

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE (ADMINISTRATION), ARTICLE VI (STADIUM), SECTION 2-743 - LIQUOR

WHEREAS, the City of Santa Ana's Parks, Recreation and Community Services Agency ("PRCSA") operates the Eddie West Field-Santa Ana Stadium ("Stadium"), which hosts a variety of practices, games, and events for local athletic groups, ranging from youth to adult teams, as well as special events such as concerts, rodeos, and boxing matches; and

WHEREAS, Chapter 2, Article VI, Section 2-743 of the Santa Ana Municipal Code ("SAMC") currently prohibits the sale and consumption of intoxicating liquor at the Stadium with the exception of beer upon express written consent by the Executive Director of PRCSA; and

WHEREAS, California Business and Professions Code Section 23004 establishes a robust definition of "alcoholic beverage"; and

WHEREAS, the proposed amendment to the SAMC would allow for the sale and consumption of "alcoholic beverages," as defined by the California Businesses & Professions Code Section 23004, with the express written consent of the City Manager or their designee, ~~for events deemed "adult events" where the predominant age of the audience can reasonably be expected to exceed twenty-one (21) years,~~ thereby including beer, wine, and distilled spirits; and

WHEREAS, concert venues, temporary outdoor activities, and special events throughout Santa Ana already allow for a variety in the sale of alcohol, in conformance with SAMC and Alcoholic Beverage Control (ABC) state laws and established parameters; and

WHEREAS, this amendment would position Eddie West Field-Santa Ana Stadium competitively with other venues in the City by allowing expanded alcohol sales, thereby attracting revenue-generating events, and providing a safe and appealing economic development opportunity; and

WHEREAS, expanding alcohol sales at ~~"adult events"~~ at the stadium has the potential to boost revenue through increased concession sales, enhance the experience for attendees, and support local businesses by driving more traffic to nearby establishments before and after events; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

Section 2. Chapter 2 of the SAMC (Administration), Article VI (Stadium), Section 2-743 - Liquor is hereby amended to read as follows.

Sec. 2-743. Liquor Alcoholic Beverages.

No intoxicating liquor alcoholic beverages, as defined in California Business and Professions Code Section 23004, shall be sold or consumed upon the premises known as Eddie West Field-Santa Ana Stadium except with the express written consent of the ~~executive director of cultural, recreation and community services~~ City Manager, or their designee, for adult events. ~~The executive director of cultural, recreation and community services may grant such consent, but only for the sale and consumption of beer for adult events. An event may be deemed an "adult event" if the predominate age of the audience can reasonably be expected to exceed twenty one (21) years. The application and review process shall be in accordance with a policy established by the City Manager. No consent shall be given whenever:~~

- ~~(1) The sponsor of the event does not desire the sale and consumption of beer at the event; or~~
- ~~(2) The event is sponsored by any school; or~~
- ~~(3) The event is in the nature of a youth event, including, but not limited to, concerts and youth athletic events where the predominate audience age is less than twenty one years or the predominate age of athletes and other participants is less than twenty one (21) years.~~

~~For purposes of this section, the term "school" is defined to be an educational institution from the level of community college downward. Any university or four year college, state or private, where the predominate campus population may reasonably be expected to exceed twenty one (21) years, which has been proven to attract large numbers of alumni and public over the age of twenty one (21) as attendees to its sponsored function(s), and which specifically makes written request for the sales of beer to the executive director of cultural, recreation and community services, shall be considered exempt from the provision of subparagraphs (2) and (3), above, and shall assume the same status as any other "adult event" under this section.~~

Section 4. The City Council finds and determines, 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). 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 project proposes to allow the sales of alcoholic beverages with express written consent of the City Manager, or their designee, at an existing facility that, currently, may sell beer with the express written consent of the Executive Director of Parks, Recreation and Community Services, with negligible or no expansion of the existing use proposed. As such, a Notice of Exemption, Environmental Review No. 2024-XX, will be filed for this project.

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. This Ordinance shall become effective thirty (30) days after its adoption.

Section 7. The City Clerk shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2024.

Valerie Amezcua
Mayor

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

By: _____
Brandon Salvatierra
Deputy 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-_____ to be the original ordinance adopted by the City Council of the City of Santa Ana on _____, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: _____

City Clerk
City of Santa Ana