



# MISSION VIEJO BUZZ

Keeping the California Promise

Week of January 8, 2006

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## Links of Interest



[City of Mission Viejo](#)

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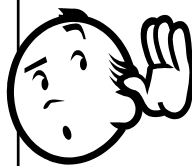
Mission Viejo Library:  
<http://www.cmv1.org/>

Founders Day Quotes:  
[http://FederalistPatriot.US/  
histdocs/](http://FederalistPatriot.US/histdocs/)

League of CA Cities:  
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## The Case Against Aliso Ridge Mixed-use Development

by Dale Tyler ([edt@missionviejoca.org](mailto:edt@missionviejoca.org))



The Mission Viejo Planning/Transportation Commission held the first public hearing on the Aliso Ridge Mixed Use project on Dec. 12, 2005. While there was public testimony for and against the project, as well as the presentation of the developer putting the project in the best light, the commissioner-discussion phase of the hearing did not occur. During this hearing, it became clear that those favoring the project had not presented any clear reasons why this project should be approved, other than making money for Steadfast.



This project, as proposed, will build 144 townhouses on land that has always been zoned commercial. Although I support the right of land owners to develop their property in any way they choose, that right is not absolute. Every property owner has to abide by the land uses that are described in the zoning for the piece of property.

Mission Viejo was built as a master-planned community. This means that the zoning for every parcel of land in the city was designated in advance to coordinate the various uses needed to create a successful city. The master-planned nature of the city means there is no uncertainty about what will be built on the vacant land next door. A buyer of a house could be assured that housing of only a certain density could be built next door. There would be no apartments built in single-family neighborhoods.

The same certainty applies to commercial property. Just as people in single-family houses

want similar houses next door, businesses do not usually want houses nearby, because of the problems with sensitivity of residences to noise and extra lighting often needed by businesses. Mission Viejo's master plan set aside only 7 percent of the total acreage for commercial uses. The planners realized that that 7 percent would pay much of the taxes the city would need to maintain the roads, parks and other city facilities over the coming years.

Because of the nature of our master-planned city, we should only rezone property under very compelling circumstances. For example, if a piece of property zoned for houses was found to be at risk for a landslide, perhaps it could be rezoned as a park. But to rezone a commercial property that could earn the city \$5 million in sales taxes over the next 10 years into housing that will cost the city money every year is irresponsible. The only reason that is being given for building houses is that the city needs more housing and especially "affordable" housing. Yet, there are other ways to get affordable housing, and only 144 new units will make no difference in the overall demand anyway. So, why build houses? Because a greedy developer will make more money from building houses, and they think their needs are more important than our zoning codes. The developer has a right to ask for the zoning change. The city has a right not to approve the change, and it should not do so.

Another topic that came up at the Dec. 12 hearing involved parking in the townhouse part of the project. Several people from townhouse/condo developments in Mission Viejo presented evidence that the city's standard for parking is completely inadequate. The city requires two spaces per unit in enclosed parking, plus one visitor space for every three units. In practice, this is not enough because people have more cars than that, and they often use part of their garages for storage. Even the

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city recognizes the parking problems in the nearby developments, and it is having to undertake very expensive measures to clean the streets, since people park there almost continuously because all of the spaces inside their developments are full.

Yet, despite the concrete evidence presented, the supposedly objective traffic consultant paid by Steadfast says, "One space per bedroom is adequate." I expect more from a professional engineering firm than to try and justify a clearly inadequate standard. This is same consultant who can't understand the concept of peak-direction/peak hour traffic flow and the clear advantage of commercial developments during rush hours. They also are proposing putting in a traffic light that will make entry and exit from the existing shopping area at the southeast corner of Los Alisos and Jeronimo to be virtually impossible, as highlighted by the questions asked by Commissioner Brad Morton. The city needs to find an unbiased traffic engineering company that will figure out what the real impacts of the project will be.

The residential component of the Aliso Ridge project is clearly inappropriate for the site, the proposed residents and for the city as a whole. The Planning Commission should reject this project until the developer comes back with a purely commercial project in full compliance with existing zoning rules.

## CUSD RECALL SAMPLING

**Editor's note:** an attorney involved in the Capistrano Unified School District recall of trustees responded to an editorial in The Buzz last week, explaining how the Registrar of Voters performs a random sampling.

**The Random Sample Process.** In short, the Registrar will sample 5 percent of the total petitions turned in. They then figure out what percentage of those are valid (i.e., from registered voters in the district). For example, if 25,352 total signatures were turned in to recall one of the trustees, the Registrar would examine 1,268 (5 percent) of those to determine what percentage was valid.

Assume the sampling shows 75 percent of the signatures were valid. The Registrar would then make an assumption that 75 percent of all the signatures turned in were valid. They would extrapolate that percentage onto the entire number of petitions turned in (75 percent of 25,352 = 19,014 valid signatures).

Keep in mind, it takes 20,421 valid signatures per trustee for the Registrar to certify the recall -- NO MATTER WHAT.

(a) **110 percent for automatic approval.** If the random sample process shows that more than 110 percent (22,463 = 110 percent of 20,421) of the total number required was obtained, then the Registrar will certify the recall without actually counting all the other signatures.

(b) **90 percent for automatic denial.** If the random sample process shows that less than 90 percent (18,378 = 90 percent of 20,421) of the total number required was obtained, then the Registrar will deny the recall without actually counting all the other signatures.

(c) **Full count required if between 90 percent and 110 percent.** If the random sample process shows that more than 90 percent (18,378) but less than 110 percent (22,463) of the total number required (20,421) was obtained, then the Registrar cannot rely upon the random sampling process and must count every one of the signatures turned in (25,352).

Therefore, in my example, 19,014 is 93 percent of the required 20,421. As a result, the Registrar could not certify or deny the recall based only upon the random sample. That is why they were forced to count all of the signatures. However, when they counted every signature they found, once again, that less than 20,421 valid signatures had been turned in. As a result, they denied certification.

It is possible that the Registrar's findings could be challenged and overturned if enough signatures were improperly invalidated.

## COUNCIL MEETING SUMMARY

JAN. 3, 2006

Mayor Lance MacLean began the meeting by listing his goals for 2006. No surprises – the list included law enforcement, public safety, transportation, traffic, recreation and economic development – the stuff campaigns are made of.



MacLean appointed council members to serve on committees for 2006: Foothill/Eastern Transportation Corridor Agency – MacLean (Reavis as alternate); Measure M – Reavis (Ledesma alternate); Orange County Vector Control – Reavis (Ury alternate); San Joaquin Hills TCA – Ury (Kelley alternate); California Joint Powers Insurance Authority – Ledesma (staff alternate); El Toro Reuse Planning Authority – Ledesma (Reavis alternate); Orange County Fire Authority – Kelley (MacLean alternate); Orange County Council of Governments – Ury (Kelley alternate); League of Cities – MacLean (Ury alternate).

Council Member Kelley put an item on the agenda to discuss joint use of sports fields between the city and

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## THE FEDERALIST PATRIOT FOUNDERS' QUOTE DAILY

"We established however some, although not all its [self-government] important principles . The constitutions of most of our States assert, that all power is inherent in the people; that they may exercise it by themselves, in all cases to which they think themselves competent, (as in electing their functionaries executive and legislative, and deciding by a jury of themselves, in all judiciary cases in which any fact is involved,) or they may act by representatives, freely and equally chosen; that it is their right and duty to be at all times armed."-- Thomas Jefferson (letter to John Cartwright, 1824)

Reference: The Writings of Thomas Jefferson, Memorial Edition, Lipscomb and Bergh, ed., vol. 16 (45)

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school districts. The city stands to lose a soccer field with the expansion of the community center. Council Member Reavis mentioned the underlying problem that \$1.5 million originally budgeted to move the field was reallocated toward construction of the building. Reavis encouraged revisiting ad hoc committees for both school districts for more equitable representation.



Council Member Ury proposed dividing the Planning and Transportation Commission into two commissions, saying the commissions had initially been separate but "were joined for political purposes" years ago. Other council members disagreed, saying the two commissions had been joined to cut bureaucracy and costs. Reavis stated that current council members had run on platforms of smaller government. Ledesma said the separate commissions had dealt with light agendas and taken an incredible amount of staff time. The motion died for lack of a second.

Ury's other item on the agenda, goals for 2006, received mixed reaction. Reavis suggested that all council members should state their own goals. Kelley suggested the discussion should lead to a goals workshop. Ury said his items were unrelated to financial considerations, which raised additional questions. His goals included a regional sports complex for the city, with an obviously high price tag. Is it reminiscent of the city library, which now boasts approximately 125,000 cardholders in a city of 100,000 – where residents pay and nonresidents benefit?



MacLean proposed forming an ad hoc committee of two council members to address the city's housing element and affordable housing goals. The proposal would disband the Planning Commission's ad hoc committee and turn all its records over to the council

ad hoc committee. Ledesma commented that the proposal undermines the work of the commission. The proposal would end the work begun by former Commissioners Bo Klein and Jack Anderson and continued by current Commissioners Brad Morton and Neil Lonsinger. The motion passed 3-2 (MacLean, Ury and Kelly for; Ledesma and Reavis against). MacLean appointed himself and Ury to the committee. The discussion implied that Ury has been talking about affordable housing on his own with the Pacific Law Center and others, and he apparently favors building a large affordable apartment project on a



### COMMENTS FROM THE PUBLIC MICROPHONE

City Council meeting, Jan. 3, 2006

It was rewarding to see the success of the Mission Viejo Foundation at the last council meeting. It is important that the foundation be successful for the benefits it may provide to our city and the Norman P. Murray Community and Senior Center. I have questions for a staff member, and I would like Mr. Bornstein to answer. As a former vice president and trust officer in banking, I sincerely appreciate what Mr. Bornstein does as chief financial officer for our city.

There has been one distribution of \$188,625 of seed money to the foundation in 2005, and a future appropriation for 2006 is pending. To my knowledge, no financial statements have been rendered to date to the city from the foundation. Since tax money is involved, as chief financial officer, Mr. Bornstein has one solid recourse, and that is to require financial statements prior to funding the appropriation for 2006. Please provide the information to each council member on this dais and to the public.



Secondly, as a matter of public record, as a taxpayer for

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35 years in Mission Viejo, I'm sure you'd agree with me that grants from the city of Mission Viejo are not automatic birthrights. We want the foundation to succeed and, as such, I request that after statements are rendered that the second appropriation be placed on the consent calendar and thoroughly discussed by this council.



Coverage of the funding levels of the foundation and its success and questions of disbursements and salaries must be addressed by this council on this dais. The success of the foundation and the confidence of the public are at stake.

James Edward Woodin  
Mission Viejo

## The Buzz



In Chinese astrology, the Year of the Dog begins Jan. 29, 2006. Before concluding that 2006 will be a "dog," one should consider the dog's attributes of loyalty and faithfulness – a good astrological sign by comparison.

Meanwhile, this is still the Year of the Rooster: Lance MacLean ran his first meeting as mayor on Jan. 3, but Frank Ury put an item on the agenda about 2006 council goals, appearing to upstage MacLean. Ury's item had a strange beginning with a PowerPoint presentation and an even stranger ending, when he proposed a "regional sports complex" for Mission Viejo. Some observers estimated the cost could run around \$100 million. (Or, factoring in the city's tendency to run over budget, \$200 million.) What's the source of Ury's grand idea? One should remember his campaign contributors from San Diego County – The Friends of John Lewis – and connect the dots. Keep Ury's words in mind: he knows "people who can put that type of project together." Should one expect that all of Ury's out-of-town contributors will eventually form a conga line through council chambers?



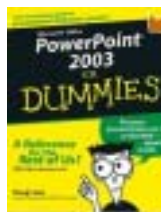
Closed-session meetings should be just that – without information leaking to friends, confidants and the media. On Wed., Dec. 28, Maria Hsin of the Or. Co.



Register wrote a story about the council's ongoing search for a city attorney, which is closed-session business. Hsin reported the field had narrowed from 12 to six firms, and the council had likely completed the first round of interviews on Dec. 28. Who leaked the closed-session information? The possibilities include those in the meeting – council members, city staffers and the attorneys being interviewed. The attorneys are the least likely source, since they'd have to call each other to determine who had been eliminated and then report their findings to Maria Hsin.

MacLean ended his first meeting as mayor approximately TWO HOURS EARLIER than the average meeting run by Trish Kelley. MacLean managed to refrain from commenting after everyone else's comment. He also refrained from constantly asking questions of the city attorney and city manager, which eliminated a couple hours of meaningless chatter. Best of all, he remembered whose turn it was to speak and such other details as asking the council to vote on agenda items.

Approximately one year ago, the council majority of Kelley, MacLean and Ury voted against Bo Klein and Dorothy Wedel being reappointed to the Planning Commission. The same majority ended the planning commission careers of Norman Murray and Jack Anderson by voting against extending their terms. Dr. Michael Kennedy had resigned from the commission months earlier. Thus, the best and most knowledgeable planning commission in the history of the city abruptly ended. Kelley, MacLean and Ury proceeded to put inexperienced residents on the commission. Except for Brad Morton (appointed by Reavis), the new commissioners stumbled through meetings. Ury's appointee gave PowerPoint presentations about her favorite topic, "green buildings," instead of taking care of business. The topic of green buildings was not one of the goals or directives from the council. Ury's own appointee hijacked the meeting time for a completely symbolic, feel-good measure with no impact on a built-out city.



At the Jan. 3 council meeting, Ury commented that the Planning Commission had become incapable of accomplishing goals. He complained that the meetings "go on for hours" until 11 and 12 at night. Is the council majority not reaping what it sowed? Unfortunately, the city is also reaping what the council majority sowed.



~~ The End ~~