

# NIVA MEETING AGENDA

August 13, 2008

## ANNOUNCEMENTS

Frank Faridoni, a past and active member of NIVA from Orchard Glen HOA, passed away last May 25. He had been Co-chair of the NIVA's Northwood 5 Planning Committee from 1988 to 1991 and a member of the NIVA's Lower Peters Canyon Project Committee.

## COMMITTEE REPORTS

1. **PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE** [LaPorte] - KIA Motors has submitted the anticipated application for the replacement of the sign located along the I-5 Freeway. Details were discussed at the meeting. The proposed double-sided illuminated electronic message sign would measure more than 22' wide by 36' high, or roughly 812 sq ft., and would be located in essentially the same location and replace the existing smaller non-electronic message sign along the I-5 Freeway. There was unanimous objection to the proposed sign. It was agreed that LaPorte would send a letter as NIVA Committee Chair and VP to the City in objection. She would also contact Mike LeBlanc of The Irvine Company [TIC] to find out TIC's reaction to the proposed change and to determine the possibility of support in objection to the sign. *[Letter e-mailed on Aug 14 to Herman Santos of the City.]*

2. **PA-40 R & D DEVELOPMENT COMMITTEE** [\_\_\_\_\_] - At the July 22 meeting, the City Council approved continuing the hearing for the General Plan Amendment and Zone Change for Planning Area 40 (located between Sand Canyon & Jeffrey, Trabuco and the I-5) at the request of TIC until last night. The changes were approved by the Council. They consisted primarily of changing the previously approved commercial/light industrial development into a residential development with a large commercial shopping center. Only a brief discussion pursued at the meeting due to a lack of prior detailed information. Detailed discussion on the project details will follow at the Sept. meeting if deemed necessary by attendees.

## OLD BUSINESS

1. **EL TORO MCAS REUSE** - Negotiations are still ongoing between the City and Lennar over the transfer of 131 acres to the Great Park in exchange for concessions from the City. A detailed plan for the Lifelong Learning District development was expected to come before the PC and the Council last month. But this must await approval of a General Plan Amendment/Zone Change [GPA/ZC] and amendment to the Development Agreement, reviewed and recommended for approval by the Planning Commission but which has yet to come before the City Council for final approval.

The Planning Commission [PC] noted that the GPA/ZC had language specifically allowing Lennar to increase the number of dwelling units [DUs] as allowed by State Law for providing "affordable housing" [Government Code 6.5915 and 6.5918]. Per Lennar's position as relayed by City staff, the increase would be a bonus of 35% more units above the 3,625 units originally planned with the development and additional to that of the Development Agreement number and the specified number in the approved EIR. The City's position, as relayed by Glen Worthington of the City's Great Park staff, has been that the Development Agreement should supersede the State Law as it was agreed to by Lennar.

However, that position is contradicted by Barry Curtis of City staff (and the City's lead on the effort) who stated that the City's position (or at least Com. Dev. Dept.'s) is that Lennar can increase the 3,625 number with the 35% bonus (or 1,270 units) allowed by State law regardless of the previous agreements, etc. executed by Lennar. Needless to say, the negotiations are therefore underway but apparently City staff is preparing to acquiesce to Lennar's position in staff's report to the City Council. Curtis could not speak with certainty regarding the individual Councilmembers, but he did state that staff was aware of the State Law back when the original Agreement was executed. But the Agreement does not contain language to the effect that the 3,625 unit number includes any and all State-mandated bonus units for providing af-

fordable housing. Was this an oversight or did the parties enter into the Agreement fully cognizant of the omission and possible future implications but intending to appease those concerned about the total number by not clearly disclosing it?

The City's standard for affordable housing is a maximum of 15% of the units in any residential development. For this project, that would be roughly 544 DUs. Therefore, for installing 544 DUs, Lennar could increase the total number of DUs in the project (Great Park Neighborhoods) by as much as 1,270 DUs -- a considerable leveraging factor. The press and those opposed to the Great Park (aka, airport proponents) can have a field day with this "sneaky" back door increase in the development if it should come to fruition.

At this time, Lennar has not as yet applied for the increase or even stated they will eventually request the bonus. Lennar is currently developing their plan and seeing how "it pencils out". However, though Curtis indicated that the City was aware of the State law, there was never a mention of its existence or the possibility and impact on the eventual and final number of DUs back when the Agreement and EIR were presented 3 years ago to the public and approved by the parties. Should Lennar exercise this bonus option, a revision to the approved EIR would be necessary but would most likely be an academic exercise and the approval being a mere formality. The North Irvine community could, however, expect a proportionate increase in expected traffic through our community generated by the increased housing.

Realize, however, that the City is dependent on development for the funding of the Great Park and there is a major discrepancy between what the City now foresees in revenues and what the Great Park is now expected to ultimately cost. Consequently there is pressure for the City negotiators to "cave in" to derive more revenue for the Great Park. The alternative, of course, is for the City to seek a more conservative or reduced park plan so as to reduce the estimated total cost of the Great Park. This matter is tentatively scheduled to come before the Council on Sept. 9. After discussion, the general consensus was, on the question of the "need for more dwelling units as a source for more revenue for the Great Park, that NIVA's position supports more frugality (less grandiose, scaled-back) in park design to offset the need. NIVA should object to granting of any bonus for inclusion of affordable housing due to the lack of revelation at the time of the execution of the original Agreement. It was agreed that this position should be conveyed to the Council by letter from NIVA prior to the hearing on the GPA/ZC.

2. **NIVA "ON-THE-ROAD" PRESENTATIONS TO MEMBERSHIP** [Melvold] - Chiechi reported that she needed more information so as to prepare the draft letter to go to potential new member associations.

3. **NEED FOR REVISION OF CITY'S MASTER STREETScape PLAN** - NIVA has received a draft of the proposed revision to the Plan on July 26. The last revision was in 1998. Considerable development has occurred and El Toro MCAS has closed since that revision was issued. The City has requested written comments by July 31. An e-mail was sent to the City c/o Sherman Jones, Associate Planner, requesting an extension until August 18 as NIVA would not meet until August 13. The City subsequently agreed to extending the deadline to August 15. A copy of the draft revision was available for review at the meeting. A list of comments/discrepancies noted by Melvold were reviewed and discussed at the meeting. It was agreed that the listing be sent to the City. It was also agreed that the City contact The Colony HOA Board directly for their input regarding any proposed tree replacement along Culver in association with the Culver widening project. McFadden will bring the matter to the attention of The Colony board. *[E-mail letter sent Aug. 14 to Jones providing the City with the list of comments/concerns.]*

4. **NORTH IRVINE SENIOR CENTER** - NIVA received a July 28th response to NIVA's letter to the City Council requesting that occasionally meetings of the Irvine Senior Citizens Council [SCC] be held in North Irvine (Copies were provided at the meeting.). The letter was signed by Mayor Krom. Most significant is the statement that the Bylaws mandate that the meetings of the SCC have to be held at only the existing two senior centers. This assures the continuation of the practice of leaving North Irvine

out. It is questionable as to why these meetings have to be held at the senior centers if, as City staff contends, community centers can serve all the functions of a senior center as multi-use centers -- a position repeatedly expressed by staff during the consideration of future senior services for North Irvine. It was agreed that a presentation ought to be made to both the City Council and the Senior Citizens Council. Melvold agreed to make a presentation at the next SCC meeting.

5. **WB BRYAN BUS-STOP AT YALE** - The change in layover location to Culver/Bryan was to have taken place on June 8 per OCTA. It appears that the change is in effect and unless someone knows otherwise, this item could be closed. It was agreed to retain the item for one more month to verify the total implementation of the change.

6. **REFURBISHMENT OF NORTHWOOD SHOPPING CENTER** - [Questions or concerns involving code enforcement are to be directed to Jan Helf, Irvine's Code Enforcement Supervisor, at (949) 724-6430.] An extensive amount of refurbishment is being performed on the old "Coco's" restaurant building in preparation for the new restaurant. Both siding and roofing are being replaced on the outside hopefully improving the aesthetics of the building.

7. **INTERSECTION SIGNAL SYNCHRONIZATION CABINETS** - After some discussion, it was agreed that NIVA would accept the tan and light green color but the letter would also mention dissatisfaction with the location of the cabinets having previously been led to believe that they would and could be moved. The e-mail was sent to Ken Louie of the City on July 10 (copies distributed at the meeting.) It was mentioned that a "response" was received from Louie in the form of simply a forwarding of NIVA's e-mail back to Melvold!!! It has been noted that the cabinets on Culver Drive in Northwood have been repainted accordingly. It was agreed that this item can be closed. **[ITEM CLOSED]**

8. **TRANSFER OF ACCOUNT AUTHORIZED SIGNATURE** [McFadden] - An application has been submitted to the Orange County Clerk-Recorder for establishing NIVA as a Fictitious Business Name so as to be able to transfer authorizations on the NIVA bank account. This action is necessary to satisfy the banking rules established as a result of the Federal terrorist legislation/regulations. Once the dba is established, the bank account can be transferred using the SSN of an officer of NIVA. It is not known how long it will take the County to respond. There is a filing fee of \$23 which accompanied the application to the County. The procedure will have to be repeated each time a new officer's SSN is used (most likely whenever new NIVA officers are elected) or upon expiration of the dba which expires after 5 years.

9. **NORTHWOOD VILLAGE INTERSECTIONS LANDSCAPE REFURBISHMENT** - A letter was sent to the City, specifically Louie Martinez, as agreed at the last meeting (copies distributed at the meeting). **[ITEM CLOSED]**.

10. **BRYAN AVENUE TREE REPLACEMENT IN SETBACK** - [Zelinko] On July 31, Zelinko spoke with Keith Byers who has replaced Steve Bourke as Supt. of Landscape Maintenance for the City and Dennis \_\_\_\_\_ who is supervising the maintenance of Northwood. He reported that they agreed to come up with a plan to address the tree situation.

11. **EXPANDED NIVA FOCUS** - A suggestion was made at the last meeting that NIVA expand its focus to include other than simply "external and government/city affairs", e.g. acting as a resource on association contracting services. In referring to the 2 documents -- the approved "NIVA Operating Guidelines" and a copy of NIVA's Mission Statement -- it became apparent that the suggested effort does not lie in the scope and purpose of NIVA. Consequently, the suggestion was withdrawn. **[ITEM CLOSED]**

**NEXT MEETING** - The next meeting would be Wed., Sept. 10th at The Groves.

