

Old Towne Preservation Association (“OTPA”) is opposed to the Depot Specific Plan Update as proposed (“Plan”) for the following reasons:

1. The plan focus area encompasses too large an area, nearly one third of our district. The plan needs to focus on the areas adjacent to the Depot and along the tracks.
2. OTPA is opposed to densities proposed in areas not associated with the adaptive reuse of large industrial buildings. A 1.0 FAR is too excessive for the reasons discussed below and, other than previous mentioned applications, the FAR should reflect what is currently on the ground.
3. OTPA is opposed to a three-story overlay zone. The current plan calls for a two-story limit and OTPA would like to keep it that way.
4. OTPA is opposed to a separate set of standards/guidelines that apply to the plan area. The current Old Towne Design Standards should apply to this area as they do to the rest of the district.
5. OTPA is opposed to the type of development proposed (town homes, high density infill mixed use, *etc.*) Fullerton, San Diego, Pasadena are not appropriate examples for the type of development suitable for Old Towne Orange.
6. The type of development proposed would potentially have a significant impact on historic resources that in OTPA’s opinion cannot be mitigated.
7. The current infrastructure cannot handle the increased traffic, *etc.* due to proposed densities. Traffic in the surrounding area for example exceeds current capacity.
8. Although OTPA has been very consistent regarding its comments, the plan has not changed to reflect any of these comments. The consultant has not been flexible or willing to implement any of OTPA’s suggestions.
9. Neither alternative one nor two are acceptable and will result in significant impacts as reflected in the initial study.

Against this backdrop of concern, the City’s Local CEQA Guidelines (“Guidelines”) state as follows:

As noted in the National Register of Historic Places Registration Form, the listing of the Old Towne Orange Historic District on the National Register is based on the remaining variety and high level of historic integrity of 1888 to 1940 residential and non-residential building types and architectural styles. 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.

Guidelines, Section IV.B.3.

Similarly, the Background section of the City’s Historic Preservation Design Standards (“Standards”) provides: “According to State Historic Resource Surveys, Orange is unique among the region and the state in that it has the second largest concentration of historic buildings.” Indeed, as indicated above, the concentration of pre-1940’s structures is one of the primary reasons Old Towne Orange enjoys national and state register status.

Increasing the FAR, excessive promotion of infill development, and allowance for three-story structures in the depot area will substantially change the concentration of pre-1940's contributing structures and will undermine the characteristics which make Old Towne reflect its historical roots. Simply put, if the ratio of non-contributing structures increases in any significant way, Old Towne will be in danger of losing its status as a national and state register historic district.

The only way for the City to increase FAR in the depot area (or anywhere in Old Towne) is to allow for rehabilitation which will substantially impact the appearance of existing historical structures and/or will inappropriately increase development of non-contributing structures in a manner which materially interferes with the existing streetscapes. Obviously, for the reasons stated above, this rehabilitation and development will jeopardize historic register status because it will decrease the percentage of contributing, historical structures. Three-story structures, which did not exist in Old Towne at the turn of the century, also will jeopardize Old Towne's national and state register status because, as stated above, such structures do not reflect the "lifestyle and community characteristics of agrarian Southern California during the late-19th and early-20th centuries."

The City's vision, as clearly implied by the Plan, is to turn the depot area into a bustling, mixed use neighborhood which will accommodate increased density and boost the economy of the area. This objective would be laudable if the depot area was not located within one of the most important national and state register districts in the Western United States. The City is charged with protecting the historic district and preserving its status as a national and state register district for future generations. This means development must be consistent with what the depot area *was*, not with what the City wants the depot area *to be*.

The objective underlying the Plan needs to elevate preservation over progress. Pub.Res.Code § 5024.1(A), which establishes the California Register of Public Resources, requires the City to protect the state's historical resources. Specifically, this section states:

. . . The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from *substantial adverse change*. . . .

(Emphasis added).

In sum, OTPA is opposed to a Plan which sacrifices preservation of the overall historical resource in order to promote physical and economic growth. The current Plan elevates the latter over the former and therefore causes a substantial adverse change to the area. OTPA is not opposed to a depot plan which sensitively promotes betterment of the depot area in a manner which complies with state law (*i.e.* protecting historical resources

from substantial adverse change) and the City's own *existing* Standards. Betterment of the area (*e.g.* encouraging and incentivizing restoration of existing contributing structures, adaptive reuse, and an appropriate amount of infill development) in compliance with the existing Standards would advance the City's economic objectives without sacrificing the integrity of the historic district. The Plan fails to balance these interests in a manner consistent with the City's legal and ethical responsibilities to the district.