



Kisco Project Status & Concerns as of July 3, 2009

Facts gathered by Foothill Communities Association in Response to Statements Made by Kisco Relating to Kisco's Proposal to Amend the North Tustin Specific Plan to Rezone the approximate 7.3 Acres at 13765 Newport Avenue For a High Density, 153 Unit, Senior Living Facility Business (County Case # PA090004 3) [June 29, 2009]

Kisco Position: Kisco has represented that the surrounding residents support the project.

Response: This is wholly inaccurate. There are 20 properties that “touch” on (or border) the proposed Kisco project. We have presented Supervisor Campbell with signed letters from 16 of those property owners stating that they oppose the Kisco project. Only 1 of the property owners supports the Kisco project. Three property owners are undecided (one of those three at one time expressed support for Kisco but has informed us that he is reserving judgment on what his position will be). Thus only 5% support the project. Eighty per cent (80%) of the properties touching the Kisco project oppose it (over 94% of those that have been contacted and have a position oppose it). One hundred percent (100%) of the residents of Saint Regis Place, the street directly across Newport Avenue from the proposed entrance to the project, oppose the Kisco project. We have underway a survey of the 96 properties within 300’ of the project. So far, owners of 75 of the 96 properties have responded (over 78%) and there are 2 that support the Kisco project and 73 that oppose it (97% opposed, 3% support). Clearly the surrounding residents resoundingly oppose the Kisco project.

Kisco Position: A change in the North Tustin Specific Plan to rezone the approximately 7.3 acres to multi-family use and to permit the high density, 153 unit, senior living facility business does not create a “precedent”, but each future project will be taken on its own merits.

Response: Kisco's statement undercuts its own position. Taking each future project on its own “merits” means that the North Tustin Specific Plan is no longer a barrier and protection against spot zoning and piece meal planning. A principal purpose of the NTSP was to provide a comprehensive, integrated plan in contrast to what had become a rash of applications for changes

in zoning and land use on individual parcels “on their own merits” that were resulting in a spot zoning hodge podge to the detriment of surrounding areas. The 1982 EIR for the NTSP¹ stated:

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.

The EIR also stated:

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.

Changing the zoning and Specific Plan for this property removes the NTSP as a barrier to high density and commercial intrusion within established single family residential neighborhoods north of 17th Street and creates pressure for changes elsewhere. Once the Specific Plan is disregarded or changed here, it is little protection elsewhere. That is the precedent.

Kisco Position: A Church or a school is allowed under the current NTSP and zoning with a conditional use permit, so allowing a senior living facility is no greater intrusion then what is currently allowed.

Response: A high density, senior living facility business is **not** a church or a school. A church or a school is a public facility use, not a business use. Churches and schools are typically embedded within single family residential areas, whereas high density, multi-family and business uses are not. One reason is that churches and schools are typically viewed as uses that serve and add value to the surrounding single family residential areas by providing playgrounds, ball fields, open space and/or other compatible facilities that tend to make residential areas more desirable. There has been a church and a school on Newport north of 17th Street for many years. While Orange County’s zoning code does not permit large senior living facility businesses in medium-low density residential zones, churches and schools are expressly allowed with a conditional use permit. What is objected to is the high density, 153 unit, senior living facility business, not a church or a school.

¹ The quotes from the 1982 EIR are all from pages that have been provided to Supervisor Campbell.

Kisco Position: The project is not a commercial business.

Response: We disagree. Kisco's web site dedicated to the project concedes in the section on Frequently Asked Questions that the operations of a senior living facility **require a business license** (see www.rcboseniorliving.com/faq.html, FAQ #5 under "Operations"). Kisco must concede this because the operation of the facility is a business. Kisco, which will also manage the facility, is a private company that develops and manages numerous such senior facilities for financial gain. Its website for the project indicates that it anticipates having up to 20 staff on site at the same time to handle the operations.

Kisco Position (?)²: The opponents of the project are just biased against seniors or senior living facilities and will regret it in the future when they or their loved ones become seniors and they want a place near their neighborhoods for their loved ones to live comfortably with assistance.

Response: The residents that are opposed to the Kisco project are not opposed to senior living facilities at all. Many (and possibly most) are seniors themselves and they encourage senior living facilities, but in the appropriate locations. There are many senior living facilities nearby already and there are plenty of locations for additional senior living facilities where the zoning and surrounding land uses are more compatible.

Kisco Position: This location is appropriate for a 153 unit senior living facility and any impacts on surrounding residential areas will be dealt with and mitigated as part of the County approval and environmental impact report process.

Response: The location is inappropriate from the onset because the proposal introduces an incompatible, neighborhood changing, growth inducing use in the middle of established single family residential neighborhoods. This was already established during the preparation of the NTSP when the precise property was reviewed in detail. The EIR for the NTSP concluded:

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.

As a consequence, the NTSP states at page II-1-66:

² It is not certain whether Kisco has taken this specific position, however, a letter appeared in the Tustin News from an individual making this assertion. Given this, FCA wishes to respond to the assertion.

Detailed Review Parcel 2. – Because of its location to the north of 17th Street and adjacent to stable medium-low density residential neighborhoods, continued medium-low density appears most appropriate and compatible.

Changing the use of this very parcel to a high density, 153 unit, senior living facility business would contradict the purpose of the NTSP. Mitigating individual impacts of an incompatible use that changes the character of surrounding established single family residential neighborhoods would be an attempt to cover the tracks after the cat is out of the bag.