

ORDINANCE NO. NS-XXX

ORDINANCE AMENDMENT NO. 2023-04 – AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA AMENDING CHAPTER 2 (ADMINISTRATION)
OF THE SANTA ANA MUNICIPAL CODE RELATING TO
PUBLIC INPUT THROUGH COMMUNITY MEETINGS

THE CITY COUNCIL OF THE CITY OF SANTA ANA HEREBY ORDAINS AS
FOLLOWS:

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

- A. On October 15, 2012, the City Council enacted the Sunshine Ordinance as found in Chapter 2 (Administration) of the Santa Ana Municipal Code (SAMC) to ensure that the people of Santa Ana remain in control of the government they have created.
- B. Periodically, the City Council has adopted amendments to the Sunshine Ordinance to expand the number of required meetings, increase the notification radius, establish meeting format and presentation requirements, and make clarifying edits to application processing timelines.
- C. In 2023, City of Santa Ana (“City”) staff reviewed the Sunshine Ordinance and identified the need to clarify applicability to add specific development amendments.
- D. Ordinance Amendment No. 2023-04 amends Chapter 2 (Administration), Section 2-153 (Public input through community meetings prior to discretionary approval) by adding specific development amendments to the list of development projects types to which the Sunshine Ordinance applies.
- E. The proposed amendment is consistent with the General Plan of the City. Modification to the section regarding public input through community meetings prior to discretionary approval is consistent with General Plan Land Use (LU) Element Goal LU-3 (Compatibility of Uses), Policy LU-3.2 (Empower Community), which seeks to “facilitate community engagement and dialogue in policy decisions and outcomes affecting land use and development.” By clarifying applicability to include specific development amendments, the City enables public input opportunities during the discretionary approval process.
- F. On January 16, 2024, the City Council held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning Ordinance Amendment No. 2023-04.

Section 2. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA and

Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review 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. As a result, a Notice of Exemption, Environmental Review No. 2023-125, will be filed upon adoption of this ordinance.

Section 3. Section 2-153 (Public input through community meetings prior to discretionary approval) of Chapter 2 of the SAMC is hereby amended to read as follows:

Sec. 2-153. – Public input through community meetings prior to discretionary approval.

(a) *Applicability.* The requirements of this article apply to development projects requiring discretionary approval and that meet one (1) or more of the following criteria:

(1) City-sponsored development projects.

(2) New residential projects containing twenty-five (25) or more units, except that the director of the Planning and Building Agency may exempt a developer from one (1) or more of the requirements of this article if, in the case of affordable housing, the developer can show that it will be in jeopardy of losing tax credits, or if an applicable project does not require a resubmittal following initial submittal.

(3) New non-residential projects (including additions to existing buildings) of ten thousand (10,000) square feet or more and which are, in the determination of the city, subject to a negative declaration, mitigated negative declaration or environmental impact report as defined under the California Environmental Quality Act.

(4) Development projects requiring a zone change, specific plan amendment, specific development amendment, or general plan amendment.

Section 4. 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 5. This ordinance shall become effective thirty (30) days after its adoption.

Section 6. The Clerk of the Council shall certify the adoption of this ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2024.

Valeria Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho, City Attorney

By: Jose Montoya
Jose Montoya
Assistant City Attorney

AYES: Councilmembers: _____

NOES: Councilmembers: _____

ABSTAIN: Councilmembers: _____

NOT PRESENT: Councilmembers: _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, _____, City Clerk, do hereby attest to and certify that 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