

ORDINANCE NO. NS-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA, AMENDING ARTICLES II.II OF
CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE

WHEREAS, on October 15, 2012, the City Council enacted the Sunshine Ordinance as found in Chapter 2 of the Santa Ana Municipal Code ("SAMC") to ensure that the people of Santa Ana remain in control of the government they have created; and

WHEREAS, the City Council desires to maintain and enhance opportunities for public participation and meaningful engagement in the development review process and routinely revisits the Sunshine Ordinance to ensure the requirements for public participation remain updated with shifts in community engagement over time; and

WHEREAS, on December 7, 2021, the City Council adopted amendments to the Sunshine Ordinance expanding the number of required community meetings and the notification radius; and

WHEREAS, the City Council now desires to update the Sunshine Ordinance to increase transparency, awareness, and public engagement opportunities through establishing meeting format and presentation requirements, increase the noticing area, and make clarifying edits to application processing timelines; and

WHEREAS, on May 16, 2023, the City Council considered the staff report, recommendations by staff, and any public comment concerning Ordinance Amendment No. NS-XXX.

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. The City Council finds and determines that this ordinance is not subject to the California Environmental Quality Act (CEQA). Pursuant to CEQA and the CEQA Guidelines, the adoption of this Ordinance is exempt from CEQA review pursuant to sections 15061(b)(3) and 15061(b)(5) of the 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. As a result, Environmental Review No. 2023-27 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 in its entirety as follows (new language is underlined and deleted language is stricken):

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 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 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, or general plan amendment.
- (b) *Number and timing of community meeting.* For those development projects that meet the criteria listed in subsection 2-153(a), the applicant shall hold two (2) community meetings. The first community meeting shall be held no later than twenty (20) days after submittal of an application for administrative development project review. The second community meeting shall be held at least ten (10) days prior to the development project being resubmitted by the applicant to the City after receipt of comments resulting from the City's development project review. Should the applicant fail to hold the community meetings within this time, the development project resubmittal will be deemed incomplete and not accepted until such time as the community meetings are held and the information per subsection (h) is provided to the City.
- (c) *Noticing.*
- (1) Notice of any community meeting and public hearing held for development projects that meet the criteria listed in subsection 2-153(a) shall be provided to all property owners and at least one (1) occupant per tenant space having a valid United States Postal Service address within:
 - a. A 2,000-foot radius of the subject property within the city boundary; and
 - b. A 300-foot radius of the subject property where the notification radius extends over the city boundary into another jurisdiction.
 - (2) Notice of any public hearings for projects that do not meet the criteria listed in subsection 2-153(a) shall be provided to all property owners,

and at least one (1) occupant per tenant space having a valid United States Postal Service address within:

- a. A 1,000-foot radius of the subject property within the city boundary; and
- b. A 300-foot radius of the subject property where the notification radius extends over the city boundary into another jurisdiction.

(3) Said notices shall be mailed no less than ten (10) days prior to the community meeting or public hearing. The notice shall also be posted on the city's development project website if the project meets the criteria listed in subsection 2-153(a), and published in a newspaper of general circulation no less than ten (10) days prior to the community meeting or public hearing. The city shall then post the notice on the city's website. It shall be the sole responsibility of the applicant to prepare and distribute notices for any required community meeting.

- (d) *Notice content.* The notice shall include the time, place and date of the community meeting; a map depicting the location of the subject property, including the properties contained within the notification boundary; a brief description of the project; and the applicant's contact information. The notice shall be written in English and Spanish and include instructions as to how to request language interpretation services for those wishing to have interpretation during the community meeting in languages other than English and Spanish.
- (e) *Community meeting time and place.* Community meetings shall be held either on a weeknight during the early evening hours or on a Saturday. The meetings shall be held in any facility that is accessible to the public and that is no more than one (1) mile from the project site. Should there not be any such facilities available in the required area, the applicant may arrange, at their own expense and subject to availability, to use the next closest city facility.
- (f) *Community meeting language interpretation.* The applicant shall provide language interpretation services for in-person attendees in Spanish during all required meetings. Should the applicant receive a written request for language interpretation services for languages other than Spanish no later than forty-eight (48) hours prior to the meeting, the applicant shall provide interpretation services for in-person attendees in the language requested. It shall be the applicant's responsibility to arrange for such services to be available at the community meeting.
- (g) *Community meetings format and content.*

The applicant shall provide and hold all required community meetings in accordance with all of the following:

- (1) Give a single presentation detailing the components of the proposed development project and a description of any impacts or benefits to the community.

- (2) Provide contact information whereby individuals can contact the applicant to solicit further information.
 - (3) Allocate sufficient time for the attendees to pose questions and provide input.
 - (4) Livestream the meeting and subsequent questions and discussion on a publicly-accessible streaming platform.
 - (5) Provide the City with a video and audio recording of the presentation and subsequent questions and discussion to post to the City's project webpage.
 - (6) Provide a summary of the presentation and questions and answers provided during the first meeting as part of the presentation at the second meeting.
 - (7) Provide a description of all specific community-suggested input and/or proposed changes to the project which were discussed at the first meeting and identify which community-suggested items were incorporated into a revised project scope. To the extent any community-suggested input and/or proposed changes were not incorporated into a revised project scope, the applicant shall describe in the presentation for the second meeting why those items were not included within the revised project scope, if applicable.
 - (8) Detailed minutes of the meetings including a written record of the comments provided by the community members.
- (h) *Providing information to city after community meeting.* Not more than four (4) days following the community meeting, the developer shall submit to the city an affidavit under penalty of perjury that the required community meetings were held in compliance with this section and will submit copies of all notices, notification lists, site postings, advertisements, or other communications used to publicize the meetings. The applicant shall also provide to the city a copy of the presentation materials, minutes and the written record of, and response to, the public comments made at each community meeting, and the video and audio recording of the meeting. The public input will be made part of the public record and included on the City's project's website and as attachments to planning commission staff reports. Should the applicant fail to provide the city all information and materials by timelines required under this subsection, any development project application resubmittal will be deemed incomplete and not accepted until such time as all required information and materials are provided.
- (i) *[Notice.]* Notice of planning commission public hearings shall be in conformance with the requirements provided in subsection 2-153(c), except that it shall be the responsibility of the applicant to provide the director of planning and development services the mailing lists of the

names and addresses of those entitled to receive notice under subsection 2-153(c). The noticing provisions contained subsection 2-153(c) shall supersede those contained in section 41-672.

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 Council shall certify the adoption of this Ordinance and shall cause the same to be published as required by law.

ADOPTED this _____ day of _____, 2023.

Valerie Amezcua
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho
City Attorney

By: _____

Jonathan T. Martinez
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 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: _____

Clerk of the Council
City of Santa Ana