

EXHIBIT B

ORDINANCE NO. _____

AN UNCODIFIED ORDINANCE OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA ADOPTING AN AMENDMENT TO THE NORTH TUSTIN SPECIFIC PLAN TO ADD THE RESIDENTIAL CARE FACILITY OVERLAY DESIGNATION AND REDESIGNATING CERTAIN LAND FROM THE 100-RSF RESIDENTIAL SINGLE FAMILY DESIGNATION TO THE 100-RSF RESIDENTIAL SINGLE FAMILY WITH WITH RESIDENTIAL CARE FACILITY OVERLAY DISTRICT

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

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; 3) approval of a Development Agreement related to the senior living facility, as required by the new RCF regulations; 4) approval of a Site Development Permit to allow project grading in excess of 5,000 cubic yards on the project site; and 5) adoption of The Clearwater at North Tustin Environmental Impact Report (“EIR”) Addendum to Final EIR No. 607, collectively the Amended Project (“Amended Project”); and

WHEREAS, the County of Orange (“County”) has prepared the Specific Plan Amendment (attached hereto as Exhibit A) to add the text of the new RCF District (overlay) to the NTSP and to amend exhibits to add the RCF District overlay to the subject property; and

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

WHEREAS, in accordance with the California Environmental Quality Act (California Public Resources Code, Sections 21000 *et seq.*) (“CEQA”) and the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000, *et seq.*) (“CEQA Guidelines”) and the County’s CEQA Procedures Manual, the County, as Lead Agency, has prepared an Addendum to Final Environmental Impact Report No. 607 (“Final EIR No. 607” and “Addendum to Final EIR No. 607”); and

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WHEREAS, Final EIR No. 607 addressed the potentially significant environmental impacts associated with a previously proposed 153-unit senior living facility (“Initial Project”) on the Project site, that included a NTSP Amendment, Use Permit and Site Development Permit, and related programs and entitlements, as well as the impacts anticipated from subsequent implementing steps in the chain of contemplated actions designed to carry out the final planning and development of the Initial Project; and

WHEREAS, as required by CEQA Guidelines Section 15162, the potentially significant environmental impacts associated with the Amended Project, which is reduced in scope than the Initial Project, were compared to those potentially significant environmental impacts identified for the Initial Project, and it was concluded that no subsequent or supplemental EIR was warranted and that an Addendum to Final EIR No. 607 was the appropriate CEQA process; and,

WHEREAS, based on the Final EIR No. 607 and the Addendum to Final EIR No. 607, it has been determined that environmental impacts related to the Amended Project have been reduced to less than significant with the incorporation of mitigation measures and conditions of approval; and

WHEREAS, on July 25, 2018, the Planning Commission issued its formal recommendation that this Board approve, among other things, the Use Permit and Site Development Permit PA170040 (see Planning Commission Resolution No. 18-04); and

WHEREAS, this Board listened to and carefully considered all of the public comments and testimony presented during the public hearing identified above; and

WHEREAS, this Board has carefully reviewed and considered the comments and recommendations of the Planning Commission relative to adoption of the NTSP Amendment; and

WHEREAS, this Board has carefully reviewed and considered all of the environmental documentation prepared to evaluate the Project, including all elements of Addendum to Final EIR No. 607 and the recommendations of the Planning Commission; and

WHEREAS, this Board has found Addendum Final EIR No. 607 is complete and adequate in that it addresses all environmental effects of the Project and fully complies with the

requirements of CEQA, the CEQA Guidelines and the County’s environmental analysis procedures; and

WHEREAS, the proposed Specific Plan Amendment 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; and

WHEREAS, the location, size, design and operating characteristics of the uses allowed by the Specific Plan Amendment 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; and

WHEREAS, implementation of the proposed Specific Plan Amendment will not result in conditions or circumstances contrary to the public health and safety and the general welfare; and

WHEREAS, the Specific Plan Amendment are in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (i.e., fire station, library, sheriff, etc.); and

WHEREAS, the Board of Supervisors has determined that Addendum to FEIR 607 adequately addresses the proposed Specific Plan Amendment based upon the following findings:

- a) Addendum to Final EIR No. 607 is adequate to satisfy the requirements of CEQA Guidelines Section 15162 for approval by the Board of Supervisors.
- b) The approval of Addendum to Final EIR No. 607 reflects the independent judgment of the County of Orange as lead agency; and

The Board of Supervisors of the County of Orange, California, ordains as follows:

SECTION 1. North Tustin Specific Plan Amendment PA170040, as set forth on Exhibit A, on file with OC Development Services and incorporated herein, is hereby adopted in accordance with Section 7-9-156 of the Codified Ordinances of the County of Orange.

SECTION 2. The North Tustin Specific Plan is hereby amended in accordance with Section 7-9-48, 7-9-49, 7-9-156 and 7-9-156.3 of the Codified Ordinances of the County of Orange to add Chapter 3 Section H. RCF – Residential Care Facility District (overlay) and Figure 33 - Land Use Districts is hereby amended by adding the RCF District overlay to the subject property (APN 395-033-01), as set forth on Exhibit B, attached hereto and incorporated herein.

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SECTION 3. The Board also approves all minor technical changes (pagination, table of contents, etc.) to the NTSP that result from the amendments approved by the Board.

SECTION 4. This Ordinance shall take effect and be in full force thirty (30) days from and after its passage, and before the expiration of fifteen (15) days after the passage thereof shall be published once in an adjudicated newspaper in the County of Orange.