

ORDINANCE NO. NS-3012

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

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2-150 of Article II.I entitled "Public Access to Meetings" of Chapter 2 of the Santa Ana Municipal Code is hereby amended to read in its entirety as follows:

Sec. 2-150. – Meetings and agenda postings for city council.

Pursuant to Government Code Section 54953.7 of the Brown Act, the city is imposing the following additional requirements on itself to allow greater community access to its meetings:

(1) City council meeting agendas for regular meetings must be posted at least seven (7) calendar days before commencing any regular meeting of the city council. A supplemental agenda for regular meetings of the city council may be posted at least seventy-two (72) hours in advance of the regular council meeting provided that the city manager explains in the staff report for each supplemental item (a) that the need for council action came to the attention of the city manager subsequent to the regular agenda being posted, and (b) that there is a need to take immediate action. The city manager may also request that the mayor or a majority of the members of the city council call a special meeting consistent with the requirements of the Brown Act (Government Code Section 54950 et. seq.) to be held concurrently with a regularly scheduled city council meeting. Nothing in this section shall restrict the mayor or a majority of the members of the city council from calling a special meeting for any purpose or at any time as allowed pursuant to the law.

(2) The city will make notices of the city council meetings accessible on the city's website in various languages including Spanish through the use of free web-based translation application.

(3) Agenda's will list future items on major projects. The list of "major projects" identified for the city council agenda will be compiled at the discretion of the city manager.

Section 2. Section 2-153 of Article II.11 entitled "Public Meetings for Certain Development Projects" of Chapter 2 of the Santa Ana Municipal Code is hereby amended to read in its entirety 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 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 no earlier than 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 completion of administrative development project review shall be delayed until such time as the community meetings are held.

(c) *Noticing.* Notice of any community meeting held under this section shall be provided to all property owners, and at least one (1)

occupant per dwelling unit having a valid United States Postal Service address within a 1000-foot radius of the subject property. Said notice shall be mailed no less than ten (10) days prior to the community meeting. The notice shall also be posted on the development project site and published in a newspaper of general circulation no less than ten (10) days prior to the community meeting. 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 this notice.

- (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.
- (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.* Should the applicant receive a written request for language interpretation services no later than forty-eight (48) hours prior to the meeting, 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.* During the community meetings the applicant shall give a presentation detailing the components of the proposed development project and a description of any impacts or benefits to the community, and provide contact information so that members of the public can contact them for further information. The applicant shall allow enough time for the attendees to ask questions and provide input. The applicant shall prepare 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 last 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 minutes and the written record of, and response to, the public comments made at each community meeting. The public input will be made part of the public record and included as attachments to planning commission staff reports.

- (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 3. 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 4. This Ordinance shall become effective thirty (30) days after its adoption.

Section 5. 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 7th day of December, 2021.



Vicente Sarmiento
Mayor

APPROVED AS TO FORM
Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers: Bacerra, Hernandez, Lopez, Mendoza, Phan, Penaloza, Sarmiento (7)

NOES: Councilmembers: None (0)

ABSTAIN: Councilmembers: None (0)

NOT PRESENT: Councilmembers: None (0)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify that the attached Ordinance No. NS-3012 to be the original ordinance adopted by the City Council of the City of Santa Ana on December 7, 2021, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 12-13-2021

Daisy Gomez
Daisy Gomez
Clerk of the Council
City of Santa Ana