

Sammy Carmona, 2206 West 10th st Santa Ana, CA

October 19, 2020

Honorable Mayor Miguel Pulido
Honorable Mayor Pro Tem Juan Villegas
Members of the City Council, Planning Commission, and City Planning Staff

City of Santa Ana
20 Civic Center Plaza,
Santa Ana, CA 92701

Re: 4th & Mortimer Project

Honorable Mayor, members of the City Council and others:

As a life-long resident of Santa Ana, I write to express support for the proposed 4th & Mortimer development. I have had an opportunity to review the proposed plans and support the project for the following reasons:

- This development will help support downtown by placing bringing much-needed residents and prospective customers near our businesses.
- We desperately need investment, jobs and housing to strengthen downtown. This project will generate a large private investment at a time when it will do much good.
- This will serve a second generation of Santa Ana residents who need a place to live, like myself.
- This project will enhance the neighborhood and improve an area that needs it, especially the eastern block between Mortimer and Minter.
- This will be a nice place to walk when the project is done
- The building plans are beautiful and visually appealing.
- The 2.35 stalls per unit parking ratio.
- Northgate has been a long-time presence in downtown and is a name we know and trust. We are glad Northgate is choosing to continue to invest in downtown.

I hope that I can have the opportunity to bid on this project. It would be delightful for me to work on a nice project like this that will beautify and enhances the city where I live and that I love.

I hope you will approve this project for the good of our community, businesses and neighborhood.

Sincerely,

Sammy Carmona

Date: 10/21/2020

To whom it may concern:

My name is Anna Garduño

I live near the proposed 4th & Mortimer project (409 E and 509 E 4th Street, Santa Ana). My address is: 411 N. Minter St. Santa Ana, CA 92701

I have lived here for 4

I have had a chance to review the plans for the proposed 4th & Mortimer project. I support this proposed project for the following reasons:

*good for the neighborhood, good design
hopefully makes area safer.*

I hope you will approve this project for the good of our community and my neighborhood.

Sincerely,





Michael McCann
Regional Director
Toll Brothers Apartment Living

November 4, 2020

Honorable Mayor Miguel Pulido
Honorable Mayor Pro Tem Juan Villegas
Members of the City Council, Planning Commission, and City Planning Staff

City of Santa Ana
20 Civic Center Plaza,
Santa Ana, CA 92701

Re: Proposed 4th & Mortimer Project (409 E and 509 E 4th Street, Santa Ana)

Honorable Mayor, members of the City Council and others:

As a vested property owner in Santa Ana's downtown, and with a proposed development a few blocks to the west of this site, I write to express support for the proposed 4th & Mortimer project. As we contemplate making a large investment in the city, we support all efforts to improve the neighborhood and development fabric around us. Investments by our peers are welcome and will only help to build the momentum of smart growth downtown. The proposed investment at the 4th & Mortimer location furthers the intent and vision of the Transit Zoning Code. The project will benefit the immediate neighborhood, help provide much-needed housing for Santa Ana, help support downtown businesses, and create jobs and economic activity with benefits that will reach far into the community.

Our proposed project and Northgate's are in a position to help one another, strengthening the shared resident base downtown. We are happy to support the 4th & Mortimer development for the many community benefits it will provide to Santa Ana.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael McCann".

Michael McCann

Orozco, Norma

From: Lisandro Orozco <orozcolisandro@outlook.com>
Sent: Monday, November 30, 2020 9:15 PM
To: eComment
Subject: Item 75C - 4th & Mortimer (City Council)

Hello Mayor and Members of the City Council,

I am in support of the housing project at Fourth and Mortimer.

My name is Lisandro Orozco, I am a homeowner in French Park. I am voicing my support for this housing project due to the positive impact it will have on our Downtown. This is the type of project that was envisioned with the approval of the Transit Zoning Code: a dense, mixed-use development along a transit route. This project will also improve the connection between the busy 4th Street mixed-use corridor with the dense residential neighborhood to the east (Lacy).

The existing Northgate building turns its back to Fourth Street with two large blank walls, a lack of pedestrian connections, and a surface parking lot, something we should not have in the core of our Downtown. This new project will do the opposite of what the existing conditions do and will improve the streetscape while adding much needed housing to the core of Downtown. This market-rate project will also complement the hundreds of affordable housing units the City has funded in the Lacy neighborhood over the last 15 years.

I hope you see the value of such a project and vote in support.

Thank you,
Lisandro

Orozco, Norma

From: dlelliottconnector@gmail.com
Sent: Tuesday, December 01, 2020 10:55 AM
To: eComment
Subject: Agenda item 75C: 4th and Mortimer development project

Mayor Pulido and Councilmembers

I am writing on behalf of your Santa Ana Chamber of Commerce in support of the Northgate 4th and Mortimer development project.

A great partner with a longstanding company, Northgate Gonzalez Markets, makes this a very viable and needed housing and retail project that will enhance our downtown and City as a whole.

More needed housing, retail business and job opportunities make this a very good and sound economic development investment for our City.

Glad to endorse and support.

Thanks

Dave Elliott

President/CEO

Santa Ana Chamber of Commerce



Jennifer J. Lynch
Manatt, Phelps & Phillips, LLP
Direct Dial: (714) 371-2516
JLynch@manatt.com

December 1, 2020

SENT VIA E-MAIL [eComment@santa-ana.org]

Mayor Miguel Pulido
Councilmember Vicente Sarmiento
Councilmember David Penaloza
Councilmember Jose Solorio
Councilmember Phil Bacerra
Councilmember Juan Villegas
Councilmember Nelida Mendoza
Santa Ana City Council
20 Civic Center Plaza
Santa Ana, CA 92701

Re: Agenda Item No. 75C, 4th and Mortimer Mixed-Use Development

Dear Councilmembers:

I represent Red Oak Investments, LLC, the applicant for the 4th and Mortimer Mixed-Use Development Project (“Project”) being considered this evening by the City Council as Agenda Item No. 75C. The Santa Ana Planning Commission considered the Project on October 12, 2020, and two comment letters regarding the Project were submitted by the Kennedy Commission and Supporters’ Alliance for Environmental Responsibility (“SAFER”) just prior to that meeting. In addition, SAFER filed an appeal of the Planning Commission’s Project-related approvals, and also submitted an additional comment letter on November 3, 2020. As the applicant’s land use counsel, I wanted to respond to several misunderstandings or incorrect statements made in the above.

A. Neither the HOO nor the State Density Bonus Law apply to the Project.

Both the Kennedy Commission and SAFER misunderstand the scope of the entitlements sought for the proposed Project, and on this basis, incorrectly claim that the City’s Housing Opportunities Ordinance (“HOO”) applies to the Project. The Kennedy Commission comment letter also incorrectly states that the Project is seeking incentives, concessions, higher density, and a General Plan Amendment under California’s State Density Bonus Law.

The Project is not subject to the HOO. The HOO was amended on September 1, 2020, and as amended, only applies to projects that exceed the residential density permitted by the General Plan. (See Santa Ana Municipal Code [“SAMC”] § 41-1902(b)(1)-(2).) Notably, the November 3, 2020, comment letter submitted by SAFER relies on language superseded by the recent HOO amendments.

Here, the Project is consistent with the General Plan, and neither seeks nor requires a General Plan Amendment to increase allowable density on the site. The General Plan designates the eastern portion of the Project site as “District Center” and the western portion of the Project site as “Urban Neighborhood.” Within these General Plan land use designations, the Project’s proposed density of 59 dwelling units per acre is permitted, so long as the Project site is located within a Specific Development (“SD”) Zone allowing for such density. (See General Plan, pp. A-24, B-6.) Here, the City’s adopted Transit Zoning Code (“TZC”) is an adopted SD, permitting this density. (See TZC [Specific Development No. 84], §§ 41-2000, 41-2001.5.) No amendment to the General Plan Urban Neighborhood or District Center land use designation is required. Under SAMC section 41-1902(b), the HOO does not apply where no General Plan amendment is required.

Second, the Project does not rely on any State Density Bonus Law development concession or incentive. The Project instead seeks a zone change on one portion of the site to allow for development of a single, cohesive community across the entirety of the two-block Project site. The Project also seeks a Site Plan Review and Variance approval. These are not development concessions or incentives sought pursuant to the State Density Bonus Law.

B. Reliance on an Addendum to the TZC Environmental Impact Report

SAFER’s October 12, 2020, comment letter alleges that the California Environmental Quality Act (“CEQA”) does not permit the City to utilize an addendum to the TZC Environmental Impact Report (“EIR”) in approving this Project. This is incorrect. CEQA unambiguously permits—and encourages—lead agencies to utilize an EIR addendum, even when the original EIR at issue was a Program, and not a Project, EIR.

The only instance under which a lead agency cannot rely upon an EIR addendum is where one of three specific conditions are present. These conditions are: (1) where substantial changes are proposed such that new significant environmental effects result that were not disclosed in the prior EIR; (2) where substantial changes in the circumstances under which the project is undertaken have occurred such that new significant environmental effects result that were not disclosed in the prior EIR; and (3) where new information has come to light showing new impacts, or a feasible way to mitigate or avoid previously identified impacts and the project applicant declines to incorporate them. (See Pub. Resources Code, § 21166; State CEQA Guidelines, § 15162.) The City-prepared Addendum to the TZC EIR considers these

circumstances in detail, and ultimately concludes that none of these conditions are present. As such, an addendum to the TZC EIR is the proper CEQA document for the City to rely upon in considering approval of the Project.

C. Any judicial review of the City's reliance on an addendum would be subject to the substantial evidence standard.

SAFER's October 12, 2020, letter states that under *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307 and *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, the fair argument test applies to the question of whether a subsequent EIR should have been used. The letter argues that this is a low threshold for a project opponent to meet, and that under the fair argument test, a court will overturn the City's decision to rely upon an addendum in approving this Project. But the cases cited by the letter in fact hold the opposite. They make clear that the substantial evidence standard applies to a lead agency's decision to proceed with an addendum to an EIR, and that any court review of the lead agency's decision must be granted substantial deference by the court.

In *Sierra Club v. County of Sonoma*, 6 Cal.App.4th 1307, 1317, the court holds that the fair argument test applies only to "preparation of an EIR in the first instance." The court goes on: "On the other hand, after an EIR has been prepared for a project, [Public Resources Code] section 21166 prohibits agencies from requiring a subsequent or supplemental EIR unless 'substantial changes are proposed...' Under section 21166, an agency's determination not to require a subsequent EIR must be based on substantial evidence in the record; if there are conflicts in the evidence, their resolution is for the agency."

Here, the City has prepared a detailed environmental analysis, and based upon the facts in that analysis, determined that the changes required for the 4th & Mortimer Mixed Use Project (i.e., the zone change and variance) do not result in new significant impacts and do not require preparation of a Supplemental or Subsequent EIR. This determination is subject to the substantial evidence standard, and not the fair argument test, as clearly stated in *Sierra Club v. County of Sonoma*.

Further, the comment letter's citation to *Sierra Club v. County of San Diego* is taken out of context. The same citation was similarly taken out of context in *Committee for the Re-Evaluation of the T-Line Loop v. SFMTA* (2016) 6 CA5th 1237, 1252. The court in *Committee for the Re-Evaluation of the T-Line Loop* held that *County of San Diego* does not apply when a public agency is applying Public Resources Code section 21166 to determine whether an addendum is the appropriate CEQA document. The court there explained: "The quotations are inapposite because they concern the judicial standard of review under sections of the Public Resources Code other than section 21166." Further, in *County of San Diego*, the issue was not a change to a proposed project, but the modification of a prior mitigation measure.

D. The TZC EIR contains valuable environmental analysis relevant to the 4th & Mortimer Mixed Use Development Project.

SAFER's October 12, 2020, comment letter argues that the EIR prepared for the TZC cannot have any informational value relative to the 4th & Mortimer Mixed Use Development Project, on the sole grounds that the Project seeks a zone change and variance. However, the TZC EIR analyzes and documents the environmental impacts of zoning for the integration of new infill development into existing neighborhoods, the provision of a range of housing options in downtown, and the provision of a transit-supportive, pedestrian-oriented development framework to support the addition of new transit infrastructure. The Project proposes a minor change to the zoning established in the TZC and analyzed in the TZC EIR. The Project is consistent with the objectives of the TZC, and, as documented in the Addendum, the TZC's EIR's conclusions relating to aesthetics, air quality, biological resources, cultural resources, hazardous materials, hydrology, land use and planning, noise, population and housing, public services, transportation, and utilities remain unchanged even with implementation of the Project's zone change and variance. For each of these resource areas, the analysis in the TZC EIR still applies and is still correct for the downtown area. Therefore, the EIR has informational value relative to the Project.

Thank you very much for your consideration of this letter, which is meant only to supplement the cogent and clear analysis of the Project already included in the Staff Report and the proposed Resolutions and Ordinance before you this evening. Please let me or Andrew Nelson, representative for Red Oak Investments, LLC, know if we can answer any questions you may have on the 4th & Mortimer Mixed Use Development Project at any time.

Sincerely,

Jennifer J. Lynch

December 1, 2020

Mayor Pulido and City Council
City of Santa Ana
20 Civic Center Plaza
Santa Ana, CA 92701

RE: 75C OPPOSITION: 4th and Mortimer (Northgate) Mixed – Use Development

Dear City Councilmembers:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$27,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that has led to the new construction of homes affordable to lower income working families. The Commission writes this letter to provide context on our strong opposition to the 4th and Mortimer Mixed – Use Development.

Community Input

The last in person community meeting for this development was the Sunshine Ordinance Meeting held on August 29, 2018; there was a large community presence with nearly 100 Santa Ana residents in attendance. The majority of the residents in attendance were of the Lacy neighborhood and live a walking distance from the proposed project site. At this meeting there was overwhelming community opposition to the proposed project as presented. Residents expressed that the proposed development was inconsistent with the needs of the neighborhood. The large residential development would replace their fresh food source, Northgate Gonzalez Market, with new residential units with rents that are out of reach for the neighborhood's working class community. Residents expressed their community's needs for housing that would be affordable to families with extremely-low and very-low incomes. The proposed development must include affordable housing on site.

Santa Ana Community Needs

The City of Santa Ana is a renter majority city and despite the City's progress towards meeting its Regional Housing Needs Assessment (RHNA) allocation for very low and low income housing there continues to be a great need for housing that is affordable to its residents. The current pandemic has increased the economic and housing pressures on low-income families in Santa Ana. As incomes are decreasing and jobs are being lost, many low income families are struggling to remain housed. This is especially true for the majority of Santa Ana's low-income households that are suffering with the impacts of housing cost and economic uncertainty.

While the city has seen increased production of affordable housing it has not been enough to address the past deficits and growing needs for affordable housing based on the population's housing needs and incomes of residents in Santa Ana. As an example, according to the City's

local data, 80 percent of Santa Ana renters are moderate, low and very low-income renters.¹ Yet the most significant increase of housing has been in the above moderate housing category. The City's above moderate allocation is 90 units for the current RHNA planning period. To date, the City has approved 2,409 above moderate income units.

This means that the City has exceeded its's above moderate income RHNA allocation by 2,677 percent, per the City's RHNA Annual Progress Report submitted to the CA Department of Housing and Community Development.² **With above moderate average rents of \$2000 - \$4000 in these developments, none of these above market rent units are affordable to most of Santa Ana's working families³.** Since 80% of renters in Santa Ana fall into the moderate, low and very low income category and 84 percent of residents hold low-income occupations that pay less than \$53,500 per year, the majority of these new rental housing units are not available to address the housing needs of most working families in Santa Ana.⁴ Santa Ana's households are predominantly families comprising 81% of households⁵. These households are also rent burdened and live in overcrowded conditions⁶.

Proposed Project

The proposed Northgate Gonzalez Real Estate fails to help address the housing needs for lower income families that live in the surrounding Lacy neighborhood community, one of the neighborhoods with a high population of lower income families. This development needs to provide affordable housing to help address existing housing needs and mitigate the gentrification and displacement that its project will create. The Northgate Gonzalez Real Estate team cannot claim that this development will serve the Santa Ana residents without including housing that will be affordable to families with extremely-low and very-low incomes.

The Commission is in strong opposition to this project as proposed and we urge you to reject this project until on-site affordable housing is included. The proposed project needs to articulate how the developer and its partners will help address the critical affordable housing needs of residents in the Lacy neighborhood and in the City of Santa Ana.

If you have any questions, please free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director

¹ City of Santa Ana General Plan Housing Element 2014-2021, p. 14, January 2014.

² City of Santa Ana Housing Element Progress Report 2019, April 2020

³ Rent survey of recent market rate developments - The Marke, Essex Skyline and Broadstone Arden

⁴ City of Santa Ana General Plan Housing Element 2014-2021, p. 12 and 14, January 2014.

⁵ City of Santa Ana General Plan Housing Element 2014 – 2021, p. 11, January 2014.