

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE PLANNING DIVISION TO INITIATE THE PREPARATION AND DRAFTING OF FINDINGS IN SUPPORT OF OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION OF INCONSISTENCY ASSOCIATED WITH A PROPOSED MIXED-USE DEVELOPMENT PROJECT ON A 41-ACRE SITE LOCATED AT 3600 SOUTH BRISTOL STREET AND TO PROVIDE NOTICE IN ACCORDANCE WITH SECTION 21676(B) OF THE PUBLIC UTILITIES CODE TO THE COUNTY OF ORANGE LAND USE COMMISSION AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S DIVISION OF AERONAUTICS AT LEAST 45 DAYS PRIOR TO THE FUTURE PUBLIC HEARING DATE FOR THE PROPOSED PROJECT AND PROPOSED OVERRULING ACTION BY THE CITY COUNCIL

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

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

- A. On July 20, 2023, the County of Orange Airport Land Use Commission (ALUC) held a public hearing on the above-referenced project and found a proposed mixed-use development proposed on a 41-acre site at 3600 South Bristol Street, known as the Related Bristol Specific Plan, to be inconsistent with the 2008 Airport Environs Land Use Plan (AELUP) for John Wayne Airport pursuant to AELUP Sections 1.2 and 2.1.4 and Public Utilities Code (PUC) Section 21674.
- B. Following the July 20, 2023 public hearing, the ALUC found the proposed project to be inconsistent with the 2008 John Wayne Airport Environs Land Use Plan on a 6-0 vote. ALUC's findings were made pursuant to AELUP Sections 1.2 and 2.1.4, and Public Utilities Code Section 21674. These sections empower the ALUC "to assist local agencies in ensuring compatible land uses in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses," and "to coordinate planning at the state, regional and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety and welfare."

- C. As a final review authority on legislative acts for land use matters within the City, the City Council may choose to overrule the ALUC's decision by following the procedure established in PUC Sections 21676 and 21676.5. Before the decision to overrule the ALUC's Determination of Inconsistency may take place, the City Council must adopt a resolution that authorizes initiation of the two-step overrule process.
- D. At least 45 days prior to any decision to overrule ALUC, the governing body shall provide ALUC and the State Department of Transportation (Caltrans) Division of Aeronautics a copy of the proposed decision to overrule along with supportive findings. ALUC may provide comments to the City Council within 30 days of receiving the proposed decision and findings. If ALUC's comments are not available within this time limit, the City Council may act without them. Should comments be received, the City Council must include the comments from ALUC in the public record of any final decision to overrule ALUC. This decision shall be determined at a public hearing to make the specific findings that the proposed overruling is consistent with the purposes stated in Public Utilities Code Section 21670.
- E. Staff is hereby directed to conduct further studies as necessary in order to draft and provide notice of the findings in support of the overrule. The 45-day period will begin after staff has forwarded the intent to overrule along with the supportive findings.
- F. The Council's adoption of this Resolution is procedural and does not constitute the proposed project's approval nor does it predispose the City's future action on the project or any decision to overrule.
- G. Should the Council adopt this Resolution directing staff to conduct further studies as necessary in order to make the findings in support of the overrule, a public hearing will be required for Council consideration of the final supplemental environmental impact report, and any associated entitlement applications, for the Related Bristol Specific Plan.

Section 2. The City Council finds that the requested action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines as the proposed action will not have a significant effect on the environment. Environmental Impact Report No. 2022-01 (State Clearinghouse No. 2020029087) has been prepared for the proposed project as a whole and will be presented to the City Council for consideration, along with the requested general plan amendment and amendment application, at a future hearing date.

Section 3. The City Council directs staff to forward a letter to the Airport Land Use Commission and State Department of Transportation Division of Aeronautics, indicating the City of Santa Ana's intent to overrule any determination of the Airport Land Use Commission that the proposed Related Bristol Specific Plan is inconsistent with the 2008 John Wayne Airport Environs Land Use Plan.

Section 4. The City Council directs staff to conduct further studies, as necessary, in order to prepare and forward findings to the Airport Land Use Commission and State Department of Transportation Division of Aeronautics in support of the City's intent to overrule the Airport Land Use Commission's determination that the proposed Related Bristol Specific Plan is inconsistent with the 2008 John Wayne Airport Environs Land Use Plan.

Section 5. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of _____, 2023.

Valerie Amezcua
Mayor

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

By: John M. Funk
John M. Funk
Chief Assistant City Attorney

AYES: Councilmembers _____
NOES: Councilmembers _____
ABSTAIN: Councilmembers _____
NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2023-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____, 2023.

Date: _____

Clerk of the Council
City of Santa Ana