

CITY OF SANTA ANA EXECUTIVE ORDER NO. 2-2020

AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA ENACTING AND IMPLEMENTING TIME EXTENSIONS, STREAMLINED PROCESSING FOR ESSENTIAL BUSINESS REQUIREMENTS, POSTPONEMENT OF ADMINISTRATIVE HEARINGS AND DEADLINES FOR LAND USE RELATED MATTERS AND IMPOSING A RESIDENTIAL RENT FREEZE DUE TO THE IMPACTS OF THE NOVEL CORONAVIRUS (COVID-19) AND OTHER PROTECTIVE MEASURES DURING A PERIOD OF LOCAL EMERGENCY

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19 ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19.
- C. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- D. The Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- E. On March 17, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and to activate the City's response to the novel coronavirus (" COVID-19").
- F. The Centers for Disease Control and Prevention, the California Department of Health, and the Orange County Department of Public Health have all issued recommendations including but not limited to social distancing, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have issued "shelter in place" directives.

- G. As of the date of this Order and in order to prevent further exposure, many businesses have imposed work from home policies; meetings, events and social gatherings are being cancelled as people remain at home; customers are not patronizing restaurants and stores or hiring domestic help or travelling.
- H. As a result of the public health emergency and the precautions recommended by health authorities, City Hall and the public counters for development processing and permit applications in Santa Ana have been closed to the public, thereby prohibiting the processing of development applications, hindering development projects that were already approved, and thereby freezing development in the city.
- I. Promoting stability amongst residential tenancies is also conducive to public health, allowing residents to follow the advice and directives of public health officials to stay home and avoid public contact, during times of a public health crisis.
- J. The City desires to freeze rental increases for occupied residential units in an effort to maintain stability for residential housing and to encourage residents to adhere to the Governor's "stay at home" Executive Order.
- K. The situation is unprecedented and evolving rapidly. Further economic impacts are anticipated.
- L. This Order is temporary in nature and only intended to promote economic stability and fairness within the economic and development market in the City and to prevent the expiration of certain land use approvals, hearing deadlines and/or processing requirements during the COVID-19 pandemic outbreak.
- M. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this Order related to the protection of land use approvals to extend certain deadlines or approvals during the COVID-19 pandemic outbreak, affecting residents and business applicants who have been in the plan check or development application process, or are entitled to certain hearing rights need to have such land use related matters extended due to COVID-19.
- N. This Order is adopted pursuant to the City's police powers and powers afforded to the city in this time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, the City Charter of the City of Santa Ana and the Santa Ana Municipal Code to protect the peace, health, and safety of the public. This Order is necessary for the preservation of the public peace, health, and safety of residents living within the City and under Government Code Section 8634, to provide for the protection of life and property rights.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following Order to become effective immediately, subject to further clarification by the City Council:

IT IS HEREBY ORDERED THAT:

SECTION 2. Extensions of Time/Deadlines, Streamlined Processing for Essential Businesses, and Postponement of Administrative Hearings and Deadlines due to the COVID-19 Crisis:

1. All discretionary and non-discretionary land use and planning approvals that have not expired prior to April 15, 2020, but are due to expire on or before October 1, 2020 shall automatically be extended for a period of six (6) months from the expiration date provided for by the Santa Ana Municipal Code or in the applicable approval by staff or the Planning Commission.
  - a. Examples of discretionary approvals include but are not limited to: Conditional Use Permits (CUP's), Variances, Minor Exceptions, and tentative maps/tract maps/parcel maps/condo maps, as permissible under the Subdivision Map Act.
  - b. Examples of non-discretionary approvals include but are not limited to: Design Review Committee applications (DRC), lot mergers, lot line adjustments, demolition permits, outdoor dining permits, and over the counter plan reviews and approvals.
2. Temporary banner and special event display permits approved on or before March 17, 2020 and due to expire on or before October 1, 2020, shall be extended and remain valid for a period of 90 days from the date the City Council terminates the local emergency declared by Resolution No. 2020-016.
3. All approved plan reviews and construction permits that have not expired prior to April 15, 2020, but are due to expire on or before October 1, 2020, shall automatically be extended for a period of six (6) months from the expiration date provided for by the Santa Ana Municipal Code or in the applicable approval by staff or the Planning Commission. Such extension of time means that the City is suspending the time limits of the Permit Streamlining Act, as applicable, during this six (6)-month period.
4. The provisions of the Santa Ana Municipal Code which require employees of commercial and medicinal cannabis businesses in the City to undergo a live scan and criminal background check process prior to commencing work shall not be applied to such employees while this Order is in effect. The City shall, however, require employees to commence the background process and pay all applicable fees prior to the City's issuance of a temporary work permit badge which shall be valid for no longer than six months from the date it is issued. A permanent badge shall only be issued upon compliance with all provisions of Section 40-8.
5. All administrative hearings and appeal deadlines shall be postponed until a new date is provided in writing. No person impacted by the postponement shall be subject to any late fees or additional penalties.
6. Any person who has 1) received a notice of violation or citation for non-life safety nuisance or code violations from the Quality of Life Team (QoLT) or 2) received a Code Enforcement

citation or Notice of Violation for which some form of construction requiring plan review, permits or land use approval is required, shall automatically be granted an extension of sixty (60) days to respond or take action.

7. If the City Manager and the Directors of the Planning and Building Agency and the Community Development Agency determine that it is both 1) in the City's best interests and 2) in the interest of public health safety and welfare, to site a homeless shelter on real property currently occupied by a business that has a valid City regulatory or business permit or license, the City Manager, may permit the business to relocate its business at its sole cost and expense to a different location so long as the new location is in full compliance with all City requirements as set forth in the Santa Ana Municipal Code or land use regulations. A relocation shall not be administratively processed under this Order if such relocation requires any variances or waivers whatsoever.

SECTION 3. Based on the findings set forth in the Executive Order adopted by the Director of Emergency Services on March 19, 2020, residential landlords in the City are hereby prohibited from increasing rent for all tenants while Executive Order N-28-20 adopted by the Governor of the State of California remains in effect or is extended by the Governor.

SECTION 4. This Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order.

SECTION 5. This Order shall become effective immediately and shall remain in effect until May 31, 2020, or longer if extended by the Director of Emergency Services.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2020.

  
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Kristine Ridge, Director of Emergency Services

ATTEST:   
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Daisy Gomez, Clerk of the Council