



Members of the Orange City Council  
300 East Chapman Avenue  
Orange, California 92866

Re: Orange Plaza Paseo Long-Term Plan and Streetscape Program

Dear Mayor Murphy and Members of the City Council:

The Old Towne Preservation Association (OTPA) strongly supports the Staff recommendation for a full study of the environmental impacts of approving the Plaza Paseo as an on-going project (Plaza Paseo Project). The Paseo affects the geographic and economic heart of the significant Local and National Register Historic Districts that contribute so much to the character of the City. The City and all its residents are entitled to a full understanding of potential impacts before any final decisions are made on the Plaza Paseo Project. OTPA applauds the City Council for determining to undertake a full study at this time.

OTPA encourages the City Council to consider the following legal issues and planning concerns in moving forward with review of the Plaza Paseo Project:

1. It is not clear that continuation of the temporary Paseo is eligible for exemption from environmental review under CEQA Guideline Section 15304(e). The current closure of Glassell Street has already lasted for more than 12 months and the proposed continuation is neither time-limited nor subject to interim review. At the time the Paseo was created, indoor dining was prohibited or severely limited by the State and businesses faced financial ruin if they could not move their operations outdoors. The regulatory situation has changed since vaccines became generally available and, meanwhile, the Paseo has directly affected parking and traffic access to a major arterial in the Historic District, thus making the exemption inapplicable under CEQA Guideline Section 15300.2(f). Staff suggests it may be appropriate to reopen Glassell Street after the upcoming 2021 Orange Street Fair while the impacts of seasonal closure are evaluated. At a minimum, the City Council should schedule the Paseo for re-consideration on a date certain to ensure that it remains a "temporary" facility under CEQA. If the Council wishes to extend the Paseo prior to completion of environmental review, it should be for no more than 3 months with additional Council review scheduled at the end of this period.
2. OTPA supports preparation of an environmental impact report (EIR) to evaluate the full variety of impacts likely to result from a permanent Paseo, either year-round or seasonal. For instance, the Project is inconsistent with the City's General Plan Circulation Element and Master Plan of Highways (MPAH). Project approval would therefore require concurrent amendment of the Circulation Element and MPAH to ensure horizontal and vertical consistency of the General Plan. Changes to the Land Use Element and parking portion of the General Plan may also be required. OCTA has authorized "temporary" closure of Glassell provided the MPAH remains unchanged, so permanent closure would raise regional as well as local circulation issues. In terms of direct environmental impacts, the Paseo has diverted traffic from Glassell in both directions with resulting restrictions on turns onto Chapman Avenue, and eliminated two



blocks of street parking. In approving an amendment to the Circulation Element and MPAH, the City will need to ensure they remain consistent with the current or revised Land Use Element and other sections of the General Plan. Typically, General Plan Amendments, like the Circulation Element needed in this case, require a full EIR to address all impacts from redirecting traffic from major arterials like Glassell to smaller side streets.

3. The Historic District is already subject to adopted Design Guidelines enforced by the Design Review Committee (DRC). Rather than draft new Guidelines exclusively for the Plaza Paseo, the City should consider amending the existing Historic Design Standards, if necessary, to address any special issues raised by use of Glassell Street for outdoor dining. There is no reason to establish a new set of rules for a two-block stretch of Glassell within the Historic District, rather than ensuring consistency in both approach and enforcement with the remainder of the District. The Design Standards will need to enhance both the traffic circle and walkability of the Historic District, as well as addressing the currently unacceptable, though understandable, temporary mishmash of outdoor dining improvements. OTPA is available to work with the City to address any special design issues within the Plaza Paseo.
  
4. In reviewing the environmental impacts of the proposed Project, including amendments to the Circulation Element and existing Design Standards Guidelines, the City should consider potential design alternatives to complete closure of Glassell Street, as well as more attractive alternatives to the concrete K rails lining the traffic circle and blocking Glassell north and south of Chapman. For instance, it may be possible to eliminate parking on Glassell so as to allow expanded outdoor use by restaurants and other retail business, without completely closing the street. Conflicts between pedestrians and outdoor dining should be minimized, either by clarifying walkways on the sidewalks or using the entirety of Glassell, if it were to remain closed. Review of historic conditions may suggest other alternatives, such as “bump outs” or other forms of landscaping and wayfinding. OTPA strongly urges the City to consider alternatives to the current temporary closure of Glassell that are consistent with the Historic District and the City’s Circulation Element. The City Council should also avoid any impression of pre-commitment to a particular outcome, which would invalidate the CEQA documentation and reduce public trust.
  
5. Although not reflected in the Staff Report, at its July meeting, the City Council instructed Staff to consider encroachment permits, fees, rental agreements, and other contracts with businesses that wish to use Glassell Street for private purposes as part of the Plaza Paseo. As the Council is well aware, there are significant costs associated with reviewing, monitoring, enforcing, and insuring private use of the Plaza Paseo. While there may have been overriding reasons for allowing private use of public property on a short-term emergency basis early in the Covid-19 pandemic, the City is now in a position to regularize this use through permits, market-rate leases or licenses, insurance requirements, and formal liability waivers. Financial information has shown that the cost to the City of creating and maintaining the Plaza Paseo



since 2020 has equaled or exceeded tax revenue income generated from Glassell Street merchants during the same period. This raises the possibility that merchants within the two-block Plaza Paseo Project have benefited from a gift of public funds or property by paying below market rent or maintenance rates. California law frowns on allowing private use of public property without market-rate compensation to the general public. OTPA encourages the City to look at the fair market value of the land and services it would provide if the Plaza Paseo Project were approved on a temporary or permanent basis.

6. All of the above concerns also apply if the City determines the Plaza Paseo should be closed to through traffic on a seasonal basis alone. By limiting the Glassell Street closure to a few months during the summer, the City would not be able to require permanent improvements consistent with the Historic Design Standards because they would have to be removable. Parking is already a challenge along Glassell and Chapman near the traffic circle and the City would need to consider the environmental and financial impacts of eliminating parking during times of heavy usage. Many of the businesses along Glassell also rely on visibility to through traffic as an important element of advertising and client attraction. Suscipient businesses cannot survive without customers drawn to the area for other purposes, and closure of Glassell during high-traffic seasons will affect their economic viability. While economic benefits are not directly considered under CEQA, loss of these businesses could result both in increased vacancies and a less vibrant mix of uses in the Historic District. Closing a major arterial on a permanent basis, even for a few months at a time, has inevitable impacts on the vitality of the Historic District and its existing mix of local businesses, specialty stores, and largely independent restaurants.

OTPA anticipates being an active and responsive partner with the City as it evaluates the future of the historic elements of Glassell Street for the benefit of the City and its current and future residents.

Sincerely,

Tony Trabucco, President

cc: Deborah M. Rosenthal, FAICP, Esq.