
MEETING MINUTES

**North Tustin Advisory Committee (NTAC)
Wednesday, March 16, 2022
7pm @ Tustin Unified School District boardroom**

I. CALL TO ORDER

Peter Schneider called the meeting to order at 7:20PM due to delay in getting access into the Tustin Unified School District boardroom.

- *NTAC members in attendance:* Mike Fioravanti (Secretary), Kendra Carney Mehr, Peter Schneider (Chair), Dessa Schroeder, Kirk Watilo, Pat Welch.
- *County of Orange attendees:* Kevin Canning, Contract Planner - OC Development Services

II. APPROVAL OF THE MINUTES FROM PREVIOUS MEETING

Pat Welch made a motion to approve the minutes from the November 2021 meeting. Kirk Watilo second the motion. The committee then voted to approve the minutes with all in favor.

Also, Pat Welch led the flag salute that was missed in the opening Call to Order

III. ELECTION OF OFFICERS

Mike Fioravanti suggested the committee defer the election to the next NTAC meeting to give more time for preparation.

IV. COMMITTEE BUSINESS

Mike Fioravanti referenced the earlier discussion and interest in creating a document that outlines the “role of NTAC” so that attendees and applicants will have more information to better prepare for the meetings. A draft copy that Mike Fioravanti and Kirk Watilo have created will now be sent electronically to the committee for further review/input. The goal is to have a “final draft” ready at the next meeting to then send to the County of Orange for input.

Kevin Canning reminded the committee the Bylaws of the North Tustin Advisory Committee are on the county website. The document (dated December 1997) outlines the Purpose, Responsibilities, Procedures, etc. for NTAC. Kevin also suggested the new document be send to the Third District Supervisor’s office as well.

IV. OLD BUSINESS - None

V. NEW BUSINESS

Item #1

Project: Tentative Parcel Map TPM 2021-118 - Broadview Lot Split

Owner: Bachar Halabi

Agent: Hassan Halabi

Location: 10352 Broadview Place, Santa Ana

Proposal: The applicant proposes to subdivide a vacant 1.05-acre parcel into two parcels of a minimum size of 20,000 square feet in the AR-20,000 zoning district.

Peter Schneider read the details of the project and that approval of the map would be needed from the Subdivision committee which is not NTAC. He noted that the project would be for a single-family home on each new parcel but no new development or grading is proposed at this time.

Hassan Halabi, along with his brother, Bachar, gave an overview of the project and their interest in building two custom homes. Hassan recognized the concerns about the hillside safety for building the homes and stated a soil engineer will be hired. He invited the neighbors to be involved in that process as well.

Hassan Halabi stated one home would be off the cul-de-sac and the other home would be in the second parcel but the details have yet to be determined. Hassan is a real estate broker and a general contractor, has been building homes for the past 30 years in Orange County.

Peter Schneider asked for questions from the committee:

Pat Welch asked about the setback on the front of the house(s). Hassan Halabi replied that it would be *“about 65 feet”* and would be after a retaining wall is built according to the soil recommendations.

Mike Fioravanti inquired about the existing private road off the cul-de-sac and how proposed House B would connect with this. Hassan said the road is an easement tied to the two existing homes as well as the lot he owns. Further he stated the plan is to widen the road. Mike Fioravanti expressed concern that the existing lot does not have any width to build on let alone widen the road. Hassan Halabi said it would be a 25' setback before the garage and home begin and he agreed with Mike Fioravanti's clarification that the home would have to be built entirely on caissons or pylons.

Peter Schneider asked for questions/input from the public

PUBLIC COMMENT

Richard Craig, lives at 10351 Broadview Place which is on the private road (he calls it a “driveway”). He has lived there for 12 years and this project is of concern for several reasons. One is that it's *“a severe hill (steep angle) and the potential of degradation to the hill if someone builds on the hill....there is already cracks in the driveway”*.

Richard Craig states there is “no flat land”, “none, zero and goes from the driveway straight down”. He further added “I’m not sure what will happen to our property” if someone builds on those lots. Richard Craig feels the integrity of the hill and lot is his biggest concern. He is also concerned about the traffic and noise that will “go on for a few years” with this project. Richard wondered aloud if he will need to hire his own engineer to check things out.

Peter Schneider explained that there would need to be significant involvement with the County of Orange with grading permits, geotech inspections, etc. and that the County would not allow a site to be built that would undermine existing properties. However, he clarified this is not before NTAC to review right now.

John Kanop (and his wife Alison) owns the house at 10302 Broadview Place at the end of the driveway for 21 years. He stated the hill has been on the move the entire time they’ve lived there. Last year they had to re-do the pool (\$85,000 cost) and they’ve been having cracks in their walls and ceilings. He is concerned with the steep hill right off the driveway and the need to use pylons for this entire project. John stated the existing driveway is “already cracked for 270 feet and the crack is widening every single year”. John Kanop stated that if the pylons are driven into the ground it would likely affect his new pool, walls and ceilings. He said he is “not against construction or progress” and can deal with noise and dust but is concerned about further cracks with the house, pool, foundation, etc. “which would be exacerbated by this construction”.

Peter Schneider asked with Kevin Canning for guidance on NTAC’s role given this project will go to the Subdivision committee.

Kevin stated: ***“It would not be unreasonable for the committee to say, based on the comments you’ve received, that you would ask the County to take special care to ensure that future construction on these two proposed lots and ensure the stability of not only of future homes on those two lots but of the hillside and surrounding existing homes through whatever measures the County geotechnical engineers deem appropriate”***. He also recommended that the neighbors that spoke about the project send their comments to him via email. Kevin explained that the neighbors would also receive a 2nd notice before the Subdivision committee public hearing (the date has not been determined yet). He will take these comments and “work with the county’s building department and geotechnical engineers to word that condition to highlight for them, when the project comes through, the special concerns” so that it is on public record. Kevin reiterated the email should state the concerns along with the request to “ask the County of Orange to be extra careful about”.

Peter Schneider confirmed with both applicants that they understood the concerns that have been expressed today.

Mike Fioravanti asked Hasan Halabi if they have contacted the neighbors down the hill, below the proposed project site, on Ambervale. Hassan Halabi said he “tried to talk with them but had no luck”. He further stated he tried a few times to meet with one of the neighbors. Mike Fioravanti suggested he try to reach as many as neighbors as

possible and Hasan Halabi agreed. Peter Schneider commented that it would be helpful if the neighbors are involved.

Ronald Huber, 10381 Greenbrier, asked if he could also provide public comment. His house is directly below the cul-de-sac for the proposed project site. His concern is *“the siding of where the homes will be to determine how safe and stable that project will be”*. Specifically, if there will need to be grading on the hill. He feels the homes below are currently *“safe since the hill not been graded in the past and any future grading could impact the integrity of the hill”*. Ronald Huber stated the neighbors are concerned about maintaining the integrity of the hill below the project. Ronald Huber also added that his pool fills up with mud whenever it rains due to the steepness of the hill.

Hasan Halabi responded that the proposed homes would be exactly like the existing homes that were built earlier (next door).

Kirk Watilo raised a question to Kevin Canning about the applicant’s comment that the setback requirement is 20’ and might be 25’ --- can a variance be issued by the County to get it closer to the street? Would it be better for the safety? Kevin responded that *“the setback is from the edge of the easement and might be more than 25’ although a variance would be possible if there were geotechnical reasons”*. Regardless of where the homes are designed it will all be dependent on the geotechnical requirements.

No further public comment.

Peter Schneider opened up the committee discussion...

Kendra Carney Mehr inquired if NTAC is being asked to recommend or deny the dividing of the parcel. Kevin Canning said that is correct and a motion could include extra considerations based on the testimony shared tonight.

Mike Fioravanti shared his concerns about Lot B that would have a house built 100% on pylons/caissons. He feels this lot is not appropriate for a home even though the County and sub-division committee will be taking great care to ensure safety as the project moves forward. Mike Fioravanti said he does not think the project should move forward as it’s not appropriate for a house to be built on this lot.

Peter Schneider feels *“the only question before the committee is can they sub-divide the lot?”*. He added *“NTAC does not know any of the specifics about the project development (plans) and NTAC has only been told about the aspirations of the project”*. Peter Schneider continued: *“...perhaps the aspirations could change at a later date but that is not before NTAC now”*. Mike Fioravanti clarified that the intent is to build a home(s) and that should be kept in mind. Pat Welch stated that if the request is approved tonight by NTAC then the project will need to be followed by other meetings.

Pat Welch made a motion to approve with all of the caveats that have been “*discussed and recorded here*” although he is not able to recite verbatim. Peter Schneider recommended “*to include all of the stipulations that Mr. Canning mentioned and we will include in the minutes*”. Kevin Canning suggested to also list “*bullet points of the concerns and let us figure out a way to address those concerns*” such as...

- Runoff from the site doesn’t muddy the pool down at the bottom of the hill
- The slope on the site and any adjacent sites across the accessway remain stable
- SEE KEVIN CANNING STATEMENT ON PAGE 3 (**blue/bold font**). [Note: His statement in full should be included in the record here].

Kirk Watilo second the motion. He clarified that a motion should include language that the project conforms to the minimum lot size of 20,000 --- as it already does.

With no further committee discussion Peter Schneider led vote:

- Yea (5): Dessa, Pat Welch, Peter Schneider, Kirk Watilo, Kendra
- Nay (1): Mike Fioravanti

Motion carried for Project 1.

Item #2

Project: Tentative Parcel Map TPM 2021-180

Owner: Linkey International Inc.

Agent: Alexander Kang / Simon Perkowitz

Location: 10262 Crawford Canyon Road

Proposal: The applicant proposes to subdivide a 2.4-acre property developed with one residence into four parcels with a minimum area of 20,000 square feet to be served by a private street in the 125-E4-20000(SR) zoning district.

Peter Schneider read the details of the project (noted above) and that the project would require approval of the map by the Subdivision committee. The applicant would ultimately develop a single-family home on each new parcel. The subject map reflects proposed grading which would be approved with the tentative parcel map. Kevin Canning corrected the last sentence, it is an error, and the tentative parcel map does not show the proposed grading --- it was on a separate exhibit. Kevin further stated that the map could be revised but right now NTAC is not reviewing the grading.

Simon Perkowitz, Architect, spoke about the project. He stated the applicant “*is not a developer and they are not proposing any housing at this time*”. He is open to any questions.

Peter Schneider asked for clarity of the existing and future road. Simon said the road would be widened by 25’ and will be improved.

Mike Fioravanti asked about the drawing showing Parcel 5 in the middle of the cul-de-sac. Kevin Canning stated it should be Parcel A, not a number. Simon Perkowitz said Parcel A is just the cul-de-sac and not a buildable lot.

Kirk Watilo asked that each parcel does not include square footage for Parcel A. Simon Perkowitz confirmed yes.

Dessa Schroeder asked for clarity on the existing road. Kevin Canning stated it's currently a driveway serving an existing single-family residence.

Mike Fioravanti asked if the existing house would be demolished. Simon Perkowitz stated at this time that is not a consideration but it could be in the future. At that point Kevin Canning stated, "*the map may not be able to be recorded with the existing home due to the setback requirements*". He added they might be able to record "*a few of the lots but not all*".

PUBLIC COMMENT

Greg Dovidio, 12316 Canyon Terrace, his property runs parallel to the 2.4 acres. He met the property owner a few years earlier and he's "*all for it (this project) cause any improvement made to this property is better than what it is now. Frankly, the property has been deteriorating the last couple of years*". He said the existing house was built in the 1960s but after years with renters in the property and since the property has "*gotten way worse*". He would like the owner to know the existing house is "*de-valuing the value of his real estate and the neighbors*". Greg Dovidio asked for clarity on the current status of the property and Kevin Canning stated it's simply about the sub-division at this time. Greg Dovidio is concerned about future homes, height, etc. to protect his view. Peter Schneider informed Greg Dovidio that NTAC is not reviewing anything other than the sub-division at this time.

Kevin Canning shared some general zoning requirements (such as height) with Greg Dovidio and suggested he send along any concerns via email.

Simon Perkowitz commented that the owners have done work on the property to clear shrubs and trees to minimize any fire hazard.

COMMITTEE DISCUSSION

None.

Mike Fioravanti made a motion to approve the proposed project to sub-divide into four parcels with a minimum of 20,000 square feet (as listed). Kendra Carney Mehr second the motion.

No further committee discussion

Committee voted with all six (6) in favor to approve.

Motion carried for Project 2.

Item #3

Project: Tentative Parcel Map TPM 2021-186

Owner: John Saito

Agent: Keith Messick

Location: 10231 Sunrise Lane

Proposal: The applicant proposes to subdivide a vacant 2.2-acre parcel into four parcels with a minimum area of 20,000 square feet to be served by the extension of a private street in the AR-20000 zoning district.

Peter Schneider read the details of the project including the proposed parcels would create four parcels with areas 30,332 to 30,274 square feet. The four new lots would each take access from an extension of Sunrise Lane though the new lots with no lots taken from the existing Sunrise Lane which is at the foot of some large slopes. The project will require approval of the map from the Subdivision committee. The applicant would ultimately develop a single-family home on each new parcel. At the request of County staff the applicant has provided conceptual grading and a development concept for proposed Parcel 2.

Keith Messick, Architect, shared a brief high-level overview.

Kevin Canning provided details of the access road by referencing a map that was shown to the committee.

Mike Fioravanti asked if Rocking Horse Ridge (RHR) homeowner's association is supportive of this project. Keith Messick stated the project is not part of the association. He has sent letters to the association but does not know how they feel about the project. Pat Welch asked for clarification on why this is not part of the RHR association. Keith Messick stated it should be "*considered more like an access easement via RHR*".

Kirk Watilo asked for clarification of the existing Sunrise Lane on the map. Further discussion was done using the map as a reference.

Peter Schneider asked how much of these parcels would be flat land or hill. Keith Messick responded that it's "*all hill*".

Dessa Schroeder asked about the access road and Keith Messick said it's a dirt road right now.

Kirk Watilo inquired that the access road is not included in the 20,000 square feet. Kevin Canning confirmed.

No further questions from the committee.

PUBLIC COMMENT

None

Peter Schneider made a motion to recommend to the Subdivision committee that it *“approve the proposed sub-division with request to the County to take special care with sufficient geotechnical....and all inspections or scientific efforts necessary to ensure that anything that is built can withstand (the hillside) and be safe for the neighbors and homeowners themselves”*.

Kirk Watilo second the motion.

Committee voted with all six (6) in favor to approve.

Motion carried for Project 3.

VI. PUBLIC COMMENT (OTHER ITEMS)

NONE

[Other: Pat Welch suggested to Kevin Canning that it is always helpful if someone from the County of Orange is in attendance for the NTAC meetings. Kevin Canning agreed.]

VII. ADJOURNMENT

Kendra made a motion to adjourn the meeting, Dessa second. All voted in favor and the meeting was closed at 8:30pm

*Meeting notes compiled by Mike Fioravanti (Secretary)
1 April 2022*