

August 9, 2022
City Council Meeting
Public Comments

General Public Comment

Jennifer Connally

From:
Sent: Tuesday, August 9, 2022 4:35 PM
To: City Council Public Comment
Subject: Public comments for city council meeting 8-2022

I'm requesting please that you read this out loud for me at city council during public comments. Thank you , Kimberly Bottomley Honorable Mayor Murphy and council, I would like to request that during public comments when addressing Mayor and council that the public would be able to use the city projector to show photos to where not only Mayor and council can see the photos they bring in . But, to all that are in the council chamber and Viewing at home .

Thank you in advance for your response,
Kimberly Bottomley

Sent from my iPhone

Item 3.19

Time Extension for
Mabury Tentative
Tract Map

Mabury Ranch Homeowners Association
c/o Tritz Professional Management Services
1525 E 17th Street, Suite A
Santa Ana, CA 92705
(714) 557-5900

August 8, 2022

City Council
City of Orange
300 E. Chapman Avenue
Orange, CA 92866

Subject: Time Extension for Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20

Mayor Mark Murphy, Mayor pro tem Kimberlee Nichols, Council Member Chip Monaco, Council Member, District 1 Arrianna Barrios, Council Member District 2 Jon Dimitru, Council Member, District 3 Kathy Tavoularis, and Council Member, District 5, Ana Gutierrez :

At your August 9th meeting, on the consent calendar is Item #3.19 which is a request for a time extension for Tentative Tract Map Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20. The Mabury Ranch Homeowners Association (MRHOA) requests that you pull this item from the consent calendar and place it the Administrative Reports for discussion. Further the MRHOA requests that you deny this extension.

The applicant, Milan REI X, LLC, requested this extension in a letter sent to Susan Galvan, the Community Development Director, dated July 10, 2022. This letter requests the one year extension under the provisions of the Orange Municipal Code Chapter 17.08.060. The letter further requests an additional six year extension under the provisions of the California Government Code Article 66452.6.

Resolution No. 11268 which approved the three subject documents in its Condition of Approval No. 6 states *"Tentative Tract Map Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20 shall become void if not vested within two years from the date of approval. Time extensions may be granted for up to one year, pursuant to OMC Section 17.08.060."*

The Orange Municipal Code Chapter 17.08.060 states *"The written request should be submitted at least forty-five (45) days prior to the expiration date and at a minimum shall explain the extenuating circumstances that have delayed the construction or land use entitlement."* Confirmation of actual date of receipt of the letter is unknown. No

explanation of any extenuating circumstances was provided in the request by the applicant. As such the extension request must be denied.

For the six year extension request under the provisions of the California Government Code Article 66452.6 to be granted the one year extension under the Orange Municipal Code Chapter 17.08.060 must be granted. Since the requirements of the Orange Municipal Code Chapter 17.08.060 have not been met and thus no extension can be granted under it and thus likewise no extension can be granted under the California Government Code Article 66452.6.

The three subject documents which deal with the development of a tract of homes North of Santiago Creek and South of Mabury Avenue immediately adjacent to the Mabury Ranch community were approved by the Orange City Council on August 25, 2020. The MRHOA acknowledged back then and still acknowledges that this land was zoned R-1-8 in 1993, and thus home construction would be permitted there. We have no dispute with the current zoning, but we have concerns with the three subject documents.

On August 22, 2020, prior to the City Council's August 25, 2020 meeting we submitted a detailed letter outlining our concerns (A copy of that letter is attached). During the discussions which took place during the City Council meeting, the applicant's representative was asked about the MRHOA's reaction to the proposed tract map and the representative stated that he had met with the MRHOA and that we had no problems with the tract map. This was an out and out lie. The applicant's representative made the same lie at the Planning Commission Meeting on July 20, 2020 which preceded the City Council meeting on August 25, 2020. Unfortunately, the Covid-19 restrictions in place at the time did not allow for real time input from the General Public. Only the applicant's representative was able to respond in real time.

The Council has an opportunity reset this project on the right track. As we acknowledged above we know this land is zoned R-1-8 which allows for home construction on it. Building a community that blends in with and compliments the existing Mabury Ranch community and minimizes the impact on Mabury Ranch should be the goal of all parties involved including the developer, the City, and the MRHOA. Please encourage the applicant to work with us to bring back a revised tract map that we can all support.

Sincerely,

Mabury Ranch Homeowners Association Board of Directors

Tom Broz, President Nathan Swanek, Vice President Nancy Edwards, Secretary

Cathy Clark, Treasurer Pat Wheelock, Director at Large

cc. Kelly G. Richardson, Esq.

Item 3.20

Monthly Treasurer's
Report for April, May
& June 2022

Jennifer Connally

From: Janice Brownfield
Sent: Monday, August 8, 2022 7:12 PM
To: City Council Public Comment
Subject: Public Comment Item # 3.20

Fossil banks, no thanks. The City should divest taxpayer funds from its investment with JPMorgan Chase, the leading financier of fossil fuel extraction, with \$51 billion in 2020 and increased to \$61 billion last year, 2021. Taxpayers should be informed that their money is being used to finance an industry that is causing the destruction of the world's climate. To protest the funding of this destructive partnership, the City should withdraw taxpayer money from JPMorgan.

In October the bank had announced it was joining the United Nations' Net-Zero Banking Alliance, a group of global banks that have committed to dramatically reduce their carbon financing and investment activities. As the largest U.S. bank and a major lender to the fossil fuel industry, JPMorgan had been criticized for not previously joining the group, which had launched six months earlier.

Just weeks later, however, with the ink hardly dry on its landmark pledge to fight climate change, JPMorgan underwrote \$2.5 billion in bond deals for oil, gas and coal companies equivalent to the same time period in previous years.

Four months ago it was reported that despite their "net-zero" rhetoric, JPMorgan and other fossil fuel financiers continue to pour billions of dollars into fossil fuels and to greenwash their oil addiction with claims they also fund renewable energy, have installed LED light bulbs in their branches, and keep their thermostats low.

How quickly JPMorgan and other fossil fuel lenders pull off a transition to finance a lower carbon economy will play a major role in determining the planet's chances of avoiding a cataclysmic degree of overheating. And scientists have calculated that the current decade is the last chance humans have to prevent more than 1.5 degrees of warming. So far, bank executives are stressing that they don't intend to ditch any fossil fuel clients soon if they can help it.

Item 7.3

Discussion of NTSSP Options

Jennifer Connally

From: Regina Mundekis
Sent: Sunday, August 7, 2022 1:11 PM
To: City Council Public Comment
Subject: Public Comment Item #7.3 - North Tustin Street Specific Plan Options

Dear Mayor and City Council,

The Village at Orange is in desperate need of a new life. While the outside ring of businesses fronting Tustin St are viable, the mall itself is dead. It's time to deal with the dead mall.

The staff report identified three options:

Option 1: Remove village at Orange from Specific Plan Boundaries Option 2: Retain Village at Orange in the Specific Plan Boundaries with Strictly Commercial Zoning Option 3: Retain Village at Orange in the Specific Plan Boundaries with Commercial Zoning and Incorporate a Mixed Use Overlay

A specific plan creates a plan which sets the parameters for what the desired outcomes of development are.

I support Option 2 and Option 3. I see Option 2 as more challenging to implement because limiting the area to only retail uses limits the opportunities to obtain amenities from developers. Option 3 is a compromise which allows for development of a limited amount of housing in exchange for amenities such as public space, a community center, or a sports field, in addition to other options.

This specific plan is an opportunity to define the types of businesses which are desired at the Village at Orange site. Current zoning allows for mini-warehouse/self storage facility, massage establishments, schools or colleges, church, entertainment establishment, amusement park, motorcycle sales and service, and car wash/auto detailing, among others. We need to have a discussion regarding the types of businesses desired at the Village at Orange site.

The Village at Orange is a large site which either needs large format retail such as Costco, redevelopment into walkable urban retail, or some creation of a limited amount of housing interspersed with retail. There is not much demand in the current market for a small mall dating from the 1960's. Orange needs competitive retail along Tustin Street.

This week, I am looking forward to going to the new HMart grocery store in Irvine. I may also stop at Costco in Tustin any the blimp hangars to pick up a few items and get a tank of gas. When I'm done at Costco, I can dash into the Target on the way out and stop at Stater Bros on Tustin Ranch Road before getting on the freeway to go back to Orange.

Thank you for your interest in this matter,

Reggie Mundekis
Presidential Tract

Jennifer Connally

From: Doug Hamilton
Sent: Friday, August 5, 2022 1:45 PM
To: Chad Ortlieb; mayor@markamurphy.com; Kim Nichols; councilmanmonaco@gmail.com; Arianna Barrios; Jon Dumitru; Kathy Tavoularis; Ana Gutierrez; City Council Public Comment; Pamela Coleman
Subject: NTSSP - Open letter to the City Council and concerned residents of Orange
Attachments: INTRODUCING NTSSP.pdf; City NTSSP Statement.pdf; LEAPNOFA.pdf; LEAP Grant Application.pdf; 20LEAP15723 execute.pdf; LEAPNOFA.pdf

Open letter to City of Orange Officials and concerned residents,

We have several topics that deserve considerable consideration and warrant detailed answers to the public.

1. The JCP developer closed escrow in 2020 at \$17+M right after the city secured grant money from the State. The grant requires a zoning change that would have a huge financial benefit to the developer. What coordination and communications occurred between the city and the developer? Are there ongoing conversations with the developer?
2. Has the Mayor been advised to recuse himself from the North Tustin Street Specific Plan issue due to potential conflicts of interest?
3. In light of a potential conflict of interest, is it inappropriate that the Mayor signed Resolution No. 11224 approving the grant application and agreement based upon a possible need for recusal? Would a recusal invalidate the resolution and grant agreement which bears his signature?
4. The city clearly represented in the grant application that the money would be used to satisfy the production of housing as required by the 6th Cycle of our Regional Housing Needs Assessment (RHNA). However, City Planner Chad Ortlieb states the city has already met the same 2020-2029 housing requirements in 3 other project areas. See the attached email from City Planner Chad Ortlieb dated June 18, 2022.
5. If the city applied for the grant money from the State knowing the 6th Cycle RHNA housing requirements would be met on other sites and based upon the terms of the grant money contract with the state, wouldn't this be fraud?
6. If the city continues to apply for progressive payment of NTSSP grant money reimbursements with full knowledge that the 6th Cycle RHNA requirements have already been met elsewhere, wouldn't this be fraud based upon the terms of the grant money contract?
7. Is it correct that the grant agreement states that fraud would disqualify current and future grant applications?
8. City officials have stated both publicly and in writing that the grant terms do not require the actual production of housing. However, the grant application and the Nexus requirement clearly contradict those statements. A proof requirement is building permit copies. Isn't this a false and misleading statement? It is very clear in the grant application; grant agreement and 6th Cycle RHNA housing

document exactly what the city agrees to accomplish with the grant money. The requirement is Very low-, low- and moderate-income housing and this could result in higher buildings with more stories and less parking than what has been disclosed to the public. Additionally, the Environmental Impact Report (EIR) Scoping Meeting Document clearly states the following: The Village Core Zone is currently being sought for near-term redevelopment. There is an immediate project pending and we know that's the old JCP site at The Village Mall. Doesn't this fact contradict what city officials have been telling the public?

9. The grant money LEAP agreement states that there are a number of financial and legal consequences if the city fails to deliver upon the terms of the agreement. One possible consequence is receivership and the state implementing the Plan without the city.

10. Wouldn't the best solution for all these inconsistencies be for the City Manager or City Attorney to call Sacramento and explain that we have great news, we satisfied the 6th Cycle 2020- 2029 RHNA housing requirements on other sites and we no longer require grant money assistance? Therefore, the City of Orange chooses to exercise its right to terminate the agreement with 30 days' notice.

11. Isn't it best to take a straight up, honest approach to resolving the significant problems with the grant money and the NTSSP? And wouldn't it serve to limit the city's possible exposure to financial losses and receivership that could be derived from claims of fraud or a failed final vote to approve the NTSSP? Final approval of the NTSSP is required by the grant agreement terms. The outcome of a final vote cannot be predicted with an election on the horizon and at least 1 of the votes that approved the grant application terming out and another vote possibly recused.

12. Based upon the terms contained in the grant application and LEAP agreement which require implementation of the Plan, isn't it a misrepresentation of the facts for city officials to state that this is a "study".

13. Based upon the terms of the LEAP grant money Notice of Funding Availability (NOFA) isn't it also a misrepresentation of the facts when city officials state that actual production of housing is not required? The NOFA states "At least two-thirds of the square footage must be designated for residential use; ..." (See Page 15)

14. We requested from City Planner Chad Ortlieb a list of sites in the NTSSP that might receive zoning changes. I would like to know who actually benefits from, and who is impacted by these zoning changes. Chad neither acknowledged the email and/or replied to it. The EIR written description of the Plan and the verbal explanations at public meetings are different.

15. The grant requires community outreach to groups that might be impacted and/or benefit from the Plan. Our group was not contacted, and to date almost 10 years of public opposition and concerns appear to have been completely ignored. Shelby Oaks contacted us 2 times and states she represents occupants of the mobile home park affected by the zoning changes. Her concern is for the elderly, veterans and the disabled who would be displaced if developers exploit the proposed zoning changes and redevelop the affected mobile home park. Shelby states that they were not contacted during the outreach period, and the NTSSP has the potential to destroy many lives.

16. Fewer than 290 residents gave input on the surveys carried out by the consultant. The questions were written so that there could be only one conclusion and negative input from opposition groups appears to have been avoided or ignored. Please provide a list of groups and contact information that either the city or the consultant contacted for Plan input. Our work with the community has confirmed

overwhelming opposition to this Plan and almost no support. City officials have received and responded to countless opposition emails.

17. We would like to review individual responses to the 3 surveys conducted by the consultant. We request that the city make the responses available for public review, interpretation and further comment.

18. In the near future we will be taking a survey of neighbors throughout Orange and provide a more accurate depiction of what residents, commercial property owners and business actually think about the NTSSP and the effects of sweeping zoning changes on the North Tustin Street corridor.

19. If the City of Orange is not willing or unable to provide answers to the previous 18 questions, we will seek answers to some of the above directly from Sacramento.

We may have additional questions in the future. However, we would like a written response prior to the next City Council Meeting – August 9, 2020.

So that there cannot be any claims that our concerns are unfounded, we are attaching publicly available documents with highlights for your review. A written response would be greatly appreciated.

Sincerely,

North Tustin Street Preservation Group