

From: Donald Wagner

To: Kelby Van Patten

Cc: John Grover; Jon Sullivan; Holt Dave; Troy Williams

Subject: Re: Request for position statement regarding potential re-zoning of the Tustin Hills Racquet Club

Greetings all and thank you for the opportunity to provide a clear statement of my position on the proposed THRC re-zoning:

*I do **NOT** support Mr. Pate's re-zoning efforts.*

I have faced this issue before in other contexts, spoke briefly about it Friday night at the forum, and have a history of standing with the community *against* these sorts of re-zoning efforts. I appreciate the chance to explain my thoughts on the issue.

First, the restrictive covenant is a legal obligation that the club owner must respect. The next supervisor must also respect the law and should not facilitate any one's efforts around it. I would fight for the community to enforce its legal rights!

Second, you all bought your homes in reliance on the existing legal limitation on the site and with the expectation of the continued operation of the THRC as a tennis club. Government *must respect and enforce* such vested property rights. Failure to do so is nothing short of an undermining of the very rule of law. No government official should ever support a project that ignores both contract and real property fundamental principles of law. As you say very succinctly in your letter, no one is forcing Mr. Pace to continue operating the tennis club; he is free to sell it at market value to someone *who will respect* the community's rights.

Third, I faced this very issue in Irvine a few months ago, as I mentioned at the forum, and, in that case, actually made the motion from the dais that supported the community over a development project. The issue was identical to the THRC. There, a developer proposed the purchase of a golf course (the Rancho San Joaquin course) and the development of apartments that would have significantly changed the nature of the community. Surrounding homeowners objected to any re-zoning that would have permitted the project. I agreed completely with the homeowners. My motion passed unanimously re-affirming the existing specific plan for the community and rejecting the developer's project. When I say I will support you in the fight against changing the THRC zoning, I have a history of doing *exactly* that as Mayor that you can look up for proof and can absolutely rely upon.

Finally, one of the biggest issues I have seen while serving as mayor is the failure of government to stick to its zoning plans. Rampant growth in Irvine before I became mayor was caused by a prior city council that did not insist on adherence to the Master Plan. As a result, we saw overbuilding, traffic congestion, impacted schools, and other deterioration of our quality of life. I stopped all of that in Irvine. For example, we have not approved a single new residential (house or apartment) project in Irvine during my service as mayor. I rejected the golf course zoning change discussed above, and also rejected a developer plan that would have exceeded development caps in one of our planning areas.

In short, I have seen the problems that come with one-off re-zoning efforts like that proposed by Mr. Pace and do *not* like the result! It is not good for the community, and if privileged to serve as your supervisor, I will be with you fighting against it each step of the way.

Let me know if you have any other questions, and thank you for the chance to explain my position.

Regards,
Don

Kelby Van Patten wrote:

Dear Mr. Wagner,

We are residents of North Tustin who have been working with the Foothill Communities Association and hundreds of North Tustin residents who are very concerned about the future of the Tustin Hills Racquet Club ("THRC"). Attached is a letter (along with two exhibits that the letter references) that discusses the importance of the THRC to our community and the reasons we are opposed to any re-zoning of the club, and it respectfully asks that you provide a written position statement regarding re-zoning of the club by **February 26, 2019**.

We are sending this letter to you and similar letters to the other candidates for the March 12, 2019, election. As you may know, there have been many e-mails circulating among dozens of community residents who have seen a some supportive statements from various candidates, but those statements tend to contain fairly vague language with a lot of qualifiers rather than simply taking a position on whether the THRC should or should not be re-zoned. So, we want to provide this letter that explains the issues in detail and that gives each candidate an opportunity to tell our community their position regarding the prospect of re-zoning the THRC.

To the extent we receive position statements from you and other candidates, we will provide them to the many North Tustin residents with whom we are working so that we can discuss them as a community and evaluate which candidate would fight the hardest to preserve this important community resource, and whether there is a candidate that our entire community can rally around.

Thank you for your time and consideration.

Kelby Van Patten