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Via Email

City of Santa Ana Planning Commission
20 Civic Center Plaza
Santa Ana, CA 92701
c/o Commission Secretary Sarah Bernal
SBernal@santa-ana.org.

Re: Santa Ana General Plan Update EIR, Clearinghouse No. 2020020987

Dear Chair McLoughlin and Commissioners:

On behalf of Rise Up Willowick, I write regarding the Planning Commission's review of the proposed Santa Ana General Plan Update ("the Update") and its accompanying Environmental Impact Report ("EIR"). The Update will guide the development of Santa Ana for many years, and the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., requires that the EIR thoroughly assess the Update and its environmental impacts. The Planning Commission must therefore pay special attention to its responsibilities under the Santa Ana Municipal Code. I am writing to warn you that the Commission's current schedule puts you in danger of failing to meet those obligations: The code requires that the Planning Commission make a recommendation only on the basis of a complete FEIR and Update, but these are unlikely to be ready for the upcoming hearing.

We understand that the Planning Commission intends to hold a public hearing on the Update on Monday, November 9, 2020. The Commission must have the full Update proposal and Final EIR before it on that day, if not before. Any recommendation the Commission might make on the Update prior to the final EIR's release would be invalid under the City code. City Council action taken following such a recommendation would be equally invalid.

Santa Ana Municipal Code section 27-12 provides that a proposed General Plan amendment, like this Update, must be submitted to the Planning Commission for its

review and recommendation before it is voted on by the City Council, and requires the Planning Commission to hold a noticed public hearing before making any such recommendation. Municipal Code section 27-11 requires that the Planning Director “shall cause any duly initiated proposed plan . . . amendment to be prepared *in a form appropriate for submittal to the planning commission*” prior to the Commission’s hearing on that proposed amendment (emphasis added).

Under Municipal Code section 27-11, the Commission cannot make its recommendation to the Council until both the proposed Update and the EIR are final and complete. A “a form appropriate for submittal to the planning commission” must mean the final form that the City Council will consider. Otherwise, the Commission’s recommendation is pointless. It would be futile for the Commission to make a recommendation on the Update without a finalized CEQA document, because the Commission could not make an informed recommendation without knowing the full environmental impacts of the Update. If the final EIR will not be available before Monday, November 9, the Municipal Code requires that the Commission postpone its hearing on the Update. The City Council, in turn, can take no action until it receives the Commission’s recommendations. Municipal Code 27-12 (“*Prior to being submitted to the City Council, each proposed plan adoption or amendment shall be submitted to the planning commission for its review and recommendation.*”) (emphasis added).

When the Planning Commission does take up the FEIR and Update in the manner the Code requires, it should carefully consider the concerns raised in our letter of October 6, 2020, which is incorporated by this reference herein. In that letter we urge the City to (1) continue to designate the Willowick site as open space, (2) provide for more affordable housing under the Update and avoid undermining the Housing Element and the City’s Housing Opportunity Ordinance, and (3) revise the DPEIR to fully analyze the Update’s environmental impacts, especially those related to displacement and environmental justice.

In addition, we note that the Orange County Airport Land Use Commission (“ALUC”) determined on October 15, 2020 that the proposed Update is inconsistent with sections 1.2, 2.1.4, and 3.2.1 of the 2008 Airport Environs Land Use Plan for John Wayne Airport. The ALUC found that the Update’s proposed land use changes in the 55/Dyer Focus Area would result in 9,952 new residential units within the flight corridor for the airport, subjecting future residents to noise and safety issues, and that the Update’s proposed land use designation for a portion of the South Bristol Street Focus Area would allow buildings up to 25 stories high, which would penetrate airspace protected by Federal Aviation Regulation Part 77 (“Obstruction Imaginary Surfaces”). We urge the Planning Commission to weigh the ALUC’s inconsistency findings when reviewing the

Update and the final EIR, and to consider the Update's potential effects on Santa Ana residents residing near the airport when making its recommendation to the Council.

In closing, we remind the Planning Commission that it must have a complete Update and Final EIR in order to make a valid recommendation as required under Municipal Code 17-12, and we urge the Commission to take no action until it has the necessary materials.

Very truly yours,

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