

**CITY OF ALISO VIEJO
DEVELOPMENT REVIEW COMMITTEE MEETING
MAY 23, 2006**

MINUTES

CALL TO ORDER

A meeting of the Development Review/Subdivision Committee of the City of Aliso Viejo was called to order by Chair Garcia at 3:08 p.m. on Tuesday, May 23, 2006, at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the Agenda for the meeting containing all items as shown herein was posted on May 18, 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 Member Margo Beauchamp, Committee Member Donald Garcia, Member Joseph Koszarek, Committee Member Lori Trottier, Committee Member John Whitman, Chair Genia Garcia

Absent: Committee Member Hiller (excused),
Committee member Lynne Pivaroff (excused)

ITEM 1: APPROVAL OF APRIL 11, 2006, MINUTES

Committee Member D. Garcia stated that he did not second a motion to approve the Minutes of the March 28, 2006, meeting. Chair G. Garcia stated that the tape would be reviewed for the correction. A MOTION to approve the Minutes of the April 11, 2006, meeting as amended by Committee Member D. Garcia was made by Committee Member Trottier. Committee Member Koszarek seconded the motion. Motion carried.

ITEM 2: APPROVAL OF MAY 9, 2006, MINUTES

A MOTION to approve the Minutes of May 9, 2006, as submitted was made by Committee Member Whitman and seconded by Committee Member Beauchamp. Motion carried.

ITEM 3: SITE DEVELOPMENT PERMIT SDP05-16 (Continued from February 14, 2006), a request to install a permanent restroom facility at Springdale Park.

Chair G. Garcia stated that Item 3-Site Development Permit to install a permanent restroom in Springdale Park was continued from the February 14, 2006, DRC meeting, and was appealed to the City Council at the January 18, 2006, meeting.

Consultant Planner Lawrence stated that this application is to allow permanent restrooms in Springdale Park, and the item comes before the DRC to determine if the location is appropriate; if so, to forward recommended conditions of approval to the City Council. Consultant Planner Lawrence stated that on December 16, 2005, the Planning Director approved two site development permits for prefabricated restrooms in Argonaut and Springdale Parks, which were both subsequently appealed by Mayor Vali-Cave.

Consultant Planner Lawrence described the restrooms which have already been installed on a permanent concrete foundation near the southeast corner near the tot-lot. It is approximately 84 feet from the closest residential lot in Cantora, and 113 feet from the Springdale Place cul-de-sac, but has not been connected to utilities and is not operational. He stated that Cantora residents expressed concern about the location of the restrooms via petition, correspondence, and personal comments at the January 18, 2006, Council Meeting, and since then.

Consultant Planner Lawrence stated that the restrooms could generate noise, but that would be overridden by ambient park noise. The structure has impacted the view of some Cantora homeowners, and that has been depicted in the photo log. It is proposed the restroom will be locked by 10:00 p.m. to avoid noise and undesirable activity at night. Consultant Planner Lawrence stated that residents would speak about their concerns and how they have been impacted.

Consultant Planner Lawrence stated that Staff recommends the Development Review Committee (DRC) review the project and forward a recommendation to City Council. If the recommendation is for approval, the conditions of approval are included in the Staff Report.

There being no questions from the Committee, Chair G. Garcia called the applicant to the podium.

Speaking on behalf of the applicant, Aliso Viejo Community Association, and representing AVCA's Board of Directors, Judy Fouladi, stated that the applicant urges the approval of the restroom facility as per the original site development permit approved by the Planning Director. Regarding the landscape and viewscape changes to Cantora residents, Ms. Fouladi stated that AVCA is prepared to install designer landscaping and has conveyed the same to affected Cantora residents. Ms. Fouladi stated that AVCA General Manager, Jim Gesner, would answer any technical questions.

Committee Member Trottier questioned whether the landscaping would be installed adjacent to the houses or the restroom structure. Mr. Gesner answered that the ideal plan is to silhouette the structure facing Cantora and add additional trees along the sparse areas to the rear yard fences of Cantora on AVCA property.

In response to a question from Chair G. Garcia, Mr. Gesner described the landscaping around the building's cement walkway, as Pepper trees in a crescent shape, with medium-height hedge material, then a lower growing material adjacent to the grass for a three-tiered effect in sight of the homes. He also stated that AVCA will plant trees in the sparser areas, as well as additional plant material if so desired by the Cantora residents.

Committee Member Koszarek asked why this park was selected over other larger parks. Mr. Gesner stated that of the 21 parks, only 3 have restrooms, and at this particular time Springdale and Argonaut Parks were chosen because they were the easiest and most expedient to install the restrooms.

Committee Member Beauchamp asked if a parking lot was to be built adjacent to the restroom in Springdale Park. Mr. Gesner stated that there is no plan right now to install anything but that the Master Plan provides that 2 tennis courts, a parking lot, and a baseball field will be installed in the future.

Committee Member Koszarek asked if the 2 tennis courts, parking lot, and baseball field will be installed on the same level in Springdale Park as is the playground area in place now.

Mr. Gesner said that the parking lot would be on the same level as the playground area, but behind the park. Mr. Gesner also said that a need analysis has been done which the City is not privy to. Mr. Gesner stated that there is a demand by soccer and little leagues for additional fields and that the needs analysis determined there is a need for an additional 5 baseball, 2 softball, 40+ tennis courts, and 3 soccer fields. AVCA is limited on where those fields can be located since the County took back 3,400 acres from the Mission Viejo Company and Shea Properties. To meet the needs of the community, AVCA is trying to disperse the amenities and particularly tennis courts throughout the community.

Committee Member Koszarek asked if the proposed parking lot will be right next to where the Bathroom would be. Mr. Gesner said no, the parking lot would be placed on the left hand side of the park by the St. Moritz apartments.

For the record, Chair G. Garcia stated that in November 2005, when discussions were originally taking place, no mention of a parking lot was made, and that there has been no application made for anything other than a restroom. Therefore, discussion today would be limited to the restroom issue only and whether or not this restroom is appropriate in this park and in this location.

PUBLIC COMMENT

Brian Lambertson's home is adjacent to Springdale Park, and he believes restrooms should not be installed in small neighborhood parks such as Springdale, which is only 3.9 acres and is the fourth smallest park in AlisoViejo. Mr. Lambertson is not opposed

to restrooms in larger parks but they do not belong in small neighborhood parks. Mr. Lambertson stated that AVCA's postcard survey was not accurate and was a misleading attempt to justify poor planning for the restrooms proposed for Springdale and Argonaut Parks. Mr. Lambertson also stated that the AVCA survey results fail to point out that the positive responses included additional comments about being in favor of bathrooms, but not in this location. The Cantora neighborhood circulated a petition throughout the neighboring community and obtained responses from 75% of the neighborhood. The results of this petition are that 95% of Cantora residents oppose a restroom and parking lot in Springdale Park. Mr. Lambertson stated that Springdale is not a Sports Park and is only a neighborhood park. Mr. Lambertson was concerned about the park closing at dusk, yet restrooms would be locked at 10:00 p.m. The restroom is about 100 feet from his bedroom window. He stated that he met with AVCA representatives and identified 5 or 6 larger sports parks which were in greater need of a restroom and would benefit from restrooms and have little or no homeowner impact. Mr. Lambertson was concerned that approval of the bathroom would send a message that projects can be rushed into place with inadequate planning and instead the DRC should recommend that AVCA submit plans for relocating the bathrooms to more appropriate parks, with greater need and little or no homeowner impact.

Donna Ogilvie stated she does not live in the Springdale area, but is concerned about this process as this will set precedence. She asked, What is the nature of changing the character of a park? Ms. Ogilvie pointed out that the DRC had asked for improved plans with an improved location at the last meeting of the DRC on this topic held February 14. She pointed out that the restroom is still in place and that the DRC probably had not received the new plans for an improved location. She expressed concern about the cliff behind the restroom being a safety hazard as well as it providing concealment for someone hiding in wait. She asked if CEPTED conditions were met, i.e., lighting, locking the facility, police patrol. She also asked if the fire master plan had been submitted, and requested that a decision not be made which relies upon AVCA's promises to landscape, or promises to listen to homeowners. Ms. Ogilvie also pointed out that planting more trees would destroy more views and negatively affect property values

Committee Member Whitman left the dais at 3:35 p.m. and returned at 3:40 p.m.

Ms. Ogilvie then read a letter from Joanie Triestman, 24 Southern Hills Drive, a resident of the Alta Vista neighborhood, which is not near Springdale Park, who could not attend the meeting. She spoke about the postcard survey conducted by AVCA, which was sent to residents of Alta Vista and which she feels is not valid. She stated that Mr. Gesner told her that the postal people made a mistake and he has no idea why the AVCA postcard survey was sent to her neighborhood and he would not publish the results. She believes the survey should be formalized and conducted independently from AVCA to consider proximity to a park and then have results published.

Jerry Levy prefaced by acknowledging that homeowners on Meadowbrook and Mayfair recognize it is a City park, not personal property, and as a group are ready to

compromise for what is best for the City. In November 2005 he asked Mr. Gesner if he would meet with owners, but was instead told Mr. Levy should have read the Master Plan before moving into his home. Mr. Gesner also told Mr. Levy that the City had approved the restroom already. In regards to location, he was told that the Sheriff's Department had approved only this location and that other locations would provide a place for people to hide behind the restrooms. Because the current location makes it impossible to patrol the bathroom from a patrol car, Mr. Levy was stunned to hear this. In response to his concerns about all night lighting by the residences, Mr. Gesner also told Mr. Levy that there was only going to be one small light near the entrance. However, there are lights all around the proposed structure. Mr. Levy attended a subsequent AVCA meeting and stated that Mr. Gesner formally and incorrectly announced that no complaints had been received regarding the restrooms. After much correspondence, Mr. Elnaccash and Ms. Fouladi from AVCA went to view the site, and upon seeing the restroom's location, Judy Fouladi apologized, stating she had "no idea" that the restroom was going to be placed where it is now. Elnaccash and Fouladi both admitted they did not go to the park to look at the location before they voted for it and they would relocate the restroom and probably put it into a Sports Park where it was needed. Later, they reneged on these promises. Mr. Levy then discussed an article written by Judy Fouladi in AVCA's publication where no mention was made of residents' negative opinions. Mr. Levy stated that residents of Mayfair and Meadowbrook are in favor of restrooms in sports parks and thanked DRC and Council Members who returned his calls.

Mary Barnes, 22 Mayfair, said her home is one of the most impacted. She purchased her condo based on the location and paid a premium price for a view overlooking a greenbelt area and Saddleback Mountain. Her view is now of a three-stall restroom. She is concerned about vandalism, traffic, potential crime, vagrancy, graffiti, and devaluation of her property. She complained about the lack of Due Process. She suggested moving the restroom to an area where criminal activity could be curtailed. Sexual predators can exit quickly and never be identified because an assailant doesn't have to go through a public area. She said throwing money at a problem will not solve it.

Melba Capuano thanked the Committee and stated for the record that her home does not face the restrooms, the lights won't bother her, but she wanted to comment in objection to the restrooms. The first sign or notice of the restroom was in the first week of October. There was plenty of time to give notice to the residents and to listen to the community most affected by the plans of AVCA, but notice was not given. She has been involved since the beginning of the bathroom installation but feels her comments have fallen on deaf ears. AVCA and Merit would have been applauded if the restroom had been installed at a sports park that doesn't face homes, has paved parking, and only has port-a-potties. The new restroom will be available to pedophiles, homeless, and rapists; she mentioned that two women were attacked last week. Kids will use the facility to drink, use drugs, and have sex. Ms. Barnes asked that the DRC listen to homeowners.

Xiomara Hiller thanked the DRC as the only avenue for what she called the impact of AVCA's mismanagement. Ms. Hiller also referenced the last DRC meeting and commented on statements and concerns expressed at that time. When Committee Member Trottier questioned the location, Ms. Hiller heard that it was an "easy" choice rather than selecting the best sports park, or the easiest for homeowners and children. Did Committee Member Pivaroff receive a fire master plan review? Ms. Hiller questioned the 10:00 p.m. restroom closure, when the park is closed at dusk. Were Committee Member Beauchamp's concerns about lighting and landscaping addressed? The slope next to the restroom is too close to the tot-lot. She questioned how this can be the safest location, particularly if it is landscaped to where it will hide activity around it. Lastly, she mentioned that a 3:00 p.m. meeting time is difficult for some residents to attend.

Stephanie Bennet is a resident of Vista Point Ridge and spoke about a postcard survey that AVCA sent out on February 13, 2006, to homeowners. Ms. Bennet believes the survey is no longer valid and should be re-taken.

Susie Abrahams is a resident of Vista Point Ridge and came to speak in opposition of the restrooms. She stated that there was no due process and no adequate homeowner input. Although AVCA invites homeowner's comments, she believes AVCA does not listen to what the community truly wants. She pointed out that a recent survey indicated the number one priority was to add no further improvements to the parks, and the number two priority was to put in swimming pools. The agenda of AVCA to put restrooms in every single park is not a community agenda but only an AVCA agenda. She personally went to the park and met with residents who voiced their objection to the location of the restrooms. Ms. Abrahams believes a decision to approve the restrooms will set a precedence for future improvements.

Craig Staller lives at 43 Mayfair in Cantora. He is not directly affected by the lighting or the view of the restroom location, rather he is a frequent Springdale Park user. He uses the park daily and in speaking with other dog owners, everyone enjoys the park as it is. He is concerned that there is no oversight monitoring of AVCA. He believes that installing the bathroom sets precedence that the City of Aliso Viejo will have regulations for permits, but will not enforce them.

Ross Chun, is the delegate representative for Pacific Grove, and is a frequent user of Springdale Park. Although there are concerns over the view, his concerns pertain to safety. He is concerned about the location next to a very steep grade and irrigation trench and the orientation of the building to the cul-de-sac because the police cannot see the activity going on behind the restroom. He believes adding the landscaping will exacerbate the problems by masking the entrance and obstructing the view to illegal activity. He thanked the Committee for listening to the residents and pointed out that the concern is community wide and not just in Cantora.

Sharon DeJean-Murray said she understood that AVCA did not actually conduct the survey, rather it contracted a professional company, which also conducted a telephonic survey. She said AVCA is duly formed non-profit entity and the only committee which oversees AVCA is composed of the delegates from each community. She said that if one doesn't report vandalism, it will occur and if one builds a field the athletes will come. She stated that the little league enrollment has increased to the point of creating an additional league in Aliso Viejo, that athletes have progressed to an international level and are currently entertaining surrounding leagues, as well as, overseas visitors. She said that all of the parks are for use by all of the membership. She views the restrooms as three open doors to pregnant mothers, to children, and to visitors. Ms. DeJean-Murray stated it is one's responsibility to report vandalism and criminal activity, and not become a victim nor cry victim if one is not willing to help oneself. One could spearhead a local neighborhood park watch and coordinate walk-through; be vigilant about calling police and traffic patrol. After personal inspection, she stated the views are not of the mountain, rather landscape and the landscape will be enhanced. Regarding the cliff/slope, she does not recall any other park having fences around them and believes some of the park amenities are probably more dangerous than the cliff. She disagrees with residents who state there has not been enough time to be heard, as she has personally attended the meetings and placed her name on mailing lists.

Carla Wyffels, a Vista Point Ridge homeowner stated she purchased her home based on the view of *Canyon View Park*, and would not have bought it knowing that a parking lot, restroom and tennis court would be installed. She paid a premium for the home and although she is a real estate agent, did not read anything, nor was told about these facilities. She stated she has never been notified by AVCA and wants to ensure homeowners are heard and emphasized it is a community park. She will ensure her neighborhood is educated on similar issues pertaining to her park.

Chair Garcia thanked the speakers and closed Public Hearing. Chair Garcia said she wanted to talk about the process issue since it had been brought up at this meeting. The City's implementation process is governed by codes and ordinances, and AVCA has its own rules it must follow, of which she is not familiar. Since the City's Conditions of Approval were mentioned at this meeting, Chair G. Garcia said that one could apply for a building permit and obtain an administrative approval if no special clearances, such as zoning, are required. In this case, a discretionary permit was issued in December 2005, with a list of 39 Conditions of Approval which needed to be met before approval could be granted. The conditions are generated through Police Services' Crime Prevention Through Environmental Design (CPTED), and could include grading, water quality, building code, and Orange Co. Fire Authority. She stated that some conditions for the restrooms are still incomplete.

Committee Member Trottier asked about process for duly noticing a meeting. Chair G. Garcia stated that typically a 300-ft. radius and site map are submitted, and the applicant provides the mailing labels, as was done by the applicant here, for the Director's approval. The Administrative Approval does contain Conditions of Approval, which were fashioned after the previous approval for the Ridgecrest Park restrooms,

including 39 conditions. The mailing was conducted, a notice was posted at City Hall, the library, and Sheriff's Department, and a legal notice was published in the newspaper.

In response to a question from Committee Member Trottier, Mr. Gesner stated that he generally agreed with the Staff Report, but objected to adding a baby changing table because restrooms have a continuous stainless steel tabletop which serves that purpose, and objected to magnetic clock closure at 10:00 p.m., as the park closes at dusk.

Discussion followed regarding the Master Plan which was approved by the Orange County Board of Supervisors in the 1980's for the Mission Viejo Company plan, stating that it and Shea Homes would meet or exceed all Resolution requirements. A subsequent study AVCA commissioned a study in 1995 and 2000 to reaffirm and establish the needs of the community based on statistical analysis and demographics. Mr. Gesner did not know if there were separate definitions for a sports park and a neighborhood park in the original plan, but in the 2000 study, there were general definitions describing a community park vs. sports park, and description of greenbelts. Mr. Gesner stated that this park was not specifically designated as a greenbelt.

Discussion followed regarding ambient noise, children who frequent the park, the proximity of the restrooms to the slope, and if any study was done for slip stability. Committee Member Whitman stated that one of the conditions for placing the restroom in the proposed location is a geotechnical condition where the applicant provides assurance from geologist assuring the slope is stable.

Committee member D. Garcia asked if the DRC was charged with the responsibility to determine if the location of the restroom is appropriate and what the criteria would be for that.

Chair G. Garcia responded that there might be a changing character of the park as the community grows and is built out, if there are more children using the park for sports activities. She believes Springdale started out as a pocket park and over time evolved into a park that they use the turf for practicing soccer to meet the needs of the community. Part of the criteria is whether use of the park is so heavy that it requires a restroom, or if there's another park with greater need for a restroom. Chair G. Garcia is not aware of what is on the master plan that AVCA is to be unveiling. She is thinking that the community would like to keep Springdale as a tiny little neighborhood park and should not be a sports park. Whether it is in need of a bathroom is part of the question.

Committee Member D. Garcia clarified if the decision also includes recommending the restroom be placed in another park altogether. Committee Member D. Garcia then asked Mr. Gesner if the decision of AVCA to place the restroom in Springdale was made even before determining the needs of, or notifying, the immediate neighborhood impacted by this restroom.

Mr. Gesner stated that a restroom, parking lot, tennis courts, and ball fields were scheduled for this park based on statistical analysis performed by RJM Design Group in 1995, and the Cantora Board of Directors went on record in 1996, 1997 and 1999 requesting AVCA expedite the development of that park. Mr. Gesner acknowledged he received a report from Cantora residents against the restrooms at that location, however, had not studied it and could not comment. Mr. Gesner claimed that the restroom and parking lot have always been included in the master plan. He also stated that the rest of the City wants the restroom. Committee member D. Garcia then stated that he had not heard anyone say that. Mr. Gesner then stated that he has a survey he did for Springdale that shows 77% preferred a restroom and 33% (*sic*) did not.

Committee Koszarek reminded the DRC and the applicant that he had asked at the February meeting for a report on how the parks are currently used, but he has not been provided with that information. He visited the park today and believes the location is too close to homes and inappropriate, however, if it must be installed, then he recommends closer to the street near the swings and against a slope, even assuming that a restroom is necessary. He added that Springdale is certainly a neighborhood park today. Adding a parking lot and restroom would turn Springdale into a very small sports park and current opinion should be considered versus information from 10 years ago.

Committee Member Beauchamp stated that she and Lt. Paddock met with Mr. Gesner at the site and was told that a parking lot would be adjacent to where the restroom structure is located today. It was with that understanding a decision for the restroom location was made, and she is now learning, months later, that a parking lot will not be installed there. She walked to the property line and states that Springdale is a neighborhood park. She believes that adding more trees and hedge rows will affect the views and agrees the location of the restroom should be moved. Before approving any site, she needs to see plans describing landscaping, lighting, convex mirrors, etc.

Committee Member D. Garcia stated that he is not in favor of the restrooms in that park at all, and believes that, as Mr. Gesner stated, it was only placed in Springdale park because that location was convenient. Committee Member D. Garcia believes it does not belong in Springdale Park even if it is now inconvenient for AVCA to relocate it.

Committee Member Trottier agreed with Committee Member Beauchamp that landscaping as a mitigating measure doesn't serve the purpose and moving it to another park is an option. She doesn't understand why the DRC does not have a master plan for the parks and there is no explanation in the staff report of how this park fits in with the master plan. Committee Member Koszarek agreed and pointed out that while this may have been an easy park to put a restroom in, there appears to be other parks that are sports parks that could use a restroom now. Committee Member Trottier clarified that she is not saying that Springdale does not need a restroom but that there has been no evidence presented to her, other than what AVCA has said, that substantiates putting restrooms in Springdale Park.

Committee Member Koszarek pointed out that a parking lot would not fit the park, if fields and the restroom are put in, without the park being too crowded. Also, there is a restroom in the nearby park down the hill (Woodfield Park).

Chair G. Garcia stated that in December when staff received the two applications for Argonaut and Springdale Parks, it was Staff's intention to facilitate the installation, and took it in good faith that proper outreach and proper noticing was conducted by AVCA. It was later determined that many homeowners were not informed of the plans. If proper noticing and proper outreach had been done, then perhaps we would not be here today. She believes the restroom would be better suited in a park where hundreds of children play sports and Springdale Park is a neighborhood park, not a sports park, so the restroom will get more usage and the community will get more bang for its buck.

Chair G. Garcia commended AVCA for commissioning the study to determine what the community needs, however, recommended further investigation if, in fact, what is proposed is what meets the community needs.

Mr. Gesner stated that pages 3 through 29 of the packet presented to the DRC is a portion of the 2005 master plan and that this portion of the master plan will not change. Mr. Gesner stated that the *2005 Park Master Plan* will be reviewed by the delegates and membership before it is publicly released. Mr. Gesner stated that a meeting was held with the Cantora board members in October 2005 to explain the options. AVCA has no objections to placing the restrooms in any other location within the park, and sees a legitimate need for the restrooms.

PUBLIC COMMENT

Chair G. Garcia took further comments from residents, which all spoke in opposition of the restrooms in Springdale Park. Melba Capuano stated that Mr. Gesner has never produced the documents he claims to have about the Cantora Board of Directors going on record in 1996, 1997, and 1999 as requesting AVCA to expedite the development of that park. Alternatives are to move the restroom to the opposite side of the cul-de-sac, relocate it to another sports park, or allow it to remain in present location.

Committee Member Trottier then stated that she still feels that there's an information gap, including such things as a good understanding of what the usage of this park is, which information is useful because it demonstrates a need for facilities at the park. Also, it would have been important to have a master plan here so we could determine the type of park it is. Also, she has no idea what the acreage of the park is, and there still isn't a site plan that meets the standards necessary for site plan review with the City. Therefore, Committee Member Trottier was not prepared to make a decision.

A MOTION was made by Committee Member D. Garcia to recommend to City Council removal of the restrooms from that site and suggested possibly moving it to Woodfield Park or Aliso Canyon Community Park. Committee Koszarek stated that not enough

information has been provided to determine which park the restrooms should be moved to, but seconded the motion to recommend removal of the restrooms from Springdale Park and relocate them to a sports park.

AYES: Committee Member Beauchamp, Committee Member D. Garcia, Committee Koszarek, Committee Member Whitman, Chair G. Garcia

NOES: None

ABSTAIN: Committee Member Trottier

ABSENT: Committee Member Hiller, Committee Member Pivaroff

Chair G. Garcia thanked everyone for attending the meeting and stated that she believes AVCA is trying its best for the community and recommended AVCA conduct more workshops to include community input for future facilities.

ADJOURNMENT

There being no further business to discuss, Chair Garcia adjourned the meeting at 5:01 p.m.

Submitted by:

Approved by:

Lilia Peterson

Eugenia Garcia, AICP
Chair