



# AGENDA

## TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED SPECIAL MEETING

**March 18, 2014  
11:30 a.m.**

**Irvine City Hall  
One Civic Center Plaza, First Floor  
Conference Room L102  
Irvine, California**

### CALL TO ORDER

### ROLL CALL

TASK FORCE CHAIR:	Shea, Christina
TASK FORCE VICE CHAIR:	Krom, Beth
TASK FORCE MEMBER:	Clayman, Carol
TASK FORCE MEMBER:	Donnelly, Nancy
TASK FORCE MEMBER:	Gustin, Fran
TASK FORCE MEMBER:	Harvey, Paul
TASK FORCE MEMBER:	Kuo, Anthony
TASK FORCE MEMBER:	LeBlanc, Michael
TASK FORCE MEMBER:	White, Janis

### ADDITIONS AND DELETIONS TO THE AGENDA

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Additions to the agenda are limited by California Government Code Section 54954.2 of the Brown Act and for those items that arise after the posting of the Agenda and must be acted upon prior to the next Task Force meeting.

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## **INTRODUCTIONS**

### **STAFF PRESENTATION**

#### **1. TASK FORCE BUSINESS**

##### **1.0 Approval of Minutes**

RECOMMENDED ACTION 1: Approve the minutes of a special meeting of the Task Force to Review Housing Needs of Developmentally Disabled held on November 19, 2013.

RECOMMENDED ACTION 2: Approve the minutes of the Community Forum held on January 21, 2014.

##### **1.1 City of Tustin Request to Participate on City of Irvine Task Force to Review Housing Needs of Developmentally Disabled**

RECOMMENDED ACTION: Recommend to the City Council the addition of a representative from the City of Tustin to the City of Irvine Task Force to Review Housing Needs of the Developmentally Disabled.

##### **1.2 Property Donation to Nonprofit Organization**

RECOMMENDED ACTION: Receive and File

##### **1.3 Presentation by Foundation for Affordable Housing**

RECOMMENDED ACTION: Receive and file.

##### **1.4 Legislative Review**

RECOMMENDED ACTION: Receive and file.

### **PUBLIC COMMENTS**

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Any member of the public may address the Task Force on items within the subject matter jurisdiction of the Task Force, but which are not listed on this Agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. PUBLIC COMMENTS are limited to three minutes per person.

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### **TASK FORCE MEMBER COMMENTS**

### **ADJOURNMENT**

**CITY SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

It is the intention of the City of Irvine to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Irvine will attempt to accommodate you in every reasonable manner. Please contact the Community Development Department, Housing Division at 949-724-7444.

Assisted listening devices are available at the meeting for individuals with hearing impairments. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35. 102-35. 104 ADA Title II).

STATE OF CALIFORNIA)  
CITY OF IRVINE ) SS  
COUNTY OF ORANGE)

I declare under penalty of perjury that I am employed by the City of Irvine in the Community Development Department and that I posted this agenda in the binder located in the lobby of the Public Safety Department, One Civic Center Plaza, Irvine, California on March 13, 2014 as well as on the City's web page.

Dated: 03-13-14

  
Secretary

**ITEM 1.0**



**MINUTES  
TASK FORCE TO REVIEW  
HOUSING NEEDS OF  
DEVELOPMENTALLY DISABLED  
SPECIAL MEETING  
November 19, 2013**

Irvine Civic Center  
One Civic Center Plaza, First Floor  
Conference Room L103  
Irvine, California

**CALL TO ORDER**

A special meeting of the Task Force to Review Housing Needs of Developmentally Disabled was called to order on November 19, 2013 at 11:36 a.m. in Conference Room L103 at the Irvine Civic Center, One Civic Center Plaza, Irvine, California.

**ROLL CALL**

<b>PRESENT:</b>	<b>CHAIR</b>	<b>CHRISTINA SHEA</b>
	<b>VICE CHAIR</b>	<b>BETH KROM</b>
	<b>MEMBER</b>	<b>CAROL CLAYMAN</b>
	<b>MEMBER</b>	<b>NANCY DONNELLY</b>
	<b>MEMBER</b>	<b>FRAN GUSTIN</b>
	<b>MEMBER</b>	<b>PAUL HARVEY</b>
	<b>MEMBER</b>	<b>ANTHONY KUO</b>
	<b>MEMBER</b>	<b>MICHEL LEBLANC</b>
	<b>MEMBER</b>	<b>JANIS WHITE</b>
<b>ABSENT:</b>	<b>None</b>	

Also present were Sharon Landers, Assistant City Manager; Eric Tolles, Director of Community Development; Mark Asturias, Housing Manager; and Kim Radding, Recording Secretary.

## **ADDITIONS AND DELETIONS TO THE AGENDA**

There were no additions or deletions.

## **INTRODUCTIONS**

Mark Asturias introduced Assistant City Manager Sharon Landers, Adam Eliason of CivicStone, Sheila Driscoll, City of Irvine Community Services Superintendent, and Deborah Brunn, City of Irvine FOR Families Supervisor. Members of the public were asked to introduce themselves in a roundtable fashion.

## **STAFF PRESENTATION**

Mark Asturias reviewed the protocol for distributing informational materials to members of the Task Force at meetings and as periodic email packets. Such materials are submitted to staff by members of the public, as well as Task Force members, and are directly relevant to the mission of the Task Force.

## **TASK FORCE BUSINESS**

### **1.0 APPROVAL OF MINUTES**

**ACTION:** It was moved by Vice Chair Krom, seconded by Member Clayman and supported 9-0 (Shea, Krom, Clayman, Donnelly, Gustin, Harvey, Kuo, LeBlanc, White) to approve the minutes of the Task Force to Review Housing Needs of Developmentally Disabled, Special Meeting of October 15, 2013

### **1.1 Regional Center of Orange County Presentation**

The presentation was delivered by Janis White, Chief Operating Officer, with contributing comments by Jack Stanton, Manager of Consumer and Community Resources; both with the Regional Center of Orange County.

**ACTION:** It was moved by Chair Shea, seconded by Member Donnelly and supported 9-0 (Shea, Krom, Clayman, Donnelly, Gustin, Harvey, Kuo, LeBlanc, White) to receive and file the presentation made by the Regional Center of Orange County.

### **1.2 City of Irvine Disability Services Presentation**

The presentation was made by Sheila Driscoll, Community Services Superintendent.

### **1.3 City of Irvine FOR Families Services Presentation**

The presentation was given by FOR Families Supervisor Deborah Brunn, MS, LMFT.

**ACTION:** It was moved by Chair Shea, seconded by Member Donnelly and supported 9-0 (Shea, Krom, Clayman, Donnelly, Gustin, Harvey, Kuo, LeBlanc, White) to receive and file the presentations offered by City of Irvine Disability Services and FOR Families.

### **1.4 Definition of developmentally disabled**

The report was presented by Mark Asturias, Housing Manager.

**ACTION:** It was moved by Chair Shea, seconded by Member Kuo and supported 9-0 (Shea, Krom, Clayman, Donnelly, Gustin, Harvey, Kuo, LeBlanc, White) to receive and file the report.

### **PUBLIC COMMENTS**

There were no comments from the public.

### **TASK FORCE MEMBER COMMENTS**

Members discussed housing currently available in Irvine that serves the needs of the developmentally disabled community.

Examples of public-private partnerships providing housing options for developmentally disabled were discussed, and possible locations that may be toured by the Task Force.

Members requested staff to obtain and provide a legal opinion about real estate tax considerations for privately owned property donated to a land trust.

**ADJOURNMENT** – Chair Shea adjourned the meeting at 1:10 p.m.

Date Approved: \_\_\_\_\_  
Chair Christina Shea



**MINUTES  
TASK FORCE TO REVIEW  
HOUSING NEEDS OF  
DEVELOPMENTALLY DISABLED  
COMMUNITY FORUM  
January 21, 2014**

Irvine Civic Center  
One Civic Center Plaza,  
Council Chamber  
Irvine, California

**CALL TO ORDER**

The Community Forum for the Task Force to Review Housing Needs of Developmentally Disabled was called to order on January 21, 2014 at 6:08 p.m. in the City Council Chamber at the Irvine Civic Center, One Civic Center Plaza, Irvine, California.

**ROLL CALL**

PRESENT:	CHAIR	CHRISTINA SHEA
	VICE CHAIR	BETH KROM
	MEMBER	CAROL CLAYMAN
	MEMBER	FRAN GUSTIN
	MEMBER	PAUL HARVEY
	MEMBER	ANTHONY KUO
	MEMBER	JANIS WHITE
ABSENT:	MEMBER	NANCY DONNELLY
	MEMBER	MICHAEL LEBLANC

Also present were Eric Tolles, Director of Community Development; Mark Asturias, Housing Manager; Kim Radding, Administrative Secretary.

**ADDITIONS AND DELETIONS TO THE AGENDA**

There were no additions or deletions.



## **WELCOME AND INTRODUCTIONS**

Chair Shea offered opening remarks thanking the public for their participation to provide information that will assist the Task Force to better understand the housing needs of the developmentally disabled community. Chair Shea explained the information gathering format of the Forum, advising that the Task Force members would be taking notes throughout speaker comments and the forum was being audio and video taped.

A brief introduction of each Task Force member was provided.

## **PUBLIC COMMENTS**

The following members of the public spoke: Sue Johnson; Cheryl S. Cohen; Marilyn Harvey; Gretchen Cassady; Nick Brown; Polly Musch; Sandi Thornton; Cecile Whiting; James D. Herbert; Lisa Campbell; Meena Chockalingam; Joseph Singh; Melissa Cory; Rosalind Bradley; Dan Stone; James Shin; and, Trudy Kao

Speakers, which included family members, shared personal experience and insights into the special needs of the developmentally disabled and provided suggestions for housing that would best serve them. Comments included:

- Would like to see support for the creation of housing that will remain affordable in perpetuity to allow developmentally disabled individuals to benefit from living together as a community, even after their parents are deceased.
- Housing options should also support the spectrum of abilities of the developmentally disabled and should include single rooms, shared rooms, dining facilities, community rooms and accommodations to provide for aging in place.
- Housing should be designed to emphasize and encourage a community living concept.
- Section 8 housing vouchers: A traditional housing model to provide affordable housing requires the use of a Section 8 housing voucher; however, the waiting list is now several years and it is difficult to find an apartment in Irvine with a rent rate low enough to qualify within the parameters of the Section 8 program. When qualifying affordable apartments become available they are located throughout the City and this can be very isolating to individuals with developmental disabilities and provides too little opportunity for social interaction.

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- Suggestions of housing site models were presented, which included:
  - A community-oriented housing concept “Co-Housing.” Examples of design can be seen in a mobile home park in Tustin; a modular design with a highly desirable curb appeal is the modular village located on Lido Island in Newport; a 48 unit quadrangle style hotel with a restaurant that was acquired and rehabilitated to provide single room occupancy housing with communal dining and a community room for individuals with developmental disabilities, which is supported with HUD certificates to allow persons that do not have a HUD certificate to live there at a low cost rent.
  - The Glennwood House in Laguna Beach, which is a former hotel that has been transformed to house 50 young adults with a wide range of developmental disabilities. The site offers shared rooms, single rooms, a dining center, community center and a nurse on staff to dispense medication.
  - Housing sites that operate with a partnership of services provided by the Regional Center of Orange County are the Vista Del Rio (40 units) in Costa Mesa, and two foreclosed properties (a four-plex and an eight-plex) purchased by Community Housing Resources in Anaheim.
  - Misericordia campus located in Chicago supports aging in place and provides a broad spectrum of housing to persons with developmental disabilities. The housing design accommodates periods of recovery from hospitalization and allows a resident to move within the campus as their needs change with age.
- Irvine provides a broad spectrum of supportive services to senior citizens through an accrual of services from state, city and federal sources. Senior centers provide low cost healthy meals, adaptive gym classes, social activities, enrichment classes and an opportunity to be a community together. The developmentally disabled community can thrive in a similar environment.
- Reports developed by the Urban Land Institute can be used as an outline for planning, finance, services, and design goals.
- Irvine Unified School District provides an adult transition program to teach individuals with developmental disabilities skills to gain independence, self-advocacy, and how to become viable members of the Irvine

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community. The students become contributing members of the community in local jobs and develop a sense of belonging in the community. The next step is to provide affordable housing opportunities that will allow these individuals to remain in Irvine where they have familiar surroundings.

- Parents of children with developmental disabilities age, becoming both physically and financially unable to continue to provide the necessary level of care and housing for their children. Options are needed for care and housing for the children once the parents are no longer able to do so.
- The *White Paper* produced in 2009 by the Association of Regional Center Agencies provides an analysis of practices and programs for providing housing for people with developmental disabilities.
- Legislation is needed to provide tax incentives to encourage private developers of group housing to come to the City of Irvine.
- The possibility of partnering with the University of Irvine could be explored. There may also be opportunities to involve undergraduate students, such as those in the nursing school, as a resource to provide services within a local housing project.

**TASK FORCE MEMBER COMMENTS**

There were none.

**ADJOURNMENT** – Chair Shea adjourned the meeting, by consensus, at 7:45 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair Christina Shea

**ITEM 1.1**



# REQUEST FOR TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED ACTION

**MEETING DATE:** MARCH 18, 2014

**TITLE:** CITY OF TUSTIN REQUEST TO PARTICIPATE ON CITY OF IRVINE TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED

Director of Community Development

## RECOMMENDED ACTION

Recommend to the City Council the addition of a representative from the City of Tustin to the City of Irvine Task Force to Review Housing Needs of Developmentally Disabled.

## EXECUTIVE SUMMARY

The City of Tustin (Tustin) has submitted a request to have a representative from Tustin participate as a member of the City of Irvine Task Force to Review the Housing Needs of the Developmentally Disabled (Task Force). The Task Force and composition of the Task Force was established by the City Council. Tustin states in its request that working with Irvine's Task Force could be of mutual benefit in addressing the issue of the housing needs of the developmentally disabled.

## ANALYSIS

The City Council created the Task Force to provide recommendations to the Council on City of Irvine housing policies based on the needs of persons with developmental disabilities and established its membership composition. Current members on the Task Force represent interests from the developmentally disabled community, City Council, Planning Commission, Irvine Residents with Disabilities Advisory Board, Regional Center of Orange County, local development community and the Irvine Community Land Trust. Members provide a broad spectrum of knowledge on housing issues and policies for the developmentally disabled. Any modification to add or remove members from the Task Force must be approved by the City Council.

The City of Tustin (Tustin) has submitted the attached letter to the City of Irvine requesting participation on the Task Force. Tustin believes the scope and breadth of the City of Irvine's Task Force could generate policies of mutual benefit to both cities. Tustin's request to have a representative serve on the Task Force might provide for potential collaboration on ways to address this mutual housing need of both cities.

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The Task Force is asked to submit a recommendation on adding a representative from the City of Tustin to the Task Force and also to recommend the role of this representative, if appointed. The Task Force recommendation will be forwarded to the City Council for its consideration.

**FINANCIAL IMPACT**

There is no financial impact to add a Tustin representative to the Task Force to Review Housing Needs of the Developmentally Disabled.

**REPORT PREPARED BY**            Mark Asturias, Housing Manager

**ATTACHMENTS**

TF Attachment 1: City of Tustin request to participate on Task Force to Review Housing Needs of Developmentally Disabled

Office of the City Council



January 21, 2014

The Honorable Steven S. Choi, Ph.D.  
City of Irvine  
P.O. Box 19575  
Irvine, CA 92623-0575

**Subject: Task Force to Review Housing Needs of Developmentally Disabled**

Dear Mayor Choi:

It has been brought to my attention that the City of Irvine has organized a Task Force to Review Housing Needs of the Developmentally Disabled. I have been approached by affordable housing and disability advocates, as well as local families, to start a similar task force.

After meeting with these advocates and hearing what their goals are, it seems that it would be of mutual interest if we can be a part of this established task force so that we do not duplicate our efforts. The obligation to address the needs of all our residents is essential to maintaining a healthy quality of life in our communities. Therefore, I am inquiring if you would be willing to have a City of Tustin representative be part of this Task Force.

Please feel free to contact me or our City Manager, Jeff Parker, should you have questions or need more details at 714-573-3012. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Murray".

Al Murray  
Mayor

rmb

**ITEM 1.2**





# REQUEST FOR TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED ACTION

**MEETING DATE:** MARCH 18, 2014

**TITLE:** PROPERTY DONATION TO NONPROFIT ORGANIZATION

Director of Community Development

## RECOMMENDED ACTION

Receive and file.

## EXECUTIVE SUMMARY

The Task Force requested a legal opinion about privately owned real estate donations to nonprofit organizations to create permanent housing opportunities for the developmentally disabled. In addition, the Task Force was concerned about tax implications that might arise from donations to a nonprofit organization. The City Attorney's office has prepared the attached memorandum and will make a brief presentation to answer questions from Task Force members during the presentation.

## FINANCIAL IMPACT

There is no financial impact from this presentation.

**REPORT PREPARED BY** Mark Asturias, Housing Manager

## ATTACHMENTS

TF Attachment 1: City Attorney Memorandum

## MEMORANDUM

**TO:** Mark Asturias  
**FROM:** Allison LeMoine-Bui  
Jeffrey Melching  
**DATE:** January 2, 2014  
**FILE NO.:** 030636-0001  
**RE:** Donation Of Private Property To A Non-Profit Corporation

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The possibility has arisen that a non-profit organization – such as the Irvine Community Land Trust will be presented with the opportunity to receive a donation of real property for affordable housing purposes. However, an additional condition on the donation would require that persons who are developmentally disabled, *excluding those who are only mentally or physically disabled*, be the only persons permitted to use the subject property.

This is the first time that the City, or any City-affiliated entity has been presented with this issue. Accordingly, in an exercise of appropriate caution, you have asked that this office evaluate whether the potential real property donation would pose any legal challenges. Further, if potential vulnerabilities exist, you have asked that we present potential alternatives or solutions that would minimize the grantee's (*i.e.*, recipient of the donation) exposure.

We have researched this issue, and found that such a donation raises a *possible* argument that the use restriction illegally discriminates *in favor of* developmentally disabled persons. While this would be an unusual “spin” on a statute that was intended to protect (not punish) discrete and insular minorities, we believe that the relevant statutes are *susceptible* to such an interpretation. Because this question has not been squarely addressed in the case law, or the legislative history to the Unruh Civil Rights Act, we recommend that a conditional donation of property be structured so as to indicate that the grantee (*i.e.*, recipient of the donation) be required to use its *best efforts* within the limitations of the law to use the subject property for affordable housing for developmentally disabled persons.

In a separate inquiry, you have asked that we address in general terms the tax consequences and rules associated with a donation of real property for charitable purposes. As an initial matter, we must emphasize that this memorandum is not intended to be used as tax advice for the benefit of the proposed grantor. We have simply endeavored to identify the general tax principles that are involved when charitable donations are proposed. The grantor should be cautioned to consult its tax counsel for specific advice associated with the proposed transaction. Subject to that qualification, the most pertinent tax consequence for the grantor

Mark Asturias  
January 2, 2014  
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would be the potential charitable deduction authorized by Internal Revenue Code § 170. The basic rule is that the grantor, with donative intent, must make a bona fide transfer to the qualified donee organization of real property and receive either a contemporaneous written acknowledgement from the donee organization or the donee organization must report the contribution on its tax return. The amount of the charitable deduction would depend on the grantor's specific tax situation. However, one of the major benefits of donating real property that has been held for at least one-year, is that the grantor may take a deduction of the full fair market value while at the same time avoiding the recognition of any gain on that property. The fair market value is determined by an appraisal process by a professional appraiser.

A representative from this office will be available at the January 7, 2014 Task Force meeting, to answer any further questions on this matter.

**ITEM 1.3**



# REQUEST FOR TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED ACTION

**MEETING DATE:** MARCH 18, 2014

**TITLE:** PRESENTATION BY FOUNDATION FOR AFFORDABLE  
HOUSING

Director of Community Development

## RECOMMENDED ACTION

Receive and file.

## EXECUTIVE SUMMARY

Ms. Deborah Willard, President of Foundation for Affordable Housing, will provide an overview on the development of the Vista Del Rio Disabled Affordable Housing Project located at 1600 West Memory Lane, Santa Ana. This project was developed as a special needs community providing 41 units for persons with physical and developmental disabilities. In addition, the project provides complimentary social services with emphasis on increasing and maintaining the independence of tenants. Ms. Willard will provide a brief overview of Foundation for Affordable Housing and describe how this project addressed financing challenges.

## FINANCIAL IMPACT

There is no financial impact from this presentation.

**REPORT PREPARED BY:** Mark Asturias, Housing Manager

**ITEM 1.4**



# REQUEST FOR TASK FORCE TO REVIEW HOUSING NEEDS OF DEVELOPMENTALLY DISABLED ACTION

**MEETING DATE:** MARCH 18, 2014

**TITLE:** LEGISLATIVE REVIEW

Director of Community Development

## **RECOMMENDED ACTION**

Receive and file.

## **EXECUTIVE SUMMARY**

Task Force members have expressed an interest in legislative options to address housing for the developmentally disabled.

To facilitate discussion by the Task Force, Laura Archuleta from Jamboree Housing and Rochelle Mills from Innovative Housing Opportunities have been invited to provide a brief overview of their organizations; how they obtain funding for affordable housing development; and, how they work to affect legislation for affordable housing. Ms. Archuleta and Ms. Mills will also discuss state and federal legislation they are currently focused on to facilitate creating long term funding opportunities to develop affordable housing that can be applied to a special needs population. Ms. Mills will also provide the Task Force with information regarding her organization's efforts to assemble a core group that is addressing housing needs for the disabled.

## **FINANCIAL IMPACT**

There is no financial impact from this presentation.

**REPORT PREPARED BY:** Mark Asturias, Housing Manager