

NIVA MEETING RECORD

March 9, 2005

ANNOUNCEMENTS Manuel Chavez, NIVA representative from The Groves HOA for some time through March of 2003, passed away recently.

At next month's meeting, Martin Petrey, the U.S. Postal Service Proj. Mgr. of the new post office, will give a presentation including visuals of the proposed post office. His presentation will be at the start of the meeting. A total of 45 minutes will be allocated for the presentation and Q&A session.

From recent newspaper articles on the alternatives being studied by the OCTA to handle the traffic between Orange and Riverside Counties, 2 alternatives result in traffic corridors ending at an interchange near the 241/133 interchange or roughly between Jeffrey road and Portola North. Should this occur, one might expect the possibility of increased traffic flow through North Irvine over our local highways should traffic desire and have the option to exit in that area. The OCTA is scheduled to reduce the alternatives to one by this December. One of the series of public meetings on the alternatives will be held at Heritage Park Regional Library on Mar. 30 from 5 to 7 PM.

COMMITTEE REPORTS

1. LOWER PETERS CANYON COMMITTEE [Dave Melvold] - The proposed I-5 noise wall is on the agenda for discussion at tomorrow's meeting with Councilmembers Shea and Kang with Melvold, Ravenscroft, and Zelinko representing NIVA.

2. PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE [Nancy LaPorte] - There will be a community meeting on Mar 21 at 2 PM at City Hall, Room L104, on the PA-10 development on Jamboree @ Michelle to change zoning from commercial to R&D office. Per Carol Schroeder, the zoning was mistakenly recorded as commercial when the original application requested R&D. The meeting is to present TIC's request to have the zoning "corrected" by the City.

Besides the utility connection problem, Ability First has been confronted with drainage issues on the north side of the site. Neither TIC nor the City is willing to provide any additional funds to fix these issues. Without assistance, the project might fall thru and the property would revert back to TIC.

3. NORTHERN SPHERE (PA-3, 5B, 6, 8A, & 9) (_____) - The City's Northern Sphere Community Task Force received a presentation from TIC on the Woodbury Retail Center (Irvine Blvd. @ Sand Canyon) on Feb 18. Briefly, the plan for the 450,000 sq ft center includes a grocery store, gas station and a large builder's supply store such as Home Depot along with several small satellite stores. Major accesses will be provided from Sand Canyon and Irvine Blvd. with signaled intersections.

NIVA has finally received a copy of the letter dated Feb 9, 2005 from TIC on no internal lighting of apartment signs proposed for PA-PA on Irvine Blvd. Copies were distributed at the meeting. The letter was originally going to go to NIVA but it was decided by all parties that the letter would have more long-term value if it was addressed to the City with NIVA on the cc.

The PC held a hearing on Mar 3 and approved [5/0] the residential Master Plan #00374267-PMP and #00374298-PMP for 178 and 130 attached condos, respectively, in the northeast quadrant of PA-9A.

OLD BUSINESS

1. EL TORO MCAS REUSE - Now that the bidding is over and the results are that Lennar has won all 4 parcels for development, there are two aspects that need careful attention: (1) With only one large land owner, we will now face another "Irvine Company" of sort in dealing with the development proposals.

i.e., the processing through the City, etc. It will be more of the same. A "one company town" so to speak. The second concern is that of timing of the Trabuco/I-133 Corridor interchange. With the Sports Park and initial homes expected to come on the market in 2007, the interchange must follow close behind to prevent increased congestion at the I-5 off-ramps and on-ramps at Sand Canyon and especially Jeffrey. To some extent, even the Culver off-ramp will be impacted.

NIVA received a copy of Resolution No. 05-10 which the City Council approved last Jan 25. NIVA had submitted an extensive list of comments/suggestions in response to a review of the O. C. Great Park Redevelopment Project Redvelopment Plan, many of which were adopted into the Plan.

2. TELEPHONE MONOPOLE TOWERS ALONG ETC [Chris Elliott] - Per discussions between Melvold and TIC managers on Mar 7, it appears the plans for this installation have been abandoned. It was agreed at the meeting that this item be closed. [Item Closed]

3. PROPOSED NORTHWOOD U.S. POST OFFICE - Martin Petrey, Project Mgr. of the Irvine Post Office Project for the U.S. Postal Service, informed Melvold by phone that the revisions to the drawings still have not been completed but he expected them to be in time for presentation of same to NIVA at this meeting. However, as the announcement for the meeting had already gone out with no mention of any post office presentation, they agreed to postpone the presentation until the April meeting. Melvold will send a letter to Petrey confirming the April meeting presentation allowing an hour including any Q&A at the beginning of the meeting. Petrey was agreeable to this arrangement as it would allow him to make a flight home that evening.

4. CULVER DRIVE MEDIAN LANDSCAPING AT I-5 OVERCROSSING - The I-5/Culver/Trabuco "improvement" Project is on the agenda for discussion at the meeting with Councilmembers Shea and Kang with Melvold, Ravenscroft, and Zelinko representing NIVA.

Layout Drawing L-1 in the Draft Initial Study/Mitigated Negative Declaration (discussed in detail under Item # 28 below) indicates that the median improvements (basically reconstructing the median nose at Culver and the I-5 SB off-ramp intersection) are to be constructed by separate project. It was agreed at the meeting that NIVA should attempt to get the median on the north and south side of the I-5 underpass landscaped at this time with all of the construction associated with the NITM Project improvements at this site. NIVA will present this suggestion to the City at the time of response to the Draft Neg. Dec. on the I-5/Culver/Trabuco Interchange Project. It was also suggested that Steve Buork, the City's Supt. of Landscape Maintenance, be contacted in advance regarding this as he has indicated that he is anxious to have this landscaped somehow and would be a good ally to have on board on this effort.

5. HEAVY VEHICLE ROADWAY RESTRICTIONS [Jerry Kirchgessner] - NIVA received a response dated Feb 4, 2005 to NIVA's letter of Jan 18 requesting that the item be restarted. After review of the letter and some discussion, it was agreed at the meeting that a letter be sent to Ken Louie of the City to refresh his memory regarding the previously proposed City ordinance which was going to specifically designate truck routes and to cc the PC member Doug Sheldon who lives in Northwood.

6. PROPOSED WIRELESS TELECOMMUNICATION FACILITY ORDINANCE [Jerry Kirchgessner] - Staff requested at last night's City Council hearing that this proposed ordinance be continued once again and this time until May 10, 2005 to give staff time to review and consider a comprehensive input received from United Irvine Residents -- primarily a group of University homeowners who have strong objections to placement of a proposed cellular facility in their area. They are using the proposed ordinance as a hostage to getting their way on the particular installation.

7. BUILDING FACILITIES MASTER PLAN - Letter sent Feb 19 to the City requesting a copy of the Phase I document for our review. No response to date from the City.

8. PA 1 & 2 LAND-USE PLANNING - The City's Northern Sphere Community Task Force was given a presentation on the proposed plan for PA-1 Project. There have been few changes since the previous presentation but additional details provided. A big change is that the apartments planned along Portola between Culver and the Corridor would be a maximum of only 2 story. TIC is also proposing two Options (A & B) plans. Plan A is as previously proposed. For Plan B, the major change is that Culver would no longer be truncated at Portola Parkway but extend as the loop road around to the east and back to Portola. The commercial retail center would be reduced from the 184,300 sq ft in Plan A to 132,500 sq ft for the area on the northwest corner of Culver/Portola between Culver and Gate Park. A grocery store is planned to be included in the center for either plan. 4 or 5 flood control basins are to be installed on the north side of Portola but are expected to be effectively screened by landscaping. These basins and a series of catch basins along the north side of the development along the hills are needed for flood control from the expected runoff from the area once developed. It is noticed that a large amount of cut is planned along the top of the northern most line of the development project. It is not known how visible these cuts will be from the City below. The final acreage for the agricultural reserve (avocado groves) is 508 acres. TIC has been unsuccessful in getting TUSD to even consider any movement in the school district boundary lines. However, TIC will attempt to make sure the district boundary does not dissect any residential tract. Per Mike LeBlanc, they are hopeful they can at least accomplish this with the TUSD.

The draft EIR is expected to be issued in mid-Mar with a 45-day review period. A community meeting was held on Mar 7 at City Hall to provide interested residents with information about the project and the EIR process. About 10 residents attended. Unfortunately the City is again planning a compressed schedule in which the hearings for the CSC and PC will be held prior to the public's receipt of the Responses to Comments on the Draft EIR. Neither the commissions nor the public, therefore, would benefit from the Responses. Tentative schedule is for the CSC, PC and Council hearings to be in late April, mid-May, and late May, respectively. The City will make available the Draft EIR but with a publication charge. Copies will also be available on computer disk for an estimated \$3. Anyone interested in reviewing the Draft EIR and willing to assist in compiling NIVA comments are to contact Melvold as soon as possible since the document is expected to be released this Friday.

It should be noted that the City was processing a Tentative Tract Map (#16529) for PA-1 prior to Feb 24 even though the Draft EIR has still to be issued and the General Plan Amendment associated with the proposed project had yet to go even to the PCI! Since such Maps are expensive to prepare and the City is expending time reviewing and processing the Map, it demonstrates the confidence TIC has in having the project approved essentially as proposed!!

9. FUTURE NORTHWOOD MIDDLE SCHOOL - The IUSD staff is pursuing the switch of sites with the State Superintendent's office. The IUSD Board has made no final decision as yet on the switch but will be holding a study session tentatively scheduled for the evening of March 29 at the District's offices. As currently being considered, both sites are 20 acres and have been appraised at the same value!

10. NORTH IRVINE TRANSPORTATION MITIGATION PROGRAM - On Feb 22, the City Council approved an agreement with Caltrans for the Sand Canyon/I-5 Improvement Project -- one of the listed mitigation improvements in the NITM Program. As conveyed by Lisa Thai of City staff, the approval was for a joint study effort only and no commitment to the actual project. A copy of the requested staff report providing details of the agreement was received earlier today confirming the nature of the agreement.

On Feb 23, the City issued the Draft (EIR) Negative Declaration along with the Notice of Intent to Adopt it for the Interstate 5/Culver Drive/Tabuco Road Improvement Project. The proposed improvements were listed in the distributed copy of the notice. The 30-day review period for the 3-inch document ends Mar 24. Copies of the Draft (less the Appendices and non-critical sections such as those on agriculture, biological, cultural, mineral resources) were distributed in advance of this meeting to NIVA member associations [Courtside, Colony, Harvard Square, and Racquet Club] either directly to their boards or

through their reps to provide them an opportunity to comment both directly to the City and to provide comments at this meeting for consideration in compiling a NIVA response. LaPorte reported that Harvard Square Board reviewed the matter but decided to do nothing. No response was received from the other 3 member associations via either attending representative or prior to the meeting by phone or in writing expressing any concern whatsoever.

The City has incorporated into the overall project the effort at investigating the noise impacts to Courtside and consideration of a sound wall on the I-5. (NOTE: The noise study (*I-5 at Trabuco/Culver Courtside Community*) was dated May 10, 2004, but never forwarded to NIVA though NIVA has been clearly noted as an interested party. Also of interest is the fact that the recordings used in the study were made as far back as Dec 2003 and Jan 2004.) Copies of the Executive Summary and Table 11 & 12 of the Draft were made available at the meeting giving details of wall heights for the 3 options and the respective results of this noise study. Also provided were copies of the Executive Summary of the second noise study (*I-5 Southbound Culver Drive Off Ramp Left Turn Lane Addition*) completed Feb 15, 2005. There was discussion of the nature and deficiencies along with results and recommendations of the two studies. It was noted that no consideration was given to installing double-pane windows in the residents along Trabuco as an alternative to the walls.

An Oct 25, 2004 study, *Southbound I-5 Off-Ramp/Culver Drive Widening Project Traffic Impact Analysis*, is also contained in the Draft. A list of several deficiencies, omissions and unsubstantiated assumptions were discussed at the meeting.

As no concern was expressed by the 4 adjacent associations regarding the noise studies, results, and recommendations, it was decided that NIVA would take no action regarding these. Regarding the traffic study and the proposed "improvements" themselves, NIVA would, however, take action since these affect all of the North Irvine community. It was agreed that NIVA would send an initial letter directly to the Council relaying the concerns with the proposed project and deficient traffic study. A draft listing the essential comments which would be included was distributed and reviewed briefly at the meeting. A more detailed letter would follow in response to the Draft as directed in the notice. [NIVA letter to City Council sent Mar. 15, 2005.]

The City has scheduled a community meeting on Wed., Mar 16 from 5 to 7 PM at City Hall Conference Room L102 for discussion on the project.

Though the expansion of the off-ramp to 5 lanes will most likely occur all at once, the 4th lane is actually an OCTA project. It was already approved with no public notice or hearing last Dec, 2004 simply by OCTA staff as categorically exempt. However, a traffic study and a noise study were both done. Copies have been requested from OCTA and are being forwarded. Since the project is already approved, the documents are only of reference value at this time.

11. JEFFREY OPEN-SPACE SPINE - Because of concerns expressed at the meeting about the perception of amount of landscaping and improvements vs. the amount of acreage the City traded for same, it was agreed that NIVA send an inquiry to the City concerning the correlation between the Spine calculated amenity credit and the previously estimated acres in trade at least for this segment of the Spine. The City had indicated at the time of approval of the Spine Master Plan that such an accounting would be done after detailed plans were available and an adjustment to the exchange would be made. Though the adjustment may be made after the last segment of the Spine is completed, a calculation of the amount of actual landscaping amenity value could and ought to be made as each segment of the Spine completes its final design. This may indicate whether the landscaping improvements for subsequent segments need to be adjusted down or can be increased without further loss of acreage.

12. "SMART" PEDESTRIAN CROSSING OF YALE & GRADE-SEPARATED CROSSING OF JEFFREY FOR VENTA SPUR TRAIL - NIVA sent a letter on the trail crossings to the City's new Deputy

Dir. of PWs, former T&IC commissioner Manuel Gomez, on Feb 22, 2005. Among other things, the letter reminded City staff of the promise to provide details on the average speed measurements supposedly applicable to this location. On Mar 3, NIVA received a memo dated Jan 31, 2005 from Ken Louie basically summarizing his notes taken at the Jan 13 meeting. In general, they seem to be correct. Copies of both documents were distributed at the meeting. Speed measurement data not received from the City as of this meeting.

It should be noted that City staff recommended and City Council approved 2 Budget Adjustments on Feb 22 totaling \$114,000 for 2 lighted crosswalk safety systems -- one for the a crossing of Lake near the Lake Senior Center between San Diego Creek and Barranca Pkwy and another for a crossing at Dove Creek & Fox Creek in Oak Creek near Oak Creek Elem. School. There was no discussion at the Council meeting as these were approved under the Consent Calendar. NIVA has requested a copy of the staff report on this item because of the similarity with the desired improvements to the Venta Spur Trail crossing of Yale. Though promised by City staff, they were not received as yet.

The Venta Spur Trail crossing of Jeffrey is on the agenda for discussion with Councilmembers Shea and Kang at tomorrow's meeting with Melvold, Ravenscroft, and Zelinko representing NIVA. It was agreed that NIVA pick up the tab for the lunch if it is appropriate.

13. NORTH IRVINE SENIOR CENTER - This item is on the agenda to be discussed with Councilmembers Shea and Kang at tomorrow's meeting with Melvold, Ravenscroft, and Zelinko representing NIVA.

14. LIQUOR SALES APPLICATION FOR WALNUT MOBIL STATION - The recent application for extended hours of operation has been officially withdrawn by Exxon-Mobil. A community meeting was held Feb 24 at City Hall attended by representatives from Exxon-Mobil, City staff, and community members. In attendance representing NIVA was Melvold. After some discussion on the background of the earlier CUP, Mike Haack of the City stated that the City was prepared to actively monitor the station for adherence to the CUP conditions for 5 years and would require Exxon-Mobil to reimburse the City for the expenses for such. This was the extent of any punitive action to be recommended to the PC to be taken against Exxon-Mobil for its 8+ years of violation! Chuck Gordon, a resident of Greentree, stressed that something more was required as staff's plan was a mere slap on the wrist. He suggested that Exxon-Mobil be made to pay a penalty and a fine to emphasize the importance of the adherence by both the City and the company. The penalty would consist of Mobil agreeing to a moratorium on any CUP modifications for at least 8+ years while the fine would be the equivalent of \$1000/month for every month the station operated in violation. The later would be about \$100,000. Haack stated the City would not be interested in the money but would suggest possibly any such amount would go to an appropriate charitable organization. Melvold supported the proposed penalty/fine. Caroline Keith, Regional Public Affairs officer for Exxon-Mobil, said Exxon would probably be favorable to a donation but that the amount was outside the norm. Ken Huepper, Exxon-Mobil's Operations for So. Cal. (overseeing 78 stations), was receptive to some sort of payment as a gesture and good will. However, Exxon's reps stated they would have to take the matter back for consideration. Melvold emphasized that there must be a clear bridge between any "donation" and the violation to which Haack agreed and stated such would be clearly described in the staff report to the PC. Melvold suggested that Exxon might consider a donation to either the future Irvine library which is looking for additional funds or for the Ability First handicapped housing project on Walnut & Harvard which is in need of additional funding for unexpected utility connection charges. As the PC is tentatively scheduled to hear the matter on Mar 17, Exxon would need to respond by Mar 8 or the matter would be continued.

Melvold was informed later that Exxon-Mobil countered with the following: (1) Exxon-Mobil would donate \$500 each to the 22 elementary schools in IUSD and \$1000 to the school that children attend adjacent to the Walnut Shopping Center; (2) Exxon-Mobil would agree to give a 60-day notice if it intends to apply for

any enhancement at the station and notice the residents in the area. There was no mention of any notice to the public about having been in violation. After probably receiving a response from City staff indicating the negative reception received from this initial proposal, Exxon-Mobil revised the proposal on Mar 3 to \$1000 to each of the 22 schools for a total monetary offer of \$23,000. No mention of any change to the second part of the offer regarding any future permit application. A community counter position paper was prepared by Chuck Gordon and sent to the City. Details would be presented at the meeting if the offer is finalized in time. The matter is scheduled tentatively for a Mar 17 PC hearing.

it was agreed at the meeting that NIVA should support the neighbors and support both the position paper, the need for Exxon-Mobil to make a public apology, and demand the City implement effective means to monitor conditions of approval for CUP permits including effective enforcement which includes random field inspections and penalties for violations.

15. WIRELESS COMMUNICATIONS FACILITY FOR HICKS CANYON COM. PARK - The City has received a proposal from Nextel to install a wireless telecommunications facility at the park with the antennas on an existing athletic light pole on the south side of the park and a new 9' x 16' equipment building. Drawings were available at the meeting for review. The existing 16" dia. light standard would be replaced with an 18" dia. pole. At the CSC hearing of Feb 2, staff was directed to hold a community meeting which was subsequently scheduled for Mar 7 @ Hicks Canyon Elem. School. If and when the CSC shall hear the matter, their decision will only be a recommendation to the PC which is the final approving body. The only objections noted were the continued use of parkland for these facilities and the need for assurance that such uses are a last resort for a location and not a first. It was not known whether the City received clear and valid substantiation that a site at the adjacent shopping center was not possible. No specific action was agreed to at the meeting.

16. NIVA received correspondence dated Feb 15 from the property manager for Crestwood HOA, Amber Property Management, regarding transmitting of NIVA's "newsletter", etc. Because of the confusion and/or misunderstanding reflected in the letter, a letter was sent in response stating that an additional copy of the monthly meeting record would be forwarded to her but requesting that any other request by Amber Property in behalf of Crestwood be presented and addressed by the association's resident representative to NIVA at this or another upcoming NIVA meeting so as to facilitate discussion on the matter.

17. CITY-WIDE ZONING ORDINANCE AND MUNICIPAL CODE UPGRADE - The PC held a public hearing on the proposed changes on Mar 3 but continued the matter to Mar 17.

NEXT MEETING - Next meeting is Wed., April 13, 2005