

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

JULY 13, 2020

TITLE:

**PUBLIC HEARING – CONDITIONAL USE PERMIT
NO. 2020-13 TO ALLOW A TRUCK TERMINAL
AND DISTRIBUTION CENTER AND VARIANCE
NO. 2020-02 TO ALLOW A REDUCTION IN OFF-
STREET PARKING AT 515 EAST DYER ROAD – DOUG
HINRICHS, APPLICANT**

Prepared by Ivan Orozco

Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

- As Recommended
- As Amended
- Set Public Hearing For _____

DENIED

- Applicant's Request
- Staff Recommendation

CONTINUED TO _____

Planning Manager

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2020-13 as conditioned to allow a truck terminal within the Light Industrial (M-1) zoning district.
2. Adopt a resolution approving Variance No. 2020-02 as conditioned to allow a reduction in off-street parking.

Executive Summary

Doug Hinrichs, representing Amazon, is requesting approval of a conditional use permit (CUP) to allow the operation of a truck terminal and distribution center and a variance to allow a reduction in off-street parking for the property located at 515 East Dyer Road. Specifically, the applicant is requesting a CUP pursuant to Section 41-472.5(i) to allow a freight, bus, and truck terminal in the M-1 zoning district and a variance from Section 41-1397 of the Santa Ana Municipal Code (SAMC) requiring two parking spaces per every 1,000 square feet of building area and one additional space per fleet vehicle. Staff is recommending approval of the entitlements as the proposed project will provide additional services to residents and workers in the area. The project has been designed to minimize impacts to the nearby sensitive land uses and the use will activate the currently vacant site.

Table 1: Project and Location Information

Item	Information
Project Address	515 East Dyer Road
Nearest Intersection	Dyer Road and Halladay Street

Item	Information	
Surrounding Land Uses (Exhibit 1)	North	Industrial
	East	Industrial
	South	Industrial
	West	Industrial
General Plan Designation	Industrial (IND)	
Zoning Designation	Light Industrial (M-1)	
Property Size	769,270 SF (17.66 acres)	
Existing Conditions	370,000-Square Foot Vacant Building	
Development Standards	SAMC Sections 41-474 through 41-478 and 41-1397	
Use Permissions/CUP/Variance	SAMC Section 41-472.5(i) and Section 41-1397	

Project Description

The applicant is proposing to utilize an existing 370,000-square foot vacant industrial building and establish a distribution center and truck terminal. The existing building has been vacant for several years, but was previously utilized by similar industrial uses. The project scope includes tenant improvements involving demolition of an existing office portion of the building to create room for on-site vehicle circulation, a new warehouse/distribution area with conveyor belts and associated machinery, new employee offices and common areas, and a designated interior parking area for the employees (Exhibit 5). The building also contains loading docks and roll-up doors, canopy structures and a large truck delivery area. The improvements will also include a completely new perimeter wall throughout the Dyer Road and Halladay Street frontages, with new tiered-landscaping and signage.

As proposed, the site will provide a total of 414 on-site parking stalls located inside the building and throughout the site. There are two designated queuing lines for delivery vans to follow, located on the south and north drive aisles; delivery vans will travel eastbound and utilize the loading docks on either sides of the building. Packages will be collected and the majority of the vans will exit on Halladay Street (Exhibit 4). The landscaped area located on both frontages will meet the minimum 10-foot requirement along Halladay Street and the 20-foot requirement along Dyer Road.

The architecture of the building will be enhanced with new canopies that will serve as shade for the queuing vans and fenestration to the plain rectangular-shaped industrial building (Exhibit 6). Table 2 provides a detailed comparison of the project’s compliance with the applicable development standards.

Table 2: Development Standards

Standard	Required by Light Industrial (M-1) Zone	Provided
Front yard setback	20 feet minimum	Complies: 100 feet

Standard	Required by Light Industrial (M-1) Zone	Provided
Side yard (street) setback	10 feet minimum	Complies: 200 feet
Side yard (interior) setback	0 feet minimum	Complies; 63 feet
Rear yard setback	0 feet minimum	Complies; 60 feet to canopy overhang
Lot Size & Frontage	12,000 sq. ft. and 100 feet	Complies; approximately 769,270 sq. ft. and 2,072 feet
Building height	35 feet maximum	Complies; 27 feet
Parking	837 Spaces	Does not comply; 414 spaces
Floor Area Ratio (FAR)	0.45 FAR maximum	Complies; 0.45 FAR

Project Background and Chronology

The property has been vacant for several years. Prior to the proposed distribution center, the building was occupied by warehouse and manufacturing uses. The building was originally constructed in 1954 for the U.S. Rubber Company. In 1955, the building expanded by 90,000 square feet, and in 1965 approximately 200,000 square feet was added to the site. In order to meet the development standards and parking for the addition, a variance for a parking reduction was also requested and approved in 1965. The U.S. Rubber Company later vacated the site, with Uniroyal taking over the operation of the large industrial building. In 2006, Royalty Carpet Mills, Inc. moved into the building as the main tenant, but vacated shortly after in 2017.

A new variance for a reduction in parking is now required due to a new use being proposed and because the site was vacant for more than one year. Additionally, permits were issued in 2018 to construct speculative improvements for the new tenant. These improvements included a façade remodel, parking redesigns, and new landscaping. The proposed tenant, Amazon, is currently in plan check with several submittals that would finalize the tenant specific site and building improvements.

Project Analysis

Conditional Use Permit for Truck Terminal

CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial.

The applicant is requesting approval of a CUP to allow the operation of a truck terminal and distribution center. The M-1 zoning district allows for a range of industrial uses complementary to the large industrial areas located along main arterial corridors, such as Dyer Road. Freight, bus,

and truck terminals in the M-1 zoning district require approval of a CUP to ensure high-quality design and site planning that will not disrupt circulation and development patterns along such arterial roadways or create traffic impacts along the same corridors that lead to freeway systems surrounding the City boundaries. The CUP also provides a means to ensure high-quality operations, site circulation, and to mitigate impacts on possible neighboring sensitive uses. Additionally, the SAMC requires specific operational standards for industrial uses, which are listed under Section 41-473. The City has reviewed the proposal to operate the site as a truck terminal and distribution center and has determined the project meets all SAMC development standards and Citywide Design Guidelines, with the exception of the required off-street parking.

The applicant's request for a CUP to allow a truck terminal and distribution center will provide an added amenity to the property, employment opportunities to residents in the City, and the activation of a vacant industrial building and site. The City's Development Review Committee has reviewed the proposed operations and traffic flow for potential impacts. The applicant has submitted a focused traffic study which describes the expected generated trips per day. Modifications to site vehicle circulation will ensure that those operational guidelines will provide for a smooth daily operation of the distribution center. Moreover, the creation of an on-site drive aisle connection from the south queuing lane to the larger truck delivery dock area will allow the flow of vans to exit onto Halladay Street for those traveling eastbound.

The proposed use complies with the regulations and conditions in Chapter 41, including building heights, yards, and landscaping. Conditions of approval have been added to ensure the operations do not negatively affect any surrounding uses and to require a property maintenance agreement for the property to ensure that the property and all improvements are properly maintained. Finally, the applicant is proposing several site improvements, including full perimeter screening and landscaping, that will bring the site into compliance with the required operational standards listed in Section 41-473 of the SAMC.

Off-Street Parking Variance

The applicant is requesting approval of a variance to allow a parking reduction for the truck terminal and distribution center. Per the off-street parking standards found in Section 41-1397 of the SAMC, a freight, bus, and truck terminal use requires two parking spaces for every 1,000 square feet of building area plus 1 parking space for every two fleet vehicles. The subject site is over 17 acres in size with the building at approximately 370,000 square feet. In order to meet the required number of stalls, the site would need to contain 837 on-site parking spaces, with the tenant only providing 414, requiring a variance of approximately 49 percent. Constructing the full amount of on-site parking would render the project infeasible. Options would include having to demolish a large portion of the building or dedicating the majority of the property to parking.

The applicant has prepared a traffic assessment for the project that was reviewed and approved by the City's Development Review Committee. The traffic assessment also contains a breakdown of the site's employee shifts, which indicate that at no point during the shifts will more than 414 workers be on site. This employee shift system is designed to prevent overwhelming

the site’s capacity for parking and logistical operations, such as delivery van loading and unloading, as well as nearby roadways. Therefore, the 414 on-site parking spaces will be sufficient to meet the on-site employees’ parking needs.

The site is completely built out to the maximum floor area ratio (FAR) possible for the Industrial General Plan land use designation, which is 0.45 FAR. Because of the substantially large building and the current parking demand for the industrial uses, substantial modifications would need to be made in order to meet the minimum required parking. In addition, all other uses in the M-1 zoning district besides a warehouse use, would require a variance for parking reduction, as those uses require more parking than what is currently provided on site. The applicant has devoted approximately one-third of the building to on-site parking, leaving the remaining square footage of the building for distribution equipment in order to reduce the amount of parking being requested.

Recent site improvements have been completed in an effort to provide additional parking on the project site. By providing more on-site parking, the percentage of the on-site parking variance is less. The new parking areas are located along the eastern side of the property adjacent Halladay Street (61 parking spaces), and a large portion of the building area on the west side of the property now provides for a total of 263 parking spaces. Finally, conditions of approval have been added, along with a property maintenance agreement, to guarantee that the proposed use will not become a nuisance to the adjacent industrial uses, any nearby sensitive residential properties or other commercial uses in the area.

Table 3: CEQA and Public Notification & Community Outreach

Strategic Plan Alignment, and Public Notification & Community Outreach		
California Environmental Quality Act (CEQA)		
CEQA Type	Section 15301 – Class 1 – Existing Facilities	
Reason(s) Exempt or Analysis	<p>This exemption applies to the operation, licensing or minor alterations of private structures, involving negligible or no expansion of the existing building. The existing building is approximately 370,000 square feet in floor area within the Light Industrial zone which generally allows for manufacturing, warehouse, and truck terminals.</p> <p>The proposed truck terminal and distribution center is a permitted use within the Light Industrial zoning district. Only tenant improvements are proposed in order to facilitate the conversion of space. There are public services available through the City of Santa Ana and the Orange County Fire Authority and the surrounding area is not environmentally sensitive. As a result, Categorical Exemption, Environmental Review No. 2019-95 will be filed for this project.</p>	
Public Notification & Community Outreach		
Public Hearing	Site posting	A public notice was posted on the project site on July 3, 2020.
	Notification by mail	Notices were mailed to all property owners and occupants within 500 feet of the project site on July 3, 2020.

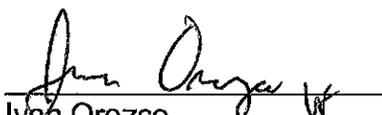
Strategic Plan Alignment, and Public Notification & Community Outreach		
	Newspaper posting	Newspaper posting was published in the Orange County Reporter on July 3, 2020.
Additional Measures	The Delhi Neighborhood Association was contacted. At the time this report was printed, no issues of concern were raised regarding this application.	

Economic Development Benefits

The project will generate a combination of temporary jobs, permanent jobs and services for the community, as well as permit fees paid to the City for the proposed improvements. Amazon estimates a total of 235 new full-time jobs with benefits will be created. In addition to the number of full-time employees, additional part-time employees will also be expected, as well as over 200 employees working for third party delivery services. The construction of the project will require that permit fees are paid to the City and there will be a creation of temporary construction employment opportunities. According to the current plan check submittal, a total of \$33,500 was collected for permit fees for all the improvements being proposed, with the total cost of improvements estimated at over \$1.4 million.

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2020-13 as conditioned and Variance No. 2020-02 as conditioned.


 Ivan Orozco
 Assistant Planner II

IO:sb
 S:\Planning Commission\2020\07-13-20\515 E. Dyer Road Amazon SR_07.13.20 PC

- Exhibits:
1. Conditional Use Permit Resolution
 2. Variance Resolution
 3. Vicinity Zoning & Aerial View
 4. Site Plan
 5. Floor Plan
 6. Elevations

EXHIBIT 1

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2020-13 AS CONDITIONED TO ALLOW OPERATION OF A TRUCK TERMINAL AND DISTRIBUTION CENTER IN THE LIGHT INDUSTRIAL (M-1) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 515 EAST DYER ROAD

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

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

- A. Doug Hinrichs, representing Amazon ("Applicant"), is requesting approval of Conditional Use Permit No. 2020-13 as conditioned, to allow operation of a truck terminal and distribution center in the Light Industrial (M-1) zoning district at 515 East Dyer Road.
- B. Santa Ana Municipal Code (SAMC) Section 41-472.5(i) requires approval of a conditional use permit for freight, bus, and truck terminals in the Light Industrial (M-1) zoning district.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the conditional use permit for this project as set forth by the Santa Ana Municipal Code.
- D. On July 13, 2020, the Planning Commission held a duly noticed public hearing for Conditional Use Permit No. 2020-13.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Conditional Use Permit No. 2020-13, for a truck terminal and distribution center, have been established as required by SAMC Section 41-638:
 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed truck terminal and distribution center will activate a site and building that is currently vacant. The proposed use will increase productivity and delivery times for

Amazon. The online retailer is known worldwide to be a desirable and necessary business for the community. The new operation will generate temporary and permanent jobs as well as permit fees for the City. The project will redevelop a vacant building with a new use, while enhancing the overall landscaping, thereby contributing to the aesthetics of the area. This will benefit the community by allowing the rehabilitation of an industrial building, promoting an additional service use and providing an additional convenience to residents and potential employees in the vicinity.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed truck terminal and distribution center will not be detrimental to the health, safety, and general welfare of those residing or working in the vicinity. The site is located on a corner lot, developed with an industrial building requiring minimal alterations. The site is accessible from two street frontages, with driveways accessible to large delivery vehicles that enter and exit. The operation and circulation of delivery vans has been designed to minimize any potential traffic congestions. The building is large enough to meet the basic needs of a distribution center, providing numerous truck loading docks and access to major arterial roads and highways. Although the operation of the distribution center is a 24-hour, seven days a week operation, the large delivery vehicles will be received during non-high peak traffic hours. Finally, the applicant is proposing to construct several on-site improvements such as perimeter screening and landscaping in order to mitigate the visual impacts of the loading docks and the overnight parking of vehicles.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed truck terminal and distribution center will not affect the economic stability of the area. The new tenant will be moving into a currently vacant building and investing into the site through several tenant improvement submittals. The on-site and building improvements will generate permit costs paid to the city at approximately \$33,500 and temporary employment opportunities during the construction phase. The total estimated costs of such improvements will be over 1.4 million dollars. Ultimately, the operation of the distribution

center will generate approximately 235 full-time jobs, additional part-time jobs, and over 200 jobs to those third party delivery persons. The distribution center will provide an additional service and employment opportunity for the area.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed use complies with the majority of the regulations and conditions in Chapter 41 including building heights, yards, and landscaping. A separate variance application is also being requested as part of this request to allow a reduction in on-site parking. Conditions of approval have been added to the CUP that require a property maintenance agreement to be recorded against the property which will ensure that the property and all improvements are properly maintained. Additionally, the tenant will be making alterations and improvements to the site in effort to meet the remaining development standards and operation conditions in the Light Industrial zoning district.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed truck terminal and distribution center will not adversely affect the General Plan. The project is located in an Industrial (IND) General Plan land use designation, which allows for industrial uses such as warehousing, manufacturing and distribution centers. The project is consistent with several goals and policies of the General Plan, including the Economic Development Element, Land Use Element, and Urban Design Element. Land Use Element Goal 1 promotes a balance of land uses to address basic community needs. The project will provide for a new use to an existing vacant industrial building on two arterial roadways. Land Use Element Goal 2 promotes land uses that enhance the City's economic and fiscal viability. Policy 2.8, promotes rehabilitation of commercial properties, and encourages increased levels of capital investment. The truck terminal and distribution center will contribute to the viability of the adjacent industrial developments and other similar uses nearby. Policy 2.9, supports developments that create a business environment that is safe and attractive. The conditions of approval and the property maintenance agreement will maintain a safe and attractive environment in the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually

beneficial and supportive business clusters within the community. The truck terminal and distribution center will be consistent with other uses in the vicinity, thereby promoting the continuation of industrial uses and keeping that market viable within the City. Urban Design Element Goal 1 encourages improvement of the physical appearance of the City through development of districts that project a sense of place, positive community image and quality environment. Specifically, Policy 1.5 encourages enhancement of architectural forms, textures, colors, and materials for all projects. The proposed site and building improvements will transform a plain and generic industrial site and enhance it aesthetically, promoting further investment for the existing underutilized industrial buildings.

Section 2. In accordance with the California Environmental Quality Act, the project is exempt from further review per Section 15301 of the Guidelines for the California Environmental Quality Act. The Class 1 exemption allows for the operation, repair, maintenance, or minor alteration of existing public or private structures and facilities, involving negligible or no expansion of the use beyond that existing at the time the lead agency's determination.

The proposed truck terminal and distribution center use is comprised of utilizing an existing 370,000 square foot industrial building within the Light Industrial zone which allows for warehousing, manufacturing and distribution centers. There are public services available through the City of Santa Ana and the Orange County Fire Authority, and the surrounding area is not environmentally sensitive. As a result, Categorical Exemption, Environmental Review No. 2019-95 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to

approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2020-13, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 515 East Dyer Road. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated July 13, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 13th day of July, 2020.

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 13, 2020.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2020-13

Conditional Use Permit No. 2020-13 for a truck terminal and distribution center is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, the following conditions of approval must be met:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2019-36) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.
3. Prior to the issuance of a building permit, a landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines and the City's Water Efficient Landscape Ordinance. The landscape plans shall note construction of a minimum eight (8) foot tall perimeter wall along the east and southern property lines, except where prohibited by driveways and required landscape setbacks, and shall be coated with anti-graffiti coating. The plan shall include the installation of vines along the entire perimeter wall, where feasible.
4. The delivery of goods by large freight trucks shall be in conformance with the analysis and recommendations of the approved traffic assessment prepared for the project dated May 22, 2020.
5. No vehicle repair is permitted at this facility
6. No barbed wire shall be allowed or used at this facility
7. The site shall be maintained litter free and kept in a clean and safe condition. The boxes shall be broken down flat before they are put in the trash containers. All trash containers shall be emptied on a regular basis so that the site remains litter free and trash does not accumulate and overflow from the bins.

8. The sizes of the trucks parked at the facility are limited in size to those that fit in the designated parking spaces shown on the approved site plan. Trucks are not permitted to be parked in designated drive aisles or fire lanes.
9. The Applicant shall be responsible for maintaining the premises free of graffiti. All graffiti shall be removed within 24 hours of occurrence.
10. A Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - (a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - (b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses,
 - (c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
 - (d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
 - (e) If Developer and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.

(f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement.

(g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

(h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

EXHIBIT 2

RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA ANA APPROVING VARIANCE NO.
2020-02 AS CONDITIONED TO ALLOW A REDUCTION IN
OFF-STREET PARKING FOR A TRUCK TERMINAL AND
DISTRIBUTION CENTER AT 515 EAST DYER ROAD

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SANTA ANA AS FOLLOWS:

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

- A. Doug Hinrichs, representing Amazon (“Applicant”), is requesting approval of Variance No. 2020-02 as conditioned, to allow a 49-percent reduction in off-street parking for a truck terminal and distribution center in the Light Industrial (M-1) zoning district at 515 East Dyer Road.
- B. Pursuant to Santa Ana Municipal Code Section 41-638, the Planning Commission is authorized to review and approve a variance for a reduction in off-street parking for the subject property and project.
- C. On July 13, 2020, the Planning Commission held a duly noticed public hearing for Variance No. 2020-02.
- D. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Variance No. 2020-02, for a reduction in off-street parking as required by SAMC Section 41-638 have been established:
 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances related to the existing conditions of the property. In 1954, the building and site improvements were constructed which included over 250,000 square feet of gross building area and associated parking. Through the years several improvements were constructed on-site with an addition to the building in 1955 of approximately 90,000 square feet. In order to meet the City’s current off-street parking requirements for a truck terminal and distribution center, significant modifications to the building and site, such as demolishing portions of the

building, would be required. In addition, the property is a corner lot which requires landscaped setbacks on two sides (versus one side for an interior lot), thereby reducing the buildable area. The required circulation patterns for large vehicles would hinder proper site design and limit the location of a potential warehouse building. Strict application of the off-street parking regulations would not allow the property owner to lease to or operate most of the permitted or conditionally permitted uses within the Light Industrial (M-1) zoning district other than strictly a warehouse/storage operation.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

Granting this variance is necessary for the preservation and enjoyment of substantial property rights. Granting this variance will allow use of the property with a truck terminal and distribution center, a use that is compatible with the M-1 zoning district and nearby uses. Granting the variance will allow the property owner to utilize the existing building to its full potential with a business that provides employment opportunities and services to the community.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

Granting this variance will not be detrimental to the public or surrounding properties. The site is fully developed, no building expansion is proposed part of the project, and the site's parking areas have recently been improved to provide the maximum number of on-site parking spaced possible. As part of the design review, a focused traffic assessment has been reviewed and approved by the City. The focused traffic assessment identified possible vehicle congestions for delivery vehicles entering and exiting the site. Additional site improvements will be completed to create drive aisles to provide adequate vehicle circulation once the cargo vans are loaded and ready for delivery. Moreover, the Applicant has prepared a traffic assessment for the project that was reviewed and approved by the City's Development Review Committee. The traffic assessment also contains a breakdown of the site's employee shifts, which indicate that at no point during the shifts will more than 414 workers be on site. This employee shift system is designed to prevent overwhelming the site's capacity for parking and logistical operations, such as delivery van loading and unloading, as well as nearby roadways. Therefore, the 414 on-site parking spaces will be sufficient to meet the on-site employees'

parking needs. Lastly, conditions of approval and a property maintenance agreement have been added to the variance guaranteeing a safe and smooth operation of the site.

4. That the granting of a variance will not adversely affect the General Plan of the city.

The variance for a reduction in required off-street parking will not adversely affect the General Plan. The project is located within the Industrial (IND) General Plan land use designation which serves as an anchor to the City's industrial uses and limited industrial zones in the City. The project is consistent with several goals and policies of the General Plan, including the Land Use Element and Public Facilities Element. For example, Land Use Element Goal 1 to promote a balance of land uses to address basic community needs. The variance will allow the truck terminal and distribution center use to operate at the site which provides a service to families, residents and workers in the area. Policy 2.9, supports developments that create a business environment that is safe and attractive. The condition of approval for property maintenance will help maintain a safe and attractive environment for the community. Economic Development Element Goal 2 maintains and enhances the diversity of the City's economic base. Policy 2.3 encourages the development of mutually beneficial and supportive business clusters within the community. The truck terminal and distribution center will provide a service to residents and workers in the city.

Section 2. In accordance with the California Environmental Quality Act, the project is exempt from further review per Section 15301 of the Guidelines for the California Environmental Quality Act. The Class 1 exemption allows for the operation, repair, maintenance, or minor alteration of existing public or private structures and facilities, involving negligible or no expansion of the use beyond that existing at the time the lead agency's determination.

The proposed truck terminal and distribution center use is comprised of utilizing an existing 370,000 square foot industrial building within the Light Industrial zone which allows for warehousing, manufacturing and distribution centers. There are public services available through the City of Santa Ana and the Orange County Fire Authority, and the surrounding area is not environmentally sensitive. As a result, Categorical Exemption, Environmental Review No. 2019-95 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative

dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves Variance No. 2020-02 as conditioned in Exhibit A, attached hereto and incorporated as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated July 13, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 13th day of July, 2020.

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on July 13, 2020.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Variance No. 2020-02

Variance No. 2020-02 to allow a reduction in off-street parking is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, the following conditions of approval shall be met:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this variance.

The Applicant must remain in compliance with all conditions listed below throughout the life of the variance. Failure to comply with each and every condition may result in the revocation of the variance.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2019-36) and the staff report exhibits.
2. Any amendment to this variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the variance must be amended.
3. Prior to the issuance of a building permit, a landscape and irrigation plan is to be submitted for review and approval. The landscape plan shall conform to the commercial landscape standards, Citywide Design Guidelines and the City's Water Efficient Landscape Ordinance. The landscape plans shall note construction of a minimum eight (8) foot tall perimeter wall along the east and southern property lines, except where prohibited by driveways and required landscape setbacks, and shall be coated with anti-graffiti coating. The plan shall include the installation of vines along the entire perimeter wall, where feasible.
4. The delivery of goods by large freight trucks shall be in conformance with the analysis and recommendations of the approved traffic assessment prepared for the project dated May 22, 2020.
5. No vehicle repair is permitted at this facility
6. No barbed wire shall be allowed or used at this facility
7. The site shall be maintained litter free and kept in a clean and safe condition. The boxes shall be broken down flat before they are put in the trash containers. All trash containers shall be emptied on a regular basis so that the site remains litter free and trash does not accumulate and overflow from the bins.

8. The sizes of the trucks parked at the facility are limited in size to those that fit in the designated parking spaces shown on the approved site plan. Trucks are not permitted to be parked in designated drive aisles or fire lanes.
9. The Applicant shall be responsible for maintaining the premises free of graffiti. All graffiti shall be removed within 24 hours of occurrence.
10. Any modifications to allow for any use(s) that intensifies parking shall be subject to Planning Commission review at a public hearing and modifications to Conditional Use Permit No. 2020-13 and Variance No. 2020-02.
11. A Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a maintenance agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The maintenance agreement shall contain covenants, conditions and restrictions relating to the following:
 - (a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
 - (b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses,
 - (c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
 - (d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
 - (e) If Developer and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the maintenance agreement and both shall be jointly and severally liable for compliance with its terms.

(f) The maintenance agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement.

(g) The maintenance agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

(h) The execution and recordation of the maintenance agreement shall be a condition precedent to the issuance of final approval for any construction permit related to this entitlement.

EXHIBIT 3

CUP 2020-13 VAR 2020-02, AMAZON TRUCK TERMINAL AND DISTRIBUTION CENTER 515 EAST DYER ROAD

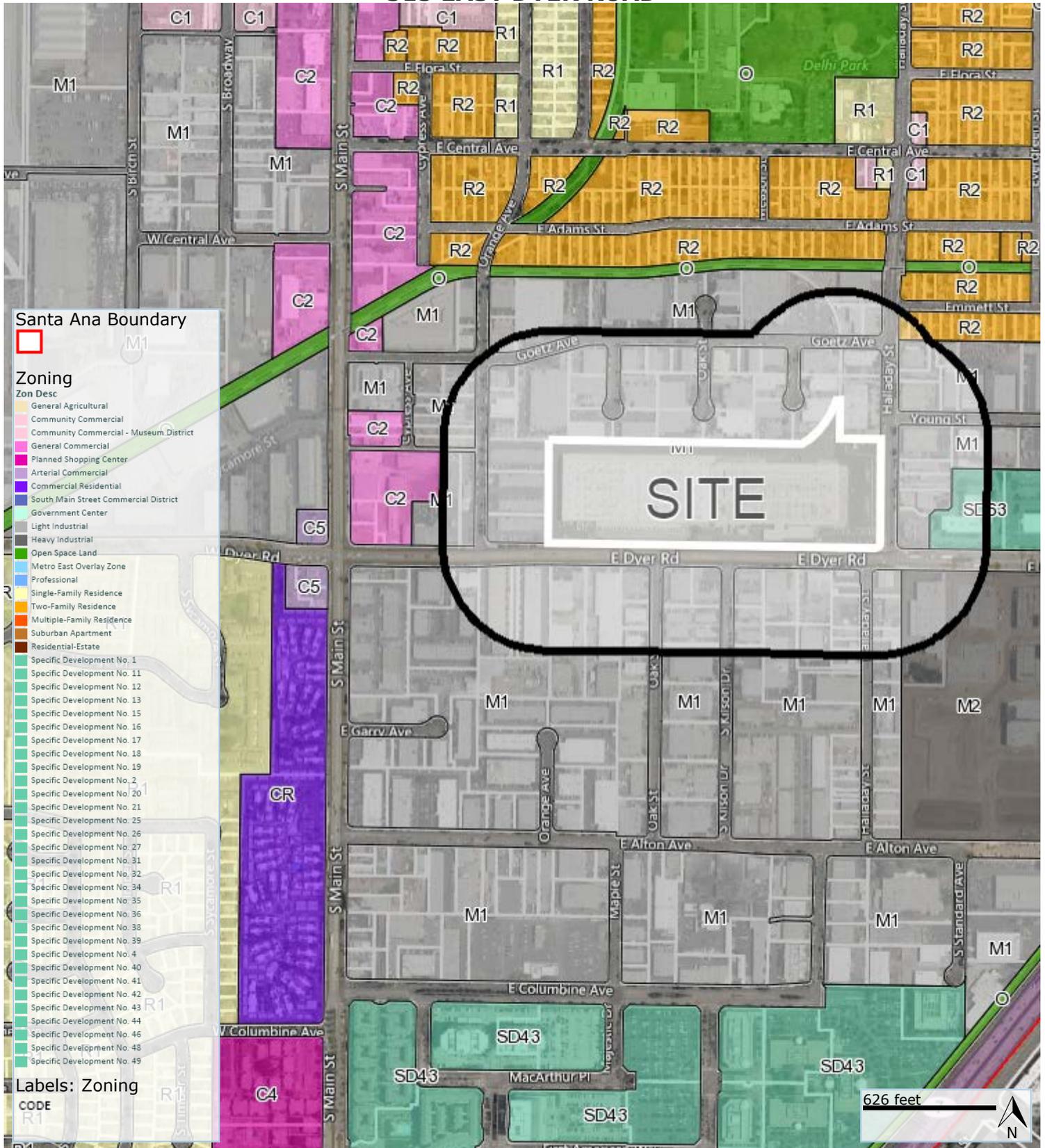
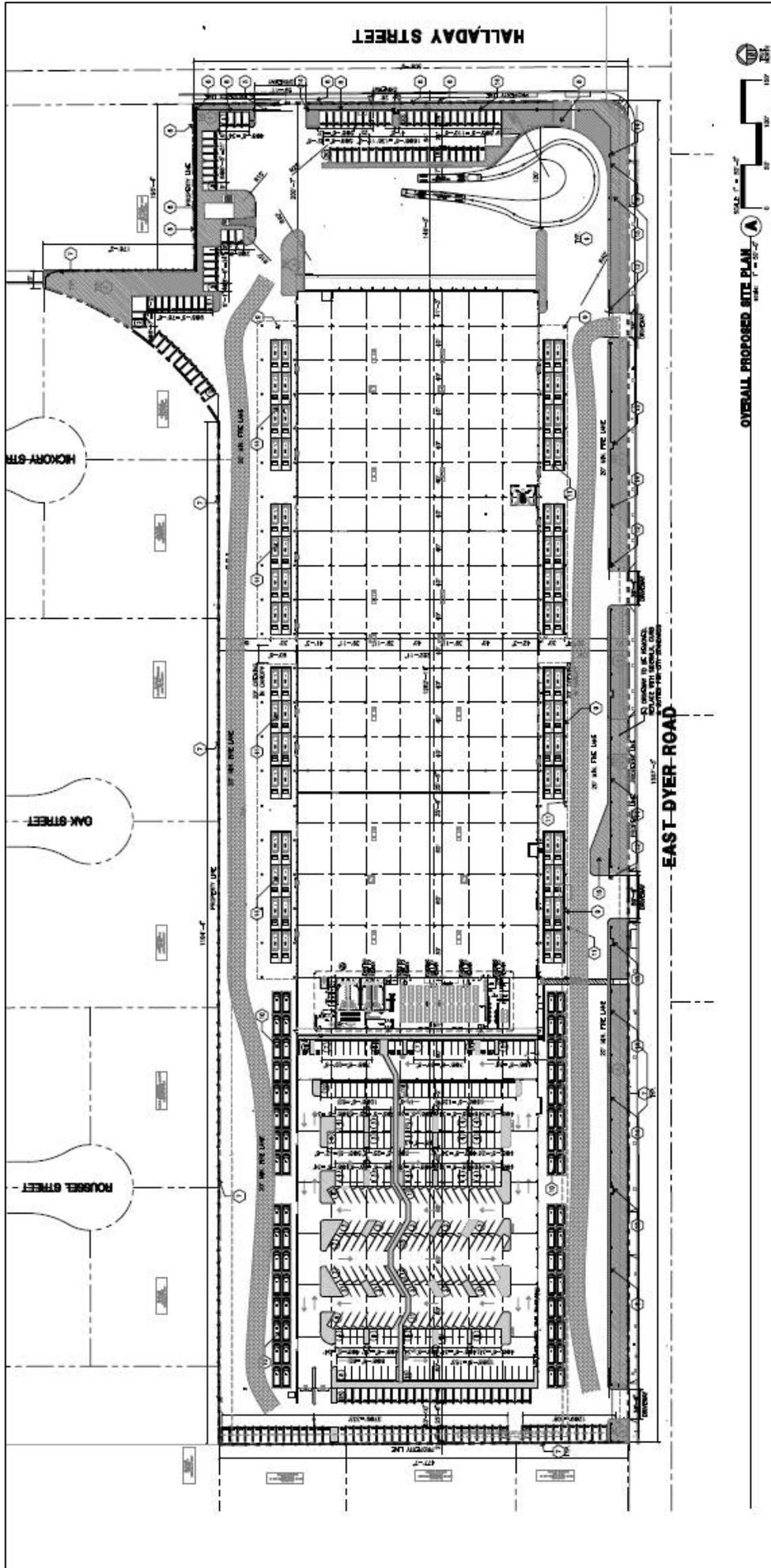


EXHIBIT 3 - VICINITY ZONING AND AERIAL VIEW



EXHIBIT 4



OVERALL PROPOSED SITE PLAN
 SCALE: 1" = 20'
 DATE: 11/15/11

EXHIBIT 5

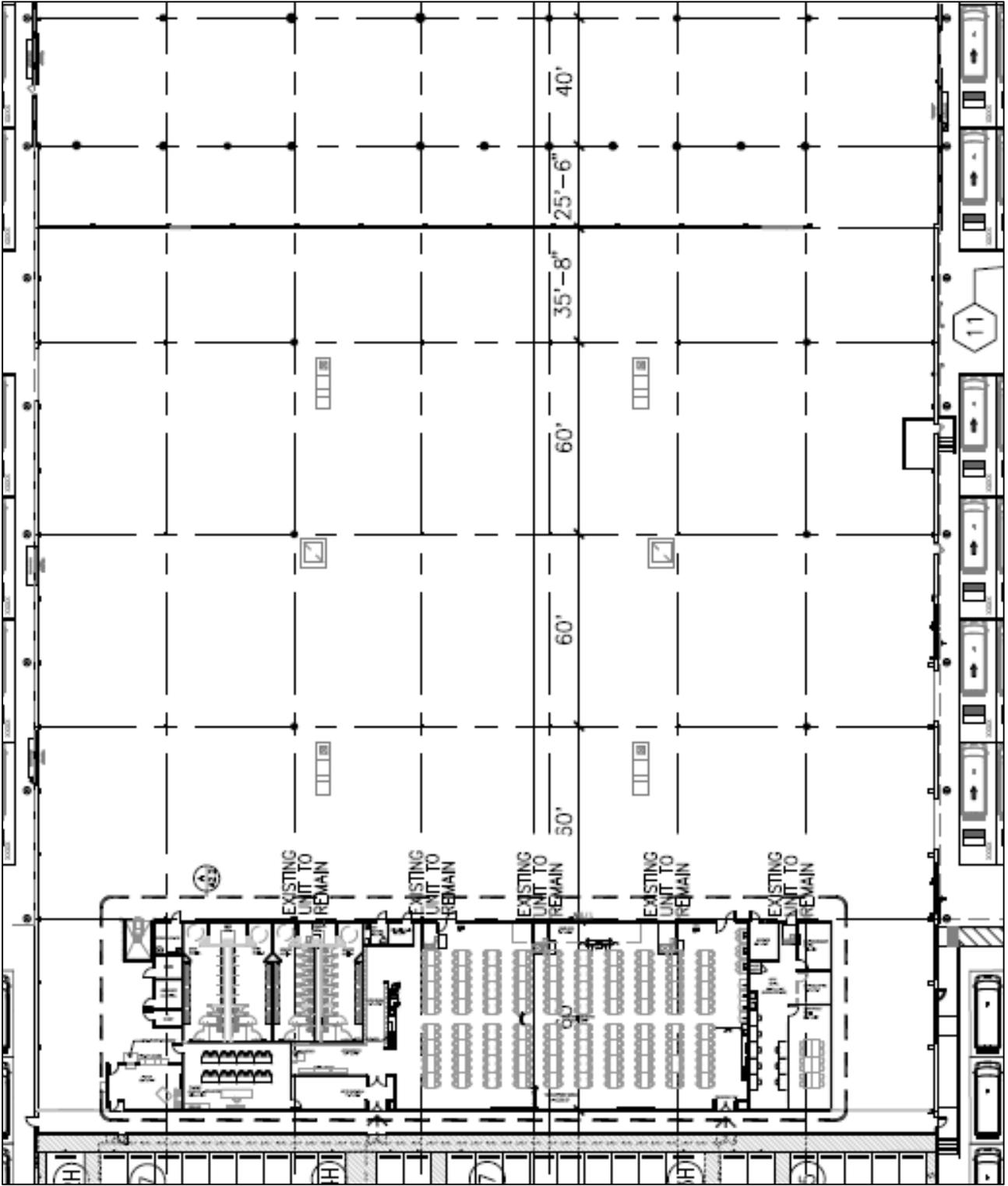
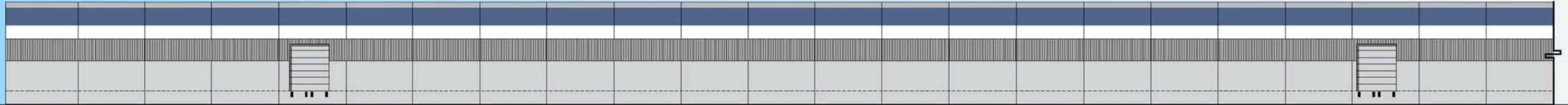
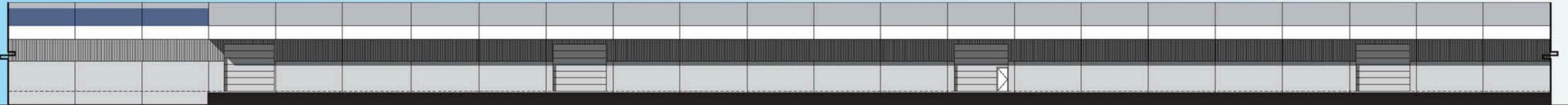


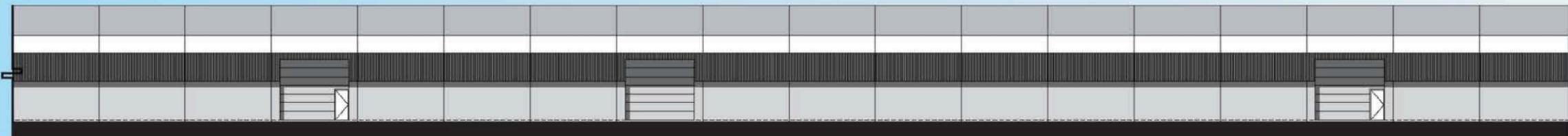
EXHIBIT 6



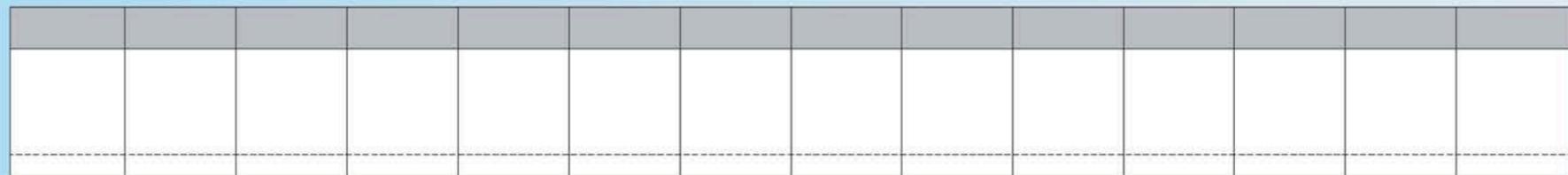
North Elevation



North Elevation (Cont.)



North Elevation (Cont.)

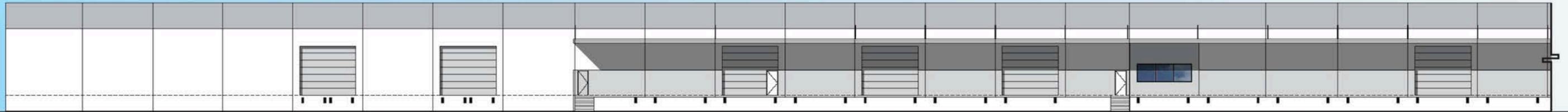


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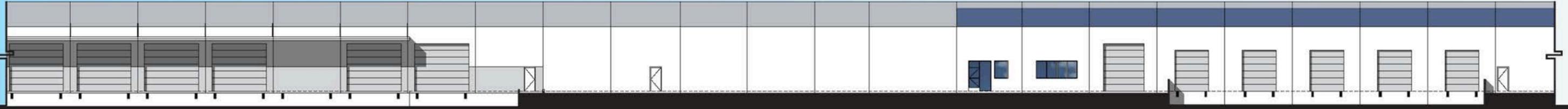
EAST DYER ROAD

STA ANA, CALIFORNIA

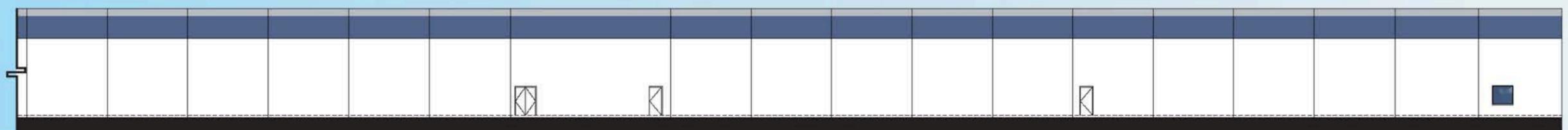




South Elevation



South Elevation (Cont.)



South Elevation (Cont.)



East Elevation



EAST DYER ROAD

STA ANA, CALIFORNIA