

Re: General Plan Update

Dear _____:

As you know, Old Towne Preservation Association (“OTPA”) has great concern regarding the potential effects of adopting the current draft General Plan (“GP”). OTPA’s representatives repeatedly have stated the floor area ratio (“FAR”) in the final GP *must not* materially differ from the current built environment on the spoke streets and in the Depot area, with possible exception of adaptive reuse of large industrial and commercial buildings. The City Council has received more than 700 letters in opposition to the density and correlating traffic increases and other related impacts.

It is not clear to us, however, whether we have clearly stated why we believe the Council must not increase the FAR allowed in the GP *above what currently is on the ground*. As a city government responsible for overseeing California’s largest state and national register historic district, the Council must know the law regarding revocation of register status. As a reminder, the California Department of Parks and Recreation “***shall rescind*** a California natural landmark designation” if “[t]he values that originally qualified the California natural landmark for designation have been significantly degraded, lost, or destroyed, as demonstrated by evidence provided to the director.” Public Resources Code §5870(a)(3) (emphasis added). Similarly, National Historic Landmark designation may be withdrawn by the Secretary of Interior if “[t]he property has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed[.]” 36 Code of Federal Regulations §65.9(b)(1).

The City has stated the basis for Old Towne’s inclusion in the National Register of Historic Places includes the fact, “The District maintains the historic atmosphere of Orange and the City’s founding, and reflects the lifestyle and community characteristics of agrarian Southern California during the late-19th and early-20th centuries.” *City of Orange Local CEQA Guidelines, Section IV.B.3*. And clearly, the proportion of historic (pre-1939) structures to non-contributing structures is a substantial factor justifying Old Towne’s inclusion on both the state and national registers.

The current built environment on the spoke streets is substantially less than .6 FAR. Changing the look and feel of the district with infill development up to a .6 FAR materially is going to change the “historic atmosphere” and streetscape of Old Towne. Allowing for development up to a .6 FAR also materially will change the proportion of contributing historic structures to non-contributing structures and for this reason, we believe, potentially threatens Old Towne’s national and state register status.

February 1, 2010

Page 2 of 2

It appears there are members of the Council opposed to the urban mixed use designations in other areas of Orange which is very similar to the second Old Towne mixed use designation. While clearly there is existing and intensive mixed use development in the Plaza area, the current appearance and use of the buildings in the Plaza area are part of the reason the district attained register status. In other words, the Plaza looks today very much like it did at the turn of the century. However, the district did not obtain register status because of intensive mixed use development on the spoke streets or in the Depot area. Old Towne is a much more sensitive environment than other areas of Orange because it is an historical resource. We therefore hope the rationale offered by some Council members in opposition to the mixed use concept will be applied with even greater consideration in the context of creating guidelines for future development on the historic spoke streets and the Depot area.

The risk of losing state and national register status—which we believe is posed by the current GP draft and even by the currently contemplated and so-called “reduced” .6 FAR in the spoke streets—must be carefully considered by the Council. Even a threat to removal of this status will detrimentally affect the public’s trust in this Council and could impair revitalization and rehabilitation efforts and reduce the likelihood of future investments in Old Towne. The Council must understand people buy property and locate their businesses in Old Towne because of the way it looks now, not because these investors believe density and traffic headaches in Old Towne will increase or because Old Towne might lose its status as an historical asset. The 700-plus letters the City received from property owners should have made this message very clear.

As of now, we do not know if any staff members, members of the Planning Commission, or members of the Council have a clear understanding of exactly what is the current FAR in the built environment on the spoke streets and in the Depot area. We do not understand how the City Council can adopt a GP affecting density and additions of non-contributing structures in an historic district without knowing the current FAR in the relevant locations. What we do know and understand is the current FAR on the spoke streets is far less than .6 and allowing for development, even at this “compromised” number, will materially and adversely affect the look and feel of the district. We therefore urge the Council to do what is right for the district and vote to reduce the FAR in the spoke streets and Depot area in a manner consistent with what is on the ground.

Thank you for your consideration and we hope you will work cooperatively with OTPA and the community in our efforts to protect a very important historic resource from clear adverse impacts.

Very truly yours,