

**CITY OF ALISO VIEJO
DEVELOPMENT REVIEW COMMITTEE MEETING
MINUTES
February 14, 2006**

CALL TO ORDER:

A meeting of the Development Review Committee of the City of Aliso Viejo was called to order by Chair Garcia at 3:04 p.m. on Tuesday, February 14, 2006, at the Aliso Viejo City Hall Council Chamber, 12 Journey, Aliso Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 12:00 p.m. on February 9, 2006, on the outdoor bulletin board at City Hall. Copies were also posted at the Aliso Viejo Library, 1 Journey, and the Aliso Viejo Sheriff's Substation, 11 Journey.

ROLL CALL:

Present: Committee Members: Margo Beauchamp; Mark Hiller; Joseph Koszarek; Lynne Pivaroff; Lori Trottier; John Whitman and Chair Eugenia Garcia.

Absent: Committee Member: Stewart Winkler (excused)

ITEM 1: APPROVAL OF JANUARY 24, 2006 MINUTES

A MOTION was made by Committee Member Hiller and seconded by Committee Member Whitman that the Committee approves the minutes of January 24, 2006 as amended. The motion passed, 5-0-1.

AYES: Committee Members: Hiller, Koszarek, Pivaroff, Whitman and Chair Garcia.

NOES: None.

ABSTAIN: Committee Member: Beauchamp.

ABSENT: Committee Members: Trottier and Winkler.

ITEM 2: ALISO VIEJO COMMUNITY ASSOCIATION (AVCA) RESTROOMS SITE DEVELOPMENT PERMITS SDP05-15 AND SDP05-16

Committee Member Hiller excused himself from the item due to his affiliation with AVCA, and left the dais.

Chair Garcia gave a brief summary of the Staff Report. She stated there were two restroom facilities being proposed by AVCA to be located in Springdale Park and Argonaut Park. She stated the restroom facilities planned for Springdale Park were currently being stored in Springdale Park, and that the facilities planned for Argonaut Park were currently being stored in the parking lot of Pinewood Park.

Chair Garcia continued, stating that the only restrooms approved by the City since

incorporation had been the Ridgecrest Park restroom facilities, and that the proposed restrooms for both Springdale Park and Argonaut Park were identical to the Ridgecrest Park restrooms that were approved in 2005. She stated that based on that fact, the decision was made to approve the applications administratively, with a public notice sent to all property owners within 500 feet of each park. The mailing list was provided by Merit Property Management (for AVCA). Chair Garcia mentioned that building permits were issued following the administrative approval of the Site Development Permits, and both restroom approvals were appealed.

Chair Garcia summarized the concerns of City Council as explained in the January 18, 2005 meeting minutes. Reasons for referral of the item by City Council for review by the Development Review Committee (DRC) included:

- Incomplete, inadequate plans with no dimensions
- Concerns regarding view/corridor effects
- Notification seemed lacking
- There was no confirmation on the notification for the item
- No Master Plan had been submitted to the City for future facilities in AVCA parks
- Trenching & Sewer Lines preceding approval of restrooms

She stated that after the January 18th appeal hearing, Staff sent out an extensive public notice for this DRC hearing.

Chair Garcia open the item for public comment, and stated that the committee would hear comments for both parks, one at a time. She stated that the issue concerning the Edison easement was an outstanding issue that was being discussed by Merit Property Management and Southern California Edison, and that the City would not be involved in the negotiation between the two parties. She then invited the applicant to address the Committee on the item.

Applicant Jim Gesner, General Manager of Merit Property Management, explained the restroom proposal and stated that they were discussing the location of the restrooms for Argonaut Park in relation to the easement with Southern California Edison. He stated that Merit did not request permits until December 8 and did not have the restrooms delivered until December 15th to meet the preliminary timeline given to them by the City. He stated they were notified on December 20th to stop work and did not know of the appeal until that time. He stated they agreed to stop work voluntarily and had not received any official Stop Work Notice to date.

Keith Sahn, resident, homeowner and St. Tropez Board Member, challenged Mr. Gesner's version of the facts and stated he was bothered that the Board was not approached until November 29, 2005 when AVCA notified them and asked to connect through their sewer system. He stated that the Board had expressed concern to Merit regarding approvals, and that they were told by Applicant Gesner that Merit would build the Restroom "come hell or high water" and they were going to address any potential legal issues with Edison at a later time. Mr. Sahn discussed the petitions from St.

Tropez residents previously submitted to the City and included in the DRC agenda packet. He stated that 50% of the residents signed the petitions, and that the other 50% did not sign because they were unavailable, or did not actually live in the community. Mr. Sahm also informed the DRC that the St. Tropez Homeowner's Association denied AVCA permission to tie into St. Tropez' sewer line. Mr. Sahm recommended the restrooms be built at the top of the hill where the sports area was located, and stated that if it would require a lift to construct the pad for the restroom facilities then that should be done.

Robin Goellner, a Glenwood Village resident, stated she was opposed to the restrooms. She expressed concern about the safety of the parks with the restrooms additions. Additional concerns included graffiti, teen misuse, sanitation, cleaning, and general maintenance of the restrooms. She stated that the proposed restroom location was closer to the St. Tropez residence than they were to her home, and that it would not be fair to those residents. She stated that Cedarbrook was a community street and was not equipped to handle the traffic impact. She continued, expressing that Argonaut Park was a neighborhood park, and was meant for use by residents of the surrounding neighborhood.

Bill Hunker, Eagle Pointe resident, stated he lived across from Argonaut Park. He stated he would limit his comments to his concerns with restrooms and address the Edison easement at a more appropriate time. He stated the restrooms seemed to be to subsidize vendors such as AYSO and not for the neighborhood residents. He stated that residents could go home and use the restroom, and questioned the need for the permanent facilities. He mentioned there were currently portable restrooms at the park, and that he was surprised that digging had taken place before he had received notice that the restrooms were proposed.

Brett Goellner stated that his family and others had done fine without permanent restroom facilities in Argonaut Park for as long as he had lived in Aliso Viejo. He expressed appreciation for the neighborhood support, and stated that the current problems were minor in comparison to the aftermath if the restrooms were approved. He stated the restrooms would risk the safety of the children and others in the neighborhood, and the 3:00 pm timing of the DRC meeting was not fair to those who want to comment on the item. He also expressed concern that the restrooms would cause misuse of the parks by high school children, bring graffiti, etc. He asked that the City not approve the restroom facilities.

Phil Elston, Cantora resident, stated that he had 33 years experience in Law Enforcement. He stated the Springdale Park restroom location was a huge mistake. He explained that the location is against the homeowners and he had been told the location was chosen so Police Services could drive by and patrol the restrooms and the park. He stated the restroom location would allow for drug deals, sexual liaisons, and other crime on the sides and behind the restrooms. Mr. Elston also stated that Springdale is not a soccer park, but rather it is a neighborhood park. He recommended the restrooms be moved to the edge of the sidewalk at the ridge top so a proper patrol could be done by

Police Services.

Dr. Mark Okamoto, St. Tropez resident, stated his backyard would be most affected by the location of the Argonaut Park restrooms as it is only about 40 feet away from his property. He mentioned he was not notified of the restroom proposal until after trenching had begun. He stated that the restroom would be too close to his home, and that the location was chosen for purposes of cost savings and was unfair to the residents. He expressed that he was already affected by kids drinking, smoking, and playing in the park, and that the situation would worsen with the restroom addition. Mr. Okamoto also explained the neighborhood nature of the park, and that the park was designed as a small park for use by the surrounding residents, and that it was now developing into something different. Dr. Okamoto also stated that he and his neighbors are angry because the Community was not involved in the decision process.

Brian Lambertson, Cantora Board Member, expressed opposition on the location of the Springdale Park restrooms. He stated he was not worried about the restrooms blocking his view of the Saddleback Mountains, but that the restrooms would be unsightly. He stated that AVCQA did not communicate well and residents were not involved in the decision process. He stated two AVCA Board members came to Springdale Park and spoke to the community after the project had already started. He mentioned that as a resident, people cannot put trees in their own backyard without association approval, but that AVCA proceeded with the restroom project without consulting with the residents.

Melba Capuano, Cantora Board Member, stated she had received no written notice regarding the restrooms prior to the notice for today's DRC meeting. She mentioned the trenches were already been dug before she received any notification of the restroom project. Ms. Capuano listed some of her observations of condoms, undergarments, kids smoking, the picnic tables being set on fire, and other crime existing without the restrooms. She stated the restrooms would worsen the current situation, and that Cantora residents will hear metal doors opening and closing from their backyards. She stated that Applicant Gesner had made a timeline of the events leading up to the DRC meeting and left out two major events; 1) That only Jim Gesner of AVCA met with their Board on October 19th and the residents shared with Mr. Gesner their concerns and complaints, and 2) That at an AVCA meeting in December, Applicant Gesner was asked by the AVCA Board if he had received any complaints on the restroom proposal, and he responded he had not, and this was not true.

Jerry Levy, Aliso Viejo resident of over six years, spoke in opposition of the Springdale Park restrooms. He stated that what is done in the parks concerns him as a resident. He mentioned that he contact Merit when heard of the proposed facilities, and that he was told by Applicant Gesner that he missed his opportunity to comment on the project and that they had an opportunity to comment when they purchased their home and saw the Master Plan. Mr. Levy stated he never viewed the Master Plan six years ago when he purchased and wanted the restrooms in a reasonable location further away from the homes. He was concerned with what he would see and hear from the restroom each

day from his backyard. He suggested the City deny the restroom at this time and allow the residents to have a part in the decision on the location. He submitted a petition opposing the restrooms from residents of the Cantora community.

Xiomara Hiller, thanked neighbors of the community for attending the meeting on Valentine's Day and expressing support. She mentioned she wrote a letter to the Editor on some points in the Aliso Viejo News. She stated the decision on the restrooms was made in a vacuum, and that there was no parks committee or citizen group included, and as a result the decision was made with no regard to residents' approval. She stated that Merit should not have purchased the restrooms and then tried to find a way to fit it into the plan. She stated she had been working on the restroom issue for a while and then given up because she felt the decision was already made.

Committee Member Trottier stated her general impression of what was going on and that the comments of the community were not addressing any of City Council's concerns. She stated that based on the submittal, the information seemed incomplete, and she felt that committee could not make a recommendation without more inclusive plans.

Chair Garcia agreed, but stated she thought it was important to continue hearing the public comments and concerns. She mentioned that Council did not feel there was enough public input and notification prior to the January 18th Council hearing and that it was a large basis for the appeal.

Committee Member Trottier stated that the plans submitted still had not effectively shown what is being proposed and that the plans were not clear and easily read.

Chair Garcia stated Staff had asked the Applicant for additional plans on at least 10 occasions and that no new plans had been submitted to the City. Instead, Chair Garcia reported that Merit asked that the DRC go forward and hold this hearing without the complete plans. She stated the Committee could move to continue the item until sufficient plans were received for DRC review.

Chair Garcia continued the public comment period, inviting the next resident to address the Committee on the item.

Ray DeLeon, Aliso Viejo resident, stated he had tremendous concerns regarding the process. He disagreed with Applicant Gesner's comment that the hearing should not focus on the outstanding Edison easement issue. Mr. DeLeon stated it concerned him, and that until the plans for the restroom facilities show that the proposal is a safe plan, they should not be approved.

Mary Barnes, Cantora resident mentioned that her backs up to Springdale Park. She stated she purchased her home immediately based on its location next to the park. She expressed she was unhappy about the proposed restroom location and was opposed for three main reasons; 1) She was appalled at the lack of notification regarding the

issue, 2) She was concerned with the sanitary problems that may result from the facilities and that the wind will blow the smell into her home, and 3) the location of the restroom would make her feel less safe and make her more vulnerable to crime, which would limit her use of her backyard. Ms. Barnes also stated that in the past, the criminals had left the park by the time Police Services could respond to her calls. She asked that the location of the proposed restrooms be reconsidered.

Sharon Murray, Skyview I resident, and self-proclaimed "Sports Mom", mentioned there were many opportunities for residents to express opposition of the restroom. She stated that AVCA Board meetings were held at night and were open to resident attendance, and that community association delegates were responsible for communicating information from the Board meetings to their constituents. She stated her kids use the parks for various sports and that the restrooms were needed. She mentioned that it was difficult to speed home in the middle of a game for her or her children to use the restroom, and that visiting teams also needed access to restroom facilities. She stated that the parks were not only used by immediate residents and that the parks were more sports parks than neighborhood parks. She stated the parks would have crime, with or without the restrooms and that it was the responsibility of the community to get involved with Park Watch and to call in suspicious activities if they see something happening. She stated the portable restrooms were dirty, and that the permanent facilities would be clean, maintained, and beneficial to park users, and should be masked with softscape.

Nancy Conley, Carmel Association Board Member, stated that when the AVCA Board approved the restroom proposals, 4-1 for both Argonaut Park and Springdale Park, they were asked why the facilities were so large. She was told that Merit already had the approved plans from the Ridgecrest Park restrooms. She recommended the Argonaut Park restroom facilities be relocated to Grand Park where most AVCA events are held, so that AVCA will not have to rent 6 Port-o-Lets every time there is an event.

Brett Goellner, resident, asked when the next hearing on the item would be, and when the restroom facilities planned for Argonaut Park would be moved from the Pinewood Park parking lot, and at whose expense.

Chair Garcia stated that AVCA claimed that it has held hearings and that each community has a delegate and residents may voice their opinion at those meetings. She thanked residents in attendance for expressing their comments and concerns at today's DRC hearing. She apologized for the mid-day timing of the meeting and explained that the DRC meetings were held at a standard time on an as needed basis, generally on the 2nd and 4th Tuesday of each month at 3:00 pm. She also stated Council meetings were held on the 1st and 3rd Wednesday of each month at 7:00 pm. She commented on the City's responsibility to the parks, and that most parks were owned and managed by AVCA. She explained that the City checks that proposals and plan submittals meet all State and City Building Codes.

Committee Member Trottier mentioned that project plans should show all of existing and proposed facilities in a clear and accurate format. She stated that she was not against

the restroom facilities in the parks and that there is value to having the permanent restrooms. She stated there were processes that need to be followed and that the location choices were not the best. She mentioned she was surprised to see the photos depicting how far along the applicant had gone in the construction/installation process and that she recommended DRC continue the item until more information is submitted by the applicant.

Committee Member Koszarek also recommended continuance of the item. He stated that most of the comments expressed did not address the plan submittal and that only one speaker addressed the plans. He stated the City should research the parks and proposed facilities further, and focus on how the parks are currently used and what the master plan for the parks was.

Chair Garcia stated that AVCA had hired a consultant to work on their Master Plan for the parks and future needs for each park.

Committee Member Koszarek stated he understood the concerns of the residents and recommended continuance of the item.

Committee Member Pivaroff stated the access for the parks and emergency access for the facilities would need a Fire Master Plan that OCFA would have to review.

Committee Member Beauchamp stated she was recommending continuance of the item and that the AVCA Park Master Plan be updated. She stated that the two parks were not small community parks, and that were better classified as sports parks. She was also interested in the studying how the parks were currently being used, and suggested the park restrooms close prior to 10:00 pm when the parks closed. She stated that she agreed with the comment that the residents have a responsibility to get involved in Park Watch and to call the police if they see anything criminal or suspicious occurring. She explained that police calls are logged and that those calls are taken seriously. She stated that the submitted plans were incomplete from a CPTED point of view, and that she was concerned with lighting and landscaping for both projects.

Committee Member Trottier stated that DRC should also address what type or amount of lighting is appropriate in an effort to keep from over-lighting and allowing "beacon lighting" that may disturb the residents.

Committee Member Whitman stated he was not opposed to the permanent restroom facilities and that the portable restrooms should be replaced for water quality purposes. He mention there had been many instances when the facilities were knocked over or disrupted. He also stated that he agreed that residents should call in criminal activity and get involved in Park Watch.

Committee Member Koszarek stated the trenches at the parks should be closed for safety reasons if they had not already done so. Chair Garcia answered that the trenches were currently closed, but that Building & Safety did not get the chance to inspect them prior to closure. She stated the trenches would need to be opened, inspected, and re-

closed unit the decision was made on the project.

A MOTION was made by Committee Member Beauchamp, and seconded by Committee Member Koszarek, that the Committee continue the item to a date uncertain until complete plans have been submitted for review of the restroom facilities. Motion carried, 6-0-1, with Committee Member Hiller abstaining.

COMMUNITY INPUT

None.

ADJOURNMENT at 4:20 p.m.

Submitted By:

Approved By:

Serenity N. Ajawara
Assistant Planner

Eugenia Garcia, AICP
Chair