
MEETING MINUTES

**North Tustin Advisory Committee (NTAC)
Wednesday, August 19, 2020 – 1:30pm PDT**

Preliminary

1:32PM Brian Kurnow (County of Orange) started the online meeting by explaining the rules for public attendees, how to ask questions (virtual hand raising) and general instructions. He also stated that all members of the public would be muted until they have been given the time for comment.

I. CALL TO ORDER / FLAG SALUTE

Peter called the virtual meeting to order at 1:35PM. No flag salute due to online forum.

- *NTAC members in attendance:* David Feldberg, Mike Fioravanti (Secretary), Kendra Carney Mehr, Peter Schneider (Chair), Dessa Schroeder, Kirk Watilo, Pat Welch. All members introduced themselves to the public.
- *County of Orange attendees:* Brian Kurnow, Kevin Canning, Bellinda Erikson

Peter explained to the public that the NTAC committee has reviewed all the letters sent to the County and the group is aware of all the issues at hand. He requested the public comments be kept to three (3) minutes each and this will take place after the applicant's presentation. He also asked the public to listen to the other speakers so that the committee doesn't need to hear the same input repeatedly.

II. APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

Kendra Carney Mehr made a motion to approve the minutes from the July 2019 meeting. David Feldberg seconded the motion and the committee then voted to approve the minutes. Kirk and Dessa abstained from the vote since they were not part of NTAC at that time.

III. COMMITTEE BUSINESS

Peter welcomed two new NTAC members: Dessa Schroeder and Kirk Watilo and thanked them for their community involvement.

IV. OLD BUSINESS - None

V. NEW BUSINESS

1. Project: Planning Application - PA 180034 and VTTM 18119

Owner: Ranch Hills Partners, LP

Agent: Peter Zehnder

Location: 11782 Simon Ranch Road, North Tustin

Proposal: A proposed Zone Change from A1 "General Agricultural" to R2(5000) Multifamily Dwelling District with a minimum of 5,000 square feet of net project area

per unit. ● A Use Permit to allow the development of a planned (unit) development establishing common areas and development standards for the project. ● A Vesting Tentative Tract Map 18119 to subdivide the property into development and common area lots and private streets is being processed concurrently.

PRESENTATION FROM APPLICANT:

1:48pm Presentation started...

Mr. Peter Zehnder introduced himself as the managing member of the partnership that is the owner of the Tustin Hills Racquet Club (THRC).

Peter Schneider asked if there were any other attendees joining Peter Zehnder and he said there were none.

Brian K. displayed a PowerPoint presentation that was being shared online by the County of Orange.

Peter Zehnder said the presentation should take 15 minutes. It includes all the "pertinent information" about the project. He said all the committee members should be familiar with the details already due to the information that has been publicly available.

Peter Zehnder stated the tennis club was purchased this past March and they had been working with the previous owner for 2 - 2.5 years previously. *"We had a lot of time to look at what the different options are with the club itself"*. The previous owner *"had some offers to purchase the club prior to our getting involved. He has gone on record stating that none of those proposals were ever finalized. He had offered it and I wasn't privy to that information, but the respective buyers did not conclude a transaction"*.

"We spent a lot of time looking at what would be the best options for the neighborhood assuming there is going to be development".

Showed list of current zoning options for A1 District including residential (low density), agriculture, outdoor rec, open spaces, etc.

Peter Zehnder stated they looked at a number of options for the property and that many things are not appropriate for the community (part of A1). They also looked at what would be needed to continue the operation as a tennis club. *"The tennis club membership had been declining for a number of years and the previous owners didn't solicit new members"* or maintain/upgrade the property. Peter Zehnder said, *"significant improvements both to the facility itself, the clubhouse, banquet facility courts and increase membership"*. *"At the end of the day, it's an on-going commercial business and is affected by many, many things -- such as COVID"* which hit a week after the sale and forced the club to close for a period of time.

He continued that the former owner hadn't *"marketed for new members or banquet events and things like that so it's a very underserved facility for years"*.

Peter Zehnder acknowledged that traffic is of utmost importance (and noise).

They looked at large, single family homes that could be developed on the site and determined *"it's not in best interest of the neighborhood"* as they found that other homes being marketed in South County/Irvine/North County with these types of homes are multi-generational buyers which generates significant more traffic. *"Because there hasn't been new housing developed up in North Tustin for so long the addition of new large homes would compete significantly with the existing housing stock of primarily older homes on large lots so we didn't think that was the best option either"*.

They imagined a tennis club and homes on the same land, how that would work, need for a HOA and who would be responsible for maintenance cost. *"We ruled that out"* said Peter Zehnder.

He continued, *"Higher density/multi-family homes is really not compatible especially when you get up into the 18 dwelling units acre. Obviously, people are identifying our proposal as high density/multi-family but it's approximately 6 to the acre. It's obviously of higher density than the immediate surrounding neighborhood but in the scope of things it's quite low density"*.

Peter Zehnder said they identify this development as an *"active adult community"* and the proposal is what I would call a *"luxury for sale active adult community"* housing targeted for those that want to possibly sell their existing home (may live in North Tustin now) and the opportunity to move down and have a single/ground floor living with office/bedroom/bonus room on 2nd floor.

They looked at traffic patterns and stated, *"this project generates the fewest trips per day compared to other types of housing"*. He noted a lot of traffic concerns have been made since the tennis club can be empty one day and full the next (tournaments, events, etc.). The club has a smaller membership and lower use of the facilities creates less traffic than might be steered in a formal traffic presentation. The new study is *"below the threshold"* and less than significant with environmental impact.

The project is *"37 single family dwellings, 17 units that are attached and three detached individual units"*. Single floor living designed for homeowners over 55 (wondered aloud why that's considered "senior when it's awful young"). *"It would be good for people with physical challenges"*.

"All streets are private, maintained by the HOA, in the proposal we have a private recreation area for the homeowners, swimming pool, and restrooms and so forth". *"Also, I believe, 3-4 pocket parks"* are designated including dog park.

Peter Zehnder acknowledged the construction going on the area and the contractor is storing equipment on the THRC lot now. The City of Tustin is constructing a new water main/reservoir to increase the water flow (12" main) and *"will run through an easement that is current and we're granting a new easement and it is intended to*

come through where the parking lot is of the club and it needs to connect to the make a loop to make the system work” to connect to the 12” line to be installed on Racquet Hill and will “need some cooperation from an adjacent neighbor to make that loop”. The City of Tustin hasn’t “been successful so far but I think they’re continuing to work with that”.

Explained justification for parking spaces and calculations. None of the calculations were done using senior living requirements. *“We don’t believe...it would be rare instances that someone would have a party large enough to require parking outside of the community itself as currently happens with banquets and wedding as your familiar with”.*

The proposed design (two-unit duplex structures) is a *“similar mass to what you would see with large single-family homes”* and *“...the massing is consistent with what you see in the neighborhood”*. He noted that *“a lot of existing lots in the neighborhood have large slopes... but the buildable pads are smaller”*.

Peter Zehnder added: *“We designed (the project) to be as compatible as possible with the current neighbors adjacent to the site and positioned the homes to be respectful”*. He added *“The impact is with the immediate neighbors adjacent to the club. Most of neighborhood is not able to view the project”* due to the trees. The view impact is *“very insignificant except potentially for those along the perimeter of the site”*.

Peter Zehnder also stated, *“We believe (the project) is compatible. This doesn’t address any of the NTAC board’s issues that they don’t want to see any new development. Again, we explored that, we explored looking at the existing tennis club, but our proposal is addressing the best options assuming there is going to be development. Someone that doesn’t want to see anything is....obviously we understand that situation and respect those views”*.

Peter Zehnder said, *“This project really will provide an opportunity that is not available in the nearby vicinity and we believe this type of community will enhance everyone’s property values rather than compete with the existing housing. We got data to support that --- which at the upcoming public meetings we will be sharing some of that”*

He also stated they did a lot of demographic studies and *“these will be in more detail as we get into more public review”* with some of the data showing age of households and *“...the area immediately surrounding our site is an older demographic than throughout the majority of Orange County as I’m sure most of you are familiar”*.

Peter Zehnder showed aerial photos of immediate neighborhood with the proposed home rendered/added to the photo. He said they believe from an *“aesthetics point of view and a compatibility point of view there really isn’t a large concern about what we’ve heard with high density condo project and so on. As you can see it’s pretty darn compatible and blends in with the existing neighborhood”*.

Elevation study examples were shown as part of Mr. Zehnder’s presentation.

Peter Zehnder thanked the committee for the opportunity to present. He stated they have built a number of infill projects like this in Orange County (Costs Mesa, Anaheim, etc.) on several former church sites in the middle of communities/neighborhoods. *“In all cases there is concern for new developments....it’s just change”*. Also, stated: *“Change is difficult, and we take that seriously -- -we spent a lot of time on what would be best assuming there will be change. Even when we’ve had many people sign petitions against us, once the project was approved/built and the homes were sold, in every single case the existing neighborhood and neighbors have been pleasantly surprised and thrilled with the impact”*.

Peter Zehnder concluded his opening presentation at 2:24pm (36 minutes)

Mike Fioravanti & Peter Schneider talked with Peter Zehnder about his staying online for the remainder of the meeting. Peter Zehnder said he wasn’t aware of the process but agreed to stay for the remainder of the meeting. Meeting format and timing wasn’t clear, but he agreed to stay to hear the public and committee questions.

Brian Kurnow said there were 99 public attendees and one had expressed interest in speaking. Brian reminded the public how to “raise the hand”.

Peter Zehnder said there are two more public hearings to follow and that everyone can have the opportunity to get their comments heard.

Mike Fioravanti suggested we move ahead with committee questions first due to potential schedule conflicts with Peter Zehnder’s schedule. Kirk Watilo expressed his interest in hearing public comments first before committee meetings. Peter Zehnder agreed to remain for the full meeting duration.

VI. PUBLIC COMMENT

Committee agreed to public comment first followed by committee questions and then public comment to follow.

Brian Kurnow explained how to raise hands again. Fifteen (15) people were now ready to comment. Brian asked Peter Schneider if the Foothill Communities Association (FCA) members can speak first. Peter agreed and asked the speakers not to repeat the same things presented by others.

FCA speakers:

- John Sullivan
Heading the sub committee regarding THRC, Rick Nelson (Pres of FCA) unable to attend this meeting, stated *“well over 1,000 people have signed a petition opposing any rezoning or development of the THRC property”*. Also oppose adoption of MND due to negative impacts to the community.

- Lori Chew

Addressed incompatibility of the R2 zoning change to the neighborhood. Boundary along THRC borders to Tustin Ranch. This is the only parcel in North Tustin zoned for open space. Multifamily zoning is unprecedented in North Tustin. Showed zoning map with minimum 20,000 lots for surrounding land uses. Redhill Ridge (where site is) is restricted by a recorded declaration of restrictions to a minimum of 20,000 sq. ft lots. Lots in Tustin Ranch required a minimum 10,000 square foot lot. The city of Tustin opposes this development.

- David Holt
(inaudible comments on recording)

- Brian Bullard
Discussed safety concerns with ingress/egress with the neighborhood.

Committee took a break at 2:57pm for ten minutes.

Committee reconvened, Kirk wanted to wait for Peter to return before committee members asked questions, suggested public comments continue. Committee agreed.

FCA speakers continued:

- Glen Piper

Addressed claim by Peter Zehnder that this project is a fit for senior living. No formal studies support this claim, not an age restricted community and targeted seniors would lose Prop 13 benefits when moving into this development. Not senior friendly environment (buses, stores, restaurants, etc.)

- Kelby Van Patten

Homeowner in tract adjacent to THRC, spoke about the restrictive covenant that dates back to 1974 when home buyers paid a premium for the neighborhood to have 20,000 lot sizes and the open-air recreational facility. Original owner, Macro Systems Associates, negotiated with owners of the tract to create a benefit for the homeowners (not the benefit of the club owner). Binding agreement "*shall be*" that of a commercial or non-commercial facility. "*Peter Zehnder knew this when he purchased the club*"

Other public speakers in the queue at this point: 14 members.

Committee discussed continuing with public comments or start with committee questions or reduce the time for each speaker to be 1.5 minutes. Peter Schneider made the decision to move ahead with the NTAC committee questions with public comments to follow thereafter.

NTAC COMMITTEE QUESTIONS:

Mike Fioravanti was the first committee member to start the questions. Peter reviewed the order of the NTAC members to ask questions.

Mike inquired how many other members are part of the ownership group for the THRC (as Peter Zehnder referenced in his opening comment). Peter Zehnder said the partnership has three other limited partners, but he is the only principal. He felt the answers could be found via public records and wondered aloud the point of this inquiry. Mike asked for clarification on the other roles and Mr. Zehnder stated these were limited partners/investors, not employees.

Mike re-quoted the comment from Peter Zehnder when he said: “*NTAC has issues with any new developments’...what was meant by that?*” Peter Zehnder did not recall the statement from an hour earlier. He said that if he did, he apologized and didn’t feel there was a reason to make that comment. Mike expressed his concern that Mr. Zehnder had the mindset that NTAC is against new development in the North Tustin area. Mike stated that is not the case as NTAC has supported other projects where/when appropriate such as the recent Brier Lane development which was compatible with the surrounding neighborhood.

Mike asked, “*What is the ONE single benefit to the community for this project?*”. Mr. Zehnder reiterated his position about the desire for North Tustin residents to downsize yet remain in the North Tustin area with the single story living space.

Mike asked for clarification on Mr. Zehnder’s comments that an easement was needed for the new 12” water line. Was this an easement for the city of Tustin as well as with an adjoining neighbor? Peter wasn’t clear on the details and said that the City of Tustin water department is working on this matter with the neighbor.

Mike then referred to the MND (section 2.4 Utilities and also page 144) that addressed the water and sewer lines in most of the paragraph, yet the electrical details were barely noted. He quoted the statement directly from the MND about the electrical lines: “...will be underground from the nearest access point as recommended by the appropriate utility providers”. Mike explained that since this property was built in the 1950’s then it was likely the electric utility isn’t down the middle of the public street and would probably need an easement just like the water situation. Mike asked Peter Zehnder if he knows the access points of the electrical to the property and if he’s met with any other the adjoining neighbors to ensure any needed easements would be available. Peter Zehnder said he isn’t familiar with the access point(s) for the electric and has not spoken with any neighbors on this matter. Mike expressed cause for concern given the importance of electrical power and how that is related to an investment that was made to purchase the club without knowing this critical detail.

Pat Welch asked Mr. Zehnder what benefit the project would bring to the neighbors and community if the zoning change was approved. Mr. Zehnder responded the project would bring additional housing for mid-price range buyers in the area.

Pat also asked the expected price point for the units in the proposed project. Peter Zehnder responded: *“That issue has not been determined at this time”*.

Also, Pat referred to Mr. Zehnder’s earlier comment about *“several pocket parks”* and what those parks might look like. Mr. Zehnder stated the parks would be small. Pat inquired what equipment might be included with the parks. Peter Zehnder stated they were still working on those details.

Kirk Watilo inquired about the *“senior community”* comment that Peter Zehnder mentioned in the Negative Declaration document. Kirk stated that this proposed project is not an active adult community for 55 and above residents per the State and Federal permitted age restrictions. Further, Kirk noted Peter’s statement that traffic generated by the development would be reduced as a result is not factual.

Kirk also asked Peter Zehnder the price point for home sales since he has purchased the property and must have a proforma budget that would factor land costs, infrastructure costs as well as building cost plus a profit margin. Peter stated they have not determined a price point (in response to Kirk’s statement) that the homes would probably be necessary to sell at a million dollars or more in order to make a profit. Kirk then stated that very few of the people in the neighborhood would likely relocate to these homes to downsize at that price point.

David Feldberg as if the development was indeed going to be a 55 and over community or it’s just being sold as that. Peter stated it was not going to be age restricted and anyone could purchase the homes.

Kendra Carney Mehr stated she had the same question about pocket parks and recreation area. She felt it was answered and that it was not for residents outside of the development.

Kendra stated the alternative options that were not considered but could have been better for the community --- what was the reason for that? Peter Zehnder said the club has been operating for 50 years and is restricted to only the members. Mr Zehnder said they looked at alternatives but the County didn’t want a portion of the property to be open to the public as someone would have to maintain the liability of that area --- which presents problems. He continued that the liability could have shifted to the homeowners (HOA) and they would be the owner of the property of the rec area but would need to be operated as a private enterprise.

Dessa Schroeder stated the comments earlier that the target buyers are for people over 55. *“Have you taken into account there are no amenities for seniors nearby?”* She clarified this would be transportation (buses), grocery shopping in walking distance, etc. *“Was this taken into account?”*

Mr. Zehnder stated that whatever amenities are open to the community at large would be the same for this project. He noted that the City of Tustin opened a senior center and *“many of the people using the facility are coming from North Tustin”*. Also, he said *“We don’t believe that walking proximity would be prohibitive for this this type of development”*.

Peter Schneider had several questions:

“Did you and your colleagues have a chance to review the letter from the City of Tustin, dated June 4, 2020, from the Community Development Department addressed to Kevin Canning regarding a review of the proposed Mitigated Negative Declaration and the comments that the City of Tustin made of its concerns?”

Peter Zehnder said *“I don’t know if staff has completed all of their review and responses to all the comments as you know there are quite a few, I have seen the letter and I have not participated in the response that the County is or has prepared on any of the individual letters”*.

Peter Schneider clarified he would like to know what Peter Zehnder is *“doing to address this concern, not the County, and the concern about the City of Tustin especially regarding aesthetics because you did have slides that indicated that it was compatible with surrounding communities, and that’s not just the North Tustin community, that is a quasi-Tustin Ranch community that abuts it - specifically the Treviso neighborhood. Do you know how you’re planning on addressing that?”*

Mr. Zehnder said: *“Whatever was addressed in the comments in the environmental document, as I said we have not prepared individual responses. My answer to that is, no, as we move through the process we are more than willing to discuss and engage with very specific concerns especially when you’re talking about aesthetics all within the requirements that the County places on design”*.

Peter Schneider stated NTAC is part of the process and that Peter Zehnder should tell the committee everything today and not withhold information that he might be planning to share to the Planning Commission or Board of Supervisors in the future. Peter expressed that he’s concerned that *“not all information is being presented to NTAC”*.

Peter Zehnder said they have not fully resolved all the concerns in a *“blanket response”*. *“We don’t have, someone’s opinion on whether it would be compatible or a jurisdiction like the City of Tustin whether its compatible or not has to be studied and looked at and sit down and discuss that in detail. Prior to this meeting we have not had an opportunity to do that but we are not withholding anything”*.

Peter Schneider inquired about the covenant from 1974. *“Is it the position of the developer that it is of no effect and should not be considered?”*

Mr. Zehnder stated their position on the covenant *“is a land use issue between our property, the property owner and the other property owner or HOA mentioned, the beneficiaries of the covenant, it’s not part of the development review process, it’s separate. The County, I think has responded to the questions and comments in the environmental documents as well. If anyone raises the issue it’s obviously something that has to be considered but it’s not part of this particular process.”*

Peter Schneider continued: *“Do you consider the restrictive covenant as an expression of the will of the community, or the sense of the community, about this parcel of property that you now own?”*.

Mr. Zehnder said: *“Because I’m not a legal expert, I’m not going to comment on the intent, or I don’t really have any specific comment at all”*.

Peter Schneider asked about the duplexes: *“Did you undertake an analysis of the impact the impact that COVID has on multi-family dwellings desirability. I realize we’re not talking about an apartment building, but you are talking about double the density of single-family homes. Did you consider the impact because people are fleeing the cities looking for homes with large lots now?”*

Peter Zehnder stated: *“We don’t believe this product type will be impacted. We’ve built and developed projects like this and made them single family detached. The County does not have an ordinance that allows for a project like this to be detached. I would prefer these be detached if we could create the lots for this, but you have to have zoning code to allow for the distance between buildings and lot sizes and so forth”*.

Peter Schneider followed up: *“You have a 5.888 acre parcel, why aren’t you coming to this committee asking for zoning relief so that you can build 10-11 single family homes on the parcel which would give you roughly 20,000 square foot lots, make it compatible with the Ridge Hill community that surrounds it. Don’t you think you would be generating a whole heck of a lot of community support for that kind of change in the zoning?”*

Peter Zehnder stated: *“It’s possible but it’s difficult to get into the details. It’s a product type.....it results in extremely large homes and results in a different type of residence, landscape/irrigation, etc.”*. He continued: *“The homes would be disproportionately large, I think”*. And lastly: *“The project we are working on now, if we can get community support, makes the most sense”*.

Peter Schneider asked: *“What kind of surveys have you done to show there is this pent-up demand in North Tustin for the kind of project that you are proposing?”* Peter referenced Mr. Zehnder’s comments about the desire for senior home buyers in North Tustin that are waiting for this type of development. *“What is the data that supports that?”*

Peter Zehnder said: *“We’ve done a number of data studies that support that”*. *“We’ve done the studies and used market research experts”* that do this.

Peter Schneider commented: *“We haven’t been shown the data and I’m just very curious if they analyzed a general demand for condominium type housing which is less expensive than the average price per sq foot would be in North Tustin. It might attract young families who can’t afford to otherwise move to North Tustin, etc. versus a demand from existing homeowners to downsize into that. We haven’t seen the data....It would be nice to understand the data”*.

Peter Schneider asked one final question: *“In the event you are not able to achieve re-zoning of the property to do a condominium development, what are you going to do with the property?”*

Peter Zehnder responded: *“I don’t have that decision. We’re always cautiously optimistic. I don’t have an answer for you”.*

Peter Schneider: *“It is a gamble; you bought the property sort of on a gamble. You knew it would require rezoning. You were considering at the very least what is inconsistent with what is there right now. So, I would assume the parcel cost a chunk of money and someone would have said if Plan A doesn’t work then we will go with Plan B”.*

Peter Zehnder asked what Peter Schneider would do (if he owned the property).

Peter Schneider said he would look at homes that are in size and compatible to the existing home sites (as his opinion).

Peter Zehnder commented that *“people want the club to remain a club. We’ve engaged with several groups over the years and discussed things and looked for options and the...majority people want the maintain the club in its current state of existence. It’s good to hear from somebody in your position to discuss alternatives. Thank you for that”.*

Peter Schneider asked if the committee had any more questions for Mr. Zehnder. No other questions were needed.

Peter Zehnder offered a final statement: *“In reference to the comment that was brought up, I can’t recall the exact statement that was made by myself that NTAC is somehow not in favor of development of any kind, if that’s how it came out, my understanding is that NTAC is one of the unique neighborhood groups that has a voice in an official way. And it has a lot of community support and is thoughtful in everything it does and rightly so. And that means a particular development in the view of NTAC shouldn’t go forward as you mentioned but others do go forward. You care a lot about the community and have an impact on decisions”.*

Mike Fioravanti appreciated the comments from Mr. Zehnder to clarify his viewpoint about NTAC. Mike stated *“we are in a unique spot being part of the County, we not part of a city, we don’t have a Mayor and it is unique which is why we have the North Tustin Specific Plan. We are doing what is best for the community, we are volunteers, I want the community members on the call today that it’s just our opinion when we give our recommendation - we decline or approve the project so it’s just part of the process. I do feel, Peter, Mr. Zehnder, there are things I would have assumed you would have addressed earlier and when Peter Schneider talked about the letter and I did print it out specifically. I looked at 110 of the letters and I found two of them that were in support of the project. The one letter that caught my attention was from the City of Tustin and the concerns, the limits to the heights to residences and how it will impact the development on the Tustin Ranch side. You’re going to have to work with the City of Tustin on the water part of it which is why I wanted to get into the easements as these things should be addressed. I think the electrical*

should be addressed. And that's what we're trying to do is bring this to light so you can do your homework on all of the things you need to do so we can make a decision".

Kirk Watilo asked the County, specifically, Brian Kurnow: *"Who determined the negative declaration was appropriate and not the EIR?"* Brian clarified the detailed differences between an MND and EIR. Kirk asked again, who made the decision.

Brian Kurnow said County legal is involved and others (planners) before a decision is made. Kevin Canning was listening in on the meeting and was acknowledged.

Mike Fioravanti pointed out that the letter from the City of Tustin shows they are highly concerned with this project and careful steps should be taken since they copied the city attorney and what that might mean from a litigation point. Also concerning is that Mr. Zehnder isn't fully aware of what the concerns are in that letter.

Brian Kurnow opened the next grouping of public comments. Peter Schneider said the timing should be cut down to 1.5 minutes given the length of the meeting so far. He reminded the public not to repeat what was already shared.

William Anast talked about his concern with the traffic study in which it states the traffic will decrease by adding the new housing. It will be increased.

Brian Garfield talked about benefit of the THRC to the community.

Audio is missing for other speakers:

- Lyann Courant
- Dennis Claus
- Ken Higman
- Thomas Bulowski
- Francine Scinto
- Julie Dahl

Serge Tomassian, attorney, lives close to club. "What we're weighing here is the community interest and lifestyle balancing against a guy that wants high density housing to make a lot of money. He wants to alter our community for profit".

Holly Joseph, homeowner close to THRC, discussed their positive reasons to move into the area and that others feel the same.

Melissa Falco said the project is an issue of integrity and how the THRC is the heartbeat of the community.

Brian Kurnow made last call for public comments.

Mike Fioravanti noted the meeting was nearly out of time and we should wrap up.

Peter Schneider made a motion to close the public comment. It was seconded and was closed.

COMMITTEE DISCUSSION

Peter opened up the committee discussion portion of the meeting.

Mike Fioravanti said we heard a lot and thought we would have received more answers and still had questions about this project (such as the electrical). He felt the investment that was made to buy this property without having those answers in place was concerning. He noted the answers we received from Mr. Zehnder stating, “we still need to talk about that” or “there are other community meetings still to happen”. Mike felt this should all be done/buttoned up and clear about the water, electrical, covenants, traffic, etc. *“I tried to find those answers and didn’t get them today after almost four hours”*.

Dessa Schroder noted that we’re looking at a developer who want to make money, but he doesn’t live in North Tustin. *“For those of us that live here we have to decide if this is what we want to live with. I don’t like the project and there needs to be another alternative but not sure what”*.

Kirk Watilo lives in the tract next to THRC and stated that *“98% of the residents in the tract have signed a petition opposing this project”*. He further stated, *“I never received anything from the new buyer to promote the club even as a social member”*. This needs to be considered by the developer and the County to see if the club can stay.

Kendra Carney Mehr feels we did not receive fully thought out responses from the applicant which makes it hard to support a zoning change in this case. She thanked those that shared their opinions. *“The information presented does not demonstrate that it would be a compatible use for the area. I also value the character and integrity of the community and I didn’t hear any support today for the project”*. Kendra asked what is the motion we should put forth?

Pat Welch said all the focus was on the THRC, but the main issue is a zoning change. There are a number of properties in North Tustin that could be a continuing negative movement of redevelopment. Pat felt the developer is *“...going to Ho Hum it, if he doesn’t get through the Planning Commission or Board of Supervisors, which I doubt he will based on Wagner’s public comment....OK it’s up for sale and somebody do something with it”*.

Dessa Schroeder noted she is ready to vote.

David Feldberg said: *“The zoning is a big deal and the covenant was there when it was purchased. It’s not fair to the homeowners that bought property with the covenant in place to now change”*.

Peter Schneider said he *“doesn’t think it’s in our purview to tell a property owner that they must run the tennis club, but it would be well advised to reconsider demolishing it. We can’t tell someone who wants to get out of a business that they*

must stay in the business --- let's take that off the table even though it's a concern". Peter continued: "I'm concerned that the applicant didn't come with fully baked proposal for us. Usually we get all of the details with the presentation/plans. I had a distressing feeling that too much is being left unsaid and that other information will be shared with the Planning Commission and then more with the Board of Supervisors". That is his impression. He was persuaded by two docs (City of Tustin Community Development Department) and the multipage letter form the FCA titled "Response to Ranch Hills Partners....".

Peter noted that the "sense of the community is that that a condo property is incompatible".

"My motion is to be geared to the agenda:

- We vote to deny a proposed Zone Change from A1 'General Agricultural' to R2(5000) Multifamily Dwelling District with a minimum of 5,000 square foot of net project area per unit.*
- We vote to deny a Use Permit to allow the development of a planned (unit) development establishing common areas and development standards for the project.*
- And we also vote to deny a Vesting Tentative Tract Map 18119 to subdivide the property into development and common area lots and private streets.*

The denials are for the reasons set forth including the City of Tustin Community Development Department letter to Kevin Canning, dated June 4th, 2020, and also the Foothill Communities Association letter dated June 3, 2020. And for all of the reasons set for in the committee discussions today".

Kirk Watilo seconded the motion and he also thanked the County of Orange staff for all the work put into today's meeting.

Committee discussion on the motion was none.

Committee then voted on "Aye, if we want to Deny". A motion of AYE was unanimous by all seven committee members.

VII. ADJOURNMENT

Dessa made a motion to adjourn. All voted in favor.

Meeting adjourned at 5:05pm

Meeting minutes noted by Mike Fioravanti (Secretary)

Canning, Kevin

From: rnelson fcahome.org <rnelson@fcahome.org>
Sent: Wednesday, June 3, 2020 4:42 PM
To: Canning, Kevin
Subject: Comments on Mitigated Negative Declaration
Attachments: FCA MND Comments.pdf

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

Kevin Canning:

Please see attachment.

Rick Nelson
Foothill Communities Association
714-730-7810



Foothill Communities Association
Response to Ranch Hill Partners and County of Orange Mitigated Negative Declaration
Finding PA180034 / VTTM 18119
Ranch Hills Planned Development

June 3, 2020

The Foothill Communities Association (FCA) appreciates the opportunity to comment on the Ranch Hill Partners PA 180034/VTTM 18119 application (Application). FCA is a California non-profit incorporated in 1964 to represent the interests of Orange County's largest Census Designated Place: the 10,000+ home community of Tustin Foothills. Since our community lacks a city council to safeguard its interests, for over 60 years, FCA has played a key role as the primary grassroots organization dedicated to protecting the community's semi-rural environment and land use integrity for its 24,000+ residents by, among other things, providing comments on land use matters to the County of Orange and cities abutting unincorporated North Tustin. As a voluntary organization of North Tustin residents, FCA has had a valuable and long-standing relationship with government agencies and private organizations that have led to North Tustin becoming one of the most desirable places to live in the County. FCA intends that providing input on the Application will continue to reflect FCA's primary goal, which is to preserve and protect the unique value and character of North Tustin for years to come.

Please find our comments on the following sections of the Mitigated Negative Declaration (MND) that a County contract planner has prepared for the Application.

1.6 General Plan land use designation of Suburban Residential (1B) Communities allowing a density of .05 to 18 dwellings per acre (du/ac).

Relying solely on the County's broad "Suburban Residential" General Plan designation to support a proposed development having four times the density of surrounding uses is inaccurate and misleading. It ignores the following:

- A land-use Covenant recorded for the benefit of the surrounding neighborhood that restricts uses of the Project site into perpetuity
- A recorded Declaration and Restrictions affecting homes in the immediate, abutting neighborhood of the Project site
- North Tustin's detailed zoning plan delineating specific areas within the community for low to high-density residential uses and commercial uses (per the County's North Tustin detailed zoning map)
- The density of existing surrounding uses

Recorded Restrictive Covenants:

As the MND shows, the County has not considered, in conjunction with the Application, recorded documents that significantly limit the permitted density minimums and maximums (du/ac) for a site that is currently is designated an agricultural parcel. Those documents were created and recorded to protect the rights of past, present, and future residents to ensure compatibility of uses within the Red Hill Ridge community. They are as follows:

- 1) On September 24, 1974, the owner of the 5.88 acre Project Site (currently operated as a private membership tennis club), filed a recorded restrictive land-use covenant running with the land. The specific language in this Covenant is as follows:

“Macro Systems Associates, a California Corporation does hereby declare for itself and for all of the successive owners of the land described in Exhibit “A” attached hereto and made a part hereof by reference:

1. That MACRO SYSTEMS ASSOCIATES owns the land described in Exhibit “A” attached hereto and made part hereof by reference.
2. This Covenant runs to the benefit of the owners of Lots 1-78 and 80-118 of Tract 3883, recorded August 2, 1962 in Book 166, pages 5 to 11, of Miscellaneous Maps, Orange County, California, and each successive owners.
3. The use of the premises described in Exhibit “A” attached hereto shall be either that of a commercial or non-commercial private membership tennis club, and in the event that the use shall be other than of a commercial or non-commercial private membership tennis club, such other use shall conform to the uses permitted in Tract #3883.”

- 2) Tract 3883 (Red Hill Ridge community) is adjacent to the Project site, abutting it on two sides. The Project site is located within this established community, sharing a single access point. This Tract has a Declaration of Restrictions recorded on August 22, 1962, in Book 6222, page 500, which sets forth, among other things, a minimum lot size requirement of 20,000 square feet and restricts uses to one, detached single-family dwelling unit per lot.

Thus, the Application violates both the 1974 restrictive Covenant that runs in perpetuity and the reciprocal 1962 Declaration of Restrictions recorded upon the adjacent Tract 3883.

North Tustin Zoning:

The broader "Suburban Residential" General Plan designation, while loosely defining the community as a whole, also ignores North Tustin's detailed zoning that thoughtfully designates areas within the community for low to high-density residential uses as well as commercial uses. This zoning intention ensures compatible land uses and preserves the distinctive rural quality that sets the North Tustin community apart from other Orange County communities.

The proposed multi-family R2 (5,000) zoning designation permitting 5,000 square foot lots for the Project site is inappropriate for the following reasons:

1. North Tustin foothill neighborhoods are primarily zoned for minimum lot sizes of 20,000 square feet, particularly those surrounding the property in the eastern and northeastern foothill areas.
2. North Tustin neighborhoods surrounding the Project site in all directions consists of 20,000 square foot lots or larger.
3. The Red Hill Ridge neighborhood (Tract 3883), in which the Project site is a part, is restricted by a recorded declaration prohibiting lot sizes less than 20,000 square feet.
4. Homes in the Racquet Club neighborhood also abutting the Project site to the north are zoned for a minimum of 20,000 square foot lots.
5. The proposed multi-family zone change represents a **density four times greater** than the surrounding neighborhoods.
6. North Tustin already provides for medium and high-density residential uses such as the proposed Application within the North Tustin Specific Plan (located in areas in and around Newport Avenue and 17th Street.) This Specific Plan was designed to "expand the role of medium and high-density housing in meeting local housing needs." (North Tustin Specific Plan-Land Use Designation Goals and Policies, Par. C-2)
7. Multi-family (R2) zoning is permitted within the North Tustin Specific Plan but is unprecedented in all other areas of North Tustin.
8. The proposed 5,000 square foot lot development is permitted within the North Tustin Specific Plan but is unprecedented in all other areas of North Tustin.

Furthermore, the requested zone-change will destroy the community's only parcel zoned for open space and improved with a recreational facility. The destruction of this valuable community asset would solely benefit the developer at the community's expense. The community **strongly opposes** any rezoning of this site and remains united in preserving North Tustin zoning that exists to represent residents' interests.

1.7 Zoning Districts

This section states the site is zoned as A1 "General Agricultural" District. The Project proposes a zone change to revise the zoning designation from A1 to the multi-family R2 (5,000) designation with a minimum of 5,000 square feet of net land required for each unit.

See comments above as to the incompatibility of the proposed zoning to this property.

The Application's proposed high-density destroy-and-replace development will irreversibly alter the rare and unique personality of the North Tustin foothills, characterized by large lot sizes, and will negatively impact surrounding property values. North Tustin property owners have rights under existing zoning codes that ensure compatibility and conformity with surrounding land uses. Residents bought homes based on the in-place code, and many paid a premium for their home based on this zoning.

Moreover, residents who bought homes in Tract 3883 did so knowing the existing restrictive use covenant on the Project site would permanently preserve the tennis club open space forever, and the Tract's Declaration of Restrictions would ensure neighborhood compatibility. Rezoning this site to a higher density would solely benefit the Applicant while devaluing homes in the community and negatively impacting residents' safety and quality of life.

Furthermore, the Project site is the only parcel in the entire community zoned for open space and improved with a recreational facility. It is an irreplaceable community asset and has been for the past 60 years. To destroy the community's only zoned recreational open space and coveted amenity for an incompatible use (suitable for other multi-family designated areas within the community) will be deleterious and is highly opposed by the community.

1.8 Project Description

The Project proposes a zone change, Use Permit, and Vesting Tentative Tract Map to allow 37 residential condominium units on a 5.88-acre parcel. As previously stated, this request is in direct violation of the recorded Covenant running with the Project site and the Declaration of Restrictions recorded against Tract 3883 home sites.

For the County to approve a project that traduces the 1974 pledge of open space is a breach of trust to the owners of Tract 3883 and the surrounding communities. It is the only zoned recreational/outdoor space in the area, which the greater area residents and school districts have come to expect and rely on for the benefit of society. Eliminating this asset would be enormously detrimental to the neighborhood.

1.9 Environment Setting

The Project Site Setting admits that there is one entry point to this parcel with no opportunity to have secondary emergency access in the event of a catastrophic event. The Orange County Fire Authority in recent years throughout all of Orange County has consistently opposed this sort of development without an emergency access gate to enable residents to escape their neighborhood. This property is landlocked and will NEVER have secondary access.

The Project site abuts a permanent, continuous barricade separating the club site from the City of Tustin housing tract at the rear perimeter. There is no pedestrian or vehicular access between the two sites. This permanent barricade was erected as part of a development agreement between the Tustin Ranch developer and members of Tract 3883 during the planning of the Tustin Ranch community.

Allowing 37 additional homes on the 5.88 acres could contribute to loss of lives in the event of a disaster such as a fire. This community has had many fires over the years due to the Santa Ana winds, and many residents have had to water their roofs down as a safety mitigant. An additional 37 homes will only add additional potential incendiary devices to the neighborhood rather than having a parcel that acts as a possible fire break, a fire suppression staging area, as well as potentially a safe zone for residents of the area to evacuate.

2.1 Purpose and Intent

To its credit, the *Project Objectives* acknowledge that the Application does not propose a typical infill development on vacant land; rather, it is “proposing to demolish the existing facilities” that have served the community since 1958. However, the Project’s four objectives are refuted by facts showing that the Project is not merely unnecessary; it is environmentally adverse.

Statement: “Provide homes that would meet the increased demand and shortage of housing in the North Tustin Community, especially for people (i.e., active adults) seeking to downsize but stay in the same general area.”

FACT: The claims that (1) there is a demand for this location from age-targeted (*i.e.*, older adults) residents at a cost of \$1 million to \$1.5 million to downsize into a multi-level home, and (2) there is a lack of downsizing opportunities within the community are provably false and reveal an unfamiliarity with the community and recent changes to state law.

1. The North Tustin community has already been rationally planned to provide for downsize housing alternatives in both the North Tustin Specific Plan, and R1 zoned neighborhoods located to the south that provide smaller, single-story floor plans on smaller lots.
2. Also, if the Applicant is targeting an older population to purchase these condominiums, it is well known by senior housing developers and their marketing firms that single-story floor plans are the homes most desired by that demographic and not multi-level floor plans as the Application proposes.
3. Finally, with last year’s enactment of Assembly Bill 68—which next month will be belatedly implemented by the Board of Supervisor’s addition of Section 7-9-90 [“Accessory dwelling units (ADU) and junior accessory dwelling units (JADU)”] to the County Zoning Code, the “target seniors” in the community can more economically “downsize” by staying right where they are and constructing single-story ADUs on their own properties.

Statement: “Provide for a residential use compatible with the surrounding residential development in the area.”

FACT: As previously stated, there are no multi-family, high-density zoning designations in the entire North Tustin community except as provided for in areas located within the North Tustin Specific Plan. High-density housing like the proposed Project (more than four times the density of surrounding land uses) is precisely the type of development intended for the North Tustin Specific Plan which has the express goal to 'expand the role of medium and high-density housing, both owner and tenant occupied, in meeting local housing needs' (North Tustin Specific Plan-Land Use Designation Goals and Policies, Par. C-2).

Moreover, the restrictive use covenant recorded on the Project site and the Declaration of Restrictions recorded for Tract 3883 were put in place to protect residents' interests and preserve the continuity of their neighborhood.

Statement: "Create an environmentally sensitive development through implementation of drought-tolerant landscaping and compliance with the most current low impact (i.e., water conservation) development standards."

FACT: What this objective actually says is that the Project will result in the destruction of aesthetically attractive mature trees and landscaping, drought-hardened over decades, and its replacement with xeriscape planting that will never replace the beauty of the current site.

Statement: Redevelop the project site in a manner that minimizes the impacts on the circulation network and significantly reduces traffic and environmental effects of the existing commercial use.

FACT: Traffic from the construction and ongoing use of the proposed Project will have a significantly negative impact on the surrounding community. See comments on Section 3.17.

2.2 Building Characteristics

The building characteristics are inconsistent with the surrounding area and permitted uses as set forth in the restrictive use Covenant recorded on the Project site and the Declaration of Restrictions recorded on adjacent Tract 3883. See comments on Sections 1.7 and 1.8, and 2.1.

2.3 Site Characteristics

As stated previously, the proposed zone change and other changes as contemplated by the landowner and County are inconsistent with the surrounding community and an inappropriate use for a landlocked parcel with limited access. The Zoning Code section cited [sec. 7-9-77.1] states, "The R2 District is established to provide for the development and maintenance of very-high-density multi-family residential neighborhoods with a low building height and a minimum amount of open space. Those uses are permitted that are complementary to and compatible with such a residential neighborhood." There are no compatible type communities except for those located in the North Tustin Specific Plan.

Per Zoning Code Section 7-9-110:

"The purpose of a PD is to provide a method whereby land may be developed utilizing design features which take advantage of modern site planning techniques to produce an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood. "

FACT: The Application's high-density proposal is inconsistent with the actual home spacing and luscious green open space surrounding every home within miles of this parcel. It is not at all in harmony with the existing surrounding neighborhood, improved with single-family homes on ½ acre lots.

2.3 Vehicular Access, Parking and Onsite Circulation

The Application proposes a destroy-and-replace project to be located within an established community built in the early 1960s known as Red Hill Ridge (also identified as Tract 3883). This community sits atop the foothills and was developed in a circular, "cul-de-sac" style with only

one access roadway in and out. All of the North Tustin foothill areas such as this are characterized by narrow, windy residential streets with many blind curves. The foothills also have NO sidewalks and minimal streetlights owing to its rural-like feel. (Figure 1 in the MND report gives an idea of the curvy and winding nature of the road access in the foothills.) The neighborhoods are very peaceful and serene with lots of walkers (day and night), bikers, scooters, and children playing.

Simon Ranch Road is the only access for the existing 104 homes within the Project site neighborhood. The roadway is very narrow and has a pinched access point. It was not designed for a high traffic volume from high-density uses, but rather for a rural-like, low-density neighborhood (further evidenced by no sidewalks).

Browning Avenue and SE Skyline Drive (via a short stint on Beverly Glen Drive) are the two residential streets connecting to Simon Ranch Road. Both are neighborhood streets often filled with active adults and children (biking, walking dogs, jogging). SE Skyline Drive is the primary access for residents to Newport Avenue (and the 55 Freeway), and Browning Avenue is the route to the 5 Freeway via Tustin Ranch Road. Without sidewalks, **all** pedestrian activity occurs in these narrow streets. With the addition of nearly a hundred more drivers daily (presumably many being commuters), increased traffic will undoubtedly create safety hazard issues.

The surrounding neighbors are also genuinely concerned that the proposed development as a planned community will have a deleterious effect on the area outside the proposed development since most planned communities are not adequately sized for sufficient parking. Counties and cities set minimum standards for parking spaces. In communities in Tustin and Santa Ana, municipalities are battling parking for Planned Developments that have been constructed and are trying to enforce parking regulations to limit on-street parking. The Applicant indicates it will meet the parking requirements by utilizing driveway and garage parking to meet the standards, but there are no guarantees that the Applicant's buyers will park their vehicles in their driveways, let alone their garages. Since homes in Southern California do not have basements, many people use some or all of their garage for storage. A residential development with a **density four times greater** than the adjacent neighborhood will undoubtedly create the same spillover parking issues.

2.4 Utility Characteristics

Although the Applicant may have a "will serve" letter from the water agency servicing this parcel, it is merely not enough to have this document. The County should require a full report on the environmental impacts of installing a new water main and sewer line and documents demonstrating this Applicant has clearance from private homeowners, agencies, and other landowners in the area confirming this construction can be accomplished. The pump station and other ancillary devices associated with this Project must be vetted and shared with the public, especially adjacent owners, to determine the impacts of noise and smell on their environment. This all should be provided before scheduling presentations to the North Tustin Advisory Committee, Planning Commission, and the Board of Supervisors.

3.1 Aesthetics

The destruction of scenic views and visual character of the surrounding community is highly detrimental to the desirable neighborhood characteristics, residents' quality of life, and property values. Losing the existing open-area feel of the 5.88-acre property will create a permanent and significant aesthetic loss to the community, as the public has for decades enjoyed the views to the Project site's park-like open space with mature palm trees that are a hallmark of this community. The original developer used palms in the neighborhood as a selling feature, and the club perimeter reflects that architectural design as well. Although the Applicant claims that views will be improved by the removal of the palms, the public disagrees; they are part of the charm of living in this community.

3.2 Agriculture and Forestry Resources

Response to Impact Question b); Less than significant impact.

The paragraph states that agricultural zoning is not an indication of a long-term commitment to specific uses because the General Plan may designate for more intensive uses in the future. The Project will require a zone change to make the zoning consistent with the proposed use.

RESPONSE: The existing A1 zoning designation is also the designation for recreational purposes, and the Project site been used in that context since 1958. It is also the only parcel in North Tustin zoned for and improved with a recreational facility. Conversely, North Tustin Specific Plan areas specifically provide for high-density residential uses. The County has previously worked with North Tustin residents and the FCA to ensure that planning and development is consistent with safe access and harmonious, congruent properties, benefiting the community overall. To "repurpose," this parcel for something other than recreation/open-space would be significantly detrimental to the community and surrounding neighborhood.

3.14 Population and Housing

The Applicant states that the Project would generate approximately 96 new residents (based on an average household size of 2.59 persons.) That equals 16 residents per gross acre (96/5.88 gross acres). Assuming approximately 30% of the gross acreage will be lost to new roads and infrastructure, the site's net acreage is estimated to be about 4.15 acres, resulting in a population density of about 24 residents per acre.

By comparison, the surrounding community has a population density of 5 residents per acre. The proposed Project's population density of nearly five times the surrounding community is highly incompatible. The addition of almost 100 more drivers will also have a significant impact on the neighborhood's traffic patterns and safety.

3.15 Public Services

As stated elsewhere, although the OCFA and other agencies may report that the number of additional residences or residents will not significantly impact their response times to the greater population and that no additional facilities may be required by the proposed development, FCA strongly requests that the OC Public Works inquire with these agencies about ingress/egress into these surrounding neighborhoods in the event of a major catastrophe

with additional traffic to and from this Project that could jeopardize the safety of all residents in the surrounding area.

3.16 Recreation

The County General Plan's zoned park/recreation land requirement is 2.5 acres per 1,000 residents. And, although the Applicant will be required to pay a park impact fee to mitigate this deficiency, the Project does not add any additional park/recreation space for the North Tustin community; to the contrary, it eliminates a long-standing community recreational facility. The parks mentioned in the County's document refer to Bent Tree Park, Esplanade walking path, and the mini Holderman park. These parks, combined with the Tustin Hills Racquet Club, provide 0.7 acres of parkland per 1,000 residents, a far cry from the County's standards. Excluding the Project site, the ratio drops further to 0.45 acres per 1,000 residents. The majority of municipalities in the County require 3 to 4 acres per 1,000 residents. Removing this agricultural/open-space recreational use further deteriorates the County's in-place standard.

The other North Tustin parks listed in the MND are situated on land zoned for residential uses while the Tustin Hills Racquet Club is the only parcel in the community zoned for open space and improved as a recreational facility. Removing this parcel from its long-standing primary purpose is a breach of the County's own General Plan and violates the restrictive use Covenant that exists to preserve this use in perpetuity.

3.17 Transportation

The presented traffic study is flawed and misleading for several reasons outlined below. Given the Project's location, the nature of the existing improvements, and the historical usage over the past 60 years, an actual "on the ground" driveway count taken at the Project site would produce accurate and meaningful traffic counts versus the formulaic Trip Generated Analysis using "hypothetical" assumptions with no factual support. Historical usage trends are the best indicator for future traffic patterns given the club has been in operation for over 60 years.

After further consultation with traffic engineering experts, **an actual driveway count should be conducted.**

Banquet Facility

1. The banquet facility is assumed to be occupied at a maximum of 330 persons at a daily occupancy rate of 100%. Inaccuracies with this analysis include:
 - a. Banquet events are in direct violation of the restrictive land-use Covenant for the existing use and, therefore, should be excluded.
 - b. The venue website reports its maximum occupancy capacity at 220 persons versus 330 used. Even if banquet events were to be counted, the maximum venue capacity is overstated by 110 persons.
 - c. The assumption of a daily occupancy rate of 100% has no factual support. If historical event data is reviewed, it will show a much lower daily rate of occupancy. Residents in Tract 3883 and Racquet Hill Drive surrounding the tennis club estimate the club has one event per month, with one or two additional monthly events from May through September for an approximate total of 20 annual events. This usage

equals an average daily occupancy rate of 5.48% (versus 100%). Using the venue's reported occupancy limit of 220 persons, the banquet facility (realistically) generates an estimated total daily traffic count of 8 (220 x 5.48% x 0.667) versus 220.

Tennis Courts

1. The Trip Generated Analysis also erroneously uses a 100% daily occupancy rate for the courts instead of actual usage data.
 - a. Surrounding homeowners and tennis club members realistically note that courts are typically 100% occupied on Saturday mornings until Noon and then empties out. Other than those few hours, the club is rarely at full occupancy, especially during summer months, when local mid-day temperatures often exceed 90 degrees. There are usually at least 3 to 4 empty courts equaling something closer to 65% occupancy (7 courts / 11 courts) vs. 100%.
 - b. A review of actual usage logs would contradict the assumptions used. An actual traffic count would also yield a lower occupancy rate.
 - c. Assuming the courts are 65% occupied daily, the total daily traffic count would be 217 versus 334.

Assumptions based on actual usage trends for the existing use yield daily traffic counts of 225 versus 554, a 329 daily variance from the MND. The proposed Project is (realistically) expected to generate 124 additional daily traffic trips over the existing use.

Vehicle Miles Traveled

The MND traffic report does not consider the new VMT CEQA standard (effective July 1, 2020) replacing the Level of Service metric. The new guidelines focus on how a project is likely to influence the overall amount of automobile usage and no longer consider traffic at intersections and roadways immediately around the Project site.

Traffic generated by the existing recreational use is characteristically shorter trips, with many club users living in and around the surrounding community (some walk from their homes). Conversely, the proposed Project will generate longer trip traffic (work/commuter), thereby contributing to greater overall automobile usage. Given the new standard will be in place in less than 30 days and in advance of any potential Project approval, these traffic factors should be evaluated and made part of the MND in conjunction with correcting its inaccurate traffic analysis.

After sections of the North Tustin community (just south of the Project site) were destroyed to provide for the extension of La Colina Drive to Tustin Ranch Road (to accommodate Tustin Ranch development), neighborhood traffic increased dramatically. Commuter traffic from the 5 Freeway to the foothills (and the Project Site) now flows primarily along Tustin Ranch Road, La Colina Drive and Browning Avenue. In fact, commuter traffic along Browning Avenue (from La Colina Drive to Beverly Glen/Simon Ranch Road) represents the greatest percentage of daily traffic along Browning (per PSOMAS traffic study). This traffic is further exacerbated by commuters attempting to avoid congestion on Irvine Boulevard as commuters also head directly up Browning from Irvine Boulevard into the foothills. Although Browning Avenue is a

25 MPH zone, it is practically a "major" thoroughfare for that traffic pattern at peak hours. The CHP often tickets speeders and drivers who fail to stop at the stop sign at the intersection of Browning and La Colina.

SE Skyline Drive is the other traffic artery providing access to the entrance of Tract 3883 and the Project site. It experiences a similar traffic pattern for commuters entering the hills from Newport Avenue and the 55 Freeway. Due to the increased speeding traffic along these narrow residential streets and the safety risk, concerned residents have resorted to putting up "Slow Down" and "Drive Like Your Kids Live Here" signs in their front yards.

The addition of nearly 100 more drivers (presumably largely commuters) and the realistic expected increase in daily traffic counts produced by the proposed Project will not only severely impact residents living in the Red Hill Ridge community (Tract 3883), but also greatly impact residents living on the neighborhood "feeder" streets (La Colina Drive, Browning Avenue, Ranchwood Road, Beverly Glen Drive, and SE Skyline Drive.)

Given the above, the County of Orange should require a formal traffic study with driveway counts, a review of historical usage for the existing improvements, and supplementation with the new CEQA traffic standard.

3.19 Utilities and Service Systems

Although the City of Tustin has provided a will serve letter to the Applicant for the Project, FCA believes this alone is insufficient to enable the Applicant to proceed to public hearings. Due diligence on the route, size, and connection of all utilities, especially water with the planned required pump stations to service the terrain of the Project, the ultimate impact on the design, and access to the site must receive greater scrutiny by County and City of Tustin staff for utility impacts to be deemed of little or no impact to the surrounding neighborhood.

3.20 Wildfire

For decades the club's open space, including parking area, grass, tennis courts, and clubhouse on a 5.88-acre property, has served as both a potential fire break and emergency responder staging area benefitting the community. This valuable resource should not be destroyed, causing further increased likelihood of homes lost to fires fueled by the Santa Ana wind conditions.

Thank you for allowing Foothill Communities Association the opportunity to respond to this Application.

Sincerely,



Rick Nelson, on behalf of the Foothill Communities Association
and the Tustin Hills Racquet Club Steering Committee