

# NIVA MEETING RECORD

April 13, 2005

## ANNOUNCEMENTS

On Mar 22, the City Council announced that Assist. City Mgr. Sean Joyce will assume the City Manager position on June 1 following retirement of Allison Hart. It will be a temporary assignment while the Council hunts for the permanent replacement. Joyce has been with the City since last July and previously the city mgr. for So. Pasadena for 8 years. This state of transition may create difficulties with NIVA efforts due to Joyce's lack of familiarity with some key issues and even NIVA.

## COMMITTEE REPORTS

1. LOWER PETERS CANYON COMMITTEE [Dave Melvold] - An I-5 noise wall opposite Courtside HOA was proposed as concession by TIC to reduce primarily freeway traffic noise. However, even if found to be effective, approval was dependent on approval of Caltrans. A subsequent noise study performed by a consultant for the City found that a wall on the I-5 would be ineffective and that a wall along Trabuco would be marginally effective. In the discussions with Councilmembers Shea and Kang on Mar 10, this item was briefly discussed. The thrust of the topic presented by NIVA was why no investigation was made of the use of double-pane windows as a possible alternative. It was not known whether any or all of the Courtside homes along Trabuco had any double-pane windows, but it was obvious the study did not even include an investigation of discussion of such. Basically, the councilmembers were made aware of this omission and the possibility of the alternative if acceptable to the Courtside residents rather than simply letting TIC off the hook completely. Both councilmembers indicated that they would keep this in mind and thanked NIVA for the info. NIVA, however, will not press this matter as there has been no communication from Courtside HOA indicating a concern in response to NIVA's communication inquiring about concerns with the Draft Neg Dec on the I-5/Culver/Trabuco Improvement Project.

2. PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE [Nancy LaPorte] - A meeting was held Mar 14 at City Hall between City staff, TIC, and NIVA reps. on the application TIC is making to "correct" a supposed error in General Plan Amendment [GPA] and Zone Change [ZC] made in July 1998 for the Jamboree Business Center East. According to TIC, the area between Jamboree and the Corridor indicated as zoned 4.2E was suppose to have also been for M&S and not for community commercial as currently designated. They also contend that the 149,060 sq ft should have been added to the existing figure for Zone 5.5B (Medical & Science) to arrive at a new total of 782,000. They will be asking the City to make these "corrections" with an understanding that they involve no increase in intensity or in traffic ADTs for the area. Although the ADT levels may not change, the spread of the traffic over the day will change with most occurring at peak traffic hours. Elliott, LaPorte and Melvold researched their NIVA records to see whether there is any grounds for these supposed errors but found nothing to support TIC's claim. To the contrary, all records indicated that the zoning was established as repeatedly described in various documents throughout the approval process by the City.

Additionally, TIC disclosed that Kia Motors America will be building their west coast headquarters office building on the remaining 22 acres of land in the Jamboree Business Center East on the east side of the Corridor. The 236,000 sq ft building complex would be limited to 2-story and a height not to exceed the 45-foot limit and house 500 employees. There will be no change in the current grade. TIC was cautioned about the use of windows with high reflection towards existing residential. LaPorte will contact TIC to seek a meeting to review the project details.

4. NORTHERN SPHERE (PA-3, 5B, 6, 8A, & 9) (\_\_\_\_\_) - The PC approved [5/0] the Master Plan # 00374908-PMP with administrative relief for parking for a 275-unit apartment complex in PA-9A [Woodbury Village] at the Mar 17 hearing. Another PC hearing was held on Apr 7 on the two Master Plans [00367275-PMP & 00370030-PMP] for two 150-unit affordable apartment complexes also

on the east side of PA-9A. No particular non-profit developer(s) has been selected to construct either project.

## OLD BUSINESS

1. EL TORO MCAS REUSE - At the Mar 11 meeting, the O.C. Great Park Corp. Board hired Prof. Hamid Shirvani of Chapman U. to oversee the design competition for the Great Park at \$200/hr. Wally Kreutzen, assist. city mgr., was named CEO of the Great Park Corp. It is not clear whether he will hold both jobs. The next meeting of the Corp. Board is scheduled for Apr 28. At the May meeting, a series of public presentations on other big metropolitan parks is scheduled. However, if the venue is like that of Mar., the Board has made it difficult for public attendance. The meeting was at the Irvine Beckman Center at UCI rather than City Hall.

At the Mar 29 study session, IUSD staff stated that they had a tentative agreement with the City to get a stadium built in the Great Park and that IUSD would have first option for its scheduling use. However, with the advent of the O.C. Great Park Corp., it has hit a snag. Its Board has indicated that the Great Park is essentially a County-wide use park and, therefore, first or favorable treatment would not be offered to Irvine -- the City or its school district. It is doubtful that the residents of Irvine would accept or had thought this would be the case. Such special treatment is justified since (1) the land is within the City, (2) the City general tax fund is losing property tax revenue to the redevelopment district, and (3) the adjacent community of Irvine will be a major impacted area for traffic to any athletic fields. It would seem to be a fair compromise to give the IUSD a first option in scheduling use of the facilities. It was agreed that NIVA should support the IUSD in seeking a football stadium at the Great Park before the O. C. Great Park Corp. Board. A letter will be sent to the Corp. Board with a cc copy to the IUSD Board.

2. MUSICK JAIL EXPANSION - County officials, including Sheriff Corona, are moving ahead with the expansion plans for the jail to increase it from the current 1,260 beds to at least 4,400. The previously approved EIR would allow expansion to 7,584 beds -- which would make it the largest county jail in California. The hold up has been the lack of County funds. A detailed master plan is being developed so that the County can seek funding from State grants. The County Board of Supervisors are expected to decide on approval sometime this summer with construction to start in 3 to 5 years following approval.

A previous agreement between the County, Lake Forest and Irvine limiting any expansion to 4,400 beds had been negotiated but was dropped when Irvine City Council elected to pull out before final approval. Now the residents must live with the threat of an expansion to any level up to the 7,584 beds, including the possibility of high-security inmates. Currently only low-security inmates are housed at the jail.

NIVA had questioned the decision and prudence of the Council to reject the negotiated agreement without a firm fallback position and now is concerned as the North Irvine area is left to the sole discretion of the County. Recall, NIVA sent a letter on Sept 4, 2004 to the then Council-member Chris Mears, who spearheaded the rejection of the negotiated agreement, asking what his and the City's plans were to assure that the expansion did not come up again and that it not proceed in spite of the neighborhooding cities' objections. NIVA never received a response.

Since Supv. Chair Campbell has stated that the County will work with Irvine and Lake Forest to come up with a plan that suits everyone, it might be worthwhile to know what Irvine is prepared to settle for. It was agreed that an inquiry be made of the City as to what their anticipated strategy might be and what, if any, actions are currently underway to counter any plans to expand the facility significantly or to allow jailing of inmates of higher security.

3. PROPOSED LIGHTING OF NORTH IRVINE HIGH SCHOOL ATHLETIC FIELDS - Per John McAllister, Dir. of Com. Services Dept., this effort has been abandoned by the City. Therefore, this item can be closed. [ITEM TO BE CLOSED]

4. I-5 FREEWAY OFFRAMP LANDSCAPING - It was agreed to combining this Item with that of Item #16 below and this ITEM TO BE CLOSED.
5. TELEPHONE MONOPOLE TOWERS ALONG ETC [Chris Elliott] - ITEM RE-OPENED At the last meeting this item was mistakenly closed due to the lack of reported activity and misleading information provided by TIC that due to the lack of activity from their perspective the item was abandoned. However, per Elliott, the TCA is still interested in proceeding with the installation. The number of carriers has dropped from 8 to 5 mostly due to mergers. They are Verizon, AT&T, Nextel, Sprint and Cingular. Consequently, the tower can be shorter with fewer carriers. The design is still an obliisk.
6. COMPLETION OF PETERS CANYON WASH AND WALNUT TRAIL "GAPS" - A letter was sent Mar. 21 to Mike Loving of the City Public Works Dept. requesting a timeline or target dates for completion of the various outstanding items on the Hicks Canyon Wash and Peters Canyon Trails. A response was received dated Mar 30 from Loving stating that the City is forming a committee (apparently in-house only) to discuss user-friendly trail signage and need for additional benches. The City is also working with TIC to resolve the deteriorating decomposed-granite Peters Canyon Trail undercrossing of Irvine Blvd. The chain-link fence at this location will be removed once the Trail is accepted by the City. Melvold will contact Loving as to whether a railing will be installed at this location.
7. PROPOSED NORTHWOOD U.S. POST OFFICE - North Irvine Post Office Proj. Mgr. Martin Petrey gave a presentation at the meeting with charts of the final drawings for the post office. The official name for the post office is currently the Northwood Post Office. Attendees expressed favorably to the name. The following is a listing of salient points made in the presentation. The project is currently in the final stage of funding which is expected to be completed this month. The building is the same size as original but with the loss of some architectural features, most notably the elimination of the tower, to cut costs. An 8-foot masonry block wall encircles the loading area and separates it from the park, high school, and residential. There will be 63 public parking spaces including separately handicapped. 80 to 90 employees will work out of this post office with employee parking provided separately behind gates. The project is currently out for bid with bids expected by May 1. Expect to start construction in June with completion and opening in July 2006. Th post office will operate 20 to 22 hours per day though the personal boxes will be accessible around the clock and located outdoors. Postal carriers come in at 6 AM. 4 large mail truck deliveries are expected a day with 2 coming about 4 AM and the others during the day. Because of the loss of the rear access option, all deliveries and carriers will now access the post office from Culver. Currently there are no plans for any ground breaking or opening ceremony but that could change. Petrey will forward a color architectural rendering as soon as available and a drawing of the service boundary for this office.
8. CULVER DRIVE MEDIAN LANDSCAPING AT I-5 OVERCROSSING - NIVA has suggested to Councilmembers Shea and Kang at the Mar 10 meeting and to the City's Supt. of Landscape Maintenance, Steve Buorke, that the City incorporate the landscaping of the Culver Drive median north and south of the I-5 underpass with the proposed I-5/Culver Drive/Trabuco Improvement Project. All 3 were favorable to the suggestion and appear to be prepared to support it at this time. It was agreed that this item be continued and combined with Item #16 and that this ITEM BE CLOSED.
9. HEAVY VEHICLE ROADWAY RESTRICTIONS [Jerry Kirchgessner] - NIVA had previously received a Feb 4, 2005 letter from Ken Louie, City Traffic Engineer, Informing NIVA that the City does not intend to restart the effort at developing a truck route ordinance in the near future. It was agreed at the last meeting that NIVA would send a response to Louie objecting to the decision to put off the restart even though NIVA had been promised such in 2001 at the time of the postponement. NIVA's response was sent Mar 28 to the City. Copies of the letter were distributed at the meeting.
10. NB CULVER I-5 UNDERCROSSING - At the Mar 10 meeting between NIVA reps (Melvold,

Ravenscroft & Zelinko) and Councilmembers Kang and Shea, the councilmembers indicated that they would be willing to consider the proposed changes to the traffic Improvement Plan as suggested by NIVA and would discuss the matter internally at the City and with their PC appointees. Regarding the noise wall along Trabuco, the councilmembers acknowledged the merits of investigating the double-pane window replacement for the impacted residents along Trabuco as a viable alternative. Though no definite position was expressed by either councilmember, the meeting did afford an opportunity to discuss and present in detail the objections to the Project as currently proposed affording them a heads-up of the major problems prior to the matter being "dumped" on the PC and Council without adequate time to analyze or hold meetings with interested parties.

NIVA letter sent to the City Council on Mar 15 presenting objections to the I-5/Culver/Trabuco Improvement Project from traffic perspective and submitting a list of suggested changes to make more efficient and safer should the "improvements" be installed. Copies of the letter were distributed at the meeting. The listed changes were:

- (1) Expand the length of the new 4th NB Culver lane to state some distance before Scottsdale.
- (2) Investigate need for additional signage than currently planned to forwarn motorists.
- (3) Widen the lanes of the NB Culver between the I-5 SB off-ramp and Trabuco.
- (4) Designate NB Culver as a non-truck route with adequate posting.
- (5) Landscape the Culver median between the I-5 SB off-ramp and Trabuco.

The City held a community meeting on the Culver/I-5/Trabuco Improvement Project on the evening of Mar 16 at City Hall. Staff disclosed that Caltrans noise studies look at peak noise whereas the City uses CNEL -- a significant difference. The City consultant has furnished turning templates to both the City and Caltrans. These were neither provided nor the existence even mentioned in the proposed Negative Declaration currently out for public review. City staff stated that "Caltrans has to approve the design and the templates" for the proposed improvements. This is in contradiction to the letter and phone conversations NIVA received directly from Caltrans District 12 South Office (located in Irvine). In response to a question concerning coordination of Culver signals, the audience was reminded that the City has little say regarding the timing of the intersection signal for the off-ramps as these are set by Caltrans. Also, though the existing NB Culver lane closest to the median is 14' in width, it will be reduced to only 12'. Staff stated that the triple left-turn situation is similar to that at Jamboree and Barranca. The Project is estimated to cost \$2.2 Million.

NIVA received a copy of the OCTA's Project Report and Categorical Exemption approved Dec 15, 2004 to reconfigure 550 meters of the exit lane of the I-5 SB off-ramp at Culver from one to two 3.6 meter wide lanes and to open up the three existing lanes at the intersection to four 3.6 meter lanes. The \$1.5 Million project also includes modifying the Culver Drive median and replacement of roadway signage. Construction is currently programed in Fiscal Year 2005/06. The project was initiated by Caltrans District 12 Traffic Operations to address the project as listed in OCTA's Freeway Chokepoint Program. Though it is being coordinated with the NITM Program Project at this site, it is not in response to the NITM identified traffic deficiencies. The State's Highway Design Manual states that a single lane exit, as is currently the case for Culver, can accommodate 1,500 vehicles/hr. The present day peak hour volume is 1,993 vehicles/hr. Therefore, the ramp operates at LOS F. The modification is projected to improve the performance to LOS C but with expected traffic in Year 2030 it will deteriorate back to LOS E. Note: Caltrans performance criteria, a LOS E or better is acceptable while Irvine's criteria is LOS D or better.

Caltrans also has a project which is primarily to make signal modifications at the Culver Drive/I-5 SB off-ramp. This project is being coordinated with the other two but will preceed the other two in construction.

Though a Transportation Management Plan is being prepared to reduce potential construction-related conflicts/detours/delays, it is apparent that the effort deals only with motor vehicles and ignores pedestrian and bicycle traffic which also must traverse this site due to the lack of alternatives in crossing

from one to the other side of the I-5. After some discussion it was agreed that this omission should be brought to the attention of the City. Melvold will contact the City.

11. LOWER PETERS CANYON COMMUNITY PARK/BECKMAN HS JOINT-USE AGREEMENT [Terry Kiser] - Per John McAllister, Dir. of Com. Services, the City already has initiated informal use of the community park facilities by the high school. He expects the joint-use agreement negotiations to be completed shortly and the agreement to go to the City Council as early as April. Per the high school Principal Adele Heuer's brief speech at the Mar 18 com. park dedication, she said the use of the 10-acre park has in essence expanded the school's recreational facilities by 10 acres providing facilities their limited grounds did not avail. She was silent about any exchange opportunities. She made it sound as if one-way and quite "monopolizing". The agreement itself should disclose the details. However, McAllister would not make available a copy of the draft until it has gone to the Council. This means the earliest opportunity for public review of the proposed agreement is at most 3 or 4 days prior to the Council hearing. Apparently Com. Services has a policy of non-disclosure of draft documents which essentially prevents opportunity for public input prior to staff's finalization of a recommendation.

At the Mar 29 Study Session, IUSD Board President Sharon Wallin proposed a stadium be built by both IUSD&TUSD funding for joint use. She stated that Beckman High School Principal Heuer was most interested in getting a stadium. District staff responded that IUSD should and will pursue the matter with TUSD. It was agreed at the NIVA meeting that a stadium at Beckman is objectionable. Melvold had separate discussions with Councilmembers Kang and Choi on Mar 30 concerning this latest development.

12. PA 1 & 2 LAND-USE PLANNING - The Irvine Company has named this village Orchard Hills. The Community Services Commission was given a preview presentation on the development project on Apr 6. At the meeting, Melvold suggested that consideration be given for a trail on the MWD's 30 to 40-foot ROW easement which traverses the entire project site from west to east on the northern most side. It is an easement for the Allen-McCullough Pipeline upon which no development is permitted similar to SCE easements within the City. Its eastern end is just north of the future Gateway Park and the western end has an underpass of the Corridor through to Jamboree.

The Draft EIR for the PA-1, -2 and -9 Project was issued Mar 10 for a 45-day public review period ending Apr 24. NIVA received a CD copy of Draft EIR. A list of major concerns identified to date was available at this meeting and reviewed. However, due to the post office presentation and the length of the meeting agenda allowed only a brief review and very limited discussion.

As to be expected, the City is once again commencing the approval process of the GPA/ZC through the commissions and Council prior to completion of the public comment and response period for the Draft EIR. The Community Services Commission [CSC] is scheduled to hear the matter on Apr 20 whereas the the closing comment period on the Draft EIR is Apr 24 with Responses due some time later. Per the Draft EIR, the Responses will be issued no later than 10 days before the Council hearing! The CSC, and probably the Planning Commission, will obviously not have the benefit of the public comments and City staff responses to assist them in making their recommendation. It also marginalizes the public involvement in the hearing process as the public does not have the benefit of City responses to any previous comments submitted to the City. Intentional or not, this gives the appearance of nothing more than a formality that the City must go through in approving the proposed project.

Melvold gave a presentation to solicit the support of the City's Residents With Disabilities Advisory Council on the public viewing access for Rattlesnake Reservoir at the Apr 5 meeting in City Hall Conf. Center. They were asked to agendize the item and hopeful make a decision to support having a public reviewing park. The members reacted favorably and thanked NIVA for apprising them of the situation.

13. FUTURE NORTHWOOD MIDDLE SCHOOL - Melvold mentioned that the IUSD Board only briefly

mentioned the transfer status of the middle school at its Mar 29 study session held at the District office. The Supt. referred to a memo he had sent recently to the Board members providing details on the transfer including costs, etc., and recommending that the District proceed with the exchange.

14. "SMART" PEDESTRIAN CROSSING OF YALE & GRADE-SEPARATED CROSSING OF JEFFREY FOR VENTA SPUR TRAIL - A meeting was held between Councilmembers Shea and Kang and representatives of NIVA (Melvoid, Ravenscroft, Zelinko) to discuss the possibility of the Council revisiting the issue of a Venta Spur Trail grade-separated crossing of Jeffrey Road for connection to the Jeffrey Spine Trail. After considerable discussion, both indicated support for revisiting the issue. A near-term set of actions were agreed upon. Kang would visit the site to get a close first view of the situation. Zelinko will arrange to have a representative of a firm which builds steel pedestrian bridges meet with Shea at the site to consider and appraise the situation and what could be provided both in costs and in aesthetically pleasing designs. Shea conceded that regarding any possible imposition on the privacy of The Groves residences and security of the RV parking lot, screening could and would be provided in the form of more trees and/or even an increase in height of the existing fence. Though it was mentioned that there was an objection expressed by a member of The Groves that a pedestrian bridge would be an unsightly view from the RV lot and The Groves small park beyond the parking lot, it was also acknowledged that the view of the parking lot was reciprocally a visual impact to the trail users! The latter may warrant screening even more so from the City's standpoint.

NIVA received a letter dated Mar 9 from PW Deputy Dir. Manuel Gomez in response to NIVA's Feb 22 letter reminding City staff of the outstanding promise to furnish the speed measurement data for Yale at the Venta Spur "crossing". The recorded critical speed is supposedly 42 mph. However, it was very clear in our letter that NIVA wanted to know the specific location of the speed measurements. The letter fails to provide this information. Without the latter information, the speed data is meaningless.

15. NORTH IRVINE SENIOR CENTER - The need for a near-term siting of the 3rd Senior Center and the desired location opposite The Groves HOA along Irvine Blvd. was discussed with Councilmembers Shea and Kang at the Mar 10 meeting. Both agreed with the need for a siting in the near term. They understood NIVA's choice for the site and appeared to be tentatively in agreement. They were pleased to know of and receive a copy of NIVA's survey on the siting. They agreed that they would consider bringing the matter to a head within the Council but suggested first that NIVA approach and seek the support of the City's Senior Advisory Council.

Following up with this suggestion, Melvoid made a presentation to the Senior Citizens Council on Mar. 24, soliciting active support of the Council for the site favored by NIVA and assistance in encouraging the City to initiate action for site selection as soon as possible. The Council, however, could take no action at the meeting since the item was not agendaized.

16. LIQUOR SALES APPLICATION FOR WALNUT MOBIL STATION - On Mar 17, the PC addressed the matter at its meeting but not as a "public hearing" and consequently could take no action beyond simply approving or disapproving the Dir. of Community Development's recommended remedy -- basically her negotiated settlement with Exxon-Mobil. Attached is a copy of the settlement terms. The PC, in rejecting the recommendation, could have directed the staff to go back to the negotiating table with Exxon-Mobil and come back later. It is conjectured that the pressure of knowing that Mobil could lose their existing CUP could have been sufficient to make Exxon-Mobil increase the net settlement value. But with the newly-seated commissioners who were inexperienced and had limited knowledge of the background on the episode, it would have been unlikely especially with the terms of 2 of the most upset commissioners having ended. After presentations by the public including that of Chuck Gordon (Greentree HOA, Manuel Contoai of College Park, Melvoid representing NIVA, and Ken Huepper (So. Calif. Regional Operations Mgr.) & Carolin Keith (West Region Public Affairs Mgr.) of Exxon-Mobil, the PC voted 4/1 [Probolsky desenting] to accept staff's recommendation. The PC had 3 new members and one

who was absent at the infamous Dec 2, 2004 hearing at which Mobil was "roasted" and initiated actions for possible revocation or suspension of the existing CUP. It was also unfortunate that there was no rep. from the Colony HOA to speak at the meeting. In contrast to the Dec. 2 hearing, the PC discussion this time centered around (1) whether there were damages to the neighbor's, (2) the existence and number of resident complaints filed during the 8-year CUP violation period, (3) the merits of the charitable entity proposed as recipient of the donation, and (4) the needed service to the community provided by the station -- all items really irrelevant to the violation issue. City staff was instrumental in having the Dir. of the Irvine Children's Fund speak on the services its rendered and the value of the donation to its undertakings -- items irrelevant to the key issue but sufficiently distracting to the PC. As uncomfortable and unknowledgeable newcomers, the PC obviously lost sight of the significance of the violation, the signal the "slap on the hand" settlement will convey to future potential violators, and the lack of a needed public apology to the offended community. They displayed no acknowledgement of their obligation to represent the actual offended party -- the community and not the City or City staff. Instead, they apparently were influenced by unsubstantiated statements of the Exxon-Mobil reps regarding current practices and resolutions and financial settlements on similar incidents. It was apparent that the emphasis was on settling the matter and put it to rest.

17. WIRELESS COMMUNICATIONS FACILITY FOR HICKS CANYON COM. PARK - A community meeting was held Mar 7 at which 9 members of the public attended expressing their objections/concerns to the City staff. A petition opposing the siting with 30 resident signatures was submitted by the owner of the adjacent Tutor Time Child Care Center. The Community Services Commission recommended [3/1, Khosravani objected, Garris absent] approval of the project to the Planning Commission as submitted and directed staff to continue lease negotiations at the Apr 6 hearing.

18. WB BRYAN BUS-STOP AT YALE - In a Feb 22 letter to Manuel Gomez, PW Deputy Dir. of Public Works for the City, the concern about the OCTA standing for long periods of time at the bus stop was presented to the City with a request that the City seek to have the OCTA put in a turn-out. When the bus sits, it blocks the bike lane and even extends a foot or two into the outside lane creating a traffic hazard and blind spot next to an active park where kids play. In the Mar 9 response from Gomez, its as if the responder did not even read NIVA's letter to ascertain the details of the concern. The City responds in term of a "standard" which bases need on number of boarding passengers -- a fact that has nothing to do with the situation presented. Even if no passengers get on at this stop, the problem is the parked bus.

19. CITY EUCALYPTUS WINDROW TREE PROGRAM - NIVA was informed by Steve Buorke, City Supt. of Landscape Maintenance, that the City is removing the eucalyptus windrow trees on City ROWs which have been determined to have significant rot in the core of the trunks which erodes the structural integrity of the trees. Along Irvine Blvd, the removal is of the order of 10% of the large trees. The removals started in mid-March. Replacement trees will be installed. The Star Pine at Irvine Blvd. and Yale was also scheduled to be removed after an inspection determined that the tree suffered from significant borer activity and oozing where the trunk bends 25 feet or so up. With time, the balance would break off threatening motorists below. Again, a replacement will be installed.

NEXT MEETING - Next meeting is Wed., May 11, 2005

# ATTACHMENT

1. Applicant will inspect, audit, and provide a written report to the City within 30 days regarding compliance with all conditions of approval on each of their sites located within the City (This condition has previously been complied with by the applicant in December, 2004)
2. Applicant shall provide a report to the City of its compliance with the conditions of each of its facilities located within the City of Irvine for the next five years annually in the month of April to the satisfaction of the Director of Community Development.
3. Applicant shall deposit \$10,000 with the City of Irvine to pay the hourly charges as needed for City staff to review and determine compliance with conditions of approval for each of their sites located in Irvine. Any follow-up required as part of the compliance process shall be charged against this deposit. The applicant shall place these funds on deposit within 30 days of this action. Applicant will provide cash donations to the Irvine Children's fund, a non-profit corporation operated by a joint powers authority consisting of the City of Irvine and the Irvine Unified School District that benefits low-income adults with children that have learning disabilities. The amounts include \$3,000 to specifically benefit the students attending the College Park Elementary School (which is the local elementary school serving the vicinity of the project location) and \$1,000 for each of the remaining 22 elementary schools located in Irvine for a total of \$25,000. The applicant shall donate these funds within 60 days of this action.
4. Applicant shall work with the City's landscape architect and The Irvine Company (landlord) to increase planting in the existing landscaped areas within 90 days of this action to the satisfaction of the Director of Community Development.
5. 60 days prior to submittal of an application requesting any modification to Conditional Use Permit 21436-CPS, the applicant shall mail notices to property owners within 1,000 feet of the project site, and to homeowner associations consistent with Section 2-35-5 of the Zoning Code, and will hold a public meeting to discuss the request with the local community. The applicant shall provide to the City minutes of the meeting as part of their modification request *for an 8 yr. period.*