



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

June 15, 2009

Supervisor Bill Campbell
Orange County Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

Re: Kisco Proposed Amendment to the North Tustin Specific Plan

Dear Supervisor Campbell:

The Foothill Communities Association and many residents of North Tustin have communicated with you over the past several months concerning their opposition to Kisco's proposed amendment to the North Tustin Specific Plan. The amendment would rezone a 7.3 acre parcel from single family residential to high density multi-family zoning (to permit a 153 unit senior living facility). The Foothill Communities Association and the residents have referred to the stake the community has in the North Tustin Specific Plan and the need to maintain the integrity of the North Tustin Specific Plan. We thought it might reinforce these points to provide you with some background concerning the formation of the North Tustin Specific Plan and the destabilizing elements the North Tustin Specific Plan was intended to address and prevent.

Attached to this letter are excerpts from one of the volumes of the 1982 Environmental Impact Report for the North Tustin Specific Plan with particularly relevant language underscored. The excerpts provide background for the spot zoning problem inherent in the Kisco proposal that the North Tustin Specific Plan was designed to eliminate.

In 1982 residents in and around the specific plan area faced competing concerns. Many expressed concern over spot zoning of parcels from medium and low density residential to office, commercial, or higher density residential use. These residents believed that this would encourage widespread change to uses incompatible with the existing character of the community and foreclose opportunities for development of compatible land uses within a long-term planning framework. Owners of parcels adjacent to arterial highways saw the potential for more intense uses and expressed concern that impacts from traffic, noise, and acquisition and development of ultimate right-of-way had rendered their properties no longer suitable for low density residential use. The North Tustin Specific Plan was intended to provide a "comprehensive perspective of land use trends needed to address these issues." The 1982 EIR states:

Requests for change of land use are usually initiated independently by landowners who are usually recent purchasers, absentee residents, and expectant of realizing a profit and leaving the area while adjacent owner/residents continue to live with the compromised residential environment. These change requests are usually of a random pattern and timing. This is especially likely when each request is for a very small area and the small impacts are not as evident as when a pattern of the area emerges and the true impact on the Community becomes evident. This may be too late. Consequently a Specific Plan such as this one, can serve the Owners, the Community and the County by providing an opportunity for a coordinated approach to these special problems.

Much like some of the requests referred to in the 1982 EIR, the Kisco proposal relates to just one relatively small parcel. Kisco asserts that action on its request does not and will not create a precedent. As articulated in the 1982 EIR, however, such spot zoning does violence to the coordinated approach which was behind the North Tustin Specific Plan. The EIR volume states:

Changes in land use from low density residential to higher intense use either as higher density residential, offices, or commercial, all bring to the surviving adjoining residential intrusions as described above. Relief from these intrusions usually is not available except by changing the use of adjoining residences to higher-intensity, i.e., the original changed area induces growth. The character of the original community has changed. This Growth Inducing feature potential is present even where the use change is only to higher density residential. There is a delicate shift point where increased density clearly becomes a growth inducer.

Finally, the EIR states:

Good planning calls for nearly comparable housing to avoid “islands” and spot zoning. Since the Study describes the community with a good mix of housing that is distributed in a “blended” fashion from South to North, it makes for good planning to avoid breaking into established neighborhoods with major changes in density.

The North Tustin Specific Plan was a comprehensive effort by the county in partnership with community. As noted in the attached excerpts, the North Tustin Specific Plan Advisory Committee “met 20 times to identify and provide comment on issues to be addressed in the plan.” In addition, there were two community meetings, a Planning Commission hearing, and the Board of Supervisors hearing. The very parcel proposed for rezoning by Kisco was the subject of a detailed review as part of this process and was identified as Detail Review Parcel Group 2. As stated in the excerpts:

The Parcel deeply penetrates a stable medium low-density modern residential neighborhood. Any use will interact with a half mile of existing residences common boundaries and access onto Ervin Lane as well as onto Newport Ave.... The residence bound-nature of the Parcel makes its continued use for medium-low density residences most appropriate and compatible.

The community and the county anticipated the spot zoning issues that would arise from a project like the Kisco proposal and put forth the North Tustin Specific Plan to prevent problems that would be caused by such an intrusion into single family residential neighborhoods. They even anticipated the issues for the very parcel involved in the Kisco proposal. The principles of good planning have not changed from those set forth in the EIR. That is why the Foothill Communities Association, representing the affected neighborhoods and the larger North Tustin community, is vigorously opposed to this proposal.

We thank you for being sensitive and responsive to the overwhelming neighborhood and community opposition to this proposed amendment to the North Tustin Specific Plan.

Sincerely,

A handwritten signature in black ink that reads "RD Nelson". The letters are cursive and somewhat stylized.

Richard Nelson, President
FOOTHILL COMMUNITIES ASSOCIATION
rnelson@FCAhome.org
714-730-7810