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# MEETING MINUTES

**North Tustin Advisory Committee (NTAC)  
Wednesday, November 17, 2021  
7pm @ Tustin Unified School District boardroom**

## I. CALL TO ORDER

Peter Schneider called the in-person meeting to order at 7:15PM.

- *NTAC members in attendance:* Mike Fioravanti (Secretary), Peter Schneider (Chair), Dessa Schroeder, Kirk Watilo, Pat Welch.
- *County of Orange attendees:* None

## II. APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

Kirk Watilo made a motion to approve the minutes from the October 2021 meeting. Dessa Schroeder second the motion and the committee then voted to approve the minutes. All voted in favor.

## III. COMMITTEE BUSINESS

Mike Fioravanti suggested it might be helpful if the committee created an overview on NTAC so that new project applicants will better understand the committee's role, process and how to maximize the meeting results (bringing key attendees to support project, detailed information, etc.). There was a positive interest from the committee so Kirk Watilo offered to help assemble a draft copy that can be reviewed at the next meeting. Once it is finalized the document will be sent to the County to be shared with the general public.

## IV. OLD BUSINESS - None

## V. NEW / CONTINUED BUSINESS

**Project:** Planning Application - PA19-0188 (Baja Panorama Residence)

**Owner:** Paul Phangsavanh

**Agent:** Phillip Bennett (Architect)

**Location:** 12561 Baja Panorama, Santa Ana

**Proposal:** The applicant is seeking a Use Permit for over height walls, to a maximum height of 18 feet, within the setback areas and a Site Development Permit for grading of 995 cubic yards on a slope of greater than thirty percent (30%).

## QUESTIONS FOR APPLICANT AND ARCHITECT

Paul Phangsavanh, the property owner, was present along with Phillip Bennett, the project architect. Peter Schneider picked up the discussion from the last NTAC meeting (October 2021) and spoke directly to Phillip Bennett given his knowledge of the project. Peter noted the land is currently vacant and wondered why there is a need to ask for variance since the project is being built from scratch. He suggested the residence could be designed so that a variance would NOT be needed. Phillip Bennett responded that he has built 15-20 homes in the same area and this is the first time he was told it would need to be reviewed by NTAC.

Mr. Bennett further said one of the main issues was the grading and the requirement by the County to be less than 1,000 cubic yards. It is now 995 cubic yards of cut. That requirement impacted the design of the residence and the overall project. He also noted the upslope driveway requirement that was adjusted by the County several times including slope and width. The project has been in process for 2.5 years now due to the many changes that have taken place with the design.

Peter Schneider asked about the over-height wall requirement. Mr. Bennett said it is needed due to the slope and that only 6" of wall will be above grade from the neighbors view --- unlike the empty lot next door which has been over cut.

## NTAC COMMITTEE QUESTIONS:

Dessa Schroeder asked for clarification on the photos that have been shared with the committee. Phillip Bennett stated the one in question was actually the property next door --- not this project.

Pat Welch asked if the previous projects noted by Phillip Bennett if these were also in unincorporated Orange County and he confirmed yes.

Pat Welch also asked if there are any other alternatives to reduce the height needed for this project. Phillip Bennett said there isn't any other option given the County requirements for the driveway layout. Pat Welch expressed the height is dramatic, compared to other projects. Phillip Bennett agreed and shared it's going to require a lot of time/money for the project cut. He explained the current project dimensions are the result of the many conversations, submittals, re-designs, more submittals, etc. with the County over the past 2.5 years to get the walls down to the shortest level possible (the walls were 20' in earlier plans).

Mike Fioravanti raised the concerns shared by Paul Phangsavanh from the last NTAC meeting about the slide/erosion potential for this site. Mike Fioravanti shared this same concern based on a site visit today and asked how this potential will be minimized. Phillip Bennett said the entire site is "pretty much all bedrock" that will be cut into. He also said a soil report has been done and it's been through the County for approval. Mike Fioravanti stated that since NTAC doesn't have access to the report he will assume the approvals were met as it relates to soil testing results.

Mike Fioravanti then asked about the plan for removing the 995 cubic yards given the road is very narrow. Phillip Bennett said the contractor who will be selected for the project will address the plan along with a traffic crew to support the work. Pat Welch asked about the timing for the removal of the dirt and Phillip Bennett stated it would take about two months --- with work not being done every day.

Mike Fioravanti requested clarification on the flow of the grading trucks entering leaving the project. Would this be done with the “short” route (east facing) via Baja Panorama or via the “long” route (west facing) via Circula Panorama? Phillip Bennett said if the trucks came up the short route they would need to exit via the long route but that would ultimately be the project contractor’s call. Mike Fioravanti asked more details regarding the number of round trips needed for this project using a measurement of 10 cubic yards per truck. Phillip Bennett stated it would be 90-100 truckloads. Paul Phangsavanh said it would be 2-3 truckloads per day, five days a week. Peter Schneider calculated it to be about 1.5 months at that rate. Phillip Bennett said the designated contractor will need to submit the plan to the County. It could also include smaller truck sizes (5-6 cubic yards) to lessen the road weight.

Kirk Watilo discussed the surrounding neighbors (above) and two lots to the south. He wanted to ensure the neighbors won’t see any walls. Phillip Bennett said the walls will not be seen once the empty lot next door (currently with exposed walls only) is completed.

Peter asked if the project could be built without oversized walls. Phillip Bennett said that was not possible due to the 15’ setback requirement. Peter wondered if the site was “suitable for building”. Phillip Bennett feels ANY lot is suitable and depends on the effort being put into it. He feels most every lot on the hill will ultimately be built on at some point in time.

No other questions from the committee.

#### PUBLIC COMMENT

None

#### COMMITTEE DISCUSSION

Mike Fioravanti shared his concern on the need for the trucks to use the full loop (short and long routes together) with 200 round trips. He acknowledged that this would ultimately be approved by the County via the plan presented by the contractor. Pat Welch referenced the project proposal submitted to NTAC states “.....grading of 995 cubic yards on a slope of greater than thirty (30) percent”--- meaning there are two items to review. Mike feels this would still fall under the plan by the contractor if approved by NTAC.

Peter Schneider raised a question to the applicant that if NTAC denied the application they would not be able to build. He further clarified that if the planning commission

and/or Board of Supervisors did not waive the zoning rules on height and grading then the project could not continue. Phillip Bennett confirmed that is the case. Dessa Schroeder wondered if this would set a precedent for the area going forward but Mike noted that other properties have already been built without coming through the NTAC review.

Peter Schneider expressed his concern that if the committee does not recommend to grant relief, and it is accepted, that would mean the applicant cannot build (assuming the planning commission and/or Board of Supervisors is in agreement). Phillip Bennett said the adjacent property has been in the same state for four years (with over height walls)....and has been sold three different times. Mike Fioravanti asked why not buy/build on that property but Phillip Bennett said the owner(s) price was too costly. Phillip Bennett said this option was explored but no reasonable offer was accepted.

Peter Schneider pondered aloud that that project owner has been essentially told that it *“would be OK to build as long as the rules are bent”*. That puts NTAC in a difficult position. Phillip Bennett feels the reason for the change in the rules is not because of the walls on the side or back but the over height walls in the *“front with the 20’ set back requirement”*. He continued that the front walls are necessary in order to accommodate the design set forth by the County.

Pat Welch noted this proposal is for walls....plural....meaning all of the walls. Kirk Watilo feels this isn't new given the other homes in the area that have faced similar challenges. He said he's OK with the height of the walls but more concerned about the grading issue with the ingress/egress, moving the soil to an appropriate place, etc. and that all of the County requirements are met (and would defer to the County). However, NTAC needs to look at this project on behalf of the neighbors to determine if this is appropriate for this specific spot.

Mike Fioravanti expressed concern again about 200 roundtrip trucks coming through the entire neighborhood (full loop). Phillip Bennett said this has been done many times prior with the other homes that were built but Mike noted those projects were never reviewed by NTAC. Mike Fioravanti said the “short” route is so close to the project site but is troubled with having trucks take the full circular route for this project. Paul Phangsavanh offered that the property next door could be possibly used for a U-turn (to use the short route both ways) with likely approval from the current owner. Pat Welch stated that could happen but then change later if the property is sold and the new owner was not in agreement. Mike Fioravanti said this is simply an idea and not something that can be guaranteed so it's not a viable option.

Phillip Bennett then suggested that the area in front of the property could be dug out first to create a turn-around area for the trucks to come up/down the short route (not the full route) but that would ultimately be determined by the project contractor. He also said the smaller truck option could be considered as well. The whole route would need to be approved by the County before any permits are issued. It's one of the key challenges for building on that hill. Mike Fioravanti felt this option would address his concerns and is in agreement.

Kirk Watilo outlined a motion that NTAC support the Planning Application (PA19-0188) for a variance on the wall height and that the grading is subject to all County requirements approved by County staff. Mike Fioravanti requested adding further clarification on the truck route. Kirk then amended the wording to ask the County to look at the truck route plan for the grading contractor to reduce as much as possible the impact on the residents that live in that neighborhood. Kirk then made the motion as follows:

**NTAC supports the Planning Application PA19-0188 for a variance on the wall height and the grading is subject to all County requirements approved by County staff. NTAC requests the County look at the truck route plan for the grading contractor to reduce as much as possible the impact on the residents that live in that neighborhood**

Peter second the motion.

Roll call vote was taken on the motion:

Mike Fioravanti (yea), Peter Schneider (yea), Dessa Schroder (yea), Kirk Watilo (yea), Pat Welch (nay)

RESULT: 4 = yea 1 = nay

Motion approved.

## **VI. PUBLIC COMMENT (OTHER ITEMS) - NONE**

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Peter brought up committee business that wasn't mentioned earlier. He made a motion that NTAC be dark in December due to the holidays and the committee would resume in January. Pat second the motion. All voted in agreement.

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## **VII. ADJOURNMENT**

Mike made a motion to adjourn the meeting, Dessa second. All agreed and meeting was closed at 7:58pm

*Meeting notes compiled by Mike Fioravanti (Secretary)  
29 November 2021*