

NIVA MEETING RECORD

Nov. 10, 2004

COMMITTEE REPORTS

1. PLANNING AREA 8 DEV. COMMITTEE [Nellie Buomberger] - An application has been submitted for an AM/PM ARCO service station to be located within the the Trabuco Grove Retail Center at the southwest corner of Jeffrey Road and Grove. The project would include the gas station, convenience store, and a car wash. The business plan calls for a 24/7 operation of the gas station and convenience store while the car wash would be 8AM to 8PM/7 days per week. The convenience store would have a beer and wine license. The Planning Commission is expected to hear the matter in Dec. Jorge Estrada is the City Planner reviewing the project.

NIVA has also received notification of a conditional use permit for a rooftop wireless facility to be located at 1400 Jeffrey Road on the roof of an existing retail commercial building. The 12 antennas will be mounted within the interior walls of the central architectural tower of the main in-line building and not visible from any side: the 4 equipment cabinets will be located on the roof but screened from public view. The Zoning Administrator is expected to hear the matter this month.

2. LOWER PETERS CANYON COMMITTEE [Dave Melvold] - Per Pat Fiero [11/8], there is currently no plans for an official opening ceremony for the new Lower Peters Canyon Community Park but the park located at Bryan and Culver is expected to open this month.

3. PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE [Nancy LaPorte] - Per written report submitted by LaPorte: Ability First applied for a building permit for housing project last Nov 29, 2003 but was informed that no offsite utilities were available at the site and as sponsor/developer were responsible for the design and construction of these. They have been unable to get any assistance from TIC, the City, or HUD for additional funds to pay for this work. They are now seeking funds from some other source and are projecting a groundbreaking in March of 2005.

4. NORTHERN SPHERE (PA-3, 5B, 6, 8A, & 9) () - The PC approved [5/0] the Master Plan [00365041-PMP] and Vesting Tentative Tract Maps [16635 & 16690] for two residential projects in PA-9A essentially in the quadrant closest to Trabuco/Sand Canyon at the hearing of Nov 4. The former is for 275 single-family detached dwelling units and the latter is for 290 condos and 2 private parks (1.17 and 1.0 acres each).

OLD BUSINESS

1. EL TORO MCAS REUSE - At the Oct 28 Great Park Public Symposium -- the 5th of the series of public forums -- held at City Hall, art expert Dr. Paul Schimmel spoke on the use of art in museums, parks and other public spaces. He is currently the Chief Curator of Exhibitions and Collections at the Newport Harbor Art Museum (now the Orange County Museum of Art) in Newport Beach. He envisions the park to contain a sculptured garden where visitors can touch and even ride on works of art created by the world's leading artisans. The art would be interactive and participatory in nature. He perceives that artists are moving away from creating sculptures on pedestals just to be looked at but rather works of art that engage the viewer by participating. He also imagines the park will be home to a number of museums and hopes it will have an innovative sculpture garden.

2. NORTH IRVINE LIBRARY [Dave Melvold] - Last month the Board of Supervisors approved Orange County Public Library's request to submit a grant application to the Calif. Clean Water, Clean Air, Safe Neighborhoods, Parks and Coastal Protection Act of 2002 (Proposition 40) for \$2.5 million for construction of the library. If the grant is awarded, it would be matched by the \$2.5 million already received in developer fees. An additional \$1 million was received from the OC Community Foundation which would

be used to equip the branch with computers, furnish the library interior and provide an opening-day collection of approximately 40,000 volumes.

The City will make the drawings available for review and merely need to set a time. Ultimately, the City plans to dispose of the drawings once the library is built as the City has no official role in the approval of the drawings and facility. Melvold will check with the City about the possibility of reviewing on either Thurs. or Fri., Nov. 18 or 19 at 8 or 8:30 AM and contact those who had indicated they desired to participate.

3 AG CENTER/SPECIAL USE HISTORICAL PARK [Chris Elliott] - It was decided at the meeting to close this item as there has been no reported action for some time and no one in attendance indicated a desire to take up the issue. ITEM CLOSED due to lack of interest.]

4. I-5 FREEWAY OFFRAMP LANDSCAPING - NIVA received an Oct 12 response from OCTA to NIVA's May 14 letter about the 5-lane I-5 SB off-ramp @ Culver proposal. Copies of the letter were distributed at the meeting. Mr. Mortazavi, OTA's Dir. of Strategic Planning, evades the specific question posed by NIVA as most likely OCTA does not want to be pulled into the controversial issue about the acceptability of the proposed City/TIC-design but rather responds by addressing the issue of coordination with the City. It should be noted that Mortazavi was a previous traffic engineer with the City of Irvine. It was decided to arrange a briefing meeting with the new councilmember from North Irvine (Sukhee Kang from Northpark Square) who should have a greater interest. Melvold will attempt to arrange a meeting in early Dec. giving the new councilmember time to adjust to the new role.

Incidentally, Mortzavi did mentioned in his letter that OCTA currently plans to begin construction on the improvements for the I-5 SB Culver offramp in Spring 2005. These consist of signal modification, additional signage, refreshing pavement delineation, and modification of the Culver median nose. Whether this work includes the OCTA-proposed additional SB offramp lane for Culver south of Jamboree is not clear.

5. HICKS CANYON COMMUNITY PARK COMMUNITY BUILDING - [Awaiting receipt of response from City to NIVA's 4/16/04 letter.] It was agreed that the City should be sent a reminder letter and possibly subsequently consider suggesting that the City assign left over annual budget funds to constructing this facility. [Letter sent Nov. 19, 2004]

6. UNDERGROUNDING OF BRYAN 69-kV POWER LINE [Andy Zelinko] - Pulling of the new underground power cables began the week of Oct 25 simultaneously with the commencement of the removal of the overhead power conductors. The last of the overhead conductors and poles on Bryan were removed by the end of last week. Because of the pending departure of 2 of the City Council members who were on the Council when it approved the removal, Melvold gave a short presentation and thanked the Council at its Nov. 9 mtng and involved members of City staff who facilitated this effort. Still to be done is the replacement of the temporary asphalt patches in the sidewalks with concrete which is SCE's responsibility. It was agreed to hold this item open until the asphalt has been replaced.

7. PROPOSED WIRELESS TELECOMMUNICATION FACILITY ORDINANCE [Jerry Kirchgessner] - The proposed ordinance was scheduled for Council hearing on Sept 14 but has been continued until Jan 11, 2005 "to allow staff more time to coordinate and respond to the input being received by the City in reaction to the latest draft of the...ordinance". More delay. Realize that from NIVA's records, the development of this ordinance has been in the works since at least 1999. There is reason to be concerned that once and if the ordinance is approved, it will be ineffective due to the number, types, and locations of already approved existing facilities which will be a strong basis for precedence regardless of the ordinance. At the Council meeting, Ward and Shea expressed concern about the repeated continuation and questioned whether there really is a sufficient controversial issue to warrant further continuation of the matter. In actuality, it is probably simply that staff is giving this ordinance low priority or one or more councilmembers wish to avoid contentious issues at this election time.

8 LOWER PETERS CANYON COMMUNITY PARK/BECKMAN HS JOINT-USE AGREEMENT [Terry Kiser] - Per Kiser, City staff will be holding another meeting with TUSD officials next Tues. or Wed., Nov. 23 or 24. NIVA has requested a copy of the first available draft of any agreement. There is concern about fair reciprocity of use of facilities between the City and TUSD and the fact that the high school has no lit baseball facilities or tennis courts whereas both are lit in the community park. Not only is there concern about resulting over usage by the school leaving inadequate time for the general public's use of these park facilities; but also that the school use of the facilities at night, especially the baseball diamonds, could result in longer and more frequent lighting of the diamonds. The baseball facility is immediately across Culver Drive from the Racquet Club residential community.

9. NEW FIRE STATION 55 - The OCFA officially opened the station at the end of last month on a 24/7 basis. It is equipped with a single fire engine and a staff of 3 including 1 paramedic.

ITEM TO BE CLOSED

10. AFFORDABLE HOUSING - The City Council approved [5/0] a zone change to establish a Density Bonus Policy at the hearing of Nov 9 following the PC's recommendation for approval last Oct 7. The Housing Element in the City's General Plan addressed the issue but the Zoning was silent on it. The change will bring the City into compliance with the State law. The density bonus provisions are not mandatory; however, they assist in making lower income housing projects economically viable to private developers. The City will process requests for a density bonus of up to 25% of the site's maximum density for projects which meet any of the following criteria: (1) 20% low income units, (2) 10% very low income units, (3) 50% units with qualifying residents (senior citizens), or in a condominium, 20% moderate income units (eligible for 10% density bonus). The decision lies with the developer and not the City. The City has processed only a few such project requests but they have been by developers other than TIC and in the Irvine Business Center. It is unlikely TIC will make such requests in its development of North Irvine. However, with the El Toro Reuse, other developers will most likely be involved and could make such requests in the future. This would result in development above that previously identified and ultimately result in higher traffic generation numbers which would result in increased impacts on adjacent roads.

At the Nov 9 hearing, the Council also approved [3/2, Ward & Shea dissenting] the deletion of the in-lieu fee formula and credits program for affordable housing from the Zoning Code. This program had been used on occasion by TIC in processing development applications.

11. JEFFREY OPEN-SPACE SPINE - Construction continues on the Spine & Trail section between Irvine Blvd. and Trabuco. A trail underpass of Bryan is included at this stage.

12. NORTHWOOD MILITARY MEMORIAL MONUMENT- Per Zelinko, A meeting was held in Oct. between City staff and Asher's supporters. There has surfaced a contentious item over who would pay for the memorial at Northwood Community Park. The City's Acting Dir. of Com. Services, John McAllister, had previously indicated to the group that the City would pay but is now saying no. If the City contributes the money, the contributions collected to date for the Northwood memorial would go to an El Toro memorial.

13. "SMART" PEDESTRIAN CROSSING OF ROADS FOR VENTA SPUR TRAIL - [A] Jeffrey Road: There was a discussion about on-going communications with The Groves Board, whether this issue should be revisited, and, if so, how best to proceed. Details on past transactions and data and drawings used during previous events have been provided to interested parties for their review. Ravenscroft will continue to communicate with The Board on this subject and report back at the next meeting. An outstanding question is that of the source of the relevant drawings used during various City hearings and discussions. The general disposition of the attendees at the meeting was that NIVA should continue in this effort since it is of interest of the North Irvine community and not simply that of The Groves.

B) Yale Ave: A second item pertained to the trail crossing at Yale Ave. Further discussion occurred addressing the current situation and how the City provided signage is being ignored with trail users almost always crossing at the midblock. Pictures were reviewed of the worn grass in the median and the recently installed fencing in the Jeffrey median in anticipation of a need to prevent jay-walking at the location of the Venta Spur Trail intersection with a roadway. It was decided that another letter would be sent to the City staff providing this new evidence and the need for action by the Cit. Going to the Council as the next step as previously being considered was postponed until another attempt was made with the City staff. [Letter sent Nov. 11, 2004]

14. DISSOLVING OF CITY'S TRANSPORTATION & INFRASTRUCTURE COMMISSION - As this commission was formally dissolved by the Council last Feb 24, this ITEM IS TO BE CLOSED.

15. PROPOSED CITY MUNICIPAL UTILITY - The City Council revisited this issue at its Nov 9 meeting and received an update of the study results. The 300+ page report was only made available to the Council and only a few days in advance. (NIVA has requested a copy of the report and the accompanying staff report.) Staff concluded and recommended that the City should go no further with the process as the risks were too high and the long-term payoff marginal at best. Included, however, was a proposal to spend another \$65,000 (on top of the already spent \$400,000) to continue the study with the next issue being that of costing the power procurement. After considerable discussion, the Council voted (3/2, Agran & Krom dissenting) to cease any further studying of this issue, i.e., the establishment of a municipal utility should be truncated. The dissenting members wanted merely to table the matter for 60 to 90 days to give sufficient time for a review of the provided study results before making a decision. It should, therefore, be noted that with 2 of the councilmembers leaving who voted to cease the effort, there is a high probability that the matter will be resurrected for reconsideration whence the new Council is seated.

16. NORTH IRVINE SENIOR CENTER - A summary of the survey results was reviewed at the meeting. It was decided that a draft of a letter intended to go to the City would be prepared for review at the next meeting along with a proposed format of providing the summary to NIVA's membership.

17. LIQUOR SALES APPLICATION FOR WALNUT MOBIL STATION - PC hearing delayed until Dec 2. However, in the meantime, the application by Mobil to the State's ABC Board was denied. A local community member had brought to the Board's attention that the application, if approved, would result in the number of liquor-sale establishments in the area exceeding the limit. Due to "clerical" errors, the ABC's records had incorrect addresses for several existing stores thus underlisting the true number. As a result of the denial, Mobil has dropped the liquor sales application. During the processing of this application, however, the City became aware of Mobil's 24/7 operation of the convenience store in direct violation of its 1996 CUP. Mobil was cited and as a result Mobil has modified it's application to be that for a change in operating hours for the convenience store to 24/7. If successful, this could induce Chevron across Culver to request the same change.

18. MANAGEMENT OF OPEN-SPACE MOU - On Nov 9, the City Council approved [5/0] an MOU between the City, TIC, and a newly-established nonprofit Irvine Ranch Land Reserve Trust. Details were not provided at the Council meeting but would be provided at possibly the next Council meeting! The MOU supposedly lays out some general statements with regards to how the open-space lands (currently in excess of 8000 acres) will be managed and how access will be provided. The Trust will be a subcontractor to the City. TIC is offering to put up \$5.2 Million to help with the costs of access, i.e., construction of trails, etc. Currently, the only open space land dedicated to the City is in the South. No northern open space lands have been dedicated to the City as yet. It would be beneficial for the North Irvine residents to carefully review the MOU and the future drafts of the expected contractual agreement.

NEXT MEETING - Next meeting is Wed., Dec 8, 2004

□ - Assignments or committee chairpersons.