



## **North Tustin Development Plan Denied by Advisory Committee**

*By Tina Richards*

The North Tustin Advisory Committee (NTAC) denied a zone change on the 5.8-acre Tustin Hills Racquet Club property, a use permit for a planned development and a vesting tentative tract map to subdivide the site in a unanimous vote, Aug. 19.

Peter Zehnder, who finalized the purchase of the racquet club in March, is asking the county to change its zoning from A-1 (General Agriculture) to R2(5,000), a multifamily dwelling district, in order to build the 37-unit Ranch Hills Community on the site.

The vote concluded a four-hour online meeting “attended” by some 100 people, 20 percent of whom offered public comments. Residents are almost unanimously opposed to the zone change and housing proposal because they don’t want to lose the racquet club and find the project incompatible with their North Tustin neighborhood.

### **Age in place**

Zehnder described the development as 17 duplexes and three single-family detached homes with living areas primarily on the first floor, targeted to homeowners 55 and older. He said his development team had studied the area and determined that it needs a luxury, active adult community for North Tustin residents who want to downsize into single-floor living.

He emphasized that the senior-focused residences would create less traffic than currently generated by the racquet club, enhance property values and provide housing unavailable elsewhere in North Tustin. Recognizing the intense community opposition to the project, he noted that tracts he had developed in other neighborhoods were also “fought against,” but once built, “thrilled the neighbors.”

North Tustin is not thrilled yet. Public commenters from the Foothill Communities Association (FCA) pointed out the county's decision not to require an Environmental Impact Report (EIR) was an "injustice to the community," that the property had, since 1958, been used for recreation and the proposed high-density housing does not fit with the existing 20,000-sq.-ft. lot neighborhood that surrounds it.

#### Ambiguous access

Another FCA member reported that with narrow streets and no main thoroughfare, 100 new drivers would indeed impact traffic in the area. Fire safety, evacuation routes and limited access were also noted. "The club is a natural fire break and safety area for responders," Brian Bullard said. "Public Works needs to study ingress and egress for safety; emergencies must be properly considered."

Glen Piper found Zehnder's claim that the development met the demand for "down housing" to be ingenious. "The site is not senior friendly," he pointed out. "No sidewalks, no amenities, no public transportation, nothing within walking distance."

A major sticking point for neighbors is a 1974 restrictive covenant between the then-club owner and adjacent property owners that limits the site's use to a commercial or noncommercial tennis club. The covenant transfers with the property.

#### A shaky start

One of Zehnder's opening remarks apparently annoyed the committee, as reflected later by NTAC members, and went further downhill during the question and answer period. "You said NTAC had issues with development," NTAC Secretary Mike Fioravanti recounted, "What did you mean by that? We are not against development, but we live here. We want to do what's right."

NTAC's Pat Welch also mentioned the "issues with development" remark and reported that the committee had OK'd multiple projects that were compatible with the community.

The project applicant said he didn't recall saying that, offered an apology and proceeded to skirt questions asked by the committee. He wouldn't say how many partners were in his investment group, other than "the group can grow or shrink."

Had his team explored any easements that may be needed? He didn't know. Was he aware that easements might be needed? He "assumed so," but hadn't knocked on any doors.

Welch asked what the price point would be on the new units. He wasn't sure, but "it would depend on timing, the marketplace and ultimately what is built."

Nothing ventured

Queried about his response to letters written to the county by the City of Tustin and the FCA challenging the lack of an EIR, Zehnder was unsure whether staff had responded to individual comments. "We haven't had an opportunity to discuss details yet."

And the restrictive covenant? "Our position is that it isn't part of the development review process," he explained. "It has to be considered, but it's separate. We have no response to the covenant at this time."

What about surveys to back up the claim that there is pent up demand in North Tustin for this type of housing? "We've done studies, but I don't have reams of information in front of me."

Fioravanti expressed disappointment with the overall Ranch Hills presentation. "I thought we'd get more answers; we still have a lot of questions."

"We didn't get fully thought out responses from the developer," NTAC member Kendra Carney added. "I don't think this is a compatible use and I've heard no support for it."

Zone groan

"The bigger issue is rezoning," Pat Welch emphasized. "It's not appropriate here. I see a domino effect in North Tustin, a continuing negative movement in that direction."

"The applicant didn't come with a fully baked proposal," Chair Peter Schneider summarized. "It's a distressing feeling that too much is left unsaid -- a little bit of hide the ball. That we won't hear the full story until the Board of Supervisors hearing."

Schneider motioned to deny the zone change, use permit and tract map based on

“all the reasons we discussed today. Kirk Hahn seconded it.

NTAC’s denial is advisory to the county. Ranch Hills will next be heard by the planning commission, which will in turn make a recommendation to the Board of Supervisors, who will have the final word.

North Tustin residents remain confident that Supervisor Don Wagner, who has said publicly he would not allow the development to happen, will influence the rest of the Board.