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April 19, 2019

Planning Commission
c/o Selena Kelaher, AICP
City of Santa Ana
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Minh Thai, Executive Director
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Re: Comment on Mitigated Negative Declaration for the Legacy Sunflower Project, 651 West Sunflower Avenue, Santa Ana, CA

Honorable Members of the Planning Commission, Ms. Thai, and Mr. Godinez:

I am writing on behalf of the **Supporters' Alliance for Environmental Responsibility** ("SAFER"), a California non-profit organization with members living in the Santa Ana area, regarding the Mitigated Negative Declaration for the Legacy Sunflower Project, proposed to be located at 651 West Sunflower Avenue, Santa Ana, California.

The applicant, Legacy Partners, has submitted an application to construct a 226-unit apartment building at 651 West Sunflower Avenue. The 3.59-acre site currently contains an existing 9,875-square foot single story building used as a church and paved parking lot which are proposed for demolition. The applicant is proposing to construct a five-story building apartment building wrapped around a six-story parking structure containing 452 parking spaces. Courtyards, landscaping and various on-site amenities are also proposed. The project will require a general plan amendment and zone change.

The City is proposing to rely on a mitigated negative declaration (MND) for purposes of review under the California Environmental Quality Act ("CEQA").

The City apparently released the MND for public review on or about March 14, 2019, for a public comment period ending on April 8, 2019. The matter is scheduled for consideration by the Planning Commission on April 22, 2019.

Our law firm did not receive notice of the release of the MND, and did not become aware of the MND until it was mentioned in the agenda for the Planning Commission hearing, despite the fact that on August 20, 2018, this law firm filed a written request to the City of Santa Ana ("City") pursuant to CEQA sections 21092.2 and 21167(f), and Government Code section 65092, requesting written notice of all CEQA documents, including mitigated negative declarations. Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. The City failed to comply with this duty.

Since the City failed to comply with CEQA sections 21092.2, 21167(f) and Government Code section 65092, by failing to provide us with notice of the issuance of the MND for the Sunflower Legacy Project, we request that the City re-open the public comment period for the MND, and continue the Planning Commission hearing until after the completion of the re-opened public comment period. The public comment period should be no less than thirty days. Thank you.

Sincerely,



Richard Drury
Counsel for SAFER