

IRVINE

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ARTIFICIAL INTELLIGENCE

GOOD FOR ART, BAD FOR ARTISTS?

BY SHANA NYS DAMBROT

**NOT LEFT. NOT RIGHT.
FORWARD.**

2022 CITY COUNCIL RACE



SCOTT HANSEN

FOR IRVINE CITY COUNCIL

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Scott Hansen for Irvine City Council 2022 FPPC# 1443680

OCTOBER 21, 2022 NO. 12

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CITY LEADERS APPROVE GREAT PARK DEVELOPMENT FUNDING

IRVINE ENDS DEAL WITH FIVEPOINT, APPROVERS \$1 BILLION GREAT PARK BUDGET.

BY EVAN J. LANCASTER

On Tuesday, Oct. 11, the Great Park Board of Directors, by way of the Irvine City Council, voted to approve hundreds of millions of dollars in future Great Park development funds. The park's recently approved framework, adopted in July, will bring many new features, including a \$130 million amphitheater and a 75-acre botanical garden.

In a 4-1 vote, Irvine leaders opted to break away from the current agreement with FivePoint Holdings, the area's most prominent developer, which has limited the city's control over the park's development for years.

Now, in an effort to gain the necessary funding and developmental control over the Great Park, the city will reconfigure an existing agreement with Heritage Fields, a 4,700-acre master-planned community built on reused portions of the MASC El Toro, inside the Great Park.

In terms of an amount, a staff report associated with the framework indicated that Irvine's Great Park Community Facilities District (Great Park CFD) and Heritage Fields are set to receive \$1.2 billion through 2030. The amount will be split between the Heritage Fields and the Great Park CFD.

In a phone call with Irvine Weekly, Irvine City Manager Oliver Chi explained that Heritage Fields still has approximately 3,500 of 10,500 units left to build within its master plan, but there is no estimated time of completion.

The CFD amount is "based on current bond market conditions, the city's planned development patterns, and the fiscal environment contemplated," within the next seven years, according to the staff report.

"The city will have access to – in that same [seven-year] period – \$625 million, and when you package that with the money that we have on hand, we'll have close to \$1 billion for use of building out the Great Park Framework," Chi explained.

Dozens of residents, however, along with Irvine Councilmember Larry Agran, opposed the proposed plan, arguing that the city was moving too quickly to earmark development funding for a project of this magnitude.

Former Irvine Mayor Christina Shea spoke during public comment, adding that she felt more time was needed for the community to review the information associated with the implementation plan.

Shea also emphasized that the current status of FivePoint's finances are worrisome, considering the company's plummeting stock price.

"This is a \$1.3 billion rework of a plan that took months, and months and months to negotiate. Our partner FivePoint, LLC is facing serious financial downturn as the stock market indicates their holdings are dropping daily – they're on the verge of bankruptcy," Shea said. "Staff indicated to me that all of you knew this."

As of Friday, Oct. 14, FivePoint's stock was \$2.29 per-share, up slightly from its all-time low of \$2.24 per share, which was recorded October 13.

Irvine City Manager Oliver Chi said in the current agreement, all of the CFD funding is directed to FivePoint, and any additional funding can be used by the city for operations and maintenance. Chi also added that the city cannot currently use CFD funds for capital improvements.

"Ultimately the primary question is: Does the city want to be in control of the development of the Great Park moving ahead or do we want to continue to allow FivePoint to develop the park and allow FivePoint to control the CFD dollars that are being paid?" he said. "The framework implementation agreement doesn't create any new money, it doesn't provide FivePoint \$600 million, it doesn't create any new revenues. What it attempts to do is reconfigure the existing agreement we have in place."

Chi also reiterated that in this restructuring of the Great Park Implementation Plan, Heritage Fields would not automatically receive funds, but rather have resources to apply for reimbursements for the infrastructure projects – roads, sewers – it completes.

"If this agreement is approved, we don't write Heritage Fields a check for \$600 million tomorrow. What it creates is a new process through which Heritage Fields – when they complete infrastructure can apply for reimbursement," Chi

explained. "Simultaneously, with the additional monies that are available, [it will] hopefully make the Great Park a reality, after 20 years of struggle."

Leaders in Irvine have voiced their intention of bringing the "park into the Great Park" for months. In terms of the previous discussion on the Framework implementation agreement, Chi added that the Irvine City Council has been working on these agreements for months in closed session.

The Great Park CFD is a state-authorized public infrastructure financing mechanism. Specifically, the CFD generates funds through property taxes within the scope of the Great Park and is known as the Mello Roos tax.

"The tax rate is a fixed dollar amount when you first purchase the home – it's a dollar amount based on the type of property you own," Chi explained. "All of that amount is collected as part of your property tax bill – it's remitted to the city, and the city holds that money. The money can be used in one of two ways. Reimburse against approved projects that fit with the state definition of what CFD dollars can be used for. Or you can keep that money to secure and issue bonds."

Despite partaking in those meetings, Agran spoke in opposition to the new agreement. From his perspective, the city is not being transparent enough in its efforts to present these new developments to the public.

"For the record – outside of the closed sessions – I've received no briefing, zero," he said. "This meeting I regard as a pretty good study session – what's gone on, where are we now, and the direction we might be proceeding in. For me, making any definitive vote just seems to be kind of outrageous."

Contradictory to Agran's remarks, Director Tammy Kim said she was given regular updates regarding the new implementation agreement.

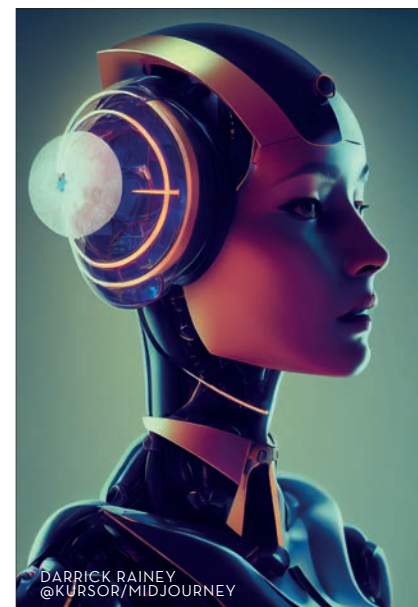
"We have had thorough and robust conversations on this in closed session. We provided very specific instructions to staff on this very topic. I can only speak for myself, I've received weekly briefings on this," she said. "So, to come here to question the process I feel is not fair and not accurate."

ART

ARTIFICIAL INTELLIGENCE:

GOOD FOR ART, BAD FOR ARTISTS?

BY SHANA NYS DAMBROT



Emerging artificial intelligence models operating in the art world are the subject of a wide-ranging discourse full of promises and threats, whose potential implications are only barely beginning to be felt. Many are captivated by the universe of possibilities that open up when an artist is in direct contact with an archive of visual learning stretching back and across all recorded history; many remain skeptical of what they see as outsourcing human creativity to a database machine. The former will make the case that the study of art history, for example, is already akin

to accessing such a database, except now it's one that's more complete and quick than a human brain; the latter will remain unconvinced and evoke the notions of mistakes and the soul of intuition.

This conversation about the nature of cognition and creativity is itself a fascinating exploit, well suited to the kinds of conversations artists and philosophers entertain. The exuberance of being in contact with a cosmos of ancestors in your field is a moving proposition. But there's another side to this, and that's the impact on graphic and commercial illustration, animation and character design, and the

like – professional commercial artists who, without reference to the philological debate, are daily seeing their role erode, their very job itself being rendered obsolete in a way that few are worried will happen in fine art. At the same time, since so many of the AIs currently available to the public are prompt-based, it's ludicrously easy to borrow and steal another artist's style – just by typing their name into the program. So is the role of AI in the creative process a tool, a collaborator, or the competition? Yes.

For artists keen to explore the nexus between their own creative process and the

augmentation and innovation of AI, there is also a difference between analytical and generative models – one which sorts through datasets on the user's behalf, and the other which creates “new” content based on everything it has learned so far, which is more analogous to a human brain having an idea. This and other points along the way are where questions of originality, authorship and intellectual property come into play, occasionally in stark relief.

An artist tells Midjourney, Dall-E, Night Cafe, Stable Diffusion, Dreamstudio or a host of other apps that they'd like “a land-



scape with a distant city skyline at night in the style of Henry Cole," or "a statuesque elf queen with ancient weapons aboard a tall ship sailing toward the horizon in the style of Rembrandt," or "jazz-era alley cats on a spaceship in a folk-art woodcut like Grant Wood," or – well, you get the idea. This is a fun game that will eat thousands of waking hours in its addictive entertainment. Taken seriously, it could be a great way to achieve the instant gratification of an embodied idea, as a sketch; many programs let the user customize the file once generated. Not to mention all the fun to be had with poetic or nonlinear language.

But what happens when an artist enters the prompt referencing the style of a living artist, one who would not like to be the learning model fodder for a global network of instant competitors who seem to be flirting with copyright infringement by deliberately evoking their name in work they plan to claim as their own? And as a practical matter, what happens when a magazine's art director or an advertising company can take what would have been an email specifying

the themes and parameters of a commissioned illustration – a public park in winter with playing children, dogs, and snow in the trees; a medical office waiting room with a diverse group of patients all on their iPhones in photocollage style; a buffet table laden with exotic desserts and wildflowers in a Pop art style – and type those same words into Midjourney instead and get their result for free? Yeah, that is going to be a problem.

But back in the fine art world, with its higher tolerance for academic experimentation and breaking things, painters and photographers, poets and sculptors, filmmakers and animators, and all kinds of artists whose work requires a profound engagement with world cultures, hidden histories, literature, architecture, politics and other expanded data sets – artists who truly view their relationship to AIs as collaborative, mutually informed, and the harbingers of a future in which the singularity is not only a physical union with our technology but a cognitive and consciousness-based one as well – are exuberant and quite bullish about the possibilities.

HONEY & BUTTER MACARONS:

THE STORY BEHIND THE BRAND

BY KAYLYNN CHANG

Located next to the scenic fountain at the heart of the Irvine Spectrum mall, Honey & Butter Macarons is a specialty dessert shop featuring a wide array of unique flavors of French macarons. Owned by Leanne and Pawel Pietrasinski, Honey & Butter Macarons is a product of years of hard work. From selling these treats from a small trailer to operating fully in a brick-and-mortar store, the couple started from scratch, fueled by passion, perseverance, and support to keep them going. Now residing here at the Spectrum, they have become a beloved stop by many local and out-of-town customers, as patrons stretch around the block to taste these treats.

Upon entering, the shop's abundant pastel decor and liveliness jump out – there's a swing set with a lush flowery background, adorable bakery-themed murals, and thematic plushies dotting

around the store ready for pictures. These decorations change with the events, as Honey & Butter works with games, tv-shows, and other brands to collaborate on special occasions.

The stars of the show, however, are tucked inside the sparkling glass cases in neatly stacked rows behind the counter. Dotted the display are macarons of every color, with placards naming each flavor. These macarons are in constant circulation from morning to night, filling up the cases when the team bakes throughout the day.

Baking macarons is no easy feat – not to mention hundreds and thousands of them every week. The macaron can be a finicky dessert, but Leanne and her team have adopted a well-regulated schedule to ensure that they can provide the best quality macarons in astonishing numbers.

These macarons are not the flimsy



PHOTO BY KAYLYNN CHANG

FOOD

discs you find in the freezer section of the grocery store, but rather, they are baked fresh and have high-quality ingredients and designs that make the macarons pop. As such, making and piping fresh macarons takes work and time along with all the other responsibilities within the store. Redesigning thematic decorations inside the store, collaborating with merch lines, and hosting large-scale events are all things on their plate, but Honey & Butter seems to deliver all of these and more with ease.

However, behind the scenes of every day is hard work, grit, and perseverance for Leanne, Pawel, and the rest of the team. Often coming in at dawn to prep and leaving late in the night after closing, it is not easy work for the faint-hearted. However, the team has settled into a flow that feels comfortable for them, dividing prep and baking using a set schedule.

"The prep work goes around the clock," Leanne said. "We prep on Monday, Tuesday, and Wednesday... then we come in on Wednesday and Thursday to start baking."

Using six years of experience at the shop to her advantage, Leanne regularly reflects on what worked and what didn't work, leading her and her team to adopt a well-regulated and fast-paced schedule to operate smoothly and meet the quotas.

"At the beginning, we had no idea what we were doing... so I learned from my experience and made sure that we are really well prepped with everything that we need so when it comes to production, we are not stuck on something because we don't have something," Leanne said.

A tight schedule in hand, the team also works alongside a rotational system for flavors, setting 12 designated flavors weekly. On their Instagram, they update every Thursday with a comprehensive macaron guide showcasing the flavors on their Instagram.

Using this system, Honey & Butter is able to combine both classic flavors that can always be found along with introducing unique flavors. There are many familiar names such as Oreo, Chocolate, Vanilla Bean, Fruity Pebbles



PHOTO BY KAYLYNN CHANG

and Birthday Cake which are all staples in the rotation, but customers always keep an eye out for the seasonal and limited flavors that pop up from time to time. These include flavors such as Hot Cheetos, a variety of Panna Cotta style macarons, or Leanne's personal favorite, Durian, whenever she can get her hands on the elusive fruit.

Focusing on a multitude of Asian-inspired treats, Honey & Butter is unique in its focus on Asian cuisine-inspired flavors.

A unique spin on classic Asian treats and even foods, flavors such as Vietnamese Egg Coffee, Taro Milk, Matcha, Mango Sticky Rice, Pandan Coconut, Hojicha, Black Sesame, and Strawberry Daifuku are all recurring flavors that have become the favorites of many customers. These macarons are Leanne's passion, with her working alongside

her team to integrate their creativity and experiences into a sweet cookie for everyone to enjoy.

"The flavors usually come from my personal connection with my Vietnamese roots," said Leanne. "I grew up in Vietnam ... and I've been exposed to a lot of desserts as well. So, anything Asian-inspired, I take great inspiration from it and try to recreate it in macaron form."

However, in terms of new flavors, there's no time for Leanne to experiment. Oftentimes, the new flavors that introduce themselves into the rotation are created without a trial-and-error period, slotting into the cases as they are made. Not all flavors were successful; sometimes, they needed to be tweaked, whether it was less of an ingredient, tricky combination of textures, or just an imbalance of flavors. But Leanne learned to adapt

quickly, taking into consideration customer reactions and priming the next batch closer to perfection.

The flavors that do work out can be unexpected at times, such as the Hot Cheetos flavor that many customers regularly demand for in rotations, but for most of the flavors, Leanne finds that her ideas translate well into macaron form. Honey & Butter also mixes a lot of different textures, incorporating fresh fruit chunks, jelly slices, marshmallow fluff, and even whole candies, which for the most part are successful.

"Even the little things like being able to put out my own flavors and put my own creations out and have people come in and be excited for it and make a purchase, that itself is really meaningful," Leanne said.

Evident care, time, and appreciation are put not only into baking these

macarons, but for the entire store, with the Honey & Butter team putting in whole-hearted work to provide a robust and delectable experience that makes the shop so successful.

To further their reach, Honey & Butter puts on spectacular events the team puts on almost every month. These large-scale events are a result of partnerships between Honey & Butter with popular brands that can span a week-end or even the whole month. In these events, the main attractions are special "character" macarons which feature macaron versions of a multitude of characters from anime shows, tv-series, games, and even books. Whether it's other local food shops, popular video games, video/app brands, or even small custom jewelry businesses, Honey & Butter always hosts events with others to promote not only their macarons, but the work of others as well.

With these events, however, Leanne does not just stop at the sweets. Honey & Butter puts in the extra work to set up themed photo areas, cutouts, mascots, and fans are encouraged to dress up. Featuring customers on the official Instagram or curating raffles for customers to keep themselves busy during the wait, Leanne and her team make sure to create a sweet and memorable experience while customers wait for their dessert.

Employee Linda Tran says that these events are the highlight of her work at Honey & Butter. "We always have a lot of fun getting ready for these kinds of events," said Linda. "It's always so cool to see and interact with the guests waiting outside."

These events are undoubtedly a massive hit as fans eagerly wait for their favorite games or shows to collaborate with the shop. With an especially popular event last year with the My Hero Academia game, fans lined up at the double doors since dawn, some bringing folding chairs and blankets while the line stretched to the other side of the mall by midday. As a result, Leanne and her team needed to work extra hard as sleeves of macarons made their way into the hands of eager customers by the dozen, but they were rewarded with the sight of happy customers.



PHOTO COURTESY OF @HONEYANDBUTTER INSTAGRAM

However, during the nationwide COVID-19 pandemic shutdowns in 2020, things looked grim for Honey & Butter. At one point, Leanne and Pawel contemplated closing the store for good, as they could not open their business to the public and customers deserted the once busy mall.

"We couldn't meet rent," Leanne said. "It was dead every single day for four months. ... We struggled of course, and I had to significantly change the way that we do business. We didn't open for in-store purchases anymore, everything was done online or curbside."

And with moving online, there came other challenges, such as people who would claim fraudulent charges or transaction reversals after picking up the macarons or lie about not receiving their order.

"There was no way to verify if the

customer picked up the order... so now we have a log of people picking up their order," Leanne said. "We still face those transaction reversals, but it's not as common anymore as it was during the pandemic."

Coupled with navigating the ups and downs of pandemic life, these aggravations added to the difficulties that Honey & Butter were already facing. Yet amidst these obstacles, Leanne and Pawel continued to pursue hope and put all of their faith into their business. Encouraged by overwhelming support from friends, family, and even customers, the duo decided to persevere despite the doubts.

And their decision paid off. Honey & Butter has blossomed after the pandemic despite the hiatus, and the store is thriving today. Opening seven days a week and having plans to go up from

here, Leanne wants to focus on honing events and continuing to branch out with new ideas with more and more brands. While there are no solid plans for expanding their business yet due to logistical complications, the idea is not off the table.

"The biggest struggle for us is finding people who can do what we do," Leanne said. "That's why we haven't been able to expand as much, because if we expand, we would have to go to the new store to make sure it is running okay, but who's going to take care of this store?"

With these worries in mind, Leanne wants to focus on expanding where she could take Honey & Butter in the present, looking towards bigger and better things to come.

"I have so many ideas for myself and things I want to do, but in the immediate future we still have events going for another year or so, and that's the kind of model that I see ourselves pursuing," Leanne said.

With their achievements, however, Leanne still wants to acknowledge the trials and tribulations she and her team overcame to get to where they are today. Choosing to brave through these struggles is what makes Honey & Butter continue to see their success grow upward.

"You have to really love what you do in order for you to tough it out and not burn out. People see a lot of our success in the articles... but we struggled. Ever since the beginning, getting here from our apartment until now, we are still struggling with keeping up with the production, finding capable and committed employees, and also warding off malicious people who want a piece of our success."

Not only an outlet for Leanne's passion for baking and creating, Honey & Butter also represents the challenges and hardships she and her team faced. As Honey & Butter grows stronger each day, seeking new opportunities and goals, Leanne and her team will not forget the sheer hard work, day in and day out, along with perseverance through challenges are what ultimately created and continues to create the story of Honey & Butter.

MICROSOFT'S QUEST FOR BLIZZARD LOOKS ICY

DESPITE FEARS OF LESSENERD MARKET COMPETITION IN THE UNITED KINGDOM, BRAZIL'S CADE APPROVED THE \$68 BILLION MERGER BETWEEN MICROSOFT AND BLIZZARD ACTIVISION, CITING THAT SONY IS A PLAYER TOO POWERFUL TO DEFEAT.

BY EVAN J. LANCASTER

In its quest to acquire Activision Blizzard Inc. for more than \$68 billion, Microsoft Corp. is working to convince a global gaming community that the historic merger will come with more benefits than drawbacks. The Xbox manufacturer is now part of an international investigation that will determine if the convergence of the two iconic developers would result in less competition in the cloud, console and gaming storefront markets.

The worry is, given the notable reputation, experience and history of Activision Blizzard and Microsoft – independent from the upcoming merger – the convergence of the respective software and technology conglomerates would create an unfair advantage in the market that would become unattainable to competitors.

However, for Satya Nadella, Chief Executive Officer of Microsoft, the merger, announced in January, has been the goal. On Thursday, Sept. 22, Nadella spoke specifically about the deal in an interview with Bloomberg, in which he said Microsoft was optimistic about completing it.

“For us, in gaming, we have one goal, which is to bring more games to more gamers on all platforms and provide more choice for publishers everywhere and developers everywhere. And so everything that we’re doing with our content with our cloud and the community, it’s really about driving that choice and that opportunity. And so we feel very

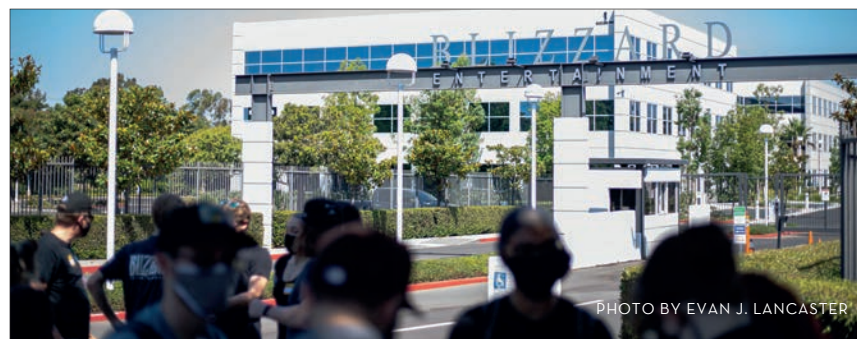


PHOTO BY EVAN J. LANCASTER

confident,” Nadella said.

In terms of the investigation surrounding the \$68 billion purchase, the United Kingdom-based Competition and Markets Authority announced it would begin a Phase 2 investigation into the merger on September 15. The Competition and Markets Authority is a department of the U.K. government, aimed at strengthening business competition and preventing and reducing anti-competitive activities.

In an eight-page background report on its Phase 1 investigation into the merger, the CMA reported that given the increasing popularity of gaming, the merger could pose a threat to markets.

“After examining a range of evidence, the CMA believes that the merger meets the threshold for reference to an in-depth phase 2 investigation, giving rise to a realistic prospect of a substantial lessening of competition (SLC) in gaming consoles, multi-game subscription services, and cloud gaming services,” the report read.

billion in 2021. That same year Microsoft reported total gaming revenue of \$16.28 billion.

Until Microsoft can surpass Sony’s dominance in the market, Nadella’s views on a successful merger with Activision Blizzard in June remain optimistic.

And in the true spirit of gaming, Nadella says he wants all the competition he can get.

“Of course, any acquisition of this size will go through scrutiny, but we feel very confident that will come out. We are number four or number five, depending on how you count, in gaming. In fact, the number one player in this case, Sony, I think, even in this period has acquired three companies. So if this is about competition, let us have competition.”

Despite the worry outlined within the Competition and Markets Authority’s report, Microsoft is still bullish on its position to acquire Blizzard Activision by June.

“This deal will benefit gamers, developers, and the industry as we seek to bring more games to more people. We’re committed to answering the CMA’s questions and ultimately believe a thorough review will help the deal close with broad confidence. We’re still on track for it to close in fiscal year 2023 as initially anticipated,” a Microsoft spokesperson wrote to Irvine Weekly via email.

It also seems Microsoft is not alone in supporting the merger.

In recent weeks, the Administrative Council for Economic Defense (CADE), a Brazilian-based regulatory agency, has publicly stated its support of the merger, adding that Sony’s position in the market is far too bold to be affected by a merger of this nature.

Additionally, as a regulator, CADE pointed out that its main responsibility is to protect consumers – not the interest of private companies, weary of future competition.

“SG-CADE concluded that Sony has been the market leader for more than 20 years, has the largest user base and console installed base, has a robust game catalog and partnerships with third-party publishers, in addition to significant brand loyalty,” the report read. “Those attributes would contribute to the competitiveness of the PlayStation after the transaction, even without Activision Blizzard content.”

The report titled “Anticipated acquisition by Microsoft Corporation of Activision Blizzard, Inc.” also noted the differences in popularity – and revenue – between video games and alternative activities like literature, music or film.

The report also noted that the competition between manufacturers of video game consoles has not changed in the course of two decades:

“For the past twenty years, the same three companies have been the only significant suppliers of console gaming – Microsoft (Xbox), Sony (PlayStation) and Nintendo (Switch being the current generation console), with little or no entry from new rivals. As part of its investigation, the CMA sought to ensure that the merger would not substantially reduce either current or future potential competition.”

For now, Nadella says his only competition is Sony, the creator of the PlayStation gaming console. In terms of revenue, Sony reported gaming revenue of \$24.9

NEWS

HATE-RELATED CRIMES ON THE RISE IN OC, PER 2021 REPORT

AS IRVINE AND OTHER CITIES BATTLE THE RISE OF HATE-RELATED INSTANCES, IT DOES SO WITH UNIQUE REPORTING TOOLS.

BY EVAN J. LANCASTER

continuing to maintain relationships and support those reporting groups.

"We have an interface, security partnership that we have fostered in Irvine. When certain holidays come around, we like to show our support and go out to those houses of worship, so we have a whole unit that keeps track of that information," Jones explained.

To continue strengthening the relationships within the community, IPD will be hosting a community police academy, where residents and community members can gain a better understanding of how police operate in Irvine.

"It's a nine-week program. We educate them about the Irvine Police Department," she said. "A portion of that is a discussion about hate crimes and hate incidents."

In addition to the Irvine Police Department, the Orange County Sheriff's Department and the University of California, Irvine voluntarily facilitated their records on hate crimes for this report.

While the single-digit percentage increase may seem insignificant, Jo-Anne P. Matsuba, Human Relations Commission Chair, said the rise in hate-motivated activity is steadily increasing.

In the report, Matsuba highlighted that hate-motivated crimes have increased more than 150% since 2017 – and more than 400% since 2007 – in Orange County.

"Hate-motivated behavior and incidents continue to increase at a rapid pace. Hate activity has steadily increased in Orange County – 424% increase compared to 10 years ago, and 165% increase compared to 5 years ago," Matsuba wrote. "This rise in hate-motivated behavior has not only been seen and felt in our home but it mirrors what is happening across our nation."

Despite the increase of instances in Orange County, Jones echoed the importance of continued reporting.

"As a crime analyst I want them to report everything. They may think that small crimes do not need to be reported to the police, but if we don't know about them then we can't do anything about it," she explained. "When hate is part of that crime or that incident, then it's even more important for us to know about it."

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Over the last five years, Orange County has experienced a rise in hate-related crime, leading more cities to focus on creating public avenues to report hate activity.

In its effort to help track hate crimes within Irvine and throughout Orange County, the Irvine Police Department recently contributed data to the Orange County Human Relations Commission's 2021 Hate Crimes Report.

In its most recent report on hate crimes, released in September, the 2021 report found significant increases in hate activity across Orange County, with nearly 400 hate-motivated instances reported in 2021.

With a combined total of 398 hate crimes and incidents reported in 2021, Orange County saw a 5% increase from the year prior, according to the report.

This year, the Irvine Police Department has documented a combined total of 22 reported hate crimes and hate incidents. While the year is still a few months from being over, hate-motivated incidents have sharply decreased from 12 months prior. In 2021, the city of Irvine reported a total of 91 hate-motivated instances.

Irvine Weekly spoke with Darcy Jones, a Crime Analyst Supervisor with the Irvine Police Department, about the department's voluntary contribution to the county-wide report.

Comparatively, the report identifies hate crimes as using race, religion or sexual orientation as motivation to inflict bodily harm, intimidate or damage property.



PHOTO BY SCOTT RODGERSON ON UNSPLASH

Alternatively, the report defined hate incidents as instances involving harassment, both verbal and online. The report also classified the public distribution of "discriminatory literature" as a hate incident.

Jones explained that IPD has been sharing hate crime data with the OC Human Relations Commission for many years, as mandated by the state. However, in more recent years the commission has sought data on hate incidents.

In 2021, Jones said IPD worked with Irvine Mayor Farrah Khan to establish an anonymous hate-motivated activity reporting system via a portal.

"We're mandated by the state by the California Department of Justice to report hate crime – there's no mandate to report

hate incidents. We have gotten better at keeping track of hate incidents – especially more recently," she said. "The number of hate incidents that we had tracked in 2021 more than quadrupled, our hate crimes doubled from seven to 14."

Jones said Irvine's total number of hate incidents increased from 18 in 2020 to 77 in 2021.

While increases in hate-motivated crime may be concerning, Jones said those outcomes are to be expected as more members of the community utilize the reporting tools.

"That's the intent. As with police departments, if it's not reported to us, we don't know about it. So, we want to know the extent of the problem so we can address it," she said. "And then hold people accountable if it's an actual crime."

In terms of pinpoint causation of these increases, Jones could not specify. But, as a crime analyst, she explained that part of her mission is to decipher the trends within the data in an effort to find patterns in crime occurrences – and identify the groups that the data impacts.

"Where is it happening, who is it happening to – what we want to do is more community outreach," she said. "We saw an increase in areas of what we call a bias – the bias is mainly against different races and religion. With the increase we saw, reported within the community was Asian victims, African American victims, as well as Jewish and Muslim victims."

Of utmost importance, Jones said, is

IRVINE ASPHALT FACILITY'S FUTURE IS COSTLY, UNCERTAIN

BY EVAN J. LANCASTER

In a series of back-to-back meetings, the Irvine City Council has taken no further action regarding the condemnation or settlement efforts of the All American Asphalt facility. While no decision has been, staff reports indicate the cost associated with relocating the asphalt facility could range between \$50-\$100 million.

In its latest meeting, on October 11, the council voted to pause decision-making until a third-party counsel was selected to review options. Meanwhile, residents continue to voice frustration with the city's lack of action. More than 30 speakers addressed the agendized settlement agreement, many urging the council to vote no on a settlement, and push for condemnation.

With three odor violations in 2022, and 1,400 odor complaints since 2019, a recently published report from the South Coast Air Quality Management District indicates that emissions produced by the facility, which produces hot mix asphalt, have not exceeded regulatory standards.

Irvine City Manager Oliver Chi explained that the city is currently considering six different options for a third-party counsel, and hopes to make that decision within the coming weeks. The settlement agreement is tied to Irvine's 2020 public nuisance lawsuit, in which the city sued the facility over dozens of foul odor complaints.

"We have not had counsel review the settlement agreement. We're in the process of interviewing six different firms that we're asking to consider reviewing our overall approach in addressing AAA at this point," Chi explained. "As it relates to the settlement agreement itself, it does constitute an agreement that provides a pathway forward that could eventually lead to the plant's relocation."



PHOTO COURTESY NON-TOXIC NEIGHBORHOODS

Detailed in the staff report, the potential relocation of the All American Asphalt facility involves two core options – relocation and condemnation. If the city chooses to relocate the facility, All American Asphalt would search for a site within 180 days. Within that timeline, the facility would be subject to strict mitigation and review, and would need to establish a 24-hour odor reporting hotline.

"It absolutely does not relocate or require AAA to close or relocate their plant, but it does lay out a timeline and a process, in which we would review," Chi said. "An important piece of context for this discussion is AAA's position which they continue to maintain that they are currently operating within current regulatory guidelines. They have all legal permits to exist as a business."

Chi remained optimistic about the possibility of relocation, given the fact that All American Asphalt has continu-

ously engaged in settlement discussions. However, the process could take roughly two years or more.

Relocation will also not come without cost.

A breakdown of estimated costs are included in staff reports associated with the AAA settlement agreement. The monetary breakdown includes the current cost of land, along with the cost of land and facility development.

"Ultimately, if the relocation process is successful, we do anticipate it could take two to three years in order for the process to be completed. The overall structure of the relocation agreement calls for the information that AAA will be developing to be back to City Council consideration before final determination is made," he said. "It currently contemplates that relocation cost somewhere between \$50 to \$100 million – that's a ballpark estimate in the cost of land."

Condemnation of the facility is a

quicker option, but could prove even more costly.

"Certainly an absolutely a more definitive and quicker process than coordinating a settlement, the condemnation process we anticipate could be completed within nine months," Chi said. "It's also important to note that we need to compensate AAA for the loss of business, goodwill, in addition to acquiring the dirt on which the facility sits."

Chi reiterated that condemnation could exceed hundreds of millions. Given that the North Irvine asphalt facility is permitted to operate, Irvine would need to compensate the business for any potential revenues lost. In fact, AAA has the operational ability to produce 1.4 million tons of asphalt per year.

The current cost of asphalt is roughly \$200 per-ton.

"We do anticipate condemnation would cost in excess of \$100 million," Chi said.

While the council agreed to pause on decision making until an independent counsel is selected, Irvine Mayor Farrah Khan had questions regarding the public's input in removing the facility. Specifically, Khan was concerned that community groups were not involved in the decision making process.

"I think it would be helpful if staff is meeting with any community groups – or any groups of residents – and they are not in favor of the direction we are going in, that we are informed of that as well," she said.

The AAA facility is now recognized as a Title V facility and is currently under a 45-day Title V permitting process from the Environmental Protection Agency.

Previously, the facility carried 18 "minor source" permits for equipment that included crushers, dry filter conveyors, storage silos and other manufacturing equipment associated with crumb rubber asphalt production.

In its Title V permit process, AAA will be limited to its existing equipment, must not make changes to output, must not have an increase in emissions and must not add new processes or air pollution control equipment to its facility, according to AQMD.

Chi anticipates obtaining the independent counsel in time for the council's first meeting in December.

ENTERTAINMENT

AMSTERDAM'S OFF-KILTER ENSEMBLE TAKES ON HISTORICAL COUP PLOT

BY LINA LECARO



PHOTO COURTESY OF 20TH CENTURY STUDIOS

The city of Amsterdam, in the new David O. Russell film, serves as a kind of metonym for youthful bliss; specifically, the kind many shattered WWI veterans found after the Great War ended, drifting through a Euro springtime of booze, jazz, Modernism, and free-flying romance. Only a modest chunk of the film dallies there, but it's a sweet idyll, as scarred Argonne Forest vet-buddies Dr. Bert Berendsen (Christian Bale) and Harold Woodman (John David Washington), along with their hospital nurse and budding artiste Valerie Voze (Margot Robbie), cavort, screw (Harold and Valerie are soulmates), and bond in a lost weekend they know can't last forever.

The movie Russell has constructed around them is, typically for the writer-director, a hundred things at once, and though it seems to muddle itself at times, with the director's signature hullabaloo

and off-kilter-ensemble vibe, it turns out to be a lovely thing – a nostalgic paean to friendship and selflessness. “A lot of this really happened,” an opening title reads – but not a lot, actually, just this: a non-vent known on Wikipedia as the 1933 Business Plot (or, the Wall Street Putsch), in which a retired Marine general had alleged conversations with low-level representatives of Wall Street moneybags with the aim of staging a national coup and creating a Mussolini-style dictatorship, thereby preventing FDR from going nuts raising taxes on the rich and diverting resources to help the poor and jobless. The general testified before Congress to this effect, but everyone else denied knowing anything about it, and the matter was succinctly forgotten. Until now, pertinently enough.

Russell obviously bumped into this bit of neglected history and saw its fingerprints on our contemporary state of affairs. The film takes far too long to

get to the meat of this conspiracy, and we could well wonder why in fact we're following Bert, Harold, and Valerie back and forth from 1918 to the '30s, where the one-eyed Bert is a drug-addled physician largely treating wrecked veterans like himself; Harold is a Black lawyer with only Black clients; and both are enlisted to help with an illegal autopsy of their old platoon leader (Ed Begley Jr.), who might've been poisoned.

Of course he was, and so there's a plot afoot – our heroes are set up as suspects in a subsequent murder (Taylor Swift!) as Russell ropes in U.S. and Brit spies (Michael Shannon and Mike Myers, hilariously), a roaming assassin (Timothy Olyphant, unrecognizably), secret forced sterilization clinics, Valerie's supercilious millionaire brother (Rami Malek), and, eventually, Robert De Niro, as the cagey general who agrees to help unveil the Fascists in their midst. Lushly shot and designed, Amsterdam is more than a

little attention-deficit about its mystery plot, favoring instead Russell's habits of insistent detours, character explosions, and seizures of pure invention.

This is where the trouble lies, for some reviewers. Like his '90s Sundance brethren Paul Thomas Anderson and Quentin Tarantino, Russell obviously enjoys chewing the fat more than speeding through the courses, and his film is drowning in human absurdity, just beginning with Bale's outrageous one-man show as contemporary cinema's most magnificent mensch, sporting a perfect mid-century Borscht Belt accent, a ceaseless struggle with his glass eye, and a philosophical warmth that, in the end, envelopes the film. Bale has evolved into a deft chameleon: Bert Berendsen is an inspired creation, one you're sorry to leave behind, as Bale makes even the man's tics and mundane gestures riotous set-pieces.

Bale's glitchy humanity is the movie's glue, but nearly everyone is on this wavelength. Russell has yet to be appreciated as the actor's director he is, adept at putting five people in a room and getting every one of them to do something surprising. Here, as in most of his other films (including *American Hustle*, also starring Bale), everybody is juiced and hitting the comic sweet spots, particularly Robbie, Malek, Myers, and Andrea Riseborough as Bert's tightly coiled high-society wife. (Oddly, only Washington is left to be the cast's one coolant.)

I didn't miss the attention not paid to uncovering conspiratorial details; watching Bale's beleaguered-but-unflinching sawbones tap on his eyeball and wooze up with experimental painkillers is movie enough. Let the clock-watchers go to another movie. Russell's energetic ardor is palpable top to bottom in *Amsterdam*, and it's hard to begrudge such a feverish movie its obsessions, which include early Modernist art-making (a little Man Ray, a little Duchamp), pioneering war-injury prosthetics, interbellum history, amateur ornithology, and, finally, anti-Fascism. I wouldn't have missed the pro-democracy speeches that overwhelm Amsterdam in the end, had they been tacked back, but despite Russell's strenuous efforts, you actually can't have everything.