
MEETING MINUTES

North Tustin Advisory Committee (NTAC)
Wednesday, July 21, 2021 – 1:30pm PDT (Virtual Meeting)

I. CALL TO ORDER / FLAG SALUTE

Peter called the virtual meeting to order at 1:32PM. No flag salute due to online forum.

- *NTAC members confirmed in attendance:* David Feldberg, Mike Fioravanti, Kendra Carney Mehr, Peter Schneider, Dessa Schroeder, Kirk Watilo, Pat Welch.
- *County of Orange attendees:* Brian Kurnow, Kevin Canning, Bellinda Erikson, Jaime Ramirez

II. APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

Kirk made a motion to approve the minutes from the February 2021 meeting. David Feldberg second the motion and the committee then voted (all in favor) to approve the minutes.

III. COMMITTEE BUSINESS

- Mike reflected on a point about submittal of new projects to NTAC. He stated the County of Orange previously provided all new project details at the start of the calendar month which afforded more time for all involved to prepare including concerned community members, the applicant(s) and NTAC. He shared it would be helpful to continue similar timing going forward versus the shorter window provided for today's project.
- Peter stated as of August 2021 the NTAC meetings can be held at the Tustin Unified School District office as previously held before the COVID pandemic. For projects the rest of the year will be held at 7pm (same day of month) and conduct business there. Kendra confirmed that the paperwork between NTAC/County of Orange/TUSD is in process and should be ready soon --- she will confirm for August but September is good. Peter said NTAC is historically off for the month of August.
- Brian Kurnow offered that a possible new project could be coming to NTAC in August. The County of Orange team will work with TUSD, if needed. Peter said he would prefer not to have the August meeting to disturb vacation schedules, if possible. Next meeting will be in September unless otherwise notified by the County of Orange.

IV. OLD BUSINESS - None

V. NEW BUSINESS

Project: Planning Application - PA21-0055 (Chabad Center of Tustin)

Owner: Chabad of Tustin (Rabbi Shuey Eliezie)

Agent: Marty Kinselbaum

Location: 18802 East 17th Street, North Tustin

Proposal: A request for a Use Permit to establish a place of worship and educational facility (30 students; ages 3-5) and a Variance to permit a place of worship on a building site of less than 40,000 square feet. The subject site is 31,680 square feet where the North Tustin Specific Plan requires a 40,000 square foot minimum for churches, temples and other places of worship. The proposed Chabad would be approximately 9,850 square feet in area with a worship room with 50-fixed seating. Accessory uses would also include a 30-student private school.

Peter explained the purpose and agenda for the today's meeting so that new meeting attendees know the process and the role of NTAC.

PRESENTATION FROM APPLICANT

Marty Kinselbaum provided details about the proposed project and stated the following information while the County of Orange team shared the presentation slides:

- Chabad of Tustin is a community-based Jewish orthodox religious organization and has been active for 15 years
- Currently operating in 1,000 square feet of store front space in the shopping center near Ruby's (Newport/Irvine Blvd) with no use or compatibility issues over 7 years at this location.
- Worship is typically on Saturday mornings for 1.5 hours, 25-30 people attendees on average, many are walking to worship in keeping with orthodox tradition
- Eight (8) Jewish holidays during the year with high holidays in September
- Have been looking for new space for eight (8) years
- Two years acquired this property from the original owners who desired a spiritual religious facility to replace their family home that fell into a state of disrepair.
- Proposed 9,625 square feet, 1 story structure.
- Structure is set back fifty (50) feet from 17th Street, designed to include a sanctuary of 1,950 sq. feet, social hall of 1,200 sq. ft., library of 800 sq. ft. plus other rooms and outdoor play area.
- Existing north-east neighbors to be screened with landscaping
- Parking for twenty (20) sites onsite which is tied to three (3) parking spots for three (3) fixed seats plus on street parking in front of and to the west of the property site
- Application includes planning for a future preschool for thirty (30) children on weekdays whereas religious functions on Saturdays (no overlap between the two)
- Surrounding properties includes Meridian rehabilitation center to the immediate west, parking for the rehab center to the south and Foothill Montessori is 3-4 doors away.

- Single story, 9,850 square foot building represents a building-to-land-coverage of 31% of the net site area. A relatively light intensity development
- Building height not to exceed 35' for sanctuary
- Parking lot circulation designed to be in/out with eastbound 17th Street traffic flow
- Site is designed to be the permanent home for Chabad of Tustin.

Marty then offered to address any questions along with Rabbi Shuey.

NTAC COMMITTEE QUESTIONS:

Pat Welch asked if the North Tustin Specific Plan was referenced during the planning stage. Marty confirmed that it was taken into guidance for this project. He recognized the main concern is the lot size. Marty said “when we acquired the property the gross site area of the property is slightly less than 39,000 square feet which is within an ear’s breath of the 40,000 sq. feet which is required. The property has a net site area in the 32,000 sq. ft range primarily from road dedication of 17th Street over time. While we don’t meet the specific letter of the law.....will meet the general intentions of light use of the property”.

Mike Fioravanti raised the concern about the varying lot size numbers shared earlier. The County of Orange states the property site as 31,680 sq. feet yet Marty has referenced 39,000 sq. feet - why the difference? Marty said the GROSS site is 38,136 sq. feet. then the right of way dedication for a portion of the property was for the 17th Street expansion which resulted in a NET site which is different. Mike said the committee needs to follow the numbers shared by the County of Orange (31,680 sq. ft) so Peter asked for Kevin Canning to clarify.

Kevin Canning stated the 39,000 sq. feet includes the portion of the property that was dedicated for 17th Street roadway. Mike said that piece of the property should not be taken into consideration given it’s being used as a roadway now. Kevin said County staff recognizes the property NET as 31,680 sq. feet (after taking off the street right of way area). He clarified many properties in North Tustin have similar right of way/easements.

Dessa Schroeder expressed concern with 20 parking spots as not being adequate nor parking on 17th Street and the lot is not conducive to what is being proposed (over built) and is 79% short for what is required. Kevin said the project meets the parking zoning standards for onsite parking.

Mike then addressed the offsite parking on 17th Street and that the allowed parking does not extend across the entire front of the property --- it actually ends at that point and approximately 1/3 of the property has allowable three-hour parking. He asked about expectations for on-street parking. Kevin stated he wasn’t aware of the “end” parking designation. Brian said they County of Orange does not take into consideration the off-site parking for zoning standards. Marty said the aerial photos show the street parking is across the full property --- Mike repeated his observation that the parking sign does indeed include an END point designation meaning it’s not across the full property.

Mike asked if the fixed seats in the sanctuary and the social room be opened up to combine a higher capacity which would in turn impact parking. Marty agreed it could be opened up and would be done on several occasions during the year.

Mike asked if the applicant has met with the OC Fire Department. Marty said there has been dialog that is on-going to address ingress and egress with no specific concerns. Mike questioned if the fire department stipulated a “maximum occupancy” and Marty said they have not.

Kendra Carney Mehr asked about the design of the building and how it might not fit into the architecture of the surrounding area. Were other options considered to blend in or were there specific reasons for choosing this design? Marty said a wide range of design styles have been looked at. This design was chosen for its functionality. Also the building will be set back 50 feet from 17th Street along with landscaping in between.

Mike noted the North Tustin Specific Plan (NTSP) states that churches “*must maintain a low profile*” which this design is not. He referenced the nearby properties (Sunrise, Clearwater and Meridian) all having a design that are compatible with the surrounding area. The proposed “single story” has a 34.5’ height that backs up to homes on the northeast side which isn’t compatible. Kevin said staff is still working with the applicant to address the design and that the NTSP allows for “change” when it’s near arterial corridors (like 17th Street). He also noted that “community facilities” include churches with buildings and roofs that could be higher than normally done. Mike acknowledged this designation but he expressed high concern for a building that is equal to 3 ½ stories separated by a block wall and landscaping with single-story homes directly adjacent to the property.

Kirk Watilo expressed concerns with the design issue as well given the single-story homes so close to the property. He proposed an alternative design that could possibly include a shared driveway with the adjacent facility (to the west) and moving the building away from the adjoining the single-story neighbors. By “flipping” the design to the west side versus the east side it could solve the neighbor concerns.

Peter asked Marty if he reviewed the FCA letter and, if so, what is the response. Marty said the parking concerns have been addressed already today. He said the desire for a design that is more residential in character is not typical for parochial facilities. They have worked through many different site designs and plans. They feel the height “*won’t be noticeably visible*” to the nearby residents since an 8’ wall and landscaping will soften the visibility of the size of the structure. It’s designed to give an expansive feeling to the sanctuary and social hall (the rest of the building is single story).

Peter Schneider asked if Kirk’s suggested alternate design could be a viable option for this property. Marty said the design is due to a key principle that the sanctuary needs to have an orientation to the east in keeping with orthodox Jewish tradition. The design put forth is the best option.

Mike asked if anyone affiliated with the project has spoken with the neighbors directly adjacent to the property. Marty confirmed several neighbors have been contacted

although it's not been completed. He further said they shared information about the project including site plans and renderings with a few individuals. They are aware of the proximity and want to be good neighbors.

No other questions from the committee.

VI. PUBLIC COMMENT

Peter noted the three (3) minute time limit per speaker. Brian handled the muting/unmuting of each speaker in order.

Public speakers:

Linda Smith (Dryden Lane homeowner directly adjacent to the property and a North Tustin realtor)

- Clarified that the Shady Hollow residences east of the proposed project are "*not condo's but free-standing homes*" as misstated by the applicant and NTAC.
- Main concern is parking on 17th Street. It creates a more dangerous situation with cars parked along the road.
- After speaking with the Rabbi she was under the assumption an approval was not needed for this project to begin construction (no mention of the NTAC meeting).

H. Fhahici (lives in the Shady Hollow community)

- Concerned with size of project, square footage and parking.
- Would like to know the distance between the synagogue/school and the homes.

Marty noted the school section would be on the opposite side of the building from the nearby residences. He said there is a 15' setback from the property line to the building.

Brian Cross (President of Foothill Communities Association)

- Referenced his letter dated 19 July 2021 regarding the FCA concerns about this project
- Feels the project is "*too large*" and is "*25% undersize*" of the required area needed
- Landscaping won't mitigate the size of 34.5' structure and it's "*overwhelming presence*".
- He's concerned with the "*three different net square footage numbers*" that have been presented/discussed.

Peter asked Brian if the FCA took a position opposing the Montessori or Meridian facilities when they were built. Brian did not know since he was not involved with the FCA at that time. He did say those structures blend into the surrounding neighborhood versus the current proposed project size and design is not consistent with the neighborhood --- it's "*too much building*".

Rabbi Shuey spoke and shared his comments:

Acknowledged the NTSP and said they've been looking for a property that was on a major road that was also central to North Tustin given many members live in the immediate area. They want the design to be something special, referenced Trinity Church and Church of the Foothills as not looking residences. They "*want to be a great asset to the community*". He noted that Trinity Church has on-street parking on Sunday's and they don't plan for the same number of cars. He asked for approval for the project.

Michael Rubin (1061 St. Regis Place)

- Feels the use for this property is allowed in the NTSP versus other projects, like Clearwater, which were not permitted use.
- Feels the church shouldn't look like a residence
- Expressed a need for a Jewish center in the area that allows for nearby walking of members to worship.

David Bergman (North Tustin resident)

- Member of Chabad of Tustin, walks to services
- Feels the current blighted location will be greatly improved.
- Member of FCA, concerned with projects that could impact the community like "California Crossing" across 17th Street. Feels the Chabad of Tustin is a small congregation and he is "*enamored*" by the project.

April Gilbert (North Tustin resident)

- Member of Chabad of Tustin
- Feels the synagogue will be good for the neighborhood, small gatherings on one day of the week with many people walking (to alleviate parking)

Evelyn Spieff (Lives in Shady Hollow neighborhood adjacent to this property)

- Feels the project is "*too large for that small of a space*"
- Concerned cars will park in their limited guest parking spots in their neighborhood during the high holiday events.

Nora Stern (North Tustin resident)

- Member of Chabad of Tustin
- Expressed support for the organization and a great addition to the neighborhood.
- Feels the parking won't be an issue due to the walking of members.

Lisa Heppelmann (18852 James Circle, Shady Hollow, adjacent to property)

- Felt it was important to note she lives in single-family homes, not condos, as mentioned by Marty.
- Main concern is the height of the structure, setbacks and landscaping
- Met with Rabbi, appreciated the sharing of plans.
- Would like to be further involved with the setbacks, landscaping and the proposed wall.

No further public comments.

COMMITTEE DISCUSSION

Peter Schneider asked the committee if there are any other questions for the applicant.

Kirk Watilo asked the applicant to confirm there would be no residential portion of this property. Marty confirmed.

Kirk expressed his support for houses of worship to be in the community but mainly concerned with the height of the structure directly opposite the neighboring properties.

Dessa said the project does not meet the NTSP, doesn't have a residential look, the parking spots and height of the building. Feels it's too large for the space, not a positive development in a residential area.

Peter reminded the committee that the applicant is requesting a Variance and that NTAC recommend it be granted. The applicant knows they don't meet the square footage criteria (which is why the variance is needed).

David Feldberg lives on the other side of 17th Street and noted the proposed parking lot in the front is in line with the other properties (rehab and childcare centers). He's not concerned about parking, feels the project is nice and would like to bring the height down to address the neighbors' concerns.

Kendra also lives close by and feels the parking is in line. Her main concern is the "*blending in*" of the appearance of the property to be modified along with the height of the structure.

Pat Welch suggested that NTAC might want to ask the applicant to take into consideration the concerns that have been expressed and come back to NTAC later once these have been addressed. Peter feels the one main issue is the height of the structure and is not clear what height should be recommended if not 35.5' high. Since this is a Jewish house of worship it's not going to have the same architecture as other structures in the area and also the synagogue needs to face east. So the committee would need to agree on what those changes would be.

Mike shared his thoughts that he's supportive of places of worship in the area. He noted he's been hearing "*small*" with the number of attendees but the size of the structure is not small given the 34.5' height directly on the other side of a wall from single-family homes. He feels what has been presented today does not fit into the community --- plus, if it's such a small congregation then why does the building need to be so big/tall?

David asked for clarification that the variance is needed for the size of the lot, not the structure. Peter confirmed. The height of the property meets the development standards according to the County of Orange. Mike said the NTSP states the "*low profile*" for churches is required. More discussion on this subject continued with the committee without any resolution.

Dessa said the design should be reconfigured to meet the NTSP and made a motion for the applicant to do that. Pat second the motion. David said the 40,000 sq. ft requirement would mean taking back the roadway from 17th Street and that isn't going to happen in order to comply with the NTSP. Which means it's a motion to deny the variance in total.

Kendra asked to clarify --- is it a denial or is it asking the applicant to return? Peter said the motion made is a de facto denial of the variance. NTAC would be denying it until all of the NTSP conditions are met. And that isn't possible since the lot size wouldn't support this project. Peter said if that is not the intention then the motion needs to be recast.

Mike clarified that the applicant could reconfigure the project and building height and Peter confirmed that would need a new motion.

Kirk said he would vote against the motion and then make a new motion to ask the applicant to re-size the project to 80% of the current sq. footage to see if they can do that.

Peter said the motion from Dessa needs to be addressed first. Roll call was done on Dessa's motion: Dessa (yes), Pat (yes), Kendra (no), David (no), Mike (no), Kirk (no), Peter (no). Motion failed: 2 yea, 5 nay

Kirk offered a new motion: due to the 31,000 square foot size, the applicant consider reducing the size of the project to 80% of the current sq footage and return with a revised plan with the 34.5' height be reduced even though it meets the County requirement. David asked for clarification, Kirk explained the intent would be for the applicant to come back to NTAC with a revised plan of 80% of the 9,000 sq. ft building. Mike second the motion.

David said if we are all in agreement then no need to come back to NTAC given that we would approve. Kirk said he would amend the motion to support this. Peter stated that this motion means NTAC would include recommending that the variance be granted - which is what NTAC is being asked to decide. The recommendation to the Planning Commission would be to downsize the project by 20% and also reduce the height. More discussion among the committee but no clear agreement was reached.

Kirk's motion remained pending. Kendra clarified the height and building size are in compliance and the only variance issue is the lot size requirement - which is what NTAC needs to decide. Kirk felt we could ask the County to help NTAC resolve the concerns being raised and the County confirmed they are available to assist.

Kendra made a substitute motion to approve the variance with the recommendation that the Planning Commission review the height, size of the general building with specific consideration to the surround residences and height of those residences to prevent something that isn't compatible with the entire neighborhood. Mike suggested that the Planning Commission might wonder why NTAC didn't make the necessary decisions on these items.

Peter reminded everyone that the question for the committee is that a variance be granted for this building. It is then up to the Planning Commission and the County of Orange to ensure that the applicant complies with all laws and regulations. NTAC has a very narrow question to address, not anything else.

Kirk's motion remained open.

Peter believes this project should not come back to NTAC because the only question is the recommendation to the Planning Commission for approval of the variance. We could also make other recommendations to the Planning Commission to the project itself but to ask the applicant to go back and re-design is not the question before NTAC since the amount of land cannot be increased (to meet the NTSP requirement).

Peter asked Kirk to consider withdrawing his motion and instead vote (on a new motion) **"...to recommend to the Planning Commission that the variance be approved and recommend to the Planning Commission that it consider the height of the project, the setback and the concerns of the neighbors regarding that, as they consider further approvals of the project"**. Kirk added architectural design review as well --- which Peter accepted.

Kirk then withdrew his earlier motion.

Kendra second the motion presented by Peter.

Roll call vote was done:

Peter (yes), Mike (no), Pat (no), Kirk (yes), David (yes), Kendra (yes), Dessa (no)

4 = yea

3 = nay

Motion approved.

PUBLIC COMMENT (OTHER)

No additional public comment

VII. ADJOURNMENT

Committee voted YES to adjourn the meeting at 3:36pm

*Meeting notes compiled by Mike Fioravanti (Secretary)
3 August 2021*