

Study Session: Proposed Amendments to Transit Zoning Code (SD-84)



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Study Session: Transit Zoning Code (SD-84) Update
Planning Commission
February 10, 2025

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- What Comes Next
- Discussion





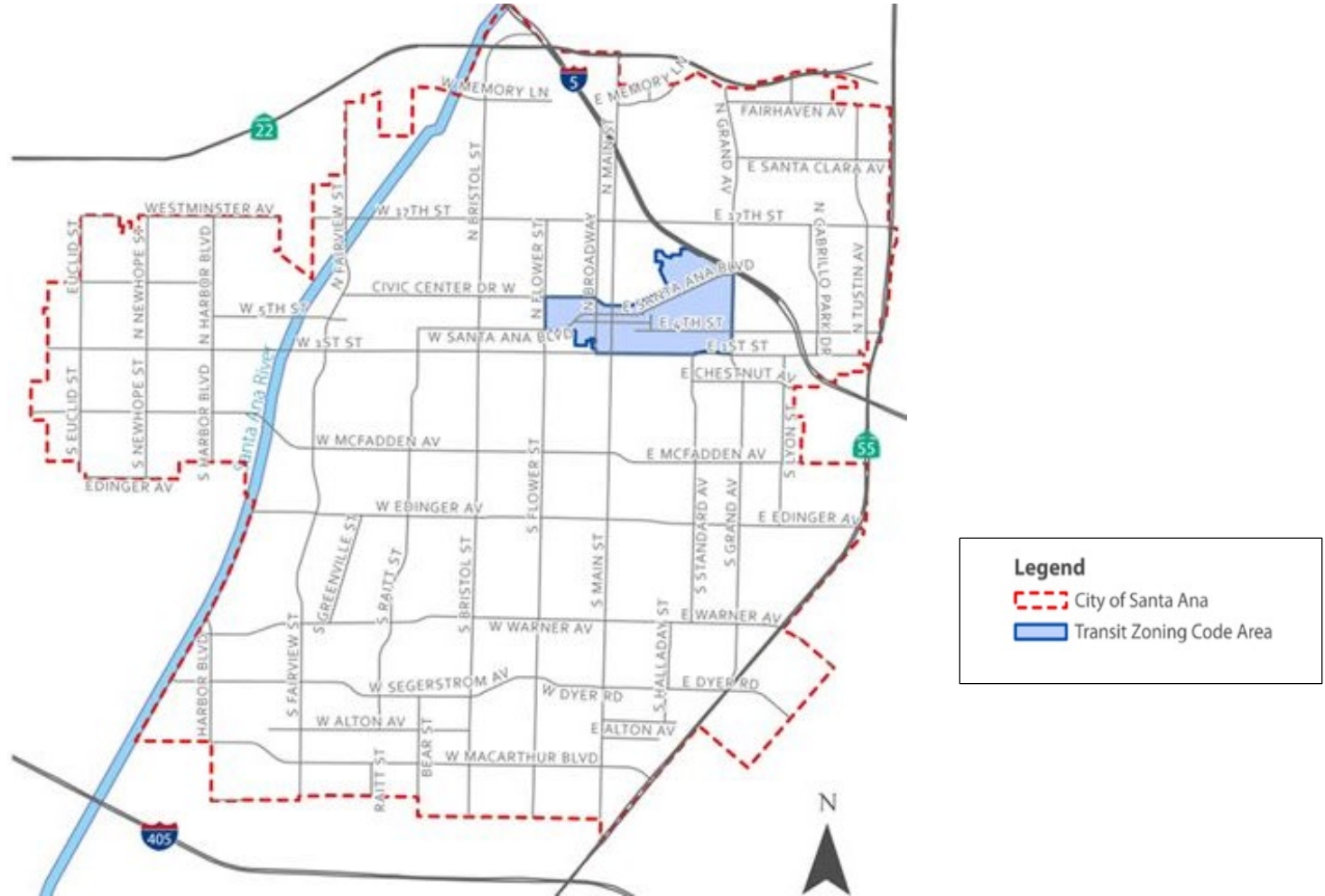
Project Background



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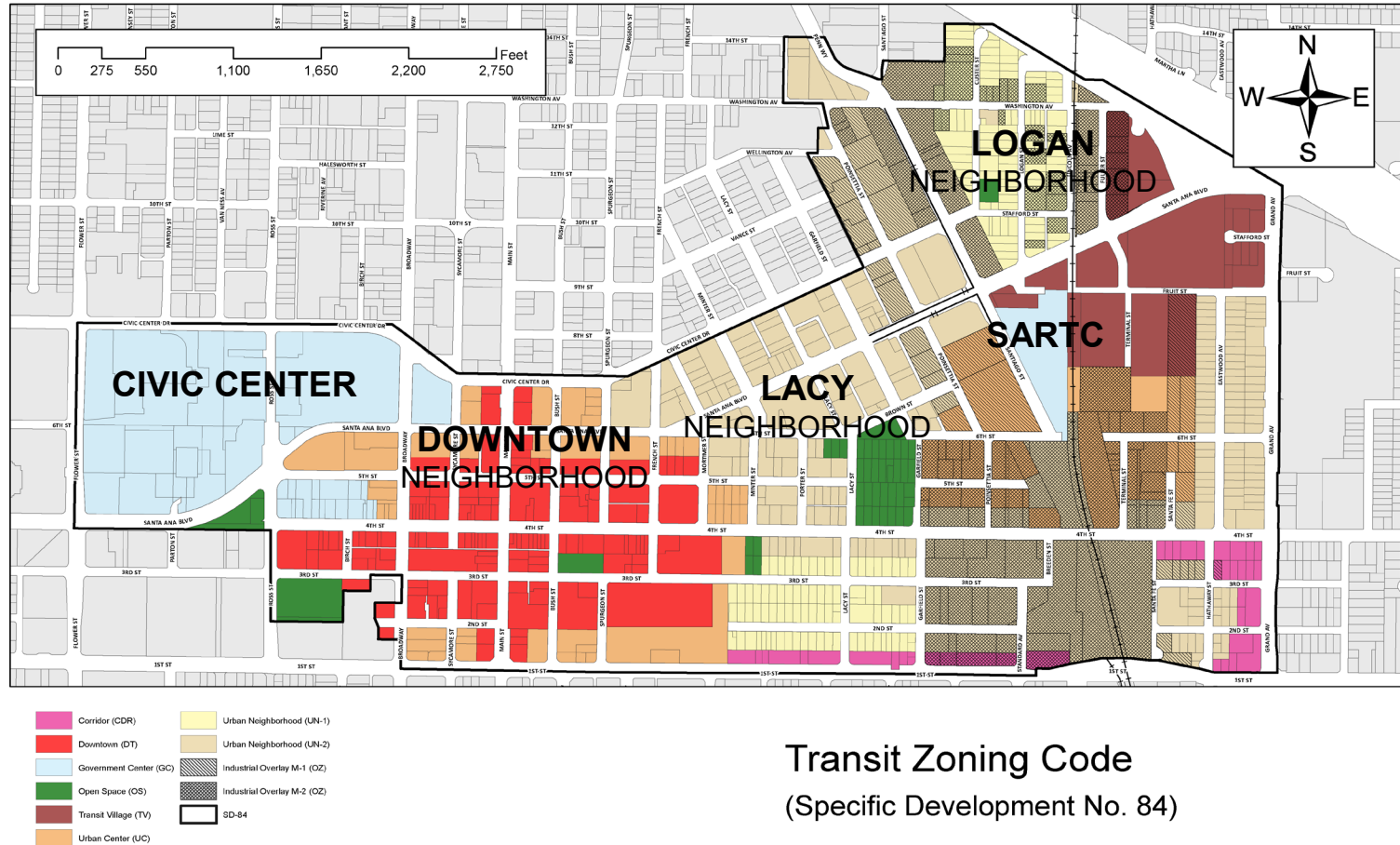
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Project Area: Transit Zoning Code (SD-84)



Transit Zoning Code (SD-84)

Zoning Designation Map with Industrial Overlay



Transit Zoning Code
(Specific Development No. 84)



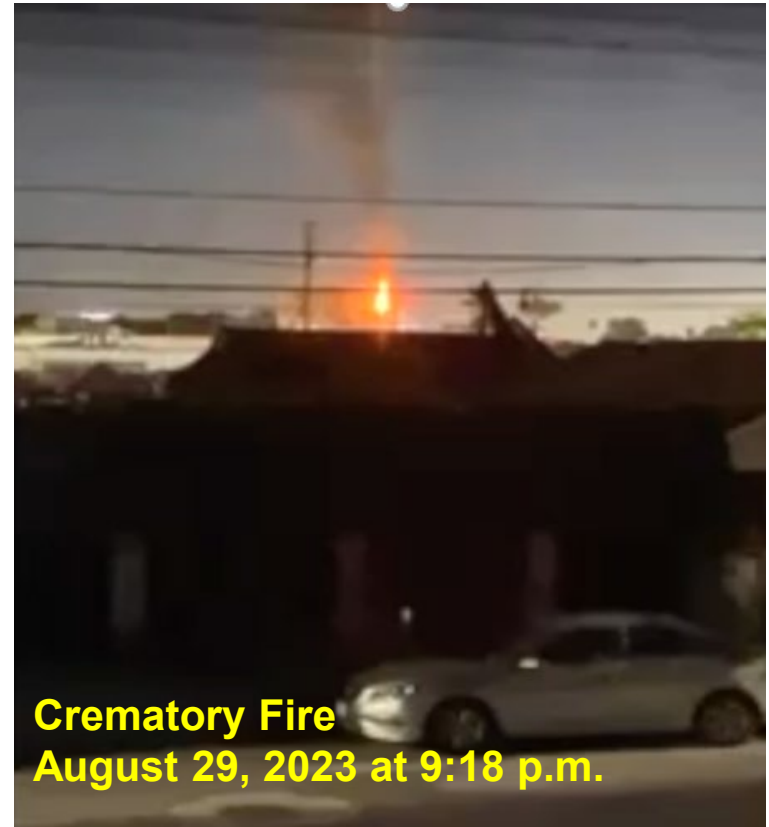
Why We Are Here

- Moratorium adopted and extended by the City Council
 - Growing community complaints and calls for service regarding polluting facilities operating in or adjacent to neighborhoods.
 - Regulatory compliance issues of industrial businesses.
 - Prioritize addressing issues caused by incompatible land uses.
- City Council Direction to Staff during moratorium
 - Evaluate land use regulations in the TZC (SD-84) and, before the moratorium expires on April 15, 2025, propose permanent regulations to phase out industrial uses.



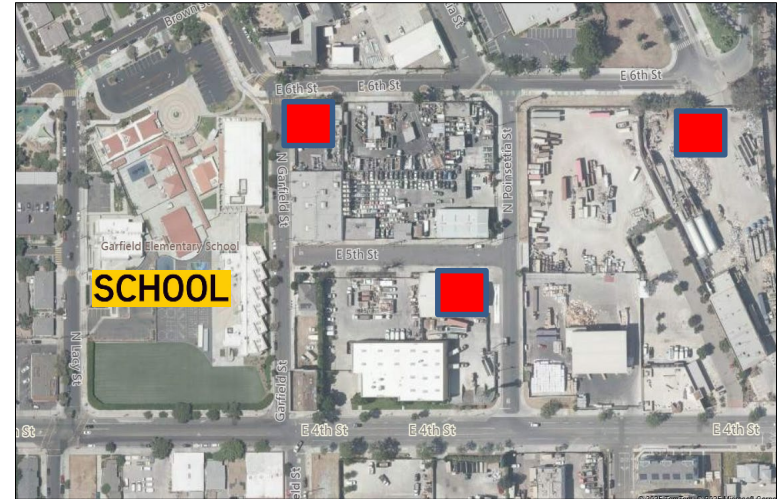
How We Got Here

- Moratorium adopted by City Council on April 16, 2024 and extended on May 21, 2024
- Moratorium remains in effect until April 15, 2025
- Decision is rooted in:
 - Community complaints and calls for service.
 - Regulatory compliance issues of industrial businesses.
 - Issues caused by incompatible and irreconcilable land uses.



How We Got Here

- Ongoing Concerns and Complaints. Examples:
 - Trash and Recycling facilities on E. Sixth Street and E. Fifth Street near Garfield Elementary
 - Idling trucks and dust from open industrial facilities operating in the area affect residents, elderly, children, and others.
- Staff researched appropriate recommendations to address ongoing concerns in the Transit Zoning Code (SD-84).



Incompatibility Since 2010

- Adoption of TZC established new land use designations and zoning for all of the properties within the plan boundary for new mixed-use communities, transit infrastructure, preserving the existing character and pedestrian scale of area.
- General Plan land use designations adopted in 2010 did not include industrial uses. They included mixed-use residential/commercial.
- Two overlay zones, Light Industrial (M1) and Heavy Industrial (M2), were applied to certain properties allowing them to continue operating as industrial zone, with the option of future mixed-use development to be exercised at the discretion of the property owner.
 - Since 2010, industrial uses have remained, changed ownership, undergone expansions or intensifications. Currently, 130 industrial businesses are in the area.
 - Industrial activities have created numerous land use conflicts and disturbances with existing and new infill residential communities that affect surrounding residents.
 - Impacts include odors, dust, traffic, noise, vibrations, and other documented impacts.



How We Are Listening

- Adoption and extension of the Moratorium resulted in community input from property owners, business owners, real estate brokers, residents, and advocacy organizations.
- Since then, staff have been available to listen to these constituents in a variety of ways:
 - Meetings
 - Emails
 - Phone calls
 - Creation of a project webpage
 - Field visits with affected businesses, residents, real estate brokers, and more.



How We Are Listening

- City Informational Meeting (Oct. 22, 2024) held at Santa Ana Regional Transportation Center.
 - 150 attendees
 - Meeting notice and Frequently Asked Questions (FAQ) sheet mailed to all property owners and addresses in SD-84
- Comprehensive Zoning Code Update Business Stakeholder Meetings held on Nov. 18 & 21, 2024
 - Dedicated breakout session to listen to TZC business owners' concerns, despite different focus of meetings
- Tonight's Study Session continues the process of listening and gathering input to review and refine the draft regulations.
- The Study Session PowerPoint is available to the public on the Moratorium webpage.
- Input from Study Session/correspondence to be used in updating FAQ.



How We Are Sharing Information

- A dedicated project/Moratorium webpage to keep the public informed and updated on new information.
- Draft regulations made available on January 15, 2025—posted to project/Moratorium webpage and emailed to interested parties.
- Study Session and Public Hearing Notice mailed to all property owners/addresses in TZC in English and Spanish.
- Study Session and Public Hearing Notice posted to webpage:
<https://www.santa-ana.org/transit-zoning-code-update/>
- Study Session and Public Hearing Notice published in the OC Register.
- Weekly Neighborhood Newsletter email broadcast going to over 2,900 community contacts, including neighborhood associations and leaders.
- Updates to the City's Environmental Justice Action Committee and Southwest Cluster EJ Action Committee meeting (November 20, 2024), comprising of resident representatives from each EJ Cluster (Northeast, Central, Southeast, Southwest, and West) and CBO's (GREEN-MPNA and OC EJ).
- Residents from Logan and Lacy neighborhoods to meet before Public Hearing.



What We Have Heard from the Community

- Industrial and other businesses, real estate brokers
 - Negative impacts of the proposed regulations on their businesses, workers, and property values
 - Inability to pass their businesses on to future owners
 - Difficulty complying with any new or proposed operating standards
 - Against any proposed amortization process
 - Recent industrial property purchasers with loan/debt obligations are in difficult circumstance
 - Desire for compensation if phased out
 - High cost of converting existing buildings to be tenanted by permitted uses
 - Modify proposed noxious uses section of ordinance to allow cleaner industrial uses to continue operating as nonconforming
 - Concerns about related traffic, trespassing, vandalism, and crime stemming from other business operations or on the public right-of-way near the school and in other locations



What We Have Heard from the Community

- Resident Comments

- Tired of ongoing problems with industrial and other businesses, idling trucks, noise, weekend street blockages, unpermitted uses, zoning violations, and health concerns
- Concerns about increased traffic, trespassing, vandalism, and crime, particularly near schools
- Increased property values and cleaner businesses are hopeful, but displacement is a concern due to rising rents
- Confirmation that any proposed amortization does not apply to residences
- The future of existing commercial and small businesses (outside the overlay zones and not industrial) is also a concern. Industrial and other workers who live in the area concerned about job loss
- How proposed amendments affect owners from the lofts (live-work units) in the area
- Continue informing residents about proposed changes in English and Spanish, residents have expressed they want their space to discuss and share concerns among themselves





Project Discussion



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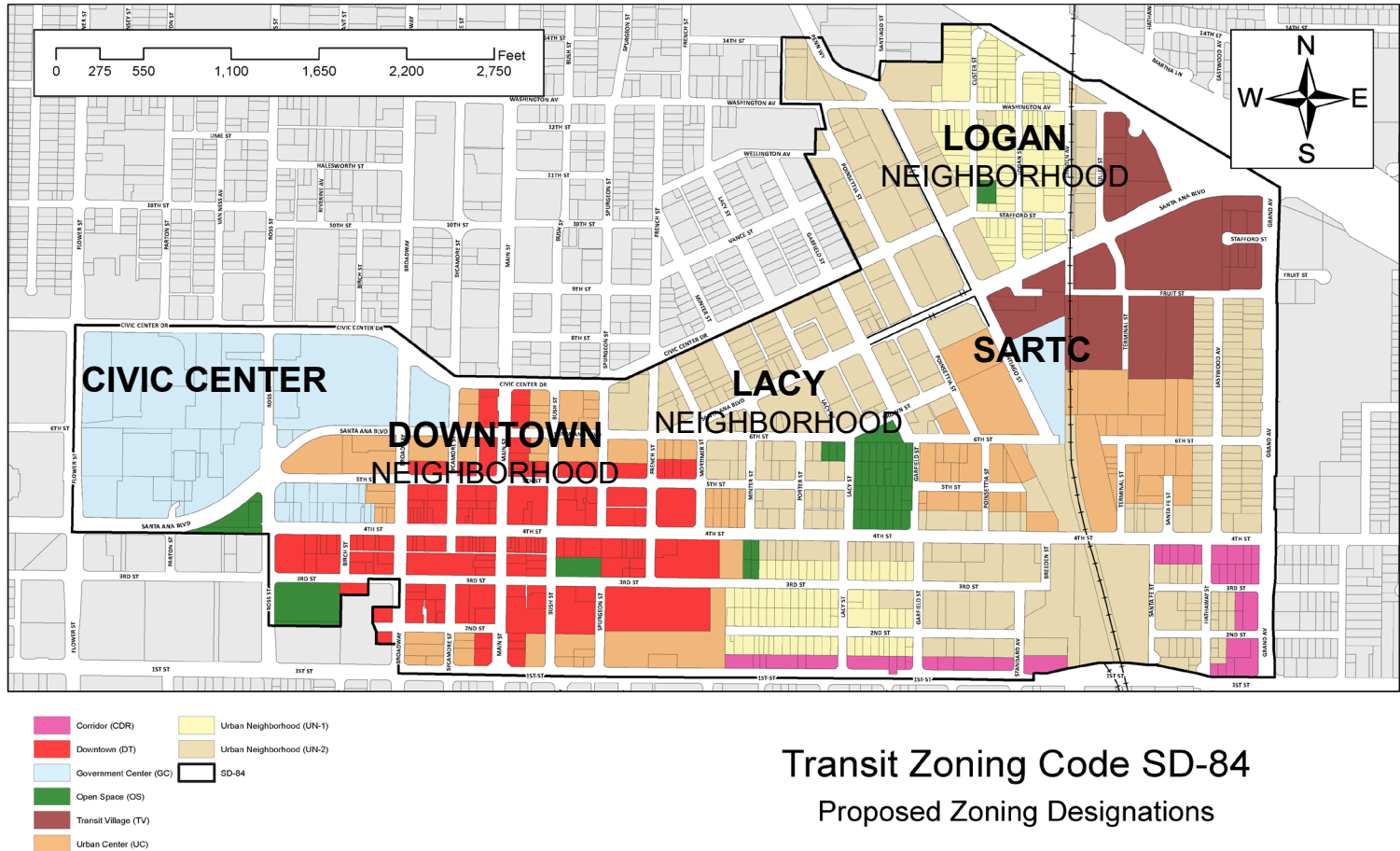
Overview of Proposed Regulations

Amendments are categorized in four components:

- 1) Map Change: Removal of the Industrial Overlay Zones (M1/M2)
- 2) Nonconforming Code Provisions and Operating Standards
- 3) Updates to Permitted Uses
- 4) New Amortization Process



1) Map Change



Transit Zoning Code SD-84 Proposed Zoning Designations



2) Nonconforming Provisions & Operating Standards

- New regulations for operation of any existing, legally established, nonconforming industrial use, that covers:
 - General Standards
 - Enclosed Operations
 - Air Emissions and Dust
 - Light, Glare, and Heat
 - Ground vibration
 - Outdoor Storage and Screening
 - Hazardous Materials, Liquid, and Solid Waste
 - Site Maintenance
 - Truck Parking and Loading, and
 - Hours of Operation



2) Nonconforming Provisions & Operating Standards

- Further limits some rehabilitation of buildings and structures, with specific emphasis on nonconforming industrial uses:
 - Prohibits expansion of a building or structure occupied by a nonconforming industrial use
- Discontinuance of nonconforming noxious uses through thresholds triggered by code violations or through transfer of business to new owner
- Abatement of a Public Nuisance
- Establishes authority for voluntary compliance agreements between the City and nonconforming uses



3) Updates to Permitted Uses

- New uses must comply with the Permitted Use Table
- Industrial and noxious type uses deleted (e.g., *mortuaries, funeral homes and manufacturing-light*).
- New uses consistent with the types of uses permitted that can re-tenant industrial type buildings have been added (e.g., *Trade School and Artisan/craft product – limited on-site production*).



3) Updates to Permitted Uses

- Uses not listed in the Permitted Use Table or explicitly listed as not permitted are not allowed
 - Includes Noxious Uses, which requires a permit from a regional, state, or federal agency to handle, store, emit or discharge particulate materials; exhaust emissions; or handle, store, emit or discharge regulated compounds, hazardous materials, chemicals, or substances that is located within one thousand (1,000) linear feet of a public park, school, or residential property



4) New Amortization Process

- Tool available if other regulations intended to address ongoing land use conflicts do not result in change
- Eliminate Nonconforming Uses and Structures through Amortization
 - Develop a framework to amortize nonconforming industrial businesses using data, metrics, and operational characteristics
 - An independent Hearing Officer will determine a reasonable amortization period (within the limits of Subsection b) for terminating nonconforming uses or structures.
 - Establishes an amortization period for a nonconforming use or structure to be discontinued and removed from a site or sites
 - Hearing Officer Determination and Compliance
 - Consequences for Failure to Comply with Hearing Officer's Determination



Goals of the Proposed Regulations

- Address incompatible and irreconcilable land uses and their resulting conflicts.
- Lessen the strain on residents and reduce the constant demand of City resources (code enforcement, city police, fire, etc.) responding to calls for service related to problematic industrial operations impacting the health and safety of neighborhoods.
- Protect the health, safety, and welfare of existing and future residents of the TZC through the use of the new amortization process to phase out and discontinue higher-polluting nonconforming industrial uses in the community.



Goals of the Proposed Regulations

- Continue the transition of the TZC started in 2010 to a transit-oriented, mixed-use area primarily focused on compatible residential and commercial development by eliminating incompatible industrial uses and establishing clear operational standards.
- Pursue solutions that foster compatibility between residential and nonresidential land uses within the TZC to enhance livability and improve public health and quality of life.



General Plan Consistency

- Proposed amendments are also consistent with numerous policies of the General Plan. 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),
- Policies aim to correct past land use planning practices that have placed an unequitable environmental and health burden on certain neighborhoods now termed *disadvantaged communities*. (multiple policies that support staff's implementation of the Council's policy direction)



What Comes Next



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What Comes Next

- **Week of February 18, 2025:** Publish Staff Report, Draft Zoning Ordinance and Map Amendments, and CEQA Addendum to the SD-84 Transit Zoning Code Final EIR
- **February 20, 2025:** Publish Updated Frequently Asked Questions (FAQ) in response to TZC (SD-84) questions from stakeholders (businesses, residents, and other community members) on the project webpage
- **February 24, 2025:** Planning Commission Public Hearing
- **Tentative: March 2025** City Council (First Reading)
- **Tentative: April 2025** City Council (Second Reading)





Planning Commission Discussion



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