

Who's on First?

Tina Richards | Sentry

The City Council's detailed deliberations on the proposed Ridgeline rezoning and development issue, May 24, were a masterful shell game. What's not clear is who was the con and who was the mark.

Who's land is it anyway?

The owner of record for the Ridgeline acreage is Klaus Dieckell, a principle of Anaheim-based Milan Capital. John Martin of JMI, who has been working on Dieckell's behalf, is the applicant for the zone change. He, in turn, hired consultant Ken Ryan to negotiate with the city and be project spokesman. During the entire council proceedings, the name of the real landowner never came up.

Ryan, twice removed from the deed holder, did all the talking. He used the phrases "equestrian community" and "equestrian lifestyle" more times than one could count. According to him, the landowner is sensitive to the wishes of the neighbors and simply wants a fair return on his investment by putting a "perfect fit" development in Orange Park Acres.

But the real property owner says "Each purchase made by Milan is more than a simple acquisition. The goal is always achievement of maximum income over the long term. Milan never relies simply on the market to add value for its investors. It looks for properties where value can be increased through hard work." Or, in this case, a zone change.

There's nothing wrong with a business working to maximize its investment. But in this case pretending profiteering by out of towners is in the best interest of the city is bluster at its boldest.

Who's property rights?

Milan Capital bought a parcel in East Orange zoned "recreational open space." Ryan argued that refusing a zone change would violate the owner's property rights and amount to the city "taking" private land. City Attorney Dave DeBerry noted that Ridgeline was "not a constitutional issue," that the city's discussions with the developer were "negotiations." Either party could walk away at any time. There was no "taking of land." Any rezoning decision was discretionary, not an "obligation." One of the legal options the council had before them was in fact, to deny the project. During five-plus hours of discussion, city officials did not give that option a single sentence.

Who's in charge?

The city's Planning Commission had asked that public amenities (a mile of trails and riding arena) be built when the building permit for the 20th house was pulled. The developer wanted to make it the 39th or last house. Orange got burned earlier this year by

a developer who went bankrupt before putting in a promised park. “Fool me once, shame on you,” Tita Smith reminded her colleagues, “fool me twice, shame on me.”

The council apparently has no shame. Former planning commissioner Fred Whitaker said he would agree to the “last house” condition if there was also a performance bond to guarantee completion. The city did the same thing in the 1990s, accepting a performance bond for the Serrano Heights development. But the bond expired; when Orange needed to finish what that developer had started, it was gone. Despite this experience, city officials let Martin have it his way.

The arena goes to who?

Ryan stressed the developer’s generosity in providing half of an existing horse arena for continued community use. But only if the Orange Park Association (the community) did not own it or operate it. Ryan insisted the arena be turned over to a nonprofit of the developer’s choosing.

Smith pointed out that the developer’s nonprofit did not yet exist and by handpicking its members he was essentially “giving the arena to himself.”

“A group of your citizens are ready to take this on,” Ryan said, “we’ve been working with them.” Smith suggested that since that group had no track record, JMI should include a few experienced people from OPA. “Your plan is designed to keep the community divided,” she said.

“If we put on too many conditions,” Jon Dumitru interjected, “the developer can remove the horse arena from the table.” “Yes he can,” DeBerry said, “but then the council does not have to approve the development.”

Several council members suggested the city take on the arena. It may consider that later, but for now the Sully-Miller arena will be operated by a JMI-appointed nonprofit that doesn’t exist.

Who’s the big dog?

Ryan also decried the “bullying tactics” his client had suffered at the hands of project opponents. As he spoke, he was flanked by a row of well-paid consultants including lawyers and a public relations specialist. The audience behind him was heavily stocked with paid supporters wearing green “Yes on Ridgeline” t-shirts. He was standing before a city council predisposed to approve his project. John Martin had funneled \$40,000 through the Republican Central Committee to help get two council members elected. One of them had already approved the project as a planning commissioner.

The only thing the bullies have that JMI can’t overcome is roots.