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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](mailto: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 to comment on the proposed Santa Ana General Plan Update (“the Update”) and its accompanying Environmental Impact Report (“EIR”).

In the Final EIR the City has proposed changes and additions to the Update’s Open Space Element that seek to create new parkland and avoid loss of parkland. We commend the City for including these measures in response to feedback received on the Draft EIR. However, these General Plan measures are insufficient: they do not fully explain how increased creation of parkland will work, and are ambiguous as to what lands are included in a proposed prohibition on net loss of parkland. Moreover, the Open Space Element calls for several Municipal Code amendments to put these General Plan polices into effect, but would defer them until 2022. This will create a period of uncertainty until the measures are fully implemented. We urge the City to revise the Open Space Element to clarify these ambiguities, and to defer the Update so that it can be adopted concurrently with these code amendments. Moreover, the City should defer the Update so that it can be aligned with the City’s new Housing Element and code amendments to strengthen the City’s Housing Opportunity Ordinance (HOO).

The revised Open Space Element Policy 1.3 indicates that the City should “prioritize the creation and dedication of new public parkland over the collection of impact fees” for new residential development in Focus Areas. Rise Up Willowick

supports the prioritization of parkland dedication over parkland impact fee collection. However, the Open Space Element does not fully explain how prioritization would occur for projects of fewer than 100 residential units. Implementation Action OS-1.16 indicates that the City should “[d]evelop an incentives program that encourages private development and public agencies to provide park and recreation facilities beyond the minimum requirements.” Rise Up Willowick supports the creation of such incentives. However, the Open Space Element does not explain how the incentives program might operate or provide criteria to guide its implementation. The Open Space Element should be revised to further clarify these measures.

Implementation Action OS-1.6 calls for the City to “[e]stablish land use provisions in the Municipal Code that prevent a net loss of parkland in the city” and “[r]equire at least a 1:1 replacement if there is any loss of public parkland due to development.” We support the City’s adoption of a “no net loss of parkland” requirement in the Municipal Code. However, we urge the City to clearly define what constitutes “parkland” for purposes of this requirement. The “no net loss of parkland” requirement should not impede the redevelopment of golf courses to include a mix of public parkland and affordable housing. As outlined in our October 6 letter to the City, The Trust for Public Land, the California Coastal Conservancy, and Clifford Beers Housing have submitted a proposal to the City of Garden Grove to develop most of the Willowick Golf Course site into a public park and to construct affordable housing on the remainder. The “no net loss of parkland” policy should not create barriers to projects such as the Willowick proposal that would create affordable housing and other community benefits in addition to public parkland.

Implementation Action OS-1.15<sup>1</sup> calls for the City to “[a]mend the Residential Development Fee in the Municipal Code (Chapter 35, Article IV) to reflect requirements for Larger Residential Projects (100+ units, residential only or mixed-use) to provide two acres of new public parkland concurrent with the completion of and within a 10-minute walking radius of the new residential project.” It also calls for the City to work with “new development projects within the Focus Areas” to encourage developers to provide more parkland than the Code requires. Similarly, Implementation Action OS-1.8 calls for the City to update the Acquisition and Development Ordinance to increase dedication and fee requirements and ensure that parkland is acquired near projects creating demand. Rise Up Willowick supports these changes, and urges the City to ensure

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<sup>1</sup> The City’s responses to comments in the Final EIR label this action as OS-1.14, but the Open Space Element of the revised Update identifies this action as OS-1.15.

their effectiveness by applying these parkland dedication requirements to all new market-rate projects, including those smaller than 100 units.

Most importantly, we urge the City to take up these Code revisions now. Implementation Actions OS-1.6 and OS-1.15 both defer the amendments until 2022, two years after the City's planned Update adoption. By deferring implementation for two years, the City would create an extended period of legal uncertainty for developers, City residents and other stakeholders. During this period, the "no net loss of parkland" and expanded parkland dedication requirements for large developments would constitute City policy but would not yet be reflected in the Municipal Code. Projects will need to be consistent with the General Plan policies, but without Code revisions, developers will not know how to comply.

The General Plan serves as a "constitution" for the regulation of future development in the City. *DeVita v County of Napa* (1995) 9 Cal.4th 763, 772. The City's land use regulations must be consistent with the General Plan. *Leshner Communications, Inc. v City of Walnut Creek* (1990) 52 Cal.3d 531, 544. To avoid an extended period of inconsistency between the General Plan and the Code and the resultant uncertainty, the City should adopt the Update concurrently with the Municipal Code amendments implementing Actions OS-1.6 and OS-1.15. The City should not take action on the Update until those code amendments are also ready for adoption.

By adopting the Update on a rushed timeline, the City also risks creating unintended consequences inconsistent with the City's affordable housing goals. In our October 6, 2020 letter to the City, which is hereby incorporated by reference, we urged the City to provide for more affordable housing under the Update and avoid undermining the Housing Element and the City's HOO. As we explained in that letter, the Update would cause substantial population growth, but fails to provide for sufficient deeply affordable housing, increasing the risk of displacement. Moreover, the Update's upzonings would reduce the HOO's effectiveness because the HOO's inclusionary requirements would apply to fewer projects. The Update would therefore impede General Plan Housing Element Policy 2.6, which calls for the inclusion of affordable units in new residential developments via the HOO. The City should avoid this inconsistency by deferring the Update until next year so that it can be adopted concurrently with the City's new Housing Element, and should simultaneously amend the HOO to ensure sufficient affordable housing production, as discussed in our October 6 letter.

In closing, we urge the City to revise the Update to (1) further elaborate on how the City proposes to incentivize increased creation of new parkland, (2) clarify what open spaces are covered by the “no net loss of parkland” policy, (3) extend the enhanced parkland dedication requirements to new market-rate residential developments smaller than 100 units, and (4) postpone the Update until it can be adopted concurrently with the corresponding changes to the Municipal Code and aligned with the City’s new Housing Element. The Planning Commission should not recommend adoption of the Update until these issues have been addressed.

Very truly yours,

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