



# REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: SEPTEMBER 12, 2018

TITLE: GENERAL PLAN AMENDMENT, ZONE CHANGE AND APPEAL OF PLANNING COMMISSION ACTION DENYING MEDICAL OFFICE MASTER PLAN FOR 2 OSBORN IN PLANNING AREA 15 (WOODBIDGE)

Director of Community Development

for City Manager

## RECOMMENDED ACTION

1. Receive staff report.
2. Open the public hearing and receive public input.
3. Close the public hearing.
4. City Council comments and questions.
5. Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DENYING GENERAL PLAN AMENDMENT 00600172-PGA TO INCREASE GENERAL PLAN INTENSITY CAPS TO ACCOMMODATE THE DEVELOPMENT OF A 46,800-SQUARE-FOOT MEDICAL OFFICE BUILDING LOCATED AT 2 OSBORN IN PLANNING AREA 15 (WOODBIDGE), FILED BY STERLING AMERICA INVESTMENTS, INC.
6. Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DENYING ZONE CHANGE 00600175-PZC TO INCREASE ZONING ORDINANCE INTENSITY CAPS TO ACCOMMODATE THE DEVELOPMENT OF A 46,800-SQUARE-FOOT MEDICAL OFFICE BUILDING LOCATED AT 2 OSBORN IN PLANNING AREA 15 (WOODBIDGE), FILED BY STERLING AMERICA INVESTMENTS, INC.
7. Adopt – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, DENYING AN APPEAL THEREBY UPHOLDING THE PLANNING COMMISSION'S DECISION TO DENY MASTER PLAN 00645299-PMP FOR DEVELOPMENT OF A 46,800-SQUARE-FOOT MEDICAL OFFICE BUILDING LOCATED AT 2 OSBORN IN PLANNING AREA 15 (WOODBIDGE), FILED BY STERLING AMERICA INVESTMENTS, INC.

## EXECUTIVE SUMMARY

Sterling America Investments Inc. has filed applications for development of a 46,800-square-foot medical office building on a 2.86-acre site located at 2 Osborn in the village of Woodbridge (Planning Area 15). A project vicinity map is provided as Attachment 1. The proposed project would demolish an existing single-story (16,015-square-foot)

medical office building and construct a three-story (46,800-square-foot) building, with two floors of medical office above an open ground level parking garage. The proposed expansion would increase the existing square footage of the site by 30,785 square feet.

Submitted applications include a General Plan Amendment, Zone Change, and Master Plan. The project site has a General Plan and Zoning designation of Multi-Use. A General Plan Amendment (GPA) and Zone Change (ZC) are required as Woodbridge has no remaining building intensity in the Multi-Use land use category. An increase of 30,785 square feet is needed to accommodate the proposed medical office expansion. The Master Plan establishes the building's design relative to bulk (area), height, setbacks, elevations, parking, and landscaping. Refer to Attachment 2 for the Master Plan project plans. The Planning Commission serves as the recommending body to the City Council on the GPA and ZC applications and the final review authority on the Master Plan. On August 16, 2018, the Planning Commission recommended unanimously, with all Commissioners present, City Council denial of the General Plan Amendment and Zone Change and denied unanimously, with all Commissioners present, the medical office Master Plan. The applicant, on August 20, 2018 filed an appeal to the City Council of the Planning Commission's action to deny the Master Plan.

The City is not obligated to grant GPA and ZC requests as they are legislative in nature and entirely at the discretion of the City Council as the final decision making body. The General Plan is the guiding policy document that provides for safe and sustainable delivery of services through build-out of the City. Amendments to the General Plan can occur in response to changes with current issues, trends, community needs and state law. Cumulative effects of GPAs can also lead to a departure from the core values originally envisioned for the City.

Staff believes the proposed request is not consistent with the goals, objectives, and policies found in the City's General Plan. Although the project does not result in any significant environmental impacts and can demonstrate compliance with applicable development standards (aside from increasing the intensity cap for the planning area), the project is a departure from the Woodbridge community character. The existing character along the Woodbridge activity corridor will be altered as the proposed building will be one of the tallest and longest buildings in the immediate area. Therefore, staff is recommending the City Council deny the requested applications and adopt resolutions, included as Attachments 8 through 10.

## **COMMISSION/BOARD/COMMITTEE RECOMMENDATION**

### *Planning Commission*

On August 16, 2018, the Planning Commission held a public hearing on the GPA, ZC, and Master Plan. As noted above, the Planning Commission is a recommending body to

the City Council on the GPA and ZC applications and the final review authority on the Master Plan. The Planning Commission heard testimony from the applicant's representative and twelve Woodbridge residents. Residents expressed concerns over aesthetics, preservation of the Woodbridge village concept/master plan, traffic congestion, lack of demand for additional medical office, and over-development. Staff and the Planning Commission also received more than 600 written correspondences relating to the project. All but approximately three of these correspondences were in opposition to the project.

The Planning Commission unanimously recommended denial, with all Commissioners present, to the City Council of the General Plan Amendment and Zone Change applications, and the Planning Commission unanimously denied, with all Commissioners present, the Master Plan. Planning Commission concerns included project inconsistency within the existing neighborhood; the built-out nature of Woodbridge; the preservation of the City's General Plan; and from a procedural standpoint, the lack of community outreach by applicant.

#### *Transportation Commission*

On July 17, 2018, the Traffic Impact Analysis (TIA) prepared as part of the Environmental Impact Report for the project was reviewed by the Transportation Commission. Eleven residents spoke against the project. The Transportation Commission meeting resulted in no action due to two failed motions. A motion to not recommend approval of the TIA to the Planning Commission failed by a 2-2-1 vote (Commissioners Greenberg and O'Malley in favor; Commissioners Casey and Montgomery against; and, Commissioner Moody absent). A second motion to recommend approval of the TIA also failed by a 2-2-1 vote (Commissioners Casey and Montgomery in favor; Commissioners Greenberg and O'Malley against; and, Commissioner Moody absent). Transportation Commission discussion topics included a future bus stop turnout, availability of medical office, not exceeding General Plan caps, preservation of quality of life and the village concept. The Transportation Commission did not, however, specifically identify technical shortfalls of the TIA analysis.

## **ANALYSIS**

### Background

The 2.86-acre project site operates as Sterling Dental Plaza, a medical office use. The site is improved with a one-story, 16,015-square-foot building, surface parking lot with 122 parking spaces and landscaping. Built in the early 1990's, the building was previously owned by State Farm Mutual Automobile Insurance Company and purchased by Sterling America Investments, Inc. in 2002. The project site is directly bordered by streets. To the north is Barranca Parkway with one- and two-story single-family and

attached residences beyond; to the south is Osborn street with Mardan Private School (K-12) and the Inn at Woodbridge senior housing beyond; to the east is Willard street and the Kaiser Permanente facility beyond; and, to the west is Lyon street and the Irvine Unified School District administrative offices. There are two driveways providing access from Osborn. Additional details of the project applications are contained in the Information Sheet included as Attachment 3.

In March 2014, the initial project submitted to the City by the applicant requested the development of a three-story, 80,921-square-foot medical office building with a parking structure, for a net increase of 64,906 square feet. The project was anticipated to be a three-story office building with a four-level parking structure, including one underground parking level.

On May 13, 2014, the City Council conducted a scoping session for the General Plan Amendment application. The purpose of the scoping session was to provide the City Council with advance knowledge and provide an opportunity to raise comments and provide direction for subsequent analysis during the project review process and to authorize staff to proceed with a proposed amendment. City Council discussion included concerns regarding parking structure size and capacity; traffic; and outreach to Woodbridge residents.

In August 2015, the applicant submitted detailed drawings for a reduced project consisting of a 46,800-square-foot medical office building, which represents the proposed project.

### Project Description

The proposed three-story, 46,800-square-foot medical office building is designed with two floors of medical office building above an open, ground level parking garage. Two existing driveways on Osborn provide access to the site. The project proposes to consolidate the two existing driveways into a single new driveway located on Osborn slightly offset from a driveway utilized by the Mardan School.

An Environmental Impact Report (EIR) was prepared to analyze potential impacts of the project. This is described in the Environmental Review section of this report.

### *General Plan Amendment*

The GPA proposes a change to Land Use Table A-1 of the General Plan to increase the maximum square footage intensity in the "Multi-Use" designation in Planning Area 15 to allow for the proposed project. The General Plan Land Use Element Table A-1 assigns maximum intensity caps to land use categories within each planning area.

The proposed project would demolish the existing 16,015-square-foot building and replace it with a 46,800-square-foot building, resulting in a 30,785-square-foot net increase. Table A-1 would be revised as shown below with strike thru of existing text.

<b>TABLE A-1 MAXIMUM INTENSITY STANDARDS BY PLANNING AREA</b>		
Planning Area	General Plan Category	Maximum Regulatory Square Feet
15	<u>Multi-Use</u>	440,158
		470,943

*Zone Change*

The proposed project also requires a Zone Change to amend Zoning Ordinance Section 9-15-3 Statistical Analysis table to increase the maximum square footage intensity in the "3.1 Multi-Use" zoning designation in Planning Area 15 to be consistent with the General Plan Table A-1 as follows:

			<b>Building Intensity Standard</b>
<b>General Plan Category</b>	<b>Zoning Number</b>	<b>Zoning District</b>	<b>Maximum Regulatory Square Feet</b>
<b><i>Multi-Use:</i></b>			
Multi-Use	3.1	Multi-Use	440,158
			470,943

*Master Plan*

A master plan is required for non-residential development located in the 3.1 Multi-Use zoning designation pursuant to Zoning Ordinance Section 2-17-2. The master plan determines project layout, architecture, and landscaping. As proposed, the project would meet all applicable development standards as it relates to site coverage, building height, building setbacks, parking, and landscaping.

Special Land Use Regulations

In addition to City regulations, the project is also subject to Special Land Use Restrictions (SLURs) governed by the Irvine Company. The SLURs limit land uses and establish maximum gross floor area, floor area ratio and traffic trip generation for a

parcel. According to the applicant, amendments to the SLURs with Irvine Company will be required for the project since the proposed expansion was not envisioned for this parcel. Irvine Company has not approved the amendment to the SLURs for the project.

### Traffic Impact Analysis

The TIA evaluated the potential impacts resulting from the existing 16,015 square feet of office with the addition of 30,785 square feet to allow for the proposed 46,800 square feet of medical office use.

The study area boundaries included Irvine Center Drive to the north, Culver Drive to the west, I-405 freeway ramps to the south, and Sand Canyon Avenue to the east, which included 25 intersections and 35 roadway links. Multiple study years were analyzed, including existing, short-term interim year, long-term interim year, and General Plan build-out conditions. In addition, a cumulative analysis, including all pending projects in progress, was performed for each of the referenced study years.

The project will generate 112 morning peak hour trips, 167 evening peak hour trips, and 1,691 average daily trips based on Institute of Transportation Engineers (ITE) trip generation rates for medical office use. A trip generation summary table is provided to show the difference between existing and proposed conditions below:

<u>Trip Generation</u>	<u>AM Peak</u> (7 to 8:30 a.m.)	<u>PM Peak</u> (4:45 to 6:15 p.m.)	<u>ADT</u> <u>Trips</u>
Existing (16,015 SF)	25	20	579
Proposed (46,800 SF)	112	167	1,691
Difference	87	147	1,112

The TIA concluded that no traffic impacts were identified as a result of the project at any intersections or roadways. The TIA report is included as a technical appendix in the EIR.

### General Plan Amendment

The General Plan is the guiding policy document that establishes the goals and objectives for build-out of the City. It reflects community values and goals, and serves as the basis for all of the City's land planning policies. Amendments to the General Plan (GPAs) can occur when and if there is a compelling reason to do so, such as changes with current issues, trends, community needs, and state law. The City is not obligated to grant GPAs, as they are entirely at the discretion of the City Council as the final decision making body. The Irvine Zoning Ordinance does not authorize a GPA unless the City Council can make findings (among other things) that the proposed GPA is: (1) consistent with other elements of the City's General Plan; and (2) will not be detrimental

to the public health, safety, and welfare. (Zoning Ord. § 2-11-8.) For the reasons discussed below, staff does not believe the City Council can make these findings here.

While it is recognized that the project does not result in any significant environmental impacts (from a CEQA standpoint) and can demonstrate compliance with applicable development standards (aside from increasing the intensity cap for the planning area, as noted above), general plan amendments, above everything else, must ensure that all components work in harmony with the General Plan's goals, objectives, and policies found in the General Plan, which this project, in staff's view, does not. Although the project would be consistent with certain General Plan objectives and policies (which are discussed in more detail in Section 4.10 of the Draft Environmental Impact Report), the project is not consistent with other General Plan objectives and policies discussed below. In short, the project is a departure from the existing community character and values that Woodbridge is known for.

Staff has identified the following inconsistencies between the project and the City's General Plan Objectives and Policies:

- *Objective A-1 for City Identity to preserve and strengthen Irvine's identity as a diverse and innovative community, which is supported by the following policies:*

***Policy (b):*** *Use building masses and landscaping to create a sense of unity for the various components throughout the City.*

The project introduces an increased building height and footprint along Barranca Parkway, a prominent thoroughfare through the center of the planning area, as well as the center of the City. The increase from a single story building to a highly visible three-story building mass along a thoroughfare will have an adverse visual impact on the community. The portion of Barranca Parkway between Culver Drive and Jeffrey Road is known as a major activity corridor node that offers neighborhood services ranging from church, school, office, medical, and retail uses to support the surrounding residents. The existing character along the activity corridor will be altered as the proposed building will be one of the tallest and longest buildings in the immediate area. Other buildings of similar height in the area are setback substantially from Barranca Parkway.

- *Objective A-4 for Balanced Land Uses to manage growth by ensuring balanced residential and nonresidential development throughout the City, which is supported by the following policies:*

***Policy (c):*** *Achieve a land-use balance through the following:*

- *Coordination of land use and circulation patterns to ensure adequate circulation capacity and infrastructure.*

**Policy (g):** *Maintain accurate statistical information and intensity ceilings in the General Plan through the following efforts:*

- *Considering the land use impacts of any decision to modify the City's boundaries, including required modifications to Tables A-1 and A-2.*
- *Evaluating land use intensities in conjunction with the review of any zone change to permit development or modify intensity. Factors to be considered include, but are not limited to, the following:*
  - *the maximum intensity allowed pursuant to Table A-1 of the General Plan;*
  - *large infrastructure improvements planned or built in the project area that have reduced land available for development; circulation patterns; environmental constraints; and compatibility with surrounding land uses.*

Although the proposed GPA would serve the basic policy of "maintain[ing] accurate statistical information and intensity ceilings in the General Plan" (i.e., the amendment would ensure Table A-1 is accurate), it would not be consistent with the underlying purpose of those intensity ceilings. The City's vision for the build-out of Woodbridge has been established by the existing square footage intensity caps for the Planning Area. The nature of the proposal and the request for increased intensity beyond current caps runs counter to that vision. Staff believes the intensification of the site within the neighborhood does not provide a logical progression for the City's development. Woodbridge is an established and mature community that has reached the maximum intensity caps established for the zoning designation and planning area.

The portion of Barranca Parkway between Culver Drive and Jeffrey Road is an activity corridor node that offers neighborhood services ranging from church, school, office, medical, and retail uses to support the surrounding residents. Woodbridge is adequately served by 300,554 square feet of existing medical offices, which represents the greatest amount of medical office square footage within a planning area that is not specifically zoned for Medical & Science. The community does not support additional development in the area and believes that expansion of the building would have a negative impact on their community.

- *Objective A-6 for Land Use Compatibility to achieve harmonious land use patterns throughout the City, which is supported by the following policy:*

**Policy (a):** *Ensure, through the discretionary review process, the public health, safety, and welfare of sensitive receptors/land uses.*

The project introduces increased building height and a larger footprint along Barranca Parkway that will change the existing character along the activity corridor as one of the



tallest and longest buildings in the immediate area. Nearby sensitive land uses include a private K-12 and senior housing facility that are located along Osborn street. With the introduction of more intensity to the project site, potential conflicts between pedestrian traffic from sensitive land uses may occur.

Given its location and context, staff believes the project is not consistent with other elements of the City's General Plan and would be detrimental to the public health, safety, and welfare of the community. Staff, therefore, recommends the denial of the GPA application through adoption of Resolution 18-XX (Attachment 8).

### Zone Change

The Zone Change should be denied for similar reasons as those stated under the General Plan Amendment section above. Like a GPA, a Zone Change cannot be approved unless the City Council can make the following findings (among other things): (1) the proposed zone change is consistent with the City of Irvine General Plan; and, (2) the proposed zone change is in the best interest of the public health, safety, and welfare of the community. (Zoning Ord. § 2-38-7.) Staff, therefore, recommends the denial of the Zone Change application through adoption of Resolution 18-XX (Attachment 9).

### Master Plan

Master Plan approval is expressly contingent upon the approval of the General Plan Amendment and Zone Change requests (i.e., if existing intensity caps are not increased through approval of the GPA and Zone Change, the Master Plan will be inherently inconsistent with the General Plan and Zoning Ordinance).

In addition — and independent of the intensity cap issue — a Master Plan (like a GPA and Zone Change) cannot be approved unless the approving body (usually the Planning Commission, but in this case, the City Council on appeal) finds that (among other things): (1) the Master Plan is consistent with the General Plan; and (2) the Master Plan is in the best interests of the public health, safety and welfare of the community. (Zoning Ord. § 2-17-7.) Staff recommended and the Planning Commission agreed that these findings could not be made with respect to this project. (PC Resolution 18-3683.)

Along with the denials of the General Plan Amendment and Zone Change, staff recommends upholding Planning Commission's denial of Master Plan application through adoption of Resolution 18-XX (Attachment 10).

## **COMMUNITY INVOLVEMENT/PUBLIC OUTREACH**

Since 2014, the City; Woodbridge Village Association (WVA), the master homeowner's association for Woodbridge; and, the applicant have jointly provided different methods of public outreach to inform the community of the project's progress.

The applicant hosted two community meetings at the WVA facility to discuss the project with residents on June 10, 2015 and February 10, 2016. The WVA and residents have continually objected to the proposed project due to concerns related to incompatibility with the neighborhood relative to building mass, architecture, and building setbacks; increased traffic; loss of existing landscaping; lack of demand for additional medical office use; and, the addition of new development to an already built-out area.

In 2016, a webpage was created on the City's website ([cityofirvine.org/2osborn](http://cityofirvine.org/2osborn)) containing pertinent project information including the proposed site plan, environmental documents, and upcoming hearing/meeting notifications. Additional notifications were sent via mail pursuant to the California Environmental Quality Act (CEQA) requirements for notification of the Environmental Impact Report (i.e., release of the Initial Study, Draft EIR, response to comments and environmental scoping session).

On November 10, 2016, staff conducted a public EIR Scoping Session to inform all interested parties and public agencies of the City's intent to prepare an EIR for the project and request input on the scope of the document. Seventy residents, the applicant, City staff and the City's environmental consultant attended this outreach. Residents expressed concern with building bulk and height, traffic increases, noise, and precedence for future intensifications in the neighborhood.

In advance of the City Council meeting, staff mailed public hearing notices to all surrounding property owners, apartment occupants, and homeowners associations within 500 feet of the project site. Notices were also posted at the City's neighborhood bulletin boards and published in the Orange County Register, a local publication. Emailed notices were sent to the project interest list comprised of 396 recipients. In addition to the mailed notices and email distribution lists, other social media platforms (i.e., Nextdoor, Facebook, and Twitter) were used to notify the community by the City. WVA posted the City's public notice on its website and also notified homeowners through email to several thousand email addresses.

To date, the City has received 650 correspondences from residents the majority of which expressed opposition to the project. The City has also received three correspondences in support of the project. All correspondences received are included as Attachment 4.

## **ENVIRONMENTAL REVIEW**

An EIR was prepared to address the general environmental setting of the proposed project, potential significant environmental impacts, and identification of mitigation measures to reduce the project's environmental impacts below a level of significance.

Pursuant to CEQA, a Notice of Preparation was filed with the State Clearinghouse for a 30-day review period between October 27, 2016 to November 28, 2016 to inform all interested parties and public agencies of the City's intent to prepare an EIR for the project and request input on the scope of the document.

As noted above, during the review period, staff conducted a public EIR Scoping Session on November 10, 2016. Seventy residents, the applicant, City staff and the City's retained environmental consultant attended this outreach. Residents expressed concern with building bulk and height; traffic increases; noise; and, precedence for future intensifications in the neighborhood. In response to the Notice of Preparation distribution, staff received over 100 responses from public agencies, residents, and interested persons.

The 45-day public review period of the draft EIR began on September 8, 2017, and concluded on October 23, 2017. This process informed interested agencies/persons that the project's environmental review has been completed and is available for public review and comment. The draft EIR was distributed to the WVA, all property owners and occupants within a 500-foot radius of the project site, as well as neighboring cities, interested parties, and other governmental agencies. The draft EIR was available for review at the Community Development Department at Irvine City Hall, local public libraries, the WVA offices, as well as on the City's website. A copy of the draft EIR and Technical Appendices are included with this report as Attachment 5.

The City received a total of 41 comment letters during the public review period on the draft EIR. Six correspondences were received from public agencies and 35 from residents and interested parties. Expressed concerns were related to traffic, aesthetics, land use, noise, and air quality. The City prepared topical responses to the received comments as required by the CEQA that are included as Attachment 6.

The EIR concluded that there is no substantial evidence that the project would have a significant effect on the environment with the proposed mitigation measures applied to the project. Should the City approve the proposed project, a list of all mitigation measures and Project Design Features applied to the project can be found in the Mitigation Monitoring and Reporting Program included as Attachment 7.

While the EIR does not identify significant environmental impacts, for the reasons discussed above, staff believes the project is inconsistent with the City's General Plan and would be detrimental to the public health, safety, and welfare of the community.

## **ALTERNATIVES CONSIDERED**

1. *Transfer Intensity*: The City Council could approve the proposed project for 46,800 square feet of medical office and, instead of increasing the intensity cap, transfer the required 30,785 square feet of intensity from the adjacent 4.1 Neighborhood Commercial zone (in PA 15), that has remaining intensity, to the project site. This alternative was analyzed in the TIA and identified no significant impacts. A GPA and Zone Change would still be required for this request to update the statistical tables in both the General Plan and the Zoning Ordinance. While this would not increase overall development intensity, this alternative would reduce future neighborhood-serving retail development potential through conversion to medical office use.
2. *Reduced Project*: The City Council could approve a reduced-size project to decrease potential impacts. For example, a 36,540-square-foot medical office building (10,260-square-foot decrease from the proposed project) could eliminate the open parking garage thereby reducing the overall building height by approximately 10 feet. A GPA and Zone Change would still be required for the 20,525-square-foot increase compared to the 30,785-square-foot increase with the proposed project. This alternative would limit the building height to two stories; however, it doubles the existing square footage, which may not be financially feasible for the applicant to pursue.
3. *Project Approval As Is*: The City Council could determine the proposed GPA and Zone Change are in the City's best interest and adopt the applicant's requested changes. Should the requested applications be approved, the General Plan and Zoning Ordinance land use designation for the property will be increased by 30,785 square feet from the existing caps to allow for the project within the planning area.

## **FINANCIAL IMPACT**

The City's Budget Office prepared a fiscal impact analysis to identify potential long-term fiscal impacts associated with the project. The report was prepared using the City's fiscal model to estimate the fiscal impacts of the proposed GPA and ZC for Planning Area 15. The analysis concluded the fiscal impact to the City is de minimis should the proposed project be approved.

**REPORT PREPARED BY** Stacy Tran, Senior Planner

**ATTACHMENTS**

- Attachment 1: Vicinity Map
- Attachment 2: Project Plans
- Attachment 3: Information Sheet
- Attachment 4: Public Correspondences
- Attachment 5: Draft Environmental Impact Report with Technical Studies
- Attachment 6: Response to Comments
- Attachment 7: Mitigation Monitoring and Reporting Program
- Attachment 8: City Council Resolution No. 18- XX, Denying General Plan Amendment 00600172-PGA
- Attachment 9: City Council Resolution No. 18- XX, Denying Zone Change 00600175-PZC
- Attachment 10: City Council Resolution No. 18- XX, Denying the Appeal for Master Plan 00645299-PMP
- Attachment 11: Staff Presentation

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PA 15 – Osborn Interest List (via email)  
Files: 00600172-PGA, 00600175-PZC, 00645299-PMP