

NIVA MEETING RECORD

Feb 9, 2005

COMMITTEE REPORTS

1. LOWER PETERS CANYON COMMITTEE [Dave Melvold] - Grading has started on Phases 7 & 8 of Irvine Technology Center indicating that the City has approved the last phases of the R&D project. When is not known? NIVA was never notified of any application having been submitted. An inquiry has been placed with the City as to when and who approved this new work. The City Planner is Trevor Lottus. Of interest will be the amount of square footage approved since a large portion of the balance of land for the Center was developed for residential housing. The remaining square footage of the Center should have been proportionately reduced. The question is "was it"?

2. NORTHERN SPHERE (PA-3, 5B, 6, 8A, & 9) (_____) - Per Carol Schroeder, TIC has submitted the application for the Woodbury Retail Center (Irvine Blvd. @ Sand Canyon). A meeting of the City's Northern Sphere Community Task Force has been scheduled for a review of the plans proposed for the Center. The meeting is scheduled for Friday, Feb 18 at City Hall.

At the Zoning Administrator [ZA] hearing of Jan 26, TIC's application Sign Program Modification (#00375474-PSS) was approved. The Program contained a request for administrative relief to permit apartment signs on Irvine Blvd. for 2 complexes in PA-9A which do not have the code-required entry off of Irvine Blvd. to allow the sign. The Code does not allow such signs also on Village edges. However, there is some confusion over whether Irvine Blvd. represents a Village edge since the northern boundary of PA-9 is Portola Parkway. At the same time, PA-9A alone has been labeled the Village of Woodbury. The signs would also be 22% larger than permitted by Code and would be permitted to have internally-lighted sign copy in addition to frontage floodlighting. The latter is not now existing anywhere in North Irvine for apartment signage. Such lighting would be intrusive in a designated residential area and set a bad precedent. These objections were presented at the hearing but ignored by the ZA. Incidentally, a City staff member, Michael Hack, took the place of the actual ZA, Paul Connelly. Obviously, one would question the fairness of the hearing with a staff member, who may well have been involved in the generation of the staff's recommendation of approval on the application, making the decision on the matter. Subsequent to the hearing, Melvold discussed the objections with Planning Commissioner Mavity. He concurred with the objections and expressed a willingness to appeal the matter but suggested NIVA give the first opportunity for the appeal to Com. Doug Sheldon since he lives in the area. After 2 days of trying at the suggestion of Hack, Melvold was able to discuss the matter with David Baab, TIC's consultant on sign program. Baab acknowledged that TIC has no intentions of installing internal lighting and would be willing to draft a letter for TIC to send a letter to NIVA stating such. He stated that TIC had simply filled out the application with the wording of those features permitted under the specific sign type regardless of their ultimate intentions. [Note: It appears the City never even questioned TIC about the unusual use of internal lighting but simply proceeded to approve the Program as TIC has submitted it! Another example of City's failure to look out for the residents' best interest in attempting to expedite a TIC application. This emphasizes that NIVA and North Irvine residents must remain ever vigilant.] Per phone call [Feb 8] from Kreg Swansen of Irvine Apartment Communities, he was willing to send Baab's letter but indicated concern about the "rumors" of an appeal by one or more planning commissioners!

OLD BUSINESS

1. EL TORO MCAS REUSE - On Jan 11, the City Council approved 5/0 Ordinance 05-01 for the O.C. Great Park Redevelopment Plan which sets out the governance for taxing, uses of tax monies, and sources of revenues for development of the Great Park. NIVA's submission of a list of comments and concerns resulted in several revisions to the Plan document as indicated by the response NIVA received in the Staff report to the Council and Redevelopment Agency for their meetings of Jan 25 which incorporated NIVA's comments and the Response to the comments. The City is negotiating terms with

the County on the redevelopment plan and taxes and is expecting a vote on the designation of the Redevelopment area next month.

The City has also agreed to hire Bruce Nestrade, previously a strong proponent of an airport at El Toro, as a consultant and lobbyist for \$90,000 for 6 months. Though justified on the basis of his "expertise", there ought to remain a high level of uneasiness on this action and question as to whether the benefit exceeds the possible downside. One would think that there ought to be others out there that could do the same job without the baggage Nestrade carries.

The Great Park Corp. Board held its meeting on Jan 27 with the main topic being the concrete recycling project. There is concern that no contractors will be willing to undertake the crushing job as the investment might be too great and the market inadequate to use the amount of material which is expected in a relatively short period of 7 to 10 years. The entire roadway system on the park site is expected to only assimilate 50% of the recycled aggregate. The next meeting is Mar 11.

The Navy finally set a deadline for receipt of bids on the land auction of today. As of yesterday, only 4 bids have been received -- one on each of the 4 parcels. It is anticipated that the deadline setting would trigger submission of additional bids before the end of today. In the meanwhile, Los Angeles is making a last ditch effort this week to convince Congress to reverse the plans to sell the land and support an airport.

2. MUSICK JAIL EXPANSION - NIVA never received a response to its Sept 13, '04 letter to then-Councilmember Chris Mears regarding the still open issue of possible increase in size of the jail and what strategy he had in mind to confront any such future threat. The Feb 6 O.C. Register had an article which indicated that the County was still intent on expanding Musick as no alternative had been found and, in fact, is in the "early stages of design". Supv. Chair Bill Campbell is quoted as having said that Musick will grow to house more inmates because the County doesn't have the money to build another jail and the expansion has already been approved. Continuing, he states that the County will work with Irvine and Lake Forest to come up with a plan that suits everyone. Obviously, this issue isn't dead and NIVA will have to stay actively involved to assure our community does not unfairly burdened in both locally housed inmates but also inundated with buses transporting inmates back and forth to the courts.

3. COMPLETION OF PETERS CANYON WASH AND WALNUT TRAIL "GAPS" - NIVA received a Jan 18 response from Marty Bryant, PW Dir. for the City, to the NIVA letter of Dec 18 to City Mgr. Allison Hart detailing the outstanding items on trails in North Irvine [Copy attached]. Per the letter, the City is looking into most of the suggested improvements made by NIVA to the trails. However, from the letter, there may be problems in the future in obtaining adequate maintenance with the trail maintenance responsibility split between the County and City. The letter also indicates that there is still negotiations going on regarding Peters Canyon Wash ROW (primarily south of the I-5) between TIC and the County which continues to hold up the conveyance of ownership and consequently the opening of the County's trails. Conveyance is not expected before Aug 2005.

4. PROPOSED NORTHWOOD U.S. POST OFFICE - Melvoid has received no word as to the completion of the revised drawings. It is presumed that they will be completed shortly in time for a proposed presentation by Project Mgr. for the U.S. Postal Service, Petry, to give a presentation at the March NIVA meeting. Melvoid will contact Petry and confirm. If the presentation is on, phone call reminders will be made to the membership to assure attendance at the meeting.

5. CULVER DRIVE MEDIAN LANDSCAPING AT I-5 OVERCROSSING - Report attached. Zelinko has not finalized the desired meeting with Councilmembers Shea and Kang at which this subject is one of the agenda topics.

6. PROPOSED WIRELESS TELECOMMUNICATION FACILITY ORDINANCE [Jerry Kirchgessner] -

Council continued the matter at the Jan 11 meeting until Mar 8.

7. CENTERLINE LIGHT-RAIL PROJECT & CALIF. HIGH-SPEED RAIL PROJECT- The OCTA Board is expected to vote on a recommendation to abandon the Centerline Project for other options at its Feb 14 meeting.

8. NB CULVER I-5 UNDERCROSSING - [See Item 5 above.]

9. BUILDING FACILITIES MASTER PLAN - NIVA received a response from the City dated Jan 14 to the NIVA Dec 21, 2004 letter to John McAllister, Deputy Dir. of Com. Services, requesting that the preparation of the Plan be restarted. Unbeknownst to the participating members of the public, the City elected to discontinue the effort and to expand it into a more comprehensive City-wide evaluation looking also at conditions and needs to update/modernize existing facilities. This may be more informative but will result in further delay in any meaningful and useful output -- output especially needed at this time for North Irvine due to the rapid development. It was decided to hold off on responding to the City on this matter. In the meanwhile, Melvoid will attempt to get a copy of the draft document which is referred to in the City letter.

10. PA 1 & 2 LAND-USE PLANNING - TIC is anticipating the issuance of the Draft EIR for the development on Mar 2 and has scheduled a meeting of the City's Community Northern Sphere Task Force on Feb 18 at City Hall to review the proposed plan. It should be noted that NIVA previously submitted a listing of comments on the NOP last May 4, 2004.

11. "SMART" PEDESTRIAN CROSSING OF YALE & GRADE-SEPARATED CROSSING OF JEFFREY FOR VENTA SPUR TRAIL - On Jan 13, NIVA's reps (Melvoid, Ravenscroft & Zelinko) met with City reps (Manuel Gomez, Jim Lizzi & Ken Louie) to discuss the Venta Spur crossing of Yale Avenue. The City led off the meeting requesting NIVA to solicit approval signatures of the 4 HOAs adjacent to the crossing for the installation of a median fence. The City somehow mistakenly thought NIVA was recommending a median fence and the City was willing to install such with this documentation. After clarifying the matter, it became apparent that the City was not in favor of any change to the status quo.

There was discussion about options and relevant dimensions and other data. The City provided copies of a Dec 16, 2004 letter received from the City's consultant Katz, Okitsu & Associates which recommended against the use of In-Pavement Flashing at this location but provided little data supporting the recommendation in the report. The conclusion of the consultant was based on a study previously done for Fountain Valley. The City staff could not provide details on the traffic study which indicates speeds averaging 45 mph at the site or angle limitations for the embedded lights but would provide it later. When subsequently requested to provide the distance dimension from Monticello to the Trail crossing, the City was anything but helpful by creating an unnecessary and elongated paper trail to obtain it. Per the eventual response, the distance is 330 feet. The City indicated that the sight distance is limited to 215 ft due to the curvature on NB Yale which per the City is about equal to the braking distance for a vehicle traveling at the 45 mph speed. However, this assumes the vehicles are traveling at 45 mph and, with a full stop at Monticello, means the vehicle would have to accelerate to 45 mph in 115 ft [(330 - 215) + the width of Monticello] from a full stop at Monticello. It would appear that the conclusion made by the City with its consultant may not be sound. As to any realistic possibility of a solution being forthcoming in working with City staff, it does not appear to be possible without political pressure. City staff is steadfast in its position and other than providing a consultant's opinion is not willing to work towards a solution. The matter is expected to be taken up in the planned meeting with Councilmembers Kang & Shea. It was decided to wait in replying to the City until after efforts move forward sufficiently regarding a solution to the Jeffrey crossing.

On Jan 21, Melvold contacted the property manager (Rich Duffy) of The Groves to arrange the meeting with The Groves Board suggesting 3 dates for meeting to discuss the Jeffrey Road crossing of the Venta Spur Trail. A meeting was held Feb 31 with The Groves Board at The Groves. In attendance from NIVA were Kiser, Melvold, Zelinko, Donna Westlund, and Ravenscroft who is also on The Groves Board. After an hour of discussion on the issue at which members from each side expressed their concerns, the meeting essentially concluded with The Groves willing to entertain alternative crossing proposals including grade-separated crossings. The Groves would accept an at-grade crossing with a signal if such were proposed. Regarding any alternative with a bridge, The Groves would reserve comment until reviewing the details. The Groves was informed that NIVA would proceed to meet with City Councilmembers to see if the issue can be revisited by the City. NIVA would keep The Groves in the loop and informed of any progress and details of any proposals. At the NIVA meeting, a picture of the pedestrian/bike bridge constructed over Alton in Oak Creek was reviewed and, in general, was considered an attractive possibility for a similar type bridge at Jeffrey. This item is also a item to be included in the agenda for discussion with Councilmembers Shea and Kang at the proposed meeting.

12. LIQUOR SALES APPLICATION FOR WALNUT MOBIL STATION - Exxon-Mobil was expecting to appeal to the City Council the rejection of its application for a variance to the conditions of approval at the Feb 8 meeting but has since decided to retract the appeal and go out to the community to seek forgiveness and suggest doing things to mend their reputation in the community. A public community meeting is scheduled by the PC for 4 PM on Feb 24 at City Hall to be followed on Mar. 17 at which time the PC will make a final decision on any penalty to be assessed in association with Exxon-Mobil's previous ignoring of the time limitations of operation for the store.

13. PRELIMINARY YEAR 2005 BUDGET & ANNUAL DUES ASSESSMENT - Elliott submitted the financials for approval. The expenses and income for 2004 were \$2,112,83 and \$2,420.97, respectively, in comparison with \$2,232.72 and \$2,325.71, respectively for 2003. The year-end statements were reviewed and approved. It was also decided to retain the same annual dues level of \$135 as last year for Year 2005.

14. PROPOSED LDS CHURCH - The Mormon Church is proposing to develop a 16,500 sq ft church (aka, Ward Meetinghouse) on 4 acres of their 12-acre site at Bryan and Jeffrey. The balance of the site (8 acres) will be sold probably back to TIC who apparently has first-rights option to buyback. The church would be located on the most westerly portion leaving the actual corner for development. It is currently zoned neighborhood commercial. Access to the church would be off Bryan at the Midsummer intersection. No signal is anticipated though a traffic study will be performed. The plans indicate a total of 225 parking spaces on site though the church normally provides 140 to 170 spaces for a facility of this size. The City requirement for the church is still not available. A public informational meeting was held on Jan 19 at the home of the Gardner family at 24 Belmonte. Architectural renderings and site drawings were available for review. Besides parking and access, other concerns expressed, mostly by the immediate neighbors, involved the height of the proposed block wall surrounding the site, lighting in the parking lot, anticipated noise levels, operating hours, height and color of the structure. At the meeting, representatives of the church indicated a very cooperative attitude to work with the community on any issues. Per City Planner Mario Chavez, the Conditional Use Permit application is expected to go only before the City Zoning Administrator and not the PC. No date has been scheduled for the hearing. Ground breaking is not expected before the end of the year and occupation around the end of 2006.

NEXT MEETING - Next meeting is Wed., March 9, 2005

□ - Assignments or committee chairpersons.

ATTACHMENT

CULVER/I-5/TRABUCO PROJECT REPORT

Melvold has had conversations with several parties during the week of Jan 17 regarding the so-called Culver/I-5/Trabuco Improvement Project with the following results.

Though OCTA is responsible for the engineering and oversight of a vast majority of improvements to the freeway/tollway system in Orange County, per OCTA's Mary Toutouchi OCTA [1/18] is not involved in this particular project. Caltrans is retaining the lead on this one. (OCTA is responsible for the widening of SB Culver offramp to 2 lanes from Jamboree; but that is all.) Caltrans is the lead for adding a 2nd dedicated left-turn off ramp lane at Culver, i.e., the 4th off-ramp lane, along with needed signage changes and modification to the Culver median nose at the off-ramp/Culver intersection.

Per Leo Chen, Caltrans Proj. Mgr. of this project, [1/19] the City of Irvine is proposing the 3rd dedicated left-turn lane and 5th off-ramp lane and is responsible for the improvement including its effectiveness. However, Caltrans has final approval to the extent an application for an encroachment permit must be obtained from Caltrans by the City. This application has been filed and a draft proposed design has been submitted and is under review by Caltrans. (In the first phone conversation he had stated that it was a draft traffic study that was being reviewed by Caltrans but subsequently conceded that it was the design proposal when informed by Melvold following a conversation with the City as indicated below!) Though Caltrans has an in-house Safety Review Committee which reviews proposed improvements from a safety perspective, he emphasized that it is ultimately the City's responsibility to assure its proposed design is safe and sound. In response to NIVA's position questioning the safety of the ultimate design, he rebutted that it is merely NIVA's opinion that 3 left-turning lanes would be unsafe. However, he could give no other examples of situations similar to that being proposed existing in California's freeway system, that is, 3 lanes turning into 3 narrow lanes with only a short distance before a major right-turn option for a combined major arterial (Trabuco) and freeway on-ramp (I-5 NB). He did acknowledge that there would be a need to add a new north underpass lane on Culver but that such a modification would be a requirement of the City. He was, however, not familiar with the City's proposal as to state that a new underpass lane on Culver is a part of the City's proposal.

Per Chen's suggestion that NIVA secure a copy of the draft "traffic study" from the City, Melvold contacted the City's Proj. Mgr. Katie Berg. She, however, clarified that it was a draft design plan that was submitted to Caltrans. The City will not be doing a traffic study since it is of the opinion that the traffic study done for the NITM Project, which included this proposed improvement, was adequate. NIVA had expressed many concerns with that study including several dealing specifically with this proposed "improvement" for which the responses were technically flawed or "non-responsive". Most critical was the inadequacy of the computer program to simulate critical conditions of the proposed design making the output questionable.

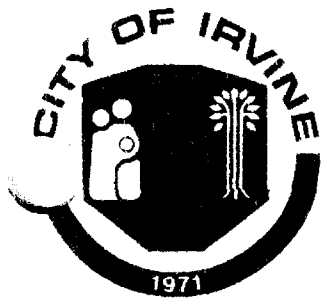
When this was brought to Chen's attention, he devalued/deflected it by simply stating that it is the City's responsibility to make it work if any problems should develop. This attitude should not convey any comfort to our community.

Overall, in the opinion of Melvold following his conversations with the "responsible parties" for the 3 agencies, there appears to be effort at coordinating the 3 jobs but **there seems to be a serious and glaring lack of assumed responsibility by any one agency for assuring the overall design will work efficiently (at least as expected) and safely. As a result, it is unlikely that the final complete improvement will bring results anywhere near the theoretical computer-generated analysis but will increase the risk for vehicle damage and personal injury from enhanced possibility of side-swipes from tight maneuvers and lane changes.** The North Irvine community will simply be expected to live with the results (congestion, safety risks, and increased vehicle damage).

A review of NIVA's submission in response to the NITM EIR and Response to Comments from the City are attached for reference.

Offhand, for the Project to have any significant level of improvement or expectation of countering the anticipated increased traffic from current and future development projects of TIC approved by the City, the following features must be a part of the overall Project:

- (1) Widening of all lanes under the I-5 to at least today's standard width,
- (2) Add a 4 NB through lane from prior to Scottsdale to Trabuco.
- (3) Install adequate prior notification signage so as to facilitate earlier jockeying of NB Culver motorists between lanes prior to the Culver SB off-ramp intersection. This includes overhead signage for lanes prior to Scottsdale on NB Culver.
- (4) Install adequate signage and stacking distance on the SB off-ramp to all earlier and sufficient selection of lanes for freeway-departing motorists depending on ultimate routing beyond the left turn onto Culver.
- (5) Modify the Culver median noise to permit easier leftturns from the off-ramp to NB Culver.
- (6) Coordinate the off-ramp/Culver and Trabuco/Culver intersection signals to facilitate more efficient NB movement.
- (7) The SB off-ramp left-turn lanes must be lined and must be exceptionally wide as assurance against side-swiping or loss of efficient movement due to uneasy motorists especially in the center lane.
- (8) The inside NB Culver lane, and possibly the 2nd also, should be stripped to not allow lane changes from or into these 2 lanes from about Scottsdale to beyond the Trabuco right turn location. This would commit motorists in these 2 lanes to stay and thus reduce the lane changes in the short distance under the I-5 overpass.



January 18, 2005

Mr. David Melvold
President, North Irvine Villages Association
4790 Irvine Blvd., Suite 105
Irvine, CA 92620

Subject: Completion of Hicks Canyon and Peters Canyon Trails

Dear Dave:

On behalf of Allison Hart, this is a response to your letter dated December 18, 2004, concerning City trails.

The City is currently looking into upgrading bike trail signing as you suggested. In addition, we are also reviewing your concerns about the chain link fence along Irvine Boulevard and the placement of benches along bike trails.

Dense vegetation has been allowed to grow in Peters Canyon Wash south of I-5 pending County of Orange acceptance of the Peters Canyon Wash right-of-way from The Irvine Company. The Irvine Company and the County are in negotiations about the removal of the vegetation and completion of all the County's "punch list" items. The Irvine Company recently informed us that the conveyance of the Peters Canyon Wash right-of-way might not take place until August 2005. When the conveyance takes place, it will be the County's responsibility to maintain this reach of channel in an acceptable condition just as it's their responsibility to maintain the vegetation, trash and debris in other portions of the Peters Canyon Wash right-of-way.

Staff is aware that there is a problem with erosion of the decomposed granite trail north of the Irvine Boulevard underpass. The City is working with The Irvine Company to develop plans to make the necessary repairs.


Staff is also aware that erosion is a problem on the westerly embankment of Peters Canyon Wash south of Walnut Avenue. Even though Peters Canyon Wash is a County facility, the City has developed plans to fully improve the westerly embankment of the channel in this location should funding become available.

Dave Melvold
January 18, 2005
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The City has placed wooden barriers across portions of trails that have not been conveyed to the City for operation and maintenance. Unfortunately, these barriers are continuously pushed aside and keeping them in place has become a challenge.

To make sure you are fully aware of what is happening in the future, please contact Mike Loving in the Public Works Department at (949) 724-6315. He will be happy to provide you with an update on these issues.

Sincerely,


MARTY BRYANT
Director of Public Works

c: Allison Hart, City Manager
Sean Joyce, Assistant City Manager
Marty Bryant, Director of Public Works
Manuel Gomez, Deputy Director of Public Works
Mark Carroll, P.E., City Engineer
Skip Tracy, Street Maintenance Superintendent
Mike Loving, Water Quality Administrator