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Orange Planning Commissioners say “no” to East Orange project

by Tina Richards

By unanimous vote the Orange Planning Commission rejected the proposed Rio Santiago development slated for a 110-acre parcel in East Orange.

The March 3 vote capped a 12-hour-plus review process consisting of developer presentations, city staff reports, public comments and detailed deliberations that took place over three separate commission meetings commencing in February.

The usual five-person commission was reduced to three as Bill Cathcart and Bill Steiner recused themselves from the proceedings. Commissioners Pat Buttress, Adrienne Gladson and Daniel Correa made up for their reduced numbers with an in-depth analysis of the development’s land-use, compatibility, safety and feasibility issues, unheard of in hearings conducted by previous planning commissions.

On-the-fly planning

The landowner, Milan Capital/JMI Properties, was asking the city to amend its general plan to allow for a senior living facility, 130 houses and a privately held sports facility. The land is currently zoned for a sand and gravel operation and is governed by the city’s general plan, the Orange Park Acres Specific Plan and four additional community-based “vision plans” that call for open space zoning, a greenbelt and parkland. Twelve acres are, however, currently zoned for low residential housing.

Open space/recreation has long been the preferred designation for the property, which itself is fraught with roadblocks to development. It houses Santiago Creek – part of the federal watershed and home to protected wildlife; it is downstream of two earthen dams and is therefore considered an inundation zone; it is subject to periodic flooding; and it borders a former landfill that emits methane gas.

The property is also situated in “rural” East Orange, where equestrians, large lots, minimal street lighting and few commercial enterprises are the norm. Area residents, accustomed to past planning commissions that routinely rubberstamped development proposals with little regard for the public, were stunned when Correa remarked that “we

cannot ignore the 86-year history of Orange Park Acres. Generations going back have preserved the community. To arbitrarily dismiss it now isn't right. We need to consider the residents' well-being, safety and comfort."

"East Orange is semi-rural," Gladson added. "Everybody knows that."

Looks aren't everything

While the commissioners conceded that the project's interior design was attractive and – located somewhere else – would be a welcome addition to the city, they found it lacking in every other way.

They rejected the Environmental Impact Report (EIR), noting it raised more questions than it answered. The document identified eight areas of significant and unavoidable impact, ranging from traffic to lighting to aesthetics to air quality, that Gladson observed "were not outweighed" by the benefits of the development. "I can overlook two, but not eight," she said.

Commissioners also spurned any amendments to the general plan, reporting that the density and intensity of the project was "too much for East Orange." They disapproved the landowner's specific plan because it contained little detail. For example, the acreage surrounding Santiago Creek would be turned over to an as-yet-unknown agency or nonprofit; the sports complex would be operated by the YMCA, although there was no agreement or funding to support that; traffic would be mitigated by road improvements not yet earmarked in the city's capital budget. Gladson pointed out the large number of issue items that would be dealt with "later:" creek restoration, trail connections, light impacts, occupancy levels, methane monitoring.

"It's like a novel," Correa said. "There's a cliffhanger on every page."

The commission also regarded the senior facility and sports park as "too commercial" for the area, with delivery trucks, employees and visitors resulting in even more congestion. They found the buildings themselves – three stories for senior living, 81,000 square feet for the YMCA – simply incompatible with the neighborhood.

Against the tide

The land's penchant for flooding and the remote possibility that an upstream dam would fail were risks the commission was unwilling to entertain. "I don't want to send a resident on an unscheduled trip to the ocean," Correa explained.

The four-meeting marathon was led by Pat Buttress, who kept the proceedings moving and periodically checked with the city attorney to ensure the hearing conformed with legal requirements. Gladson focused her analysis on the technical shortcomings of the EIR and the unwelcome precedents set by the general plan amendments. Correa questioned the scope of the private sports facility and its ill-conceived public benefit. He probed the flooding/dam failure issues and specifically challenged the EIR's claim that residents would have three hours, 45 minutes to evacuate in the event of a dam failure. He thought the lead time was more like 15 minutes. "I did the calculations," he said. "A turtle walks at two miles per hour; it beats that time by an hour and 15 minutes."

The landowner is legally permitted to appeal the decision to the Orange City Council and is expected to do so.