

NIVA MEETING RECORD

Nov. 12, 2008

COMMITTEE REPORTS

1. PA-10 JAMBOREE MEDICAL/SCIENCE CENTER COMMITTEE [LaPorte] - As no indication has been forthcoming from either the City or KIA, the issue of the previously proposed sign change will be considered closed.
2. PA-40 R & D DEVELOPMENT COMMITTEE [_____] - A letter was sent Aug 5 as previously agreed to the City (City Manager Sean Joyce) objecting to the insufficient time to review the Staff Report, the lack of inclusion of NIVA's comments in the Report, and misaddressing of the Response to Comments causing it to arrive after the Hearing. A second letter was sent Aug. 5 as previously agreed to Irvine Community Development Director Douglas Williford on Aug 5 requesting an appropriately defined time-frame for receipt of the Jeffrey Spine Segment 1 plans. [Copies of both letters distributed at the meeting.].

OLD BUSINESS

1. EL TORO MCAS REUSE - The Orange County Great Park Board has approved the hiring of Washington D.C.-based Chora LLC to study how the park board might raise \$22 million from private sources to pay for several near-term items for the park including a pod-shaped shelter, palm tree court and performance area in a planned small preview park. [It should be noted that this effort will most likely conflict in both timing and prospective funding sources to those that would be considered possible for future libraries to be sought for the City.]

There was a basis for a serious concern about Lennar being able to increase the number of dwelling units above that previously approved for the Project in the EIR because of language in State Law if Lennar is required to furnish "affordable housing" in its development. State law grants a "bonus" to developers above the maximum number of units approved by a municipality should they provide affordable housing. The concern came closer to a reality on Nov 6, when the Planning Commission approved a recommendation to support a request to the City Council to increase the number of residential units by 1,200 from current 3,600 to 4,900 -- an increase of **36%**. Per City staff, the request was based on the State provision that allows developers to automatically receive a boost in development density if 15% or more of the project is considered affordable housing. This is a hefty leverage. A developer merely needs to convert 15% (or 544 units in this case) to affordable units and the developer is automatically permitted to increase the total development by 36% -- that is 1,270 units for Lennar!

This issue was highlighted in the August NIVA meeting at which time it was mentioned that the housing unit bonus is an increase to the number of units set as a maximum in the original Development Agreement between Lennar and the City and in the EIR documents approving the Great Park and accompanying General Plan Amendment and Zone Change. The question is, therefore, whether City staff and/or City Attorney lax in not being aware of the existence of this State law or negligent in not disclosing this "loophole" or possibility when the original documents were prepared and recommended for approval. Was the Council left in the dark or simply the public alone left in the dark?

For North Irvine, the impact is 2-fold: (1) the increased housing translates into increased traffic and (2) this increase in affordable housing results in North Irvine carrying an even a greater share of the City's total affordable housing which was already loaded heavily on North Irvine. A discussion followed on what position, if any, NIVA should take on this issue, whether NIVA should object to the public being left in the dark when possibly known back when the Development Agreement was executed. It was agreed that NIVA should request a traffic study be done and NIVA be provided a reasonable opportunity to review same prior to approval of any increase by the City.

2. MUSICK JAIL EXPANSION - The State was expected to make a final decision on the approval of the State grant to OC for jail expansion on or before last Sept. 18. However, prior to any final decision, new OC Sheriff Hutchens withdrew the application by letter of Sept. 16 because the County "...was not able to complete a siting Agreement that meets the State's requirements". Included in the hesitation was the County's unwillingness to accept the State requirement that the State own and operate any facility built as part of the Reentry Program. But this doesn't "put us out of the woods". The Sheriff is still interested in the program and is hoping that the program will incorporate more flexibility on the requirements found objectionable by the County.

Supv. Bill Campbell was vehemently opposed the State's requirement that a secured re-entry facility had to be included. He is also against any renting out of beds -- an item of concern previously expressed by Irvine should the County "over-build" the number of beds it actually needs. But, per Mike Johnson, staff member for Supv. Campbell, the OC jail system is now at 129% of its capacity and therefore something has to be done. On top of this, the County is looking at upwards of 12,000 State prisoners returning to the County for rehabilitation. And this number could go up depending on the outcome of Propositions 5 and 6 on this month's ballot. The County is now looking at expansion using only internal resources. Regardless of any expansion, the existing tents and wooden structures at Musick have to be replaced due to deterioration.

3. COMPLETION OF PETERS CANYON WASH AND WALNUT TRAIL "GAPS" - An inspection was made of the installation of the previously-missing signage along the Hicks Canyon and Peters Canyon trails through North Irvine. As a result, a serious confusing situation was discovered -- the duplicate use of the name "Peters Canyon Trail" by both the County and City for 2 different trails. A letter was sent to Irvine's Dir. of Public Works Manuel Gomez on Nov. 3 first thanking him for the City's efforts in installing signage but also seeking a remedy to the confusion of the duplicated use of the name for 2 different trails

4. NIVA "ON-THE-ROAD" PRESENTATIONS TO MEMBERSHIP - Attendees reviewed a draft of the proposed letter prepared by Chiechi to go to potential new member associations with suggestions made for incorporation into a revised draft. A revised draft is expected for review at the next meeting. Attendees were encouraged to forward any additional comments to Chiechi via internet.

5. NORTHWOOD MILITARY MEMORIAL MONUMENT [Zelinko] - A model of the proposed memorial was displayed at yesterday's Veterans Day ceremony held at Bill Barber Marine Corps Park. The organizing group is still at odds with some City officials over whether names of fallen should be listed on the memorial making it incompatible with the use of community parkland. Regardless, the group is expecting to have construction drawings submitted to the City before the end of the month. Since not a NIVA project but at the same time clearly within the area for which NIVA purviews, it therefore becomes necessary that NIVA review the proposal and determine if it considers the memorial as proposed by the group to be incompatible or inappropriate use of the land in Northwood Community Park. (This action would be consistent with previous and normal practice regarding land use proposals utilizing valuable and limited community parkland in North Irvine and to go officially on record as either in support or opposed to any such proposal.) After considerable discussion and no finality reached, it was decided to table the matter until the Jan. 2009 Meeting.

6. NORTH IRVINE SENIOR CENTER - There was a brief discussion on the upcoming Nov. 20th SCC meeting and the need for attendance in support of having occasional meeting schedule in North Irvine. Several attendees expressed intentions of attending the meeting.

7. WB BRYAN BUS-STOP AT YALE - E-mail communications have been on-going between Melvold and Irvine's Public Works Dir. Manuel Gomez about the noted occasional neglecting of the agreed transfer of the layover location from this location to that of WB Bryan at Culver. Gomez agreed to contact the

OCTA on a general basis; but requested that, in the event of any further "violations", the date, time and bus number be record to aid in any further needed investigation by OCTA as it would narrow the problem to particular bus driver(s). It was suggested to carry this item until the end of the year. If no further "violations" are noted, that it be closed at that time. By e-mail of Nov. 4, Gomez stated that his staff had contacted OCTA (Bill Batory of OCTA Stops & Zones group) and that OCTA confirmed that the layover service change was implemented on June 8th. Residents can contact OCTA directly if they see drivers laying over at Yale and Bryan by calling 714-636-7433 or emailing to customers@octa.net>.

8. PUBLIC STORAGE FACILITY EXPANSION - It was agreed that this item can be closed. **[ITEM TO BE CLOSED]**

9. I-5 FREEWAY LANDSCAPE PROJECT - This is a very slow construction process but it is underway. It was agreed that this item can be closed. **[ITEM TO BE CLOSED]**

10. TRANSFER OF ACCOUNT AUTHORIZED SIGNATURE [McFadden] - Following the suggestion of the agent at Cal National Bank so as to initiate a new checking account, a dba was set up at an expense to NIVA of \$45. Subsequently, a new checking account was opened at Cal National Bank on Oct 27 with current President and Treasurer as authorized signatories as previously advised by the bank to resolve our situation. The previous account would be closed upon receipt of blank checks for the new account. However, no sooner had this been done and new blank checks received when Melvold was informed the next day by the branch bank manager that Cal National Bank's legal department in San Francisco had informed the local branch that the account could not be so created. As a result, NIVA will have to look at other options if available. These include:

(1) Resorting to the original option of soliciting a Federal ID number for NIVA. This in turn will require the annual filing of tax returns even though there is no income to declare. Both the application for the ID number and the annual tax return submissions will entail costs and some amount of time to be expended.

(2) Establish a new account as a California Unincorporated Association. The drawbacks here are primarily 2-fold. The account must use the SSN of one of the authorized signers and there would be a monthly charge of \$25.00 (\$15.00 if NIVA can keep the balance greater than \$2,500) or \$300/year.

A 3rd option exists, but is most likely not desirable whatsoever, is that NIVA close up shop! After discussion, it was agreed to proceed with Option 1.

11. MEMBERSHIP ANNUAL DUES PAYMENT - Discussion on whether those associations who have not paid their 2008 annual dues are entitled to continue to receive copies of the NIVA meeting records. It was agreed that personal contact by the NIVA treasurer is warranted to individual board member(s) on these associations to notify them of the delinquency and attempt to secure payment as written reminders or contacts to property managers has been futile or the associations have been non-responsive. They should be notified of possibility of curtailment of future communications from NIVA as their associations are not contributing to the expense incurred in transmitting such communications.

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

