

**February 8, 2022**  
**City Council Meeting**  
**Public Comments**

# General Public Comment

## Jennifer Connally

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**From:** Janice Brownfield  
**Sent:** Sunday, February 6, 2022 12:13 PM  
**To:** City Council Public Comment  
**Subject:** Public Comment Non-Agenda Item

Preserving older trees is more effective in combating climate change than planting new trees since we have only about eight years to prevent the tipping point at which next to nothing will help reduce its devastating effects. Arborists have determined that trees capture much more carbon dioxide after 50 years of growth. California's Arbor Day is March 7<sup>th</sup> and national Arbor Day is April 22<sup>nd</sup>, the same day as Earth Day. Arbor Day's purpose is to plant more trees in the community while Earth Day's is to pay attention to the condition the environment is in and what we can do to help it.

Five years ago the City correctly denied a request to remove three large mature Canary Island Pine trees on East Chapman Avenue as they were healthy and well rooted. Orange Municipal Code Chapter 12.32 - Tree Preservation - was cited and noted that the "public health, safety and welfare will be promoted by the preservation of trees." Among the reasons listed were, No. 1, "Trees are an important source of oxygen which serves to dilute the polluted air." Reason No. 6 is, "Trees help temper the land in extremes of weather."

Proforestation is a relatively new term that is a nature-based solution in which trees are protected to foster continuous growth for maximal carbon storage and ecological and structural complexity. Unlike planting new trees, proforestation requires no additional land, limited resources and no labor; it utilizes trees that are already in place. While tree planting campaigns can play a role in climate change mitigation, it is the trees and forests standing now that can sequester carbon most effectively in the near term, when it's most important to do it, than anything else that is out there. Newly planted trees and forests may take decades to a century before they sequester carbon dioxide in substantial quantities.

Since the City's Tree Preservation ordinance was adopted before most of us realized climate change was becoming an existential crisis, the City should update and add to the reasons listed. For instance, the ordinance could be amended to include, "Trees, specifically mature trees, sequester carbon, which is one of the leading greenhouse gases contributing to climate change." Now is the time to make changes and include them in the City's Arbor Day observation.

**Jennifer Connally**

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**From:** Gail Sevilla  
**Sent:** Tuesday, February 8, 2022 10:54 AM  
**To:** City Council Public Comment  
**Subject:** Public Comment Non agenda item

Dear Councilmembers,

Since it is unclear when you will be making the decision to approve or not a Cemetery for the former YMCA land. I would like to share my thoughts. Each of you needs to drive to this site to see for yourself who would be impacted by development of this lot. Will it be the preschoolers and other young people attending the adjacent school? Will it be the many park goers who enjoy the dog park? Will it be the bike riders, walkers and runners using the adjacent trail? And of course, how about the homes adjacent to this lot?

The piece of land belongs undisturbed and cleared to allow the least impact possible on the environment and those who breathe nearby. Please take the time to look in person at this site and then your conscience will be your guide.

Gail Sevilla

Item 3.23

# Temporary Street Closure

## Jennifer Connally

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**From:** Adam Feliz  
**Sent:** Tuesday, February 8, 2022 9:48 AM  
**To:** Aaron Schulze  
**Cc:** Pamela Coleman; City Council Public Comment  
**Subject:** Agenda Item 3.23 Temporary Street Closure

Aaron,

The OISF would respectfully request that the Street Closure for the OISF event be 7am rather than 7pm. As we continue to navigate staffing issues from all sectors, the 7am closure would allow for Public Works and our sub contractor the flexibility to have additional time for the setup of the event. This timing would reduce fatigue and overtime time costs, the cost savings will be passed unto the 60 non-profits of which participate who are still recovering financially for the effects of Covid-19.

If there are any questions please do not hesitate to contact me.

Adam Feliz  
President  
Orange International Street Fair. Inc.

W: [orangestreetfair.org](http://orangestreetfair.org)  
A: 112 E. Chapman Ave Suite G Orange, CA 92866

# Item 9.1

## Campaign Finance Ordinance Revisions

Public Comment by Shirley Grindle  
Item 9.1 – Feb. 8 Agenda

TO ELIMINATE SECT. 2.10.090 IN ITS ENTIRETY WILL RESULT IN:

- CREATING LOOPHOLES FOR EVASION OF THE CONT. LIMIT – A,B,C,D
- ELIMINATING THE PROCESS FOR TRANSFERRING CONTRIBUTIONS TO A DIFFERENT COMMITTEE TO RUN FOR A DIFFERENT OFFICE. – C.
- ALLOWS CITY CANDIDATES TO USE THEIR CAMP FUNDS TO MAKE CONTRIBUTIONS TO OTHER CITY CANDIDATES. – B
- ELIMINATES THE RESTRICTION ON EARMARKING CAMPAIGN CONTRIBUTIONS – D

I BELIEVE IT IS IRRESPONSIBLE TO REMOVE THIS ENTIRE SECTION FROM THE ORD.

THE REAL ISSUE AS IT WAS EXPLAINED TO ME BY SHEATZ WAS ONLY TO CONSIDER PART A - - REQUESTED BY TAVOULARIS TO ALLOW OTHER CANDIDATE-CONTROLLED COMMITTEES TO MAKE CAMPAIGN CONTRIBUTIONS TO CITY CANDIDATES. I WILL THEREFORE ADDRESS PART A.

THE CHALLENGE IN WRITING EFFECTIVE CAMPAIGN ORDINANCES IS TO IDENTIFY AND CLOSE LOOPHOLES WHICH WOULD ALLOW EVASION OF THE C/L.

SECT.2.10.090A IS ONE SUCH PROVISION IN THE ORANGE ORD THAT PROHIBITS THE EARMARKING, FUNNELING AND LAUNDERING OF CAMPAIGN CONTRIBUTIONS.

YOU HAVE BEFORE YOU A REQUEST BY COUNCILWOMAN TAVOULARIS TO CONSIDER ELIMINATING THE PROHIBITION OF ACCEPTING CAMPAIGN CONTRIBUTIONS FROM **OTHER** CANDIDATE-CONTROLLED COMMITTEES.

TO DO SO ALLOWS CLEVER INDIVIDUALS WHO HAVE MAXED OUT TO A CITY CANDIDATE TO EVADE THE C/L. THEY DO THIS BY MAKING A CONTRIBUTION TO **ANOTHER** CANDIDATE'S COMMITTEE WITH THE AGREEMENT THAT HIS



CONTRIBUTION WOULD THEN BE GIVEN TO THE DESIGNATED CITY CANDIDATE. THIS RESULTS IN MONEY LAUNDERING AND IS ABSOLUTELY ILLEGAL --- RESULTING IN HEFTY FINES BY THE FPPC.

IT ALSO RESULTS IN AN EVASION OF THE CITY'S C/L BECAUSE THE SOURCE OF BOTH CONTRIBUTIONS ARE NOT DISCLOSED TO THE CITY CANDIDATE. INSTEAD THE CONTRIBUTION IS REPORTED AS COMING FROM THE **OTHER** CANDIDATES CONTROLLED COMMITTEE – KNOWN AS LAUNDERING.

THIS PROVISION HAS ALREADY BEEN REVIEWED BY THE CALIF. AG AND A JUDGE IN *STATE VS ALASKA CIVIL LIBERTIES UNION*. BOTH HAVE RULED THAT THE BAN ON THESE INTRA-CANDIDATE TRANSFERS IS NECESSARY TO AVOID THE FUNNELING (LAUNDERING) OF CONTRIBUTIONS WHERE THERE IS A C/L IN EFFECT.

TO REMOVE THIS PROVISION FROM THE ORDINANCE IS TO “WEAKEN” THE ORDINANCE – NOT IMPROVE IT.

THE ORANGE ORDINANCE HAS BEEN AMENDED A COUPLE OF TIMES BY THE CITY COUNCIL – BUT ONLY TO STRENGTHEN IT. NO AMENDMENT HAS EVER BEEN ADOPTED BY THE CITY COUNCIL THAT WEAKENS THIS ORD.

THE PUBLIC RELIES ON YOU TO DO THE RIGHT THING AND MAINTAIN THE INTEGRITY OF THIS ORDINANCE AS YOU HAVE DONE IN THE PAST.

**Sect. 2.10.090.A** Contributions Transferred from Committees.

Contributions from candidate controlled committees to a City Candidate Committee are prohibited except as provided in Section 2.10.090.C.

**Sect. 2.10.090.C** Contributions Transferred Between Controlled Committees by the Same City Candidate.

(Allows Candidates to transfer campaign funds between their controlled committees. Council seat to Mayor seat, or State Assembly seat to Council Seat.)

## Jennifer Connally

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**From:** Dan Slater  
**Sent:** Tuesday, February 8, 2022 12:21 PM  
**To:** City Council Public Comment  
**Subject:** Agenda Item 9.1

I'm extremely disappointed to see this item on the agenda – for 3 reasons:

1. Why are we proposing to change the rules in an election year? What's the motivation? It certainly doesn't pass the "smell" test.
2. This ordinance has been in effect since 1992 – THIRTY YEARS. It has worked well. The only changes made have strengthened it, but this proposal would severely weaken it.
3. Over the 8 years I served on the city council, I NEVER saw a suggested agenda item (that to my knowledge never even got discussed in public by the council, much less direction given by a MAJORITY of the council) suddenly show up as a new ordinance, agenized for first reading. How did that happen?!

I hope the council does the right thing and kills this proposal. It's poor policy and not right for Orange.

Dan Slater, former mayor pro tem

Item 10.1

Review of Draft  
Focus District Maps  
and Public Maps

## Jennifer Connally

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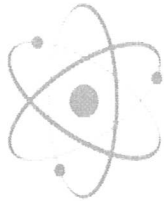
**From:** Laura Dewey  
**Sent:** Monday, February 7, 2022 8:25 AM  
**To:** City Council Public Comment  
**Subject:** Redrawing Districts

Dear Leadership of Orange,

I urge you to retain districts # 4 & #6 as two separate districts and adopt proposed map #119.

Thank you,  
Laura Dewey

Be well,



Laura Dewey Coaching

Executive & Personal Coaching | Experiential Training

## Jennifer Connally

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**From:** Council Info  
**Sent:** Monday, February 7, 2022 9:57 AM  
**To:** Nicole Mcdaniel  
**Cc:** Gary Sheatz  
**Subject:** FW: Agenda Item 10.1. Public Hearing to Review Draft Focus District Maps and Public Maps.

**From:** Paula Acken  
**Sent:** Saturday, February 5, 2022 11:48 AM  
**To:** Council Info <councilinfo@cityoforange.org>  
**Subject:** Agenda Item 10.1. Public Hearing to Review Draft Focus District Maps and Public Maps.

We want to stay in the Old Towne District which is District 1. The historic district must remain in-tack and not split up as it is a community of interest! Please use maps 119, 120, 124 and 127. Thank you

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Monday, February 7, 2022 8:07 AM  
**To:** Nicole Mcdaniel  
**Cc:** Gary Sheatz  
**Subject:** FW: City of Orange map redistricting

-----Original Message-----

**From:** ALICE CHRYSTIE  
**Sent:** Sunday, February 6, 2022 11:20 PM  
**To:** cminfo <cminfo@cityoforange.org>  
**Subject:** City of Orange map redistricting

I am in complete support of map 119. Combining areas four and six would not give these constituents sufficient representation for the city of Orange. These are two very large districts and should not be combined.

I think that map 119 would give everyone the fairest representation within the city of Orange.

Alice Chrystie

Orange Ca 92967

**Jennifer Connally**

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**From:** Linda Kennedy  
**Sent:** Monday, February 7, 2022 3:11 PM  
**To:** City Council Public Comment  
**Subject:** Retain districts # 4 & #6 as two separate districts.

Retain districts # 4 & #6 as two separate districts.

*Linda Kennedy*

Anaheim Hills, CA 92808

## Jennifer Connally

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**From:** Council Info  
**Sent:** Monday, February 7, 2022 5:14 PM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Cc:** Corinna Rivas  
**Subject:** FW: Redictricting in old Towne orange. I want to stay in the old Towne district which is district 1. The historic district must remain intact and not be split up as if it is a community of interest. I support maps 119, 120, 124, and 127. Shari carter. R

-----Original Message-----

From: shari carter  
Sent: Sunday, February 6, 2022 2:10 PM  
To: Council Info <councilinfo@cityoforange.org>  
Subject: Redictricting in old Towne orange. I want to stay in the old Towne district which is district 1. The historic district must remain intact and not be split up as if it is a community of interest. I support maps 119, 120, 124, and 127. Shari carter. Re...

Sent from my iPhone



## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Monday, February 7, 2022 5:14 PM  
**To:** Nicole Mcdaniel  
**Cc:** Gary Sheatz; Corinna Rivas  
**Subject:** FW: boundaries

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**From:** Jackie Hanson  
**Sent:** Monday, February 7, 2022 5:12 PM  
**To:** cminfo <cminfo@cityoforange.org>  
**Subject:** boundaries

I choose Map 119 and feel it best represents what we in the city prefer....  
Jackie Hanson

Orange, Ca.

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Monday, February 7, 2022 5:30 PM  
**To:** Nicole Mcdaniel  
**Cc:** Gary Sheatz; Corinna Rivas  
**Subject:** FW: Districe Maps

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**From:** Jackie Hanson  
**Sent:** Monday, February 7, 2022 5:15 PM  
**To:** cminfo <cminfo@cityoforange.org>  
**Subject:** Districe Maps

I feel Map 119 is the best for our city of Orange.  
please note my feelings in this manner.  
I am hoping to make it to the council meeting and  
Hope we citizens are heard.  
Jackie Hanson

Orange, Ca.

## Jennifer Connally

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**From:** ahkinkaid  
**Sent:** Monday, February 7, 2022 10:57 PM  
**To:** Pamela Coleman; City Council Public Comment; cminfo  
**Subject:** In Favor of Maps 119, 120, 124 & 127 and Keeping Districts 4 & 6 Separate

To Mayor Murphy and Orange City Council c/o City Clerk Pamela Coleman:

I am a resident of the City of Orange and I would like to state that I am in favor of Maps #119, 120, 124 & 127 and urge the Council to retain Districts 4 & 6 as two separate districts. These two districts should each have the right to elect their own representatives.

I would like to request that my position be included with the official records of the Orange City Council meeting on Tuesday, February 8th.

Sincerely,

Alan Kinkaid

## Jennifer Connally

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**From:** Allenfam1x  
**Sent:** Monday, February 7, 2022 7:41 PM  
**To:** City Council Public Comment  
**Subject:** Fw: Retain Districts 4 & 6 as Two Separate Districts

I'd like to voice my concern over Orange City Council's plans to combine Districts 4&6 into one district. NO!!!

I was born in Orange and have lived here for all of my 60 years. These two districts should remain separate and be given the right to elect their own representation, as promised when these districts were established in 2019.

We want to retain our rights in Orange for each districts' individual representation as currently laid out and vote to enact Map #119, NOT map#126!!!!

Keep districts 4&6 separate.

John and Celine Allen  
Orange, California

Sent from the all new AOL app for iOS

**Jennifer Connally**

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**From:** Berta N <  
**Sent:** Monday, February 7, 2022 9:50 PM  
**To:** City Council Public Comment  
**Subject:** Redrawing voting districts

To :Mayor of Orange & City Council.

I am writing to you today to express my views regarding the redistricting maps for voting in the City of Orange. After reviewing the proposed maps, I am against combining districts #4 & 6 and thus I am against map 126.

As a resident of Orange and a voter, I prefer map 119.

Thank you  
Roberta Nieto

**Jennifer Connally**

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**From:** Scott Cosel  
**Sent:** Monday, February 7, 2022 5:31 PM  
**To:** City Council Public Comment  
**Subject:** Public Comment Item # 10.1

Please keep Districts #4 and #6 separate. Maybury Ranch deserves more direct representation via District #4.

I vote for Map #119.

Thank you,

Scott Cosel

Orange, CA 92867

Resident, City of Orange

## Jennifer Connally

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**From:** Steve I ✓  
**Sent:** Monday, February 7, 2022 6:35 PM  
**To:** City Council Public Comment  
**Subject:** East orange district consolidation

I am emailing to request districts 4 and 6 remain separate. I believe keeping the districts separated allows for individual decisions to be made for what those residents want and allows the people of the city to have their own representative.

Please make the email known at the next city meeting.

-Steven Iversen

## Jennifer Connally

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**From:** Swanek Nathan  
**Sent:** Tuesday, February 8, 2022 8:13 AM  
**To:** City Council Public Comment  
**Subject:** Fw: Public Comments Map Districts

For Public Comment for 2/8/22 City Council Meeting:

I am writing to urge you to support district map 119, 120, 124, or 127. Since 2019 when districts were established, voters in districts 4 and 6 were told they would have the right to elect their own representatives in 2022. As citizens we agreed to going to district based city elections with the expectation and agreement that current district map that clearly separates two distinct and unique parts of Orange, districts 4 and 6 would be kept separate. Adopting most of these maps would deprive voters of this right and previous agreement. Maps that keep 4 & 6 separate are maps 119, 120, 124 and 127. These two distinct areas have different needs, expectations, and culture within the city of Orange, as such the current distinction between current districts 4 and 6 need to be maintained. Please adopt district map 119, 120, 124, or 127.

Thank you,  
Nathan Swanek



## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 7:52 AM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Cc:** Corinna Rivas  
**Subject:** FW: Redistricting - support map 119 specifically

**From:** Cathy Clark  
**Sent:** Monday, February 7, 2022 8:45 PM  
**To:** Pamela Coleman <pcoleman@cityoforange.org>; cminfo <cminfo@cityoforange.org>  
**Subject:** Redistricting - support map 119 specifically

Since 2019 Districts 4 and 6 have not had representation. In 2020 districts 1, 2, 3 and 5 elected their city council members. The election for districts 4 and 6 - two council seats - is to be held in 2022. Of the 12 proposed maps, 8 of the maps would only allow for one representative in these two existing districts as both areas are combined together creating one sprawling district. There are four maps that separate two distinctly different neighborhoods and allow for two council members. We support maps : 119, 120, 124 and 127. Specifically 119!

MAP

105	NO
108	NO
109	NO
119	YES
120	YES
121	NO
122	NO
123	NO
124	YES
125	NO
126	NO
127	YES

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 7:53 AM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Cc:** Corinna Rivas  
**Subject:** FW: Orange Redistricting - New submission from Contact Us

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**From:** cminfo@cityoforange.org <cminfo@cityoforange.org>  
**Sent:** Monday, February 7, 2022 7:47 PM  
**To:** cminfo <cminfo@cityoforange.org>  
**Subject:** Orange Redistricting - New submission from Contact Us

**Name**

Joe and Lorraine Nieblas

**Email**

**Message**

We would like draft map 119 would be the best choice for the city. Please consider this as your choice for redistricting.  
Thank you

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 7:54 AM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Cc:** Corinna Rivas  
**Subject:** FW: District maps

**From:** Ilyse Davidoff  
**Sent:** Monday, February 7, 2022 7:36 PM  
**To:** Pamela Coleman <pcoleman@cityoforange.org>; cminfo <cminfo@cityoforange.org>  
**Subject:** District maps

To Orange City Council Members,

I am voicing my opposition to any redistricting maps that combine districts 4 & 6. We already have very little effective representation and deserve to have 2 separate districts. I support map #119 keeping the districts separate.

Sincerely,

Ilyse Davidoff

Orange 92867

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 7:54 AM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Cc:** Corinna Rivas  
**Subject:** FW: District Changes

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**From:** ..  
**Sent:** Monday, February 7, 2022 7:30 PM  
**To:** [pcoleman@cityoforange.org](mailto:pcoleman@cityoforange.org)  
**Cc:** [ccpuliccomment@cityoforange.org](mailto:ccpuliccomment@cityoforange.org)  
**Subject:** District Changes

I have been a resident of Orange for 46 years and I am opposed to combining the districts in a way that would deprive voters of their rights to elect their own representatives in 2022 as promised.

Since 2019 when districts were established, voters in districts 4 and 6 were told they would have the right to elect their own representatives in 2022. Adopting most of these maps would deprive voters of this right. Maps that keep 4 & 6 separate are maps 119, 120, 124 and 127.

My vote would be to keep the district map according to number 120

Regards,  
Sharon Galasso – Voting citizen

## **Pamela Coleman**

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**From:**  
**Sent:** Monday, February 7, 2022 5:02 PM  
**To:** Pamela Coleman  
**Subject:** council districts

To Mayor of Orange and All Orange city council members;

As a longtime resident of the city of Orange, I urge you to retain districts # 4 & #6 as two separate districts. Each district deserves the right of individual representation, as we were promised when the districts were created. Thank you for your service, and for listening to your residents.

Francine Hintzman

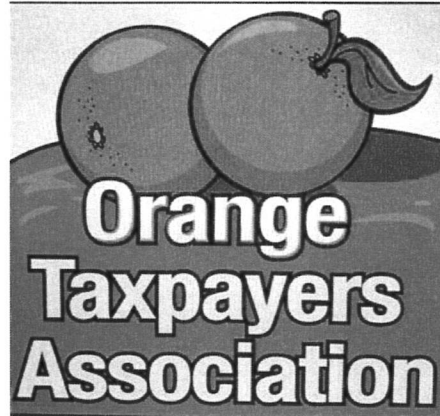
Orange, CA 92869

## Pamela Coleman

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**From:** Harold Hata  
**Sent:** Monday, February 7, 2022 4:21 PM  
**To:** Pamela Coleman  
**Subject:** to Mayor of Orange and the City Council of Orange

You should vote against the change of the district to make 4 very large.  
Keep 4 and 6 separated as in map 119 and vote against map 126.  
H Hata



February 8, 2022

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

Subject: Orange Council Redistricting

Dear Mayor and Councilmembers,

We are writing to express our support for **Map 121**. This map provides for two minority majority population districts, meets compactness criteria, and is equally balanced. It keeps together common communities of interest throughout the city.

Our organization was founded in 1989 to initiate, sponsor, promote, and carry out plans, policies and activities that will inform citizens and community governments of the needs and actions required in Orange County, California in balancing the efforts to achieve environmental goals with those that maintain a healthy economy, the quality and quantity of life with regard to food, shelter, and clothing, and the constitutional guarantees reserved to the citizens, and to engage in all lawful activities and operations usually and normally engaged in by a civic league.

**Map 121** meets our criteria for providing a balance of representation for all the residents of Orange.

Sincerely,

A handwritten signature in cursive script that reads "Denis Bilodeau".

Dens Bilodeau, President

## Jennifer Connally

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 8:21 AM  
**To:** Nicole Mcdaniel; Gary Sheatz  
**Subject:** FW: voting for map 119

-----Original Message-----

**From:** ramoslorena4 <  
**Sent:** Monday, February 7, 2022 8:35 PM  
**To:** cminfo <cminfo@cityoforange.org>  
**Subject:** voting for map 119

Hello. as residents of Orange for the past 8 years. My husband and I agree on map 119.  
We want to be represented fairly.

thanks, Lorena and Matthew Hopp

Sent from my T-Mobile 5G Device



## Jennifer Connally

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**From:** Jane Gottlieb ·  
**Sent:** Tuesday, February 8, 2022 12:09 PM  
**To:** City Council Public Comment  
**Subject:** Areas #4 and #6

Not in favor of combining areas 4 and 6 in City of Orange to be one large district.

Jane Gottlieb

Sent from my iPhone

## Jennifer Connally

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**From:** Tom R  
**Sent:** Tuesday, February 8, 2022 3:11 PM  
**To:** City Council Public Comment; cminfo  
**Subject:** Redistricting, combining districts 4 and 6

I am opposed to combining districts 4 and 6. They are diverse areas and far apart.

Each deserves their own representation.

Thomas Rapport

## Pamela Coleman

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**From:** Rosemarie Behan <[rosemarie.behan@state.ma.gov](mailto:rosemarie.behan@state.ma.gov)>  
**Sent:** Tuesday, February 8, 2022 12:48 PM  
**To:** Pamela Coleman

Please keep #4 and 6 separate to keep our voting areas in tact. Thanks  
Rosemarie Reynolds

## Jennifer Connally

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**From:** Nicole Mcdaniel  
**Sent:** Tuesday, February 8, 2022 4:52 PM  
**To:** Jennifer Connally  
**Cc:** Bonnie Hagan; Gary Sheatz; jlevitt@ndcresearch.com  
**Subject:** FW: Prefer Map #119

**From:** Philip Harrington <[cmihf@cityoforange.org](mailto:cmihf@cityoforange.org)>  
**Sent:** Tuesday, February 8, 2022 4:49 PM  
**To:** cminfo <[cminfo@cityoforange.org](mailto:cminfo@cityoforange.org)>  
**Subject:** Prefer Map #119

To The City Council:

As a home owner in Orange for 36 years and a resident for even longer, I wish to express my opinion on the adoption of map #119. My family and I prefer map #119, as we feel this gives the residents in our current district a better say as to who represents us.

Thank you,

Philip Harrington

Orange, CA 92689

## Jennifer Connally

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**From:** Nicole Mcdaniel  
**Sent:** Tuesday, February 8, 2022 4:54 PM  
**To:** Jennifer Connally  
**Cc:** Bonnie Hagan; Gary Sheatz; jlevitt@ndcresearch.com  
**Subject:** FW: Redistricting Plan

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**From:** Oldfield, David  
**Sent:** Tuesday, February 8, 2022 4:52 PM  
**To:** cminfo <[cminfo@cityoforange.org](mailto:cminfo@cityoforange.org)>  
**Subject:** Redistricting Plan

It would seem that map 119 has the best layout serving the residents within each district.

Thank you,  
David Oldfield

Item 10.4

City of Orange 2021-  
2029 Housing  
Element Update

## Jennifer Connally

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**From:** Bonnie Robinson  
**Sent:** Monday, February 7, 2022 11:26 AM  
**To:** City Council Public Comment  
**Subject:** Item 10.4 General Plan Amendment No. 2022-0001, City of Orange 2021-2029 Housing Element Update

Dear Mayor Murphy and Council Members Nichols, Monaco, Dumitru, Gutierrez, Barrios, and Tavoularis,

I am writing today to ask that you ensure the City of Orange includes policies and programs that will effectively produce affordable housing at the extremely low, very low, and low-income levels in the 6<sup>th</sup> Cycle Housing Element.

First I would like to recognize the effort the city is making to monitor and prevent deed restricted properties from converting to market rate. However, I believe there are several other areas in the revised plan that need to be addressed.

Renters in Orange County need to earn \$39.48 per hour – 2.8 times the state minimum wage to afford the average monthly asking rent of \$2,053. In section 2-36 of the Revised Draft of the Housing Element, it states that very low and low income individuals and families cannot afford to rent or purchase a home in Orange. Even an individual or family earning a moderate income up to \$133,500 would not be able to purchase a home, although they could possibly rent one. That means a good portion of people who work in Orange, such as teachers, medical technicians, store employees and managers, cannot afford to live in the city in which they work.

On page 208 of the Draft Housing Element, it states the City does not currently have performance standards within the UMU (Urban Mixed Use) Zone which require residential development, only that the city would need to make sure that other sites are available for future residential development. As evidenced by the current Housing Element, affordable residential development has not been occurring on these sites.

Based on the City's inability to meet its Regional Housing Needs Assessment allocation (RHNA) at the lower income levels during the current Housing Element Planning Period (2014-2021) and over production at the above moderate income level, it is clear the City needs to drastically improve its affordable housing policies. This imbalance in housing production indicates that the City's affordable housing policies have not been effective in incentivizing and producing affordable housing for lower income households.

To effectively produce housing at the extremely low, very low, and low-income levels, I recommend that the City:

- Adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. I recommend that the

ordinance include a 15% requirement of affordable housing production at extremely low, very low and low-income categories and that it apply to all residential projects.

- Ensure housing opportunity sites identified are not simply upzoned, rezoned or become part of overlays or specific plans that give away higher density and development incentives. 15% affordable housing inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced development opportunities and incentives.
- Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
- Ensure the City of Orange takes advantage of available funding from the State of California's housing programs such as Project HomeKey funds, Low Income Housing Tax Credits (LIHTC), and federal government American Rescue Plan Act funds to provide essential funding needed to provide affordable housing.
- Develop affordable housing performance standards for the UMU zones.

I encourage you to seriously consider these recommendations and urge the City of Orange to develop and implement policies that will effectively produce lower income housing.

Thank you for your consideration.

Bonnie Robinson

Orange, CA 92869



## Jennifer Connally

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**From:** Susan Guilford  
**Sent:** Monday, February 7, 2022 12:32 PM  
**To:** City Council Public Comment  
**Subject:** General Plan Amendment No 2022-0001, City of Orange 2021-2022 Housing Element Update

My name is Susan Guilford. My husband, Richard Guilford, and I live in Orange. We are concerned about the lack of affordable housing for extremely low-, very low- and low-income households in the City of Orange.

All of us interact regularly with people who work in Orange but cannot afford to live here, which means that they spend time and money commuting from distant areas, which is bad for the environment and their general wellbeing. They include fast food workers, retail workers, beginning teachers and nurses. We all know people who are one paycheck away from being unable to live in Orange.

Please do everything possible to make living in Orange a reality for more of our extremely low-, very low- and low-income workers. They deserve to be a part of our community 24/7.

Susan Guilford  
Orange CA

## Jennifer Connally

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**From:** David Stevens  
**Sent:** Monday, February 7, 2022 2:32 PM  
**To:** City Council Public Comment; Pamela Coleman  
**Subject:** Fwd: General Plan Amendment No. 2022-0001, City of Orange 2021-2029 Housing Element Update

January 25, 2022

Mayor Mark A. Murphy and City Council members  
City of Orange  
300 E. Chapman Avenue  
Orange, CA 92866

### **RE: Recommendations for Revised Draft Housing Element**

Honorable Mayor Murphy and City Councilmembers:

My name is David Stevens and I am a resident of the City of Orange.

I am writing today to ask that you ensure the City of Orange includes in their 6th Cycle Housing Element policies and programs that will effectively produce affordable housing at the extremely low-, very low-, and low-income level.

Based on the City's inability to meet its Regional Housing Needs Assessment allocation (RHNA) at the lower income levels during the current Housing Element Planning Period (2014-2021) and over production at the above moderate income level, it is clear the City needs to drastically improve its affordable housing policies.

During the current 5th cycle planning period the City had a total Regional Housing Needs Assessment (RHNA) of 363, 83 at very low-income, 59 at low-income, 66 at moderate and 155 at above moderate. To date, the City has approved 1,319 units at moderate and 550 at above moderate. At very-low income the City has approved 9 units and 72 at low-income. Although the City had exceeded 5th Cycle targets for low, moderate, and above moderate, there is an unbalanced production of moderate and above moderate units. The number of moderate and above moderate units approved in the last seven years was 23 times more than those at low- and very low-income. This imbalance in housing production indicates that the City's affordable housing policies have not been effective in incentivizing and producing affordable housing for lower income households.

The deficit of affordable housing in the City is unfortunate given that Orange residents are in urgent need of housing at the lower income levels. According to SCAG's pre-certified housing data, there are a total of 18,290 renter households in Orange, with 9,767 or 54% of those households spending thirty percent or more of gross income on housing costs. Additionally, 4,896 or 26.8% renter households are extremely rent burdened and are paying fifty percent or more of gross income on housing costs. In addition, tables 2-4 and 2-6 in the element show that the vast majority of job salaries in the City of Orange employment industries fall into the lower-income categories. The City should take into account its local economy and offer healthy and affordable housing options that the current market-rate housing development is not offering.

There are currently only 81 new deed-restricted affordable housing units that have been made available during the 5th cycle, which does not come close to meeting the needs of Orange residents.

To effectively produce housing at the extremely low-, very low-, and low-income levels, I recommend that the City:

1. Adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. We recommend that the ordinance include a 15% requirement of affordable housing production at extremely low, very low- and low-income categories and that it apply to all residential projects. A feasibility study should be completed no later than one year from the adoption of the Housing Element. Subsidizing the City's application processing fees and the application of state density bonus law is not enough to ensure the creation of affordable housing.
2. Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
3. Ensure housing opportunity sites identified are not simply upzoned, rezoned or become part of overlays or specific plans that give away higher density and development incentives, without capturing the increase in financial gain and land use incentives being given to property owners and market rate developers. A 15% affordable housing inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced development opportunities and incentives.

I encourage you to consider my recommendations and to urge the City of Orange to develop and implement policies that will effectively produce lower income housing. I appreciate you taking the time to read this letter.

Sincerely,

David Stevens

## Jennifer Connally

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**From:** Michele Schroeder  
**Sent:** Monday, February 7, 2022 3:36 PM  
**To:** City Council Public Comment  
**Subject:** General plan Amedment 2022-001 City of Orange 2021-2029 Housing Element update

To produce housing at low low income levels I recommend the city:

Adopt and inclusionary Housing ordinance in the next year to provide affordable housing . I recommend the ordinance include a 15% requirement of affordable housing production at very low income that it apply to all residential projects

Ensure housing opportunity sites are not simply upzoned, rezoned or become overlays that give away higher density and development incentives. Low income housing is necessary on these sites in exchange for enhanced development opportunities and incentives.

Prioritize affordable housing funding and programs to increase housing option for low income families

Ensure the City of Orange takes advantage of available funding from the State of California's housing programs such as project HomeKey funds , low income housing tax credits and federal government American Rescue Plan Act funds to provide funding for affordable housing

Develop affordable housing performance standards for the UMU zones. Thank you

## Jennifer Connally

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**From:** David Sonneborn  
**Sent:** Monday, February 7, 2022 7:06 PM  
**To:** City Council Public Comment  
**Subject:** City of Orange Housing Recommendations

To effectively produce housing at the extremely low, very low, and low-income levels, I recommend that the City:

- \* Adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. I recommend that the ordinance include a 15% requirement of affordable housing production at extremely low, very low and low-income categories and that it apply to all residential projects.
- \* Ensure housing opportunity sites identified are not simply upzoned, rezoned or become part of overlays or specific plans that give away higher density and development incentives. 15% affordable housing inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced development opportunities and incentives.
- \* Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
- \* Ensure the City of Orange takes advantage of available funding from the State of California's housing programs such as Project HomeKey funds, Low Income Housing Tax Credits (LIHTC), and federal government American Rescue Plan Act funds to provide essential funding needed to provide affordable housing.
- \* Develop affordable housing performance standards for the UMU zones.

## Jennifer Connally

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**From:** Patricia Snider  
**Sent:** Monday, February 7, 2022 8:33 PM  
**To:** City Council Public Comment; Pamela Coleman  
**Subject:** General Plan Amendment No. 2022-0001, City of Orange 2021-29 Housing Element Update

Dear Mayor Murphy and City Council Members:

I have lived on the fringe of Old Town, (Tustin and Chapman) for 54 years come June. There have been many changes over the years. We are no longer that cute little mid-west looking community wrapped around a plaza.

Housing is a big problem in many areas and I urge all of you to convince the city to take advantage of the available funds from the state of California's housing programs such as Project Home Key, low income housing tax credits and federal gov. American Rescue Plan Act.

Whether we like it or not we need more affordable housing for those who are not as fortunate as those of us who have been here a long time. I could not afford to purchase the house I live in right now! Something needs to be done before the situation REALLY gets out of hand. This should be a priority.

Thank you for your time.

Patricia L. Snider

## Jennifer Connally

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**From:** sharon ohara ·  
**Sent:** Monday, February 7, 2022 6:33 PM  
**To:** City Council Public Comment  
**Subject:** GenPlan amendment 2022-00001 Orange 2021-9 HE Update

inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced development opportunities and incentives.

- Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
- Ensure the City of Orange takes advantage of available funding from the State of California's housing programs such as Project HomeKey funds, Low Income Housing Tax Credits (LIHTC), and federal government American Rescue Plan Act funds to provide essential funding needed to provide affordable housing.
- Develop affordable housing performance standards for the UMU zones.

To effectively produce housing at the extremely low, very low, and low-income levels, I recommend that the City:

- Adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. I recommend that the ordinance include a 15% requirement of affordable housing production at extremely low, very low and low-income categories and that it apply to all residential projects.
- Ensure housing opportunity sites identified are not simply upzoned, rezoned or become part of overlays or specific plans that give away higher density and development incentives. 15% affordable housing inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced



**Pamela Coleman**

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**From:** Mildred Perez ·  
**Sent:** Tuesday, February 8, 2022 3:54 PM  
**To:** City Council Public Comment; Pamela Coleman  
**Cc:**  
  
**Subject:** Public Comment on Agenda Item 10.4. City of Orange 2021-2029 Housing Element Update  
**Attachments:** Orange HE Comment Letter 2.8.2022.pdf

Good afternoon,

Please see the attached comment letter on the City of Orange 2021-2029 Housing Element update.

Thank you,

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**Mildred Elizabeth Perez**  
**Senior Project Manager**



17701 Cowan Ave., Suite 200 | Irvine, CA 92614

February 8, 2022

Mayor Mark A. Murphy and City Councilmembers  
City of Orange  
300 E. Chapman Avenue  
Orange, CA 92866

**RE: Item 10.4. Public Hearing to consider General Plan Amendment No. 2022-0001; City of Orange 2021-2029 Housing Element Update.**

Honorable Mayor Murphy and City Councilmembers:

The Kennedy Commission (the Commission) is a broad-based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$27,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that have led to the new construction of homes affordable to lower-income working families.

We are writing today to ask that you ensure the City of Orange includes in their 6th Cycle Housing Element policies and programs that will effectively produce affordable housing at the extremely low-, very low, and low-income level.

Based on the City's inability to meet its Regional Housing Needs Assessment allocation (RHNA) at the lower income levels during the current Housing Element Planning Period (2014-2021) and over production at the above moderate income level, it is clear the City needs to drastically improve its affordable housing policies. During the current 5th cycle planning period the City had a total Regional Housing Needs Assessment (RHNA) of 363, 83 at very low-income, 59 at low-income, 66 at moderate and 155 at above moderate. To date, the City has approved 1,319 units at moderate and 550 at above moderate. At very-low income the City has approved 9 units and 72 at low-income. Although the City had exceeded 5th Cycle targets for low, moderate, and above moderate, there is an unbalanced production of moderate and above moderate units. The number of moderate and above moderate units approved in the last seven years was 23 times more than those at low and very low-income. This imbalance in housing production indicates that the City's affordable housing policies have not been effective in incentivizing and producing affordable housing for lower income households.

The deficit of affordable housing in the City is unfortunate given that Orange residents are in urgent need of housing at the lower income levels. According to SCAG's pre-certified housing data, there are a total of 18,290 renter households in Orange, with 9,767 or 54% of those households spending thirty percent or more of gross income on housing costs.<sup>1</sup> Additionally, 4,896 or 26.8% renter households are extremely rent burdened and are paying fifty percent or more of gross income on housing costs. In addition, tables 2-4 and 2-6 in the element show that the vast majority of job salaries in the City of Orange employment industries fall into the lower-income categories. The City should take into account its local economy and offer healthy and affordable housing options that the current market-rate housing development is not offering. There are currently only 81 new deed-restricted affordable housing units that have been made available during the 5th cycle, which does not come close to meeting the needs of Orange residents.

In the 5th cycle Housing Element, the City identified housing opportunity sites for very low and low exclusively in the Urban Mixed Use (UMU) zones. The sites were identified for lower incomes based primarily on the minimum density requirement of 30 units to the acre. The UMU zone offers streamlined development standards, generous development standards, and densities in the range of 48 to 60 units to the acre. No housing policy has incentivized affordable housing on these sites. The UMU zoning circumvents the efforts of the density bonus policy to include affordable housing by giving away generous development standards and high densities of 60 units to the acre without requiring affordable housing in exchange. As indicated in Table B-2 (Site Analysis), in the 5th Cycle the City facilitated 1,659 above moderate housing units in the UMU zones at an average density of 60 units to the acre. None of these units are affordable to lower income households. The average rents of these units in the market rate developments identified in Table B-2 are classified as above moderate and range from \$2100 for a studio to \$3,750 for a three-bedroom.

### **Need for An Affordable Housing Policy**

As analyzed above the UMU zone has not been effective in creating affordable housing. The UMU zone only has created luxury high density multi-family residential in the 5th Cycle. For the 6th Cycle, the city is again identifying the UMU zone as the opportunity sites to meet the capacity for lower income housing needs. The City is continuing to hope that the market will deliver affordable housing by simply identifying higher density sites (UMU) for lower-income RHNA needs. As demonstrated in the 5th Cycle, this strategy has proven to be ineffective in providing affordable housing options to most Orange residents. The City must implement an affordable housing policy that will provide balanced housing development of market and affordable housing on the UMU sites. The Commission recommends that in exchange for the increased density and development incentives that are offered in the UMU zone the city requires at least 15% of the housing as affordable to extremely low, very low- and low-income families.

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<sup>1</sup> SCAG Pre-Certified Housing Data for the City of Orange, April 2021

### **Affirmatively Furthering Fair Housing**

Comments provided by HCD on September 2021 requested that the City provide additional mapping and analysis to address Affirmatively Furthering Fair Housing. Although the City provided additional maps and data, it did not provide programs and policies that directly address barriers to integration and segregation patterns in the City. To ensure that affordable housing is incentivized on identified opportunity sites, the City needs to include programs and policies that will create affordable housing. We recommend that the City provide additional analysis and comparisons of housing opportunities and options throughout the City. Specifically, the City should examine low income neighborhoods and opportunities for investment to improve the quality of life and enhance housing options in those neighborhoods. In addition, the City should analyze high opportunity areas and provide incentives and programs to encourage affordable housing to be built in areas that have more amenities such as transportation, schools, parks, and healthy food options. The City must examine proposed programs that will expand affordable housing opportunities in a more balanced way throughout the City and provide opportunities for all residents in the City of Orange. Please see our recommendations below.

To effectively produce housing at the extremely low, very low, and low-income levels, the Commission recommends that the City:

1. Adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. We recommend that the ordinance include a 15% requirement of affordable housing production at extremely low, very low, and low-income categories and that it apply to all residential projects. A feasibility study should be completed no later than one year from the adoption of the Housing Element. Subsidizing the City's application processing fees and the application of state Density Bonus Law is not enough to ensure the creation of affordable housing.
2. Update Density Bonus Law to comply with recent legislative changes. Conduct an analysis to ensure that Density Bonus will be an effective tool in identifying higher density opportunity sites. This will be important to analyze its effectiveness due to the fact that the city proposes to give higher density and incentives by right without requiring affordability.
3. Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
4. Identify and prioritize city owned land for 100% affordable housing.
5. Ensure that Affirmatively Furthering Fair Housing is integrated into all housing programs and policies to ensure housing opportunities for all residents of Orange.
6. Ensure housing opportunity sites identified are not simply upzoned, rezoned or become part of overlays or specific plans that give away higher density and development incentives, without capturing the increase in financial gain and land use incentives being

City of Orange Housing Element Comments

February 8, 2022

given to property owners and market rate developers. A 15% affordable housing inclusion at extremely low (5%), very low (5%) and low-income (5%) is necessary on these sites in exchange for these enhanced development opportunities and incentives.

I encourage you to consider my recommendations and to urge the City of Orange to develop and implement policies that will effectively produce lower income housing. I appreciate you taking the time to read this letter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Cesar", followed by a long horizontal line extending to the right.

Cesar Covarrubias  
Executive Director

## Pamela Coleman

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**From:** Debbie Gabler  
**Sent:** Tuesday, February 8, 2022 4:52 PM  
**To:** Pamela Coleman  
**Subject:** FW: Correspondence from Californians for Homeownership  
**Attachments:** 2022-2-8 - Californians Letter to City Council.pdf

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**From:** Matt Gelfand <admin@caforhomes.org> **On Behalf Of** matt@caforhomes.org  
**Sent:** Tuesday, February 8, 2022 4:54 PM

; City Council Public Comment <ccpubliccomment@cityoforange.org>  
**Cc:** cminfo <cminfo@cityoforange.org>; cdinfo <cdinfo@cityoforange.org>; Anna Pehoushek  
<anna.pehoushek@cityoforange.org>; Gary Sheatz <gary.sheatz@cityoforange.org>; 'Ayobi,  
Mashal@HCD' <Mashal.Ayobi@hcd.ca.gov>  
**Subject:** Correspondence from Californians for Homeownership

To the City Council,

Please see the attached correspondence regarding Agenda Item 10.4 being discussed at your meeting this evening.

All the best,

Matthew Gelfand

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Matthew Gelfand  
Counsel, Californians for Homeownership  
525 S. Virgil Avenue  
Los Angeles, CA 90020  
[matt@caforhomes.org](mailto:matt@caforhomes.org)  
Tel: (213) 739-8206

Californians for Homeownership is a 501(c)(3) non-profit organization that works to address California's housing crisis through impact litigation and other legal tools.



February 8, 2022

**VIA EMAIL**

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

Email: mmurphy@cityoforange.org; knichols@cityoforange.org;  
councilmanmonaco@gmail.com; abarrios@cityoforange.org;  
jdumitru@cityoforange.org; ktavoularis@cityoforange.org;  
anagutierrez@cityoforange.org; ccpubliccomment@cityoforange.org

RE: Insufficiency of the City's Sixth Cycle Housing Element.  
*February 8, 2022 City Council Meeting, Agenda Item 10.4.*

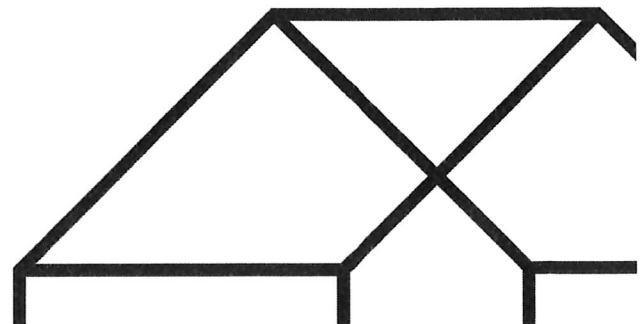
To the City Council:

Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. Our organization is monitoring local compliance with the law governing housing elements.

You are scheduled to consider adoption of the City's Housing Element at your upcoming meeting. The City's Housing Element was due to be adopted by October 15, 2021, and the City has been out of compliance with state housing law in the time since. The adoption of a legally valid Housing Element would bring the City into compliance with the law and help the City avoid certain penalties and reductions in local control that result from non-compliance. Unfortunately, the proposal before you would not achieve that goal.

We have reviewed the draft Housing Element and adopting resolution provided with your agenda materials. We have also reviewed the letter the City received from the state Department of Housing and Community Development outlining its concerns about the City's draft, which we incorporate here in its entirety, by reference. Based on our review, we believe that if the City adopts the draft as planned, it will not bring the City into substantial compliance with state housing law, including the housing element law. Among other things, as we explain below, the draft does not provide adequate information about the non-vacant sites included on the City's sites inventory.

The City's failure to bring itself into substantial compliance with housing element law will have significant consequences. As of October 15, 2021, the City lost essentially all of its control



February 8, 2022

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over housing development projects with significant lower-income components, and it is prohibited from enforcing its zoning and general plan standards for those projects. *See* Gov. Code § 65589.5(d)(5). And if the City fails to adopt a compliant housing element by February 12, 2022, it will be subject to additional penalties. *See* Gov. Code § 65583(c)(1)(A).

What's more, the City's adoption of a non-compliant Housing Element will expose the City to the very serious risk of litigation. We urge you to continue this item so that staff can return with a compliant housing element.

*State Law Governing the Use of Nonvacant Sites to Satisfy Housing Element Obligations*

Under Government Code Section 65583.2(g)(1), for each nonvacant site, a city must "specify the additional development potential . . . within the planning period," and it must explain how the developmental potential for each site was measured. The methodology must consider the extent to which the existing use may impede development.

Additionally, if a city intends to rely on nonvacant sites to make up more than fifty percent of its lower income housing need, it is also subject to Government Code Section 65583.2(g)(2). This provision requires the city to make an affirmative factual showing that the existing use is not an impediment to development. More specifically, the city must present "findings based on substantial evidence that the use is likely to be discontinued during the planning period." Without these findings, the existing use is "presumed to impede additional residential development."

*Inadequacy of the City's Draft Housing Element*

The sites inventory in the City's draft Housing Element does not meet these requirements. The inventory does not adequately account for the impediment created by the existing uses on the listed nonvacant sites, including the possibility that a site will be maintained in its current use rather than redeveloped during the planning period. What's more, the City's draft housing element appears to rely on nonvacant sites to satisfy over 50% of the City's lower income RHNA. But the inventory does not identify evidence that the existing uses on each of these sites will be discontinued during the planning period. The housing element includes inconsistent amounts of evidence for the different sites, but even where some information is present, it is often not sufficient. The following APNs on the City's sites inventory lack adequate information to satisfy the City's legal obligations regarding listing non-vacant sites:

37530116, 23113140, 37531125, 37537105, 37501119, 23106152, 39062104,  
23113132, 23126207, 13747134, 23108156, 23126208, 37536102, 23107154,  
23107131, 23107153, 23107126, 23107133, 13747143, 23106146, 23107143,  
23107140, 23106153, 23107147, 39062103, 39062105, 23107132, 37537110,  
23109201, 37537402, 23113133, 37537403, 13747132, 13747133, 23107129,  
and 37505101

Accordingly, as it stands, the existing uses of the non-vacant sites listed in the City's inventory would be presumed to impede additional residential development, making those sites



February 8, 2022

Page 3

inappropriate for inclusion.

Sincerely,



Matthew Gelfand

cc: City of Orange

Thomas R. Hatch, Interim City Manager (by email to [cminfo@cityoforange.org](mailto:cminfo@cityoforange.org))

Susan Galvan, Interim Comm. Dev. Director (by email to [cdinfo@cityoforange.org](mailto:cdinfo@cityoforange.org))

Anne Pehoushek, Asst. Comm. Dev. Dir. (by email to [apecoushek@cityoforange.org](mailto:apecoushek@cityoforange.org))

Kimley-Horn and Associates, Consultant (by email to [gsa@kimley-horn.com](mailto:gsa@kimley-horn.com))

Gary A. Sheatz, Esq., City Attorney (by email to [gsheatz@cityoforange.org](mailto:gsheatz@cityoforange.org))

California Department of Housing and Community Development

Mashal Ayobi (by email to [Mashal.Ayobi@hcd.ca.gov](mailto:Mashal.Ayobi@hcd.ca.gov))

2021-2029 Housing  
Element Update  
Correspondence  
Received in the City  
Clerk's Office

**From:** Luis Ortiz-Franco  
**Sent:** Thursday, February 3, 2022 6:00 PM  
**To:**  
**Subject:** Recommendations for Revised Draft Housing Element

Dear Mayor and and City Councilmembers:

My name is Dr. Luis Ortiz-Franco. I am a resident of the City of Orange and a member of the League of Women Voters (The League). The League advocates civic participation, Civil Rights, and low-income housing for those who need it. I am also a member of Los Amigos of Orange County, a Latino Civil Rights organization which promotes socio-economic fairness and low-income housing for those who need it.

I urge you to make sure that the City of Orange includes in its 6th Cycle Housing Element policies and programs that will result in affordable housing at the extremely-, very low-, and low-income levels. The available record makes it clear that the City of Orange needs to significantly improve its affordable housing policies and practices. Specifically, the City has a drastic imbalance in housing production which indicates that the City's affordable housing policies have not been effective in producing sufficient housing for lower income households. That deficit is unacceptable given that Orange residents at the lower income levels are in urgent need of housing.

In order to partially alleviate this dismal record, the City needs to: (1) adopt an inclusionary Housing Ordinance within the next year; (2) update the Density Bonus Law to comply with recent legislative changes; (3) prioritize affordable housing funding and programs to increase affordable housing for families of extremely low, very low, and low-income; (4) identify and prioritize City-owned land for 100% affordable housing; and, (5) ensure that identified housing opportunity sites include affordable housing for families of extremely low, very low and low-income at those locations.

I urge you to consider these recommendations and to ensure that the City of Orange develops and implements policies that will produce lower-income housing for the residents of the City who need it.

Thank you very much for your attention to these matters.

Sincerely,  
Dr. Luis Ortiz-Franco