OF THE SD-82 TO ALLOW FOR THE CREATION OF THREE (3) LAND USE ZONES, NEW PERMITTED USES AND ANCILLARY USES, AND ADMINISTRATIVE REQUIREMENTS FOR PROPERTY MAINTENANCE, COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) AND RECIPROCAL PARKING AND ACCESS AGREEMENTS

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. On October 20, 2008, the City Council adopted Ordinance No. NS-2777, rezoning the property located at 2501 West Fifth Street, described as Parcels 1 and 2 of Parcel Map No. 84-886, as shown on a map filed in Book 198, Pages 19-20 of Parcels Maps in the Office of the County Recorder of Orange County, California, from Light Industrial (M-1) to Specific Development Plan No. 82 (SD-82).
- B. On January 21, 2020, the City Council adopted Ordinance No. NS-2983, to amend the Santa Ana Municipal Code (SAMC) to include a definition of “schools”; allow schools as a permitted use in SD-82; to adopt a set of operational standards for schools within SD-82; allow Vista Heritage Charter School to expand to 66,000 square feet in size; and allow Vista Heritage Charter School to expand the student enrollment to 870 students.
- C. The proposed Project would only affect Parcel 1, 2, and 4, of Parcel Map No. 84-886, as shown on a Map filed in Book 198, Pages 19-20 of Parcel Maps in the Office of the County Recorder of Orange County, California.
- D. The proposed Project entails, among other things, (1) Approval of Amendment Application No. 2023-04 to change the zoning designation for the property located at 601 North Fairview Street (APN: 405-241-04) from Light Industrial (M1) to Specific Development No. 82 (SD-82); and (2) approval of Zoning Ordinance Amendment No. 2023-03 to expand the boundaries of SD-82 and to allow for Administrative Offices, Surface Parking, and Private Outdoor Community Areas as a permitted use on Parcel 4, and Outdoor Play Area on Parcel 2, ancillary to the Vista Heritage Charter School. Parcel 2 and 4 are as shown on Parcel Map No. 84-886, as

shown on a Map filed in Book 198, Pages 19-20 of Parcel Maps in the Office of the County Recorder of Orange County, California.

- E. The approval of the text amendments, permissible uses, and development standards are consistent with the General Plan land use designation of Industrial/Flex-1.5 (Flex 1.5) and the designated West Santa Ana Boulevard Focus Area. On April 19, 2022, the City adopted the General Plan Update which went into effect on May 26, 2022. The Flex-1.5 land use designation encourages industrial uses that do not produce significant air pollutants including office-industrial flex spaces, small-scale clean manufacturing, among other uses. The proposed zoning amendment advances the vision for the subject site's General Plan Focus Area and will bring the site into alignment and compliance with the General Plan through reducing and eliminating traditional heavy industrial and noxious uses currently allowable on the properties. Furthermore, the West Santa Ana Boulevard Focus Area envisions a mixed-use corridor with a goal of transitioning out existing auto-oriented and traditional industrial uses to clean manufacturing and research and development uses, and live-work maker spaces that are compatible and can coexist with residential and other sensitive land uses such as schools, churches, and recreation facilities. In addition, the focus area would transition a group of auto-oriented neighborhoods and institutions into a series of transit-oriented neighborhoods that support and benefit from future streetcar stops. In order to accomplish the goals of the General Plan, the focus area promotes infill development while respecting established neighborhoods and providing buffers from industrial to residential neighborhoods. The proposed project will create a buffer from industrial uses to residential by changing the use of an auto-repair building into an office space. Additionally, the proposed project proposes landscape improvements and a community garden that will further act as buffers and accomplish the goals of the General Plan.
- F. The applicant has demonstrated compliance with all requirements of the Sunshine Ordinance codified at SAMC Section 2-153, including public notification and hosting of required community meetings. Materials resulting from the meetings were subsequently posted to the City's webpage for the project.
- G. On December 11, 2023, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2023-03.
- H. On January 16, 2024, the City Council held a duly noticed public hearing and voted to recommend that the City Council adopt an ordinance approving Zoning Ordinance Amendment No. 2023-03.
- I. For the reasons contained herein, and each of them, Zoning Ordinance Amendment No. 2023-3 is hereby found and determined to be consistent with the intent and purpose of Chapter 41 of the SAMC; thus, changing the

zoning district is found to be consistent with the General Plan of the City of Santa Ana and otherwise justified by the public necessity, convenience, and general welfare.

Section 2. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 3. The City Council has reviewed and considered the information contained in the analysis performed pursuant to the California Environmental Quality Act (CEQA) (Environmental Review No. 2023-40). In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. Class 1 exemption applies to the operation, repair maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The subject project is proposing the change of use of an existing industrial building that was previously used for an auto repair business to be used for administrative office purposes. Additionally, the project is exempt from further review pursuant to Public Resources Code section 21083.3 and CEQA Guidelines Section 15183, the Project is exempt from further review. This type of exemption analysis evaluates whether the potential environmental impacts of the proposed change of use for the existing 5,837-square-foot building from auto-repair to administrative office and site improvements that include new landscape, façade remodel, and new outdoor areas for the office and the school are addressed in the *City of Santa Ana General Plan Update Final Recirculated Program Environmental Impact Report* (GPU EIR). A rezoning that is consistent with an adopted general plan falls within this exemption.

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

(B) The GPU was adopted, and the GPU EIR certified, in April 2022 (State Clearinghouse Number 2020029087); the GPU went into effect on May 26, 2022. Any decision by the City affecting land use and development must be consistent with the GPU. The GPU EIR evaluates the potential environmental effects associated with implementation of the GPU and addresses appropriate and feasible mitigation measures that would minimize or eliminate these impacts. A project is consistent with the GPU if its development density is the same or less than the standard expressed for the involved parcel in the general plan for which an EIR has been certified, and the project complies with the density-related standards contained in that plan. CEQA Guidelines section 15183(i)(2). Development density standards can include the number of dwelling units per

acre, the number of people in a given area, floor area ratio (FAR), and other measures of building intensity, building height, size limitations, and use restrictions.

(C) The GPU identifies that the Interim Development Standard for the FLEX-1.5 area is M1. The M1 zone provides for a variety of light industrial uses, including warehousing, manufacture, assembly, machine shops, wholesale businesses and ancillary uses such as office uses that do not exceed thirty (30) percent of the gross floor area. The Project would result in a FAR of 0.14, which is within the projections of the GPU EIR, which evaluated a density of 1.5 FAR on the site. The GPU EIR adequately anticipated and analyzed the impacts of this Project and identified applicable mitigation measures necessary to reduce impacts of the Project, and the Project implements the applicable mitigation measures.

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

1. The Project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified. The Project would result in a FAR of 0.14, which is less than the maximum FAR of 1.5 allowable in the FLEX-1.5 designated area, which is the development density established by the GPU and analyzed in the GPU EIR. The Project site has an Interim Development Standard of M-1 (light Industrial zone). The M-1 zone does not have density requirements.
2. There are no Project specific effects which are peculiar to the Project or its site, and which the GPU EIR failed to analyze as significant effects. The subject property is similar to other properties in the area, including its land use designation and zoning. The property does not support any peculiar environmental features, and the Project would not result in any peculiar effects. In addition, as explained further in the prepared Exemption Checklist, project impacts were adequately analyzed by the GPU EIR; and as detailed in the GPU EIR, development projects pursuant to the GPU, such as the proposed Project, could result in potentially significant impacts to air quality, greenhouse gas emissions, and noise. However, applicable mitigation measures specified within the GPU EIR would reduce potential impacts to a less than significant level.
3. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate. The Project is consistent with the density and use characteristics of the development considered by the GPU EIR and would represent a small part of the growth that was forecast for build-out of the GPU. The GPU EIR considered the incremental impacts of the Project, and as explained further in the prepared Exemption Checklist, no potentially significant off-site or cumulative impacts have been identified which were not previously evaluated.
4. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR. As explained in the prepared Exemption Checklist, no new information has been identified which would result in a determination of a more severe impact than what had been anticipated by the GPU

EIR.

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

(E) The Project therefore qualifies for an exemption from additional environmental review as set forth in Public Resources Code section 21083.3 and CEQA Guidelines Section 15183. The full exemption analysis is provided in Exhibit 7 of the staff report accompanying this Ordinance. Based on this analysis, a Notice of Exemption, Environmental Review No. 2023-40 will be filed for this project.

Section 4. The Specific Development No. 82 (SD-82) zoning document is hereby amended to read as follows:

**TEMPLO CALVARIO ASSEMBLY OF GOD
Specific Development Plan No. 82**

Section 1. Applicability of Ordinance

The specific development zoning district for the Templo Calvario Assembly of God Church, as authorized by Chapter 41, Division 26, Sec. 41-593 et. seq. of the Santa Ana Municipal Code (SAMC), is specifically subject to the standards and regulations contained in this plan for the express purpose of establishing land use regulations and standards. All other applicable chapters, articles and sections of the SAMC shall apply unless expressly stated or superseded by this ordinance.

Section 2. Purpose

The Specific Development Plan No. 82 (SD-82) for Templo Calvario consist of standards and regulations established for the express purpose of protecting the health, safety and general welfare of the people of the City of Santa Ana by promoting and enhancing the value of properties and encouraging orderly development of the property.

Section 3. Uses Permitted

A parcel or building within the Specific Development Plan No. 82 (SD-82) shall be occupied by only the land uses allowed by this Section 3, and as permitted in created Zones, hereinafter referred to as Zone 1, Zone 2, and Zone 3 ("Zones"), as adopted and depicted in Attachment A.

Zone 1

1. The permitted land uses within Zone 1 shall be as follows:
 - (a) Administrative offices.
 - (b) Surface parking lot for off-street parking purposes only, exclusive to Parcels 1, 2, and 4 of Parcel Map No. 84-886, as shown on a Map filed in Book 198, Pages 19-20 of Parcel Maps in the Office of the County Recorder of Orange County, California, and any future adjoining parcels that may form part of the Civic Center Business Park or its future successors.
 - (c) Private outdoor community area, to be accessible to all Zones, but shall not be used exclusively for school purposes, including but not limited to, outdoor play area, school children play area, nor for school recreational activities.

Zone 2

2. The permitted land uses within Zone 2 shall be as follows:
 - (a) The compounding, processing or treatment of raw or previously used materials into a finished or semi-finished product, excluding those specified in SAMC section 41-489.5.
 - (b) The manufacturing of products from raw or previously treated materials, excluding those specified in SAMC section 41-489.5.
 - (c) The assembly of products from raw or previously treated materials, excluding those specified in SAMC section 41-489.5.
 - (d) The packaging or distribution of previously prepared products or materials, excluding those specified in SAMC section 41-489.5.
 - (e) Warehousing
 - (f) Wholesale establishments where the primary trade is business-to-business sale of products, supplies and equipment.
3. The following uses are permitted when ancillary to any use permitted or permitted with the approval of a conditional use permit in Zone 2:
 - (a) Administrative office occupying up to thirty (30) percent of the gross floor area.

- (b) Product sales or service uses occupying up to five (5) percent of the gross floor area.
 - (c) Enclosed storage where the goods, materials or supplies stored are the property of the owner or operator of the building or structure occupying up to thirty (30) percent.
4. The following uses may be permitted in Zone 2 subject to the approval of a conditional use permit in accordance with Section 41-638 of the SAMC:
- (a) Principal industrial uses occupying less than seventy (70) percent of the gross floor area with the remainder of the floor area allocated to office use only.
 - (b) Childcare facilities other than as permitted by section 41-472.1 of the SAMC.
 - (c) Trade schools which provide instruction which requires the operation of heavy equipment or machinery normally associated with manufacturing operations such as woodworking or machine shops.
 - (d) Industrial medical clinics which offer medical services by referral only and do not offer overnight stays.
 - (e) Administrative office use ancillary to a permitted industrial use occupying more than thirty (30) percent of the gross floor area.

Zone 3

5. The permitted land uses within Zone 3 shall be as follows:
- (a) Schools and ancillary school uses.
6. The following uses are permitted when ancillary to any uses permitted or permitted with the approval of a conditional use permit in Zone 3:
- (a) Outdoor play area, ancillary to school uses.
7. The following uses may be permitted in Zone 3 subject to the approval of a conditional use permit in accordance with Section 41-638 of the SAMC:
- (a) Churches and ancillary church uses.

Section 4. Development Standards

1. **Walls and Screening.** Any equipment, whether on the roof, side of building or ground, shall be screened. The method of screening shall be architecturally integrated with the building in terms of materials, color, shape and size.

2. **Landscaping Standards.** All landscaped areas shall be irrigated using an automatic irrigation system. The project shall provide landscaping consistent with the existing landscape theme and existing improvements on-site. A six-inch raised concrete curb shall be required around all landscape planters unless approved by the City Landscape Associate.
 - (a) A landscape area not less than 5 feet wide shall be maintained on the north (OCTA right-of-way) parking lot on Fairview Street.

 - (b) All new landscape planters and landscaped areas shall meet the commercial landscape planter standards.

 - (c) Vine pockets shall be provided along the north (OCTA right-of-way) block wall every 15 feet.

3. **Architectural and Design Features.**
 - (a) Exterior Materials: Changes to the exterior materials and finishes shall be submitted to the Planning Division for review and approval. The materials and finishes shall be consistent with those found on the site.

 - (b) Trash Enclosure: Trash enclosures and similar ancillary structures are to match the texture, materials and color palette of the proposed buildings.

 - (c) Lighting Standards/Fixtures: A minimum of one-foot candle of light shall be provided throughout the parking area. Specifications of light standards/fixtures and photometrics plan shall be submitted to the Planning Division for approval.

4. **School Operational Standards**
 - (a) A Traffic Plan shall be submitted for review and approval. The Plan shall include specifics on school bus drop-off and pick-up areas (limited to front of building), student drop-off and pick-up areas (limited to rear of building), and the driveways to be used for these functions.

- (b) A Safety Plan shall be submitted for review and approval. At a minimum, the Plan shall include provisions for student safety to the campus, during school operating hours, and safety exiting the campus.
- (c) Physical education activities shall be limited to indoors and the outdoor designated gated area. Any changes to the designated outdoor play area shall be submitted to the Planning Division for review and approval.
- (d) Student enrollment for the school shall be capped at a maximum of 870 students.
- (e) A Parking Management Plan shall be submitted to the Planning Division prior to the start of each school year. The plan shall be submitted to Planning Staff and the community association at least 15 days prior to the start of school. The Plan shall include provisions for parking during special events at the school.
- (f) The school shall submit an annual Special Events Program to Planning Staff and the community association at least 15 days prior to the start of the school year. The Program shall include provisions for notification of neighbors within SD-82, vehicle circulation, and parking during special events at the school.
- (g) Schools are subject to periodic review by the Planning Division to ensure compliance with the school; Operational Standards. Failure to comply with the Operational Standards may result in a review by the Planning Commission for further action.

5. Property Maintenance.

- (a) Graffiti: All graffiti shall be removed from the premises within 24 hours of discovery and/or notification of graffiti on the premises.
- (b) Parking Lot/Drive Aisles: Parking and driveway areas located on the parcels shall be kept in a good and clean condition. Standards maintenance and repairs of paved surfaces shall be conducted on a regular basis. The normal cleaning and removal of refuse and trash shall occur on the premises.

- (c) Landscaping: All landscaping shall be maintained at all times. Any dead or missing landscaping shall be replaced in a timely manner.

Section 5. Covenants, Conditions and Restrictions (CC&Rs) and Reciprocal Parking and Access Agreements

- (a) The CC&Rs governing the subject properties shall be refined and submitted to the City prior to permit issuance of any site improvements, included but not limited to the following:
- I. Square footage addition to any of the existing buildings
 - II. Fences
 - III. Storage sheds
 - IV. Landscape planters
- (b) A copy of a recorded and executed reciprocal parking and access agreement shall be provided to the Planning and Building Agency (PBA), prior to permit issuance of any site improvements as listed in Section 5 (a). The reciprocal parking and access agreement shall include language for reciprocal parking and access among legal Parcels 1, 2, and 4, as shown on Parcel Map No. 84-886, as shown on a Map filed in Book 198, Pages 19-20 of Parcel Maps in the Office of the County Recorder of Orange County, California.
- (c) Alternative to the requirements in Section 5(b), an equivalent action/document can be provided to the PBA ensuring that the subject properties meet all required off-street parking and access requirements.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this 20th day of February, 2024.


Valerie Amezoua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho City Attorney

for By: Laura A. Rossini
Jose Montoya
Assistant City Attorney

AYES: Councilmembers Amezcuca, Becerra, Hernandez, Lopez, Penaloza, Phan, Vazquez (7)

NOES: Councilmembers None (0)


ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Ordinance No. NS-3056 to be the original ordinance adopted by the City Council of the City of Santa Ana on February 20, 2024 and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 2/20/2024


Jennifer L. Hall
City Clerk
City of Santa Ana

Attachment A

