

NIVA MEETING RECORD

March 8, 2006

In the absence of the President, the meeting was chaired by Vice-President LaPorte.

ANNOUNCEMENTS

TIC has formally announced that the anchor stores for the Orchard Hills retail center at Portola and Culver is to be a Pavilions Grocery Store and at the Woodbury Town Center at Irvine Blvd. and Sand Canyon to be a Home Depot, Rhaps and Walgreens.

COMMITTEE REPORTS

1. PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE [Nancy LaPorte] - LaPorte spoke with Steve Bourke (City of Irvine) regarding the deplorable condition of the landscaping (very high weeds; dead plant material and dead/dying trees, etc.) along Peters Canyon Wash bike trail behind Park Place. Bourke looked into the situation and said the developer had his plans approved by the City, but when the work was completed, the City would not sign off on the work. It turns out that the controls for the irrigation for the trail landscape are inside the Park Place gates on their property. Furthermore, some of the irrigation lines run through homeowners back yards! Bourke had been unaware of the problem until recently. He said he'll have the City hand water if necessary to keep plants alive and reduce further loss. It will take some time to sort this out, but he is going to follow up on it.

2. NORTHERN SPHERE (PA-3, 5B, 6, 8A, 9, & 9C) COMMITTEE (_____) - The City's Subdivision Committee was scheduled to hold a hearing earlier today on the Vesting Tentative Tract Map 16814 on the 737 acres in Phase 2 of PA-6 (Portola Springs). Results unknown at time of this meeting.

The Planning Commission will have a hearing on Mar 16 on the Master Plan & 3 CUPs for the retail center proposed at the SW corner of Portola Parkway and Portola Springs Road in PA-6 (Portola Springs Village).

TIC has invited the members of the Northern Sphere Task Force to an update on the design details of the Stonegate community development in PA-9B on Mar 17 at the TIC offices in Newport Beach. Melvold is a member of the Task Force but will be unable to attend. Elliott will go in his stead. Stonegate is proposed to be located in PA-9 north of Irvine Blvd. between Jeffrey and Sand Canyon -- essentially the area currently occupied by Hines Nursery. TIC's planner and project manager will present the current status of the project and provide an overview of the approval process and the plan, trails and an elementary school. This development should trigger the development for the Jeffrey Spine between Irvine Blvd. and Portola including the overpass of Irvine Blvd. by the Spine Trail.

OLD BUSINESS

1. EL TORO MCAS REUSE - The O.C. Great Park Board is expected to hire the firm Bovis Lend Lease as the project manager for the Great Park at its Mar 23 meeting.

With the hiring of Ken Smith as the architect, the Great Park Corp. is planning to release an updated brochure on the Great Park in late March. A "Last Tour" of the Base by the public is being organized for May 20. The official groundbreaking date has been set but is expected in late Summer.

2. NORTH IRVINE LIBRARY - The City's Library Task Force was scheduled to meet last night, Mar 7, and to review a final draft of the Needs Assessment which is expected to be used to solicit 3 to 5 bids for a consultant.

3. HICKS CANYON COMMUNITY PARK COMMUNITY BUILDING - Melvold was informed by Councilmember Kang that a response has been drafted to NIVA's Feb 1, 2006 letter requesting

agendizing of item for City Council consideration. He indicated that the response has some sort of request in it that NIVA perform some action before it will be agendized. He did not elaborate on the nature of the action was. If the letter arrives before the meeting, it will be brought to the meeting for discussion and decision on the requested action.

3. STORM DRAIN INSPECTIONS - A review was made of the section of the Santa Ana Regional Water Quality Control Board proposed Drainage Area Management Plan provided by Mike Loving of the City. If the Plan is adopted by the Board, the City of Irvine (as the Permittee) would have to implement the general provisions of the Plan. The City of Irvine permit is to be renewed at the end of the year. Specific details are left to the individual cities to propose and adopt as their program. Results of the review of the Plan are provided in Attachment 1. Obviously, for those HOAs with private streets, this will take on significant importance.

4. ORCHARD HILLS VILLAGE [PA-1]LAND-USE PLANNING - Pavillion's was announced by TIC as the anchor grocery store for the Orchard Hills Center.

5. BOWERMAN LANDFILL EXPANSION - Melvold gave a presentation on the proposed Landfill Expansion at the City Council's Feb 28th meeting. The presentation was to alert the Councilmembers of the visual impacts of the project to the vast majority of the City and the lack of valid traffic and noise impact analysis. Regarding traffic and noise, the OCWMD is assuming the project to be merely an expansion and not a extension of operation. This is a basis similar to that used by the County in performing the environmental assessment for the El Toro airport option. In both cases, the valid comparison should be with a ceased operation of the facility. The difference is significant in making traffic and noise comparisons for determining impacts and required mitigations. A copy of Melvold's presentation minus the overhead pictures was distributed at the meeting.

Melvold also contacted Glen Worthington of the Great Park Corp. to discuss the potential increased risk to the future park due to increased poossibility of surface runoff or leachate leakage from the Landfill into the Park as the Landfill is at the "headwaters" of Bee Canyon which will flow on the surface through the Great Park. Supposedly the runoff catch basins, etc., were designed for the 100-year flood. But with the increased height of the Landfill and added underground pressure from greater surface weight, the potential risk would seem to be increased.

6. REFURBISHMENT OF NORTHWOOD SHOPPING CENTER - Per a recent OC Register article, people want outdoor cafes, places they can stroll and people-watch. TIC's recent shopping center designs are equipped with with center theme with outdoor fireplace, cushion seating and underground heating. There was discussion on the need to improve the status of the center and whether NIVA should encourage the owner to upgrade the center along the lines currently being adopted in newer centers in the area. There is concern that continued loss of tenants and long-standing empty stores and the lack of upkeep may contribute a "death spiral" in the center. Johnson said The Groves didn't want the shopping center to be made more beautiful because the owners would charge more rent and the store owners would consequently charge higher prices. No decision was made on any actionr that NIVA should or might take. Many NIVA members, however, did want to know the name, adress, and phone number of the owner of the shopping center.

7. NOISE IMPACT OF TRAIN HORN BLOWING AT HARVARD CROSSING [Richard Price] - As Price was absent, there was no word on the status of the draft of the proposed letter to the City on the subject.

8. CULVER DRIVE/WALNUT AVENUE IMPROVEMENT PROJECT - Apparently the City is reconsidering the proposed project and is now considering the elimination of the 4th or new SB lane on Culver. Details and confirmation of the change have yet to be furnished by the City. But if true, this would

most likely eliminate the need to take any of the little landscape along the west side of Culver Drive next to the Colony residents.

As a side note, it should be mentioned that TIC received a national prestigious 2005 award for the "Best Master Planned Community" for the Village of Woodbury out of 1400 nominations. A noted comment made by panel of judges for the contest was that it "...was refreshing to find a community in which asphalt is not the main amenity...." However, in the existing communities of Irvine, asphalt is becoming a greater amenity *so as to accommodate the traffic generated by the new nicely- landscaped communities as exemplified by this proposed project.*

9. 2005 YEAR-END FINANCIALS - This item was postponed from Feb. meeting. The 2005 Year-End Financial Statement has been prepared by Treasurer Elliott and indicates a total income of \$2451.68 and total expenses of \$2419.40 with a balance in the NIVA account of \$2122.94. The financials were discussed but no action to approve was taken. The NIVA members asked for more details such as the names of the member associations and what the annual dues are that each is currently paying. As the Treasurer was not present to answer the questions, action on the financials was postponed until the next meeting.

10. PUBLIC STORAGE FACILITY EXPANSION - Marika Modugno of the City staff identified the specific location of the 3-story building to be a new building lying not along the Venta Spur Trail side but along the back paralleling the north-south residential boundary on the west side. This would visually impact the residents at the ends of Cape Cod and Pamlico. It would be up against Pinewood Neighborhood Park. Though this area is not that of a NIVA association member, there should be concern nonetheless as to the precedence of a 3-story storage structure. (Even the storage facility in the business office area of Lower Peters Canyon south of El Camino Real is only 1-story.) Modugno also mentioned that the applicant may be reconsidering his proposed design as a result of the City informing him that an EIR assessment and study would be required. Several residents from the community adjacent to the site were present at the meeting. They were against the proposed 3-story development. It was voted that NIVA would draft a letter to the City to support the homeowners in a denial of the rezoning required for the project.

NEXT MEETING - Next meeting is scheduled for Wed., April 12, 2006.

SUMMARY OF KEY POINTS IN THE COUNTYWIDE DRAINAGE AREA MANAGEMENT PLAN THAT PERTAINS TO HOAs WITH PRIVATE STREETS

"...maintenance duties of HOAs with privately-owned and maintained streets and storm drains may not fall on the Permittee (City of Irvine), but on the maintenance associations, which are responsible for the maintenance of 'common' areas within a HOA, often including infrastructure, such as storm drains...."

"Table 9-10 is a list of high priority HOA activities and the types of pollutants that may result from these activities."

Table 9-10 Potential Pollutants from CIA/HOA Activities

| Activity | Potential Pollutants | | | | | | | | |
|---------------------------------------|----------------------|------------------------|-------------------------------------|----------------|--------|--------------|-------------------------------------|------------------------------|--------------------|
| | Sediments | Nutrients ^a | Pathogens/ Coliform ^b | Foaming Agents | Metals | Hydrocarbons | Hazardous Materials ^c | Pesticides and herbicides | Other ^d |
| Sidewalk, plaza and fountain cleaning | X | X | X | X | | | X | | |
| Landscape maintenance | X | X | X | | | | X | X | |
| Home and garden care | X | X | X | X | X | | X | X | X |
| Pet waste | X | X | X | | | | | | |
| Garden waste | X | X | X | | | | X | X | |
| Automobile parking | X | | | | X | X | X | | |
| Community center O&M | X | X | X | | | | | | X |
| Recreation area O&M | X | X | X | | | | | X | |
| Maintenance yard operation | X | X | X | X | X | X | X | X | X |

^aNitrogen and Phosphorous compounds.

^bIncluding fecal and total coliform, E. coli, etc.

^cIncluding chlorinated hydrocarbons, paint, etc.

^dIncluding bleach, etc.

Table 9-12 of the document lists as the Best Management Practices (BMPs) for an HOA with privately-owned streets and storm drains the following: (1) street sweeping and (2) inspection and cleaning of storm-drain(s).

"...residents of HOAs must be made aware of the need for NPDES compliance and of the penalties for non-compliance."

Under *Implementation*, it is stated that "...the Permittees (cities) should consider a field inspection and additional outreach efforts. Additionally, each Permittee (city) must perform educational and outreach programs to aid maintenance associations in implementing the HOA BMPs."

Under *Association Education and Outreach Campaign*, 3 methods are suggested:

(1) Hotline: "A hotline should be maintained for residents to report illicit discharges or stormwater ordinance violations within their HOA."

(2) Webpage: "If applicable, the Permittee (city) should include a HOA page in the stormwater section of their webpage which should provide..." several pieces of information.

(3) Mailings: For HOAs in non high-priority areas, a letter of introduction explaining the HOA program should be forwarded to the maintenance associations. The letter should indicate where the Permittee's HOA program is located on the Internet and should provide a mechanism for requesting a copy of the HOA program in the mail."

Under *Enforcement* the following is provided:

"Each Permittee (city) should review their Municipal Code to determine the most appropriate method to implement the Enforcement section of the HOA program."

"Enforcement of BMPs in common interest developments will be conducted using the following mechanisms: public reporting hotline, analysis of dry weather/illicit discharge monitoring results, and municipal employee observations."

Steps to Enforcement include: (1) Notice of Non-compliance, (2) Administrative Compliance Order, (3) Cease and Desist Order, and (4) Civil or Criminal Enforcement including fines and assessments levied on HOA Board and/or individual resident.