



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**April 5, 2022**

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**TOPIC:** Housing Opportunity Ordinance

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**AGENDA TITLE:**

Reintroduction of Zoning Ordinance Amendment No. 2021-03 for First Adoption Reading - An Ordinance of the City Council of the City of Santa Ana Repealing and Reenacting in its Entirety Article XVIII.I. of Chapter 41 of the Santa Ana Municipal Code Regarding the Housing Opportunity Ordinance

**RECOMMENDED ACTION**

Approve the first reading of an ordinance repealing and reenacting in its entirety Article XVIII.I. of Chapter 41 of the Santa Ana Municipal Code Regarding the Housing Opportunity Ordinance.

**DISCUSSION**

The City Council previously considered and conducted a first adoption reading of this Ordinance on November 16, 2021 by a vote of 4:2:1 (Ayes - Sarmiento, Hernandez, Lopez, Phan; Noes – Mendoza, Penaloza; Abstained - Bacerra). After being continued from the meetings of December 7, 2021, December 21, 2021, and January 18, 2022, the Ordinance did not receive the necessary majority vote of the members of the City Council on the second adoption reading conducted on February 15, 2022. The vote on the second reading of the Ordinance was recorded as 3:2:2 (Ayes - Sarmiento, Hernandez, Lopez; Noes – Mendoza, Penaloza; Abstained – Bacerra, Phan).

Councilmember Phan participated and voted to adopt the first reading of the Ordinance but abstained on the second adoption reading because she was awaiting a response from the Fair Political Practices Commission (FPPC). The Commission was investigating a formal complaint filed in December of 2021 by a member of the public alleging her participation on the item violated the conflict of interest provisions of the Political Reform Act.

On March 16, 2022, Councilmember Phan received a written communication from the Enforcement Division of the FPPC that the Office will not pursue the matter. Based on this new information, the Mayor directed for staff to place the Ordinance on the agenda for the City Council to conduct a public hearing reintroducing Zoning Ordinance Amendment No. 2021-03 (ZOA No. 2021-03) for a first adoption reading.

The final Ordinance presented to the City Council on February 15, 2022 is attached as Exhibit 1.

### **ENVIRONMENTAL IMPACT**

There is no environmental impact associated with this action. It is recommended that the City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project" as defined in Section 15378 of the CEQA Guidelines. Furthermore, even if the proposed Ordinance is considered a project, it falls within the "common sense" CEQA exemption set forth in CEQA Guidelines Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Adoption of this Ordinance will not have a significant effect on the environment because the proposed changes will only modernize, update, and clarify existing affordable and inclusionary housing requirements responding to the current economic and housing trends in the City and will not cause a physical change in the environment.

### **FISCAL IMPACT**

There is no fiscal impact associated with this action

### **EXHIBIT(S)**

1. Ordinance adopting Zoning Ordinance Amendment No. 2021-03 and Exhibit A

Submitted By: Minh Thai, Executive Director of Planning and Building Agency

Approved By: Kristine Ridge, City Manager