

MINUTES OF A REGULAR ADJOURNED MEETING  
OF THE LAKE FOREST CITY COUNCIL

The regular adjourned meeting of the Lake Forest City Council held July 30, 2013 at the Lake Forest Council Chamber, 25550 Commercentre Drive, Lake Forest, California 92630, was called to order at 7:00 p.m.

ROLL CALL:

Council Members:	Peter Herzog Adam Nick Dwight Robinson
Mayor Pro Tem: Mayor	Kathryn McCullough Scott Voigts
City Manager:	Robert C. Dunek
City Attorney:	Scott C. Smith
City Clerk:	Stephanie D. Smith

CLOSED SESSION

There were no items scheduled for Closed Session.

PUBLIC SESSION

INVOCATION: The Invocation was led by Council Member Nick.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Council Member Robinson.

PRESENTATIONS:

There were no items scheduled for Presentation.

PUBLIC COMMENTS:

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, spoke regarding her recent appointment to the Child Care Development Planning Council.

David Carter, Lake Forest resident, spoke regarding the Lake Forest Boys and Girls Club and invited the Council to a fundraiser event.

James Gardner, Lake Forest resident, spoke regarding campaign expenditures in previous elections.

CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 1)

MOTION: On motion by Council Member Herzog and second by Council Member Robinson, the City Council approved the Consent Calendar Item No. 1. MOTION UNANIMOUSLY CARRIED.

- \*1. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading, by title only, of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

PUBLIC HEARING(S):

- 2. GENERAL PLAN AMENDMENT 2-12-2395, ZONE CHANGE 2-12-2394, TENTATIVE TRACT MAP 17446, SITE DEVELOPMENT PERMIT 2-12-2396, MITIGATED NEGATIVE DECLARATION AND DEVELOPMENT AGREEMENT FOR THE BROOKFIELD RESIDENTIAL PROJECT LOCATED AT 61 AND 71 AUTO CENTER DRIVE (APN 612-161-11, 12)

Staff report dated July 30, 2013 was introduced.

Council Member Herzog questioned Council's authority to act on the agenda items, citing the Municipal Code requirements which state the items be heard by the Planning Commission.

City Attorney Smith stated there is a provision of the Municipal Code that various applications may be combined to be heard as one. He stated the Development Agreement contains a provision which gives the Council the authority to hear it together as one entitlement. The Planning Commission had already considered these applications, not with final authority. He stated that the recommendation of the Planning Commission stands, but the approvals take effect when the Ordinance is adopted.

Mayor Voigts asked if this is setting precedent or has Council considered this process of applications before.

City Attorney Smith stated the Council preserved final authority in the Whisler project.

Mayor Pro Tem McCullough asked if by approval of the Ordinances presented before them, the Council would eliminate the appeal process.

City Attorney Smith stated the approval before Council implements the Council's direction on this application; statute vests final authority before the Council. There is no appeal from the Planning Commission. The remedy would be judicial review.

City Attorney Smith stated nothing will go into effect until the Ordinance that consolidates the entitlements is in effect.

Council discussion ensued.

Mayor Voigts called for the City presentation.

Development Services Director Ackerman provided a presentation of the development application. She noted four legislative actions before Council for consideration. She reviewed the design, the number of units, and the parking configurations.

Assistant City Manager Belmer presented key elements of the Development Agreement. He noted the Lake Forest Municipal Code requires a Development Agreement for any project that requires a General Plan Agreement.

Director Ackerman reviewed the Planning Commission recommendations which were to deny the Mitigated Negative Declaration, deny the Development Agreement, approve the General Plan Amendment, approve the Zone Change, and deny the Tentative Tract Map and Site Development Agreement.

City Attorney Smith summarized the entitlement order and the procedural requirements of the City Council.

Mayor Voigts opened the Public Hearing for public comment.

Dave Bartlett, Vice President of Brookfield Residential, thanked City staff and the Planning Commission for their extensive review. He stated he agrees with the staff report recommendations and the conditions of approval that are part of the recommendations. He noted the land is currently vacant and is of no economic value to the city. He reviewed the proposed development and referenced the traffic study performed by Joe Faust. He noted \$5.8 million in fees would be paid to the City of Lake Forest. Additionally, he stated the school district would receive \$5 million annually. Lastly, the project will have a taxable value of \$69 million at build out.

John Ramirez, Attorney of Rutan and Tucker and representing the applicant, stated it is common practice when there is a mixed application, to bundle in a single application and have it reviewed by the City Council. He noted the California Environmental Quality Act (CEQA) requires the project be analyzed as a whole.

Mayor Pro Tem McCullough voiced her approval of the additional parking requested by the Planning Commission. She asked if the adjacent commercial properties were

consulted with regards to the permitted parking.

Director Ackerman reported staff did not prescribe how to change the plan, but provided a list of recommendations for the applicant to review. Staff did recommend a shared parking agreement. The applicant changed their unit mix to create eight more spaces on their site plan.

The following members of the public offered comments:

Marcia Rudolph, Lake Forest resident, expressed concerns about changes to what had been an effective process in the past. She reminded the Council a survey taken before the Opportunity Study Area was in place asking existing residents what they wanted to see in the community. She stated the response was reflective of what is here now. She noted the appeals process is the safety net for the public.

Joanne Meila, Lake Forest resident, spoke in favor of the Brookfield development. She spoke to the affordability of the homes for students like herself, and the increased revenue it will bring to the community.

Bryan Starr, Orange County Business Council, spoke in favor of the Brookfield Development. He noted commercial use of the property is not viable, and residential use will provide strong economic benefits to the community.

Jim Leach, South Orange County Economic Coalition, spoke in favor of the development.

Susan Springer, Lake Forest resident, expressed support for the project. She questioned the parking availability and suggested putting an overhead walking bridge from the corner park into Town Center.

Andrew O'Connor, Lake Forest resident, spoke in opposition of the development. He suggested a medical center would be a better use of the land.

Sandy Huseby, Lake Forest business owner, spoke in favor of the development.

Frank Fullerton, Lake Forest resident, spoke in support of the development.

Tim Morissette, spoke in opposition to the development, citing parking problems and the inappropriate use of the site as residential stating it does not fit in the community.

Pat Bolter, Lake Forest business owner of Foothill Ranch Mercedes Benz, spoke in favor of the development.

Council Member Herzog asked if Mr. Bolter was in favor of on street parking.

Mr. Bolter stated the on street parking is not compatible with the area.

Mayor Voigts confirmed Mr. Bolter is in favor of the project.

Mr. Bolter stated the dealership is happy to be in Foothill Ranch, however, having his customers see vacant land does not represent the area well. Having a development in place will improve the appearance.

Jim Heaton, Lake Forest resident, spoke in opposition of the development. He expressed concern that the threat of lawsuits mitigates the power of the Council to shape the future of the City of Lake Forest.

Jim Gardner, Lake Forest resident, spoke against the project. He referenced the recent court decision on the Saddle Crest project in Trabuco Canyon. Mr. Gardner praised Council Member Herzog for his comments about the Brookfield project.

Juan Rangel, Lake Forest resident, spoke in support of the development.

Derek Barbour, Costa Mesa resident, spoke in favor of the development. He represents Brookfield as a coordinator of the Homeowner Association, empathized with the concerns over tandem parking. He stated that having a parking policy and strict enforcement make the tandem parking work.

Wendy Bucknum, South Orange County Regional Chamber of Commerce, spoke in favor of the development stating it will provide attainable work force housing.

Mike Balsamo, representing Orange County Building Industry Association, spoke in favor of the development.

Judi Schweitzer, Lake Forest resident, spoke in support of the development. She mentioned the quality of the developer, and her experience on a State Green Building Commission, providing guidance to local agencies on green building initiatives.

Jill Kanzler, representing many of the businesses in Foothill Towne Center, stated she is supportive of the project.

The City Council recessed at 9:06 p.m.

The City Council reconvened at 9:15 pm.

Ian Morrell, Lake Forest resident, spoke in opposition of the development. He stated it was poorly planned and lacked adequate parking.

Scott Starkey, representing the owner of Peppino's Restaurant, stated he supports the project.

Joe Foust, a professional traffic engineer of Stantec Engineering, clarified the traffic study was limited to the immediate area, however the engineering study looked at the entire city, the impact on the entire city from the project's distribution of traffic, and determined locations where the threshold of impact, which in this city is two percent, might have occurred. He stated the entire city was reviewed as a guide for the traffic study.

Barbara Taylor, Lake Forest resident, Board of Director for the Homeowners Association in Portola Hills, stated parking is the number one issue for residents.

Mayor Pro Tem McCullough asked staff for the Traffic Study.

Staff reported the Traffic Study was included in the appendices to the Mitigated Negative Declaration.

James O'Malley, representing Trumark Homes, spoke to the detailed nature of the process. He stated feasibility and land use analysis was done at great length for the project on alternative land uses.

Mayor Voigts closed the public portion of the Public Hearing.

Council discussion ensued.

Council Member Herzog stated according to the Negative Declaration this project will have 141 units and bring 439 new residents. Commenting to this project bringing new customers to the adjacent retail center, he reported the City of Lake Forest's Opportunity Study Area projection is 4,200 units bringing approximately 12,000 new residents.

Council Member Robinson expressed his concern for available housing in Orange County. He stated this project will create and sustain employment.

Mayor Pro Tem McCullough addressed her concerns of the lack of following due process and the cost of litigation.

Council Member Nick asked City Attorney if the process for approval of this project had been changed.

City Attorney Smith reported normally the Planning Commission would have ultimate authority over the Tentative Tract Map and Site Development Plan. In this case, the Planning Commission provided the recommendation that Council consider these items. This process is indifferent from the process used for the consideration of the Whisler project.

Council discussion continued.

Mayor Voigts summarized his support of the project. He moved staff's recommendation. Council Member Nick seconded the motion.

Mayor Pro Tem McCullough noting it was 10:35 p.m. referenced Council policy and asked if Council would continue or adjourn to the next meeting.

MOTION: On motion by Council Member Nick and second by Council Member Robinson, the City Council voted to continue the meeting. MOTION UNANIMOUSLY CARRIED.

Council discussion continued.

Mayor Pro Tem McCullough clarified if the motion included removing the Planning Commission's authority she wanted to modify the motion to include the Planning Commission's review of items prior to them being agendized for Council. Motion failed as there was no second.

Council Member Herzog commented this development is a major change to the Foothill Ranch community. He addressed the fee structure of the development, that no town hall meetings were conducted for the residents, the developers of both Brookfield and Turmark contributed greatly to the 2012 elections within the city, and he suggested the project should not be approved by Council at this meeting but returned to the Planning Commission to be revised.

Mayor Pro Tem McCullough suggested a substitute motion to bifurcate and refer the Tentative Tract Map and the Site Development Plan to the Planning Commission. She suggested the process should still include going the Planning Commission before being heard before the City Council.

Mayor Voigts called for the vote.

MOTION: On motion by Mayor Voigts and second by Council Member Nick, the City Council adopted the following staff recommendations with a cap on density at 147 units. MOTION CARRIED with Mayor Pro Tem McCullough and Council Member Herzog opposed.

**ACTION:**

1. Adopted Resolution No. 2013-20 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING AND ADOPTING A MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING AND REPORTING PROGRAM, AND THE BROOKFIELD TOWNE CENTRE RESIDENTIAL DEVELOPMENT PROJECT LOCATED SOUTH OF PORTOLA PARKWAY AND EAST OF BAKE PARKWAY.

2. Introduced for First Reading Ordinance No. 253 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE ADOPTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND BROOKCAL LF LLC FOR CERTAIN REAL PROPERTY LOCATED

WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

3. Adopted Resolution No. 2103-21 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 2-12-2395, AMENDING THE LAND USE DESIGNATION FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR THE BROOKFIELD TOWNE CENTER RESIDENTIAL DEVELOPMENT LOCATED SOUTH OF PORTOLA PARKWAY AND EAST OF BAKE PARKWAY (APN 612-161-11 & 612-161-12).

4. Introduced for first reading Ordinance No. 254 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 2-12-2394, AMENDING THE LAND USE ZONING FROM FOOTHILL RANCH PLAN COMMERCIAL TO FOOTHILL RANCH PLAN MULTIPLE FAMILY FOR THE BROOKFIELD TOWNE CENTER RESIDENTIAL DEVELOPMENT LOCATED SOUTH OF PORTOLA PARKWAY AND EAST OF BAKE PARKWAY (APN 612-161-11 & 612-161-12).

5. Adopted Resolution No. 2013-22 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 17446 FOR THE BROOKFIELD TOWNE CENTER RESIDENTIAL DEVELOPMENT, LOCATED AT 61 AND 71 AUTO CENTER DRIVE, LOCATED SOUTH OF PORTOLA PARKWAY AND EAST OF BAKE PARKWAY (APN 612-161-11 & 612-161-12).

6. Adopted Resolution No. 2013-23 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT 2-12-2396 FOR THE BROOKFIELD TOWNE CENTER RESIDENTIAL DEVELOPMENT, LOCATED AT 61 AND 71 AUTO CENTER DRIVE, LOCATED SOUTH OF PORTOLA PARKWAY AND EAST OF BAKE PARKWAY (APN 612-212-11 & 612-212-12).

DISCUSSION/ACTION ITEMS:

There were no items scheduled for Discussion.

CITY MANAGER'S REPORT:

City Manager Dunek presented no comments.

CITY COUNCIL COMMENTS:

Council Member Herzog offered no comments.



Council Member Nick offered no comments.

Council Member Robinson offered no comments.


Mayor Pro Tem McCullough reported attending the Orange County Fire Authority Board of Directors meeting, Housing and Transportation Committee meeting, Orange County Housing Authority meeting, Special Needs Advisory Committee meeting, Village Pond Community meeting, South Orange County Watershed Management Area meeting, and the Korean War 60<sup>th</sup> Anniversary event in Mission Viejo.

Mayor Voigts offered no comments.

ADJOURNMENT:

The City Council of the City of Lake Forest adjourned at 11:10 p.m.

Respectfully submitted:

  
STEPHANIE D. SMITH, CMC  
CITY CLERK

APPROVED:

  
SCOTT VOIGTS  
MAYOR