

CITY OF ALISO VIEJO  
CITY COUNCIL MINUTES

ADJOURNED REGULAR MEETING  
JANUARY 16, 2008, 6:00 P.M.

TechSpace, 65 Enterprise, First Floor  
Aliso Viejo, California

CALL TO ORDER: Mayor Phillips called the Adjourned Regular Meeting of the City Council of the City of Aliso Viejo to order at 6:00 p.m. The meeting was held at TechSpace due to the remodeling of City Hall and Council Chambers.

ROLL CALL: The Mayor requested the Interim City Clerk to call the roll.

PRESENT: COUNCIL MEMBERS: WILLIAM PHILLIPS  
DONALD A. GARCIA  
CARMEN CAVE  
GREG FICKE  
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: MARK A. PULONE, CITY MANAGER  
SCOTT SMITH, CITY ATTORNEY  
LINDA D. RUTH, INTERIM CITY CLERK

PUBLIC COMMENTS: The Mayor asked if anyone wished to address the City Council on the below listed Closed Session matters; there was no response.

CLOSED SESSION: The Mayor declared the City Council recessed into Closed Session at 6:02 p.m., to consider the following matters:

1. Public Employee Appointment, City Clerk, pursuant to Government Code Section 54957.
2. Conference with Legal Counsel—Anticipated Litigation: Initiation of litigation, one potential case, pursuant to Government Code Section 54956.9(c).
3. Public Employee Performance Evaluation: City Attorney, pursuant to Government Code Section 54957.
4. Conference with Real Property Negotiators: City Manager, City Attorney and Public Works Director, City negotiators, and CR&R Waste and Recycling Services, negotiating party, relating to duration of use and terms of payment for use of all streets, rights of way, and easements within the City, pursuant to Government Code Section 54956.8.

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AFTER CLOSED SESSION: The Mayor reconvened the meeting at 7:20 p.m., welcomed the public to the meeting, and requested the Interim City Clerk to call the roll.

PRESENT: COUNCIL MEMBERS: WILLIAM PHILLIPS  
DONALD A. GARCIA  
CARMEN CAVE  
GREG FICKE  
PHILLIP B. TSUNODA

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: MARK A. PULONE, CITY MANAGER  
SCOTT SMITH, CITY ATTORNEY  
LINDA D. RUTH, INTERIM CITY CLERK  
GLENN YASUI, DIRECTOR OF ADMINISTRATIVE SERVICES  
GENIA GARCIA, DIRECTOR OF PLANNING SERVICES  
GENIA THARANI, DIRECTOR OF FINANCIAL SERVICES/  
CITY TREASURER  
JOHN WHITMAN, CITY ENGINEER/PUBLIC WORKS DIR.  
HELEN WILSON, DIRECTOR OF COMMUNITY SERVICES

PLEDGE OF ALLEGIANCE TO THE FLAG: Orange County Fire Authority Chief Chip Prather led the assembly in the Pledge of Allegiance to the Flag.

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION: City Attorney Scott Smith stated there was no reportable action taken in Closed Session.

### SPECIAL PRESENTATIONS

1. PRESENTATION OF SHERIFF BADGES: Orange County Sheriff Department Lt. Rich Paddock, Chief of Police Services, presented Mayor Phillips and former Mayor Cave with new badges reflecting their new offices.

2. NEW MAYOR'S COMMENTS: Mayor William A. Phillips welcomed and wished everyone a Happy New Year; thanked his colleagues in advance for the time and effort they would expend in 2008; thanked Staff for their patience during the remodel of City Hall and noted the next City Council meeting would be held in the Council Chambers of City Hall; noted that in 2008, the conference and aquatic centers, the hotel and health club, continued job creation through Pacific Life, and completion of the first trail around Town Center would come to fruition.

Mayor Phillips noted that 2008 would also be a year for laying the groundwork for future long-term projects such as continuing to develop the joint use program with the schools

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and their field space; making the community a healthier and more sustainable one; improvement of the Ranch site of which he invited the public to actively participate; and animal care service issues. Mayor Phillips pointed out a milestone in the City's history—this year the City would be making the last payment to the County on revenue neutrality and commended the City team for their commitment to achieving that goal. He noted the City would have more financial freedom to do some of the projects they have had to postpone.

Lastly, Mayor Phillips pointed out that the United States Postal Service (USPS) issue was still at hand. He encouraged the community to remain active in the fight to preserve the quality of life in the City, noting the issue was as big as the recent El Toro Airport fight.

Mayor Phillips emphasized that 2008 would be a year of many challenges and that the City Council, Staff and community needed to all work together.

**3. COUNCIL RECOGNITION AND PRESENTATION OF A CERTIFICATE OF RECOGNITION TO THE ALISO VIEJO LIBRARY AND INTRODUCTION OF TIM SCOTT, NEW LIBRARIAN:** Mayor Phillips introduced Tim Scott, the new Librarian, to the audience and advised a public celebration would be held on January 26<sup>th</sup>, from 11:00 a.m. to 3:00 p.m., at the Library on the occasion of their 10<sup>th</sup> Anniversary in Aliso Viejo.

Tim Scott thanked the Mayor, personally invited the City Council to the Anniversary celebration, and described the program for the January 26<sup>th</sup> Anniversary. Mr. Scott advised the Friends of the Library was sponsoring the event and explained they raise funds to allow the Library to provide books and materials that they otherwise could not buy due to County funding limitations. He noted that the President, Charlene Collins, was present in the audience. Mr. Scott advised that in conjunction with the 10<sup>th</sup> Anniversary celebration, they held a photograph contest and displayed the winning photographs which would be permanently displayed at the Library.

Mr. Scott gave a brief synopsis of his work background and stated he was very happy to have the opportunity to serve the residents of Aliso Viejo.

**PROCLAMATION—NATIONAL BLOOD DONOR MONTH:** Mayor Phillips presented and Ms. Jessie Salmon, Donor Recruitment Manager for the American Red Cross, Southern California Region, accepted, a Proclamation declaring January 2008 as National Blood Donor Month. Ms. Salmon explained the Red Cross was trying to replenish the blood supply from the holiday season, that donors can donate up to six times a year, information and sign up locations are available through their website, [www.givelife.org](http://www.givelife.org), and in conclusion, thanked the City Council for the Proclamation.

**ADDITONS, DELETIONS, REORDERING OF THE AGENDA:** Council Member Cave requested Item 16, Agency/Board/Commission/Committee Assignments for 2008, be

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considered after the public hearings; other Council Members agreed.

### CONSENT CALENDAR

Mayor Phillips asked if any member of the City Council or the public wished to remove an item from the Consent Calendar. Council Member Cave removed the December 5<sup>th</sup> Minutes and requested they be placed on the next meeting agenda. Council Member Cave noted she discussed Accounts Payable with the Director of Financial Services and that some recoding of the accounts would occur, but no changes in the figures. No Member of the public requested that an item be removed.

MOTION: On motion by Council Member Cave, seconded by Council Member Tsunoda, the City Council took the following actions on the following Consent Calendar items:

WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS: Approved the reading by title only of all ordinances and resolution wherein the titles appear on the public agenda; said titles determined to have been read by title, and further reading was waived.

MINUTES—ADJOURNED REGULAR MEETINGS HELD DECEMBER 12 AND 19, 2007 AND JANUARY 2, 2008: Approved the Minutes for the Adjourned Regular Meetings held December 12 and 19, 2007 and January 2, 2008, as submitted.

ACCOUNTS PAYABLE: 1) Ratified Accounts Payable checks issued November 29, 2007 in the amount of \$117,442.43. 2) Ratified Accounts Payable checks issued December 6, 2007 in the amount of \$384,320.04. 3) Ratified Accounts Payable checks issued December 13, 2007 in the amount of \$332,522.52. 4) Ratified Accounts Payable checks issued December 20, 2007 in the amount of \$71,411.04. 5) Ratified Accounts Payable checks issued January 3, 2008 in the amount of \$553,642.15.

TREASURER'S STATEMENT—NOVEMBER 2007: Approved the November 2007 Treasurer's Statement.

COST SHARING AGREEMENT WITH LAGUNA BEACH—TRAFFIC SIGNAL OPERATIONS AND MAINTENANCE, BELLS VIREO AND EL TORO ROAD INTERSECTION: Approved the Traffic Signal Maintenance Cost Sharing Agreement with Laguna Beach for operation and maintenance of the traffic signal at El Toro Road and Bells Vireo in Aliso Viejo and Club Drive in Laguna Beach, with the term retroactive to July 1, 2004.

COPIER LEASE AGREEMENT WITH XEROX CORPORATION: Approved and authorized the City Manager to enter into a Lease Agreement with Xerox Corporation for a 36-month lease of a Xerox WorkCentre 7675 Copier, at a total three-year cost of

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\$41,819.76.

FIRST AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT WITH THE ORANGE COUNTY FIRE AUTHORITY (OCFA): Approved and authorized the City Manager to execute the First Amendment to the Amended Joint Powers Authority Agreement with the Orange County Fire Authority (OCFA) for the period of July 1, 2010 through June 30, 2030.

AMBULANCE RENEWAL AGREEMENT WITH DOCTOR'S AMBULANCE SERVICE, INC.: Approved the Renewal Agreement with Herren Enterprises, Inc., operating as Doctor's Ambulance Service (EOA No. 32), for the provision of emergency medical transportation and related services, effective September 1, 2009 through 11:59 p.m., August 31, 2014.

COMMUNITY FACILITIES DISTRICT NO. 2005-01, GLENWOOD AT ALISO VIEJO, LOCAL AGENCY SPECIAL TAX AND BOND ACCOUNTABILITY REPORT FOR CALENDAR YEAR 2007: Ordered the Report received and filed.

CHANGE IN SIGNATURE AUTHORITY FOR CITY'S WASHINGTON MUTUAL CHECKING ACCOUNT: Adopted the following entitled Resolution, effective January 1, 2008:

RESOLUTION NO. 2008-001. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DESIGNATING SIGNATORIES FOR CITY CHECKS AND RESCINDING RESOLUTION NO. 2007-020.

ORDINANCE NO. 2007-093—NUISANCE TO REMOVE OR ALTER ENHANCED HARDSCAPE (Introduced at December 5, 2007 meeting): Adopted the following entitled Ordinance:

ORDINANCE NO. 2007-093. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING SECTION 3-14-101 OF THE ORANGE COUNTY CODE AS ADOPTED BY THE CITY OF ALISO VIEJO MAKING IT A NUISANCE TO REMOVE OR ALTER HARDSCAPE.

AYES: COUNCIL MEMBERS: PHILLIPS, GARCIA, CAVE, FICKE, AND TSUNODA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution No. 2008-001 and Ordinance No. 2007-093 duly passed and adopted.

END OF CONSENT CALENDAR

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### PUBLIC HEARINGS

PUBLIC HEARING: AMENDMENT TO SUMMIT SIGN PROGRAM AND SPECIAL SIGN PERMIT, SPP97-03, SPP07-04 AND SSP07-09, RESPECTIVELY—20, 30 AND 50 ENTERPRISE; CATEGORICAL EXEMPTION: To consider: 1) Sign Program Permit No. SPP07-03 application to amend the Summit Sign Program to allow signage for a 117,957-square foot building located at 20 Enterprise and for a 136,695-square foot building located at 30 Enterprise; Michael McLaughlin/Russ Parker, applicant/ property owner; 2) Sign Program Permit No. SPP07-04 application to amend the Summit Sign Program to allow signage for the Renaissance ClubSport Hotel, a 174-room hotel and 66,000-square foot member sports club, located at 50 Enterprise; and 3) Special Sign Permit No. SSP07-09, to permit exceeding of the total maximum square footage allowed for wall signs, per the City Sign Ordinance; Bob Bunyan/L & C Aliso Viejo, LLC, applicant/property owner; all applications relate to Phases 4 and 5 of the Summit office campus.

Genia Garcia, Director of Planning Services, briefed her staff report dated January 16, 2008, noting the application was an amendment to the existing Summit Sign Program. She stated that a condition of approval on the two office buildings, parking structure and the Renaissance Marriott Hotel required the developer to submit the signs to the City Council, which resulted in a Special Sign Permit and an amendment to the Sign Program. Ms. Garcia explained that the two office buildings had 15 signs, five of which were wall signs, eight were "brow" signs for tenants, and two were canopy signs. She further explained there were four ground signs at the entry on Enterprise and for the hotel there were two wall signs and four ground signs. Ms. Garcia advised that the Development Review Committee (DRC) recommended approval of the signs.

Mike McLaughlin, applicant, stated he would address the two projects concurrently since they share similarities, such as a common driveway and parking area. Using a Power Point presentation, Mr. McLaughlin described the project which was located at the southwest corner of Aliso Viejo Parkway and Enterprise and noted it was comprised of a hotel/fitness spa and two four-story office buildings. He explained the two projects share a common courtyard area and described the requested signing for the buildings and hotel/fitness spa: Top of building signs (A), which would be internally illuminated channel letters or the letter would be a silhouette with light emanating from behind the letter creating a halo affect, would be for tenants within a specific building; the RCS identification referenced the Renaissance/ClubSport specific logo; the brow signs (B) would be individual letters on a light bar and the light bar illuminates the wall directly behind the letters; and canopy (C) signs. He noted the 30 building has C signs and are contemplated for restaurant-type use on the ground level. Mr. McLaughlin explained that B signs were also on ground level, however, because of the architecture of the project, there was an opportunity for signage on a portion of the building that pops out from the main mass of the building. Mr. McLaughlin showed a slide depicting the Renaissance/ClubSport signage which displays their logo and other uses. He explained it was more than a single business operation; it was a hotel, a fitness center, and a spa and it may have additional uses operating within the facility which would also

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need identification.

Mr. McLaughlin described the two types of ground signs, the Summit identification-type sign, which would be an image-type sign incorporating landscaped walls on Aliso Viejo Parkway and Enterprise, and G signs which represent business identification for the hotel and businesses within the 20/30 Enterprise address. Mr. McLaughlin showed slides illustrating the signs incorporated with walls and landscaping and their building materials. He advised that business identification along Enterprise was the same design as the initial phase of the project, a blade-type sign that incorporates the business name.

Mr. McLaughlin advised that the Renaissance/ClubSport sign on the retaining wall are channel (dimensional) letters with ground illumination. The project identification sign for the Club/Renaissance is at the driveway off of Aliso Viejo Parkway and since the 20/30 building is also accessible from the driveway, a blade sign with Summit identification will be placed there and at the street side would be the logo Renaissance/ClubSport sign with internally illuminated panels identifying specific uses within the Renaissance/ClubSport facility.

In conclusion, Mr. McLaughlin stated there were also way-finding or directional signs located internally within the project which would be illuminated with ground lighting.

Council Member Tsunoda questioned why three top of building (A) signs were needed when there were only two buildings. Mr. McLaughlin responded that one building was fairly long and had an articulation or break in it which provided an opportunity for more than one substantial tenant to have identification on the Enterprise side of the project. Additionally, it was an economic advantage to attract tenants. Council Member Tsunoda stated there was a need to balance the aesthetics and the overall appearance of the project, noting it was possible for each of the signs to be different in appearance. For clarification, Mr. McLaughlin stated there were three sign locations on Building 20 and two on Building 30.

Relating to the Renaissance/ClubSport logo sign, Council Member Tsunoda asked if it was anticipated that in addition to the listing of hotel, fitness center, and spa on the logo sign, if other uses within the facility were to be included. Mr. McLaughlin stated, for example a restaurant, it was intended that the restaurant use would be identified on the ground sign on Aliso Viejo Parkway, but not on the building.

Council Member Cave stated it appeared that the applicant did not work within the existing Sign Program, noting the area for monument signs was triple of what was allowed. Mike McLaughlin advised that the proposed signage was similar to that which was approved in 1997 when the lettering is measured. Council Member Cave explained that the sign is not just the letters; the sign is the sign. She explained that the design of the sign should fit the regulations or the letter size should be changed.

Mr. Bob Bunyan of Bunyan and Associates explained there were two buildings, the

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hotel and the sports club, with a common lobby and if they treated them separately, there would have been more signage than if they combined them. Mr. Bunyan stated they increased the size to allow them to be commensurate with the building massing and added hotel, fitness and spa at the bottom. In response to the question did they try to work within the existing Sign Program, Mr. Bunyan stated originally the project contemplated three-story general office buildings and the current proposal was for a six-story hotel, and hotels want and need more signage.

Council Member Cave noted that there was no spec in the submitted booklet for the canopy signs. Mr. McLaughlin responded that it was their intent to fabricate them the same as the signs noted on Page 10 of the booklet, only it would attach to the canopy. Mr. McLaughlin explained the booklet contained the criteria for signs to be built and as tenants were obtained, a specific design would be submitted that would have to meet engineering and electrical installation requirements in order to get a building permit to construct the signs. In response to Council Member Cave relating to a request for more signs in the future, since there were more walls than signs on the plans, Mr. McLaughlin responded in the negative and advised that the plans also included landscaped architectural features.

Council Member Cave pointed out that on Page 12 of the booklet it showed a monument sign with a planter attached to it immediately adjacent to the sidewalk. She wanted to be sure that nothing was constructed in the right of way. Mr. McLaughlin explained it was his design intent to create an urban setting and the wall was to be used as seating area. Director of Planning Services Genia Garcia stated the plans were conceptual in nature, but when you look at the engineering drawings, the sign is two feet, six inches from the back of the sidewalk, another is six feet and still another is 32 feet. She clarified that none of the signs are in the right of way.

Council Member Cave noted that on Page 14, there is a reference to an "announcement" on the sign. Mr. McLaughlin advised these were removable panels that may show a seasonal tenant, but they were permanent signs. In response to Council Member Cave, Mr. Bunyan stated there was no subletting in the hotel operation. Mr. McLaughlin stated the hotel or fitness/spa may wish to promote a seasonal program within their facilities and would want to add it to the sign. In response to Council Member Cave, City Attorney Scott Smith stated it was not currently allowed by the Sign Code.

Council Member Ficke expressed concern that if the plan was approved as submitted the applicant may come back in the future and request additional signage based upon an increased number of tenants. Council Member Ficke questioned what the value of the business top sign on Building 20 would be when traveling down the 73 Corridor, given the Lennar and Pacific Life, with its possible addition, buildings. Mr. McLaughlin stated it had a significant value even with a short sighting of the sign. Mr. Bunyan added it has been their experience that a tenant wants the ability to have their name on the building even if it is not visible from the freeway and in many cases it was a significant factor in enticing a tenant to locate in a community, particularly a new

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community.

Council Member Ficke asked if the applicant had one exhibit that showed all of the signs for the entire project, the blade, brow, canopy and monument signs. It was determined that no one exhibit showed all the signs requested and that such an exhibit would have to be prepared.

Council Member Garcia pointed out there was no example of the C sign. Mr. McLaughlin stated it would be constructed similar to the B sign, except it would be attached to the building canopy. He explained the C sign was for restaurant business identification and was the only type of sign illuminated internally and at ground level. Council Member Garcia stated that the Renaissance/ClubSport sign was classy looking, but the addition of a seasonal tenant or special event sign looked less so and was not a permanent sign. He expressed concern with the aesthetics of such signage.

Mayor Phillips stated the Renaissance sign appears to be the issue. In response to Mayor Phillips relating to the 137-square foot sign, Mr. McLaughlin clarified the letters on the sign are individual channel letters attached to the wall and illuminated at night to reflect white letters.

Mayor Phillips clarified that there would only be two G-1 signs on the 20/30 buildings. Mr. McLaughlin stated those would be business identification signs for restaurants, double-sided with bright metal letters applied to stone and illuminated from the ground. Mayor Phillips emphasized his concern, as well as his colleagues, was that there would not be four walls with signs. Mayor Phillips reiterated Council's position that there would be no walls immediately adjacent to the sidewalk or in the right of way. Mr. McLaughlin explained there would be two feet minimum of landscape between the wall and the sidewalk. In conclusion, Mayor Phillips requested confirmation that none of the lighting from the project would be emitted off the property. Mr. McLaughlin responded in the affirmative.

Mayor Phillips opened the public hearing and asked if anyone wished to address the City Council; hearing no response he closed the public hearing.

Council Member Tsunoda stated that it was conceivable that the building with three A signs could have three completely different designs of the names and expressed concern about the hodge podge effect. He preferred to see some uniformity. Council Member Tsunoda stated he was comfortable with the Renaissance/ClubSport sign but needed more time to digest the impact of the signs for the 20/30 buildings. He stated it was difficult to visualize the impact without an exhibit or rendering showing all the signs on the project.

In response to Council Member Ficke, Mr. Russ Parker, applicant, stated that sometimes there were multiple tenants on the building top signs and wanted to retain that flexibility in order to attract tenants.

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Council Member Cave asked who would control the lighting on the signs. Mr. Bunyan answered that the Renaissance Club/Sport would since the sign was on their property and the Summit G-2 signs would also be controlled by them via an agreement with Russ Parker. Council Member Cave stated she felt somewhat assured with the signs and lighting based upon the applicant's answers, but she could not approve the changeable announcement signs. Other Council Members agreed.

Mr. McLaughlin explained that by a changeable sign, he meant a fabricated, illuminated panel backed-up with acrylic which would cost between \$600 and \$700. It was not a changeable sign like a theater marquee or snap-on letters.

City Attorney Scott Smith pointed out that there seems to be some inconsistency in the text describing an identification sign and what is shown on the plan. He suggested that the City Council clarify the issue, noting that a sign describing a use is different than one offering trinkets or products for sale or advertising a special event.

Council Member Garcia expressed the opinion that only Renaissance/ClubSport should be shown on the sign and that hotel, fitness/spa should be eliminated.

MOTION: On motion by Council Member Ficke, seconded by Council Member Garcia, the City Council adopted the following two entitled resolutions, with the deletion of the removable announcement and bistro/restaurant portion of the G-2 sign as described on Page 14 of the booklet, with the applicant to return directly to the City Council with a proposal on the eliminated portion of the sign, and to submit a master plan of signage for all buildings for inclusion in the two documents:

RESOLUTION NO. 2008-002. A RESOLUTION OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SIGN PROGRAM PERMIT NO. SPP07-03 FOR THE SUMMIT SIGN PROGRAM AMENDMENT FOR THE BUILDING LOCATED AT 20 AND 30 ENTERPRISE.

RESOLUTION NO. 2008-003. A RESOLUTION OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SIGN PROGRAM PERMIT NO. SSP07-09, TO EXCEED THE MAXIMUM SQUARE FOOTAGE ALLOWED IN THE SIGN ORDINANCE AND SIGN PROGRAM PERMIT NO. SPP07-04 FOR THE SUMMIT SIGN PROGRAM AMENDMENT FOR THE RENAISSANCE CLUBSPORT HOTEL LOCATED AT 50 ENTERPRISE.

AYES: COUNCIL MEMBERS: PHILLIPS, GARCIA, CAVE, FICKE, AND TSUNODA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution Nos. 2008-002 and

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2008-003 duly passed and adopted.

RECESS: The Mayor declared the meeting recessed at 9:20 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:25 p.m., with all Council Members being present.

PUBLIC HEARING: SITE DEVELOPMENT PERMIT NO. SDP06-05, VANTIS PODIUM CONDOMINIUM RESIDENTIAL PROJECT AND RELATED FACILITIES, NORTHWEST CORNER OF ENTERPRISE AND VANTIS DRIVE, AND MITIGATED NEGATIVE DECLARATION: To consider Site Development Permit No. SDP06-05, to construct a four to five-story building with 102 residential units (podium condominiums) with a two-level subterranean parking garage containing 228 parking spaces, with 13 parking spaces on Vantis Drive, a courtyard and recreation area on a 2.8 acre site zoned SP-1, High Density Residential located within the Vantis Specific Plan area at the northwest corner of Enterprise and Vantis Drive, and a Mitigated Negative Declaration therefor; Shea Homes Limited Partnership, applicant/owner.

Albert Armijo, Consulting Case Planner, described the project as being two separate buildings, one an L-shaped building in the northern and eastern portions of the project on 2.8 acres, and the second building running parallel to and length-wise adjacent to Vantis Drive, with 102 condominium units proposed within four and five stories, 81 to be two-bedroom and 21 one-bedroom, with 20 of the units proposed to be affordable units for low-income families. Mr. Armijo stated with the 20 units, the Affordable Housing Implementation Program for the Vantis community would be complete, for a total of 35 units for the entire Vantis community. Mr. Armijo briefed the staff report dated January 16, 2008, describing the architecture, physical design, landscaping, walls, open space areas, the plaza park, trails and trail connections, parking, signage, and aesthetics of the project. He noted that in addition to the 228 parking spaces, eleven parking spaces would be provided on Vantis Drive. Mr. Armijo also noted there were two podium levels of the project, the main level in the center of the site with amenities, water feature and decorative hardscape, landscaping, etc., and the lower one being the pool/spa level. with various amenities.

Mr. Armijo stated the project was consistent with the goals and policies of the General Plan and the Vantis Specific Plan and advised that the Development Review Committee reviewed the project on December 11, 2007, and recommended that the City Council approve the project subject to certain conditions. In conclusion, Mr. Armijo recommended that the City Council certify the Mitigated Negative Declaration and adopt the proposed resolution approving the project, subject to conditions.

Mr. Brian Riggs of Shea Homes advised this was the fourth and final residential product for the Vantis community, with groundbreaking occurring in the Summer of 2009 and an 18-month construction schedule to complete.

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Rob Walker of KMA Architecture in San Diego introduced the design team who has been working on the project for the past two years and referred to the model showing the size and height of the project relative to the parking structure to the north, including the cascading landscape elements from the main level to the lower level. Mr. Walker advised that the average size of the units was 1400 square feet and the square footage range was between 860 and 2,000 square feet and that the parking requirement was satisfied on-site, but they included eleven parking spaces on Vantis as an improvement to the streetscape. Using a Power Point presentation, he too described the project, its location, amenities, construction materials, landscaping and lighting plan, irrigation systems, and pavers and paving materials.

D. J. Taylor of Urban Arena, project landscape architect, continued with the Power Point presentation displaying pictures of the trail and amenity systems throughout the entire Vantis community and the relationship of the proposed project to the adjacent Vantis project. Mr. Taylor advised the project would use the minimum 50 percent native and drought-tolerant plants with masses of structural and/or colorful plantings at the ground level with trees along the entire lower edge of the project. He noted the retaining wall started small, but rose to a much higher height and explained they would use a plantable crib wall to diminish the starkness of the wall. Mr. Taylor pointed out the fire access path comprised of decomposed granite which must be retained for Fire use, but would allow plants to be grown over it. He also pointed out the gated access points for use by the Fire Department and residents. Mr. Taylor described the gated entrance with the enhanced paving leading to the main podium level with a turn-around area which also serves as the Fire lane turn-around area, the fountain area with its amenities, and the lower podium level with its amenities and pool and spa.

Council Member Tsunoda requested clarification on the Affordable Housing component of the Vantis community. Mr. Rob Walker explained the agreement between Shea Homes and the City provided for 35 affordable homes, six were two-bedroom units and the remaining were one-bedroom, and this particular 102-unit project contained 20 affordable homes.

Council Member Cave asked if the AVCA agreement noted on Page 11 of the Staff Report was complete; Mr. Armijo answered in the affirmative. She asked if Condition Nos. 82 and 83 relating to colored concrete vs enhanced paving would be covered under Ordinance No. 2007-093 adopted this date; City Attorney Smith answered in the affirmative. Council Member Cave expressed concern about the Planning Director's approval of the art piece required under Condition No. 90, since art is subjective, and asked if it could be by mutual agreement; City Attorney Smith stated the Condition could contain a provision that the decision relating to the art piece could be appealable to the Development Review Committee and/or City Council. Council Member Cave asked if the CC&R's would have guidelines relating to the operation of moving vans; the applicant answered in the affirmative. Council Member Cave requested Staff to work with Shea on the issue. Council Member Cave questioned a line shown on A-5 of the exhibit; a representative from Hunsaker and Associates indicated it was in error and therefore, the AVCA property was not affected.

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Council Member Cave referred to the Level 1 floor plan and questioned if security was an issue for units 103 and 104 next to the parking structure; Rob Walker answered in the negative, noting there were secure separations and access to the parking would be controlled access, noting parking access for residents and call box access for visitors. In response to Council Member Cave relating to handicapped access throughout the project, D. J. Taylor advised there is an elevator behind the staircase which would transport one to the lower portion of the project down to the pool area and a ramp behind the spa dropping one down to the spa level.

Council Member Cave asked if vehicle access would be limited in the courtyard area from the drop-off area. Mr. Taylor explained there would be a planter around the palm tree and numerous large planted pots, thereby preserving the area for pedestrian access. Relating to the trash staging area, Council Member Cave asked what the ultimate disposition was. Rob Walker advised they provided a narrative description of a design revision which addresses the issues, but was completed after Council packets were assembled. Mr. Walker further advised that CR&R reviewed and approved the redesign.

Council Member Cave asked if there was a pet relief area in the project; D. J. Taylor answered in the negative, but suggested that an area at the end of the drive next to the staging area at the north end corner might accommodate a pet relief area. Council Member Cave also requested dispensers as appropriate, and Mr. Taylor agreed.

Council Member Ficke requested clarification on the 20-foot high retaining wall and the massing along Enterprise. Mr. Taylor again referred to the slide depicting the retaining wall from the lowest to the highest point and to Sheet L-5 in the packet. He pointed out the crib wall that leans back and would be planted. The representative from Hunsaker and Associates explained drainage of the crib wall off site. Council Member Ficke emphasized the need for maintenance.

Council Member Ficke referred to the exhibit showing Shea was close to getting the LEED certification and questioned why they would not want to pursue it. Rob Walker stated it was a business cost decision, but that they do design all their buildings environmentally sound, so that if an owner wants to pursue certification, they can.

Council Member Garcia questioned the 20.4 guest parking spaces, noting there were only eleven. Mr. Armijo advised that all guest parking spaces were in the parking garage and the on-street parking spaces are extra. Rob Walker confirmed that 20 guest parking spaces were included in the parking garage, as required, and the eleven on the street were extra.

Mayor Phillips questioned the applicant about the red material on the roofs. Rob Walker explained those were the tops of the elevators and the red color did not have to be used. Mayor Phillips stated he was sensitive to how Aliso Viejo looks from its surrounding communities and would appreciate a less intensive color. Mayor Phillips complimented the applicant on the use of the special finish of corrugated metal to be

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used, but expressed concern about the wire mesh to be used. Mr. Walker stated it is a stainless steel mesh that would not rust. Relating to the energy efficient glass to be used, Mayor Phillips wanted everyone to know when it is backlit, you can see everything inside.

Mayor Phillips referred to the crib wall and noted he looked at one at the end of his street which was beautiful for the last ten years, but now all the planting in it was dead. He asked how do we ensure the proposed crib wall will remain green. D. J. Taylor explained that it will be planted with quick-grow plants, but in the long term, it is a matter of maintenance. He was confident that the owner would want it to continue to look good and there would be an audit of the irrigation system or checking of plant material to ensure the planted crib wall continues to flourish as a green wall. Mayor Phillips stated he wanted a provision in the CC&R's to ensure the crib wall was well maintained.

Mayor Phillips referred to the walkway along Enterprise and noted that according to Fire it needs to be along the edge of the building which is right up next to the parking garage. The plan shows that there is the structure, sidewalk and then landscaping and asked if there was a way to get landscaping between the wall and the sidewalk. Mr. Walker explained that the Fire Department is requiring a 10-foot unlandscaped area immediately adjacent to the building. Mr. Walker stated that when they build, they are hopeful they will be able to plant a vine to grow on the wall and not affect the required 10-foot unlandscaped area. Mayor Phillips requested that the planting and maintenance of a vine on the wall be part of the Conditions of Approval.

Mayor Phillips referred to sunscreens on some of the windows and asked if the applicant could provide more shadow relief. The applicant stated the elevation shown on A-21 was an unusual north elevation, but they would certainly look at it further.

Mayor Phillips referred to the crossings along Vantis Drive and asked if it was possible to have a true knuckle-down or some device in order to have some control point of crossover along Vantis Drive to get into the bluff top park and the walk. D. J. Taylor advised they had not finalized their plan and the purpose of the illustration was to show the overall circulation. Mayor Phillips wanted to see a Condition of Approval included that addressed enhanced paving on Vantis Drive, as well as a mid-block crossing.

Mayor Phillips stated he would like to see some guarantee as to the size of plants to be used and noted he was not happy about the crib wall or the 20-foot retaining wall. The applicant stated he would agree to 36- or 48-inch material.

Mayor Phillips opened the public hearing and asked if anyone wished to address the City Council; hearing no response, he closed the public hearing.

**MOTION:** On motion by Council Member Cave, seconded by Council Member Ficke, the City Council certified the Mitigated Negative Declaration. **MOTION UNANIMOUSLY CARRIED.**

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**MOTION:** On motion by Council Member Cave, seconded by Council Member Ficke, the City Council adopted the following entitled Resolution approving Site Development Permit No. SPD06-05, subject to: 1) Addition of language to Condition No. 90 regarding appealability to the City Council of the Planning Director's disapproval of the art. 2) Addition of a Condition of Approval incorporating a pet relief area into the Landscape Plan. 3) Addition of requirement to incorporate enhanced paving in the entry off Vantis Drive and identification of pedestrian crossing on Vantis Drive. 4) Addition of requirement relating to the size of plant material to be used; plan to be submitted to the Planning Director and City Engineer, in consultation with the Mayor.

**RESOLUTION NO. 2008-004.** A RESOLUTION OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT NO. SPD06-05, FOR THE CONSTRUCTION OF THE VANTIS PODIUM CONDOMINIUM RESIDENTIAL BUILDING AND RELATED FACILITIES ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF ENTERPRISE AND VANTIS DRIVE.

Roll Call Vote:

AYES: COUNCIL MEMBERS: PHILLIPS, GARCIA, CAVE, FICKE, AND TSUNODA

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

MOTION UNANIMOUSLY CARRIED. The Mayor declared Resolution No. 2008-004 duly passed adopted.

**AGENCY/BOARD/COMMISSION/COMMITTEE ASSIGNMENTS—2008:** Mayor Phillips asked if any changes were to be made. Council Member Ficke expressed an interest in serving on the Orange County Fire Authority Board if Council Member Garcia was not available. Council Member Garcia stated he would like to continue on that Board. Council Member Garcia stated he could not serve on the Laguna Canyon Foundation and the Coastal Greenbelt Authority. Mayor Phillips asked if there were any volunteers for those two boards. Hearing no response, Mayor Phillips stated he would represent the City on those two.

**MOTION:** On motion by Council Member Cave, seconded by Council Member Tsunoda, the City Council determined that representation on the various agencies/boards/commissions/committees would remain the same as Year 2007, with the exception of the Laguna Canyon Foundation and the Coastal Greenbelt Authority on which Mayor Phillips would represent the City. MOTION UNANIMOUSLY CARRIED.

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COMMUNITY INPUT

1. Susan Hinman, member of the Orange County Water District Board of Directors, spoke earlier in the meeting and stated a letter of invitation had been mailed in December, but wanted to personally invite City Council Members to a presentation on water supply issues, on Friday, January 18<sup>th</sup>, from 8:30 a.m. to 9:30 a.m., to be held at the Moulton-Niguel Water District facility. In response to the City Council, Ms. Hinman stated handouts would be distributed at the meeting, but if it was the desire of the City Council, she could arrange for a briefing to be given at a future Council meeting.

CITY MANAGER'S REPORT: None.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Tsunoda

1. Complimented Lt. Paddock and Deputy Sheriffs on the excellent follow-up to a couple of burglaries that occurred recently in his neighborhood.
2. Advised that a Neighborhood Watch meeting would be held tomorrow evening at his home at which crime prevention ideas would be presented to help him and his neighbors in the future.
3. Thanked Council Member Cave for her efforts in getting the Governor to support the 241 Foothill-South Extension.
4. Noted the February 23<sup>rd</sup> Aliso Viejo Little League event.
5. Announced the Aliso Viejo Little League and District 55 would be hosting the Junior Western Tournament to be held July 29<sup>th</sup> to August 5<sup>th</sup>; noted ESPN may cover the event.

Cave

1. Distributed comment cards relating to the 241 Foothill-South Extension and encourage everyone to send one to the Coastal Commission before the February 6<sup>th</sup> hearing; noted OCTA would contribute \$100 million for park improvements and an additional \$100 million to State parks.
2. Announced there would be no Toll Road meeting on February 14<sup>th</sup> and one week later they would be holding a meeting on the potential merger of Transportation Corridor Agencies again.

Ficke

1. Reported he would be serving as Vice Chairman of the Library Board again this year.

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Garcia

1. Chidingly stated he looked forward to quicker meetings under the chairmanship of the Mayor.

Phillips

1. Attended the League of California Cities meeting and noted the Study on Group Homes was interesting.
2. Encouraged everyone to talk with Amies Communications, the marketing consultant.
3. Reminded the City Council of the TIP breakfast to be held Friday, January 25<sup>th</sup>, 7:30 a.m.
4. Invited everyone to attend the Meet the Mayor event to be held Wednesday, January 23<sup>rd</sup> at SOKA University.

ADJOURNMENT: The Mayor declared the meeting adjourned at 10:47 p.m. Next Regular Meeting to be held February 6, 2008 in the newly remodeled Council Chambers of City Hall.

Respectfully submitted,

Approved by

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LINDA D. RUTH, CMC, RET.  
INTERIM CITY CLERK

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WILLIAM A. PHILLIPS  
MAYOR