



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
August 29, 2023

TOPIC: 3600 South Bristol Street

AGENDA TITLE

Authorize the Planning Division to Prepare and Provide Notice to the County of Orange Airport Land Use Commission (ALUC) in Accordance with Public Utilities Code Section 21676(b) for a Proposed Mixed-Use Development Project Located on the 41-Acre Site at 3600 South Bristol Street Currently Undergoing Public Review and Entitlements Processing with the City

RECOMMENDED ACTION

Adopt a resolution authorizing the Planning Division to initiate the preparation and drafting of findings and determination overruling the County of Orange 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 Airport Land Use Commission and the State of California Department of Transportation's Division of Aeronautics.

DISCUSSION

Pursuant to Public Utility Code (PUC) Section 21676(b), prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Orange County Airport Land Use Commission (ALUC) pursuant to Sections 21676 and 21676.5 of the PUC for the John Wayne Airport (JWA), the City shall first refer the proposed action to ALUC. If ALUC determines that the proposed action is inconsistent with the John Wayne Airport Environs Land Use Plans (AELUP), the City may, after a public hearing, propose to overrule the Commission by a two-thirds vote of the City Council if it makes specific consistency findings in accordance with PUC Section 21670.

Adhering to this procedure, it is standard practice for the City to refer projects governed by PUC section 21676(b) under the AELUP to the ALUC for their review and determination during the project review phase. The City referred the proposed project to ALUC for their review and determination because the project is located within the AELUP. On July 20, 2023, ALUC held a public hearing on the proposed 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 Airport Environs Land Use Plan for John Wayne Airport pursuant to AELUP Sections 1.2 and 2.1.4 and Public Utilities Code (PUC) 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."

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.

The first step in the overrule process is to provide notice to ALUC and the California Department of Transportation (Caltrans) Division of Aeronautics of the City's intention to overrule the ALUC's determination by providing the two agencies with a Notice of Intent at least 45 days in advance of the overruling action by the City Council. In turn, ALUC may provide comments to the City Council within 30 days of receiving the Notice of Intent. If ALUC's comments are not available within this time limit, the City Council may act without them.

The comments by ALUC are advisory to the City Council. However, should comments be received, the City Council must include comments from ALUC in the public record of any final decision to overrule ALUC. The second step in the overrule process is to conduct a public hearing through which the City Council needs to make specific findings that the proposed overruling is consistent with the purposes stated in PUC Section 21670.

The City Council's adoption of this resolution is procedural and does not constitute the project's approval nor does it predispose the City's future action on the project or the decision to overrule or not. Following the date of adoption of the resolution, there is no maximum time limit by which the City Council must hold the public hearing on the proposed project and overrule the ALUC's determination. As a result, the recommendation to approve the resolution authorizing the Planning Division to initiate the preparation and drafting of findings and determination overruling the County of Orange Airport Land Use Commission's Determination of Inconsistency does not set forth any required timeframes for future hearing dates and actions.

ENVIRONMENTAL IMPACT

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.

EXHIBIT(S)

1. Resolution: Authorization to Provide Notice
2. Draft Notice

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

Approved By: Kristine Ridge, City Manager