

April 19, 2022

Santa Ana City Clerk
20 Civic Center Plaza
Santa Ana, CA 92701
Also sent via email to dgomez@santa-ana.org

Santa Ana City Attorney
20 Civic Center Plaza
Santa Ana, CA 92701
Also sent via email to scarvalho@santa-ana.org

**Regarding: Agenda Item 10 – HOO
 Agenda Item 30 – GPA
 Participation by Councilwoman Thai Phan**

To Whom it May Concern,

This letter incorporates the previously submitted letters by reference as if fully set forth within.

In February on this year, Councilwoman Thai Phan FINALLY recused herself from participating in the discussion on the HOO evidencing a conflict of interest, however, she did so by yet again participating and shaping the discussion of the procedures.

The problem with that action is that the City Attorney's direction to the Council regarding the second reading was incorrect. When Councilwoman Phan recused herself due to the financial conflict of interest, her vote on the first reading and additions to the HOO must be rescinded OR if the Council wishes to revisit the HOO, the hearings must begin completely anew.

This City Council has never fully revisited the clear conflicts of interest at the Planning Commission in connection with the creation of the HOO recommendation. THEN, this Council ignored the fact that Councilwoman Phan, with a financial conflict of interest, inserted completely new requirements into the HOO for union labor which had never been discussed previously in prior HOO discussions.

Councilwoman Phan claims to be a "yimby" but in fact is so beholden to the Building Trade Unions that she does not in any way care about creating affordable housing in the City, but rather, paying back her union benefactors to try to ensure her future re-election. Councilwoman Phan is a series of dangerous financial conflicts of interests wrapped up in a trained municipal lawyer who flaunts the law for her personal benefit.

Councilwoman Phan's additions of the requirement of union labor in the HOO is an egregious violation of the process that went into creating the HOO (such an addition should have properly gone back to the Planning Commission for re-hearing with the new substantial changes) AND is in no way germane to the opportunity to construct affordable housing. It is a blatant handout to those who give her political protection at the expense of all of the hard-working families of Santa Ana who just want a place to live and don't care about Phan paying back her political benefactors. Fortunately, the law requiring a nexus between development and exactions is very clear (which any mediocre land use attorney would know)

and Phan's insertion of these requirements cannot and will not withstand the scrutiny of a Court of Law, even if she is able to hoodwink her colleagues.

We call on the other members of the Santa Ana City Council and especially the Mayor, himself an attorney, to not laden the HOO with unnecessary costs as a giveaway to unions and to apply the wise judgement that Phan so clearly lacks. Send the HOO back to the Planning Commission for a proper hearing on Phan's substantial additions, conduct a proper study of what these additions will do to the production of affordable housing, and ask an attorney (a properly trained one) whether it is legal to mandate union labor as part of an affordable housing ordinance (it is not).

We have referred this matter to an attorney and reserve the right to challenge these decisions of the Council.

Sincerely,



Alex Lee

On behalf of numerous concerned Santa Ana residents

alexlee1212@protonmail.com

Orozco, Norma

From: Rizzuti, Tom <trizzuti@tustin.k12.ca.us>
Sent: Tuesday, April 19, 2022 4:15 PM
To: eComment
Subject: City Council Meeting - General Plan Update

Thank you for providing information to the Tustin Unified School District (District) regarding the proposed General Plan Update for the City of Sant Ana. The District has reviewed the information, specifically the land use element and determined that a portion of the Metro East Mixed Overlay Zone is within the boundaries of the District. Regarding any future development in this area, the District acknowledges that its facilities impacts will be mitigated through the payment of the maximum developer fee that is in place at the time building permits are obtained.

Thank you for the opportunity to provide a comment on this item.

Please contact me if you have any questions.

Best Regards,

Tom Rizzuti
Director | Facilities and Planning
Tustin Unified
O – 714.730.7515
M – 949.293.4850



April 19, 2022

RE: Comment on No-Net-Loss Policy in the Santa Ana General Plan Update

Dear Santa Ana Mayor, Councilmembers and Staff,

The Rise Up Willowick Coalition (“the Coalition”) is comprised of residents from the City of Santa Ana (“the City”), the City of Garden Grove, and neighboring Orange County cities as well as local organizations whose goal is to ensure that the Willowick Golf Course site (“Willowick”) is developed to meet the needs of current local residents and their vision-- especially the most vulnerable such as, but not limited to, low income individuals, youth, and immigrant residents -- which includes deep affordable housing, parkland for active recreational use, and green space.

The Coalition appreciates the City's efforts to address the community's environmental justice concerns through the General Plan Update. While the City has made necessary revisions to the draft General Plan, we believe there is still more the City can do to make sure the draft General Plan adequately addresses environmental injustice in Santa Ana.

The proposed General Plan update includes Implementation Action OS 1.4: “No-net-loss of parkland. Establish land use provisions in the Municipal Code that prevent a net loss of public parkland in the city. Require at least a 1:1 replacement if there is any loss of public parkland due to public or private development.” In our letters of October 6, 2021 and December 7, 2021, Rise Up Willowick has proposed extending this policy to *all* open space, including privately-owned areas like Willowick Golf Course.

The City has declined to consider whether the proposal would benefit the community, instead raising concerns that it would constitute a taking of property. RUW believes these concerns are overblown. The City could easily craft a policy to avoid any unconstitutional effect.

Policies very similar to the proposed no-net-loss of open space already exist throughout California. Many cities and counties have mitigation policies that require the replacement of land—such as agricultural land or habitat for endangered species--impacted by development. These policies apply to private land, and do precisely what the proposed open space policy would do.

These widespread mitigation policies are constitutional. As just one example, Stanislaus County has adopted a Farmland Mitigation Program aimed at “mitigating the loss of farmland resulting from residential development in the unincorporated areas of Stanislaus County by requiring the permanent protection of farmland based on a 1:1 ratio to the amount of farmland converted.” *See* Stanislaus County General Plan, Agriculture Element, Appx B. The Court of Appeal upheld this



program against a takings challenge in *Building Industry Association of Central California v. County of Stanislaus* (2011) 190 Cal.App.4th 582.

In this context a policy is constitutional if the mitigation requirement has a “reasonable relationship” to the problem it aims to solve. For example, in the Stanislaus County case, the court noted that agriculture and agricultural land are important to the County’s economy and that losing farmland to development could harm that resource. Therefore, the court held, “protection of farmland that could otherwise soon be lost to residential development promotes the County's stated objective to conserve agricultural land for agricultural uses.” *Building Industry Assn.* 190 Cal.App.4th at 592.

The proposed non-net-loss policy clearly meets this test. As the draft Open Space Element says at page OS-02, “Open space is a limited and valuable resource that provides multiple benefits to those living and working in Santa Ana.” Many draft policies, in particular OS 1.1 and 1.3, show that the City aims to provide *more* open space for the public in the coming years. These policies are not limited to public parkland, but include all open space. The no-net-loss policy would prevent backsliding on the City’s total open-space acreage and therefore advance those broad goals.

In short, adopting a no-net-loss policy that applies to all open space is not as risky as the City fears. If City staff continue to feel that the findings or other policies in the draft General Plan Update are insufficient to meet the legal standards, RUW is prepared to assist in drafting additional language.

Moreover, if the City is concerned that the policy might cause a taking when applied to specific properties (such as Willowick), there are several options for avoiding that result. The policy could offer alternative ways of complying, such as through in-lieu fees. It is also common for similar ordinances to provide for a waiver if strict application would cause a taking. These approaches could be implemented in the Municipal Code revision that will follow the General Plan Update.

A broadly applicable no-net-loss policy is essential to protecting and improving the open space available to the people of Santa Ana. RUW will continue advocating for this goal, regardless of the outcome of the coming vote on the General Plan Update. We are optimistic that the City—with our help—will put in the effort and find a way to adopt the strongest possible version of the policy.

Sincerely,

The Rise Up Willowick Coalition

ruwillowick@gmail.com

Orozco, Norma

From: Renee Lancaster <Renee-Lancaster@nova-academy.org>
Sent: Tuesday, April 19, 2022 3:27 PM
To: eComment
Cc: Renee Lancaster
Subject: 4/19/2022 City Council Meeting - Public Comment - #30 Public Hearing - Final Recirculated Program Environmental Impact Report No. 2020-03 and General Plan Amendment No. 2020-06 for Santa Ana General Plan Update


Importance: High

Dear City Clerk of Santa Ana,

I am Renee Lancaster, Chief Executive Officer and Founder of NOVA Academy Early College High School, located at 500 W. Santa Ana Blvd., Santa Ana, CA, 92701. I have been provided a copy of the Agenda for the Public Hearing - Final Recirculated Program Environmental Impact Report No. 2020-03 and General Plan Amendment No. 2020-06 for Santa Ana General Plan Update. Of significant concern is item #30 regarding a potential change of the zone for NOVA's property and the contiguous property from the current zone to mixed use urban neighborhood. Of concern also is whether this proposed use change would violate any State mandates or regulations relative to schools operating within a residential development in immediate proximity to the school.

In 2016, the City of Santa Ana Council Members approved NOVA Academy Early College High School to operate a public school at 500 West Santa Ana Boulevard in the city's municipal boundaries. NOVA Academy went through a rigorous permitting process and followed all environmental quality standards. The City of Santa Ana required a conditional use permit to establish a new school facility and NOVA complied in all respects and based on that compliance was granted the right to acquire and develop the NOVA Academy at a cost of acquisition in excess of \$18,000,000. Additional costs and expenses were incurred and are ongoing relative to conforming the original operation of Everest College, the abandoned school, to a thriving and award receiving educational facility. NOVA currently has 400 students and staff members who attend school daily. The school has received the 2019 California Distinguished Schools Award (issued every 4 years) and has received the annual "Best Schools" by U.S. News & World Report since 2015. The quality of the education provides an avenue for inner city students to attend college, including UCI, UCLA, Stanford, UC Berkeley and others of note.

Thank you,



Renee Lancaster, CEO
NOVA Academy Early College High School

Renee Lancaster
Chief Executive Officer/Founder
NOVA Academy Early College High School
500 W. Santa Ana Blvd.
Santa Ana, CA 92701
Phone: (714) 569-0948 ext. 1027



A 2019 California Distinguished School

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<http://www.nova-academy.org>



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April 18, 2022
VIA EMAIL

Honorable Members of the City Council
c/o Clerk of the Council
City of Santa Ana
20 Civic Center Plaza – M30
Santa Ana, CA 92701
Email: ecomments@santa-ana.org

**Re: City Council Meeting – April 19, 2022
Comments on the Proposed General Plan Update
Agenda Item No. 30**

Honorable Members of the City Council:

On behalf of our clients Sterik Santa Ana, LP (“Sterik”) and Rohrs GL Holder, LP (“Rohrs”), we thank you for the opportunity to provide comments on the City’s proposed General Plan Update, and in particular the proposed Land Use Element.

Sterik and Rohrs are the respective owners of two adjacent properties fronting the western side of Grand Avenue between 17th and 21st Streets (the “Sites”).¹ The Sites are located in the General Plan Update’s Grand Avenue and 17th Street focus area (“Focus Area”). The Sites bear the Urban Neighborhood (“UN”) designation under the proposed plan and, as a result, their zoning and development standards would be modified by the proposed plan update. Sterik and Rohrs thus have a direct and substantial interest in ensuring the General Plan Update provides a clear, consistent, and appropriate vision for the future growth of the City of Santa Ana and their Sites.

Sterik and Rohrs commend City staff on developing a detailed, thoughtful proposed plan update. In the hope of further improving the plan, we write today to request minor modifications including requests that the Council provide staff direction on certain key points warranting further clarity, addressed below. We believe these requested revisions and clarifications will result in a General Plan Update that would be easier to successfully implement for all involved parties.

I. Clarify the Applicability of Interim Development Standards

Within the General Plan Update’s Land Use Element, the City proposes to adopt “interim development standards” to govern land use decisionmaking in Focus Areas until the development code can be updated to be consistent with the new General Plan. (Santa Ana General Plan, April 2022 Public Review Draft

¹ The Sites includes the addresses 1229 17th Street and 1750 – 2050 Grand Avenue. Together, they total approximately 15 acres in size.



April 18, 2022
Page Two

("GPU"), at p. LU-68.) Notably, the proposed General Plan identifies multiple different sources of interim development standards for different Focus Areas.

For example, for the Sites, three separate designations from two different plans apply as interim development standards: two designations from the Specific Development 84 plan: (1) Urban Neighborhood 2 ("UN-2"), and (2) Corridor ("CDR") – and one designation from the Harbor Mixed-Use Transit Corridor Specific Plan ("Harbor Specific Plan"): (1) Neighborhood Transitional. (GPU, at p. LU-74.)

However, no statement is provided indicating how City staff and decisionmakers should address potential conflicts between such applicable interim development standards. As applied to the Sites, for one example, under the Harbor Specific Plan's applicable Neighborhood Transitional designation, banks and commercial gyms are prohibited uses. (Harbor Specific Plan, Table 3-2.) However, those same uses are allowed by right in CDR sites under the Specific Development 84 plan, and commercial gyms are allowed as a conditional use at UN-2 sites under that same plan. (Specific Development 84, Table 2A.)

To resolve this issue, we request that the City Council provide direction to the City staff and decisionmakers that the City has the discretion to permit the least restrictive applicable interim development standards within a Focus Area. Such a direction would be necessary to ensure clarity in the applicability of standards within Focus Areas and provide the greatest range of flexibility and discretion to City decisionmakers while still being consistent with the proposed General Plan's designated interim development standards.

Such a clarification is necessary to ensure that certain senseless unintended consequences cannot occur regarding conflicts between inconsistent applicable interim development standards. For example, the interim development standards that apply to the Sites permit different building types governed by City standards in a manner that, if the least restrictive standard applied, would effectively ban all of the City's allowed building typologies in the Focus Area. Specifically, Specific Development 84 plan's UN-2 prohibits Flex Block, Lined Block and Stacked Dwellings, but allows Hybrid Court and Courtyard Housing building types. (Specific Development 84, Table UN2-1.) However, Specific Development 84's CDR standards *allow* Flex Block buildings but *prohibit* Hybrid Court and Courtyard Housing typologies. Thus, if the most restrictive standard applied – *none* of the City's allowed categories of housing typologies would be allowed within the Focus Area. Such a result is clearly not what is intended in adopting interim development standards and underscores the need for the Council to provide clarity to City staff and decisionmakers that the least restrictive standards under applicable interim development standards should apply within General Plan update Focus Areas.

April 18, 2022
Page Three

II. Allowing Greater Clarity and Flexibility for Allowed Building Typologies

Regarding the City's allowed building typologies, we believe the General Plan's interim development standard provisions should be revised to clarify that all less intensive building typologies are allowable in locations where a more intensive typology is allowed. The Specific Development 84 plan addresses the following housing typologies, which are ranked from least to most intensive:



(Specific Development 84, at p. 2058.)



April 18, 2022
Page Four

However, neither the applicable interim standards under Specific Development 84 plan nor the Harbor Specific Plan allow the Lined Block typology at the Sites, but the more intensive Flex Block typology is allowed under Specific Development 84's CDR standards. However, it may be the case that, for the Sites and other sites within Focus Areas, the less intensive Lined Block typology would provide the most efficient, advantageous building design. And even though the Lined Block typology is less intensive than the Flex Block typology, a Flex Block building would be allowed at the Sites but a Lined Block building would not.

To eliminate the potential for eliminating advantageous development design opportunities, we request language be added to the General Plan indicating that, where an interim development standard allows a certain building typology, any less intensive typology can also be allowed at the same location. This would provide new development applicants and City decisionmakers the flexibility to consider the best design for the particular site at issue.

III. Clarify the Applicability of FAR and Density Limits in Focus Areas

The applicable development standards in the Land Use Element for Focus Areas and, in particular here, the UN-30 designation, alternatively state that the applicable Floor Area Ratio ("FAR") and Density is "1.5 FAR and/or 30 du/ac," but elsewhere they state the standards is "1.5 FAR or 30 du/ac." (See, e.g., GPU, at pp. LU-23, LU-40.)

These differing statements may create ambiguity as to whether the Land Use Element's respective FAR and density limits both apply to development projects or whether they apply in the alternative, the latter of which could create confusion and cause unintended consequences. In the absence of this point of clarity, it may be unclear to staff and future zoning ordinance drafters how the applicable FAR and density standards should be applied. If applied in the alternative, for example, a mixed-use project may not be able to fully utilize available density while also providing the full scope of job-producing commercial uses within the allowed FAR, e.g., if a project's density is maxed out at less than a 1.5:1 FAR, a project could be prohibited from adding additional floor area for commercial uses up to the 1.5:1 FAR limit.

We do not believe such a result is what is intended by the standard, especially given the already conservative 1.5:1 FAR limit applied in the UN-30 zone.

Thus, we request the Land Use Element be updated to state "1.5 FAR and/or 30 du/ac" wherever density and FAR limits cited and eliminate all references that only include the word "or." The same change should be made for other land use designations presenting the same issue. This revision would clarify the applicable standard and avoid potential confusion.



April 18, 2022
Page Five

IV. Conclusion

We look forward to continuing to work with the City on the proposed General Plan Update. If you have any questions for us or if we can provide any information or assistance, please do not hesitate to reach out.

Best regards,

A handwritten signature in blue ink, appearing to read 'AB'.

Andrew Brady

AB:

Orozco, Norma

From: Silverio Chairez <silverchairez714@yahoo.com>
Sent: Monday, April 18, 2022 12:35 AM
To: eComment
Subject: City's General Plan Update

To whom it may concern

My name is Silverio Chairez. I've been a resident of Santa Ana all of my life. I have seen City Council members come and go throughout the years. And with those Council Members we've seen many good decisions throughout the years, and some decisions, not in the best interest. The reason for this letter is to oppose more housing units in the City of Santa Ana. I don't agree that, 'building more housing units in Santa Ana' is in the best interest of our City. More housing units will just invite a larger population. And more people, will only contribute to more air pollution by the daily activities of an expanding population in the City of Santa Ana.

I was recently driving with a friend of mine on E First st. We drove on First Street, between Grand St and Tustin Ave. We literally lost count of all the Apartments/or housing units that are under construction. Many those projects have already been completed. They are alot of Housing Units. Too many to count. Those projects alone will change the character and the fabric of the City. These types of "Large" and Aggressive" projects, also affect neighboring cities too! The real outcome of these new housing units, won't be felt until many years later. . when many of the current Council Members will be long gone, or voted out.

I implore the City Council Members of Santa Ana, to stop approving these large scale projects, and to think of the long term affects of building more housing units in the City. . We will probably look back one day and wished that we could have done more to preserve our great City.

I Thank most of our City Council Members for your invaluable time and Contributions and your accomplishments!

"Keep Santa Ana Great! !" UM

[Sent from Yahoo Mail on Android](#)