

RESOLUTION NO. 18-04
RESOLUTION OF THE PLANNING COMMISSION OF
ORANGE COUNTY, CALIFORNIA
RECOMMENDING APPROVAL OF PLANNING APPLICATION
PA170040 FOR A NORTH TUSTIN SPECIFIC PLAN AMENDMENT, USE PERMIT FOR A
SENIOR LIVING FACILITY, DEVELOPMENT AGREEMENT, AND SITE
DEVELOPMENT PERMIT FOR GRADING AT 11901 NEWPORT AVENUE
AND ADOPTION OF AN ADDENDUM TO CERTIFIED FINAL ENVIRONMENTAL
IMPACT REPORT No. 607

July 25, 2018

On Motion of Commissioner _____, duly seconded and carried, the following Resolution was adopted:

WHEREAS, the Roman Catholic Bishop of Orange (“Owner”) and Clearwater Living (“Operator”) submitted Planning Application 170040 (“PA170040”), requesting the following actions: 1) approval and adoption of an ordinance, attached hereto as Exhibit B, and incorporated herein, by the Orange County Board of Supervisors, which would amend the North Tustin Specific Plan (“NTSP”) to add the RCF “Residential Care Facility” Overlay District and to apply the RCF Overlay District to a vacant 6.6-acre site located at 11901 Newport Avenue (APN 395-033-01); 2) approval of a Use Permit to allow a 100-unit senior care facility on the same property attached hereto as Exhibit C; 3) approval of a Development Agreement related to the senior living facility, as required by the new RCF regulations attached hereto as Exhibit D; 4) approval of a Site Development Permit to allow project grading in excess of 5,000 cubic yards on the project site attached hereto as Exhibit C; and 5) adoption of The Clearwater at North Tustin Environmental Impact Report (“EIR”) Addendum to Final EIR No. 607, attached hereto as Exhibit A, collectively the Amended Project (“Amended Project”); and

WHEREAS, the County of Orange (“County”) has prepared the NTSP Amendment (as attached to Exhibit B, attached hereto) to add the RCF Overlay District and to apply it to the subject site; and

WHEREAS, pursuant to California Government Code Section 65000, *et seq.*, the County has an adopted General Plan and Zoning Code that meet all of the requirements of California State law; and

WHEREAS, the Planning Commission recommends that the Board of Supervisors find that Final EIR No. 607, previously certified by the Board of Supervisors on March 15, 2011; together with Addendum to Final EIR No. 607 for Amend Project, reflect the independent judgment of the

County and satisfy the requirements of CEQA for the Project; and the circumstances of the project are substantially the same as Final EIR No. 607, no substantial changes have been made to the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project has become known since certification of Final EIR No. 607; therefore no further environmental review is required.

WHEREAS, the Planning Commission recommends that the Board of Supervisors find pursuant to an analysis of the Project under CEQA Guidelines Section 15162 there are no circumstances applicable to PA170040 that would require a subsequent or supplement EIR and that the Addendum to Final EIR 607 is in compliance with CEQA and CEQA Guidelines, and as such addressed the potentially significant environmental impacts associated with the Project, including, but not limited to, approval of an amendment to the NTSP, Use Permit, Site Development Permits, Lot Line Adjustment, and related programs and entitlements; and,

WHEREAS, pursuant to Public Resources Code Section 21081.6, Final EIR 607 included a Mitigation Monitoring and Reporting Program (MMRP) identifying Mitigation Measures and Project Design Features and referencing Standard Conditions, all of which have been identified as measures to reduce potential adverse significant impacts to a less than significant level, and that all Mitigation Measures, Project Design Features and Standard Conditions will remain effective for the Amended Project; and

WHEREAS, on July 25, 2018, this Planning Commission conducted a public hearing regarding PA170040, including the NTSP Specific Plan Amendment, Use Permit, Development Agreement and Site Development Permit; and

WHEREAS, the Planning Commission has reviewed and fully considered Addendum to Final EIR No. 607 and PA170040, including the NTSP Specific Plan Amendment, Use Permit, Development Agreement and Site Development Permit and has heard and considered the public comments that were presented to it on this Project and has determined after review and consideration to recommend approval of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT this Planning Commission recommends that the Board of Supervisors make and adopt the following findings:

1. General Plan: That the project, including the NTSP Specific Plan Amendment, Use Permit, Site Development Permit and Development Agreement, is consistent with the objectives, policies and general land uses and programs specified in the General Plan for the Project area, which General Plan was adopted pursuant to the State Planning and Zoning Law.

2. Specific Plan: That the project including the NTSP Specific Plan Amendment, Use Permit, Site Development Permit and Development Agreement, is consistent with the objectives, policies and general land uses and programs specified in the Specific Plan for the Project area, which Specific Plan was adopted pursuant to the State Planning and Zoning
3. Zoning: The project is consistent with the provisions of the Zoning Code applicable to the property.
4. Compatibility: The location, size, design and operating characteristics of the proposed uses allowed by the Specific Plan Amendment and Use Permit will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.
5. General Welfare: Implementation of the Specific Plan Amendment and Use Permit will not result in conditions or circumstances contrary to the public health and safety and the general welfare.
6. Public Facilities: The Specific Plan Amendment and Use Permit is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (*i.e.*, fire station, library, sheriff, etc.)
7. Find that Addendum to Final EIR No. 607 reflects the independent judgment of the County of Orange as Lead Agency, and satisfies the requirements of CEQA for PA170040. Approval of Addendum to Final EIR No. 607 is recommended for the proposed project based upon the findings set forth in the proposed Board Resolution attached hereto as Exhibit A.
8. That Findings and Conditions of Approval are recommended for the Amendment to the North Tustin Specific Plan, as set forth in Exhibit B.
9. That Findings and Conditions of Approval are recommended for Use Permit and Site Development Permit PA170040, as set forth in Exhibit C.
10. That Findings are recommended for the Clearwater at North Tustin Development Agreement, as set forth in Exhibit D.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

- a) Approve a Resolution approving Addendum to Final EIR No. 607, attached hereto as Exhibit A; and,
- b) Adopt an Ordinance amending the North Tustin Specific Plan to add the RCF Residential Care Facility (overlay district) and amending the Specific Plan Land Use District map, attached hereto as Exhibit B; and,
- c) Approve a Resolution approving Planning Application PA170040 including a Use Permit for a senior care facility and a Site Development Permit for specified grading, attached hereto as Exhibit C; and,

- d) Adopt an Ordinance approving the Clearwater at North Tustin Development Agreement, attached hereto as Exhibit D.

The foregoing resolution was carried by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

I HEREBY CERTIFY that the foregoing Resolution No. 18-04 was adopted on July 25, 2018, by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION

By: Colby Cataldi, Executive Officer, Orange County Planning Commission

Attachments:

- A. Exhibit A – Proposed Board Resolution approving Addendum to Final EIR No. 607
- B. Exhibit B – Proposed Board Ordinance amending the North Tustin Specific Plan
- C. Exhibit C – Proposed Board Resolution approving PA170040 for a Use Permit and Site Development Permit
- D. Exhibit D – Proposed Ordinance approving the Clearwater at North Tustin Development Agreement.