

**Attachment 5**

**Responses to Comments**

**For**

**Chabad Jewish Center of Tustin**

**PA 21-0055**

## INTRODUCTION

**Public Review Period.** In accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines, OC Public Works provided public notice of the intent for the Orange County Planning Commission to consider the proposed Chabad Jewish Center of Tustin. A Notice of Intent to Adopt a Negative Declaration (NOI) was circulated and posted from January 24, 2022, through February 14, 2022. The circulation and posting complied with the mandatory State requirements to provide a public review period of not less than 20 days. The public circulation period was 22 days, which included the last day.

**Lead Agency Responsibility.** Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. Comments received outside of the public review period referenced above are not considered nor responded to in this Response to Comments document.

The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis." (CEQA Guidelines, §15074(b).)

Consistent with Section 15074(b) of the CEQA Guidelines, the Orange County Local CEQA Procedures Manual provides an option for the County, acting in its capacity as lead agency, to respond to comments received during the public comment period and has chosen this option. (OC Local CEQA Procedures Manual, Section 11.7.)

**Posting and Mailing.** The NOI to Adopt a Negative Declaration was posted at the following locations:

- Orange County Clerk-Recorder;
- State Clearinghouse, Governor's Office of Planning and Research;
- County Hall of Administration public notice bulletin board;
- Project site; and,
- OC Public Works public website.

In addition, the NOI was directly mailed to adjacent properties via the U.S. Postal Service.

## COMMENTS RECEIVED

The County received 18 comments during the public review period. The following table lists the comments received, the date of the comment and its type.

Following Table 1 is Table 2, which summarizes each comment and provides a response. Individual comments are provided following Table 2.

**Table 1: List of Commenters**

<b>NO.</b>	<b>COMMENTER</b>	<b>DATE</b>	<b>TYPE</b>
1	Bara Salmon	not dated	Individual
2	David Bergman	February 11, 2022	Individual
3	Errol Higgins	not dated	Individual
4	Foothill Communities Association	February 13, 2022	Organization
5	Grant and Colleen Anderson	February 14, 2022	Individuals
6	Ione Brown	not dated	Individual
7	Jody Jacobson Wedret	not dated	Individual
8	Lawrence Budner, MD	February 6, 2022	Individual
9	Leah Brickner	February 10, 2022	Individual
10	Mark Rothenberg, Esq.	not dated	Individual
11	Mark Zehner	February 6, 2022	Individual
12	Neil Spingarn	February 7, 2022	Individual
13	Nora and Gabriel Stern	February 9, 2022	Individuals
14	Patti Widdicombe	February 7, 2022	Individual
15	Dr. Rebecca (Riva) Tukachinsky Forster	not dated	Individual
16	Robert Paul	February 8, 2022	Individual
17	Ronald Bowitz	February 7, 2022	Individual
18	Ronnie Lee	not dated	Individual

**Table 2: Comment Summaries and Responses**

<b>1. Bara Salmon</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated support for the project and believes it will benefit the community.	The County acknowledges the comments. The comment letter did not address or raise any issues related to environmental analysis contained in the proposed Negative Declaration. No further response is necessary or required.
<b>2. David Bergman</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the project would benefit the neighborhood.	The County acknowledges the comments. No environmental issues were raised. No further response is necessary or required.
<b>3. Errol Higgins</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the project would contribute to the education and spiritual health of the community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>4. Foothill Communities Association</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated four concerns related to the aesthetics, land use and planning, noise, and transportation.	<p>The County acknowledges the comments. The Aesthetics section of the Negative Declaration identified Standard Condition LG01 (Light and Glare) that would be incorporated into the proposed project. Consistency with the North Tustin Specific Plan (NTSP) was evaluated in the Land Use and Planning section of the Negative Declaration and no inconsistencies were identified. The staff report also includes a further discussion on consistency with the Zoning Code and NTSP, inclusive of the proposed Variance.</p> <p>Refer to the staff report for a discussion on the character of the proposed project, which includes the architecture and building height.</p> <p>The Noise section of the Negative Declaration identified Standard Conditions N02 (Non-Residential Noise), N08 (Noise Generating Equipment) and N10 (Construction Noise) that would be incorporated into the proposed project. The Noise section also included onsite noise readings to establish baseline conditions and provided noise modeling based on the expected noise generation by the proposed project.</p> <p>The Transportation section of the Negative Declaration identified Standard Condition T07 (Sight Distance) that would be incorporated into the proposed project. Refer to the staff report for a discussion on vehicular access. As described in that section, the design of the proposed project provides for off-street circulation for individuals dropping off children for</p>

	<p>preschool and other uses. CEQA does not require analysis of parking impacts. The parking being provided complies with the NTSP.</p> <p>No environmental issues were raised beyond those evaluated in the Negative Declaration; therefore, no further response is necessary or required.</p>
<b>5. Grant and Colleen Anderson</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenters stated concerns related to parking, aesthetics, land use planning, noise, and transportation.	The County acknowledges the comments. Refer to the staff report for a discussion regarding parking, aesthetics, land use and planning, and transportation. The Negative Declaration evaluated potential noise impacts. CEQA does not require analysis of parking impacts. The parking being provided complies with the NTSP. Because no environmental issues were raised beyond those evaluated in the Negative Declaration no further response is necessary or required.
<b>6. Ione Brown</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the project would be more convenient for attending services.	The County acknowledges the comments. Because environmental issues were not raised. No further response is necessary or required.
<b>7. Jody Jacobson Wedret</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated having a permanent location would be more convenient. Also, the commenter stated parking impact on neighbors would be minimal.	The County acknowledges the comments. Refer to the staff report for a discussion regarding parking. No further response is necessary or required.
<b>8. Lawrence Budner, MD</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated that Chabad provides exemplary service to the community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>9. Leah Brickner</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the Chabad Jewish Center will benefit the members and community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>10. Mark Rothenberg, Esq.</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the need for additional Jewish houses of worship in the community.	The County acknowledges the comments. No environmental issues were raised. No further response is necessary or required.

<b>11. Mark Zehner</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated concerns related to building height and parking.	The County acknowledges the comments. Refer to the staff report for a discussion regarding building heights and parking. CEQA does not require analysis of parking impacts. The parking being provided complies with the NTSP. No further response is necessary or required.
<b>12. Neil Spingarn</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the addition of the Chabad would be a wonderful addition to the community and provide services to the local community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>13. Nora and Gabriel Stern</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenters stated the addition of the Chabad would be a tremendous asset to the community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>14. Patti Widdicombe</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated their support for the development of the Chabad.	The County acknowledges the comments. No environmental issues were raised. No further response is necessary or required.
<b>15. Dr. Rebecca (Riva) Tukachinsky Forster</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the benefits provided to the congregation during the public health crisis.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.
<b>16. Robert Paul</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the Chabad will be a great benefit to the Jewish community and community at large. Also, the commenter stated there will be no excessive noise on the neighbors.	The County acknowledges the comments. Potential noise impacts were evaluated in the Negative Declaration. No further response is necessary or required.
<b>17. Ronald Bowitz</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the building will enhance the area.	The County acknowledges the comments. No environmental issues were raised. No further response is necessary or required.

<b>18. Ronnie Lee</b>	
<b><i>Comment Summary</i></b>	<b><i>Response</i></b>
The commenter stated the building would eliminate an eyesore and raise the faith of the community.	The County acknowledges the comments. Because no environmental issues were raised no further response is necessary or required.

# Individual Comment Letters



Bara Salmon  
2584 Calle Belmonte  
Tustin, CA 92782

Dear Sirs,

I have lived in Tustin for 21 years, and have known Rabbi Eliezrie since he came to town and created his synagogue on Newport Ave. I often reached out to him with issues of Jewish ritual as I was working with mostly Jewish people. Later on, I joined evening classes the rabbi has been teaching to members of the congregation.

Living close by has been very convenient and reassuring. All members are contacted and provided for all Jewish holidays. The rabbi is there for us, for any need. Being close by is essential.

Since our location is limited, it needs to expend for others seeking their spiritual home, the need for a larger home is essential.

Sincerely,

Bara Salmon

2/11/22

David A. Bergman  
13141 Kootenay Drive  
N. Tustin, CA 92705

Re: Chabad Tustin

To whom it may concern,

My name is David Bergman and I have been a local resident since 1963 when my family moved to Southern California. We initially lived on Gimbert Lane and eventually moved into our home on Newport Avenue where my parents lived until their final days. I and all my siblings went to Mildred Morrow Elementary, Hewes Intermediate and Foothill High schools. I currently live within 1 mile of where I grew up on Kootenay Drive.

Over the more than 50 years I have spent in the area, I have seen many project developments go in. Some of these were nice and fit in with our neighborhood but a few of them were poorly planned and are incongruous with our area. It's unfortunate that we cannot go back in time and stop some of these unsavory developments, however, we can prevent them from recurring in the future by green-lighting projects that will benefit North Tustin. The Chabad of Tustin project is one of those. A well planned, and aesthetic church or synagogue always benefits the neighborhood. In this case, having a small religious group use this small plot of land will prevent someone from creating a vastly over built development such as the California Crossing, right across the street.

I appreciate your time and effort in keeping North Tustin a great place to live.

Kindest regards,

David A. Bergman

ERROL HIGGINS

[higginserrol@me.com](mailto:higginserrol@me.com)

[errolhiggins.com](http://errolhiggins.com)

Phone: 949-521-2951

Instagram: errolhiggins123

1082 E. Main Street, #11

Tustin, CA 92780

Orange County Planning Commission:


I am writing to you today regarding the building of our Synagogue on 17th Street in Santa Ana.

I would like to share in the excitement and joy of finally have an anchor in our community. **OUR NEW SYNAGOGUE!**

I am confident that our new facility will be an asset that attracts local Jewish families and to the community at large. It is vital to the spiritual health and education of our community that we have our new facility. This will give us a permanent home for generations to come. Thank you for your consideration.

Sincerely

Errol



**FOOTHILL COMMUNITIES ASSOCIATION**  
*Serving the Entire Unincorporated North Tustin Area*  
Post Office Box 261 • Tustin, California 92781

February 13, 2022

OC Public Works/Development Services /Planning  
Attention Kevin Canning  
601 North Ross Street  
PO Box 4048  
Santa Ana, California 92701

Via email to Kevin Canning, [Kevin.Canning@ocpw.ocgov.com](mailto:Kevin.Canning@ocpw.ocgov.com)

Re: Proposed Negative Declaration for the Chabad Jewish Center of Tustin

Dear Mr. Canning:

The Foothill Communities Association (FCA) finds the proposed Negative Declaration for the Chabad Jewish Center of Tustin (File No: PA 21-0055) to be inadequate. It fails to identify the significant adverse effects on the environment in the areas of Aesthetics, Land Use and Planning, Noise, and Transportation. These adverse effects lead to a determination for a Mandatory Findings of Significance: This project will cause substantial adverse effects on human beings. A focused Environmental Impact Report on the above areas of concern is required.

FCA hereby presents its comments in the four areas mentioned above. The discussion of each topic below may overlap into other environmental areas, and these comments should be considered valid for whichever environmental category they should apply.

**Aesthetics:**

FCA considers the determination that the project would have no adverse impact on aesthetics to be flawed in the following two areas.

*(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. If the project is in an urbanized area, would the project conflict with applicable zoning or other regulations governing scenic quality?*

*(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The proposed project is in an urbanized area and would conflict with applicable zoning and other regulations governing scenic quality. The North Tustin Specific Plan (NTSP) states: *All discretionary permits shall achieve substantial conformance to the design criteria and guidelines*

contained in Division II, Chapter I (NTSP III-26). The goal of *Compatibility with Existing Community* is achieved with the following policies (NTSP II-1-700) which this project fails to meet.

1. *Establish and enforce detailed development standards which emphasize a residential character for all development.* The project does not meet the residential character as defined by the NTSP.
2. *Use landscaping to enhance building design and, where necessary, to soften the effects of building and pavement.* The project lacks sufficient landscape buffering.
3. *Ensure new development provides an appropriate buffer to adjacent existing uses of less intensity.* The project's parcel size and intensity of use prevents adequate buffers to adjacent properties.

*The North Tustin Community Design Guidelines and Standards* (NTSP II-1-84) is explicit regarding the requirement for a nonintrusive, residential character for all proposed projects within the plan area. These requirements are listed in the NTSP II-1-84–91. Compliance is required for all discretionary permits: *All discretionary permits shall achieve substantial conformance to the design criteria and guidelines contained in Division II, Chapter I* (NTSP III-26). The proposed project does not meet the requirements of the NTSP and would therefore violate applicable zoning and regulations. As examples of failure to meet the NTSP Chapter II design character are the proposed flat roof, bulk of structure, and less than 8-foot landscape buffer to properties with less intense use

The proposed project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. With minimal buffers to adjacent properties, even low-level nighttime security lighting would substantially increase ambient lighting.

### **Land Use and Planning:**

There are issues within the proposed Negative Declaration that understate, minimize, or ignore aspects of the project which will profoundly affect the surrounding community. The first, and decidedly most critical area of contention is the site size of the proposed project. It is stated specifically in the NTSP that the minimum building site is to be 40,000 square feet. Depending on whose computation is used the size of this property available for this project is plus or minus 30,000 square feet. A discussion of fractions or percentages from the required 40,000 square feet is moot. It was realized then as it is now that a 40,000 square foot minimum parcel size required for a project such as this is mandatory for mitigating the possible known (and unknowable effects) and repercussions on the neighborhood and surrounding community. This is stipulated for a temple or a school singularly without the synergism of having both facilities as is proposed. By adding in the realized third component of the designated “social hall” (an entity not addressed specifically in the NTSP) to a temple and a school, the impact of this project is profound without question. This minimum site size was not just conjured up but was a result of intuitive and experienced thinking.

The second issue that is understated is the on-site parking requirement. There are calculations which minimize the need based on fixed seats and employees with the result of 20 proposed off-street spaces. The previously mentioned “social hall” is stated to be 1,200 square feet. This 1,200 square foot area is “partitioned” off from the main sanctuary—a partition that could be opened, depending on need to accommodate more than the 50 fixed seat configuration. The calculation for

the “no fixed “seat area is one parking space for each 35 square feet of gross floor area. According to this calculation, dozens more (than 20) of on-site parking places should be provided. The impact of insufficient parking during religious holidays, festivals, special events, and the secular programs that could take place (according to the website) would spill onto Seventeenth Street and into residential neighborhoods.

The third issue that is greatly minimized, almost to the point of disbelief, is that the structure somehow is not a “substantial deviation from a traditional ‘residential character.’” If one regards the provided illustration, it would be believed by many (and by most in North Tustin) that this structure was decided upon because it does **not** reflect “residential character.” It is understandable that the Jewish Center would want what they perceive to be attractive and what reflects their beliefs and traditions. However, it is mostly in direct contrast to what the NTSP requires as to roof lines and “appearance.”

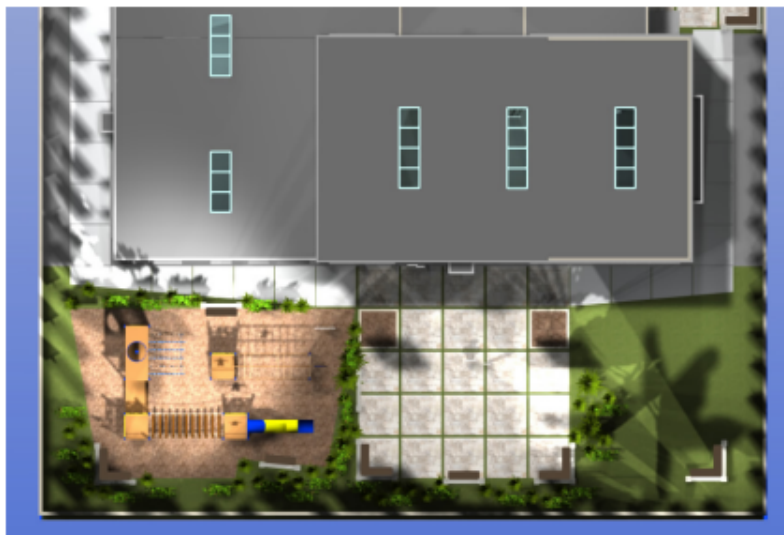
Lastly, the matter of intrusion and buffering is also understated. The setback to the residential single-family areas to the east and is 14.5 feet. The tallest part of the structure towers over the properties to the east. For a few, sunsets will come a little earlier than for their neighbors. There is now proposed a high intensity facility less than 5 yards away from the lowest of intensity uses with the creation of a “cavern” in between. This does not seem to be in line with the goals set forth in the NTSP

### Noise:

The Negative Declaration on pages 119–120 identifies only the following noise generating activities and gatherings, which would occur within the “rear open playground area” of the proposed temple:

1. Use of the playground area by preschool children, and
2. *Noise produced by the use of other outdoor areas (e.g., bar and bat mitzvahs, weddings, memorial services, and other special occasions), including the use of equipment for the amplification of voice and music.*

Below is a portion of an illustration showing this rear open playground area:



The Site Plan indicates that this rear area is 144 feet wide and about 6,200 total square feet. The playground is in the southwest corner, and based on the dimensions in the Site Plan, it takes up about one-third of the total area. The remaining two-thirds consists of a patio and lawn. The Site Plan further indicates that this rear open playground area is immediately adjacent to the temple's 550 square foot kitchen and 1,200 square foot indoor social hall.

A single-family residential neighborhood is within 44 feet directly south of this rear open playground area. To put this into perspective, that neighborhood will be much closer than the length of a tennis court, which is 78 feet. Also impacted will be the Shady Hollow single-family neighborhood which is immediately adjacent to the temple's eastern border. Many other neighboring residences are within 100 yards of this rear open area.

The noise from any of the events described above will have severe negative effects on these neighborhoods year round. In the summer months when sound travels further, these events would have even more significant negative effects on the use and enjoyment of these neighborhoods, especially when amplification equipment is employed as the Negative Declaration states is planned to occur.

The Negative Declaration cites two legal authorities on the subject of noise which supposedly exempt the types of activities listed above. However, the North Tustin Specific Plan (NTSP) is the ultimate controlling legal authority as to all uses in single family districts, including uses that create noise. The NTSP states at Chapter 3, Section A.1.:

*The RSF District [Residential Single Family] is intended to create, preserve and enhance neighborhoods where permanent, one household, residential uses are predominant.... Only those additional uses are permitted **that are complimentary to, and can exist in harmony with, such a single-family residential neighborhood.*** [Emphasis added.]

The activities described above would not "preserve and enhance" the surrounding residential neighborhoods nor would they be "complimentary to," or "exist in harmony with" those neighborhoods. Rather, they would severely negatively affect the residential character of these neighborhoods and possibly impact property values, all to the great detriment of the property owners

Aside from noise generated by this "rear open playground area," the Negative Declaration does not mention or identify other sources of noise that would come from other areas of the proposed temple. Those sources would include vehicles using the 20-space parking lot on the north side of the property, noise emanating from inside the sanctuary, and noise from persons and equipment within the exterior perimeter areas of the property. These would undoubtedly be audible from the properties immediately adjacent to the temple and would not meet the NTSP standard.

### **Transportation:**

The project site is on Seventeenth Street which the County of Orange designates as a "Major Arterial." There are four lanes in front of the project site, two eastbound and two westbound. The Initial Study incorrectly states on pages 30 and 104 that there are six lanes in front of the project site. Seventeenth Street terminates at Newport Avenue about 780 feet to the east of the project site where the vast majority of the eastbound vehicles turn right at a traffic light.

There are two concrete raised center dividers directly in front of the project site that drivers must navigate to avoid hitting. In a gap between the dividers directly in front of the project site, there is a left-turn lane leading from eastbound Seventeenth Street to Berrington Court on the north side of Seventeenth Street. The two eastbound lanes in front of the project site have a combined width of about 24 feet between the concrete raised center dividers and a bicycle lane on the right of the lanes. Traffic at that spot travels at approximately 45 mph at commute time, which coincides with the time parents would be dropping off and picking up their children at the proposed temple's preschool.

It is right at this location in front of the project site where vehicles in the eastbound two lanes are: (1) quickly coming to a complete stop in the left turn lane between the two raised center dividers, (2) changing lanes in order to make the desired turn at Newport Avenue, or (3) decelerating to turn into Shady Hollow, which is a residential area that adjoins the eastern boundary of the project site (which the Negative Declaration incorrectly calls "Sleepy Hollow"). Most of the lane changes are to the right lane nearest the project site in preparation for a right turn at the traffic signal light at Newport Avenue. Any bicycles present will add to these traffic issues.

As indicated at page 19 in the Initial Study, the proposed temple would have one driveway for entry into the 20-space parking lot, and a separate driveway from which to exit. The Negative Declaration also states on page 20 and 102 that the private preschool for 30 students and "a minimum of four teachers and teacher assistants," is open from 8:00 am to 5:30 pm, Monday through Friday. The drop-off and pick-up times would coincide with the weekday morning and afternoon commute times on Seventeenth Street, and 30 plus vehicles will likely be descending on, or leaving, the small 20-space parking lot all at the same time. There is inadequate parking to accommodate this number of vehicles, and the excess vehicles will likely back up on to Seventeenth Street waiting to enter, or will stop at the curb to drop-off or pick-up children. This will cause a dangerous situation on Seventeenth Street twice per day, Monday through Friday.

Similar situations would occur during the other temple activities mentioned in the Negative Declaration. The Negative Declaration does not mention numerous other regularly occurring activities at the current temple site which will likely be carried over to the new site and would affect traffic. Those activities are found on the Chabad's website, just one of which occurs every Wednesday from 5:30pm to 8:30pm. See the link at [https://www.chabadustin.com/templates/articlecco\\_cdo/aid/696932/jewish/Hebrew-High.htm](https://www.chabadustin.com/templates/articlecco_cdo/aid/696932/jewish/Hebrew-High.htm).

The Initial Study states on page 21 that attendance levels could increase at the proposed temple during Jewish holidays and at "bar/batmitzvahs, weddings, memorial services, and other special occasions." It states that during such times "on-street parking is presently authorized along both westbound and eastbound Seventeenth Street in the general vicinity of the project site."

On-street parking is allowed only from the intersection of Hewes and Seventeenth Street to the project site. Based on a standard parallel curbside parking space of 22.25 feet per vehicle, there is only enough space to accommodate eight vehicles on the south side of Seventeenth Street, and 21 vehicles on the north side of Seventeenth Street. There are no crosswalks directly from the north side of Seventeenth Street to the project site, and any additional parking needs will undoubtedly spill over into the neighborhoods on the north side of Seventeenth Street. Finally, the proposed temple would lose nine parking spaces from its parking lot, dropping the total number of spaces down to 11. The Negative Declaration states on page 21 that because



Seventeenth Street is a major arterial highway, “at this location [of the project site], a 60-foot-wide ROW [right-of-way], as measured from centerline [is required].” It continues to state that the applicant “is required to provide a 15-foot-wide irrevocable offer of dedication across the property’s frontage to the County.” That 15-foot dedication extends into the nine parking spaces of the parking area that are closest to Seventeenth Street. If the County exercises its right to that 15-foot area to widen Seventeenth Street, the proposed temple will lose nine parking spaces. That would exacerbate the problems discussed above.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Cross". The signature is written in a cursive style with a large, sweeping flourish at the end.

Brian Cross, President  
FOOTHILL COMMUNITIES ASSOCIATION  
[brian.cross@fcahome.org](mailto:brian.cross@fcahome.org)  
714-552-0610

Cc: Third District Supervisor Donald Wagner  
Kevin Rice, 3rd District Planning Commissioner

February 14, 2022

To: OC Public Works/Development Services /Planning

Attention: Kevin Canning

Via email: Kevin.Canning@ocpw.ocgov.com

From: Grant and Colleen Anderson, resident

Subject: Proposed Negative Declaration for the Chabad Jewish Center of Tustin, PA21-0055

Dear Mr. Canning:

I have only very recently been made aware that the County has prepared a draft Negative Declaration for the proposed Chabad Center of Tustin, PA 21-0055, and that comments regarding this document are due to the County by today, February 14, 2022. I would have assumed that such a draft environmental document would be sent to all nearby affected residents for review and comment. Unfortunately, that did not occur in this case, even though I had previously provided my contact information to you. This lack of transparency on the County's part is troubling, to say the least. That said, I do have comments about the environmental analysis/document where I feel that certain impacts were understated or not evaluated.

- Page 15, Figure 8: The proposed Site Plan shows the current road Right-of-Way (ROW) boundary but does not show the Ultimate Major Arterial ROW of 60' half-width nor the required 15' ROW dedication to the County by the applicant. If shown, the new ROW line and future sidewalk would encroach into the Applicant's proposed parking area.
- Page 21 & 21, Conceptual Parking Plan: The Site Plan indicates that a 1950sf Sanctuary (with 35 "fixed seats") and a connected 1200sf Social Hall is proposed. These "two" rooms are connected by a removable partition such that they can operate as one large room. No discussion is provided of how this large room is expected to be operated and parking impacts from the additional 1200sf were not taken into account. The Ordinance requires 1 parking space for every 35sf (when no fixed seats such as the Social Hall). This Social Hall use would require an additional 35 parking spaces be provided. All proposed uses should be able to be completely parked on-site without the need for on-street parking, legal or otherwise.

This large proposed facility with a 3150sf multipurpose room, kitchen facilities, etc would provide for an unknown and unregulated number of sizeable "special" events. The lack of adequate on-site parking would negatively impact the surrounding neighborhood.

- Page 21 & 22, Dedications: 17<sup>th</sup> Street, designated as a Major Arterial Highway, requires a total 120' ROW with 60' half-width ROW. Currently the property frontage of this site has only 45' half-width ROW, necessitating the dedication of an additional 15' of ROW to the County by the Applicant. Once accepted by the County, the resultant lot size would be reduced by approximately 2100sf and no uses, such as parking, could be proposed to occur in this County Road ROW. There are currently 9 parking spaces proposed to be located within this future County property. The loss of these parking spaces would further negatively impact the safety and enjoyment of the surrounding neighborhood.
- Page 36, Aesthetics (c): The aesthetics of the proposed project would have a negative impact on the North Tustin community, especially in regards to a lack of adherence to the North Tustin Specific Plan. Specifically, the NTSP requires that new development be compatible with the existing community character, that roofs be sloped, that buildings shall be residential in appearance, and that reflectivity of exposed surfaces and windows be mitigated. The building, as currently proposed, does not meet any of these criteria.
- Page 100-109, Land Use Planning (b): The project as currently proposed would have a potentially significant impact to the environment due to it's conflict with adopted County Zoning and Specific Plan requirements. As previously mentioned, parking does not meet the intent of County requirements that all parking for proposed uses be provided on-site. Potentially significant safety issues may arise due to the project not providing the County required drive aisle lengths when the ultimate ROW is taken into account. The applicant is proposing a Variance to legally allow the proposed use on a site which clearly does not support the intensity of uses proposed. A variance, by virtue of it's discretionary nature would imply the the applicant has proposed something of benefit to the community or gone above and beyond minimum code requirements in other areas as justification for the grant of such Variance; this has **NOT** happened with the current project. Most of the potentially significant impacts are a direct result of the undersized nature of the building site.
- Page 111-120, Noise (a): The proposed project includes a daily school for children as well as an untold number of events, potentially with live amplified music which would have a Potentially Significant Impact to nearby neighbors. Sound from amplified sources, whether indoors or out, as well as groups of people congregating and playing outdoors was not adequately addressed. Again, due to the restricted lot size, impacts will spread beyond the site into the adjacent residential properties. Noise typically associated with residential neighborhoods does not include dozens of children playing all during the day and then large loud events occurring nights and weekends. Whether or not such noise exceeds minimum County standards misses the point, it is not compatible with the surrounding area at any volume. The discretionary Variance for lot size should not be granted when these negative impacts are taken into consideration.
- Page 131-, Transportation (a & c): The project as currently proposed would result in potentially significant impacts as a result of not meeting minimum County design standards. Discussion on page 38, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, *incorrectly states* that the proposed encroachment into (future ultimate) County Road ROW would not adversely

impact the Public's use of this area. When this dedication is accepted, and ultimate improvements are made to 17<sup>th</sup> Street in accordance with the County adopted Master Plan of Arterial Highways, the area in question would be used for public sidewalk which would preclude any parking or landscaping uses. The discussion also incorrectly states that County design standards would be met but those standards require that measurements be taken from the ultimate ROW which is not possible with the current site plan.

I look forward to seeing these issues addressed prior to you sending this to the Planning Commission. I am available to discuss the concerns that I have raised and would appreciate being included in notices for any further meetings regarding this project.

Respectively,

Grant and Colleen Anderson

14071 Cameron Lane, North Tustin

(714) 573 3828

Attention: Orange County  
Planning Commission

From: Ione Brown  
2339 Sunningdale Drive  
Tustin, Ca 92782

I have lived in the City of Tustin for 61 years. I attended Loma Vista, Hewes and Foothill High Schools.

Our Chabad congregation is committed to our local community, we visit the sick, volunteer, etc.

Most of us individuals participating in services live within 2-3 miles of the corner of 17th St. and Newport. This site will be so convenient for those of us who want to walk to shul.

We will be very good neighbors and a tremendous asset to the community.

I have been going to and attending not only services but other activities at Chabad. You always feel welcome.

Thank you for your consideration.

Regards,  
Ione Brown

- Jody Jacobson Wedret  
11773 Fricker Ave
- Tustin Ranch, California 92782

Attn: Members of the Orange County Planning Commission

Re: The approval of the Chabad Jewish Center on 17<sup>th</sup> Street near Newport Avenue

Dear Fellow Tustinites and Members of the Planning Commission

- 
- I have been a resident of Tustin for over 18 years. During that time, I have been active in the Tustin Historical Society, Tustin Community Foundation and a volunteer at Wilcox Manor. It is incredible how many institutions we have in Tustin. What is exciting about Chabad is that welcomes Jews of all spectrums of faith. After many years of only one synagogue, CBI, it was great to welcome Chabad into the neighborhood and is even more exciting that we will have a permanent venue that is convenient to most of us.

Chabad is not only an institution for prayer but a community, taking care of the ill, providing Jews of all walks of life with gifts with which to celebrate holidays and with opportunities to learn. Chabad provides community celebrations of important holidays which the whole community can participate in. Generally, our gatherings are quiet and end in the early evening. Services are indoors. Our impact on the neighbors would be minimal including parking since most of us walk to services.

What is wonderful about Chabad is that it is known abroad. You can walk into a Chabad house in Europe, Ecuador, anywhere in the US or Asia and feel welcome as can Jews from those countries and other states feel welcome here when they visit. I personally treasure the monthly learning that Rabbi Eliezerie conducted at UCI Medical Center for us for over 10 years.

As America embraces the diversity and inclusion of all, it is exciting to know that this Jewish facility will be available to us in our community. Thank you very much for your consideration and hopefully approval of our proposal.

Sincerely,

Jody Jacobson Wedret

February 6, 2022

Chabad of Tustin  
13112 Newport Ave., Suite H  
Tustin, CA 92780

To Whom it may concern:

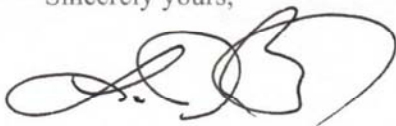
I have lived and worked in Santa Ana for 34 years, and I have been affiliated with Chabad of Tustin for over a decade. Rabbi Eliezrie, along with his wife and children, have provided exemplary service to the community, to rich and poor alike, accomplishing all the tasks expected of a church, synagogue, or other house of worship. They provide worship services, religious school on Sunday mornings, and adult education classes. The Rabbi visits the sick, shut-ins and unaffiliated Jews in the area, arranges charity when needed, and officiates at funerals even for Jews who are not members of the congregation.

Rabbi Eliezrie and Chabad of Tustin have been good neighbors since they started the congregation. They have excellent relationships with the other tenants of Packers Square, they maintain their property well, and the synagogue activities have never been a disturbance or a burden to their neighbors.

I am proud to be affiliated with this synagogue, which is a credit to the city of Tustin. I am sure that our new neighbors will find us friendly, helpful, thoughtful, and a beautiful addition to a beautiful community.

I would be happy to speak with interested personnel if that would be helpful.

Sincerely yours,



Lawrence J. Budner, M.D.

February 10, 2022

To: Orange County Planning Commission

Re: Approval of Chabad Jewish Center near 17<sup>th</sup> Street and Newport Avenue

From: Leah Brickner, 17431 Bonner Drive, Tustin, California 92780

For the last 40 years, I have been a Tustin resident. Since its inception, I have been a supporter of Chabad of Tustin and its Rabbi, Shuey Eliezrie.

The proposed Chabad Jewish Center and synagogue will benefit the congregation by allowing its members to participate in worship, volunteering, visiting the sick, and other traditional activities such as walking (instead of driving) to the synagogue on the Jewish Sabbath. This will benefit the members and the local community as well.

Thank you for your consideration of this project.



**Mark A. Rothenberg, Esq.**  
2042 North Ross Street  
Santa Ana, California 92706  
Mark11aa@me.com

**VIA EMAIL**

Planning Commission  
County of Orange  
333 W. Santa Ana Boulevard  
Santa Ana, California 92702

**Re: Letter of Support for Chabad of Tustin/18802 East 17<sup>th</sup> Street**

Honorable Members of the Planning Commission:

I am writing to request your vote in favor of plans by Chabad of Tustin to re-develop a dilapidated single-family home into a house of worship and pre-school. As you know, 17<sup>th</sup> Street is a major arterial. Uses surrounding the site include multi-family dwellings, offices, a rehabilitation center, and schools. In sharp contrast to offices, retail, and multi-family projects, the bulk of traffic to and from the site will be limited largely to early Friday evenings and Saturday mornings and on Jewish festivals and other holidays. In addition, the plans reflect careful consideration for area residents and include significant setbacks coupled with a robust landscape buffer to mitigate any noise impacts. The Chabad house of worship is critically necessary given a lack of Jewish houses of worship in walking distance for observant Jewish families in this area of Orange County.

Chabad is a tremendous asset to the community. Chabad teaches the necessity of charity and compassion. In addition to religious services, the synagogue's core mission is to engage in charitable opportunities on behalf of the less fortunate including pastoral care for the sick and elderly of Orange County. I therefore request your favorable review and vote in favor of Chabad's application.

Sincerely,

Mark A. Rothenberg

## Shannon, Kevin

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**From:** Canning, Kevin  
**Sent:** Tuesday, February 8, 2022 10:45 AM  
**To:** Shannon, Kevin  
**Subject:** FW: Opposition to Chabad of Tustin

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

received

Kevin Canning | Contract Planner | OC Development Services / Planning  
601 North Ross Street | Santa Ana, California 92701-4048 714.667.8847 | kevin.canning@ocpw.ocgov.com Visit us online for permitting applications/project status at <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmyoceservices.ocgov.com%2F&data=04%7C01%7CKevin.Shannon%40ocpw.ocgov.com%7C2a9334a5698f4e44aa7a08d9eb332e17%7Ce4449a56cd3d40baae3225a63deaab3b%7C0%7C0%7C637799427322119113%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C3000&reserved=0&sdata=ddxSEQfK%2BLPDwIA0xYgz2bXwXTLlxS1%2FQGsY3tpzVo%3D&reserved=0> general questions and assistance call 714 667-8888 PLEASE NOTE: My primary work days are now Tuesday thru Thursday, replies to messages received on other days may be delayed.

-----Original Message-----

From: mz450@ca.rr.com <mz450@ca.rr.com>  
Sent: Sunday, February 6, 2022 10:12 AM  
To: Canning, Kevin <Kevin.Canning@ocpw.ocgov.com>  
Subject: Opposition to Chabad of Tustin

Attention: This email originated from outside the County of Orange. Use caution when opening attachments or links.

Negative impact to several single family homes on east side of property Thirty foot clear height does not conform to neighborhood, will cast shadows on properties due to clear height. Negative impact on property values exceeds over \$1m.

Not enough parking to accommodate massive building on small property footprint. Negative impact on neighboring properties having to deal with increased traffic as the only solution is for street parking on busy 17th Street.

Recommend downsizing building square footage to accommodate all parking requirements and to bring clear height down to less than fifteen feet high.

Mark Zehner  
1061 El Camino Lane  
Santa Ana, Ca. 92705

Sent from my iPad

13071 Marcy Ranch Road  
Santa Ana, CA 92705  
7 February 2022

Orange County Planning Commission

Re: Chabad Rezoning

Dear OC Planning Commission,

I am a resident of North Tustin and have resided here for over 40 years. I am writing to support the rezoning of the property near Newport/17<sup>th</sup> Street for use by Chabad as a synagogue and education center.

Unlike most religious institutions, Chabad participants generally walk to services. This location is just over 1 mile from my residence making it an easy walk for me and many other North Tustin residents. Having an institution like this nearby is a wonderful addition to the community. Chabad provides many services to the local community for both members and non-members. It not only fits into the neighborhood, its presence will enhance it and make the community more desirable to many.

I urge you to support the development of this property as a religious center.

Neil Spingarn

February 9, 2022

Nora and Gabriel Stern  
2650 Bristow Lane, Tustin

Re: Chabad synagogue project

To the Orange County Planning Commission,

My husband and I have been living in Tustin for thirteen years. Our kids attended the local schools, and we have all been active community members ever since. We have participated for quite some time in a non-denominational support group that offers free supper to less fortunate people who live in our city.

Rabbi Shuey and his wife Blumi have been very supportive and helped us connect with our Jewish roots through prayer, educational classes and other meaningful activities. We have seen how much they care and support people in need and how much they devote themselves to the wellbeing of others. As a congregation, they have worked very hard to reach out to people that truly needed a hand in these tough times. They do it all from their hearts.

Rabbi Shuey and Blumi have now the opportunity to have a place where they could do what they have been doing all these years and more. They will have a place of prayer at walking distance for many of us.

We strongly believe that the new synagogue will not only be a place of prayer. It will be a place where members of the community and their families will thrive. A place where they will find love, warmth, and an open hand regardless of class. A real place in these days of virtuality.

I have no doubt that the new building will be a tremendous asset to the community. Chabad of Tustin has been a lighthouse for those visiting Tustin and for those who have decided to set roots here; it is a place of joy.

Thank you for your consideration.

February 7, 2022

Dear OC Planning Commission,

I am a McDonald's owner/operator with several restaurants in Garden Grove. However, I have lived in the same home in the county of Orange foothills off of Skyline Drive since 1970. I have had roots in the community for over 50 years. I shop in the area, volunteer in the area, attend religious services and programs in the immediate area and my daughter is a graduate of Foothill High School. I very much support the development of Chabad under the leadership of Rabbi Shuey Eliezrie. He and his family are a tremendous asset to the community at large.

Thank you for considering our proposal.

Best wishes,

Patti Widdicombe



Dear Orange County Planning Commission

I am writing to express my utmost support for the Chabad of Tustin project.

I moved with from the City of Orange to Tustin in 2013. I specifically decided to settle in Tustin (and chose this particular neighborhood) because I wanted to join the Chabad of Tustin. As someone who observes the Jewish Sabbath, I cannot drive on Saturdays or on major Jewish holidays. In order to take part in most religious services I have to live within a walking distance of a synagogue. Thus, my choice of the congregation determined my residence options, and I could not have made a better decision.

Chabad of Tustin, under the leadership of the wonderful Rabbi Shuey Eliezrie, is a warm and supportive congregation with deep roots in the community. It cultivates a strong sense of belonging and purpose among the congregants and the community at large. Chabad of Tustin does it in many ways, both formally and informally, from distributing care packages to sick and assisting isolated individuals during the pandemic to offering classes (including some that count towards continuing legal and medical education) and organizing community events. Chabad of Tustin brings light into the lives of many Tustin residents, whether a regular congregant, someone who casually stops by for a special event, or someone who needs support going through a major life event.

I cannot overstate how much Chabad of Tustin has done for me through my own life transitions – both happy (having a baby) and tragic (bereavement). The entire congregation was there to support me. Similarly, I see the joy and sense of belonging that this congregation is giving to many older citizens who do not have family. Some may not be attending the services, but the outreach work of the Rabbi coordinates connects these lonely individuals and gives them a sense of purpose and social capital. Today, with the realization that loneliness is a public health crisis, it is clear that the work done by the Chabad of Tustin is absolutely vital.

I hope that the OC Planning Commission recognizes the importance of continuing to support Chabad of Tustin, allowing the congregation to thrive and nurture the local community. If you have any questions, please do not hesitate to contact me.

Thank you for your consideration,

Dr. Rebecca (Riva) Tukachinsky Forster

**WEALTH CARE ADVISOR**

Robert S. Paul, CFP®, EA

1442 Irvine Blvd. Ste. 234

Tustin, CA 92780

Phone: 714.838.8127 Fax: 714.838.8971

E-mail: [robert@wealthcareadvisor.net](mailto:robert@wealthcareadvisor.net)

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February 8, 2022

To: OC Planning Commission

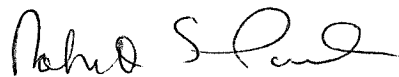
I have been a business owner at the above location for fourteen years. I have been a resident for 22 years. Presently, we are directly next to Hope Christian Church at our site. It is a blessing to have this House of Worship directly next store.

The more Churches, Synagogues, and Mosques there are in our neighborhood, the better off the community is.

I attend Chabad of Tustin, and it will be of great benefit to the Jewish community and the community at large to have Chabad of Tustin with their building on 17<sup>th</sup> Street. This faith congregation is committed to its members and the entire Tustin community. The members are involved in local volunteer efforts and visiting the sick.

The location is central to the majority of the Tustin Chabad attendees, and many walk to services, and this location is ideal. With 17<sup>th</sup> being a busy street, with most of our activities taking place during the day, there will be no excessive evening noise to bother the neighbors.

Thank you for approving this new congregation with its positive contribution to the local neighborhood and the community at large,



Robert S Paul CFP, EA

Ronald Bowitz  
19841 Highcrest Circle  
Santa Ana, CA 92705

Feb. 7, 2022

Orange County Planning Commission

Re: Synagogue on 17th Street and Newport Ave. Tustin, CA

This project will be of great benefit to the community. Shul members such as myself will be able to attend a centrally located facility that many of us will simply be able to walk to. Given the design of the building it will only enhance the area. I have been going to services with Rabbi Shuey Eliezrie for some 10 years and the congregation has simply outgrown the storefront that we currently use. I Have been a resident of this area for some 24 years and our growing Jewish community needs this facility. This is a Temple that the community can be very proud of. There are no negatives!

Thank You,

Ronald Bowitz 714-612-5275



To whom it may concern

Hello, my name is Ronnie Lee I have lived in North Tustin since 1985. Am a property and business owner in Tustin and North Tustin. One of my properties 18472 e. 17th st is 2 blocks from the project and my residence is 3 blocks.

It has come to my attention that a proposed project at 18802 e., 17th St. North Tustin for the Chabad Jewish Center of Tustin is in deliberation to proceed.

I am in favor of the center being built there, the current state of the property is an eyesore for the community.

In my opinion, the community would be a better place to live and raise a family with more facilities like this of all fates in our community!

I am not a member of the Chabad Jewish Center and do not know anyone of the center. I saw the public notice on the said property walking by.

sincerely  
Ronnie Lee