



March 13, 2018

County of Orange, Public Works
OC Development Services/Planning
Development Processing Center
300 N. Flower
Santa Ana, California 92703

Re: Letter of Project Proposal and Scope of Work

Project Name: Clearwater at North Tustin (PA170040)

Property Owner: Roman Catholic Bishop of Orange (RCBO or Diocese)
13280 Chapman Avenue
Garden Grove, CA 94820

Project Location: 11901 Newport Avenue, North Tustin
APN: 395-033-01

Introduction:

On behalf of the RCBO, Clearwater Living is requesting approval of the development application for development of a senior living community on the vacant parcels of land located at 11901 Newport Avenue in the unincorporated area of North Tustin. To accommodate the proposed use, various approvals are requested as described below.

The proposed project application includes the following:

- A request for approval of a Zone Change and Specific Plan Amendment to modify the North Tustin Specific Plan (NTSP) to add the land use designation of Residential Care Facility District (Overlay) (RCF) to the existing 100 - Residential Single Family District (100-RSF)
- A Use Permit for a 100-unit assisted living/memory care community (Senior Living Facility) under the proposed RCF overlay district.
- Site Development Permit for grading more than 5,000 cubic yards - cut/fill exhibit anticipates at 1,200 cubic yard net export
- Development Agreement to vest the rights to proceed with the 100-unit project for 10 years and to memorialize certain commitments related to park -in-lie fees plus public benefit fees or design and build a passive park at Crawford Canyon Road and Newport Avenue on land owned by the County.

The Orange County Zoning Code provides for Senior Living Facilities in a variety of zoning districts, planned communities or specific plan areas. The NTSP policies focus on compatibility between land uses. Some community members within the North Tustin area expressed concerns about the precedent that could be created if the RMF (multi-family category) district were used within an area of North Tustin with primarily single-family zoning. Therefore, rather than

modify the underlying zoning district a new overlay district category is proposed. Residential Care Facility (RCF) would be added to the existing 100-RSF district. Creation of this overlay will allow Senior Living Facilities only with the approval of a Use Permit by the Planning Commission and a Development Agreement by the Board of Supervisors to ensure compatibility with development standards and avoid setting any precedent. By amending the NTSP with an overlay rather than an outright zoning district change, the underlying residential development standards remain intact providing for compatibility with surrounding single family residential uses.

Background:

In 2011, the Senior Residential Housing (SRH) zoning designation was placed on the property by the Board of Supervisors in connection with its approval of a 2-story, 153-unit senior living community known as the “Springs at Bethsaida” proposed by the Diocese. The approval of this project was challenged in court by the Foothill Communities Coalition(FCC) and the Board of Supervisors ultimately reversed the zoning for SRH and rezoned it back to the original 100 - Single Family Residential (100-SFR) District. The Diocese in turn initiated a lawsuit against the County for repealing its land use entitlements. After the litigation was filed, the Diocese, County and FCC began discussing the possibility of settlement. A conditional settlement was reached between the Diocese and FCC, and the Diocese and the County as a means to fully resolve the matter if certain conditions set forth in the agreement were satisfied. As a result, the Diocese is going through the formal entitlement process for a 1-story, 100-unit assisted living/memory care community which was agreed to in the settlement agreement. A detailed description of the proposed 100-unit assisted living community is outlined in the sections below.

Project Location & Land Use Summary:

- Location - The project site is generally located approximately one-quarter mile north of 17th Street on the west side of Newport Avenue in the area commonly known as North Tustin. The address of the project site is 11901 Newport Avenue. The project is surrounded to the north, south and west by one and two story single family homes constructed prior to 1970. Newport Avenue immediately abuts the east property line. To the east of Newport Avenue are similar single-family homes to those that are immediately abutting. The site currently has an access driveway from Newport Avenue directly across from St. Regis Place.

- Land Use - The proposed land use is to specifically create a zoning category that would allow for development of a Senior Living Facility as defined by the County’s Zoning Code. The proposed RCF District (overlay) zoning category provides for this type of development within this portion of North Tustin. It is the intent of this application and the design of the proposed project to provide a senior living community that is compatible with the surrounding neighborhood and which does not pose any significant impacts to the community.

The proposal is for a total of 100 assisted living/memory care units in two buildings; 72 units in a centrally located main building are proposed to serve Assisted Living residents; and 28 units in a secondary building located along the western edge of the site to serve Memory Care residents. Both buildings will be one-story in height. As part of the community program, services provided to the residents include: meals and snacks, daily group activities, medication monitoring, assistance with dressing and bathing, housekeeping, transportation, utilities, maintenance and 24-hour emergency response. The average age is approximately 82. The project will be licensed by the State of California Department of Social Services (DSS) and is subject to all regulations associated with Residential Care Facilities for the Elderly (RCFE). This is not a nursing facility and does not offer nursing services.

As required under the RCF District (overlay) zoning, the proposed project includes all of the support facilities for the residents of the community including a main kitchen, all back-of-the-house functions, a chapel and several common area and recreational amenities.

Project Design Summary:

Based on the current settlement agreement in place, the proposed project will be single-story for both the main and secondary buildings. There is also a height limitation of 20 feet from grade to the roofline which will also be factored into the design. However, design features such as chimneys or architectural tower elements may extend up to 28 feet. The architectural vernacular will resemble a craftsman style with extensive architectural articulation and texture utilizing stone and wood to mirror North Tustin residential styles. It was determined through meetings and workshops that this design alternative would have the least amount of impact on the surrounding residences and provide complimenting architecture.

Special consideration was given to the natural grade variation through the site as it relates to building placement and set-backs from the adjacent homes. The project slopes downward approximately 14-feet from the northeast corner to the southwest corner of the site (high and low points). In addition, there is approximately a 7-foot drop in grade from the north property line to the south property line. Therefore, where the adjacent single-family homes are lower, the building setback has been increased. The minimum measured distances for the main building are as follows: 32' from Newport Avenue, 43' from the northern boundary, 55' from the southern boundary. The minimum measured distance for the secondary building is compliant with the minimum setback requirement of 25' from the northern, southern and western boundaries. The site plan was designed to provide the greatest amount of set-back from the surrounding and adjacent homes to minimize noise, visibility, and provide more privacy. The greatest setbacks are along the southern boundary where the adjacent homes are at a lower grade elevation. A drive aisle rings the main building on the north and south sides, circulating in between the main building and secondary building. No drive aisle is located adjacent to surrounding residential properties. Two fields of parking areas are to be provided, one between the main and secondary buildings, and the other between the main building and Newport Avenue.

Other general design considerations include the following:

Access - All vehicular and pedestrian access to the site will be from Newport Avenue. The primary access driveway is aligned across from Ravencrest Road. A second ingress/egress driveway is aligned across from St. Regis Place and is planned to be signed on-site for vehicles to have right in/right out only access.

As a consideration to the adjacent homeowners, and in an effort to minimize and control the circulation of traffic through the property, a controlled access gate will be provided on the north and south drive aisles. The access gate is illustrated on the site plan. Remote control device will provide access for staff while restricting general access, as the resident and guest parking area is located within the front of the property, before the gated access. This controlled access will utilize a gate arm rather than a rolling gate, to minimize any potential for noise to the adjacent single-family homes.

Off-Street Parking A total of 91 parking spaces will be provided on site and are evenly distributed between the front and back of the property. There are 42 parking spaces provided within the front portion of the property, before the controlled access gates and will accommodate residents and guests. There are 49 parking spaces provided and located between the main building and secondary building, with controlled access and available for staff. All parking will be surface parking, and it is anticipated that valet service will be utilized for special occasions to accommodate additional guests of the residents of the senior living community. A parking management plan will be submitted for review subsequent to the County approvals.

The location and design of the front parking area is appropriate for a senior living community for the following reasons: (1) for security purposes, all visitors and guests must park near the entry and be checked into the community; (2) most pick-up and drop-offs which can take up to twenty minutes are done at the project lobby; (3) guests and accessible parking should be available near the project lobby which is located in the front; and, (4) based on community input, access to the parking areas in the rear half of the building areas should be restricted. Additionally, as a design consideration, the North Tustin Advisory Council suggested previously that a portion of the parking should be provided near the front of the project for guest and visitor parking and to increase set-backs from Newport Avenue.

Building Structures & Set-back As described above, the proposed project includes two buildings, both single story, with one centrally located and the other towards the rear (western) third of the property. Both buildings will be constructed as single, individual structures with a max building height of 20 feet from

| | |
|--------------------------------|--|
| between buildings | grade to roofline. The buildings will be approximately 150 feet apart from one another and therefore, all structures comply with the required building separation requirements. |
| Landscaping | The site will be densely landscaped and will complement the proposed architecture. In addition, the project is designed to incorporate layered landscaping (various heights, depth and species) along the perimeter of the project to provide screening and privacy to the adjacent homes. The project's landscape plant palette among other items is attached with this submittal package. |
| Existing & Proposed Facilities | <p>All existing facilities are illustrated on the attached ALTA Land Title Survey from 2014. Proposed facilities are anticipated to include the following:</p> <ol style="list-style-type: none"> 1. Storm Drain - all drainage areas are illustrated included the addition of an underground storm drain detention vault to handle the flow of water runoff created by the site. Water runoff will be collected, stored, treated and released so as not to increase any runoff volume from historical flows. A more detailed description is provided in the previous project EIR (SCH No. 20090071081). 2. Water, Sanitary Sewer, Electricity, Cable TV and Gas are all available in Newport Avenue and will be brought into the site underground. <ol style="list-style-type: none"> a. Water and sanitary sewer will be a loop system included in the loop drive aisle through the project site. The location of future hydrants will be determined based on fire flow and OCFA requirements. b. Location of any transformers will be based on SCE approved plan during construction document phase after all discretionary approvals are obtained; c. All dry utilities including electric, gas and cable TV will be brought into the site, likely in a joint trench, based on the approved SCE plans and processed concurrently with construction documents after all discretionary approvals are obtained. |
| Signage | A conceptual signage package is being submitted at this time for preliminary review. The plan illustrates proposed directional signage and monument signage locations around the perimeter and within the site for resident and visitor wayfinding. Preliminary designs of directional and monument signs are also included as part of the package which provide the materials used to construct the signs, dimensions, letter size, etc. |
| Existing Easements | Any and all existing easements are currently shown on the ALTA Survey and in the preliminary title reports submitted with this package. As described in Ownership above, any easements that exist under the |

Prescott family name will be transferred, relinquished or quitclaimed as necessary. Any easements in the public right-of-way will be quitclaimed to the County during the lot line adjustment and lot merger, which is the subject of an anticipated Condition of Approval under the settlement agreement. It is anticipated that any utility easements will be modified pursuant to an approved project site plan.

Existing
Biological,
Environmental
and Historical
Conditions

Per the Final EIR completed in 2010 and attached per reference, there are no major hazardous biological, environmental or archeological resources on the site. A Phase I & II ESA was also completed in 2007. Prior to the issuance of any grading permits and building permits, numerous Mitigation Measures will be enforced as described in the draft Conditions of Approval included as an attachment within the settlement agreement, which include, but are not limited to:

1. Retain a County-certified archeologist and paleontologist to observe grading activities greater than 6 feet in depth and salvage and catalogue archeological resources as necessary.
2. Remove the 4 above ground storage tanks (AST's)
3. Remove and properly dispose of any stained soil during grading in accordance with current regulatory guidelines.

Project Operational Characteristics:

Hours of Operations - The community is operational 7 days a week, 24 hours a day. Normal business hours are 8 am to 5 pm Monday through Sunday.

Trash / Trash Service - In an effort to minimize noise from the trash service to the project we, have limited hours for trash pick-ups to 7:00 am to 5:00 pm and will be stored within an enclosed structure until pick-up.

Deliveries / Loading - In an effort to minimize the impact of deliveries to the surrounding community, deliveries will be limited to 2 food truck deliveries per week between 7:00 am to 5:00 pm Mondays through Fridays; and 9:00 am to 5:00 pm Saturdays, Sundays and Holidays. The controlled access gates at the drive aisles of the project site will be in a closed position during night time hours to ensure that delivery trucks are restricted to access for unloading during daytime hours only.

Parking / Restricted Access - As discussed guests will be required to park in the lot at front of the project site while staff will park in the rear parking area, which has controlled access. A parking study completed in 2010 for the previous 153-unit project has been updated to analyze the change to the project to an all assisted living/memory care community consisting of 100 units. The original project included some independent living units within the resident mix, which has a different parking requirement. The updated study continues to show that there is no off-street parking necessary to accommodate the Senior Living Facility use and that all required parking to satisfy the demand of the residents, their guests, and staff can be provided on-site, with a forecasted surplus of 37 spaces.

Project Schedule - The need for the project is great and the project will be constructed as soon as possible after a favorable decision by the Board of Supervisors. Construction is anticipated to take 15 months with operations beginning in late 2019.

Discretionary Permit Required Findings:

- a. General Plan. The use or project proposed is consistent with the General Plan.

The proposed project is consistent with the General Plan Land Use Element designation of 1B – Suburban Residential. A 100-unit assisted living community on the 7.25 gross acre project site, results in a density of residential development of approximately 14 units per acre. The 1B – Suburban Residential category allows for the greatest flexibility in residential development ranging in densities of 0.5 to 18 units per acre.

- b. Zoning Code. The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.

The proposed project will be consistent with the Zoning Code through the amendment of the North Tustin Specific Plan to create a Residential Care Facility District (overlay). This will allow for consideration of a Use Permit for approval of an assisted living/memory care community as defined under the County's Senior Living Facility land use category. The Use Permit will ensure that the use is in compliance with all development standards of the base district of the Specific Plan and all other requirements.

- c. CEQA. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

The proposed project complies with CEQA and has less environmental impacts than the project evaluated previously and to which the County certified an Environmental Impact Report for. An addendum to the existing EIR is anticipated and is expected to show no significant new information or impacts would be created with the proposed project.

- d. Compatibility. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

The proposed project is designed to be compatible with surrounding single-family residential development per the settlement agreement with the Foothill Communities Coalition. The project has been designed to take advantage of the sloping grade of the site to reduce the visual impact of the project. Along Newport Avenue, the project will provide dense landscaping to obscure the appearance of the main building frontage. The main and secondary buildings do not exceed twenty (20) feet in height except for chimneys or other architectural elements which are permitted up to twenty-eight (28) feet. The architectural theme is California Craftsmen that is compatible with the surrounding residential. An assisted living community is a quiet land use, and the buildings are setback to the minimum and/or generous standard in a manner that is a farther distance from the shared property lines than if the site was developed with single family homes. The proposed use does not generate a student population that contributes to school impacts. There are no direct community or recreation facilities impacts increasing

the need for park lands as recreational amenities are included as part of the project. Regardless, the settlement agreement includes a requirement for the developer to fund (through a park in-lieu park and community benefit fee) OR construct a 3-acre passive park at the corner of Crawford Canyon and Newport Avenue. A parking and traffic study has been updated for the amended 100-unit project, which continues to conclude the project will have minimal impact on traffic circulation in the area or region. The proposed project is 53 units less than what the traffic study had previously contemplated, thus, reducing the impact even further than what was anticipated originally.

- e. **General Welfare.** The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

Approval of the project will benefit public health and safety and the general welfare because it provides needed services to the aging general population. The community will benefit from having a senior living community in close proximity to their homes, friends and neighbors. Further, the use is subject to conditions of approval to regulate the operations and permitting for the development in accordance with all County requirements.

Thank you for your consideration of this application. Please contact me directly at (949) 717-7939 or carol@entitlementadvisors.com if you have any questions or need any additional information concerning the applications.

Sincerely,

Carol McDermott, AICP
Principal
MIG | Entitlement Advisors