

CITY OF ALISO VIEJO
DEVELOPMENT REVIEW/SUBDIVISION COMMITTEE MEETING
AUGUST 22, 2006

MINUTES

Call to Order

Chair G. Garcia called the Development Review/Subdivision Committee Meeting to order at 3:17 p.m.

Roll Call

Present: Committee Member Beauchamp, Committee Member Lynne Pivaroff, Committee Member Trotter (arrived at 3:19 p.m.), Committee Member Whitman, Chair G. Garcia

Absent: Committee Member D. Garcia, Committee Member Hiller, Committee Member Koszarek

Approval of July 25, 2006, Minutes

A MOTION was made by Committee Member Beauchamp to approve the Minutes of the July 25, 2006, meeting as submitted. Seconded by Committee Member Pivaroff, Motion carried.

Site Development Permits SDP06-11 and SDP06-12

A request submitted by Merit Property Management on behalf of the Aliso Viejo Community Association (AVCA) to install permanent restroom facilities at Foxborough and Pinewood Parks. Pending their permanent locations, the two restrooms are currently stored at the Aliso Viejo Ranch, located at Park Avenue and Cedarbrook.

Chair G. Garcia stated that the City Council held a Special Meeting on July 5, 2006, regarding disposition of the restrooms which, at the time, were located elsewhere. The City offered to temporarily store the restrooms until the issue of permanent locations could be resolved. Final concurrence at the meeting, which included Mr. McKenney and Mr. Chun from AVCA, was that new applications would be submitted for two parks, with the additional option to submit four locations as alternative sites. As a result, the two applications before the Committee were submitted for Pinewood and Foxborough Parks.

Consultant Planner Lawrence stated the applications were for site development permits for installation of permanent restroom facilities at Foxborough and Pinewood Parks, which are 256 sq. ft each and made of prefabricated concrete block. He said the purpose of today's public hearing is to determine whether the locations for permanent facilities are appropriate, and if so, recommend the conditions of approval to City Council.

The Foxborough site is surrounded on three sides by open space and a school. The nearest residential area is The Islands development on the west side, approximately 350 ft. horizontally and 70 ft. above the restroom site. Staff believes the proposed Foxborough Park is compatible with adjacent land uses.

Pinewood Park is separated from residences by its sports fields and by Cedarbrook. The nearest Glenwood Village home is more than 166 ft. away, and the Glenwood Terrace homes are more than 173 ft. away across Cedarbrook. He said placement of the restrooms could affect nearby homes in that restroom usage by persons outside the neighborhood could create problems such as noise, vandalism, and crime. Letters, both in favor and against the restrooms have been received.

Consultant Planner Lawrence stated that Pinewood Park is 14 acres in size, including its slopes and it has two softball fields. The usable area, however, is substantially less due to the slopes and because it is surrounded by homes. The park functions as a neighborhood park as much as it does a community or sports park; thus, it might not be the best location for restrooms compared to the larger sports parks in Aliso Viejo that do not have restrooms.

Committee Member Trottier asked the name of other potential sports fields. Consultant Planner Lawrence suggested Woodfield and Creekside Parks. The restroom would be visible from Cedarbrook because it is proposed near the street due to safety considerations. Visual impacts would be similar to that experienced when the restrooms were stored in the adjacent parking lot; view impacts from homes should not be significant because of the distance and surrounding trees. Staff recommends the Committee review the proposed restroom locations and forward a recommendation to City Council, along with the Conditions of Approval.

Chair G. Garcia then invited the applicant and/or representative to comment. Representing the AVCA Board, Vice President Larry McKenney stated that at the aforementioned Council Meeting it was agreed the restrooms would be moved into temporary storage according to schedule, and that AVCA would commit to implementing an extensive outreach effort. Mr. McKenney wanted to present an update on those efforts.

McKenney stated that AVCA exceeded the minimum requirements for outreach, notifying homeowners and sub-associations adjacent to all four of the locations that were considered for restrooms. Two meetings were held specifically for Board members and delegates a few weeks ago, and a meeting was held for homeowners last night where more than 1,000 letters of invitation were mailed. Excluding the number of residents who attended both meetings, a combined total of approximately 15 residents participated at both meetings. The largest number of comments were received in opposition of the Pinewood site.

The AVCA Board of Directors (Board) discussed how it will proceed and committed not to make a Board decision until public outreach is concluded. The Board

advised City Council that the subsequent DRC meeting would also provide valuable input. The Board also committed that the sites would be personally examined. AVCA is seeking approval of the permit applications, however, the Board has not made a final decision on locations.

Mr. McKenney's comments regarding the Staff Report were that Pinewood Park is a modest-size park, surrounded by residential area that uses it as a residential park; however, a substantial area consists of softball fields and thus fits the definition of sports park. Other examples of sports parks that could use a restroom are Creekside, which has more plumbing connection challenges than Pinewood, and Woodfield Park.

McKenney urged the Committee to make a recommendation based on technical review of the merits of the proposed sites before the DRC and not based on prioritization of which other sites might be available. The Board is looking at long-term needs and considering restroom installations at other sites, however, today, the permits for Pinewood and Foxborough Parks are before the Committee for consideration.

Committee Member Beauchamp was concerned about the size of the restroom. Notwithstanding ADA requirements, she believes the restroom is massive compared to other restrooms, and asked why they are so large.

McKenney stated that the main concern was a facility large enough to meet ADA requirements, which existing portable restrooms do not, and that the industry norm is for the women's facility to be more spacious than the men's. Additionally, these are the restrooms that are currently owned and have to work with. Committee Member Beauchamp asked if in the future, and complying with ADA requirements, smaller prefabricated restrooms might be available.

Committee Member Trottier asked the designation of Cedarbrook. Committee Member (and City Engineer) Whitman said that it is a collector road. Committee Member Trottier also asked if the Park had a specific designation and if it had dug-outs. Consultant Planner Lawrence stated that he was not aware of an official designation and that Mr. McKenney was correct in stating that the park was virtually all softball fields; there are two. Consultant Planner Lawrence stated there are fourteen acres gross, and it is approximately 10-11 acres without the slopes. McKenney stated there are no dug-outs; it has improved infields with fencing, backstops, and bleachers on two baselines for both fields that are separated by concrete.

Committee Member Whitman inquired about negative comments regarding Pinewood and asked McKenney to explain why Pinewood is considered as the best location for the restroom at this time. Mr. McKenney stated that AVCA received one positive comment about Foxborough Park; negative comments received about Pinewood were for a variety of reasons, e.g., park usage didn't warrant restroom, sight problem, not aesthetically pleasing, magnet for vandalism, encourage vagrants and teenagers to hide out, etc. There was also comment from residents who supported a restroom at the park, but it's too large, not in the best location and should be moved to the back where

the portable restrooms are now. AVCA is awaiting official input from the Sheriff's Department for the best location and from previous experience, public safety officers prefer it in a location which can be easily patrolled. Mr. McKenney said that at each of its public meetings, AVCA always mentions there is a trade-off between aesthetics and safety.

Chair G. Garcia referred to a permit that she and Committee Member Whitman are working on wherein the CC&R's require ballots to every homeowner of the respective association before the HOA board takes a vote. Considering all meetings regarding this issue, she asked whether AVCA thought about a similar mailing in light of comments received by Chair G. Garcia that some residents are in favor of restrooms in the park.

McKenney said that meeting attendance was disappointing and he would be concerned that balloting for this type of issue would be very complex in getting people to vote on each individual site. The reality is that the homeowners closest to the parks have a very strong interest in what happens in those parks, and their views need to be weighted. He said that all the homeowners in AVCA are paying for the development and maintenance of the parks, as well as using them, and should get the benefit from the parks. Aside from being very expensive, it would be difficult to get accurate results via a referendum; therefore, AVCA hasn't attempted it. The traditional model has been to rely on an elected Board to make those decisions with the public's input.

Public Comment

Chair G. Garcia called Mr. Brett Goellner to speak. Mr. Goellner thanked the Committee and stated it is not "them against us, or us against them" attitude. He said that homeowners in Glenwood Village, Glenwood Park and Glenwood Terrace, believe that the high usage of the park is not accurate and hasn't be for the last five years. He said AVCA announced at the meeting last night that it was going to encourage more use of the park. Mr. Goellner said that the park was used previously on weekends for sports from 7 a.m. to 9 p.m.

Mr. Goellner said he and others in attendance, albeit a few, speak loudly in opposition of the location because of potential predators; the park has only 10 parking spaces total and the restroom is too large for the size of the park. Mr. Goellner said he has personally walked the neighborhood and finds the general consensus of the three associations is not opposition of a bathroom in Pinewood Park, rather they are opposed to the location and "the way that it's being handled." He said he didn't like "what was going on in the past." He said they were successful in getting the Glenwood Village Association Board to oppose this since the majority of Glenwood Village residents opposed it. Given more time, he thought he could obtain more signatures in opposition from the Glenwood Park and Glenwood Terrace Associations. He felt the respective Board of Directors would then oppose it as well since they represent the majority of the voters and the homeowners in that area.

Mr. Goellner submitted the petition to AVCA last night at the meeting along with opposition letters from homeowners. He believes the letter from Glenwood Village

Association should have been a stronger statement in opposition. Mr. Goellner submitted the residents' letters to the DRC as a representation of their "voice."

Committee Member Trottier asked Mr. Goellner if he was referring to the proposal in this park when Mr. Goellner commented that he "didn't like what had gone on in the past." Mr. Goellner replied it was the idea of the way that it was placed there in anticipation of permanent placement. Committee Member Trottier asked if he opposed the temporary placement. Goellner replied that 10 months ago, residents traveling Cedarbrook objected to the size of the restroom, wondering if it would stay in their park, and still object to it.

Committee Member Trottier asked Mr. Goellner if he called anyone at the Association to ask them. Mr. Goeller responded that he attended various meeting and reiterated that the restrooms took up 5 of a 10-stall parking lot and would encourage graffiti and vandalism. He said kids had been pushing on the doors and wondering why they wouldn't open.

Responding to a question from Committee Member Trottier, Committee Member Whitman stated that parking is not permitted on streets designated as arterials and, by Council policy, parking is allowed on collectors unless a traffic study deems parking is dangerous. There are certain locations where parking has been, or is being removed because of sight/distance/curvature; however, this is not one of those locations.

Chair G. Garcia informed the Committee that she checked the GIS system and learned there are about 600 homes among the three homeowner associations (Glenwood Park, Glenwood Village, and Glenwood Terrace) and a cursory count revealed there are about 225 signatures on the petition. Mr. McKenney informed the Committee that AVCA mailed 635 member notices.

Chair G. Garcia then invited Robin Goellner to speak at the podium. She stated that she was opposed to a restroom in Pinewood Park, mainly because of the size and the facility is too large for Pinewood Park. She didn't believe that Pinewood Park is being utilized as heavily as it has been in the past. She, too, has walked around the neighborhood speaking to neighbors that overlook that park and commented that usage of the park has dropped due to use of AVCP and the lighted fields. She thought the smaller restroom would be sufficient at that property, something that could be a little bit less conspicuous from the street and for the homeowners that do overlook the property. Ms. Goellner acknowledged that AVCA owns these two specific restrooms that need to be placed but thought Creekside Park's upper and lower areas would be better locations. During soccer time, Creekside will have three simultaneous games and could better utilize this restroom. Also, there are no homes in close proximity. Ms. Goellner concluded that Creekside Park would be better served and a smaller restroom should be considered for Pinewood in the future.

Chair G. Garcia called Donna Ogilvie. Ms. Ogilvie stated that although she does not live in the area, she is an AVCA member, and concerned about the "process." She

stated that, as with Springdale, she asked if the plans adequately showed lighting placement to gauge impact of associated safety issues, and if the Sheriff's department reviewed the placement of both restrooms. Ms. Ogilvie stated her kids play soccer there and questioned whether the school was consulted because safety issues could impact the school. She expressed concern that the Board would announce that 11 people attended a meeting when there is a petition with 225 signatures. She also said it is difficult for residents to attend a 3:00 p.m. meeting. Ms. Ogilvie believes residents have difficulty comprehending issues when it involves letters from Merit, therefore, encouraged the Committee to consider the signed petition and give it more weight than knowing only 11 people attended a meeting.

Ms. Ogilvie said she has not heard much about Foxborough, but is still concerned about the school and where the best location is for the restroom--a limited budget should not be an issue. She thinks AVCA should work with the Sheriff's Department for information on vandalism to other restrooms, such as, Woodfield and Ridgecrest Parks and how well the locks function since the pattern will be repeated with installation of additional restrooms. She wants to ensure our children's safety.

Chair G. Garcia then called Mr. Ruben DeLeon, who stated that he, as Ms. Ogilvie, does not live in the community, but does have concerns about Foxborough School. He also felt the school district should be consulted in determining a permanent site for the restrooms and determine the impact the installation might have, specifically, before and after-school hours. He also is concerned about vandalism, such as that which occurred at Ridgecrest Park.

Lastly, Mr. DeLeon said he was curious about the response rate to the 635 surveys that AVCA mailed as compared to Mr. Goellner's door-to-door survey. Mr. DeLeon said that mailers, by definition, are perhaps one of the worst methods of gathering data.

Chair G. Garcia asked if anyone else wished to speak. With no response, Chair G. Garcia closed the public hearing.

Chair G. Garcia then asked the Committee to discuss a recommendation to City Council after considering these applications to determine whether they are reasonable and are the most appropriate locations for the two restrooms. The restrooms are currently in storage and not a hindrance to any homeowners.

Chair G. Garcia stated that after hearing public comment, a major consideration is the size of the restroom in the smaller park. Woodfield is a huge park and a 3-stall restroom might be a small structure there, whereas, Pinewood Park is a small park by comparison.

Committee Member Whitman wanted to clarify whether the Committee should recommend the best location to City Council or consider Mr. McKenney's remarks asking the Committee to consider the two locations, not necessarily the best of four.

Committee Member Whitman further stated that there had been a comment about the process and wondered whether to base the decision on “process.”

Chair G. Garcia said she reviewed the City Council Minutes and the direction given by Council was to offer the option of two alternatives. Although they could have been submitted, the City did not receive applications for alternative sites. Pinewood and Foxborough Parks are the only two locations to consider whether restrooms are appropriate, and the Committee can recommend approval for one or both. When site plans are submitted, AVCA can return with an application for an alternate location.

Committee Member Whitman stated he felt comfortable about Foxborough, but felt swayed by the signatures obtained for Pinewood Park. Committee Member Beauchamp stated she was opposed to both locations; Foxborough because of the proximity to the school, as well as, from a public safety standpoint because response from fire, police, or medics might be difficult. She felt the restroom is out of proportion for Pinewood Park and a different location might be better served. Committee Member Beauchamp also inquired about the sidewalk area surrounding the structure.

Committee Member Trottier asked on what basis is Pinewood considered a neighborhood park. Consultant Planner Lawrence said he did not know of an official designation, that it is a judgement call whether it is a neighborhood or community sports park because of its intermediate size. Neighborhood parks are usually 8 acres or less, community sports parks are 15-20 acres with multiple playfields—however, this park is smaller but has two playing fields.

Mr. McKenney said that discussion at last night’s meeting included the declining trend in the park’s usage since sports activity that might have occurred here has now moved to AVCP’s softball fields; that it is AVCA’s responsibility to look at current and future trends; and, that the Board will be reviewing scheduling information. Mr. McKenney said he has two pages of licensed usage for the park by the Aliso Viejo Girls’ Softball League, which is quite extensive, and virtually the entire premise is used as a sports field. He believes a park licensed to be used by a sports league, is more important than the overall size of the park. On that basis, Mr. McKenney considers Pinewood Park a sports park.

In response to a question by Chair G. Garcia about soccer practice there, Mr. McKenney stated that AYSO has a usage agreement, which is renewed yearly on a variety of fields, so he was uncertain about the usage status of this field; however, the outfields have, indeed, been used for soccer practice. McKenney also mentioned a comment made by Mr. Gesner last night that his prediction, based on questions posed to Mr. Gesner, that Pinewood Park will be used for T-Ball league in the future. AVCA was accused of promoting the park, when in fact AVCA is trying to plan for what is a likely need for the future. Clearly there is evidence that the fields are used for sports. AVCA acknowledged last night that it doesn’t mean there are organized league-type activities every day, but definitely more than a few times a year and very apparent when there are concerns whether 10 parking spaces will be sufficient.

Committee Member Trottier asked whether the school was notified about Foxborough Park. McKenney said they had not, but was sure that AVCA would be meeting with district representatives. Also, in addition to the homeowner mailings, the four sites have been posted on the website, and announced at Board Meetings during the past month.

Committee Member Pivaroff commented that OCFA requires the structure to be accessible within 150 feet from the access road, and both of these proposed sites meet that requirement.

Committee Member Trottier said that Foxborough Park was very close to the school, which raised a red flag for her and she personally thinks a restroom would be an inappropriate use, although she commented she didn't have too many issues with the site plan.

Regarding Pinewood Park, Committee Member Trottier said it initially seemed close to the street and could understand people objecting. She does not regard Pinewood as a neighborhood park because of its use, sport schedules, and use by boys' little league. The little league just split into two leagues due to a high volume of enrollment and she felt that use of the park is on the upswing. She did question the placement on the site plan and thought perhaps there might be a better location. However, the fact there are two baseball fields, even if they were only used once daily, translates into a minimum of 40 people at that site and justifies a restroom. She does not think it would be used as a roadside rest stop because the access road leading to the park is not an arterial and the majority of the people using the park live in the neighborhood or are going there for a specific reason (sports).

Chair G. Garcia asked Mr. McKenney if it were possible to address some of the safety concerns by moving the restroom closer to the cul-de-sac. Mr. McKenney said it is always possible, but the location of the sewer line needs to be considered. McKenney said AVCA certainly does not want to create a safety issue, and being close to the school is sensitive, however, the benefit is that the school uses those fields as well. AVCA is willing to work with the school and Sheriff's department to find an optimum site for the restroom and achieve a balance of safety and usability within the bounds of the application. Chair G. Garcia stated she would be in support if the school district was comfortable with it since she knows the park is used at peak time on weekends for soccer practice; mothers and small kids during the week; and, after-school use for soccer practice. Mr. McKenney stated that AYSO utilizes the park in the afternoon as does the high school. As a result, AVCA is considering expanding its formalized joint use agreements and believes the school should not have a problem with the restroom there.

Regarding Pinewood, Chair G. Garcia stated she looked at restrooms in comparable sized parks in other cities. A restroom in Pinewood would be nice and agreed with Committee Member Trottier that more children in Aliso Viejo bring more sports programs. When the parks were built, the Mission Viejo Company projected them to be

neighborhood parks and could not have foreseen the number of children that need recreational activities today; every inch of turf is being used in Aliso Viejo. She firmly agrees a restroom is needed, however, believes the size of this restroom is too large for the park's acreage.

Whatever the location of the restroom placement, children will always be attracted to play around them. There will always be vandalism, even the port-a-potty which is there gets vandalized and that cannot be avoided.

Committee Member Whitman stated that the pool center and the structure across the street are on the same scale and, therefore, not inappropriate at Pinewood. What swayed him is the fact that more than 230 people signed the petition in opposition of the restroom. During discussion, it was discovered that Mr. McKenney had not been given a copy of the petition until today. Mr. Goellner showed the petition at last night's meeting but refused to give AVCA a copy, AVCA has not had a chance to review the petition to determine who the signatories are and where they live. He opined that a survey reflecting a 220:2 response was rather suspect. Mr. McKenney stated that taking a survey of 220 people in this community and getting that unanimity makes him wonder how the question(s) were posed. He said he is not criticizing the issue, but before placing such positive weight on a survey that was done on a petition is worth consideration. He further stated that AVCA values the input, but reminded the Committee that AVCA mailed over 600 letters for sites around Pinewood and only 15 people showed up at the hearing to express views.

Chair G. Garcia thought it was in the best interest to continue the site development permit for Pinewood Park in order for AVCA to consider the signed petition. Mr. McKenney said that he would rather continue than be denied, and didn't want to move ahead in opposition of public opinion, but seriously questioned how it could be weighed at this point. He said AVCA will take the time to obtain more public input. He also reminded the Committee that the restrooms are stored on City property and if that were to become an issue, the license agreement has to be extended. AVCA will discuss the optimum location for the restroom with the school and Sheriff's department.

Mr. McKenney reiterated what he has stated at all the public meetings: this is not a homeowner referendum, it is a decision the Board has to make and the DRC is charged with making a recommendation based on a variety of factors, e.g., technical and aesthetic, etc., not by who attends the meeting and speaks the loudest.

A MOTION was made by Committee Member Whitman to recommend approval of the Foxborough Park site subject to discussion with the school and to allow AVCA additional time to look into petition which just came to light. Also that DRC recommends City Council be amenable to the timeframe required for storage of the restrooms at the Aliso Viejo Ranch. The Motion was seconded by Committee Member Trottier. Motion Carried.

Chair G. Garcia will advise AVCA when Foxborough will be placed on the Council Agenda and, in the interim, requested Mr. McKenney to work with the school district and update Staff on the outcome.

Chair G. Garcia thanked everyone for attending and adjourned the meeting at 4:24 p.m.

Submitted by:

Reviewed by:

Lilia Peterson

Eugenia Garcia, AICP
Chair