



PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 27, 2002

TO: Orange County Planning Commission

FROM: Planning and Development Services Department,
Current Planning Services Division.

SUBJECT: Public Hearing on Planning Application PA01-0124 for a Use Permit to allow the establishment of a Congregate Living Health Care Facility.

PROPOSAL: To construct a new 12 bed Congregate Living Health Facility, including demolition of an existing single family residence and construction of a 6,500 square foot building with 19 parking spaces in a 1.14 acre site. The facility will provide in-patient care to persons severely disabled as the result of a catastrophic illness or injury.

LOCATION: 18792 East Seventeenth Street in Santa Ana, within the Third Supervisorial District.

APPLICANT: Mr. Robert Buckley, Owner, Village Health Care Centers.

STAFF Marta B. Crane, AIA, AICP, Project Manager

CONTACT: Phone: (714) 834-5144, FAX: (714) 834-4652

SYNOPSIS: The Current Planning Services Division recommends Planning Commission approval of Planning Application No. PA 01-0124, subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is located within the North Tustin Specific Plan and has a zoning designation of RSF (Residential Single Family) at 18792 East Seventeenth Street in the unincorporated area of Santa Ana. The property is currently developed as a single family home with an attached garage and a swimming pool. The proposal consists of the demolition of the existing home and the construction of a new 6,000 square foot building. The building will be built at approximately the same location as the existing structure. A congregate living care use is conditionally permitted in the RSF district, subject to approval of a Use Permit by the Planning Commission pursuant to regulations contained in the North Tustin Specific Plan and Section 7-9-142 of the County of Orange Zoning Code.

SURROUNDING LAND USE:

The subject property is surrounded by single family homes to the south, east and west. Across Seventeenth Street, the site is surrounded by residential uses as well. (Exhibit 1).

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the subject site, and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to various reviewing Orange County Divisions who have raised no issues as of the writing of this report. The North Tustin Advisory Committee (NTAC) received a copy of the application and met with the applicant at their meetings of November and December 2001, and January 2002. The Project received a recommendation for approval, for the use only, from the Committee on January 16, 2002, after the applicant revised the project to address concerns expressed during their reviews (Exhibit 2).

During the NTAC December 2001, meeting, Mr. Peter Gorman, Superintendent of the Tustin Unified School District (TUSD) expressed reservations with the project citing concerns about the cost of providing special education to the school-age disabled residents of the facility. On January 9, 2002, a copy of the application was mailed to the TUSD for further review and comment. In response to this, Mr. Kraft, legal counsel representing the District met with staff on January 18, 2002, to review the project file. As of the writing of this report, there have been no concerns submitted by, or on behalf of the TUSD

CEQA COMPLIANCE:

A review of this proposal pursuant to the California Environmental Quality Act (CEQA) has been completed and it was determined that the project is exempt from the provisions of CEQA. The State of California requires that the proposed use be considered residential for the purpose local ordinances. The project conforms to the CEQA guidelines section 15303(a): Categorical Exemption Class 3 “New construction or conversion of small structures”. Appendix A contains the required CEQA Findings.

DISCUSSION/ANALYSIS:

Mr. Buckley, owner of the Village Health Care Center is seeking approval of a use permit to establish a 12-bed Congregate Living Health Facility that will provide in-patient care to persons severely disabled as the result of a catastrophic illness or injury (Exhibit 3). Most residents living at this facility will be children and young adults; however, the facility is licensed to serve patients of all ages. All residents will be non-ambulatory and mobile only by wheelchair. Most will be non-verbal due to the extent of their injury or illness. All residents will have completed acute hospital stays and will be in stable condition prior to becoming residents of the congregate home. This facility is intended to provide a more desirable and compassionate option for children and young adults who would otherwise be cared for in the traditional hospital and skilled nursing type facilities.

Facility Operations

The daily service activities are envisioned as follows. Each day will begin with the morning nursing staff change that will take place between 7:00 and 7:30 am. Such changes, at maximum occupancy, will involve five incoming staff and three outgoing staff in the morning and the reverse at night. There will be no staffing changes after 7:30 pm.

The residents start on morning treatments, medication and care procedures after 7:30 am. Most residents will have had breakfast by 8:00 am. Bathing, dressing and placement in mobility equipment is accomplished by 11:00am. Recreational and therapy activities are provided until midday or by lunch time. After lunch, most residents return to bed for medication and treatment administration. The rest time will continue until 3:00 or 4:00pm. Then residents are again brought out in their mobility equipment for therapy and/or activities, individual medical treatments are frequently required throughout the day.

Medical treatments may include services from consulting respiratory, physical, occupational and speech therapists. In addition, physician visits occur at least twice monthly for all residents, depending on the complexity of their condition and/or the need for other physician specialist. Emergency calls are rare as the knowledge and skill level of the nursing staff in managing the care of the residents and addressing complications soon enough to avoid emergency calls.

Some therapeutic recreational activities will occur outdoors in the back yard. Such activities are not noisy in nature and are generally brief in duration. These activities may include pets that are brought to the facility for therapeutic purposes by trained handlers. Residents will remain up until 6:00 to 8:00pm. Most visiting of friends and family occur in the afternoon and evening hours. Occasionally, some residents will leave the premises for medical appointments or outside activities. These outings are quite infrequent, approximately once every two months for each resident. There are the occasional birthday parties and family events that will add to the daily activities, just as it occurs in a typical single family home.

Visitor parking will be available on site, mostly at the rear of the property. The night staff will be directed to park in the front parking area of the facility. Visitors will come and go from 10:00am to 8:00pm daily. By 8:00pm most residents are returned to bed for their evening care, treatments and medication routine.

Land Use

The County of Orange Zoning Code, Section 7-9-24 defines a Congregate Living Health Facility as:

“A facility, including a Congregate Living Health Facility, as defined in State law, providing care on a monthly basis or longer and which is the primary residence of the people it serves. It provides services to the residents such as the following: dining, housekeeping, security, medical, transportation and recreation. Any commercial services provided are for the exclusive use of the occupants of the facility.

Such a facility may be located in more than one building and on contiguous parcels within the building site. It includes facilities offering occupancy on a monthly basis or longer such as hotels, resorts, etc. which have characteristics similar to the above”.

In addition, Section 7-9-142 of the Zoning Code, stipulates certain regulations pertaining to a 12 bed Congregate Care Facility as follows.

(b) A Congregate Care Facility serving seven (7) to twelve (12) persons shall be permitted in any district, planned community, or specific plan area zoned for residential or agricultural uses subject to the issuance of a use permit by the Planning Commission pursuant to section 7-9-150.

Prior to obtaining approval, a Congregate Care Facility shall meet the following criteria:

- (1) *Demonstrate compatibility with adjacent development;*
- (2) *Provide adequate on site parking for residents and staff;*
- (3) *Provide adequate screening of the facility by landscaping and/or fencing; and,*
- (4) *Limit signage and lighting.*

In regards to the first (1) criterion above, the proposed Village Health Care Center demonstrates compatibility with the adjacent development in that the Congregate Care Facility is a home-like environment that offers residential opportunities for persons who would otherwise be confined to spend their life in hospital settings not conducive to nurturing living environment especially relevant to children and young adults.

The second (2) criterion calls for adequate provision of on-site parking. Per the traffic analysis submitted by the applicant, the facility will generate a maximum parking demand that ranges from 12 to 20 spaces depending upon on the time and day of the week (Exhibit 4). This maximum parking demand is spread through the day, therefore, the 19 spaces provided on site are expected to adequately address parking for staff, service and visitors of the facility. The parking spaces are mostly located at the rear of the property where they will not visually intrude on the neighborhood's residential character. The facility does not include an enclosed garage, as it would be impractical for this type of use. However, should the land use at this site revert back to a single family use, such use will have to meet the residential garage parking standards applicable at the time of the change in land use.

In accordance with criterion (3), the site's landscape will be enhanced and upgraded in the front where it will include several canopy trees and a water fountain in the center of a circular driveway facing Seventeenth Street. This will create an attractive landscape feature to the benefit of the neighborhood streetscape. The facility will include 6 foot masonry walls all around the property except along the front portion of the side yards within the front setbacks, where a wrought iron fences will be installed.

In regard to criterion (4), the facility will not include any signage except for a nametag on the mailbox. The site's lighting will be provided by low level light poles that will not rise above the site's 6 foot perimeter walls.

Architecture and Landscape

The architecture of the building is typical suburban residential ranch. The building is finished with lap siding and a brick wainscot similar to the architecture of numerous homes in the vicinity. In addition, the front façade will include two gazebo-type structures flanking the main entrance. This feature was originally proposed as a single element but was modified in response to the NTAC recommendation (Exhibit 4).

CONCLUSION OR SUMMARY:

Mr. Buckley, owner of Village Health Care Centers, has been operating similar facilities in other areas of Orange County for a few years. The approval of this facility will not result in conditions or circumstances contrary to the public health and safety or general welfare. The facility's management is experienced in the operations of Congregate Living Health Facilities, and in addition, the State of California regulations applicable to this type of facilities are designed to ensure the proper and safe operation of congregate living. The State standards are aimed at promoting a home-like environment intended to help these

facilities blend well with their surrounding residential district. To this extent, the proposed facility's architectural and site design features are expected to fully blend into the neighborhood.

The proposed project includes design and operational standards that respond to all applicable local and state regulations and the requirements of the North Tustin Specific Plan. In addition, the applicant revised the project in response to the recommendations from the North Tustin Advisory Committee (NTAC) and County staff. The project as presented is the outcome of consensus building reached during the design review process, therefore, staff supports approval of this project, subject to the findings and conditions of approval in appendices A and B.

RECOMMENDED ACTION:

The Current Planning Services Division recommends the Planning Commission:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0124, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

George Britton, Manager
Current Planning Services Division

MBC
/staff reports/PA 010024 Congregate Care

APPENDICES:

- A. Recommended Findings.
- B. Recommended Conditions of Approval.

EXHIBITS:

- 1. Aerial View of Surrounding Land Uses.
- 2. NTAC review comments.
- 3. Applicant's Letter of Justification.
- 4. Traffic Analysis.
- 5. Architectural Rendering.
- 6. Project Plans.

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Planning Commission on this permit to the Orange County Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.