

CLIENT SUCCESSES | MAY 25, 2017

Appellate Court Rejects CEQA Challenges to Development in Santa Ana

BB&K Team Represented City

In a decision that supports both history and progress, a California appellate court on Wednesday rejected several legal challenges to a residential project on a portion of a former orchard. Representing the City of Santa Ana, Best Best & Krieger LLP attorneys Michelle Ouellette, Sarah Owsowitz and Sonia Carvalho worked with the City and convinced the court to find for the City on all the issues — including that approval of the project complied with environmental laws.

The property at issue includes a farmhouse, which was built around 1914, but has been unoccupied since 2006, uninhabitable and boarded up. The property once included 480 Valencia orange trees — but by 2013 only 24 of those remained healthy. The property was bequeathed in 2006 to two private schools, who originally proposed to develop 24 single-family homes on the site.

What followed was years of diligent environmental and historical review processes, including comments from the public and The Old Orchard Conservancy, the plaintiff in this case. After several modifications, including one to return the farmhouse to a habitable state and preserve or replace the orange trees near it, the project plan was approved via a series of votes by the City of Santa Ana's Planning Commission and City Council.

The Conservancy filed suit in April 2014 in Orange County Superior Court. Following trial in 2015, Judge Robert J. Moss denied the entirety of the Conservancy's petition. The Conservancy appealed. Like the trial court, the Fourth District Court of Appeal appropriately ruled in the City's favor on all grounds. (*The Old Orchard Conservancy v. City of Santa Ana*, G053003.)

The court found that the Conservancy's challenges brought under CEQA lacked merit, as the City's findings supported its determination that the environmental impacts associated with the project were less than significant and that its challenge to the project's subdivision map and variance were unsubstantiated. Lastly, the court found the Conservancy's claim that a City Council member

People



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improperly participated in project votes was baseless, as the member did not have a conflict of interest, and, even if he had, he acted properly at all times.

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