



## CITY OF LAGUNA NIGUEL

### PLANNING COMMISSION STAFF REPORT

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**TO:** Planning Commission

**FROM:** Community Development Department

**DATE:** April 25, 2023

**SUBJECT:** **Mitigated Negative Declaration MND 23-01, Zone Change ZC 20-01, Site Development Permit SP 20-04 & Use Permit UP 21-12, Site Development Permit Amendment 88-163A02, and Tentative Parcel Map TPM 2021-101 (Griffin Senior Living Community & Grace Church Remodel) - PUBLIC HEARING:** *Griffin Senior Living Community* - A request to develop and operate a 108-unit state-licensed assisted living and memory care community (Griffin Senior Living Community) on a predominantly vacant portion of the existing Grace Church property located at 24600 La Plata Drive (Site Development Permit SP 20-04 & Use Permit UP 21-12). Accompanying this request is the proposed subdivision of the existing 5.3-acre Grace Church property into two parcels (Tentative Parcel Map TPM 2021-101). Parcel 1 would include Grace Church on 1.6 acres and Parcel 2 would include the Griffin Senior Living Community on 3.7 acres. The project also includes expanding the permissible zoning on the property to include a Managed Care overlay designation to accommodate the subject assisted living and memory care community (Zone Change ZC 20-01). *Grace Church* - A requested second-story addition to the existing single-story church building and a façade remodel (Site Development Permit Amendment 88-163A02).

An Initial Study/Mitigated Negative Declaration (Mitigated Negative Declaration MND 23-01) was prepared to consider the project's potential environmental effects pursuant to the California Environmental Quality Act.

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#### RECOMMENDATION

It is recommended that the Planning Commission open the public hearing, take public testimony, close the public hearing, and then take the following actions:

- A. Adopt Resolution No. 23-06, recommending that the City Council adopt Mitigated Negative Declaration MND 23-01 (SCH No. 2023020444) and the associated Mitigation Monitoring and Reporting Program;
- B. Adopt Resolution No. 23-07, recommending that the City Council approve Zone Change ZC 20-01;
- C. Adopt Resolution No. 23-08, recommending that the City Council approve Tentative Parcel Map TPM 2021-101, subject to conditions of approval; and
- D. Adopt Resolution No. 23-09, recommending that the City Council approve Site Development Permit 20-04 & Use Permit UP 21-12, subject to conditions;

- E. Adopt Resolution No. 23-10, recommending that the City Council approve Site Development Permit Amendment SP 88-163A02, subject to conditions.
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## PROJECT PROPONENTS

Co-Applicant Property Owner:

Grace Church Laguna Niguel

Attn.: Guy Baker

24600 La Plata Drive

Laguna Niguel, CA 92677

(949) 388-5537

Co-Applicant/Authorized Agent:

Griffin Living, LLC

Attn.: Richard Niec

24005 Ventura Blvd.

Calabasas, CA 91302

(818) 965-7400x4205

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## BACKGROUND

Project Setting

The project site (APN 653-012-12) is located at 24600 La Plata Drive near the south corner of the Crown Valley Parkway and La Plata Drive. The property is approximately 5.3-acres in area and is currently developed with the existing Grace Church, modular buildings for a former school (Grace Classical Academy), paved drive-aisles, parking facilities, site landscaping, and a large undeveloped open area. The site is bounded by La Plata Drive and an existing commercial preschool facility on the north-northeast (Childtime Daycare); an ascending slope, Via Valverde and residential housing on the southeast; an ascending slope and residential development on the south-southwest; and Crown Valley Parkway on the west. See Figures 1 and 2 below for an aerial exhibit and site photos of the subject property.

Figure 1: Aerial Exhibit



Figure 2: Site Photos





## Site History

The church site was originally developed in the early 1970s for the Covenant Christian Church. Since 2008, the property has been occupied by Grace Church, a community church with approximately 200 parish families. From 2008 to 2018, the site also housed The Grace Classical Academy, an elementary and middle school with up to 100 students and 15 staff members. Following the school closure, Grace Church sought a development partner to purchase the large vacant portion of the property, which the church no longer needed (approximately 3.7 acres). According to Grace Church, given the seclusion of this large vacant area, they are regularly battling nuisance activities by trespassers and vagrants, such as drug and alcohol use. A summary of past entitlement approvals is provided below.

### *Site Development Permit SP 88-163*

On September 7, 1988, the County of Orange approved remedial grading for the adjacent Tract 13306 that, upon completion, resulted in the creation of the vacant flat pad to the rear (south) of the existing church.

### *Use Permit UP 08-08*

On August 26, 2008, the Planning Commission approved the establishment and operation of a private school (Grace Classical Academy), Kindergarten through eighth grade. The school was approved to occupy classrooms within the church building that double as Sunday school rooms. As approved, the school was permitted a maximum enrollment of 100 students and the existing church operations were memorialized.

### *Site Development Permit Amendment SP 88-163A01 & Use Permit Amendment UP 08-08A01*

On July 10, 2012, the Planning Commission approved the installation of 3,360 square feet of new modular buildings to serve as a dedicated school campus for Grace Classical Academy on the church property. A summary of the approved operations as it pertains to parking is summarized in the table below. Notable, the church was permitted to operate at a parking deficit based on actually church operating characteristics rather than the LNZN baseline standards during weekend church services, 123 spaces required, 80 spaces provided.

**Table 1: Approved Grace Church Parking Summary (2018)**

	Parking Standard	Required Parking
<u>WEEKEND PEAK:</u> Sanctuary (240 seats) Children's Sunday School (1,500 sq ft)	1 space/3 seats 1 space/35 sq ft of concurrent uses	80 spaces <u>43 spaces</u> <b>Total:</b> 123 spaces
<u>WEEKDAY PEAK:</u> Church Offices (480 sq ft) School (5 classrooms)	4 spaces/1,000 sq ft 2 spaces/classroom	2 spaces <u>10 spaces</u> <b>Total:</b> 12 spaces



### *Site Development Permit Amendment SP 88-163A02*

On April 26, 2018, the Community Development Department administratively approved a new monument sign along Crown Valley Parkway for Grace Church.

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## **COMMUNITY OUTREACH**

### Public Notice

#### *Planning Commission Meeting*

A notice of public hearing describing the project, date, time, and location of the hearing was advertised in the *Orange County Register* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500' of the project boundaries, and parties who have requested to be included on the City's project interest list. Additionally, a notice was also posted at City Hall and was made available on the City's website.

#### *Mitigated Negative Declaration (MND)*

On February 17, 2023, the City issued a Notice of Intent (NOI) for a period of 30 days to solicit comments on the proposed Mitigated Negative Declaration (MND). The NOI was filed with the California Office of Planning and Research State Clearinghouse and distributed to local, county, and state agencies, property owners within 500' of the project site, and was published in the *Orange County Register*. The NOI was also posted in the Orange County Clerk's office on February 17, 2023.

The public comment period was open from February 17 to March 20, 2023. All comments received (14 in total), and itemized responses to those comments, are included as part of the project Final MND (Attachment A, Exhibit 1). Traffic comments garnered the most public input. Please refer to the Issues of Community Interest subheading later in this report for more details.

### Public Workshop

On February 14, 2023, the Planning Commission held a public workshop on the development proposal. At the meeting, the applicant team provided a project overview. They also highlighted their outreach efforts with the adjacent Chatelain Homeowners Association (HOA), an adjoining community upslope of the project site. Comments from this community were mainly related to project design and landscaping, which the applicant indicated had been addressed. The Chatelain HOA has provided a project support letter which is included as Attachment H. Following the presentation from the applicant team, six residents of the Niguel Hills community neighboring the project spoke. Comments were mainly regarding concerns over the project impacts on existing traffic problems within their neighborhood. Other general comments and/or questions related to project operations and design. Residents also expressed disappointment that the applicant team did not engage the Niguel Hills residents like they had the Chatelain HOA. According to the applicant team, they presumed there would not be much interest from these residents given the limited viewshed of the project they would be exposed to and the minimal traffic generated by the assisted living and memory care facility, which would be considerably less than the former school.

Following public commenters, the Planning Commission requested additional project information from the applicant team and City staff related to traffic, site access, project design, and other details to be covered in the MND. The Commission also requested that a comparison summary be provided between the proposed project and three other senior assisted living projects in Laguna Niguel (two existing and one under construction within the Gateway Specific Plan area). This was to also include a summary of emergency calls for service. The Commission also advised the applicant team to host an outreach meeting with the Niguel Hills community. The comparison summary and call for service are provided under Attachment G. Minutes from the February 14, 2023 Workshop are provided under Attachment L.

On March 20, 2023, the applicant team hosted a neighborhood meeting at Grace Church, which City staff attended. Turnout was estimated at approximately 50-75 Niguel Hills residents. Resident comments and questions mainly focused on traffic issues in their neighborhood and concerns that the project would have a significant impact on these conditions.

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## PROJECT DESCRIPTION

### Griffin Senior Living Community

Griffin Living, LLC (co-applicant and authorized agent) is requesting approval to construct and operate a new assisted living and memory care community. The facility would provide long-term residential care for seniors, including services for residents with physical or mental impairments, but would not require 24-hour medical or skilled nursing care. The facility would be licensed as a Residential Care Facility for the Elderly (RCFE) by the California Department of Social Services. The proposal consists of a total of 108 units (77 suites for senior assisted living care and 31 suites provided for senior memory care) ranging in size from 474 square feet to 1,100 square feet.

In addition to the residential units, the facility would feature over 15,700 square feet of on-site common areas for communal dining, social activities, fitness, and entertainment. Meals, housekeeping, laundry, transportation, and recreational programming would be provided as part of the services for residents. Outdoor amenities, such as gardens, walking paths, courtyard patios and sitting areas have also been designed throughout the facility grounds. Gross building area would total approximately 130,863 square feet in a two-story building over a basement, including a below-grade garage with parking stalls and other community uses. At peak time there would be 30 employees on site with staggered shift schedules. A detail of the anticipated shift schedule is provided under Attachment I.

Ancillary to the project are new monument signage and comprehensive landscaping throughout the interior areas of the project site and along the Crown Valley Parkway frontage. Project landscaping would consist of a drought-tolerant palette with various species of trees, as well as a wide array of low- to mid-size shrub, vine, and groundcover species.

### *Vehicle Access and Parking*

Vehicular access would be provided by one new and one existing project driveway. The new project driveway is located along the Crown Valley Parkway frontage and is proposed to provide direct access to the subterranean parking, which includes 54 parking spaces for employees, guests, and residents. The

remaining ten spaces are located near the main entrance. This driveway would also directly lead to a roundabout serving as a drop-off area at the front entry of the facility. Site access would also be provided through the Grace Church property, which leads to the church's existing frontage driveway at La Plata Drive.

### Grace Church Remodel

Grace Church (co-applicant and property owner) is requesting to construct a 3,822-square-foot second-story addition to the existing one-story Grace Church. The new addition would add additional meeting areas and offices, which would be replacing 3,360 square feet of existing modular buildings. Collectively, this would yield a 462-square-foot increase in net building area for the church. In conjunction, the church is proposing a façade remodel. New coordinated signage and landscaping are also proposed with Griffin Senior Living Community. No changes to existing church operations during services are proposed beyond those previously approved as a part of Site Development Permit Amendment SP 88-163A01 & Use Permit Amendment UP 08-08A01 (maximum of 240 seats within sanctuary and 1,500 square feet of concurrent activities, such as Sunday school). The weekday operations at Grace Church also would mainly remain unchanged consisting of administrative activities and group meetings such as youth groups or bible studies occurring at varying times and days. Collectively, the compilation of concurrent weekday operations at the church would not generate a parking requirement as prescribed by the LNZN that would exceed their parking supply of 82 spaces.

**Figure 3: Site Plan**





### City Approvals & Adoptions

The project requires the following City approvals and adoptions, discussed in more detail in subsequent sections of this staff report:

- **Zone Change (ZC 20-01)** – The zoning on the property is proposed to remain Public/Institutional (PI); however, a zoning map change is proposed to add the Managed Care (MC) overlay designation on the newly created Parcel 2 (Griffin Senior Living Community).
- **Site Development Permit (SP 20-04)** – Provides for the review of the physical development of the project site for conformance with the applicable development standards (minimum property line setbacks maximum building height limit, parking requirements, etc.), community design guidelines (site planning, building architecture, and landscaping), and sign program.

Grading over 5,000 cubic yards. The project includes 67,000 cubic yards of cut and fill grading, including a net export of 64,000 cubic yards. This is due to the site being composed mainly of engineered fill from previous construction activities in the 1970s and 1980s, and the necessary excavation for the 30,000 square foot subterranean parking structure.

- **Use Permit (UP 21-12)** – Assisted living and memory care projects require approval of a Use Permit.
- **Tentative Parcel Map (TPM 2021-101)** – Subdivision of the existing 5.3-acre property. Parcel 1 would include Grace Church on 1.6 acres and Parcel 2 would include the Griffin Senior Living Community on 3.7 acres.

**Site Development Permit Amendment SP 88-163A02** – Provides for the review of the physical development of the Grace Church addition and remodel for conformance with the applicable development standards (minimum property line setbacks maximum building height limit, parking requirements, etc.), community design guidelines (site planning, building architecture, and landscaping), and new signs.

- **Mitigated Negative Declaration MND 23-01** – Considers the environmental effects of the project, inclusive of the above-listed entitlements environmental effects pursuant to the California Environmental Quality Act (CEQA).

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### **GENERAL PLAN CONSISTENCY**

#### Land Use & Housing Elements

The subject property is within Community Profile 10, Sub-profile Area A, of the Laguna Niguel General Plan. The Land Use Element designates the project site as Public/Institutional. The Public/Institutional designation includes a wide range of public, quasi-public, and special-purpose private facilities aimed at providing a variety of governmental or social services to the community. Churches are permissible land use within this designation. Land uses such as senior housing, congregate care facilities, and managed care facilities are permitted in all General Plan land use designations, except for Single Family Detached

and Open Space, provided that the proposed project does not generate more traffic than the projected traffic generation for the land use intensity identified in the General Plan.

Griffin Senior Living Community would essentially be replacing the former Grace Classical Academy (elementary and middle school). A Traffic Study (TS) was conducted by RK Engineering Group, Inc. The TS included an assessment of the traffic generated by the former school compared to the proposed assisted living and memory care facility. As summarized in the TA, the proposed project would generate considerably less daily traffic than the former school use (289 vs 411 total vehicle daily trips).

In addition to consideration of the Land Use Element, the project is also consistent with the goals and policies of the Housing Element. This includes generating diversified housing options in the City that would provide a range of services that would meet the physical, social, and spiritual needs of senior citizens requiring specialized care or assistance.

#### Circulation Element

The Circulation Element of the General Plan guides the development of the City's circulation system in a manner compatible with the Land Use Element. The TS conducted by RK Engineering Group, Inc. evaluated the impacts of the project on the surrounding roadways per the City's Transportation Assessment Guidelines and the Circulation Element. The TS is provided in Appendix I of the MND (Exhibit 3 of Attachment A). As detailed in the TS, potential traffic impacts related to the project were found to be consistent with the City's performance criteria. This includes a notable conclusion that the projected project traffic during peak AM and PM peak times (21 trips and 29 trips, respectively) would be minimal and less than the previous school.

Vehicle access analysis included consideration of a deceleration lane, a question that was posed at the Planning Commission Workshop. The TS reviewed several factors when considering the need for a right turn deceleration lane. This included, but was not limited to, the volume of right-turning traffic, the speeds along Crown Valley Parkway, adequacy of sight distances, the proposed internal site design, and the configuration and collision history of other similar adjacent intersections. Although there are no widely adopted criteria that define when such a lane is needed, given these considerations, along with the significant site constraints of widening Crown Valley Parkway (i.e., major earthwork and retaining wall), the TS found that a right turn lane was not justified. In particular, the low volume of right turn traffic expected to utilize this driveway (approximately 7 vehicles during the peak hour), did not meet any of the referenced examples for warranting a right turn lane. These deceleration lane findings were also independently peer-reviewed and concurred with by the City's third-party traffic engineering consultant Fehr and Peers and the City's Public Works Department.

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## **ZONING CONSISTENCY**

### Permissible Land Uses

The project site is zoned "Public/Institutional" (PI) District in the Laguna Niguel Zoning Code (LNZC). The PI District is intended to allow a wide range of public, semi-public, and special-purpose private facilities in order to provide a variety of government and social services to the community. This does not include uses such as assisted living and memory care facilities. The project includes a Zone Change to add the MC

overlay designation over proposed Parcel 2 containing the residential care facility<sup>1</sup>. This proposed zoning map change is illustrated in Exhibit 1 of Resolution No. 23-08 (Attachment C). The MC overlay is permissible over multifamily, commercial, and PI zoned properties, subject to a finding of compatibility with surrounding uses in terms of noise, traffic, visual impacts, living environment for managed care residents, and the ability of nearby nonresidential uses to carry on normal activities necessary to their viability. Griffin Senior Living Community is a care facility where senior residents live and receive daily care. The operations of the facility revolve around the daily needs of the residents living in the community and are similar to residential zoning districts. The outdoor activity area and parking are primarily on the interior of the building, located in the courtyard and underground parking structure respectively, reducing potential noise impacts. The traffic generated by a residential care facility is one of the lowest traffic-generating uses and is significantly lower than a multi-family residential development with a similar unit count (29 vehicle trips versus 60 trips during peak hours). In terms of visual impacts, the development is designed to read as a two-story multi-family development from the outside. The craftsman architecture, tiered full roof, and architectural details break up the massing of the building and provide movement and articulation. The increased setback along Crown Valley Parkway and enhanced landscaping will also reduce potential visual impacts. Also notable, the co-location of the care facility on the church site provides for an enhanced living environment for the seniors wishing to attend church services or activities. With the approval of Zone Change ZC 20-01, the assisted living and memory care facility would be permissible with the approval of a Use Permit. Churches are permitted land uses within the PI District.

#### Development Standards

The buildout of both the assisted living and memory care facility and the Grace Church remodel are subject to LNZN development standards (e.g., property line setbacks, building height, landscaping, and parking). A summary of the projects consistency with applicable development provisions is provided below.

**Table 2: Development Standards – Griffin Senior Living Community**

PI District & MC District Overlay	Griffin Senior Living Community	Complies
<b>Minimum Perimeter Setbacks:</b> <ul style="list-style-type: none"><li>Property lines abutting Residential, Open Space, Public Institutional Zoning Districts - 20' minimum.</li><li>Property lines abutting Office, Commercial, Industrial Zoning Districts - 0 feet minimum.</li></ul>	31' minimum from all property lines (ranges from 31' to 67').	Yes
<b>Maximum Structure Height:</b> 35', 45' for architectural tower elements.	Ranges up to 35' maximum	Yes
<b>Minimum Interior Landscaping:</b> As a percent of net project area (excluding boundary landscaping) - 5% of buildable project area, minimum of 2.5% within parking areas.	Approximately 25% of the net site area is landscaping (excluding boundary landscaping) and over 3% within parking areas.	Yes

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<sup>1</sup> The MC overlay is intended to provide for specialized housing which offers a range of managed care to meet the physical and social needs of senior citizens and persons requiring specialized assistance.



PI District & MC District Overlay	Griffin Senior Living Community	Complies
<b>Minimum Boundary Landscaping:</b> <ul style="list-style-type: none"> <li>Along designated Scenic Highways in the General Plan (includes Crown Valley Parkway) - minimum depth of 25' of landscaping, measured from the curb.</li> <li>Boundary landscaping - minimum average depth of 10' with a minimum depth of 5'.</li> </ul>	Boundary landscaping exceeds 25' as measured from curb along Crown Valley Parkway (Scenic Highway). The remaining project boundaries exceed a landscape depth 10'.	Yes
<b>Maximum Fence and Wall Heights:</b> <ul style="list-style-type: none"> <li>Within setback areas - 6' maximum</li> <li>Outside of setback areas - 12' maximum</li> </ul>	Within setback areas, no wall or fence exceeds 6' in height. Within the main building area (outside minimum setback areas) no wall or fence exceeds 12' in height.	Yes
<b>Off-Street Parking Minimum:</b> Projects proposed within the MC Overlay District require a parking analysis to determine the parking standards for the specific project.	Minimum of 62 spaces per parking study prepared by RK Engineering Group, Inc. (Attachment F). A total of 64 parking spaces are proposed.	Yes
<b>Supplemental Special Purpose Regulations:</b> In addition to the PI District Development Standards, senior managed care projects are subject to the following: <ol style="list-style-type: none"> <li>(1) The housing facility shall be specially designed to meet the physical and social needs of senior citizens and persons requiring specialized care or assistance.</li> <li>(2) The housing facility shall provide a usable multipurpose room where communal activities, including but not limited to, dining may be conducted.</li> <li>(3) The housing facility shall provide emergency alert systems in each unit to notify the on-site staff that assistance is needed.</li> <li>(4) A housing facility staff member shall be on-site at all times to assist residents in emergencies.</li> <li>(5) The facility management shall coordinate social services for residents which includes meals and transportation.</li> <li>(6) The on-site facility management shall maintain current records pertaining to the resident's doctor and emergency contacts.</li> <li>(7) All managed care projects located within the MC overlay district shall comply with the base district development standards and design guidelines.</li> <li>(8) Projects proposed within the MC overlay district shall include a parking analysis to determine the parking demand for the specific project</li> </ol>	<ol style="list-style-type: none"> <li>(1) The project would offer a range of managed care services that would meet the physical, social, and spiritual needs of senior citizens.</li> <li>(2) The project would include ample useable multi-purpose rooms for communal activities, including dining.</li> <li>(3) The project would include an emergency alert system for use by its residents and staff that meet or exceed the requirements of DSS for a RCFE.</li> <li>(4) The project would include full-time and part-time staff. Employees would work in three shifts, 24 hours/365 days per year as required by DSS.</li> <li>(5) The project would include an in-house facility management staff that would coordinate social services for residents including meals and transportation.</li> <li>(6) The in-house facility management staff would maintain records as required by DSS.</li> <li>(7) The project would comply with the development standards of the base zoning district and design guidelines.</li> <li>8) A parking analysis was prepared for the project and determined a minimum of 62 spaces are required. A total of 64 parking spaces are proposed.</li> </ol>	Yes

**Table 3: Development Standards – Grace Church**

PI District	Grace Church Remodel	Complies
<b>Minimum Perimeter Setbacks:</b> <ul style="list-style-type: none"> <li>Property lines abutting Residential, Open Space, Public Institutional Zoning Districts - 20' minimum.</li> <li>Property lines abutting Office, Commercial, Industrial Zoning Districts - 0 feet minimum.</li> </ul>	31' minimum from all property lines (ranges from 31' to 86').	Yes
<b>Maximum Structure Height:</b> 35', 45' for tower elements.	Ranges up to 29' maximum.	Yes
<b>Minimum Interior Landscaping:</b> As a percent of net project area (excluding boundary landscaping) - 5% of buildable project area, minimum of 2.5% within parking areas.	Approximately 27% of the net site area is landscaping (excluding boundary landscaping) and approximately 5% within parking areas.	Yes
<b>Minimum Boundary Landscaping:</b> Boundary landscaping - minimum average depth of 10' with a minimum depth of 5'.	Existing boundary landscaping exceeds 25' from property lines.	Yes
<b>Maximum Fence and Wall Heights:</b> <ul style="list-style-type: none"> <li>Within setback areas - 6' maximum</li> <li>Outside of setback areas - 12' maximum</li> </ul>	No new walls or fences are proposed.	Yes
<b>Off-Street Parking Minimum:</b> 1 space/3 seats in the main auditorium plus 1 space/35 sf of concurrent uses during church services, such as Sunday school.	82 spaces provided.  <u>Weekend - Church Services*</u> <ul style="list-style-type: none"> <li>- Sanctuary (240 seats max)</li> <li>- Sunday school or other concurrent activities (1,500 sq ft max)</li> </ul> *123 spaces required, parking deficit of 43 spaces previously approved under SP 88-163A01 & UP 08-08A01. No changes proposed.  <u>Weekday - Non-Church Service Times</u> Collectively, the compilation of concurrent weekday operations at the church would not generate a parking requirement as prescribed by the LNZN that would exceed their parking supply of 82 spaces.	Yes*

### Sign Program - Project Identification

Project signage would include one building-mounted sign for the senior living community (approximately 22 square feet in area) and a building-mounted sign and cross for Grace Church (approximately 50 square feet in area). All the wall signs would be backlit with internal-illumination. This would provide for a halo effect consistent with the monument signs.

Project signage would also consist of five decorative 6' tall monument signs, two monument signs flanking each of the two project driveways (Crown Valley Parkway and La Plata Drive), plus an additional sign along Crown Valley Parkway at the south end of the project site. In addition to providing project identification, the fifth sign would aid in providing drivers with a visual cue of the upcoming project entrance on Crown Valley Parkway. At the two project driveways, one sign would include sign copy for the senior living

community and the other for Grace Church. The supplemental sign south of the Crown Valley Parkway driveway would include sign copy for the senior living community. Each of these signs would feature pin-mounted lettering on planter walls that would include a decorative stacked stone veneer. The sign area for each sign ranges from approximately 17 to 26 square feet. Each sign would be halo-illuminated by landscape up-lighting. For more details, refer to the sign program plans included as Attachment J.

The building-mounted signs comply with the LNZN sign provisions, including number of signs per building frontage (maximum of one) and total sign area (100 square feet maximum per building). The monument signs are consistent with the LNZN sign provisions in terms of height (6' maximum), sign area (50 square feet maximum), and setbacks and landscaping (5' minimum and landscaping at the sign base). The number of signs per street frontage (three along Crown Valley Parkway) and (two La Plata Drive) exceeds the baseline limit of one per street frontage. However, the LNZN sign provisions allow for relief from this limit with the approval of a sign program via a Site Development Permit. The sign program criteria includes a determination that the proposed sign program is consistent with the spirit and intent of the City's sign standards, all signs are visually coordinated (i.e., common design elements such as materials, letter style, colors, illumination, sign type or sign shape), and the signs within the sign program relate visually to the buildings they identify (e.g., accomplished by utilizing materials, colors, or design motif of the building being identified). Collectively, the proposed signs are consistent with this criterion in that the signs include common design elements and would complement both the senior living community and church. Given the total project area (over 5 acres), length of the project frontages, and the aesthetic quality of the signs, the proposed additional monument signs above the baseline limit are appropriate.

#### Community Design Guidelines

The proposed project is subject to the LNZN Design Guidelines (Subarticle 9). In general, these guidelines seek to ensure the aesthetic and functional quality of new construction and redevelopment projects in the City. The project plans (site plan, building elevations, landscaping plans, outdoor lighting details, and visual renderings), are included as Attachment K.

The proposed new building for the Griffin Senior Living Community consists of a Craftsman architecture style and has been designed consistent with City's Design Guidelines. The design elements include shingle and stone-clad exterior, decorative wood elements (patio covers and pergolas, low-pitched roofs with rafter tails), and decorative architectural details, including bronze craftsman light fixtures and decorative mullion windows. Material blending of limestone, simulated wood corbels, shaped wood trims and posts, and decorative metal railings are purposefully composed to enhance the overall design character of the building. The design also notably features varying rooflines and building elevation recesses and projections to provide visual interest and articulation. In consideration of the surrounding built environment, the building design notably includes a shingle roof and earth-tone building materials and paint palette that would complement Grace Church and the neighboring Niguel Hills community (mainly consists of ranch-style tract homes with shingle roofs).

The proposed second-story addition to Grace Church is generally located at the back-half of the building away from the La Plata frontage. The composition and design of the new building area would complement the existing architecture, which generally constitutes of a mid-century modern style. Modest façade changes are also proposed to the existing building, notably including a new stucco exterior finish and lighter color scheme with darker brown fascia trim. The remodeled church would generally complement the new assisted living and memory care facility and surrounding area.



**Figure 5: Laguna Niguel Senior Living Center Renderings**



Figure 6: Church Remodel Renderings



### *Perimeter and Interior Landscaping*

Comprehensive professionally designed landscaping is proposed throughout the entire project site. Landscaping would consist of a drought-tolerant palette with various species of trees (e.g., Olive, California Sycamore, Brisbane Box, Date Palm, Jacaranda, Afghan Pine, and African Sumac), as well as a wide array of low- to mid-size shrub, vine, and groundcover species. The use of extensive landscaping within the interior of the site and along its boundaries, especially along the Crown Valley Parkway slope, would soften the visual character of the proposed building as well providing a visual buffer between the proposed development and surrounding uses. New enhanced entry paving is proposed at both the Crown Valley Parkway and La Plata Drive entries.

### *Outdoor Lighting*

The proposed outdoor site lighting consists of parking lot and decorative wall-mount lights, illuminated bollards along walkways and up-lighting in landscaped areas. The proposed light sources would be shielded and directed downward on-site to minimize off-site light spill. The project plans include preliminary details and photometric calculations related to the proposed lighting. Potential spill lighting at 20' from project site boundaries would comply with the LNZC limit of 0.2 footcandles. Sheet L-17 of the project plans (Attachment K) identifies proposed outdoor lighting and photometric levels for the project.

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### **SUBDIVISION – TENTATIVE PARCEL MAP**

The project includes the subdivision of the existing approximate 5.3-acre property into two new parcels via Tentative Parcel Map TPM 2021-101 (included under Attachment K). Parcel 1 would include Grace Church on 1.7 acres and Parcel 2 would include the Griffin Senior Living Community on the remaining 3.7 acres. There are no minimum lot size requirements for the PI District. The map includes all statutorily required information including, but not limited to, design details for grading, site access, and utilities. Subject to approval of the requested entitlements, the proposed subdivision is consistent with the General Plan land use and zoning designations for the project site. Conditions of approval for Tentative Parcel Map TPM 2021-101, including those related to reciprocal access are included in draft Resolution No. 23-08 (Attachment C).

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### **CEQA COMPLIANCE – MITIGATED NEGATIVE DECLARATION**

ECORP Environmental Consultants (City environmental consultant), in collaboration with City staff and other City third-party consultants, prepared Mitigated Negative Declaration MND 23-01 (SCH No. 2023020444) for the project pursuant to CEQA and the City's CEQA Manual. The purpose of this MND is to inform the public and decision-makers of the project's potential environmental impacts and include mitigation measures, as necessary, to reduce environmental impacts. The MND includes a description of the project, an evaluation of the potential environmental impacts, and findings from the environmental review that the proposed project would either not result in significant environmental impacts, or although a significant impact may be anticipated, incorporation of mitigation measures provided would reduce the environmental impact to a less than significant level. The project Final and Draft MND are included as Exhibits 1 and 2, respectively, to Resolution No. 23-06 (Attachment A).

As noted in the Public Notice section of this report, beginning on February 17, 2023, the MND was made available for a 30-day public review period. In response, the City received a total of 14 written comments on the Draft MND (12 from individuals [residents of the Niguel Hills neighborhood], and two from public agencies). Responses to these comments are included as part of the Final MND, included as Exhibit 1 of Resolution No. 23-06 (Attachment A). Notably, the resident comments received overwhelmingly relate to concerns with traffic volumes and speeding on La Plata Drive and within the Niguel Hills neighborhood. As detailed in the MND response to comments, the stated traffic issues are non-CEQA related. Please refer to the subsequent section of this report for commentary on the traffic issues raised as they more generally relate to existing neighborhood traffic conditions and the project.

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## ISSUES OF COMMUNITY INTEREST

### Existing Traffic Conditions

During the evaluation of the proposed project, the community has been afforded multiple opportunities to provide input. Of all topics, existing traffic volumes and speeding on La Plata Drive and within the Niguel Hills neighborhood have garnered the most public interest. The public's concern is that the proposed project would add considerable traffic on the residential streets and would contribute to existing traffic speeding problems.

As previously summarized, a TA was prepared for the project by RK Engineering Group, Inc. The findings of the TA were also independently peer-reviewed and confirmed by the City's third-party traffic engineering consultant Fehr and Peers. In terms of project traffic, the assisted living and memory care facility is projected to generate approximately 296 daily trips total (this includes trips to and from the site). During the AM peak hours (7:00 AM – 9:00 AM) the project is projected to generate 21 vehicle trips per hour and during the PM peak hours (4:00 PM – 6 :00 PM) the project is projected to generate 29 vehicle trips per hour (inclusive of trips to and from the site). Overwhelmingly, project traffic is expected to access the assisted living and memory care via Crown Valley Parkway (new project driveway or the Crown Valley Parkway and La Plata signalized intersection).

Several concerned residents have speculated that staff, resident shuttles, and resident guests would be traversing the Niguel Hills neighborhood to get to or from the Laguna Heights shopping center or other destinations. For example, staff during their lunch break. Laguna Heights includes a CVS, Albertsons, Baja Fresh Tacos, Starbucks, Subway, and McDonald's. Although there are number of other restaurants and shopping centers in the area, it is reasonable to assume some vehicle trips affiliated with the assisted living and memory care may elect to use the public streets within Niguel Hills for these destinations. However, this traffic volume is expected to be minimal. Although modeled at a higher percentage than expected, the TA examined the impact implications if 15% of project traffic utilizes La Plata Drive, east of the site. Under this conservative hypothetical scenario, the project would contribute the following:

- AM Peak Hour: 3 trips added to La Plata Drive (1 car every 20 minutes or approximately 1.4% of total AM peak hour traffic)
- PM Peak Hour: 4 trips added to La Plata Drive (1 car every 15 minutes or approximately 1.8% of total PM peak hour traffic)
- Daily: 43 trips total over a 24-hour period (less than 2 cars per hour on average)

These low traffic volumes would not cause an appreciable change to the existing traffic operations along La Plata Drive or within the greater Niguel Hills neighborhood as detailed in the TA. These traffic generation rates are also considerably lower than other potential land uses that could be proposed for the vacant 3.7-acre site. For comparison, other plausible land uses Grace Church could pursue to monetize the vacant land include a school (similar or larger than the former Grace Classical Academy) or multi-family apartments given the state legislation's trending actions in limiting local land use decision-making related to housing projects. Either of these uses would generate considerably more traffic than the proposed assisted living and memory care facility.

Although the project is not expected to generate a significant traffic impact on the Niguel Hills community, as agreed to by Griffin Senior Living Community, a condition of approval (Condition No. 32) is proposed in draft Resolution No. 23-09, providing the City discretion to potentially require operational changes by Griffin Senior Living Community should unanticipated project-related traffic problems arise. This could include, for example, further staggering of staff schedules or lunch breaks.

Related to concerns that traffic to or from the project would be speeding, the expectation is that drivers would obey posted speed limits. Drivers who exceed the posted speed limit would be breaking the law and subject to citation by law enforcement.

Traffic Calming Efforts - Public Works and Orange County Sheriff's Departments

The public input concerning existing traffic and speeding on La Plata Drive and within the Niguel Hills neighborhood has been shared with the City's Public Works and Orange County Sheriff's Departments. Community Development staff has been informed that efforts are underway to explore traffic calming solutions and additional traffic enforcement by both Departments. This includes a scheduled Traffic Commission meeting, which interested Niguel Hill residents are encouraged to attend, which is scheduled for April 26, 2023.

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Respectfully submitted,  
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by:



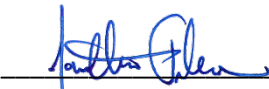
Amber Gregg  
Planning Consultant

Reviewed by:



Nicholas Ghirelli  
Interim City Attorney

Submitted by:



Jonathan Orduna  
Community Development Director

Reviewed by:



John Morgan  
Development Services Manager

Attachments:

- A. Draft Resolution No. 23-06 (MND 23-01)
  - Exhibits
  - 1. Final MND 23-01, *in draft form pending City Council approval* (limited distribution)
  - 2. Draft MND 23-01 (limited distribution)
  - 3. MND Appendices (limited distribution)
  - 4. Mitigation Monitoring and Reporting Program
- B. Draft Resolution No 23-07 (ZC 20-01)
- C. Draft Resolution No. 23-08 (TPM 2021-101)
- D. Draft Resolution No. 23-09 (SP 20-04 & UP 21-12)
- E. Draft Resolution No. 23-10 (SP 88-163A02)
- F. Parking Study
- G. Residential Care Facilities Comparison Chart and Calls for Service
- H. Chatelaine HOA Letter of Project Support
- I. Example of Anticipated Employee Shift Schedule
- J. Sign Program Plans (limited distribution)
- K. Reduced Size Project Plans (limited distribution)
- L. Minutes from February 14, 2023, Project Workshop
- M. Public Comments received (does not include MND public comments)

# **Attachment A**

**Draft Resolution No. 23-06 (MND 23-01)**

## **RESOLUTION NO. 23-06**

**RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF LAGUNA NIGUEL, CALIFORNIA,  
RECOMMENDING THAT THE CITY COUNCIL ADOPT MITIGATED NEGATIVE  
DECLARATION MND 23-01 AND THE ASSOCIATED MITIGATION MONITORING  
AND REPORTING PROGRAM FOR ZONE CHANGE 20-01, TENTATIVE PARCEL  
MAP TPM 2021-201, SITE DEVELOPMENT PERMIT SP 20-04 & USE PERMIT UP  
21-12, AND SITE DEVELOPMENT PERMIT AMENDMENT 88-163A02  
(GRIFFIN SENIOR LIVING COMMUNITY & GRACE CHURCH REMODEL)**

### **WHEREAS:**

1. The APPLICANTS: Griffin Living, LLC, 24005 Ventura Blvd., Calabasas, CA 91302 and Grace Church, 24600 La Plata Drive, Laguna Niguel CA 92677, request approval of Zone Change ZC 20-01, Tentative Parcel Map TMP 2021-101, Site Development Permit SP 20-04 & Use Permit UP 21-12, and Site Development Permit Amendment 88-163A02, to develop and operate a 108-unit state-licensed assisted living and memory care community (Griffin Senior Living Community) on a predominantly vacant portion of the existing Grace Church property located at 24600 La Plata Drive. Accompanying this request, is the proposed subdivision of the existing 5.3-acre Grace Church property into two parcels. The project also includes adding a Managed Care overlay zoning designation to the property to accommodate the subject assisted living and memory care community. The project also includes a requested second-story addition to the existing single-story church building and a façade remodel (Grace Church). The project site is generally located at the southeast corner of Crown Valley Parkway and La Plata Drive.
2. Pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual, the City of Laguna Niguel is the lead agency for the project, as the public agency with the principal responsibility for approving the project.
3. The City, as lead agency, determined that a Mitigated Negative Declaration should be prepared pursuant to CEQA to analyze all potential environmental impacts of the proposed project.
4. On February 17, 2023, the City issued a Notice of Intent (NOI) for a period of 30 days to solicit comments on the proposed Mitigated Negative Declaration (MND). The NOI was filed with the California Office of Planning and Research State Clearinghouse and distributed to local, county, and state agencies, property owners within 500 feet of the project site, and was published in the *Laguna Niguel News*. The NOI was also posted in the Orange County Clerk's office on February 17, 2023.

5. All environmental impacts were sufficiently analyzed in Draft Mitigated Negative Declaration MND 23-01 (SCH No. 2023020444). The Draft Mitigated Negative Declaration determined that all of the environmental effects of the project are either less than significant or can be mitigated to less than significant.
6. All comments received on Draft Mitigated Negative Declaration MND 23-01 during the 30-day public review and comment period beginning February 17, 2023, and ending March 20, 2023, have been responded to in writing.
7. Collectively, the Draft Mitigated Negative Declaration, Response to Comments, and Mitigation Monitoring Program constitute the Final Mitigated Negative Declaration.
8. The City provided copies of the Final Mitigated Negative Declaration, including Responses to Comments, to commenting agencies and commenting public at least 10 days prior to the April 25, 2023, Planning Commission hearing.
9. A Mitigation Monitoring and Reporting Program (attached here to as Exhibit 4) has been prepared to identify all required mitigation measures, the timing of implementation of each measure, and the responsible party for each measure.
10. A notice of public hearing describing the project, date, time, and location of the April 25, 2023, Planning Commission hearing was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500 feet of the project boundaries and individuals on the interested parties list for the project. Additionally, a notice was also posted at City Hall and was made available on the City's website.
11. On April 25, 2023, the Planning Commission held a duly noticed public hearing on the project, including Final Mitigated Negative Declaration MND 23-01, and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Planning Commission Resolution No. 23-06.
12. The City of Laguna Niguel Community Development Department shall serve as the custodian of the Mitigated Negative Declaration document and all appendices, supporting studies, figures, and related documents which constitute the record of proceedings and are available for review at the Community Development Department, located at 30111 Crown Valley Parkway, Laguna Niguel, CA 92677.

**THEREFORE, BE IT RESOLVED** that the Planning Commission finds and determines as follows:

1. In accordance with CEQA Guidelines Section 15025(c), the Planning Commission has been presented with the Final Mitigated Negative Declaration and independently reviewed and considered the Draft and Final Mitigated Negative Declarations for the project. The Planning Commission finds that Mitigated



Negative Declaration MND 23-01 (SCH No. 2023020444) is adequate and has been completed in compliance with CEQA, the CEQA Guidelines, and the City's CEQA Manual.

2. The Planning Commission has independently reviewed and considered the information contained in Mitigated Negative Declaration MND 23-01, together with comments received during the public review process, including Appendices and Response to Comments, and received comments provided at the noticed public hearing at which the project was considered prior to making a decision on the proposed project.
3. Mitigated Negative Declaration MND 23-01 contains sufficient information and analysis to allow the Planning Commission to make an informed decision on the project, considering the environmental implications of the proposed project and mitigation measures.
4. Environmental impacts identified in the Mitigated Negative Declaration that are found to have no impact or a less than significant and do not require mitigation are described in Mitigated Negative Declaration MND 23-01, attached hereto and incorporated herein by reference.
5. Environmental impacts identified in the Final Mitigated Negative Declaration as potentially significant, but that can be reduced to less than significant levels with mitigation, are described in Mitigated Negative Declaration MND 23-01 attached hereto and incorporated herein by reference.
6. With the incorporation of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; and
7. Final Mitigated Negative Declaration MND 23-01 reflects the Planning Commission's independent judgment and analysis.
8. No comments or any additional information submitted to the City have produced any substantial new information requiring additional recirculation or additional environmental review of the project under CEQA.
9. On the basis for the foregoing and all of the evidence in the administrative record before it, the Planning Commission does hereby recommend the City Council find that, on the basis of the whole record before it, there is no substantial evidence that the project will have a significant effect on the environment and that Mitigated Negative Declaration MND 23-01 reflects the City Council's independent judgment and analysis and adopt Mitigated Negative Declaration MND 23-01 for Zone Change ZC 20-01, Tentative Parcel Map TMP 2021-101, Site Development Permit SP 20-04 & Use Permit UP 21-12, and Site Development Permit Amendment 88-163A02 & Use Permit Amendment UP 08-08A02, (Griffin Senior Living Community

& Grace Church Remodel) attached hereto as Exhibits 1 through 4 and incorporated by this reference.

10. The Planning Commission does hereby recommend that the City Council adopt the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit 4, which specifies the measures to mitigate the environmental effects associated with the subject project and the monitoring efforts needed to ensure that the measures are effectively implemented.

**PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of April, 2023.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna  
Community Development Director

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Roger Green  
Chairman of the Planning Commission

Exhibit(s):

1. Final Mitigated Negative Declaration MND 23-01
2. Draft Mitigated Negative Declaration MND 23-01
3. Mitigated Negative Declaration MND 23-01 - Appendices
4. Mitigated Negative Declaration MND 23-01 - Mitigation Monitoring and Reporting Program

# EXHIBIT 1

## Final Mitigated Negative Declaration

### **LIMITED DISTRIBUTION**

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel  
Community Development Department  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949.362.4360

Normal copying charges apply - Or available to download at no cost from  
<https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

# EXHIBIT 2

## Draft Mitigated Negative Declaration

### **LIMITED DISTRIBUTION**

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel  
Community Development Department  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949.362.4360

Normal copying charges apply - Or available to download at no cost from  
<https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

# EXHIBIT 3

## Mitigated Negative Declaration Appendices

### **LIMITED DISTRIBUTION**

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel  
Community Development Department  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949.362.4360

Normal copying charges apply - Or available to download at no cost from  
<https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

# **EXHIBIT 4**

## **Mitigated Monitoring and Reporting Program**



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## 5.0 MITIGATION MONITORING AND REPORTING PLAN

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### 5.1 Introduction

The IS/MND prepared for the Grace Church Remodel and Griffin Senior Living Community Project identified adverse impacts related to the construction activity. The IS/MND identified mitigation measures that would reduce or eliminate these impacts to below the level of significance. Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring plan for changes to the Project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A Mitigation Monitoring and Reporting Plan (MMRP) is required for the proposed Project because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts.

### 5.2 Purpose of the Mitigation Monitoring and Reporting Plan

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the proposed Project, as required. The MMRP may be modified by the Lead Agency during project implementation, as necessary, in response to changing conditions or other project refinements. Table 5-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, and reporting method to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

### 5.3 Roles and Responsibilities

The City of Laguna Niguel, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

### 5.4 Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 5-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure and provides space for verification initials and date.

- 
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
  - **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
  - **Comments** – This column provides space for written comments, if necessary.


Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Air Quality Mitigation Measures</b>					
<b>AQ-1:</b> Prior to the certificate of construction-related permits for the Grace Church Remodel and Senior Living Facility Project, the Project Applicant shall demonstrate to the satisfaction of the City of Laguna Niguel Planning Division that the following measure would be implemented during Project construction.	<b>Activity:</b> All offroad equipment of greater than 50 horsepower used in Project construction shall be CARB Tier 4 Certified.  <b>Timing:</b> Prior to the certificate of construction-related permits.  <b>Frequency:</b> One time.	<b>Construction Contractor</b>	<b>City of Laguna Niguel</b>	None.	
		Initials	Initials		
		Date	Date		
 All offroad equipment of greater than 50 horsepower used in Project construction shall be California Air Resources Board (CARB) Tier 4 Certified, as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations.					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Biological Resources Mitigation Measures</b>					
<b>BIO-1:</b> All vegetation clearing, and ground disturbance activities, including any structure demolition and removal, shall be conducted outside of the nesting bird season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species) and bat maternity season (March 1 through October 31) to the extent feasible. If vegetation clearing activities and/or ground disturbance activities cannot be conducted outside of the nesting bird season, nesting bird surveys shall be conducted by a qualified avian biologist within the Project Site plus a 500-foot buffer as decided by a qualified biologist based on site conditions prior to the start of construction (within three days prior to construction). If nesting bird surveys are required to be conducted,	<b>Activity:</b> Pre-construction nesting bird survey.	<b>Qualified Biologist</b>  <div>Initials</div> <div>Date</div>	<b>City of Laguna Niguel</b>  <div>Initials</div> <div>Date</div>	None.	
	<b>Timing:</b> Within three days prior to the start of construction.				
	<b>Frequency:</b> One time.				

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
they shall include all songbirds and raptors, including the special-status bird species that were determined to have a moderate or low potential to occur within the riparian corridor. If an active nest is identified during the survey, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.  Prior to the removal or disturbance of any mature trees and structures that may serve as bat habitat (regardless of time of year), a qualified biologist will conduct a bat habitat assessment to determine if these features are suitable for bat roosting. If no suitable roosting habitat is identified, no further measures are necessary. If suitable roosting habitat and/or signs					

<b>Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan</b>					
<b>Mitigation Measure</b>	<b>Monitoring Activity/ Timing/ Frequency</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
of bat use are identified during the assessment, a Bat Management Plan that will include specific avoidance and minimization measures to reduce impacts to roosting bats shall be prepared. The Bat Management Plan may include any of the following as necessary and appropriate to the findings of the habitat assessment: emergence and/or pre-construction surveys for roosting bats during the bat active season including acoustic monitoring, roost removal timing and methodology, no-disturbance or temporal buffers, passive exclusion of bats, and/or species-specific replacement structures.					



Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination
<b>BIO-2:</b> Pursuant to Laguna Niguel Municipal Code Section 9-1-92.3, Subsections A-H, landscape vegetation and ornamental trees shall be protected to the extent possible during construction activities. If it is determined that significant existing trees cannot be protected, the City shall require replacement with new specimen-size trees having a cumulative trunk diameter of up to two times the cumulative trunk diameter of the trees to be removed. Furthermore, if Project activities require the removal of landscape vegetation that would put the Project in violation of the City ordinance requirements, then replacement landscaping vegetation shall be provided.	<b>Activity:</b> Vegetation and ornamental tree protection.	<b>Construction Contractor</b>	<b>City of Laguna Niguel</b>	None.
	<b>Timing:</b> During construction.	Initials	Initials	
	<b>Frequency:</b> As needed.	Date	Date	

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Cultural Resources Mitigation Measures</b>					
<b>CUL-1:</b> If subsurface deposits believed to be cultural and/or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius, as appropriate and using professional judgment. The following notifications shall apply, depending on the nature of the find: <ul style="list-style-type: none"> <li>If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.</li> </ul>	<b>Activity:</b> Archaeological evaluation of potential cultural resources.	<b>Qualified Archaeologist</b>  <div>Initials</div> <div>Date</div>	<b>City of Laguna Niguel</b>  <div>Initials</div> <div>Date</div>	Orange County Coroner  Native American Heritage Commission	
	<b>Timing:</b> During construction.				
	<b>Frequency:</b> As necessary during construction.				

<b>Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan</b>					
<b>Mitigation Measure</b>	<b>Monitoring Activity/ Timing/ Frequency</b>	<b>Implementation Responsibility/ Verification</b>	<b>Responsibility for Oversight of Compliance/ Verification</b>	<b>Outside Agency Coordination</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Lead Agency. The agency shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.</li> <li>If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to</li> </ul>					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinterment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Geology and Soils Mitigation Measures</b>					
<b>GEO-1:</b> The Project Applicant shall implement the <i>Conclusions</i> and <i>Recommendations</i> as listed in the final site-specific geotechnical report ( <i>Feasibility Geotechnical Evaluation of Southern Portion of Property Proposed Grace Church Assisted Living and Memory Care Facility Adjacent 24600 La Plata Drive, Laguna Niguel, California</i> . Stoney-Miller Consultants, Inc. 2021).	<b>Activity:</b> Implementation of <i>Conclusions</i> and <i>Recommendations</i> as listed in the final site-specific geotechnical report.	<b>Construction Contractor</b>  <div>Initials</div> <div>Date</div>	<b>City of Laguna Niguel</b>  <div>Initials</div> <div>Date</div>	None.	
	<b>Timing:</b> During construction.				
	<b>Frequency:</b> As necessary during construction.				
<b>GEO-1:</b> If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find	<b>Activity:</b> Evaluation of potential paleontological resources by a qualified	<b>Qualified Paleontologist</b>	<b>City of Laguna Niguel</b>	None.	



**Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan**

Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the construction site while evaluation and treatment of the paleontological resource takes place.	<p>paleontologist.</p> <p><b>Timing:</b> During excavation activities as part of construction.</p> <p><b>Frequency:</b> As necessary during construction.</p>	<div>Initials</div> <div>Date</div>	<div>Initials</div> <div>Date</div>		

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Noise Mitigation Measures</b>					
<b>NOI-1:</b> In order to reduce construction noise, during the demolition, site preparation, grading, building construction, paving and architectural coating phases, a temporary noise barrier or enclosure shall be positioned between Project construction and the Childtime Day Care to the north in a manner that breaks the line of sight between the construction equipment and this receptor to the extent feasible. The composition, length, height, and location of the temporary noise control barrier and/or enclosure walls will be adequate to assure proper acoustical performance and withstand structural failure.	<b>Activity:</b> Implementation of noise-reducing measures.	<b>Construction Contractor</b>	<b>City of Laguna Niguel</b>	None.	
	<b>Timing:</b> During the demolition, site preparation, grading, building construction, paving and architectural coating phases of construction.	Initials  Date	Initials  Date		
	<b>Frequency:</b> As necessary during construction.				

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan				
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination
<b>NOI-2:</b> The Project improvement and building plans will include the following requirements for construction activities: <ul style="list-style-type: none"> <li>The Project shall post signage in a readily visible location along the frontage of the Project Site that indicates the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints to a designated construction noise disturbance coordinator.</li> <li>The Project shall ensure all contractors implement construction best management practices to reduce construction noise levels. Best management practices would include the following:</li> </ul>	<b>Activity:</b> Implementation of noise-reducing measures.	<b>Construction Contractor</b>	<b>City of Laguna Niguel</b>	None.
	<b>Timing:</b> Prior to and during ground disturbing construction activities.	Initials	Initials	
	<b>Frequency:</b> As necessary during construction.	Date	Date	

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<ul style="list-style-type: none"><li>o All construction equipment shall be equipped with muffles and other suitable noise attenuation devices (e.g., engine shields).</li><li>o Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment), to the maximum extent feasible.</li><li>o If feasible, electric hook-ups shall be provided to avoid the use of generators. If electric service is determined to be infeasible for the site, only whisper-quiet generators shall be used (i.e., inverter generators capable of providing variable load).</li><li>o Use electric air compressors and similar power tools rather</li></ul>					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>than diesel equipment, where feasible.</p> <ul style="list-style-type: none"> <li>Locate staging area, generators and stationary construction equipment as far from the adjacent residential homes as feasible.</li> <li>Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.</li> </ul>					
<p><b>NOI-3:</b> In order to reduce traffic noise experienced on the Project Site, a five-foot noise barrier wall shall be provided to shield all habitable patio/balcony areas fronting Crown Valley Parkway. The barriers weight shall be at least 3.5 pounds per square foot and be without</p>	<p><b>Activity:</b> Implementation of noise-reducing measures.</p> <p><b>Timing:</b> During construction.</p>	<p><b>Construction Contractor</b></p> <p>Initials _____</p>	<p><b>City of Laguna Niguel</b></p> <p>Initials _____</p>	None.	

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>decorative cutouts or line-of-site openings between the shielded areas and the Project Site. All gaps (except for weep holes) shall be filled with grout or caulking to avoid flanking. The noise control barrier may be constructed using one, or any combination of the following materials:</p> <ul style="list-style-type: none"><li>■ Masonry block.</li><li>■ Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot.</li><li>■ Transparent glass (3/8 inch thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.</li></ul>	<p><b>Frequency:</b> One time.</p>	<p>_____</p> <p>Date</p>	<p>_____</p> <p>Date</p>		

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Transportation Mitigation Measures</b>					
<b>TRANS-1:</b> To help further improve ingress and egress to the Project Site, the Project Applicant shall implement the following measures: <ul style="list-style-type: none"> <li>The Project Site access driveway on Crown Valley Parkway shall provide a minimum width of 28 feet along the driveway throat (for a minimum distance of 30 feet from the curbline of Crown Valley Parkway).</li> <li>The Project shall provide a minimum curb radius of 25 feet for the southerly curb return on the Crown Valley Parkway driveway to improve the inbound flow of traffic.</li> </ul>	<b>Activity:</b> Ingress and egress improvement.	<b>Construction Contractor</b>	<b>City of Laguna Niguel</b>	None.	
	<b>Timing:</b> As part of construction activities.	Initials	Initials		
	<b>Frequency:</b> One time.	Date	Date		

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>Tribal Cultural Resources Mitigation Measures</b>					
<b>TCR-1:</b> The Project Applicant shall retain a Tribal monitor representing the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes to monitor all ground disturbing activity within original ground associated with project construction. Activities subject to monitoring include pavement removal, auguring, boring, grading, excavation, potholing, trenching, grubbing, or disturbance of soils down to 10 feet below existing grade within original soil. Tribal monitoring is not required for the following activities: 1) within soils confirmed by the project engineers to be artificial fill; 2) within original soils below 10 feet; or 3) during above-surface construction activities. The identification of artificial fill shall be the responsibility of the construction	<b>Activity:</b> Retain a Tribal monitor representing the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes.	<b>Qualified Archaeologist</b>  Initials  Date	<b>City of Laguna Niguel</b>  Initials  Date	Juaneño Band of Mission Indians, Acjachemen Nation	
	<b>Timing:</b> Prior to commencement of all ground-disturbing activity within original ground associated with project construction.				
	<b>Frequency:</b> As needed.				



Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>supervisor, in consultation with project engineers.</p> <p>No later than five business days prior to the start of ground disturbing activities, the construction supervisor or their designee shall notify the tribe of the construction schedule. Should the tribe choose not to provide a tribal monitor, or if the monitor does not report to the project location at the scheduled time, or if the monitor is present but not actively observing activity, work may proceed without a monitor as long as the notification was made and documented.</p> <p>The tribal monitor shall have the authority to temporarily pause ground disturbance within 50 feet of the discovery for a duration long enough to examine potential TCRs that may become unearthed during the activity. If no TCRs are identified, then construction activities shall</p>					

Table 5-1. Grace Church Remodel and Griffin Senior Living Community Project Mitigation Monitoring and Reporting Plan					
Mitigation Measure	Monitoring Activity/ Timing/ Frequency	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
proceed and no agency notifications are required. In the event that a TCR is identified, the monitor shall flag off the discovery location and notify the City immediately to consult on appropriate treatment.  Upon conclusion of the monitoring, the monitor shall submit a letter report to the City to document the monitoring methods and results.					

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# **Attachment B**

**Draft Resolution No 23-07 (ZC 20-01)**

## **RESOLUTION NO. 23-07**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE ZC 20-01 (GRIFFIN SENIOR LIVING CENTER& GRACE CHURCH REMODEL)**

#### **WHEREAS:**

1. The APPLICANTS: Griffin Living, LLC, 24005 Ventura Blvd., Calabasas, CA 91302 and Grace Church, 24600 La Plata Drive, Laguna Niguel CA 92677, in conjunction with a request to develop and operate a 108-unit state-licensed assisted living and memory care community and to expand and remodel Grace Church are requesting approval of Zone Change ZC 20-01 for a zoning map change to add the “Managed Care (MC)” overlay designation on proposed Parcel 2 (Griffin Senior Living Community) of Tentative Parcel Map TPM 2021-201. The base underlying zoning would remain “Public/Institutional (PI).” The project site, subject to the MC overlay is 3.7 acres, and is generally located at the southeast corner of Crown Valley Parkway and La Plata Drive.
2. Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the April 25, 2023, hearing was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500 feet of the project boundaries and individuals on the interested parties list for the project. Additionally, a notice was also posted at City Hall and was made available on the City’s website.
4. Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City’s CEQA Manual. The Planning Commission has reviewed and considered the information contained in Mitigated Negative Declaration MND 23-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and has recommended that the City Council adopt Mitigated Negative Declaration MND 23-01, and accompanying Mitigation Monitoring and Reporting Program prior to making a recommendation to the City Council on Zone Change ZC 20-01.
5. On April 25, 2023, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on the project, including Zone Change ZC 20-01, and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Planning Commission Resolution No. 23-07.

6. The Planning Commission has determined that Zone Change ZC 20-01 is consistent with the goals, objectives, and policies of the Laguna Niguel General Plan in that the Medical Center Overlay to the Public/institutional zoned property will enable the establishment of the Residential Care Facility. The subject property is within Community Profile 10, Sub-profile Area A, of the Laguna Niguel General Plan. The Land Use Element designates the project site as Public/Institutional. The Public/Institutional designation includes a wide range of public, quasi-public, and special-purpose private facilities aimed at providing a variety of governmental or social services to the community. Land uses such as senior housing, congregate care facilities, and managed care facilities are permitted in all General Plan land use designations, except for Single Family Detached and Open Space, provided that the proposed project does not generate more traffic than the projected traffic generation for the land use intensity identified in the General Plan. Griffin Senior Living Community would essentially be replacing the former Grace Classical Academy (elementary and middle school). A Traffic Study (TS) was conducted by RK Engineering Group, Inc. The TS included an assessment of the traffic generated by the former school compared to the proposed assisted living and memory care facility. As summarized in the TA, the proposed project would generate considerably less traffic daily traffic than the former school use (289 vs 411 total vehicle daily trips).

In addition to consideration of the Land Use Element, the project is also consistent with the goals and policies of the Housing Element. This includes generating diversified housing options in the City that would provide a range of services that would meet the physical, social, and spiritual needs of senior citizens requiring specialized care or assistance.

The Circulation Element of the General Plan guides the development of the City's circulation system in a manner compatible with the Land Use Element. The TS conducted by RK Engineering Group, Inc. evaluated the impacts of the project on the surrounding roadways per the City's Transportation Assessment Guidelines and the Circulation Element. The TS is provided in Appendix I of the project's MND (Exhibit 4 of Resolution No. 23-06). As detailed in the TS, potential traffic impacts related to the project were found to be consistent with the City's performance criteria. This includes a notable conclusion that the projected traffic during peak a.m. and p.m. peak times would be minimal and less than the previous school.

7. The Planning Commission has determined that Zone Change ZC 20-01 will not adversely affect the public health, safety, and general welfare in that the proposed project is consistent with the Laguna Niguel Zoning Code (LNZC) and General Plan and is conditioned to comply with all building and safety code requirements.
8. The Planning Commission is an advisory body to the City Council with regard to the approval of Zone Changes.

**PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of April, 2023.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna  
Community Development Director

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Roger Green  
Chairman of the Planning Commission

Exhibit(s):





1. Proposed Changes to the Official Zoning Map

# **EXHIBIT 1**

## **Proposed Changes to the Official Zoning Map**





-  Managed Care Overlay
-  OS
-  PI
-  RM

## Proposed Medical Care Overlay District

0 255 510 1,020 Feet

Date: 4/20/2023



N

# **Attachment C**

**Draft Resolution No. 23-08 (TPM 2021-101)**



## RESOLUTION NO. 23-08

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE TENTATIVE PARCEL MAP TPM 2021-101 (GRIFFIN SENIOR LIVING COMMUNITY & GRACE CHURCH REMODEL)

#### WHEREAS:

1. The APPLICANTS: Griffin Living, LLC, 24005 Ventura Blvd., Calabasas, CA 91302 and Grace Church, 24600 La Plata Drive, Laguna Niguel CA 92677, in conjunction with a request to develop and operate a 108-unit state-licensed assisted living and memory care community and to expand and remodel Grace Church are requesting approval of Tentative Parcel Map TPM 2021-101 to subdivide the 5.3-acre property into two parcels. Parcel 1 would include Grace Church on 1.6 acres and Parcel 2 would include the Griffin Senior Living Community on 3.7 acres. The project site is generally located at the southeast corner of Crown Valley Parkway and La Plata Drive at 24600 La Plata Drive.
2. A notice of public hearing describing the project, date, time, and location of the April 25, 2023, Planning Commission hearing was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500 feet of the project boundaries and all individuals on the interested parties list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
3. On April 25, 2023, the Planning Commission held a duly noticed public hearing on Tentative Parcel Map TPM 2021-101 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in this Planning Commission Resolution.
4. The Planning Commission of the City of Laguna Niguel finds and determines as follows:
  - a. **Consistency with the General Plan:** The proposed project, design, and improvements are consistent with the City's General Plan, in that the subject property is within Community Profile 10, Sub-profile Area A, of the Laguna Niguel General Plan. The Land Use Element designates the project site as Public/Institutional. The Public/Institutional designation includes a wide range of public, quasi-public, and special-purpose private facilities aimed at providing a variety of governmental or social services to the community. Churches are permissible land use within this designation. Land uses such as senior housing, congregate care facilities, and managed care facilities are permitted in all General Plan land use designations, except for Single Family Detached and Open Space, provided that the proposed project does not generate more traffic

than the projected traffic generation for the land use intensity identified in the General Plan.

Griffin Senior Living Community would essentially be replacing the former Grace Classical Academy (elementary and middle school). A Traffic Study (TS) was conducted by RK Engineering Group, Inc. The TS included an assessment of the traffic generated by the former school compared to the proposed assisted living and memory care facility. As summarized in the TA, the proposed project would generate considerably less traffic daily traffic than the former school use (281 vs 411 total vehicle daily trips).

In addition to consideration of the Land Use Element, the project is also consistent with the goals and policies of the Housing Element. This includes generating diversified housing options in the City that would provide a range of services that would meet the physical, social, and spiritual needs of senior citizens requiring specialized care or assistance.

The Circulation Element of the General Plan guides the development of the City's circulation system in a manner compatible with the Land Use Element. The TS conducted by RK Engineering Group, Inc. evaluated the impacts of the project on the surrounding roadways per the City's Transportation Assessment Guidelines and the Circulation Element. The TS is provided in Appendix I of the project's MND (Exhibit 4 of Resolution No. 23-06). As detailed in the TS, potential traffic impacts related to the project were found to be consistent with the City's performance criteria. This includes a notable conclusion that the projected traffic during peak a.m. and p.m. peak times would be minimal and less than the previous school.

- b. Consistency with the Zoning Code:** The site is physically suitable and consistent with the zoning code in that subject to approval of Zone Change ZC 20-01, to add the Managed Care Overlay designation on the newly created Parcel 2 (Griffin Senior Living Community), the proposed project is consistent with the applicable requirements of the Laguna Niguel Zoning Code (LNZC). The Planning Commission has reviewed and considered Zone Change ZC 20-01 and by separate Resolution No. 23-07 recommends City Council approval of Zone Change ZC 20-01.
- c. Compliance with the California Environmental Quality Act (CEQA):** Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Mitigated Negative Declaration MND 23-01, including Response to Comments; and received comments provided at the noticed public hearing; and by separate Resolution No. 23-06 has recommended that the City Council adopt Mitigated Negative Declaration MND 23-01 and accompanying

Mitigation Monitoring and Reporting Program, prior to recommending City Council approval of Tentative Tract Map TTM 2021-101.

- d. **Site Suitability:** The site is physically suitable for the proposed type and density of development and the subdivision and proposed uses can be developed in compliance with applicable zoning regulations. The proposed subdivision of the site has been designed to facilitate the grading and development of the building pad for a 108-unit residential care facility, including access driveways, infrastructure, and ancillary improvement to accommodate the residential care facility development project. Geotechnical studies have been prepared and peer-reviewed to verify that the site is suitable for the type of development proposed by the project. Subject to the approval of Zone Change ZC 20-01 the subdivision can be developed in compliance with applicable zoning regulations.
- e. **Environmental Damage/Public Health:** The design of the subdivision and the proposed improvements would not cause substantial environmental damage or avoidable injury to fish or wildlife or their habitat, nor cause serious public health problems. The project was reviewed in Mitigated Negative Declaration MND 23-01, which analyzed the environmental impacts, including fish or wildlife and public health, of the residential care facility development, including Tentative Parcel Map TPM 2021-101 and determined that no significant impact would be caused by the project.
- f. **Easements:** Subject to the conditions of approval, the design, or improvements of the proposed project will not conflict with easements acquired by the public at large for access through, or use of property within, the subdivision.
- g. **Development Fees for Public Facilities:** The subdivision is located in an area for which fees to fund facilities and services have been adopted, and conditions of approval of the subdivision are imposed, obligating the subdivider to pay any applicable fees before recordation of the final map, or per Resolution Nos. 23-09 (Site Development Permit SP 20-04 & Use Permit UP 21-12) prior to building permit issuance.
- h. **Discharge of Waste:** The discharge of wastewater from the project site into the existing community sewer system would not result in, or add to a violation of, existing requirements prescribed by the San Diego Regional Water Quality Control Board. The evidence to support this finding is found in Section 4.19 of Mitigated Negative Declaration MND 23-01.
- i. **Utilities:** Adequate utility services and capacities exist now to serve the project and all off-site improvements were analyzed in Mitigated Negative Declaration MND 23-01.

**THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby recommend that the City Council approve Tentative Parcel Map TPM 2021-101, subject to the following conditions:

1. Map Expiration - In accordance with the California Subdivision Map Act and the Laguna Niguel Subdivision Code, unless an extension is approved by the City, Tentative Parcel Map TPM 2021-101 shall expire 24 months from the date of subdivision approval.
2. Project Compliance - This approval constitutes approval of the proposed tentative parcel map only to the extent that the project complies with the Laguna Niguel Subdivision Code and any other applicable zoning regulations, based on the findings set forth above. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Tentative Parcel Map approval shall apply only to the land division specified herein and only to the plans and reports (Tentative Parcel Map TPM 2021-101) date stamped approved with the City Council approval date, on file with the Community Development Department, as herein modified. No other land use, location, or plan is authorized under this subdivision. All proposed site development is subject to the conditions of approval as established as a part of Resolution No. 23-09 approving Site Development Permit SDP 20-04 & Use UP Permit 21-12 and Resolution No. 23-10 approving Site Development Permit Amendment 88-163A02.
4. Revocation - Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Laguna Niguel City Council.
5. Legal Indemnification - The applicants shall jointly and severally indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, those City agents serving as independent contractors in the role of City officials and instrumentalities thereof (collectively "Indemnitees"), from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, consultants, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, consultants, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such actions are brought under the California Environmental Quality Act (CEQA), State Planning and Zoning Law, the

Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. This indemnification provision expressly includes losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the Planning Commission's actions, this approval and the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.

6. Approval of Zone Change - Tentative Tract Parcel TPM 2021-101 is contingent on City Council adoption of an ordinance approving Zone Change ZC 20-01. Approval of Tentative Tract Parcel TPM 2021-101 shall not be effective unless the City Council approves Zone Change ZC 20-01, and until the effective date of Zone Change ZC 20-01.
7. Agreement to Conditions of Approval - Prior to final map recordation or grading permit issuance, whichever is to occur first, the applicants shall execute an "Agreement to Conditions Imposed Form," as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
8. Ties to Horizontal Control - Prior to final map approval, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control systems established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
9. Digital Map Submission - Prior to final map approval, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.

10. Water and Sewer Improvements - Prior to final map approval, the applicant or designee shall submit and obtain approval from Moulton Niguel Water District for water and sewer improvements.
11. Utility Improvements and Undergrounding - The applicant shall locate and construct all utility improvements in accordance with the project improvement agreement and applicable utility company standards. The applicant shall install underground all utility lines, including electric lines, telephone and cable TV lines in a manner meeting the approval of the City Engineer.
12. Recordation of Parcel Map - Prior to issuance of a building permit, the Parcel Map PM 2021-101 shall be recorded at the County Records' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.
13. Parkland Dedication/In-lieu Fee - If applicable, prior to final map approval, the applicant is responsible for satisfaction of the Laguna Niguel Municipal Code (LMZC) through the provision of parkland. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMCM Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMCM prior to the issuance of building permits.
14. Private Driveway Responsibility - Prior to recordation of the final map, in a manner meeting the approval of the Community Development Director, the final map shall include provisions stating that all shared access drives within the subdivision shall be owned, operated, and maintained by the applicant(s), successors, assigns, or property owner.
15. General Access Easements - On the final map, in a manner meeting the approval of the Public Works Director, the applicant shall establish a general access easement to the City of Laguna Niguel stating that the City of Laguna Niguel reserves the right at any time, or from time to time, to access areas included within Parcel Map PM 2021-101 for public service and emergency vehicle, and to construct, operate, replace, remove, and renew miscellaneous facilities and appurtenant structures in, upon, over, and across said parcels, pursuant to existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for transportation or distribution of electrical energy, waste water (by means of sanitary sewers), water and for incidental purposes, including access to protect these works for all hazards, in upon, and over the street right-of-ways.



16. Reciprocal Access Easement – Prior to building permit issuance, in a manner meeting the approval of the Community Development Director, the applicants or designee shall identify on the final map or by separate recorded easement agreement, provisions for reciprocal access, utilities, drainage, etc. between all of the parcels identified on the final map.
17. Orange County Fire Authority (OCFA) - General Condition - Prior to approval of the final map, the applicant or designee shall obtain the applicable approval(s) and/or permit(s) from the OCFA.
18. OCFA - Emergency Access Easements - Prior to final map approval, the applicant or designee shall identify on the final map subject to approval of the OCFA, reciprocal access easements for emergency access purposes.
19. OCFA - Secured Fire Protection Agreement - If applicable, prior to final map approval, the applicant or responsible party shall enter into a secured fire protection agreement with OCFA (714-573-6199) to mitigate additional fire service impacts resulting from the project.

**PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of April, 2023.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna  
Community Development Director

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Rodger Green  
Chairman of the Planning Commission

# **Attachment D**

**Draft Resolution No. 23-09  
(SP 20-04 & UP 21-12)**

## RESOLUTION NO. 23-09

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE DEVELOPMENT PERMIT SP 20-04 & USE PERMIT UP 21-12 (GRIFFIN SENIOR LIVING COMMUNITY)

#### WHEREAS:

1. The APPLICANT: Griffin Living, LLC, 24005 Ventura Blvd., Calabasas, CA 91302, requests approval to develop and operate a 108-unit state-licensed assisted living and memory care community (Griffin Senior Living Community) on a predominantly vacant portion of the existing Grace Church property located at 24600 La Plata Drive. The project would also include grading in excess of 5,000 cubic yards (67,000 cubic yards of cut and fill earth movement proposed) and new project identification signs. The 3.7-acre project site is generally located at the southeast corner of Crown Valley Parkway and La Plata Drive.
2. Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the April 25, 2023 meeting was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500 feet of the project boundaries and all individuals on the City's project interested parties list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On April 25, 2023, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on the project, including Site Development Permit SP 20-04 and Use Permit UP 21-12 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Planning Commission Resolution No. 23-09.
5. The Planning Commission of the City of Laguna Niguel finds and determines as follows:
  - a. **Consistency with the General Plan** - The project is consistent with General Plan. The subject property is within Community Profile 10, Sub-profile Area A, of the Laguna Niguel General Plan. The Land Use Element designates the project site as Public/Institutional. The Public/Institutional designation includes a wide range of public, quasi-public, and special-purpose private facilities aimed at providing a variety of governmental or social services to the community. Land uses such as senior housing, congregate care facilities, and managed care facilities are permitted in all General Plan land use designations, except for Single Family Detached and Open Space, provided

that the proposed project does not generate more traffic than the projected traffic generation for the land use intensity identified in the General Plan.

Griffin Senior Living Community would essentially be replacing the former Grace Classical Academy (elementary and middle school). A Traffic Study (TS) was conducted by RK Engineering Group, Inc. The TS included an assessment of the traffic generated by the former school compared to the proposed assisted living and memory care facility. As summarized in the TA, the proposed project would generate considerably less traffic daily traffic than the former school use (289 vs 411 total vehicle daily trips).

In addition to consideration of the Land Use Element, the project is also consistent with the goals and policies of the Housing Element. This includes generating diversified housing options in the City that would provide a range of services that would meet the physical, social, and spiritual needs of senior citizens requiring specialized care or assistance.

The Circulation Element of the General Plan guides the development of the City's circulation system in a manner compatible with the Land Use Element. The TS conducted by RK Engineering Group, Inc. evaluated the impacts of the project on the surrounding roadways per the City's Transportation Assessment Guidelines and the Circulation Element. The TS is provided in Appendix I of the project's MND (Exhibit 4 of Resolution No. 23-06). As detailed in the TS, potential traffic impacts related to the project were found to be consistent with the City's performance criteria. This includes a notable conclusion that the projected traffic during peak a.m. and p.m. peak times would be minimal and less than the previous school.

- b. Consistency with the Laguna Niguel Zoning Code (LNZC)** - The proposed project is consistent with the Laguna Niguel Zoning Code (LNZC). The project site is zoned "Public/Institutional" (PI) District in the LNZC. With the approval of Zone Change ZC 20-01 to add the Managed Care (MC) overlay over the 3.7-acre project site for Griffin Senior Living Community, the proposed use would be consistent with the Public/Institutional (PI) District and MC overlay. The Planning Commission has reviewed and considered Zone Change ZC 20-01 and by separate Resolution No. 23-07 recommends City Council approval of Zone Change ZC 20-01. With the approval of Site Development Permit SP 20-04 and Use Permit UP 21-12, to allow the assisted living and senior managed care facility, as conditioned, the project otherwise conforms to the applicable requirements of the LNZC. Refer to Finding "c" regarding consistency with the MC zoning provisions.

- c. Consistency Managed Care Provisions** - As conditioned, the proposed senior housing facility would be consistent with the LNZN Supplemental Special Purpose Regulations applicable to projects within the MC overlay.
- The project would include ample useable multi-purpose rooms for communal activities, including dining (over 15,700 square feet of on-site common areas).
  - The project would include an emergency alert system for use by its residents and staff that meet or exceed the requirements of the California Department of Social Services.
  - The project would include up to 30 staff members on site at any given time. Employees would work in three shifts, 24 hours/365 days per year as required by the California Department of Social Services.
  - The project would include an in-house facility management staff that would coordinate social services for residents including meals and transportation.
  - The in-house facility management staff would maintain records as required by the California Department of Social Services.
  - The project would comply with the development standards of the base zoning district and design guidelines.
  - A parking analysis was conducted to determine the necessary parking standards for the specific project. Based on empirical data collected as a part of a comprehensive parking observation study parking rates tailored specifically for the proposed project were developed. As conditioned, the project would comply with the parking rates as recommended in the parking analysis.
- d. Compliance with the California Environmental Quality Act (CEQA)** - Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Mitigated Negative Declaration MND 23-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and by separate Resolution No. 23-06 recommends that the City Council adopt Mitigated Negative Declaration MND 23-01 and accompanying Mitigation Monitoring and Reporting Program, prior to recommending City Council approval of Site Development Permit SP 20-04 and Use Permit UP 21-12.
- e. Surrounding Uses** - Approval of the application will not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity. The proposed project site for the assisted living and managed care community is approximately 3.7-acres and primarily consists of vacant land. The site is bounded by Grace Church and a commercial preschool facility on the north-northeast; an ascending slope, Via Valverde and residential housing on the southeast; an ascending slope and residential development on the

south-southwest; and Crown Valley Parkway on the west. Given the seclusion of this large vacant area, Grace Church has indicated that they are regularly battling nuisance activities by trespassers and vagrants. The proposed facility would develop the vacant pad and provide long-term residential care for seniors. The proposed use would be consistent with the overall character and land uses of the area, which consists of a combination of commercial and residential developments.

While private views are not protected, the proposed buildings have been designed so that surrounding residents upslope of the site would continue to enjoy views over the project. Furthermore, project design features include shielding of lights to direct light sources and light spillage away from surrounding uses. Lastly, the proposed project has been designed consistent with development standards and the professionally designed landscaping would soften and enhance the project from public view perspectives.

Specific to the MC overlay, the project is compatible with surrounding uses in terms of noise, traffic, visual impacts, living environment for managed care residents, and the ability of nearby nonresidential uses to carry on normal activities necessary to their viability. Griffin Senior Living Community is a care facility where senior residents live and receive daily care. The operations of the facility revolve around the daily needs of the residents living in the community and are similar to residential zoning districts. The outdoor activity area and parking are primarily on the interior of the building, located in the courtyard and underground parking structure respectively, reducing potential noise impacts. The traffic generated by a residential care facility is one of the lowest traffic-generating uses and is significantly lower than a standard multi-family residential development (29 vehicle trips versus 60 trips during peak hours). In terms of visual impacts, the development is designed to read as a two-story multi-family development from the outside. The craftsman architecture, tiered full roof, and architectural details break up the massing of the building and provide movement and articulation. The increased setback along Crown Valley Parkway and enhanced landscaping will also reduce potential visual impacts. Also notable, the co-location of the care facility on the church site provides for an enhanced living environment for the seniors wishing to attend church services or activities.

Specific to the proposed sign program, the proposed signs are consistent with the zoning criteria in that the signs include common design elements and would complement both the senior living community and church. Given the total project area (over 5 acres), length of the project frontages, and the aesthetic quality of the signs, the proposed additional monument signs above the baseline limit are appropriate.

- f. **Consistency with Community Design Guidelines** - As conditioned, the proposed project is consistent with the Community Design Guidelines of the LNZN. The proposed new building for the Griffin Senior Living Community consists of a Craftsman architecture style and has been designed consistent

with City's Design Guidelines. The design elements include shingle and stone-clad exterior, decorative wood elements (patio covers and pergolas, low-pitched roofs with rafter tails), and decorative architectural details, including bronze craftsman light fixtures and decorative mullion windows. Material blending of limestone, simulated wood corbels, shaped wood trims and posts, and decorative metal railings are purposefully composed to enhance the overall design character of the building. The design also notably features varying rooflines and building elevation recesses and projections to provide visual interest and articulation. In consideration of the surrounding built environment, the building design notably includes a shingle roof and earth-tone building materials and paint palette that would complement Grace Church and the neighboring Niguel Hills community (mainly consists of ranch-style tract homes with shingle roofs).

Comprehensive professionally designed landscaping is proposed throughout the entire project site. Landscaping would consist of a drought-tolerant palette with various species of trees (e.g., Olive, California Sycamore, Brisbane Box, Date Palm, Jacaranda, Afghan Pine, and African Sumac), as well as a wide array of low- to mid-size shrub, vine, and groundcover species. The use of extensive landscaping within the interior of the site and along its boundaries, especially along the Crown Valley Parkway slope, would soften the visual character of the proposed building as well providing a visual buffer between the proposed development and surrounding uses. New enhanced entry paving is proposed at both the Crown Valley Parkway and La Plata Drive entries.

**THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby recommend that the City Council approve Site Development Permit SP 20-04 and Use Permit UP 21-12, subject to the following conditions:

*General Conditions*

1. Permit Expiration - Unless an extension is approved by the City, this Site Development Permit and Use Permit shall expire 24 months from the date of approval written herein below. If the project is not established by said expiration date, as prescribed by the LNZN, the Site Development Permit and Use Permit shall become null and void.
2. Project Compliance - This approval constitutes approval of the proposed project for compliance with the LNZN and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Site Development Permit and Use Permit shall apply only to the land use and location specified herein and only to the plans and reports date stamped approved with the City Council approval date, on file with the Community Development Department, as herein modified. No other land use, location, or plans are authorized under these permits. Approved plans and

reports include: 1) architectural plans (site plan, floor plan, roof plan and building elevations) prepared by Irwin Partners Architects; 2) preliminary civil/grading plans, Preliminary Hydrology Study, and Conceptual WQMP prepared by Diamond West Engineering; 3) preliminary landscape plans prepared by Land Concern Landscape Architects; and 4) Geotechnical Investigation Report prepared by Stoney-Miller Consultants.

4. Changed Plan - Except as otherwise provided herein, this Site Development Permit and Use Permit constitutes a precise development plan. Therefore, all development authorized under this Site Development Permit and Use Permit and any land uses associated with the development shall be in compliance with the plans, specifications, and conditions of approval shown on and/or attached to the Site Development Permit. After any application has been approved, if changes are proposed a changed plan may be submitted to the Community Development Director for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action could have been the same for the changed plan as for the approved plan, he or she may approve the changed plan without requiring a new permit or permit amendment.
5. Applicant - As used in this Resolution, "applicant" shall refer to the applicant for Site Development Permit SP 20-04 and Use Permit UP 21-12, the developer(s), manager(s), their designees, and each of their successors and assigns.
6. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
7. Design Review - All colors, materials, architectural design, and design details shall be in compliance with plans and elevations as approved by this Site Development Permit and Use Permit. Any deviation from the approved plans and documents shall require an amendment to this permit, unless the Community Development Director finds that the proposed change is of a minor nature, in which case a changed plan shall be processed and approved. Any future changes after Certificate of Occupancy in colors, materials or architectural treatments shall require processing of either a new permit, an amendment to these permits, or a changed plan depending upon the nature and extent of the changes proposed.
8. Conditions of Approval - Prior to submittal for building permits, the conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.



9. Agreement to Conditions Imposed - Prior to the issuance of any permits, the applicant shall execute an Agreement to Conditions Imposed Form, as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
10. Approval of Zone Change - Site Development Permit SP 20-04 and Use Permit UP 21-12 are contingent on the City Council adoption an Ordinance approving Zone Change ZC 20-01. Approval of Site Development Permit SP 20-04 and Use Permit UP 21-12 shall not be effective unless the City Council approves Zone Change ZC 20-01, and until the effective date of Zone Change ZC 20-01.
11. Approval of Tentative Parcel Map - Site Development Permit SP 20-04 and Use Permit UP 21-12 are contingent on the City Council adoption of a Resolution approving Tentative Parcel Map TPM 2021-101 to reconfigure the internal property lines within the existing boundaries of the overall site to reflect the proposed site plan. Parcel 1 would include Grace Church on 1.7 acres and Parcel 2 would include the Griffin Senior Living Community on the remaining 3.7 acres.
12. Recordation of Parcel Map - Prior to building permit issuance, or as otherwise determined by the Community Development Director, Parcel Map PM 2021-101 shall be recorded at the County Records' Office and a blue-line copy of the recorded final map shall be provided to the Community Development Department.
13. Mitigation Measures - The applicant shall comply with and implement all mitigation measures included in the project Mitigated Negative Declaration MND 23-01 and its Mitigation Monitoring and Reporting Program.

*Site Preparation & Grading Conditions*

14. Grading Permit - Prior to issuance of a grading permit, the applicant shall submit grading/civil engineer plans and a geotechnical soils report that incorporate the measures identified in the Geotechnical Investigation Report prepared by Stoney-Miller Consultants for the proposed project (Appendix E of Mitigated Negative Declaration MND 23-01, included as Exhibit 3 of Planning Commission Resolution 23-06) for the review and approval by the City's geotechnical consultant and the Community Development Department. All grading operations and construction shall be conducted in accordance with governing grading and building codes, including the requirements of the Laguna Niguel Grading and Excavation Code and the California Building Code (CBC).
15. Crushing - If applicable, on-site crushing of existing materials shall be located within the center of the project site subject to the approval of the Community Development Director. Crushing operations shall be subject to the construction hours specified within the Laguna Niguel Municipal Code.

16. Earth-Tone Drainage Structures - All above-grade drainage structures (terrace and down drains) shall be earth-tone in color to aid in blending the appearance of development into the surrounding hillside background.
17. Hydrology Study - Prior to the issuance of a grading permit, the applicant shall submit a Final Hydrology Study that incorporates approved plans and conditions of approval, demonstrating that the proposed on-site drainage system meets the requirements specified in the City's Hydrology Manual, for the review and approval by the City hydrology consultant and the Community Development Department.
18. Storm Water Pollution Prevention Plan (SWPPP) - Prior to issuance of a grading permit, the applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) for the proposed project. The applicant shall provide the Waste Discharge Identification Number (WDID) to the City to demonstrate proof of coverage under the Construction General Permit. The SWPPP shall be prepared and implemented for the project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
19. Final Water Quality Management Plan (WQMP) - Prior to issuance of a grading permit, the applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP and Technical Guidance Manual, to prepare and submit a Final WQMP for the proposed project for the review and approval by the City hydrology consultant and the Community Development Department.
20. Water Quality Notes - The following water quality notes shall be added on all construction plans:
  - a. Sediments from areas disturbed by construction shall be retained on-site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, sidewalks, gutters, drain inlets or adjacent properties via runoff, vehicle tracking or wind.
  - b. All sediment and construction debris which is tracked or deposited onto public or private sidewalks, gutters or paved roads should be removed on a daily basis by sweeping or vacuuming and disposed of properly. Sediment and construction debris **shall not** be washed into the storm drain system, including the gutter and storm drain inlets.

- c. Sandbags, gravelbags or other effective filter or trap-type barriers should be used where appropriate to intercept and slow the flow of runoff from the construction site and to trap sediment before it enters the storm drain system, including gutters and inlets. All on-site storm drain inlets shall be protected and off-site inlets shall be protected in areas where construction activity tracks sediment on paved areas or where inlets receive runoff from disturbed areas.
- d. Water and/or other dust palliative and stabilization methods should be used to prevent or alleviate dust nuisances (dust control) generated by construction activities. Covering small stockpiles of soils and debris or areas with unstabilized soil is an alternative to applying water or other dust palliatives.
- e. Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, sidewalks, gutters, drain inlets or adjoining property by wind or runoff.
- f. To prevent the discharge of pollutants from material delivery and storage to the storm water system or watercourses all materials shall be properly stored to prevent soil contamination and contact with storm water runoff, which may include appropriate covers, containment areas or surfaces and indoor storage.
- g. Stockpiles of soil, paving materials, and pressure treated wood shall be managed to prevent air and water pollution. Stockpiles should be located 50 feet away from concentrated flows of storm water, watercourses and drain inlets. Prior to the onset of precipitation, stockpiles shall be covered and protected by a temporary perimeter sediment barrier at all times.
- h. Hazardous material-waste, including but not limited to petroleum products, roofing tar, paints, solvents, stains, acids, wood preservatives, septic wastes and asphalt products shall not be allowed to enter the storm drain system or watercourses and shall be properly transported, used, stored and disposed as required by federal and state law. Paint brushes and equipment for water and oil based paints should be cleaned within a contained area and should not be allowed to contaminate site soils, watercourses or storm drain systems. Water-based paints should be rinsed into the sanitary sewer system and thinners, solvents, excess oil-based paints and sludge should be disposed as hazardous waste.
- i. Cementaceous products such as concrete, mortar or stucco from concrete trucks, potable mixers and miscellaneous containers **shall not** be washed-out into the storm drain system or watercourses. Designated washout areas shall be located at least 50 feet from concentrated flows of storm water, watercourses and storm drain inlets and runoff from washout-areas shall be contained by constructing a temporary pit or berm-area large enough to capture the liquid and solid waste materials.

- j. Saw-cut cement concrete and asphalt concrete slurry shall not be allowed to enter the storm drain system or watercourses. Residue from grinding operations should be picked up by means of a vacuum attachment to the grinding machine and not allowed to flow across the pavement or be left on the surface of the pavement.
- 21. WQMP BMP Exhibit - The BMP Exhibit from the approved Final WQMP shall be included as a sheet in the precise grading/civil engineer plans and building permit construction plans.
  - 22. Haul Route - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant shall submit plans and obtain approval of a haul route to and from the Project site.
  - 23. Import/Export of Material - All trucks hauling dirt, sand, soil, and other loose materials to and from the project site shall be covered. If visible soil material is carried onto private/public paved streets, the streets shall be swept to remove the soil material at the end of each workday. The applicant shall be responsible for any repair of any damage to the existing streets resulting from the exporting and importing of earth to and from the site.
  - 24. Air Pollutants - The project shall comply with the South Coast Air Quality Management District (SCAQMD) Rule 402, which prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public or that damage business or property.
  - 25. Dust Control - During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust-preventive measures using the following procedures, as specified in the SCAQMD Rule 403 listed below. Prior to grading permit issuance (including remedial/rough grading permit), these control techniques shall be noted on the project grading plans. Compliance with the measure shall be subject to periodic site inspections by the City.
  - 26. Construction Noise Control Measures - The applicant shall implement the following construction noise reducing practices.
    - a) Construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays, and shall not occur at any time on Sundays or federal holidays. Construction personnel shall not be permitted on the job site, and material or equipment deliveries and collections shall not be permitted, outside of these hours.
    - b) All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulations while in the course of project activity.
    - c) All construction equipment shall be properly maintained. (Poor maintenance of equipment may cause excessive noise levels.)

- d) All construction equipment shall be operated only when necessary and shall be switched off when not in use.
- e) Construction employees shall be trained in the proper operation and use of the equipment. (Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.)
- f) Electrically powered equipment shall be used instead of pneumatic or internal combustion– powered equipment, where feasible.
- g) Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- h) Construction site and access road speed limits shall be established and enforced during the construction period.
- i) The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- j) To minimize potential public objections to unavoidable noise, the contractor shall maintain good communication with the surrounding community regarding the schedule, duration, and progress of the construction. Notification shall be provided advising that there will be loud noise associated with construction and providing a telephone contact number for affected parties to ask questions and report any unexpected noise levels. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints.
- k) Prior to issuance of a grading and/or a building permit, the name and phone number of the on-site construction supervisor shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. The contact person will be responsible for ensuring compliance with the City imposed Mitigation Measures and conditions of approval (e.g., grading activities, truck routes, construction hours, noise, etc.).
- l) All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications.

- m) Place construction staging and equipment storage areas at locations as far away from noise-sensitive locations as possible.

*Traffic & Right of Way Improvements*

- 27. Site Access - The Project Site access driveway on Crown Valley Parkway shall provide a minimum width of 28 feet along the driveway throat (for a minimum distance of 30 feet from the curbline of Crown Valley Parkway). The Project shall provide a minimum curb radius of 25 feet for the southerly curb return on the Crown Valley Parkway driveway to improve the inbound flow of traffic.
- 28. Right-of-Way Improvements - Prior to building permit issuance and prior to commencing with any demolition or construction within the public right-of-way, the applicant Director/City Engineer for all necessary right-of-way improvements (applicant responsible for all design and construction components).
- 29. Right-of-Way Improvement Installation - Prior to issuance of any certificate of use and occupancy (including temporary), the applicant shall demonstrate that all required right-of-way improvements, as listed as conditions of approval or mitigation measures of this Resolution and/or as shown in the plans approved for grading and/or building permits, have been installed, at the applicant's expense, and are operational, to the satisfaction of the Public Works Director/City Engineer.
- 30. Construction Traffic Management Plan - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant shall submit a Construction Traffic Management Plan for review and approval by the Public Works Director/City Engineer to ensure impacts to the surrounding street system are kept to a minimum. The Construction Traffic Management Plan should be developed in coordination with the City of Laguna Niguel and, at a minimum, address the following:
  - a) The names, addresses, and emergency contact numbers for those responsible for maintaining the traffic control devices during the course of construction.
  - b) Identify the construction schedule, equipment, and daily truck activities for each phase of construction.
  - c) Obtain a haul route permit including a haul schedule and haul route plan to be approved by the City of Laguna Niguel. All Hauling shall be in accordance with The City of Laguna Niguel Haul Route Provisions.
  - d) Limit the number of truck hauling trips to 40 truckloads per day.
  - e) Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to

access the site, traffic controls and detours, and proposed construction phasing plan for the project.

- f) No construction traffic will be allowed on La Plata Drive, east of the site.
- g) Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic.
- h) Provide all necessary worksite traffic control plans prior to commencing the construction activity.
- i) Flaggers will be present at all project driveways to help with all ingress and egress and to ensure safe movement of vehicles, and pedestrians during grading.
- j) Location of construction worker parking/car-pooling;
- k) Comprehensive traffic control measures; truck staging areas; detour signage; lane closures; and sidewalk closures.
- l) A 24-hour written notice must be given to the Public Works and Police Departments prior to any proposed lane closures.
- m) Requirements that all haul routes be kept clean and free of debris, including, but not limited to, gravel and dirt as a result of its operations. The applicant shall clean adjacent streets, as directed by the Public Works Director/City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- n) Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- o) If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the Public Works Director/City Engineer.
- p) All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site.
- q) This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Laguna Niguel requirements.

31. On-Site Traffic Control Signage/Striping - Prior to building permit issuance, the applicant shall submit overall wayfinding and traffic control signage/striping for internal circulation throughout the project for the review and approval of the Community Development Director. Prior to issuance of any certificate of use and occupancy (including temporary), said improvements shall be installed to the satisfaction of the Community Development Director.
32. Traffic Circulation (Project-Specific) - Should traffic safety or circulation problems arise on La Plata Drive or within the public roadway network within the Niguel Hills neighborhood that is directly attributed to the operations of the senior assisted living and memory care facility, at the discretion of the Community Development Director and the Public Works Director/City Engineer, the City may require the applicant to implement operational changes, such as additional staggering of staff shifts and/or site access restrictions, to the satisfaction of the Community Development Director and Public Works Director/City Engineer.
33. Parking Management Program - Should parking and/or circulation problems arise at the project site, at the discretion of the Community Development Director, the City may require the applicant to implement a Parking Management Program, which may include the applicant providing valet parking, resident parking restrictions, and/or some other alternative means of parking management, subject to the review and approval of the Community Development Director. The applicant, its successor, or their designated representative, shall ensure that all part-time and full-time employees, residents, and guests of the development park their vehicles on-site and shall not adopt parking policies which force employees, residents, and guests to park their vehicles off-site.

#### *Building Conditions*

34. Building Permit - Prior to commencing with construction, the applicant shall submit applicable plans for the review and approval by the Laguna Niguel Planning and Building Divisions.
35. Building Height Certification - Prior to scheduling the roof framing/sheeting inspection, the applicant shall provide the Planning Division with written certification prepared by a licensed surveyor or civil engineer identifying the actual height of all the residential buildings at their tallest point, with the exception of projected addition of approved roofing materials and appurtenant structures as permitted by the Building Code. No building shall be taller than 35 feet from finished grade as identified on the approved project plans (see Condition No. 3).
36. Roof Materials and Finish - Prior to building permit issuance, details shall be included on the project building plans identifying all proposed roof materials/colors, which shall have a non-reflective finish and be neutral tone in color to minimize reflection and glare from the surfaces of the roof.



37. Building Permit Final - Prior to building permit final inspection request, the applicant shall be responsible for contacting the Planning Division for an inspection of the site and building to ensure compliance with the applicable conditions of approval and project plans.
38. Noise Attenuation - The proposed building shall be designed in a manner so that noise levels do not exceed the General Plan thresholds and the City's Noise Ordinance, including an interior sound environment of 45 dBA (CNEL) and an exterior sound environment of 65 dBA (CNEL, based on existing ambient noise levels and General Plan thresholds). Prior to the issuance of a building permit, an acoustical study prepared by a qualified acoustical engineer shall be submitted to and approved by the Community Development Director. As applicable, any noise attenuation measures shall be incorporated into the design of the buildings and noted on the building permit plans.
39. Utility Providers - Prior to issuance of a building permit, the applicant shall obtain the applicable approval(s) and/or permit(s) from the utility providers.
40. WQMP Implementation - Prior to issuance of a certificate of use and occupancy, the applicant shall:
  - a. Demonstrate that all structural BMPs described in the project's WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the project's WQMP;
  - c. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

*Managed Care Operational Conditions*

41. Managed Care Operation - As required by LNZN Section 9-1-54.2(e)(1), the housing facility shall maintain a range of managed care services that would meet the physical and social needs of senior citizens and persons requiring specialized care or assistance.
42. Communal Areas - As required by LNZN Section 9-1-54.2(e)(2), the housing facility shall provide a usable multipurpose room where communal activities, including but not limited to, dining may be conducted.
43. Emergency Alert Systems - As required by LNZN Section 9-1-54.2(e)(3), the facility shall install and maintain an emergency alert system in each unit for use by its residents to notify the on-site staff anytime assistance is needed. Said system shall meet or exceed the requirements of the California Department of Social Services.

44. 24-Hour Staffing - As required by LNZN Section 9-1-54.2(e)(4), the housing facility shall provide staffing on-site 24 hours a day every day to assist residents in emergencies.
45. Social Services - As required by LNZN Section 9-1-54.2(e)(5), the housing facility shall provide social services for residents which includes meals and transportation. The service may be provided by the facility management or an outside agency.
46. Records Management - As required by LNZN Section 9-1-54.2(e)(6), the applicant shall provide on-site facility management to maintain current records pertaining to the tenant's doctor and emergency contacts as required by the California Department of Social Services.

#### *Signage & Advertising*

47. Project Signage (Sign Program) - Prior to building permit issuance for any signage, all colors, materials, lighting, and design details for the proposed building-mounted and monument signs shall be submitted to the Community Development Director for review and approval. Said final plans shall be consistent with preliminary signage plans.
48. Advertising - Unless first approved as a part of a Site Development Permit or Temporary Use Permit, under no circumstances shall the applicant employ advertising devices such as mechanical signs, human signs, searchlights, banners, balloons, flags, and pennants, which are prohibited under LNZN Section 9-1-77.

#### *Landscaping and Outdoor Lighting Conditions*

49. Final Landscape Plans - Prior to building permit issuance, the applicant shall submit final landscaping and irrigation plans for the review and approval of the Community Development Department and the City's landscape consultant. Said final plans shall be consistent with preliminary landscaping plans and provide specific landscaping details to ensure compliance with the City's Water Efficient Landscape Ordinance, Regulations, and Guidelines. The placement and installation of utilities, irrigation systems, and landscape plantings shall be coordinated and shown on the final landscaping plan. Utilities and irrigation systems shall be adequately screened with landscaping.
50. Landscaping Installation - Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved final landscape plans.

51. Landscape Maintenance - The property owner shall be responsible for adequately installing and maintaining all existing and new landscaping at all times. The landscaping shall be maintained in a neat, clear, and healthy condition. This shall include proper pruning, weeding, removal and immediate replacement of plants and trees when necessary and the regular watering of landscaping.
52. Outdoor Lighting - Prior to building permit issuance for outdoor lighting, the applicant shall submit construction-level lighting plans that include photometric calculations for the review and approval of the Community Development Department. The proposed lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the project. Light sources, intensity of light and color of light shall be designed and located consistent with the LNZN.

#### *Development Fees*

53. School Fees - If applicable, consistent with current City requirements, the developer shall pay to the Capistrano Unified School District no less than the statutory school fees in effect at the time of issuance of building permits.
54. Fee Programs - If applicable, prior to building permit issuance, the applicant shall be required to participate in the following transportation fee programs: Coastal Area Road Improvements and Traffic Signals (CARITS) Fee Program, Major Thoroughfare and Bridge Fee Program for the Moulton Parkway/Laguna Niguel Area, San Joaquin Hills Transportation Corridor (SJHTC) Fee Program, and any other fee programs adopted by the City, at the rate in effect at the time of permit issuance.
55. Mitigated Negative Declaration and Notice of Determination Filing Fees - Within 48 hours of the approval of the project, the applicant shall deliver to the Community Development Department, a check payable to the "County Clerk" in the amount of \$3589.25 for the County Clerk administrative fee (\$50.00) and the California Department of Fish and Game Code fee (\$3,539.25) to enable the City to file the CEQA Notice of Determination with the County Clerk.
56. Parkland and/or Parkland Fees - If applicable, Laguna Niguel Municipal Code (LNMC) Section 9-1-522 specifies parkland requirements for all development projects pursuant to the Quimby Act. The applicant is responsible for satisfaction of the LMZC through the provision of parkland. Satisfaction of the LMZC may be through local park credits for parkland provided as part of the project and/or the payment of in-lieu fees, consistent with LNMC Section 9-1-523. If applicable, the applicant shall be required to pay park fees consistent with the LNMC prior to the issuance of building permits.

#### *Orange County Fire Authority (OCFA)*

OCFA (General Condition) - Prior to issuance of a building permit, the applicant shall obtain the applicable approval(s) and/or permit(s) from the OCFA.

57. Temporary/Final Occupancy Inspections - Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at (714) 573-6150.

#### *Mitigation Measures*

The Planning Commission hereby recommends approval of the incorporation of the following mitigation measures from Mitigated Negative Declaration MND 23-01 as additional conditions for Site Development Permit SP 20-04 and Use Permit UP 21-12.

58. AQ-1 - Prior to the certificate of construction-related permits for the Grace Church Remodel and Senior Living Facility Project, the Project Applicant shall demonstrate to the satisfaction of the City of Laguna Niguel Planning Division that the following measure would be implemented during Project construction. All offroad equipment of greater than 50 horsepower used in Project construction shall be California Air Resources Board (CARB) Tier 4 Certified, as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations.
59. BIO-1 - All vegetation clearing, and ground disturbance activities, including any structure demolition and removal, shall be conducted outside of the nesting bird season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species) and bat maternity season (March 1 through October 31) to the extent feasible. If vegetation clearing activities and/or ground disturbance activities cannot be conducted outside of the nesting bird season, nesting bird surveys shall be conducted by a qualified avian biologist within the Project Site plus a 500-foot buffer as decided by a qualified biologist based on site conditions prior to the start of construction (within three days prior to construction). If nesting bird surveys are required to be conducted, they shall include all songbirds and raptors, including the special-status bird species that were determined to have a moderate or low potential to occur within the riparian corridor. If an active nest is identified during the survey, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist. Prior to the removal or disturbance of any mature trees and structures that may serve as bat habitat (regardless of time of year), a qualified biologist will conduct a bat habitat assessment to determine if these features are suitable for bat roosting. If no suitable roosting habitat is identified, no further measures are necessary. If suitable roosting habitat and/or signs of bat use are identified during the assessment, a Bat Management Plan that will include specific avoidance and minimization measures to reduce impacts to roosting bats shall be prepared. The

Bat Management Plan may include any of the following as necessary and appropriate to the findings of the habitat assessment: emergence and/or pre-construction surveys for roosting bats during the bat active season including acoustic monitoring, roost removal timing and methodology, no-disturbance or temporal buffers, passive exclusion of bats, and/or species-specific replacement structures.

60. BIO-2 - Pursuant to Laguna Niguel Municipal Code Section 9-1-92.3, Subsections AH, landscape vegetation and ornamental trees shall be protected to the extent possible during construction activities. If it is determined that significant existing trees cannot be protected, the City shall require replacement with new specimen-size trees having a cumulative trunk diameter of up to two times the cumulative trunk diameter of the trees to be removed. Furthermore, if Project activities require the removal of landscape vegetation that would put the Project in violation of the City ordinance requirements, then replacement landscaping vegetation shall be provided.
61. CUL-1 - If subsurface deposits believed to be cultural and/or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius, as appropriate and using professional judgment. The following notifications shall apply, depending on the nature of the find:
  - a. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
  - b. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Lead Agency. The agency shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.
  - c. If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and

- not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.
62. GEO-1 - The Project Applicant shall implement the Conclusions and Recommendations as listed in the final site-specific geotechnical report (Feasibility Geotechnical Evaluation of Southern Portion of Property Proposed Grace Church Assisted Living and Memory Care Facility Adjacent 24600 La Plata Drive, Laguna Niguel, California. Stoney-Miller Consultants, Inc. 2021).
63. GEO-2 - If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the construction site while evaluation and treatment of the paleontological resource takes place.
64. NOI-1 - In order to reduce construction noise, during the demolition, site preparation, grading, building construction, paving and architectural coating phases, a temporary noise barrier or enclosure shall be positioned between Project construction and the Childtime Day Care to the north in a manner that breaks the line of sight between the construction equipment and this receptor to the extent feasible. The composition, length, height, and location of the temporary noise control barrier and/or enclosure walls will be adequate to assure proper acoustical performance and withstand structural failure.
65. NOI-2 - The Project improvement and building plans will include the following requirements for construction activities:
- a. The Project shall post signage in a readily visible location along the frontage of the Project Site that indicates the dates and duration of construction activities, as well as provide a telephone number where residents can enquire

about the construction process and register complaints to a designated construction noise disturbance coordinator.

- b. The Project shall ensure all contractors implement construction best management practices to reduce construction noise levels. Best management practices would include the following:
    - i. All construction equipment shall be equipped with muffles and other suitable noise attenuation devices (e.g., engine shields). o Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment), to the maximum extent feasible.
    - ii. If feasible, electric hook-ups shall be provided to avoid the use of generators. If electric service is determined to be infeasible for the site, only whisper-quiet generators shall be used (i.e., inverter generators capable of providing variable load.
    - iii. Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
    - iv. Locate staging area, generators and stationary construction equipment as far from the adjacent residential homes as feasible.
    - v. Construction-related equipment, including heavyduty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
66. NOI-3 - In order to reduce traffic noise experienced on the Project Site, a five-foot noise barrier wall shall be provided to shield all habitable patio/balcony areas fronting Crown Valley Parkway. The barriers weight shall be at least 3.5 pounds per square foot and be without decorative cutouts or line-of-site openings between the shielded areas and the Project Site. All gaps (except for weep holes) shall be filled with grout or caulking to avoid flanking. The noise control barrier may be constructed using one, or any combination of the following materials: Masonry block, Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot. Transparent glass (3/8 inch thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.
67. TRANS-1 - To help further improve ingress and egress to the Project Site, the Project Applicant shall implement the following measures:
- a. The Project Site access driveway on Crown Valley Parkway shall provide a minimum width of 28 feet along the driveway throat (for a minimum distance of 30 feet from the curbline of Crown Valley Parkway).

- b. The Project shall provide a minimum curb radius of 25 feet for the southerly curb return on the Crown Valley Parkway driveway to improve the inbound flow of traffic.
68. TCR-1 - The Project Applicant shall retain a Tribal monitor representing the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes to monitor all ground disturbing activity within original ground associated with project construction. Activities subject to monitoring include pavement removal, auguring, boring, grading, excavation, potholing, trenching, grubbing, or disturbance of soils down to 10 feet below existing grade within original soil. Tribal monitoring is not required for the following activities: 1) within soils confirmed by the project engineers to be artificial fill; 2) within original soils below 10 feet; or 3) during above-surface construction activities. The identification of artificial fill shall be the responsibility of the construction supervisor, in consultation with project engineers. No later than five business days prior to the start of ground disturbing activities, the construction supervisor or their designee shall notify the tribe of the construction schedule. Should the tribe choose not to provide a tribal monitor, or if the monitor does not report to the project location at the scheduled time, or if the monitor is present but not actively observing activity, work may proceed without a monitor as long as the notification was made and documented. The tribal monitor shall have the authority to temporarily pause ground disturbance within 50 feet of the discovery for a duration long enough to examine potential TCRs that may become unearthed during the activity. If no TCRs are identified, then construction activities shall proceed and no agency notifications are required. In the event that a TCR is identified, the monitor shall flag off the discovery location and notify the City immediately to consult on appropriate treatment. Upon conclusion of the monitoring, the monitor shall submit a letter report to the City to document the monitoring methods and results.



**PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of April, 2023.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna  
Community Development Director

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Roger Green  
Chairman of the Planning Commission

# **Attachment E**

**Draft Resolution No. 23-10 (SP 88-163A02)**

## RESOLUTION NO. 23-10

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE DEVELOPMENT PERMIT AMENDMENT SP 88-163A02 (GRACE CHURCH REMODEL)

#### WHEREAS:

1. The APPLICANT: Grace Church, 24600 La Plata Drive, Laguna Niguel CA 92677, requests approval to construct a 3,822-square-foot second-story addition to the existing one-story Grace Church building. The new addition would add additional meeting areas and offices, which would be replacing 3,360 square feet of existing modular buildings. Collectively, this would yield a 462-square-foot increase in net building area for the church. In conjunction, the church is proposing a façade remodel. New coordinated signage and landscaping is also proposed with Griffin Senior Living Community (under Resolution No. 23-09). The project site is located at 24600 La Plata Drive, generally at the southeast corner of Crown Valley Parkway and La Plata Drive.
2. Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's CEQA Manual.
3. A notice of public hearing describing the project, date, time, and location of the April 25, 2023 meeting was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Hearing notices were also mailed to property owners within 500 feet of the project boundaries and all individuals on the City's project interested parties list. Additionally, a notice was also posted at City Hall and was made available on the City's website.
4. On April 25, 2023, the Planning Commission of the City of Laguna Niguel held a duly noticed public hearing on Site Development Permit Amendment SP 88-163A02 and considered all evidence presented by City staff and other interested parties and made a recommendation to the City Council as fully set forth in Planning Commission Resolution No. 23-10.
5. The Planning Commission of the City of Laguna Niguel finds and determines as follows:
  - a. **Consistency with the General Plan** - The project is consistent with General Plan. The subject property is within Community Profile 10, Sub-profile Area A, of the Laguna Niguel General Plan. The Land Use Element designates the project site as Public/Institutional. The Public/Institutional designation includes a wide range of public, quasi-public, and special-purpose private facilities aimed at providing a variety of governmental or social services to the community. Churches are permissible land use within this designation.

- b. Consistency with the Laguna Niguel Zoning Code (LNZC)** - The proposed project is consistent with the Laguna Niguel Zoning Code (LNZC). The project site is zoned "Public/Institutional" (PI) District in the LNZC. Churches are a permitted land use within the PI District.
- c. Compliance with the California Environmental Quality Act (CEQA)** - Mitigated Negative Declaration MND 23-01 was prepared and completed for the project pursuant to CEQA, the CEQA Guidelines, and the City's CEQA Manual. The Planning Commission has reviewed and considered the information contained in Mitigated Negative Declaration MND 23-01, including Appendices and Response to Comments; and received comments provided at the noticed public hearing; and by separate Resolution No. 23-06 recommends that the City Council adopt Mitigated Negative Declaration MND 23-01 and accompanying Mitigation Monitoring and Reporting Program, prior to recommending City Council approval of Site Development Permit Amendment SP 88-163A02.
- d. Surrounding Uses** - Approval of the application will not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity. Grace Church, an existing land use, is bounded by a commercial preschool facility on the north-northeast; an ascending slope, Via Valverde and residential housing on the southeast; an ascending slope and residential development on the south-southwest; and Crown Valley Parkway on the west.
- e. Consistency with Community Design Guidelines** - As conditioned, the proposed project is consistent with the Community Design Guidelines of the LNZC. The proposed second-story addition to Grace Church is generally located at the back-half of the building away from the La Plata frontage. The composition and design of the new building area would complement the existing architecture, which generally constitutes of a mid-century modern style. Modest façade changes are also proposed to the existing building, notably including a new stucco exterior finish and lighter color scheme with darker brown fascia trim. The remodeled church and the professionally designed site landscaping would generally complement the proposed assisted living and memory care facility and surrounding area.

**THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby recommend that the City Council approve of Site Development Permit Amendment SP 88-163A02, subject to the following conditions:

*General Conditions*

1. Permit Expiration - Unless an extension is approved by the City, this Site Development Permit shall expire 24 months from the date of approval written

herein below. If the project is not established by said expiration date, as prescribed by the LNZN, the Site Development Permit and Use Permit shall become null and void.

2. Project Compliance - This approval constitutes approval of the proposed project for compliance with the LNZN and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Site Development Permit and Use Permit shall apply only to the land use and location specified herein and only to the plans and reports date stamped approved with the City Council approval date, on file with the Community Development Department, as herein modified. No other land use, location, or plans are authorized under these permits. Approved plans and reports include: 1) architectural plans (site plan, floor plan, roof plan and building elevations) prepared by Irwin Partners Architects; 2) preliminary civil/grading plans, Preliminary Hydrology Study, and Conceptual WQMP prepared by Diamond West Engineering; 3) preliminary landscape plans prepared by Land Concern Landscape Architects; and 4) Geotechnical Investigation Report prepared by Stoney-Miller Consultants.
4. Changed Plan - Except as otherwise provided herein, this Site Development Permit and Use Permit constitutes a precise development plan. Therefore, all development authorized under this Site Development Permit and Use Permit and any land uses associated with the development shall be in compliance with the plans, specifications, and conditions of approval shown on and/or attached to the Site Development Permit. After any application has been approved, if changes are proposed a changed plan may be submitted to the Community Development Director for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action could have been the same for the changed plan as for the approved plan, he or she may approve the changed plan without requiring a new permit or permit amendment.
5. Applicant - As used in this Resolution, "applicant" shall refer to the applicant for Site Development Permit Amendment SP 88-163A02, the developer(s), manager(s), their designees, and each of their successors and assigns.
6. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
7. Design Review - All colors, materials, architectural design, and design details shall be in compliance with plans and elevations as approved by this Site

Development Permit and Use Permit. Any deviation from the approved plans and documents shall require an amendment to this permit, unless the Community Development Director finds that the proposed change is of a minor nature, in which case a changed plan shall be processed and approved. Any future changes after Certificate of Occupancy in colors, materials or architectural treatments shall require processing of either a new permit, an amendment to these permits, or a changed plan depending upon the nature and extent of the changes proposed.

8. Conditions of Approval - Prior to submittal for building permits, the conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
9. Agreement to Conditions Imposed - Prior to the issuance of any permits, the applicant shall execute an Agreement to Conditions Imposed Form, as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
10. Mitigation Measures - The applicant shall comply with and implement all applicable mitigation measures included in the project Mitigated Negative Declaration MND 23-01 and its Mitigation Monitoring and Reporting Program.

#### *Site Preparation & Grading Conditions*

11. Grading Permit - Prior to issuance of a grading permit, the applicant shall submit grading/civil engineer plans and a geotechnical soils report that incorporate the measures identified in the Geotechnical Investigation Report prepared by Stoney-Miller Consultants for the proposed project (Appendix E of Mitigated Negative Declaration MND 23-01, included as Exhibit 3 of Planning Commission Resolution No. 23-06) for the review and approval by the City's geotechnical consultant and the Community Development Department. All grading operations and construction shall be conducted in accordance with governing grading and building codes, including the requirements of the Laguna Niguel Grading and Excavation Code and the California Building Code (CBC).
12. Crushing - If applicable, on-site crushing of existing materials shall be located within the center of the project site subject to the approval of the Community Development Director. Crushing operations shall be subject to the construction hours specified within the Laguna Niguel Municipal Code.
13. Earth-Tone Drainage Structures - All above-grade drainage structures (terrace and down drains) shall be earth-tone in color to aid in blending the appearance of development into the surrounding hillside background.
14. Hydrology Study - Prior to the issuance of a grading permit, the applicant shall submit a Final Hydrology Study that incorporates approved plans and conditions

of approval, demonstrating that the proposed on-site drainage system meets the requirements specified in the City's Hydrology Manual, for the review and approval by the City hydrology consultant and the Community Development Department.

15. Storm Water Pollution Prevention Plan (SWPPP) - Prior to issuance of a grading permit, the applicant shall obtain coverage under the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) for the proposed project. The applicant shall provide the Waste Discharge Identification Number (WDID) to the City to demonstrate proof of coverage under the Construction General Permit. The SWPPP shall be prepared and implemented for the project in compliance with the requirements of the Construction General Permit. The SWPPP shall identify construction Best Management Practices (BMPs) to be implemented to ensure that the potential for soil erosion and sedimentation is minimized and to control the discharge of pollutants in storm water runoff as a result of construction activities. A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
16. Final Water Quality Management Plan (WQMP) - Prior to issuance of a grading permit, the applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP and Technical Guidance Manual, to prepare and submit a Final WQMP for the proposed project for the review and approval by the City hydrology consultant and the Community Development Department.
17. Water Quality Notes - The following water quality notes shall be added on all construction plans:
  - a. Sediments from areas disturbed by construction shall be retained on-site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, sidewalks, gutters, drain inlets or adjacent properties via runoff, vehicle tracking or wind.
  - b. All sediment and construction debris which is tracked or deposited onto public or private sidewalks, gutters or paved roads should be removed on a daily basis by sweeping or vacuuming and disposed of properly. Sediment and construction debris **shall not** be washed into the storm drain system, including the gutter and storm drain inlets.
  - c. Sandbags, gravelbags or other effective filter or trap-type barriers should be used where appropriate to intercept and slow the flow of runoff from the construction site and to trap sediment before it enters the storm drain system, including gutters and inlets. All on-site storm drain inlets shall be protected and off-site inlets shall be protected in areas where construction

activity tracks sediment on paved areas or where inlets receive runoff from disturbed areas.

- d. Water and/or other dust palliative and stabilization methods should be used to prevent or alleviate dust nuisances (dust control) generated by construction activities. Covering small stockpiles of soils and debris or areas with unstabilized soil is an alternative to applying water or other dust palliatives.
- e. Construction-related materials, wastes, spills or residues shall be retained on-site to minimize transport from the site to streets, sidewalks, gutters, drain inlets or adjoining property by wind or runoff.
- f. To prevent the discharge of pollutants from material delivery and storage to the storm water system or watercourses all materials shall be properly stored to prevent soil contamination and contact with storm water runoff, which may include appropriate covers, containment areas or surfaces and indoor storage.
- g. Stockpiles of soil, paving materials, and pressure treated wood shall be managed to prevent air and water pollution. Stockpiles should be located 50 feet away from concentrated flows of storm water, watercourses and drain inlets. Prior to the onset of precipitation, stockpiles shall be covered and protected by a temporary perimeter sediment barrier at all times.
- h. Hazardous material-waste, including but not limited to petroleum products, roofing tar, paints, solvents, stains, acids, wood preservatives, septic wastes and asphalt products shall not be allowed to enter the storm drain system or watercourses and shall be properly transported, used, stored and disposed as required by federal and state law. Paint brushes and equipment for water and oil based paints should be cleaned within a contained area and should not be allowed to contaminate site soils, watercourses or storm drain systems. Water-based paints should be rinsed into the sanitary sewer system and thinners, solvents, excess oil-based paints and sludge should be disposed as hazardous waste.
- i. Cementaceous products such as concrete, mortar or stucco from concrete trucks, portable mixers and miscellaneous containers **shall not** be washed-out into the storm drain system or watercourses. Designated washout areas shall be located at least 50 feet from concentrated flows of storm water, watercourses and storm drain inlets and runoff from washout-areas shall be contained by constructing a temporary pit or berm-area large enough to capture the liquid and solid waste materials.
- j. Saw-cut cement concrete and asphalt concrete slurry shall not be allowed to enter the storm drain system or watercourses. Residue from grinding operations should be picked up by means of a vacuum attachment to the



grinding machine and not allowed to flow across the pavement or be left on the surface of the pavement.

18. WQMP BMP Exhibit - The BMP Exhibit from the approved Final WQMP shall be included as a sheet in the precise grading/civil engineer plans and building permit construction plans.
19. Haul Route - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant shall submit plans and obtain approval of a haul route to and from the Project site.
20. Import/Export of Material - All trucks hauling dirt, sand, soil, and other loose materials to and from the project site shall be covered. If visible soil material is carried onto private/public paved streets, the streets shall be swept to remove the soil material at the end of each workday. The applicant shall be responsible for any repair of any damage to the existing streets resulting from the exporting and importing of earth to and from the site.
21. Air Pollutants - The project shall comply with the South Coast Air Quality Management District (SCAQMD) Rule 402, which prohibits the discharge from a facility of air pollutants that cause injury, detriment, nuisance, or annoyance to the public or that damage business or property.
22. Dust Control - During clearing, grading, earth-moving, or excavation operations, excessive fugitive dust emissions shall be controlled by regular watering or other dust-preventive measures using the following procedures, as specified in the SCAQMD Rule 403 listed below. Prior to grading permit issuance (including remedial/rough grading permit), these control techniques shall be noted on the project grading plans. Compliance with the measure shall be subject to periodic site inspections by the City.
23. Construction Noise Control Measures - The applicant shall implement the following construction noise reducing practices.
  - a) Construction activities shall be limited to the hours of 7:00 a.m. to 8:00 p.m. on weekdays and Saturdays, and shall not occur at any time on Sundays or federal holidays. Construction personnel shall not be permitted on the job site, and material or equipment deliveries and collections shall not be permitted, outside of these hours.
  - b) All mobile or fixed construction equipment used on the project that is regulated for noise output by a local, state, or federal agency shall comply with such regulations while in the course of project activity.
  - c) All construction equipment shall be properly maintained. (Poor maintenance of equipment may cause excessive noise levels.)
  - d) All construction equipment shall be operated only when necessary and shall be switched off when not in use.

- e) Construction employees shall be trained in the proper operation and use of the equipment. (Careless or improper operation or inappropriate use of equipment can increase noise levels. Poor loading, unloading, excavation, and hauling techniques are examples of how a lack of adequate guidance and training may lead to increased noise levels.)
- f) Electrically powered equipment shall be used instead of pneumatic or internal combustion– powered equipment, where feasible.
- g) Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- h) Construction site and access road speed limits shall be established and enforced during the construction period.
- i) The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- j) To minimize potential public objections to unavoidable noise, the contractor shall maintain good communication with the surrounding community regarding the schedule, duration, and progress of the construction. Notification shall be provided advising that there will be loud noise associated with construction and providing a telephone contact number for affected parties to ask questions and report any unexpected noise levels. The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints.
- k) Prior to issuance of a grading and/or a building permit, the name and phone number of the on-site construction supervisor shall be submitted to the Community Development and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. The contact person will be responsible for ensuring compliance with the City imposed Mitigation Measures and conditions of approval (e.g., grading activities, truck routes, construction hours, noise, etc.).
- l) All construction equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specifications.
- m) Place construction staging and equipment storage areas at locations as far away from noise-sensitive locations as possible.

*Traffic & Right of Way Improvements*

24. Right-of-Way Improvements - Prior to building permit issuance and prior to commencing with any demolition or construction within the public right-of-way, the applicant Director/City Engineer for all necessary right-of-way improvements (applicant responsible for all design and construction components).
25. Right-of-Way Improvement Installation - Prior to issuance of any certificate of use and occupancy (including temporary), the applicant shall demonstrate that all required right-of-way improvements, as listed as conditions of approval or mitigation measures of this Resolution and/or as shown in the plans approved for grading and/or building permits, have been installed, at the applicant's expense, and are operational, to the satisfaction of the Public Works Director/City Engineer.
26. Construction Traffic Management Plan - Prior to grading permit issuance or importing or hauling any material to or from the site, whichever is to occur first, the applicant shall submit a Construction Traffic Management Plan for review and approval by the Public Works Director/City Engineer to ensure impacts to the surrounding street system are kept to a minimum. The Construction Traffic Management Plan should be developed in coordination with the City of Laguna Niguel and, at a minimum, address the following:
  - a) The names, addresses, and emergency contact numbers for those responsible for maintaining the traffic control devices during the course of construction.
  - b) Provisions for maintaining access for emergency vehicles at all times, including Orange County Fire Authority and Orange County Sheriff's Department.
  - c) Traffic control for any street closure, detour, or other disruption to traffic circulation.
  - d) Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.
  - e) Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
  - f) Provision of traffic controls within the site that may include flag persons wearing Cal OSHA-approved vests and using a "Stop/Slow" paddle to warn motorists of construction activity.

- g) Requirements that all haul routes be kept clean and free of debris, including, but not limited to, gravel and dirt as a result of its operations. The applicant shall clean adjacent streets, as directed by the Public Works Director/City Engineer, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- h) Hauling or transport of oversize loads will be allowed between sunrise and sunset, Monday through Saturday, unless approved otherwise by the Public Works Director/City Engineer. Hauling on Saturdays is subject to suspension if the City receives complaints that cannot be resolved to the satisfaction of the Public Works Director/City Engineer. No hauling or transport will be allowed during nighttime hours, Sundays, or Federal holidays.
- i) Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- j) If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the Public Works Director/City Engineer.
- k) All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site.
- l) This Plan shall meet standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Laguna Niguel requirements.

27. On-Site Traffic Control Signage/Striping - Prior to building permit issuance, the applicant shall submit overall wayfinding and traffic control signage/striping for internal circulation throughout the project for the review and approval of the Community Development Director. Prior to issuance of any certificate of use and occupancy (including temporary), said improvements shall be installed to the satisfaction of the Community Development Director.
28. Traffic Circulation (Project-Specific) - Should traffic safety or circulation problems arise on La Plata Drive or within the public roadway network within the Niguel Hills neighborhood that is directly attributed to the operations of Grace Church, at the discretion of the Community Development Director and the Public Works Director/City Engineer, the City may require the applicant to implement operational changes, such as changes to church services times, further staggering of church service times, altering concurrent activities, to the satisfaction of the Community Development Director and Public Works Director/City Engineer.

#### *Church Operational Conditions*

29. Prior Conditions - All of the conditions as stipulated in any previous approvals for Grace Church not amended by this action, are incorporated herein by reference and shall remain in full force and effect, and shall be met. This shall include the rescinding by reference of all prior entitlement approvals for the former Grace Classical Academy elementary and middle school, which is to be replaced by Griffin Senior Living Community.
30. Church Operations - The sanctuary/worship area for church services shall be limited to a maximum of 240 seats. A maximum floor area of 1,500 square feet plans for other auditorium, assembly areas, or classrooms that will be used concurrently with the main auditorium for Sunday School services as approved under Site Development Permit Amendment SP 88-163A01 & Use Permit Amendment UP 08-08A01 (adopted Resolution No. 12-12). In addition, back-to-back church services shall be staggered by a minimum of 15 minutes between the end of one service and the start of the next service to minimize potential parking demand overlap between members coming-and-going between services. Operations outside of church services shall be limited to a compilation of activities that do not yield a parking requirement as prescribed by the LNZN of more than 82 parking stalls (on-site parking supply). If changes are proposed, prior review and approval by the Community Development Director is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if deemed appropriate.

31. Intensification of Use - Church sanctuary seating shall not be increased beyond the existing 240-seat capacity. Church programming to occur concurrently with Sunday morning services should not be expanded or intensified except as related to ancillary childcare and children's Sunday school uses.
32. Parking Management Program - Should parking and/or circulation problems arise at the project site, at the discretion of the Community Development Director, the applicant may be required by the City to implement a Parking Management Program, subject to the review and approval of the Community Development Director. The Parking Management Program may include, but is not limited to: 1) the applicant providing parking attendants to direct traffic onto the subject site and to available parking on-site during church services, for large events (such as weddings, etc.), or other peak parking times, 2) securing an off-site location for overflow parking and shuttle service, 3) alter operating characteristics at Grace Church (land uses and hours of operation), and/or 4) other remedies or additional measures to address the identified parking or circulation problems. Other necessary alternative means of parking management and/or additional parking surveys/studies required to ensure compliance with the spirit and intent of this condition shall be at the sole cost and expense of the applicant.

#### *Building Conditions*

33. Building Permit - Prior to commencing with construction, the applicant shall submit applicable plans for the review and approval by the Laguna Niguel Planning and Building Divisions.
34. Roof Materials and Finish - Prior to building permit issuance, details shall be included on the project building plans identifying all proposed roof materials/colors, which shall have a non-reflective finish and be neutral tone in color to minimize reflection and glare from the surfaces of the roof.
35. Building Permit Final - Prior to building permit final inspection request, the applicant shall be responsible for contacting the Planning Division for an inspection of the site and building to ensure compliance with the applicable conditions of approval and project plans.
36. Utility Providers - Prior to issuance of a building permit, the applicant shall obtain the applicable approval(s) and/or permit(s) from the utility providers.
37. WQMP Implementation - Prior to issuance of a certificate of use and occupancy, the applicant shall:
  - a. Demonstrate that all structural BMPs described in the project's WQMP have been constructed and installed in conformance with approved plans and specifications;
  - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the project's WQMP;

- c. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

### *Signage & Advertising*

38. Project Signage (Sign Program) - Prior to building permit issuance for any signage, all colors, materials, lighting, and design details for the proposed building-mounted and monument signs shall be submitted to the Community Development Director for review and approval. Said final plans shall be consistent with preliminary signage plans.
39. Advertising - Unless first approved as a part of a Site Development Permit or Temporary Use Permit, under no circumstances shall the applicant employ advertising devices such as mechanical signs, human signs, searchlights, banners, balloons, flags, and pennants, which are prohibited under LNZN Section 9-1-77.

### *Landscaping and Outdoor Lighting Conditions*

40. Final Landscape Plans - Prior to building permit issuance, the applicant shall submit final landscaping and irrigation plans for the review and approval of the Community Development Department and the City's landscape consultant. Said final plans shall be consistent with preliminary landscaping plans and provide specific landscaping details to ensure compliance with the City's Water Efficient Landscape Ordinance, Regulations, and Guidelines. The placement and installation of utilities, irrigation systems, and landscape plantings shall be coordinated and shown on the final landscaping plan. Utilities and irrigation systems shall be adequately screened with landscaping.
41. Landscaping Installation - Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate, via written certification by a licensed landscape architect, to be reviewed and approved by the City landscape consultant, that all irrigation and landscaping has been installed in accordance with the approved final landscape plans.
42. Landscape Maintenance - The property owner shall be responsible for adequately installing and maintaining all existing and new landscaping at all times. The landscaping shall be maintained in a neat, clear, and healthy condition. This shall include proper pruning, weeding, removal and immediate replacement of plants and trees when necessary and the regular watering of landscaping.
43. Outdoor Lighting - Prior to building permit issuance for outdoor lighting, the applicant shall submit construction-level lighting plans that include photometric calculations for the review and approval of the Community Development Department. The proposed lighting shall represent the minimum level of illumination necessary to meet the aesthetic and security needs of the project. Light sources, intensity of light and color of light shall be designed and located consistent with the LNZN.

### *Development Fees*

44. School Fees - If applicable, consistent with current City requirements, the developer shall pay to the Capistrano Unified School District no less than the statutory school fees in effect at the time of issuance of building permits.
45. Fee Programs - If applicable, prior to building permit issuance, the applicant shall be required to participate in the following transportation fee programs: Coastal Area Road Improvements and Traffic Signals (CARITS) Fee Program, Major Thoroughfare and Bridge Fee Program for the Moulton Parkway/Laguna Niguel Area, San Joaquin Hills Transportation Corridor (SJHTC) Fee Program, and any other fee programs adopted by the City, at the rate in effect at the time of permit issuance.

### *Orange County Fire Authority (OCFA)*

OCFA (General Condition) - Prior to issuance of a building permit, the applicant shall obtain the applicable approval(s) and/or permit(s) from the OCFA.

46. Temporary/Final Occupancy Inspections - Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least two days in advance by calling OCFA Inspection Scheduling at (714) 573-6150.

### *Mitigation Measures*

The Planning Commission hereby recommends approval of the incorporation of the following mitigation measures from Mitigated Negative Declaration MND 23-01 as additional applicable conditions for Site Development Permit SP 20-04 and Use Permit UP 21-12.

47. AQ-1 - Prior to the certificate of construction-related permits for the Grace Church Remodel and Senior Living Facility Project, the Project Applicant shall demonstrate to the satisfaction of the City of Laguna Niguel Planning Division that the following measure would be implemented during Project construction. All offroad equipment of greater than 50 horsepower used in Project construction shall be California Air Resources Board (CARB) Tier 4 Certified, as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations.
48. BIO-1 - All vegetation clearing, and ground disturbance activities, including any structure demolition and removal, shall be conducted outside of the nesting bird season (typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species) and bat maternity season (March 1 through October 31) to the extent feasible. If vegetation clearing



activities and/or ground disturbance activities cannot be conducted outside of the nesting bird season, nesting bird surveys shall be conducted by a qualified avian biologist within the Project Site plus a 500-foot buffer as decided by a qualified biologist based on site conditions prior to the start of construction (within three days prior to construction). If nesting bird surveys are required to be conducted, they shall include all songbirds and raptors, including the special-status bird species that were determined to have a moderate or low potential to occur within the riparian corridor. If an active nest is identified during the survey, the biologist shall establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist. Prior to the removal or disturbance of any mature trees and structures that may serve as bat habitat (regardless of time of year), a qualified biologist will conduct a bat habitat assessment to determine if these features are suitable for bat roosting. If no suitable roosting habitat is identified, no further measures are necessary. If suitable roosting habitat and/or signs of bat use are identified during the assessment, a Bat Management Plan that will include specific avoidance and minimization measures to reduce impacts to roosting bats shall be prepared. The Bat Management Plan may include any of the following as necessary and appropriate to the findings of the habitat assessment: emergence and/or pre-construction surveys for roosting bats during the bat active season including acoustic monitoring, roost removal timing and methodology, no-disturbance or temporal buffers, passive exclusion of bats, and/or species-specific replacement structures.

49. BIO-2 - Pursuant to Laguna Niguel Municipal Code Section 9-1-92.3, Subsections AH, landscape vegetation and ornamental trees shall be protected to the extent possible during construction activities. If it is determined that significant existing trees cannot be protected, the City shall require replacement with new specimen-size trees having a cumulative trunk diameter of up to two times the cumulative trunk diameter of the trees to be removed. Furthermore, if Project activities require the removal of landscape vegetation that would put the Project in violation of the City ordinance requirements, then replacement landscaping vegetation shall be provided.
50. CUL-1 - If subsurface deposits believed to be cultural and/or human in origin are discovered during construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for pre-contact and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius, as appropriate and using professional judgment. The following notifications shall apply, depending on the nature of the find:
  - a. If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.

- b. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the Lead Agency. The agency shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to their satisfaction.
  - c. If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify the County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the Project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agency, through consultation as appropriate, determines that the treatment measures have been completed to their satisfaction.
51. GEO-1 - The Project Applicant shall implement the Conclusions and Recommendations as listed in the final site-specific geotechnical report (Feasibility Geotechnical Evaluation of Southern Portion of Property Proposed Grace Church Assisted Living and Memory Care Facility Adjacent 24600 La Plata Drive, Laguna Niguel, California. Stoney-Miller Consultants, Inc. 2021).
52. GEO-2 - If paleontological resources (i.e., fossil remains) are discovered during excavation activities, the contractor will notify the City and cease excavation within 100 feet of the find until a qualified paleontological professional can provide an evaluation of the site. The qualified paleontological professional will evaluate the significance of the find and recommend appropriate measures for the disposition of the site (e.g. fossil recovery, curation, data recovery, and/or monitoring). Construction activities may continue on other parts of the

construction site while evaluation and treatment of the paleontological resource takes place.

53. NOI-1 - In order to reduce construction noise, during the demolition, site preparation, grading, building construction, paving and architectural coating phases, a temporary noise barrier or enclosure shall be positioned between Project construction and the Childtime Day Care to the north in a manner that breaks the line of sight between the construction equipment and this receptor to the extent feasible. The composition, length, height, and location of the temporary noise control barrier and/or enclosure walls will be adequate to assure proper acoustical performance and withstand structural failure.
54. NOI-2 - The Project improvement and building plans will include the following requirements for construction activities:
- a. The Project shall post signage in a readily visible location along the frontage of the Project Site that indicates the dates and duration of construction activities, as well as provide a telephone number where residents can enquire about the construction process and register complaints to a designated construction noise disturbance coordinator.
  - b. The Project shall ensure all contractors implement construction best management practices to reduce construction noise levels. Best management practices would include the following:
    - i. All construction equipment shall be equipped with muffles and other suitable noise attenuation devices (e.g., engine shields). o Grading and construction contractors shall use quieter equipment as opposed to noisier equipment (such as rubber-tired equipment rather than track equipment), to the maximum extent feasible.
    - ii. If feasible, electric hook-ups shall be provided to avoid the use of generators. If electric service is determined to be infeasible for the site, only whisper-quiet generators shall be used (i.e., inverter generators capable of providing variable load.
    - iii. Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
    - iv. Locate staging area, generators and stationary construction equipment as far from the adjacent residential homes as feasible.
    - v. Construction-related equipment, including heavyduty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
55. NOI-3 - In order to reduce traffic noise experienced on the Project Site, a five-foot noise barrier wall shall be provided to shield all habitable patio/balcony areas fronting Crown Valley Parkway. The barriers weight shall be at least 3.5 pounds

per square foot and be without decorative cutouts or line-of-site openings between the shielded areas and the Project Site. All gaps (except for weep holes) shall be filled with grout or caulking to avoid flanking. The noise control barrier may be constructed using one, or any combination of the following materials: Masonry block, Stucco veneer over wood framing (or foam core), or 1-inch-thick tongue and groove wood of sufficient weight per square foot. Transparent glass (3/8 inch thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.

56. TRANS-1 - To help further improve ingress and egress to the Project Site, the Project Applicant shall implement the following measures:
- a. The Project Site access driveway on Crown Valley Parkway shall provide a minimum width of 28 feet along the driveway throat (for a minimum distance of 30 feet from the curbline of Crown Valley Parkway).
  - b. The Project shall provide a minimum curb radius of 25 feet for the southerly curb return on the Crown Valley Parkway driveway to improve the inbound flow of traffic.
57. TCR-1 - The Project Applicant shall retain a Tribal monitor representing the Juaneño Band of Mission Indians, Acjachemen Nation – Belardes to monitor all ground disturbing activity within original ground associated with project construction. Activities subject to monitoring include pavement removal, auguring, boring, grading, excavation, potholing, trenching, grubbing, or disturbance of soils down to 10 feet below existing grade within original soil. Tribal monitoring is not required for the following activities: 1) within soils confirmed by the project engineers to be artificial fill; 2) within original soils below 10 feet; or 3) during above-surface construction activities. The identification of artificial fill shall be the responsibility of the construction supervisor, in consultation with project engineers. No later than five business days prior to the start of ground disturbing activities, the construction supervisor or their designee shall notify the tribe of the construction schedule. Should the tribe choose not to provide a tribal monitor, or if the monitor does not report to the project location at the scheduled time, or if the monitor is present but not actively observing activity, work may proceed without a monitor as long as the notification was made and documented. The tribal monitor shall have the authority to temporarily pause ground disturbance within 50 feet of the discovery for a duration long enough to examine potential TCRs that may become unearthed during the activity. If no TCRs are identified, then construction activities shall proceed and no agency notifications are required. In the event that a TCR is identified, the monitor shall flag off the discovery location and notify the City immediately to consult on appropriate treatment. Upon conclusion of the monitoring, the monitor shall submit a letter report to the City to document the monitoring methods and results.

**PASSED, APPROVED, AND ADOPTED this 25<sup>th</sup> day of April, 2023.**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Jonathan Orduna  
Community Development Director

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Roger Green  
Chairman of the Planning Commission

# **Attachment F**

## **Parking Study**

# City of Laguna Niguel, California



# LAGUNA NIGUEL SENIOR LIVING CENTER & GRACE CHURCH REMODEL PARKING ANALYSIS City of Laguna Niguel, California

**Prepared for:**

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**Prepared by:**

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**Michael Torres, E.I.T.**



**March 16, 2022**



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# 1.0 Introduction

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## 1.1 Purpose of Report & Study Objectives

The purpose of this parking analysis is to evaluate the proposed Laguna Niguel Senior Living Center & Grace Church Remodel (hereinafter referred to as project) from a parking standpoint and to determine whether the proposed project will have adequate parking capacity to accommodate the uses on the project site after implementation of the proposed project.

## 1.2 Project Site Location & Description

The proposed project is located adjacent to the existing Grace Church on the corner of the Crown Valley Parkway / La Plata Drive intersection in the City of Laguna Niguel.

The project site location map is shown on Exhibit A.

The project site currently consists of the following land uses:

- The existing Grace Church; and
- A K-8 private school (currently inactive - to be displaced).

The proposed project consists of the construction of a fully state licensed RCFE senior assisted living and memory care facility with a size of 106,041 square feet (130,041 if the parking garage area is included) consisting of a total of 108 suites housing 111 beds. The Senior Living Center will provide 77 suites for senior assisted living care and 31 suites provided for senior memory care in its own secure neighborhood on the entry level. It is a 2-story building over a basement containing a garage with 53 parking stalls and other common areas.

The senior living center is to be located adjacent to the existing Grace Church. The proposed project is expected to displace an existing building on-site which served a K-8 private school with a maximum enrollment capacity of 100 students and is currently being used for Christian education on Sundays and a few days a week.

The Grace Church property has been operating as a church since 1973. The Grace Church remodel will add 436 SF net increase in its church facilities, providing two new ADA bathrooms and the relocation of classrooms and offices from the modular buildings to the second

floor of the main church building. The proposed project is not planned to make any operational or capacity changes to the existing church use. Hence, the parking demand for the church component of the site is expected to be the same as existing conditions. Currently, the church has a parking capacity of 80 spaces and is proposed to be expanded to 82 spaces. In addition, during special events, the church could provide 121 spaces through the use of parking spaces located on the adjacent daycare site and through the implementation of valet parking.

The proposed project is not planned to make any operational or capacity changes to the existing church use. Hence, the parking demand for the church component of the site is expected to be the same as existing conditions. Currently, the church component has a parking capacity of 80 spaces.

Access for the project site is planned via the following:

- One proposed right-in/right-out access driveway along Crown Valley Parkway; and
- One existing full-access unsignalized driveway along La Plata Drive.

The project is planned to open in 2022 and will be evaluated in one (1) single phase.

The project site plan is shown on Exhibit B.

The floor plans are shown in Exhibit C and Exhibit D.

Table 1-1 summarizes the parking capacity planned to be provided by the proposed project.

**Table 1-1  
Parking Provided**

<b>Land Use</b>	<b>Spaces Provided</b>
Church Use Parking	82 *
Assisted Living & Memory Care	65
<b>Total</b>	<b>147</b>

\* Church component currently has a parking capacity of 80 spaces. The proposed project is planned to increase the parking capacity to 82 spaces without any changes to the church operations or service capacity.

As shown in Table 1-1, **the proposed project is planned to provide a total of 147 parking spaces, consisting of 82 spaces for the proposed church use and 65 spaces for the assisted living and memory care use.**

### 1.3 Methodologies

Parking requirements for various land uses are typically determined based on the City's Municipal Code.

City of Laguna Niguel Municipal Code contains parking requirement information for church and assembly use. Hence, the parking required for the church component of the project is determined based on the City Municipal Code.

Parking requirements for the proposed Senior Assisted Living and Memory Care component were determined based on the City's Municipal Code Title 9 – Planning and Zoning, Division 1 - Planning Article 2.-Comprehensive Zoning Code, Subarticle 6.-Parking Section 9-1-66.-Nonresidential spaces required by use, Table 6.5 of the Municipal Code (Nonresidential Parking Spaces by Land Use) in accordance with the land use Category of Health care facilities - Convalescent and nursing homes and homes for the aged.

In addition to the parking required per the City's *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums use*, parking demand for the memory care and assisted living component of the proposed project has been determined based on other published sources for parking demand rates as well as other studies prepared for these type of uses.

This use is selected since congregate care use is more of an independent living setting. The proposed use is more in line with assisted living or convalescent and nursing home since it is not considered an independent living setting. Memory care use generally requires assistant. However, the City does not have parking requirements specifically for memory care use. Hence, the *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums use* is utilized for the analysis.

#### Published Sources

The *Institute of Transportation Engineers (ITE) Parking Generation Manual* is a widely-utilized published source for determination of parking demand. The Manual contains parking

requirement and rates for a various land uses based on empirical data and observations of existing sites.

When compared to the relatively older established sources such as the Municipal Code data, the ITE Manual has been updated very recently in January 2019 and is expected to represent more up to date data reflecting recent parking dynamics such as the use of rideshare (Uber, Lyft, delivery services, etc.) and other elements affecting parking demand.

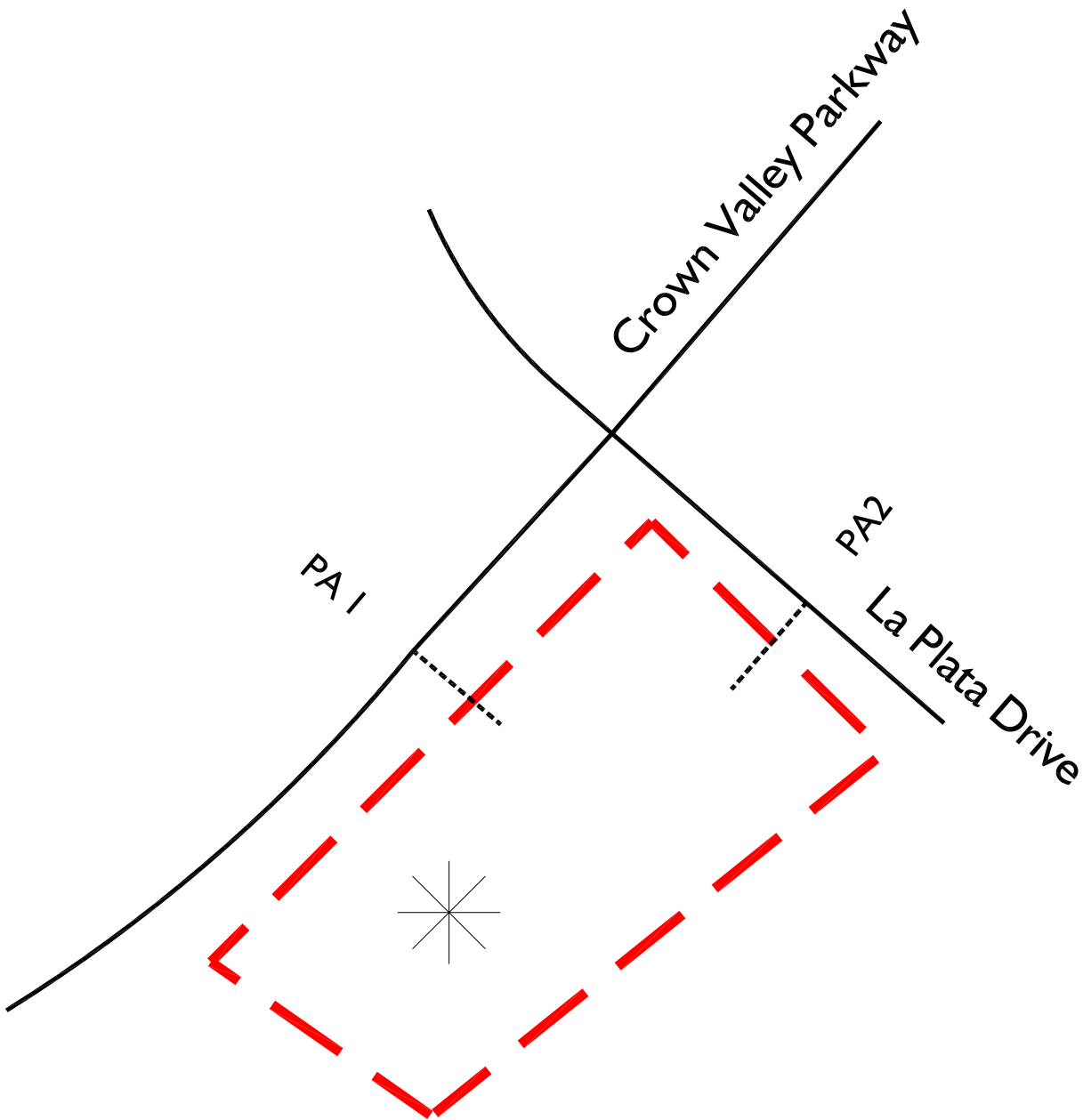
This study utilizes the parking recommendations from the ITE Parking Generation Manual for Assisted Living use (ITE Code 254) as a published source for determination of parking requirements for the assisted living and memory care component of the proposed project.

This use is more reflective of the project planned operations and description. Additionally, the utilized assisted living use has a higher parking rate per ITE when compared to congregate care use, resulting in a higher parking requirement for the proposed project.

#### Other Jurisdictions and Parking Studies

For additional information and confirmation of data, the following other sources from municipal code requirements of other agencies as well as parking studies prepared for assisted living and memory care uses have been utilized to verify the adequacy of the parking capacity for the assisted living and memory care component of the proposed project:

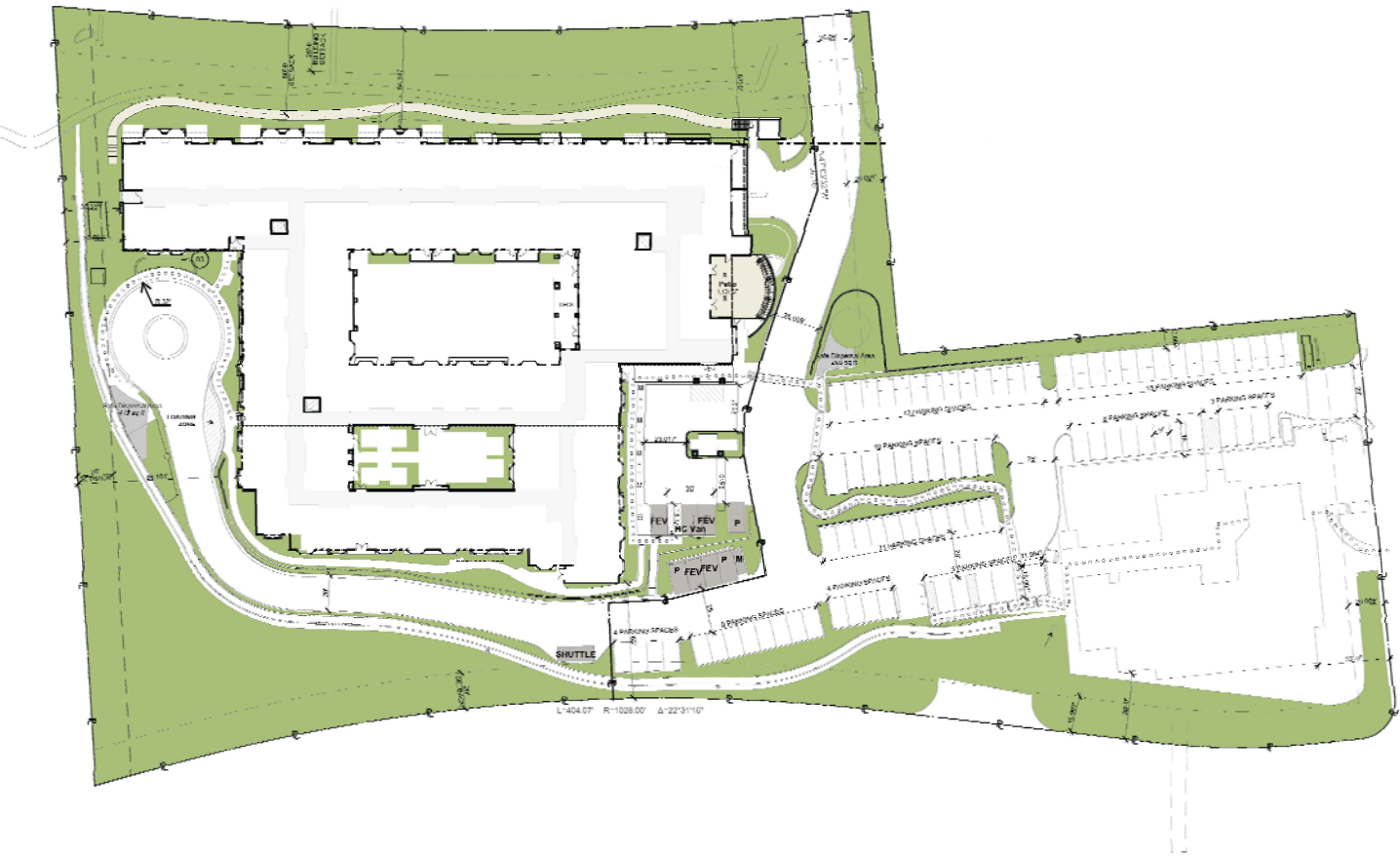
- City of Rancho Mirage, California Municipal Code;
- City of Lake Forest Park, Washington Municipal Code;
- *Agemark Assisted Living Facility Parking Analysis (Abrams Associates Traffic Engineering, Inc., August 29, 2017)*, City of Orinda, California;
- *Parking Demand Analysis for Silverado Memory Care (Linscott, Law & Greenspan Engineers, August 16, 2017)*, City of Brea, California; and
- *Northfax Development Senior Living Facility Parking Assessment (Gorove Slade Transportation Planners and Engineers)*, City of Fairfax, Virginia.



**Legend:**

-  = Project Site
-  = Project Site Boundary







## Exhibit C

# 1st Floor Plan

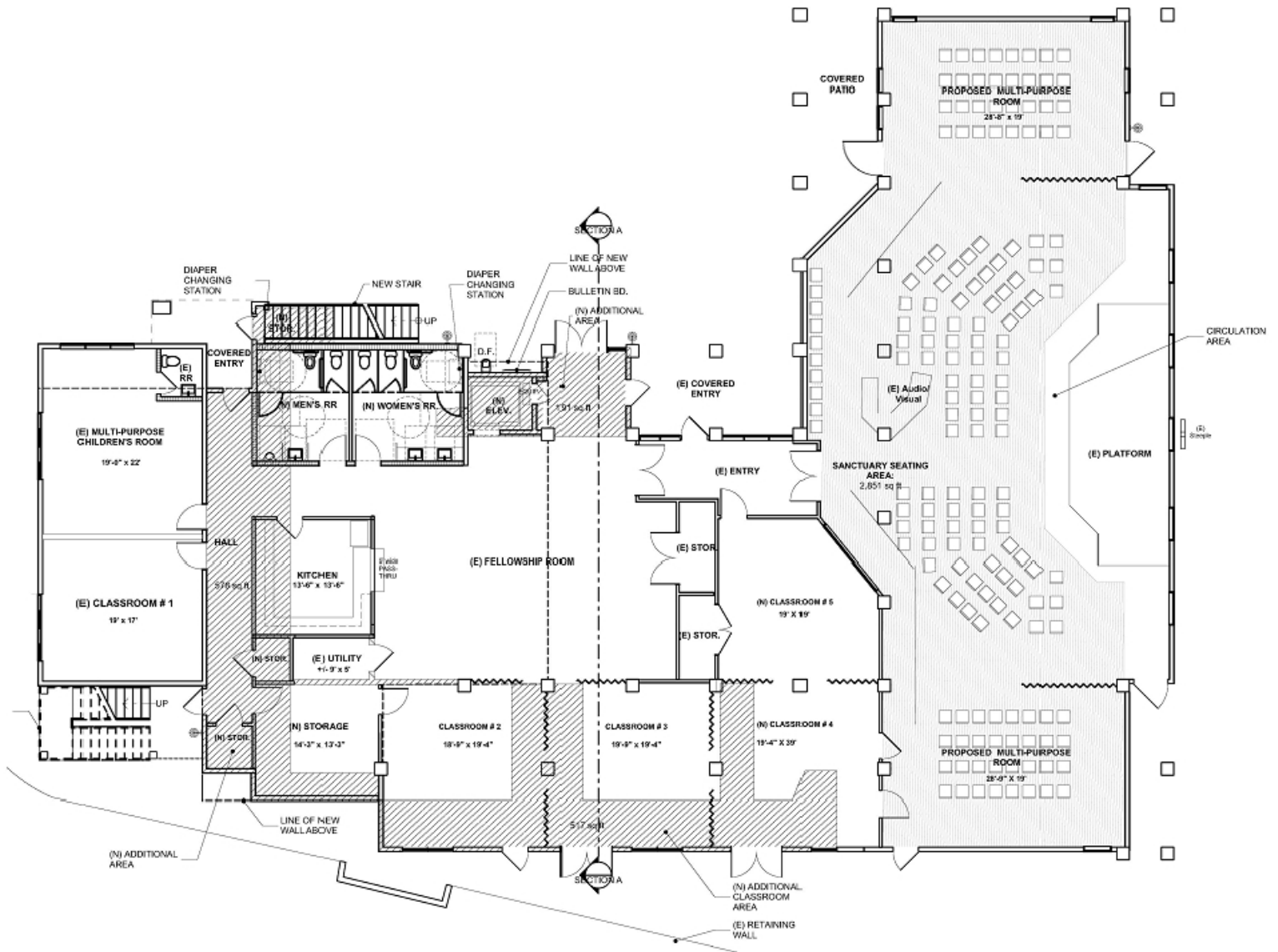
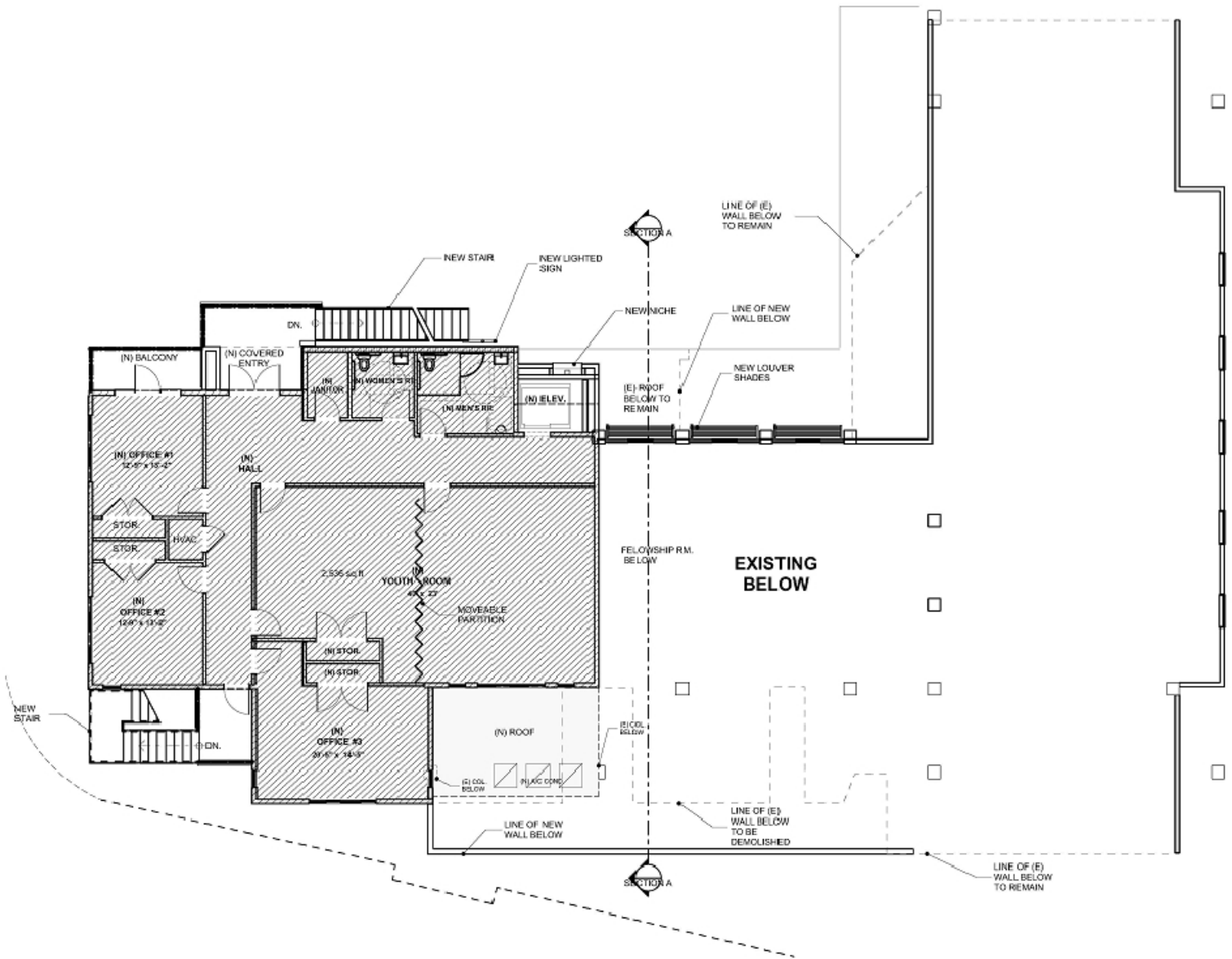


Exhibit D  
**2nd Floor Plan**



## **2.0 Church Use Parking Required Per City Municipal Code**

Parking requirements for various land uses are determined based on the City's Municipal Code.

City of Laguna Niguel Municipal Code contains parking requirement information for church and assemble use. Hence, the parking required for the church component of the project is determined based on the City Municipal Code.

The Church use currently has a sanctuary with 240 seats (2,600 square feet) along with other uses such as office and children's room that are considered ancillary uses to the sanctuary. For example, the purpose of the children's room is to provide a nursery space for parents to have their infant and very young children stay onsite as they are in bible study, etc.

The existing square footage of the entire church is currently 10,950 square feet with 240 seats. The proposed project will increase the square footage by 462 square feet to a total of 11,412 square feet. The additional 462 square feet of space is only to expand the bathroom areas in order to make them ADA-compliant. Therefore, the size, square footage, and sanctuary seat capacity of the church will be virtually identical to existing conditions.

Furthermore, in terms of operations and use of the space, the project is not planned to make any changes to the existing operations and the manner in which the space is currently being utilized.

There are currently two areas located on the two ends of the sanctuary space that are categorized as office. The proposed project is planning to reconfigure these two office spaces as multi-purpose rooms. One will be approximately 545 square feet and the other is approximately 546 square feet (1,010 square feet total). The total area with the sanctuary space will be approximately 2,851 square feet.

The following is the City's parking requirement for church use:

- *One space per three seats within the main auditorium, or 1 space per 35 square feet of gross floor area within the main auditorium where there are no fixed seats, plus required parking for other uses on the site.*

Table 2-1 shows the required parking capacity for the proposed church use based on the City of Laguna Niguel Municipal Code.

**Table 2-1**  
**Church Component Parking Required**  
**per City of Laguna Niguel Municipal Code Section 9-1-66**

Land Use	Quantity	Units	Parking Required (Spaces)
Church <sup>1</sup> (By seats)	240	Seats	80
Church <sup>1</sup> (By square footage)	2,851	Square Feet	82
<b>Parking Required (greater of the two numbers above)</b>			<b>82</b>
<b>Vehicle Parking Provided</b>			<b>82</b>
<b>Vehicle Parking Surplus/Shortage</b>			<b>0</b>
<b>Adequate Parking Provided?</b>			<b>Yes</b>

**Notes:**

1 Based on the City's Municipal Code, church uses require one *space per three seats within the main auditorium, or 1 space per 35 square feet of gross floor area within the main auditorium where there are no fixed seats, plus required parking for other uses on the site*

As shown in Table 2-1, based on the City of Laguna Niguel Municipal Code, the church component of the project is required to provide a total of 82 parking spaces.

As also shown in Table 2-1, since the church component of the project is planned to provide a total of 82 parking spaces, based on the City's Municipal Code, with a total of 82 spaces provided, the proposed project is forecast to have adequate parking capacity to serve the church use.

It should also be noted, a parking demand study and observation previously prepared as part of the last entitlement showed the maximum demand for the church to be 63 spaces. As previously noted, the church size and operations are not planned to change as part of the proposed project. Based on information provided by the project applicant, the parking demand study was prepared during typical church operations and the church use and activities should not have changed since preparation of the parking demand study. A copy of the previously prepared parking observation study is contained in Appendix F.

### **3.0 Assisted Living & Memory Care Use Parking Required**

Parking requirements for the proposed Senior Assisted Living and Memory Care component were determined based on the City's Municipal Code Title 9 – Planning and Zoning, Division 1 - Planning Article 2.-Comprehensive Zoning Code, Subarticle 6.-Parking Section 9-1-66.- Nonresidential spaces required by use, Table 6.5 of the Municipal Code (Nonresidential Parking Spaces by Land Use) in accordance with the land use Category of Health care facilities - Convalescent and nursing homes and homes for the aged.

In addition to the parking required per the City's *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums use*, parking demand for the memory care and assisted living component of the proposed project has been determined based on other published sources for parking demand rates as well as other studies prepared for these type of uses.

This use is selected since congregate care use is more of an independent living setting. The proposed use is more in line with assisted living or convalescent and nursing home since it is not considered an independent living setting. Memory care use generally requires assistant. However, the City does not have parking requirements specifically for memory care use. Hence, the *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums use* is utilized for the analysis.

#### Published Sources

The *Institute of Transportation Engineers (ITE) Parking Generation Manual* is a widely-utilized published source for determination of parking demand. The Manual contains parking requirement and rates for a various land uses based on empirical data and observations of existing sites.

When compared to the relatively older established sources such as the Municipal Code data, the ITE Manual has been updated very recently in January 2019 and is expected to represent more up to date data reflecting recent parking dynamics such as the use of rideshare (Uber, Lyft, delivery services, etc.) and other elements affecting parking demand.

This study utilizes the parking recommendations from the ITE Parking Generation Manual for Assisted Living use (ITE Code 254) as a published source for determination of parking requirements for the assisted living and memory care component of the proposed project.

This use is more reflective of the project planned operations and description. Additionally, the utilized assisted living use has a higher parking rate per ITE when compared to congregate care use, resulting in a higher parking requirement for the proposed project.

### Other Jurisdictions and Parking Studies

For additional information and confirmation of data, the following other sources from municipal code requirements of other agencies as well as parking studies prepared for assisted living and memory care uses have been utilized to verify the adequacy of the parking capacity for the assisted living and memory care component of the proposed project:

- City of Rancho Mirage, California Municipal Code;
- City of Lake Forest Park, Washington Municipal Code;
- *Agemark Assisted Living Facility Parking Analysis (Abrams Associates Traffic Engineering, Inc., August 29, 2017)*, City of Orinda, California;
- *Parking Demand Analysis for Silverado Memory Care (Linscott, Law & Greenspan Engineers, August 16, 2017)*, City of Brea, California; and
- *Northfax Development Senior Living Facility Parking Assessment (Gorove Slade Transportation Planners and Engineers)*, City of Fairfax, Virginia.

### **3.1 Assisted Living Use Parking Required per City Municipal Code for convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums**

As previously stated, Parking requirements for the proposed Senior Assisted Living and Memory Care component were determined based on the City's Municipal Code Title 9 – Planning and Zoning, Division 1 - Planning Article 2.-Comprehensive Zoning Code, Subarticle 6.-Parking.

*Section 9-1-66.- Nonresidential spaces required by use, Table 6.5 of the Municipal Code (Nonresidential Parking Spaces by Land Use) in accordance with the land use Category of Health care facilities - Convalescent and nursing homes and homes for the aged.*

The following is the City's parking requirement for *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums* use:

- *One space per four beds, per the resident capacity of the home, as listed on the required license*

Table 3-1 shows the required parking capacity for the for the assisted living and memory care component of the proposed project based on the City of Laguna Niguel Municipal Code using the *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums* land use category.

This use is selected since congregate care use is more of an independent living setting. The proposed use is more in line with assisted living or convalescent and nursing home since it is not considered an independent living setting. Memory care use generally requires assistant. However, the City does not have parking requirements specifically for memory care use. Hence, the *convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums* use is utilized for the analysis.

**Table 3-1**  
**Assisted Living Component Parking Required**  
**per City of Laguna Niguel Municipal Code Section 9-1-66**

Land Use	Quantity	Units	Parking Required (Spaces)
convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums	111	Beds	28
<b>Vehicle Parking Provided</b>			<b>65</b>
<b>Vehicle Parking Surplus/Shortage</b>			<b>+ 37</b>
<b>Adequate Parking Provided?</b>			<b>Yes</b>

**Notes:**

1 Based on the City's Municipal Code, convalescent and nursing homes, homes for the aged, rest homes, children's homes and sanitariums require one space per four beds, per the resident capacity of the home, as listed on the required license

As shown in Table 3-1, based on the City of Laguna Niguel Municipal Code, the assisted living and memory care component of the project is required to provide a total of 28 parking spaces.

As also shown in Table 3-1, since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, based on the City's Municipal Code, with a total of 65 spaces provided, the proposed project is forecast to have more than adequate parking capacity to serve the assisted living and memory care use.

### **3.2 Assisted Living Use Parking Required Based on ITE**

Table 3-2A shows the required parking capacity for the assisted living and memory care component of the proposed project based on the ITE Parking Generation Manual (January 2019) based on the number of dwelling units. The data is broken down into weekday conditions, Saturday conditions, and Sunday conditions.



**Table 3-2A**  
**Assisted Living (ITE Code 254) Component Parking Required**  
**Per ITE Parking Generation Manual Based on Dwelling Units**

Day of Week	Average Rate	Parking Required (Spaces)
Weekday Conditions (108 Dwelling Units)	0.40 Spaces per Dwelling Unit	44
Saturday Conditions (108 Dwelling Units)	0.30 Spaces per Dwelling Unit	33
Sunday Conditions (108 Dwelling Units)	0.32 Spaces per Dwelling Unit	35
<b>Parking Required</b>		<b>44</b>
<b>Vehicle Parking Provided</b>		<b>65</b>
<b>Vehicle Parking Surplus/Shortage</b>		<b>+ 21</b>
<b>Vehicle Adequate Parking Provided?</b>		<b>Yes</b>

**Notes:**

Source: Institute of Transportation Engineers (ITE) Parking Generation Manual (5<sup>th</sup> Edition, January 2019) for Assisted Living use (ITE Code 254)

As shown in Table 3-2A, based on ITE Parking Generation Manual and the number of dwelling units, the assisted living and memory care component of the project is required to provide a total of 44 parking spaces.

As also shown in Table 3-2A, since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, based on ITE Parking Generation Manual and the number of dwelling units, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

Table 3-2B shows the required parking capacity for the proposed project based on the ITE Parking Generation Manual (January 2019) based on the number of beds. The data is broken down into weekday conditions, Saturday conditions, and Sunday conditions.

**Table 3-2B**  
**Assisted Living Component Parking Required**  
**Per ITE Parking Generation Manual Based on Beds**

<b>Day of Week</b>	<b>Average Rate</b>	<b>Parking Required (Spaces)</b>
Weekday Conditions (111 Beds)	0.39 Spaces per Bed	44
Saturday Conditions (111 Beds)	0.25 Spaces per Bed	28
Sunday Conditions (111 Beds)	0.29 Spaces per Bed	33
<b>Parking Required</b>		<b>44</b>
<b>Vehicle Parking Provided</b>		<b>65</b>
<b>Vehicle Parking Surplus/Shortage</b>		<b>+ 19</b>
<b>Vehicle Adequate Parking Provided?</b>		<b>Yes</b>

**Notes:**

Source: Institute of Transportation Engineers (ITE) Parking Generation Manual (5<sup>th</sup> Edition, January 2019).

As shown in Table 3-2B, based on ITE Parking Generation Manual and the number of beds units, the assisted living and memory care component of the project is required to provide a total of 44 parking spaces.

As also shown in Table 3-2B, since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, based on ITE Parking Generation Manual and the number of beds, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

### 3.3 Assisted Living Parking Required Based on Other Sources

Since memory care is a very specific use not typically included in municipal codes, for additional information and confirmation of data, the following other sources from municipal code requirements of other agencies as well as parking studies prepared for assisted living and memory care uses have been utilized to verify the adequacy of the parking capacity for the assisted living and memory care component of the proposed project. The data from these jurisdictions were selected among a pool of data based on their relative similarity in terms of proposed use, location (general urban/suburban) and settings:

- City of Rancho Mirage, California Municipal Code (copy contained in Appendix A);
- City of Lake Forest Park, Washington Municipal Code (copy contained in Appendix B);
- *Agemark Assisted Living Facility Parking Analysis (Abrams Associates Traffic Engineering, Inc., August 29, 2017)*, City of Orinda, California (copy contained in Appendix C);
- *Parking Demand Analysis for Silverado Memory Care (Linscott, Law & Greenspan Engineers, August 16, 2017)*, City of Brea, California (copy contained in Appendix D); and
- *Northfax Development Senior Living Facility Parking Assessment (Gorove Slade Transportation Planners and Engineers)*, City of Fairfax, Virginia (copy contained in Appendix E).

Table 3-3 shows the required parking capacity for the proposed project based on the other sources listed above.

**Table 3-3**  
**Summary of Assisted Living Component Parking Required per Other Studies & Published Sources**

Source	Parking Rate	Parking Required (Spaces)	Parking Provided	Adequate Parking Provided?
<b>Other Agency Municipal Code Requirements</b>				
<i>City of Rancho Mirage, CA Municipal Code for Assisted Living Use</i>	0.50 spaces per unit	54	65	YES
<i>City of Lake Forest Park, WA Municipal Code for Rest homes, nursing and convalescent homes; homes for retired and children's institutions</i>	1 space for each 4 beds	28	65	YES
<b>Other Parking Studies</b>				
<i>Agemark Assisted Living Facility Parking Analysis (Abrams Associates Traffic Engineering, Inc., August 29, 2017), City of Orinda, California</i>	0.38 spaces per unit	42	65	YES
<i>Parking Demand Analysis for Silverado Memory Care (Linscott, Law &amp; Greenspan Engineers, August 16, 2017), City of Brea, California</i>	0.55 space per bed	62	65	YES
<i>Northfax Development Senior Living Facility Parking Assessment (Gorove Slade Transportation Planners and Engineers), City of Fairfax, Virginia</i>	0.50 space per bed	56	65	YES

As shown in Table 3-3, based on the other sources that were examined, the assisted living and memory care component of the project is required to provide a total of between 28 and 62 parking spaces.

As also shown in Table 3-3, since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, based on the other examined sources, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

### **3.4 Assisted Living Use Required Parking Analysis Summary**

Based on the various sources, the assisted living and memory care component of the project is expected to require between 28 and 62 spaces.

Since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

## 4.0 Parking Required for Special Events

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An analysis has been prepared to determine the amount of parking required for a special event use at the church.

As previously noted, the Church use currently has a sanctuary with 240 seats (2,600 square feet) along with other uses such as office and children's room that are considered ancillary uses to the sanctuary. For example, the purpose of the children's room is to provide a nursery space for parents to have their infant and very young children stay onsite as they are in bible study, etc.

There are currently two areas located on the two ends of the sanctuary space that are categorized as office. The proposed project is planning to reconfigure these two office spaces as multi-purpose rooms. One will be approximately 545 square feet and the other is approximately 546 square feet (1,010 square feet total). The total area with the sanctuary space will be approximately 2,851 square feet.

For the purpose of determining the parking required for the special event conditions, the parking demand has been calculated utilizing two different approaches:

- **Special event parking demand based on total square footage:** City Code requires 1 space per 35 square feet of assembly use. Hence, assuming a total of 2,851 square feet of assembly space during the infrequent church special events, the City Code would require a total of 81.46 (rounded up to 82) spaces during special events.
- **Special event parking demand based on seats and square footage:** Another way to approach the parking calculation for infrequent church special events is to assume 240 seats (sanctuary space), plus 1,010 SF of assembly space (the two multi-purpose rooms). The 240 seats would require 80 spaces as shown previously in Section 2.0 of this report.

City Code requires 1 space per 35 square feet of assembly use. Hence, the remaining area with 1,010 square feet of assembly space would require a total of 28.86 (rounded up to 29) spaces during special events.

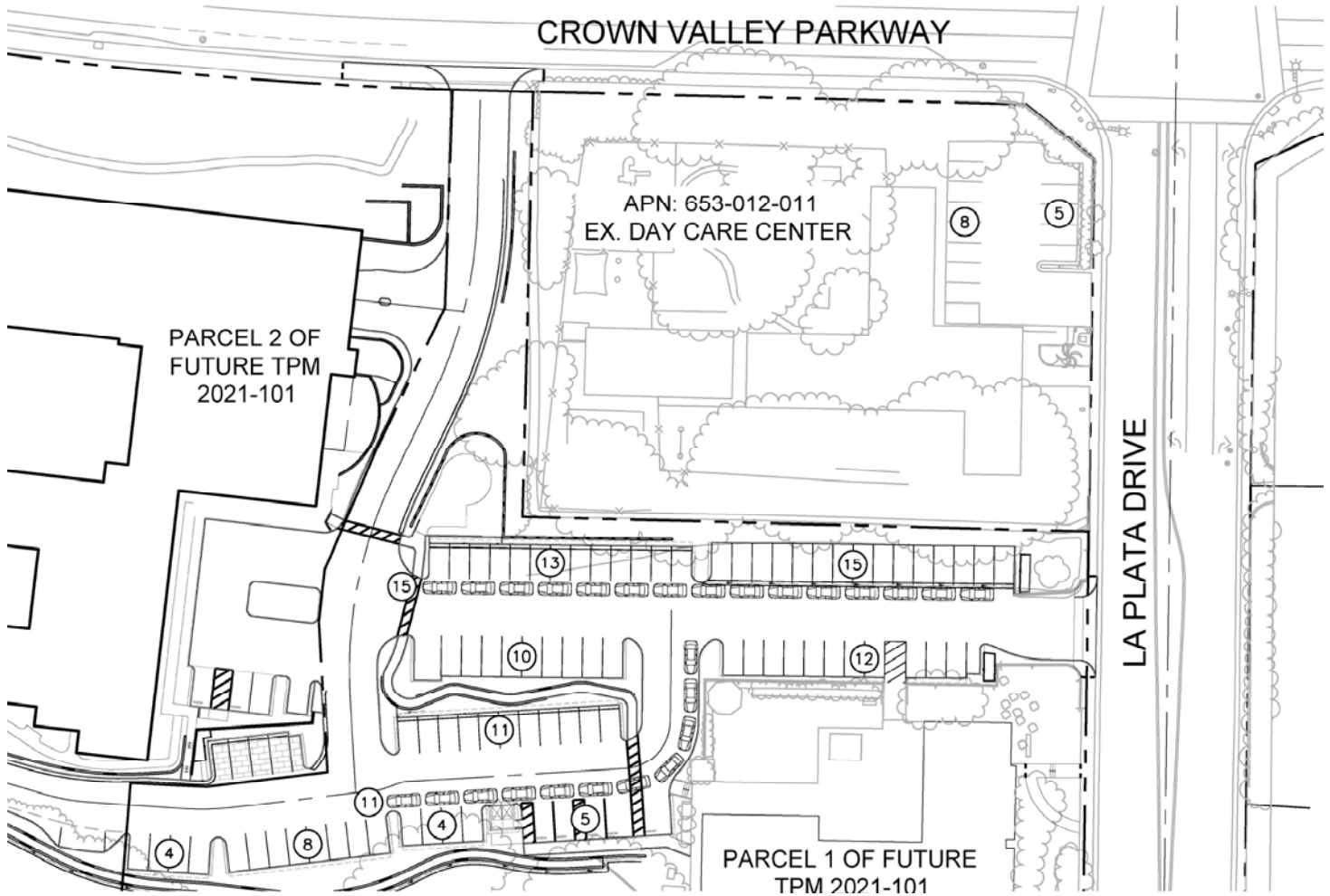
In combination, utilizing this approach, the special event would require a total of 109 parking spaces.

Conservatively, assuming the second approach, during special events, the church use would require a total of 109 spaces, or 27 space more than the 82 spaces that is planned to be provided by the church.


The additional 27 spaces can be provided through the following:

- Use of the existing thirteen (13) parking spaces currently located on the adjacent daycare site if the special event is planned for a time when the daycare is not operating;
- Use of available space at the adjacent assisted living and memory care facility use if the special event is planned for a time when the adjacent assisted living and memory care facility use is not very active and has extra parking spaces to spare;
- Implementation of valet parking. Based on a preliminary valet plan evaluation shown in Exhibit E, an additional 26 vehicles can be accommodated on the site through use of valet parking, bringing the total parking capacity to 108 spaces.

# Exhibit E Parking Valet Plan



## Legend:

- (13) PARKING SPACE COUNT
-  VALET CAR SPACE

## PARKING SUMMARY

### ONSITE (GRACE CHURCH)

STANDARD SPACES: 82

VALET SPACES: 26

### OFFSITE (DAY CARE)

STANDARD SPACES: 13

### TOTAL PARKING

TOTAL SPACES: 121





## 5.0 Findings & Conclusions

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### Proposed Project:

The proposed project is located adjacent to the existing Grace Church on the corner of the Crown Valley Parkway / La Plata Drive intersection in the City of Laguna Niguel.

The project site currently consists of the following land uses:

- The existing Grace Church; and
- A K-8 private school (currently inactive - to be displaced).

The proposed project consists of the construction of a fully state licensed RCFE senior assisted living and memory care facility with a size of 106,041 square feet (130,041 if the parking garage area is included) consisting of a total of 108 suites housing 111 beds. The Senior Living Center will provide 77 suites for senior assisted living care and 31 suites provided for senior memory care in its own secure neighborhood on the entry level. It is a 2-story building over a basement containing a garage with 53 parking stalls and other common areas.

The senior living center is to be located adjacent to the existing Grace Church. The proposed project is expected to displace an existing building on-site which served a K-8 private school with a maximum enrollment capacity of 100 students and is currently being used for Christian education on Sundays and a few days a week.

The Grace Church property has been operating as a church since 1973. The Grace Church remodel will add 436 SF net increase in its church facilities, providing two new ADA bathrooms and the relocation of classrooms and offices from the modular buildings to the second floor of the main church building. The proposed project is not planned to make any operational or capacity changes to the existing church use. Hence, the parking demand for the church component of the site is expected to be the same as existing conditions. Currently, the church has a parking capacity of 80 spaces and is proposed to be expanded to 82 spaces. In addition, during special events, the church could provide 121 spaces through the use of parking spaces located on the adjacent daycare site and through the implementation of valet parking.

The proposed project is not planned to make any operational or capacity changes to the existing church use. Hence, the parking demand for the church component of the site is expected to be the same as existing conditions. Currently, the church component has a parking capacity of 80 spaces.

The proposed project is planned to provide a total of 147 parking spaces, consisting of 82 spaces for the proposed church use and 65 spaces for the assisted living and memory care use.

#### Church Use Parking:

Based on the City of Laguna Niguel Municipal Code, the church component of the project is required to provide a total of 82 parking spaces.

Since the church component of the project is planned to provide a total of 82 parking spaces, based on the City's Municipal Code, with a total of 82 spaces provided, the proposed project is forecast to have adequate parking capacity to serve the church use.

It should also be noted, a parking demand study and observation previously prepared as part of the last entitlement showed the maximum demand for the church to be 65 spaces. As previously noted, the church size and operations are not planned to change as part of the proposed project.

#### Assisted Living & Memory Care Use Parking:

Based on the various sources, the assisted living and memory care component of the project is expected to require between 28 and 62 spaces.

Since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

#### Special Event Parking:

There are currently two areas located on the two ends of the sanctuary space that are categorized as office. The proposed project is planning to reconfigure these two office spaces as multi-purpose rooms. One will be approximately 545 square feet and the other is

approximately 546 square feet (1,010 square feet total). The total area with the sanctuary space will be approximately 2,851 square feet.

During special events, the church use would require a total of 109 spaces, or 27 space more than the 82 spaces that is planned to be provided by the church.

The additional 27 spaces can be provided through the following:

- Use of the existing thirteen (13) parking spaces currently located on the adjacent daycare site if the special event is planned for a time when the daycare is not operating;
- Use of available space at the adjacent assisted living and memory care facility use if the special event is planned for a time when the adjacent assisted living and memory care facility use is not very active and has extra parking spaces to spare;
- Implementation of valet parking. Based on a preliminary valet plan evaluation shown in Exhibit E, an additional 26 vehicles can be accommodated on the site through use of valet parking, bringing the total parking capacity to 108 spaces.

### **Summary:**

**Parking Capacity Provided:** The proposed project is planned to provide a total of 147 parking spaces, consisting of 82 spaces for the proposed church use **and** 65 spaces for the assisted living and memory care use.

**Church Parking Required:** The church component of the project is required to provide a total of 82 parking spaces. Since the church component of the project is planned to provide a total of 82 parking spaces, based on the City's Municipal Code, with a total of 82 spaces provided, the proposed project is forecast to have adequate parking capacity to serve the church use.

**Assisted Living & Memory Care Use Parking Required:** Based on the various sources, the assisted living and memory care component of the project is expected to require between 28 and 62 spaces. Since the assisted living and memory care component of the project is planned to provide a total of 65 parking spaces, the proposed project is forecast to provide more than adequate parking capacity to serve the assisted living and memory care use.

**Overall Site Parking:** Based on the various sources, the combined uses is expected to require between 110 and 144 spaces. Since the project site is planned to provide a total of 147 parking spaces, **the proposed project is forecast to provide more than adequate parking capacity to serve all the proposed uses independently as well as for the total combined uses on the site.**

## **Appendices**

## **Appendix A**

City of Rancho Mirage, California Municipal Code

## Rancho Mirage Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Division III. Development and Operational Standards](#)[Chapter 17.30 STANDARDS FOR SPECIFIC LAND USES](#)[\[ remove highlighting \]](#)**17.30.040 Assisted living facilities.**

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This section provides locational, developmental, and operational standards for senior assisted living facilities, in compliance with state law and in a manner that recognizes the needs of senior care operators and minimizes negative impacts on adjoining properties. The establishment of a senior assisted living facility is allowed in the R-H and O zoning districts, subject to approval of a development plan permit and in the R-M and M-U zoning districts subject to approval of a conditional use permit, and the following criteria and standards:

**A. Parking Requirements.**

1. The operator of an assisted living facility shall provide an area for off-street **parking** at a minimum ratio of 0.5 spaces for each dwelling unit.

a. Up to twenty percent of these spaces may be shown on the site plan, landscaped, but not installed. Future installation of these spaces shall be secured for a period of five years with a financial deposit to the city.

b. A specially dimensioned **parking** space for an enlarged shuttle van may also be required.

2. It shall be demonstrated that traffic generation is comparable to or less than that which would be generated by other allowed uses in the same zoning district.

**B. Density.**

1. The maximum density of the underlying zoning district shall not apply. Instead, it shall be demonstrated that structure mass and scale and traffic generation rates shall be less than or comparable to other allowed uses in the same zoning district.

2. Maximum parcel coverage shall be thirty percent in residential zoning districts and thirty-five percent in nonresidential zoning districts.

**C. Structure Height Limits.**

1. Up to sixty percent of the structure footprint may be up to two stories in height. Second story elements shall be in compliance with Chapter 17.20 (General Property Development and Use Standards).

2. Assisted living facilities shall not exceed two stories in height.

**D. Dwelling Unit Size.**

1. The minimum dwelling unit size shall be four hundred square feet for a studio and five hundred square feet for a one-bedroom unit. Up to twenty-five square feet of the patio or balcony space may count towards the minimum unit size.

2. Minimum room sizes shall be in compliance with Section 17.30.110 (Minimum dwelling room size standards).

**E. Site Design.**

1. The exterior of all resident windows shall be architecturally treated. Special consideration shall be given to solar protection with roof and/or window overhangs, awnings (either fixed or adjustable), architectural protrusions, or attachments.

2. A covered pick-up/drop off lane immediately adjacent to the main entrance shall be provided. The minimum length (stacking distance) for this lane shall be calculated by multiplying the number of dwelling units by 0.5 which converts to the number of feet required for the minimum length of the pick-up/drop off lane.

**F. Common Area Space.**

1. Dwelling units shall be no further than one hundred fifty horizontal feet from the dining area.

2. Hand rails shall be consistent with ADA standards.

3. Skylights and windows shall be required where feasible in interior hallways.

4. All second story units shall be accessible by elevator.

5. All elevators shall be large enough for a gurney.

G. Interior of Individual Dwelling Units.

1. All dwelling units shall have at least two alarm/call buttons connected to a twenty-four-hour staffed administrative desk or lifeline emergency response system. One call button shall be located in the bathroom.

2. All independent living and assisted care units shall include a private or semi-private patio or balcony of sufficient size to accommodate a chair and a small table.

3. The windows in dwelling units shall have low sill heights to allow residents in bed or seated to see outside.

4. To enlarge the apparent space in independent living and assisted care units, where possible interior ceiling heights (excluding bathrooms, closets, and hallways) shall be eight feet tall or more. (Ord. 777 § 1 (Exh. A), 2002)

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## **Appendix B**

City of Lake Forest Park, Washington Municipal Code

## Chapter 18.58 OFF-STREET PARKING

Sections:

**18.58.010 Required off-street parking.**

**18.58.020 Parking plan.**

**18.58.030 Parking spaces required.**

**18.58.040 Parking requirements for common facilities.**

**18.58.050 General requirements on size of parking spaces.**

**18.58.060 Surfacing.**

**18.58.070 Access.**

**18.58.080 Screening.**

**18.58.090 Drainage.**

### **18.58.010 Required off-street parking.**

Every building or use hereafter developed shall be provided with parking spaces as required in this chapter, and such parking space shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds. Wherever feasible, impervious parking surface shall be reduced through parking reduction mechanisms and design criteria including the use of permeable surfacing. (Ord. 1149 § 5, 2016; Ord. 773 § 3, 1999)

### **18.58.020 Parking plan.**

Prior to the issuing of a building permit for any new building or structure, or for the enlargement of the floor area of an existing building or structure, the use of either of which requires off-street parking facilities to be provided as set forth in this title, or if a parking area is to be jointly used, a site plan of the parking area clearly indicating the number of parking spaces being provided and the proposed

development of such area including location of the spaces, the size, shape, design, relationship to buildings to be served, curbcuts, lighting, landscaping and other features and appurtenances of the proposed parking facility shall be approved by the planning department. (Ord. 773 § 3, 1999)

### **18.58.030 Parking spaces required.**

The amount of off-street parking required shall be no less than as set forth in this section.

The following uses, wherever located, shall provide off-street parking facilities as follows:

1. Churches	One parking stall for each three seats in the principal place of worship.
2. Community clubs and community recreational centers	One parking space for each employee and one parking space for each 40 square feet of gross floor area used for assembly purposes.
3. Day care	One parking space per 10 children or adults cared for, plus one parking space for each employee in addition to any other required parking.
4. Single-family dwellings Multifamily dwellings	Two parking spaces. One and one-half parking spaces per dwelling unit. Where the total quota results in a fraction, the next highest full unit shall be provided.
5. Health clubs	One parking space for each employee, plus one parking space for each 200 square feet of floor area.
6. Hotels	One parking space for each bedroom.
7. Hospitals	One parking space for each bed.
8. Libraries, government buildings, fire stations and police stations, courts	One parking space for each employee, plus one parking space for each 250 square feet of total floor area.
9. Mortuaries	One parking space for each 40 square feet of floor area.
10. Motels	One parking space for each sleeping unit or dwelling unit.
11. Museums	One parking space for each 250 square feet of gross floor area.
12. Offices	One parking space for each 250 square feet of gross floor area.
13. Recreational facilities	One parking space for each employee and one parking stall for each 40 square feet of total floor area used for assembly purposes.

14. Rest homes, nursing and convalescent homes; homes for retired and children's institutions	One parking space for each four beds.
15. Retail	One parking space for each 200 square feet of gross floor area.
16. Roominghouses and boarding houses	One parking space for each two sleeping rooms or one parking space for each four beds, whichever is greater.
17. Self-service storage	One parking space for every 3,500 square feet of storage area provided and two additional spaces adjacent to resident manager's quarters.
18. Senior citizen apartments	One parking space for each dwelling unit.
19. Schools, elementary and junior high; public, private or parochial	One parking space for each employee and each faculty member.
20. School, high; public, private or parochial	One parking space for each 10 students and one parking space for each employee and each faculty member. Where parochial schools and churches are on the same site, the required church parking facilities shall be considered as contributing to the school parking requirement.
21. School, specialized instruction	One parking space for each instructor who does not reside on the site and one parking space for every two students and/or spectators in attendance during an instructional session.
22. Arenas, auditoriums (including school auditoriums) and other places of public assembly (other than churches) and lodges	One parking space for each five fixed seats, in all parking generating areas used simultaneously for assembly purposes. If there are no fixed seats, one parking space shall be provided for each 40 square feet of gross floor area used for assembly purposes.
23. Storage and warehousing, comprising only activity on premises	One parking space for each two employees on maximum working shift.
24. Theaters	One parking space for each three seats.

The parking requirements for a use not provided for in this section shall be determined by the city planning department and such determination shall be based upon the requirements for the most comparable use specified herein. (Ord. 773 § 3, 1999)

#### **18.58.040 Parking requirements for common facilities.**

The amount of off-street parking required in LFPMC [18.58.030](#) may be reduced, by an amount to be determined by the planning department, when common parking facilities for two or more buildings or uses are designed and developed as one parking facility, provided;

A. The total parking area exceeds 5,000 square feet.

B. The amount of the reduction shall not exceed 10 percent for each use, except that the reduction may exceed 10 percent when:

1. The reduction is based on cooperative use of parking facilities when the time during which the cooperative uses operate are not conflicting;
2. The normal hours of operation are separated by at least one hour;
3. The total number of off-street parking spaces in the common facility is not less than the sum of the required parking spaces for the various uses computed separately for which the hours of operation overlap.

C. A covenant or other acceptable contract between the cooperating property owners is approved by the planning department which cannot be amended without the consent of the department.

D. If the conditions under which the reduction in parking requirements was approved are violated, the affected property owners must provide a remedy satisfactory to the planning department or provide the full amount of required off-street parking, in accordance with the provisions of this chapter, within 90 days of notice of the violation by the director or his designee. (Ord. 773 § 3, 1999)

#### **18.58.050 General requirements on size of parking spaces.**

A. Standard Parking Spaces. Standard parking space dimensions shall be as follows:

1. Parallel parking: width, 12 feet; length, 23 feet;
2. Angle parking: width, nine feet; length, 18 feet;
3. Parking aisle width for one-way traffic in relation to parking angle shall be:

0 to 50 degrees	12 feet
55 degrees	14 feet
60 degrees	16 feet
65 degrees	18 feet

70 degrees	20 feet
90 degrees	24 feet

4. The minimum aisle width to accommodate two-way traffic shall be 20 feet, except where a greater width is required for the parking angle used.

B. Compact Parking Spaces. Within any off-street parking facility which includes more than 20 parking spaces, up to 50 percent of the total may be sized to accommodate compact cars, subject to the following:

1. Each space shall have an area of not less than 120 square feet exclusive of drives and aisles, and a width of not less than seven feet, six inches.
2. Each space shall be adequately identified as a compact or small car space.
3. Aisle widths shall conform to the standards set forth by LFPMC [18.58.050](#)(A)(3) for standard size cars.
4. Compact car spaces shall be reasonably distributed throughout the facility. (Ord. 773 § 3, 1999)

#### **18.58.060 Surfacing.**

All of the parking areas and driveways mentioned in this chapter, excluding those for single-family residential uses, shall be surfaced with an asphaltic or better material so as to provide a surface that is durable for the purpose and dust-free. Parking will not be permitted in entrances and exits. (Ord. 773 § 3, 1999)

#### **18.58.070 Access.**

Where the side street is available, access to the parking area must be made from that side street or lower classified street. Access to arterial and collector streets should only be done when no other reasonable access alternative exists. Where access must be made from an arterial right-of-way, the location of the parking access must comply with city standards and every effort shall be made to reduce traffic congestion and hazards. (Ord. 773 § 3, 1999)

#### **18.58.080 Screening.**

The parking area shall be screened from adjoining properties by solid fencing, or by plantings of evergreen material that will constitute a solid planting of not less than four feet in height within two years. Vision clearance standards must be maintained pursuant to LFPMC [18.50.070](#). (Ord. 773 § 3, 1999)

**18.58.090 Drainage.**

Drainage shall be in conformance with the city of Lake Forest Park standards and the 2016 King County Surface Water Design Manual. (Ord. 1149 § 5, 2016; Ord. 773 § 3, 1999)

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The Lake Forest Park Municipal Code is current through Ordinance 1216, passed December 10, 2020.

Disclaimer: The city clerk's office has the official version of the Lake Forest Park Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityoflfp.com/>

City Telephone: (206) 368-5440

[Code Publishing Company](#)

## **Appendix C**

*Agemark Assisted Living Facility Parking Analysis (Abrams Associates Traffic Engineering, Inc., August 29, 2017), City of Orinda, California*





*Parking Analysis*

# **Agemark Assisted Living Facility**

City of Orinda

Prepared for:  
City of Orinda  
22 Orinda Way  
Orinda, CA 94563  
Attn: Daisy Allen

Prepared by:  
Abrams Associates  
1875 Olympic Boulevard, Suite 210  
Walnut Creek, CA 94596



**Abrams Associates**  
TRAFFIC ENGINEERING, INC.

**August 29, 2017**

# Agemark Assisted Living Facility Project

## *City of Orinda*

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### PARKING ANALYSIS

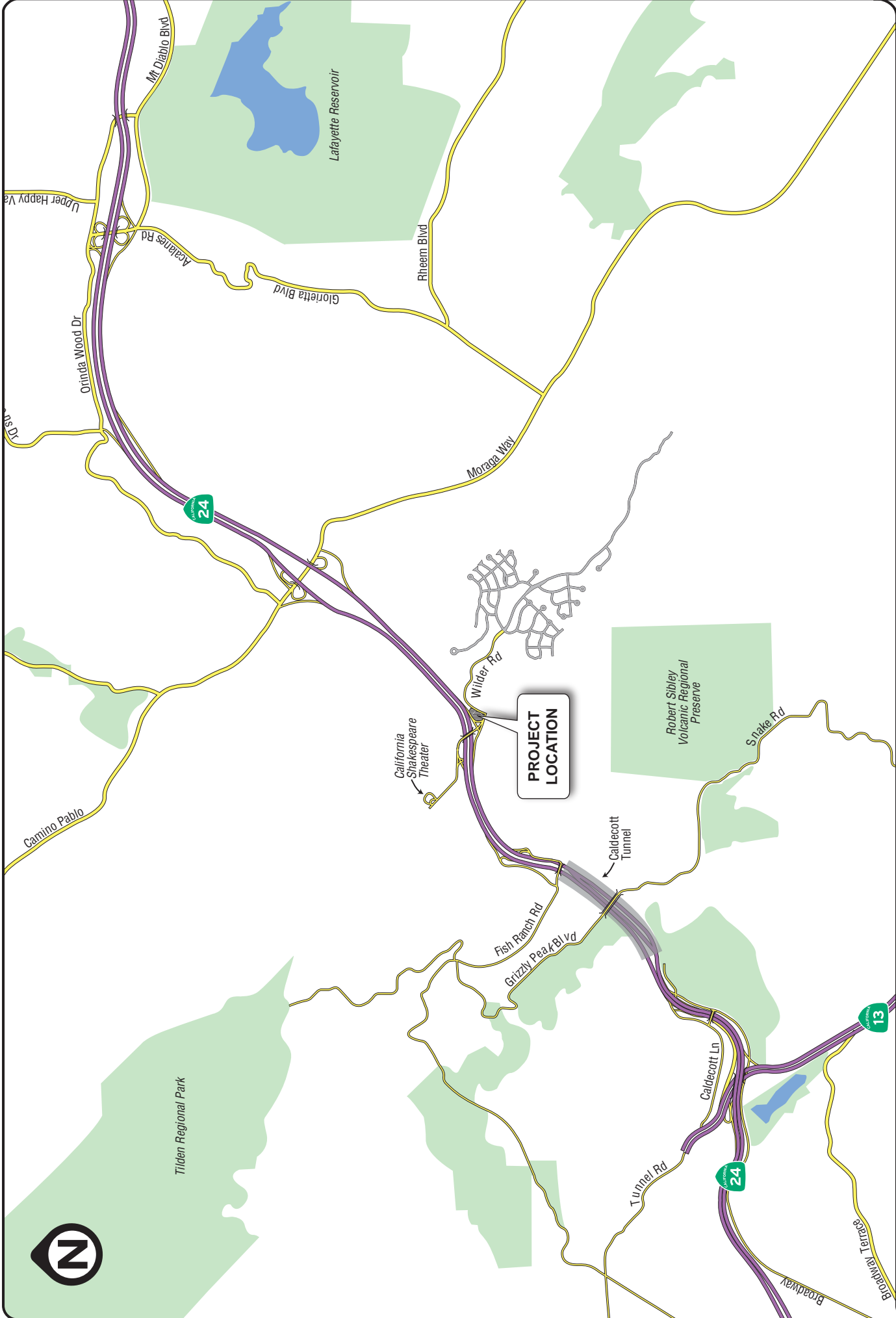
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This report presents the results of the parking analysis proposed assisted living facility the City of Orinda. This project would involve construction of a new 38 unit assisted living facility in the southwest quadrant of the Wilder Road interchange with State Route 24 (SR 24). The proposed project would have all access via two driveways onto Wilder Road and the project proposes to meet its parking demand by constructing 16 parking spaces on-site. The site is currently undeveloped. **Figure 1** presents a wider vicinity map identifying the location of the project. **Figure 2** shows the precise location of the project and the roadway network immediately surrounding it. **Figure 3** presents the proposed project site plan.

### PARKING DEMAND ANALYSIS

This section discusses the City's zoning and estimated parking demand for the project. The City's Municipal Code specifies that the minimum off-street parking requirement for congregate care facilities is 0.5 parking spaces per room. With the proposed proposed 38 unit facility this equates to a total requirement of 19 off-street parking spaces. The project is also proposing to provide space for passenger loading for 4 vehicles and if this were to be included the project would then have a total of 20 parking spaces.

**Parking Demand Based on ITE Parking Generation Rates** - To provide additional information on potential parking demand, **Table 1** provides a summary of the parking demand results using the average ITE parking generation rates for Assited Living facilities taken from the 4<sup>th</sup> Edition of the *ITE Parking Generation Manual*. As shown in **Table 1**, the unrestricted parking demand generated by the project is expected to be approximately 16 parking spaces based on the ITE data.



**FIGURE 1 | PROJECT VICINITY**  
**PARKING ANALYSIS**  
 Agemark Assisted Living Facility  
 City of Orinda





**FIGURE 2 | PROJECT LOCATION**  
**PARKING ANALYSIS**  
Agemark Assisted Living Facility  
City of Orinda





**Table 1**  
**Off-Street Parking Calculations Using Parking Data from**  
**the Institute of Transportation Engineers**

Land Use	Data Source	Land Use Code	Size		Parking Ratio	Parking Demand
Assisted Living	ITE Parking Demand Rates	254	38	units	0.41	16 vehicles

**Residential Parking Occupancy Surveys at Other Similar Assisted Living Projects** – As part of this analysis Abrams Associates also conducted detailed parking surveys for comparable assisted living facilities. The results of these surveys are presented in **Table 2**. The three facilities that were selected for surveys in coordination with City staff are as follows:

1. Aegis Moraga  
 950 Country Club Drive  
 Moraga, CA 94556  
 Capacity – 100 residents

2. Atria Walnut Creek  
 1400 Montego Drive  
 Walnut Creek, CA 94598  
 Capacity – 157 residents

3. Walnut Creek Willows  
 2015 Mt Diablo Boulevard  
 Walnut Creek, CA 94556  
 Capacity – 72 residents

Each site was surveyed from 10:00 AM to 5:00 PM on a typical weekday (Tuesday or Wednesday) and surveys were also conducted on a Friday and Saturday. The results in **Table 2** present the peak occupancy that was recorded at each facility during the surveys. For two of the facilities the peak parking demand occurred mid-day on Friday and for the other facility the peak parking demand was mid-day on a Tuesday. It was verified that two of the facilities were operating near capacity with only a few rooms available. The third facility, Atria Walnut Creek, was only operating at 80% occupancy so the actual number of current residents was used in the calculations.

For the other two facilities the number of residents was adjusted based on the assumption that the facility was at approximately 90% occupancy. It should be noted that this is a conservative assumption as theoretically under normal conditions there would typically be some turnover in residents that would result in a few rooms being open at the proposed facility at most times of

**Table 2**  
**Parking Occupancy at Other Similar Assisted Living Projects**

Facility Name	Location	Current Number of Residents	Maximum No. of Occupied Spaces	Peak Parking Demand Ratio
Aegis Moraga	950 Country Club Drive, Moraga	90	39	0.43
Atria Walnut Creek	1400 Montego Drive, Walnut Creek	129	41	0.32
Walnut Creek Willows	2015 Mt Diablo Boulevard, Walnut Creek	65	26	0.40
<b>Averages</b>		<b>100</b>	<b>35</b>	<b>0.38</b>

**Notes:** The parking demand ratio presented is the peak parking occupancy recorded during the surveys divided by the current number of residents. The parking occupancy counts were taken during on Friday and Saturday August 11<sup>th</sup> and 12<sup>th</sup>, 2017 and on Tuesday and Wednesday August 15<sup>th</sup> and 16<sup>th</sup>, 2017.

the year. The results of the surveys of parking occupancy at other assisted living projects indicate an average occupancy rate of 0.38 vehicles per resident. As shown in **Table 3**, applying this rate results in an estimated parking demand of 15 parking spaces for the proposed project.

**Table 3**  
**Off-Street Parking Calculations Using Parking Data from the Surveys of Similar Facilities**

Land Use	Data Source	Size		Parking Ratio	Parking Demand
Assisted Living	Parking Surveys	38	units	0.38	15 vehicles

**Parking Conditions at the Adjacent Wilder Park** – In October of 2014 Abrams Associates prepared an analysis of parking conditions at Wilder Park. That study indicated that Wilder Park currently has 266 marked parking spaces. In 2015 the activities at the sports fields resulted in a maximum demand for 130 parking spaces on weekends and for 40 spaces on weekdays. However, the upper field at the park was not yet being utilized for games and the parking occupancy has been observed to have increased substantially since 2014. The 2014 parking study forecast that once Wilder Park was fully completed with 5 active sports fields, four of which would be used for soccer and one field exclusively for baseball, the estimated maximum parking demand would be for 249 parking spaces. This is based on a compilation of the results of the studies described above and their application to the activities at Wilder Park. The estimate of the parking among the five fields at the maximum parking would be as shown in **Table 4**.

**Table 4**  
**Maximum Forecast Parking Demand for Wilder Park**

Field	Activity	Parking Demand
Field 1	Youth soccer, marked for three games on smaller fields.	82
Field 2	Youth soccer – select teams	58
Field 3	Youth soccer - select teams	50
Field 4	Youth soccer – local leagues	44
Field 5	Baseball only, being used for practice.	15
	Total	249

The parking demand at Wilder Park has been observed to be the highest during periods when there are soccer and/or lacrosse events occurring at several of the fields concurrently. The parking demand is further increased when the events overlap with baseball games. Based on the surveys the typical maximum parking demand for assisted living facilities occurs during the middle of the day on weekdays when it is unlikely there would be multiple overlapping sports events. Given the peak parking demand for the proposed project generally occurs at different times from the sports fields at Wilder Park, the parking lot there would likely have some available capacity to potentially accommodate some overflow parking from the assisted living facility, if that ever became necessary. However, this could only occur if the City decided to enter into an agreement that would allow such use.

**Summary of Findings on Parking** - Based on these studies, it is our recommendation that the City consider making the findings that the 16 space parking lot and 4 loading spaces proposed by the project is reasonable and appropriate. It should be noted that approval of the project with slightly reduced parking would be consistent with many of the City policies. These include policies related to the goals of increasing the use of public transit, limiting increases in vehicular traffic, improving air quality, limiting fuel consumption, and improving conditions for pedestrians. Each of these factors, goals, and objectives is described in one form or another in the City's General Plan. These policies could provide additional support for making the findings to approve the parking for the project as proposed.



## **Appendix D**

*Parking Demand Analysis for Silverado Memory Care (Linscott, Law & Greenspan  
Engineers, August 16, 2017), City of Brea, California*

August 16, 2017

Mr. Tony Nguyen  
Silverado Home Office/Acquisition Services  
6400 Oak Canyon, Suite 200  
Irvine, CA 92618

LLG Reference No. 2.17.3834.1

Subject: ***Updated***  
**Parking Demand Analysis for Silverado Memory Care, Brea**

Dear Mr. Nguyen:

As requested, Linscott, Law, & Greenspan, Engineers (LLG) is pleased to submit this Updated Parking Demand Analysis for the proposed Silverado Memory Care Project located at the northeast corner of the Pepper Tree Drive and Lambert Road intersection (at 149 W. Lambert Road), in the City of Brea. This supplements our prior study dated August 2, 2017 with a worst-case demand scenario based upon the City's peer review consultant's comments dated August 1, 2017.

The project consists of developing 29,473 square feet (SF) of gross floor area, with 70 beds, for a memory care/assisted living community to provide care for residents impacted by Alzheimer's and other dementia-related disorders. The project will provide a total of 34 spaces on site. **Figure 1** presents the project site plan.

This parking study evaluates the project's parking needs based on direct application of City Code ratios, and empirical ratios derived from parking demand counts conducted at existing Silverado communities (located in San Juan Capistrano, Newport Mesa, and Escondido), and compares City Code requirements and estimated demand against the 34-space supply to identify any surplus or deficiency in on-site parking spaces.

Our method of analysis, findings, and recommendations are detailed in the following sections of this report. Briefly, we find the following:

- The City Code-based parking requirement for the project totals 162 spaces, and corresponds to a Code-based deficiency of 128 spaces when compared to the proposed supply of 34 spaces.
- Based on parking demand counts conducted at existing Silverado communities that have characteristics comparable to the project during a

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Parking

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Philip M. Linscott, PE (1924-2000)  
Jack M. Greenspan, PE (Ret.)  
William A. Law, PE (Ret.)  
Paul W. Wilkinson, PE  
John P. Keating, PE  
David S. Shender, PE  
John A. Boorman, PE  
Clare M. Look-Jaeger, PE  
Richard E. Barretto, PE  
Keil D. Maberry, PE

typical weekday and Saturday (at 12:00noon, identified as the peak hour for parking), the empirical parking ratios derived were greater on a weekday compared to Saturday. This characteristic observed was validated by the fact that the peak employee shift/load occurs on weekdays from 6:30am to 2:30pm. The weekday empirical ratios derived were 0.45, 0.49, and 0.51 spaces per bed for the San Juan Capistrano, Newport Mesa, and Escondido communities, respectively.

- Based on the application of the greatest empirical ratio of 0.51 spaces per bed (derived from the Escondido community) to the 70 beds proposed, the project's peak parking demand is estimated to be 36 spaces. This 36-space peak demand at 12:00noon is representative of the greatest number of employees (based on peak shift/load) and visitors during a typical weekday. Parking needs during all other hours of a typical weekday and weekend are expected to be less than the 36-space peak demand. Compared against the proposed supply of 34 spaces, the 36-space peak demand results in a deficiency of 2 spaces.
- In order to address the City's peer review consultant's comments dated August 1, 2017, a worst-case demand scenario was evaluated. Instead of the number of licensed beds used as the parameter for expressing the empirical ratio, the number of residents (or occupied beds) from the Escondido community (94 residents) at the time of our surveys was applied. Based on this, an adjusted ratio of 0.55 spaces per bed is applied in the supplemental parking demand calculation. Based on the application of the adjusted ratio of 0.55 spaces per bed, the worst-case demand is estimated to be 39 spaces, which corresponds to a deficiency of 5 spaces when compared against the 34-space supply.
- With the implementation of a Parking Management Plan (PMP) during peak parking conditions, which will include the provision of valet service (for a minimum of 6 hours per day, Monday through Friday, consistent with the City's comments), and employee parking in the delivery/loading/unloading area (when not in use), the 2- to 5-space shortfall would be addressed.

## CITY CODE PARKING REQUIREMENTS

The middle portion of **Table 1** presents the City Code parking requirement for the project (with 29,473 SF GFA) based on the application of the City Code ratio of 5.5 spaces per 1,000 SF for "residential care facilities, convalescent and nursing homes, homes for the aged, rest homes". As **Table 1** indicates, the City Code parking requirement for the project is 162 parking spaces. With a parking supply of 34 spaces, a City Code-based deficiency of 128 spaces is calculated.

## **EMPIRICAL PARKING DEMAND**

### **Parking Demand Counts**

Parking demand counts were conducted at existing Silverado communities (located in San Juan Capistrano, Newport Mesa, and Escondido). Based on operational information from Silverado, these three communities are considered to be representative of, and comparable with, the project. For the purposes of parking demand observations, it was appropriate to select these three communities because each is served by dedicated, on-site parking.

Based on employee shifts, typical activities during the lunch hour, and visitor parking needs, it was determined that the peak parking demand on a typical weekday and Saturday typically occurs at 12:00 noon. This time period is consistent with the peak hour identified from parking studies previously completed by LLG for assisted living facilities (hourly profile percentages are included in *Appendix Table A*). Based on this, parking demand counts were performed at 12:00 noon at each of the three comparable Silverado communities in May and June 2017.

### **Empirical Parking Demand Ratios**

The upper portion of *Table 1* presents the empirical parking ratios derived from the demand counts performed at the three comparable communities, and indicates that empirical ratios were greater during weekday conditions compared to Saturday conditions. This characteristic observed was validated by the fact that the peak employee shift/load occurs on weekdays from 6:30am to 2:30pm. The weekday empirical ratios derived were 0.45, 0.49, and 0.51 spaces per bed for the San Juan Capistrano, Newport Mesa, and Escondido communities, respectively.

### **Project Empirical Parking Demand versus Supply**

Based on the application of the greatest empirical ratio of 0.51 spaces per bed to the 70 beds proposed, the project's peak parking demand is estimated to be 36 spaces. This 36-space peak demand at 12:00noon is representative of the greatest number of employees (based on peak shift/load) and visitors during a typical weekday. Parking needs during all other hours of a typical weekday and weekend are expected to be less than the 36-space peak demand. Compared against the proposed supply of 34 spaces, the 36-space peak demand results in a deficiency of 2 spaces.

### **Worst-Case Parking Demand Scenario**

In order to address the City's peer review consultant's comments dated August 1, 2017, a worst-case demand scenario was evaluated, as presented on *Table 2*. Instead of the number of licensed beds used as the parameter for expressing the empirical

ratio, the number of residents (or occupied beds) from the Escondido community (94 residents) at the time of our surveys was applied. Based on this, an adjusted ratio of 0.55 spaces per bed is applied in the supplemental parking demand calculation. Based on the application of the adjusted ratio of 0.55 spaces per bed, the worst-case demand is estimated to be 39 spaces, which corresponds to a deficiency of 5 spaces when compared against the 34-space supply.

## **PARKING MANAGEMENT PLAN**

*Figures 2 and 3* illustrate a Parking Management Plan (PMP) to be implemented during peak parking conditions, which will include the provision of valet service (for a minimum of 6 hours per day, Monday through Friday, consistent with the City's comments), and employee parking in the delivery/loading/unloading area (when not in use). This will address the 2- to 5-space shortfall in on-site spaces.

Other PMP aspects and/or measures that Silverado will implement include the following:

- Silverado will instruct employees not to park on residential streets. Information on employee parking and compliance with PMP measures will be distributed as part of employee paperwork.
- Regional Associates manage multiple Silverado communities, and will therefore not be present every day in Brea. If necessary, their work schedules can be adjusted to non-peak parking periods during days when they are in Brea.
- Deliveries, training, and therapy will be scheduled to occur during non-peak parking periods.
- Training will be managed off site at either another Silverado community or at Silverado's home office in Irvine.
- Silverado will use its best efforts to secure additional off-site parking as needed during special events (e.g., Christmas, Thanksgiving and Mother's Day).

• • • •

Mr. Tony Nguyen  
August 16, 2017  
Page 5



We appreciate the opportunity to prepare this analysis for Silverado. Should you have any questions or need additional assistance, please do not hesitate to call us at (949) 825-6175.

Very truly yours,

**Linscott, Law & Greenspan, Engineers**

A handwritten signature in blue ink, reading "Trissa (de Jesus) Allen", is positioned below the company name.

Trissa (de Jesus) Allen, P.E.  
Senior Transportation Engineer

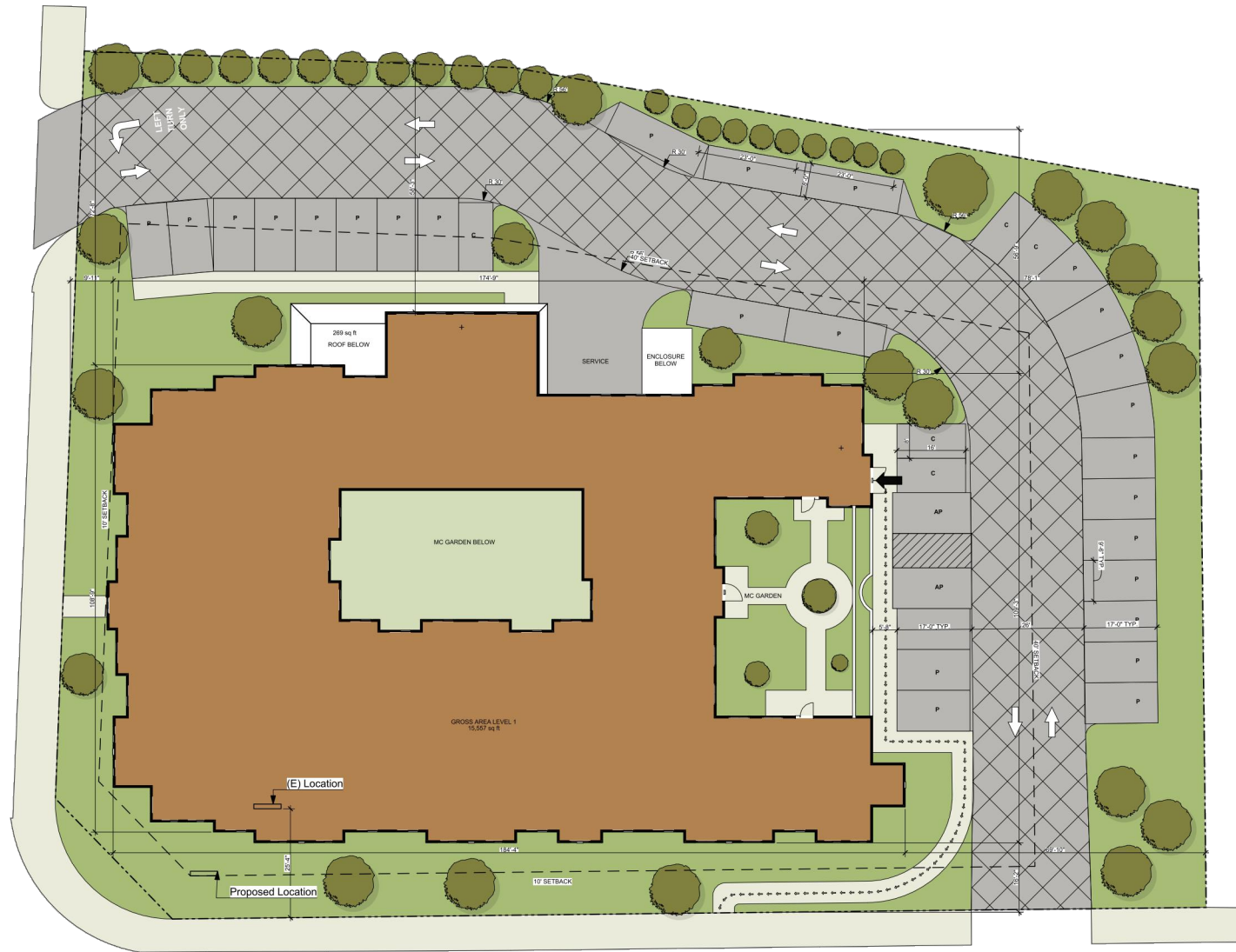
TABLE 1  
PARKING SUMMARY  
Silverado, Brea

Description	Beds	Supply (spaces)	Weekday		Saturday	
			Demand Observed	Demand Observed	Demand Observed	Demand Observed
			Demand (spaces)	Ratio (sp/bed)	Demand (spaces)	Ratio (sp/bed)
<u>Existing Silverado Communities</u>						
San Juan Capistrano	92	42	41	0.45	32	0.35
Newport Mesa	82	35	40	0.49	34	0.41
Escondido	101	77	52	0.51	31	0.31
<b>Proposed Project (29,473 SF)</b>	<b>70</b>	<b>34</b>	-	-	-	-
<b>City Code Requirements</b> (5.5 spaces per 1,000 SF)		<b>162</b>	-	-	-	-
Proposed Supply minus Code Req.		(128)				
<b>Demand based on Maximum Empirical Ratio of 0.51 sp/bed</b>		<b>36</b>	-	-	-	-
Proposed Supply minus Demand		(2)				

TABLE 2  
PARKING SUMMARY (WORST-CASE DEMAND SCENARIO)  
Silverado, Brea

Description	Residents or Occupied Beds	Supply (spaces)	Weekday		Saturday	
			Demand Observed	Demand Observed	Demand Observed	Demand Observed
			Demand (spaces)	Ratio (sp/bed)	Demand (spaces)	Ratio (sp/bed)
<u>Existing Silverado Communities</u>						
San Juan Capistrano	92	42	41	0.45	32	0.35
Newport Mesa	77	35	40	0.52	34	0.44
Escondido	94	77	52	0.55	31	0.33
<b>Proposed Project (29,473 SF)</b>						
<b>City Code Requirements</b> (5.5 spaces per 1,000 SF)	70	34	-	-	-	-
Proposed Supply minus Code Req.		162	-	-	-	-
		(128)				
<b>Demand based on Maximum Empirical Ratio of 0.55 sp/bed</b>		39	-	-	-	-
Proposed Supply minus Demand		(5)				





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SOURCE: DOUGLAS PANCAKE ARCHITECTS

## FIGURE 1

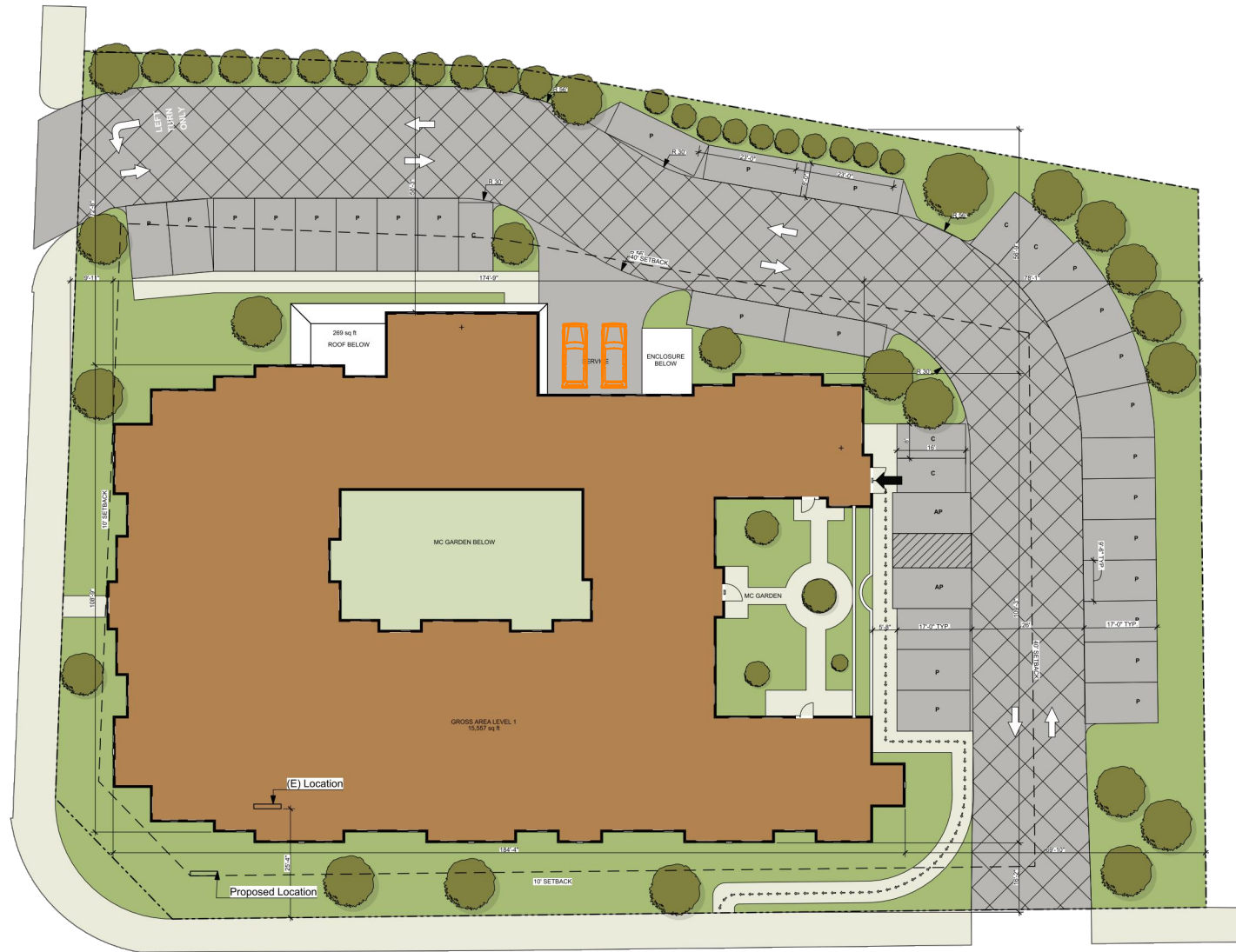
**PROJECT SITE PLAN**  
SILVERADO MEMORY CARE, BREA

LINSCOTT  
LAW &  
GREENSPAN

engineers



NO SCALE



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SOURCE: DOUGLAS PANCAKE ARCHITECTS

FIGURE 2

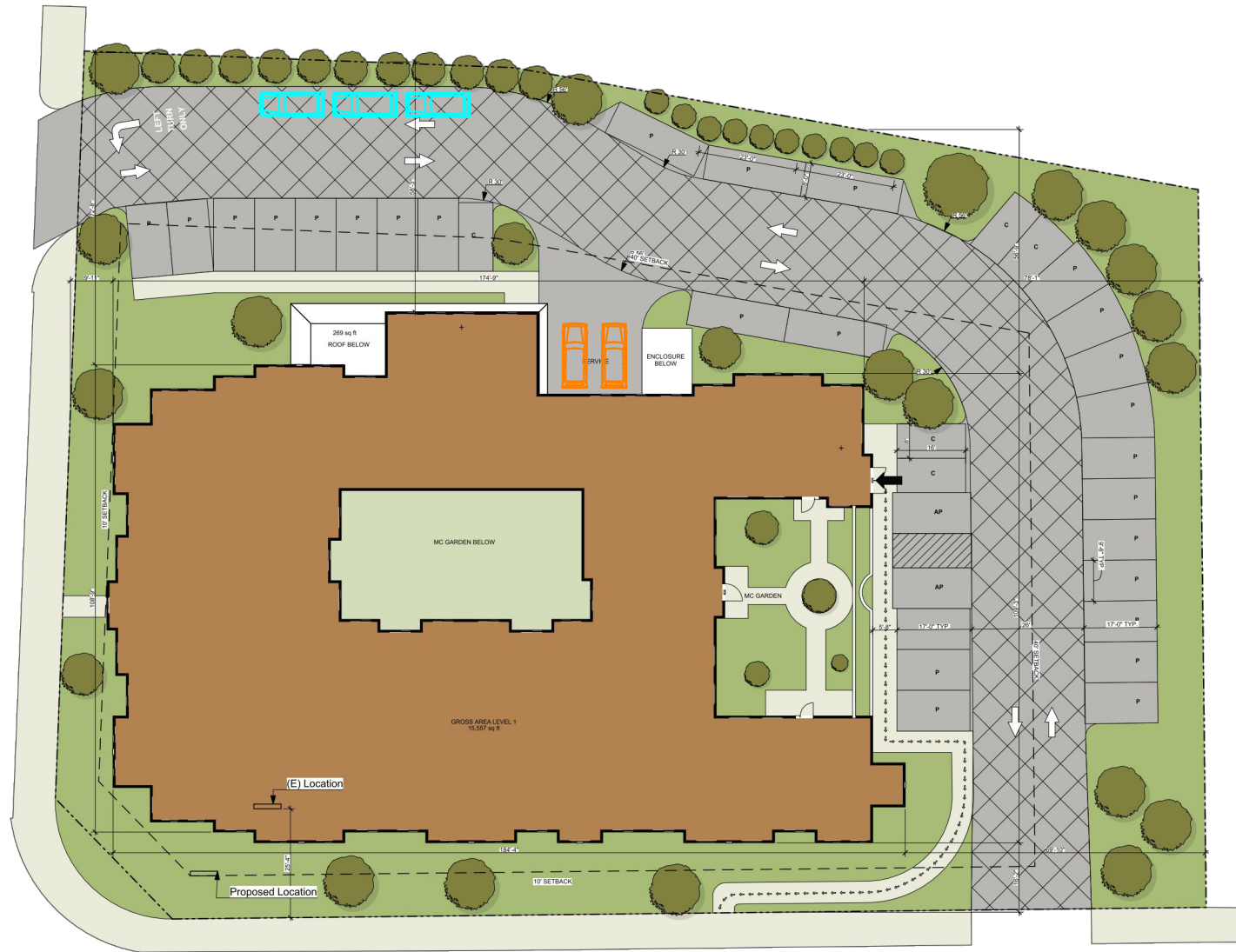
SERVICE AREA PARKING  
SILVERADO MEMORY CARE, BREA

LINSCOTT  
LAW &  
GREENSPAN

engineers



NO SCALE



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**Appendix Table A**  
**Typical Weekday Hourly Profile**  
**for Assisted Living Communities**

Time Began	Weekday		
	1st Survey	2nd Survey	3rd Survey
	Demand Profile	Demand Profile	Demand Profile
8:00 AM	82%	n/a	80%
9:00 AM	89%	n/a	80%
10:00 AM	91%	n/a	90%
11:00 AM	98%	98%	94%
<b>12:00 PM</b>	<b>100%</b>	<b>100%</b>	95%
<b>1:00 PM</b>	97%	91%	<b>100%</b>
2:00 PM	88%	88%	97%
3:00 PM	85%	n/a	95%
4:00 PM	88%	n/a	78%
5:00 PM	89%	n/a	68%
6:00 PM	82%	n/a	66%
7:00 PM	78%	n/a	66%
8:00 PM	71%	n/a	63%
9:00 PM	n/a	n/a	54%
10:00 PM	n/a	n/a	54%
11:00 PM	n/a	n/a	54%

# About Silverado

## Philosophy & Values

The best care is rooted in passion for helping others. When this is combined with the right skills and experience something special happens. At Silverado we aim to create the perfect blend of these traits to enrich the lives of our clients, residents, patients, their families and our own associates.

Our mission is to provide the highest quality of care and support to those with memory impairment and other chronic and acute conditions. To us, these conditions do not mean a person's life is over. With the proper care individuals can maximize their quality of life, a philosophy expanded upon in the book *The Silverado Story*. Achieving this mission requires the compassion and dedication of our entire organization and is ultimately defined by the satisfaction of those whose lives we touch.

### **Personalized Care**

There is no better way to maximize the quality of life than with personalized care. By using an approach that treats the individual not the condition, the teams at Silverado are able to create care plans that help each person in our care achieve the best quality of life possible.

### **Compassionate, Committed Staff**

Our team members share a desire to provide the highest quality care and support. We strive to have a productive and nurturing environment that encourages long and fruitful careers with us. We also provide associates with ongoing training with the goal of developing effective and knowledgeable leaders.

### **Continuous Improvement**

A statement of values is only worth the actions that back it up. We are continuously innovating and improving the level of our services. Methods such as pet therapy, art programs and a social atmosphere augment the effects of traditional treatments and have shown wonderful results.



# Memory Care Communities

When living at home is no longer an option for a loved one it doesn't mean that their days at home are over.

All it means is that it's time for a different home.

Comfort, respect and dignity are all important aspects in maintaining quality of life when living with memory impairment. This in mind, our approach to memory care facilities is not to make them like a home, but to make it a resident's home fully and completely. Care from a skilled, compassionate staff in a warm environment forms the foundation of our mission to enrich the lives of residents and their families, making Silverado much more than just assisted living.

When you take the time to tour a Silverado Memory Care Community you'll see the difference right away:

Nexus, an innovative evidence-based program for early stage residents combining science and social engagement.

- Industry-leading dementia care certification program for associates
  - Access any time – no visiting hours to tell you when you can see your loved one
  - Meals for family members at no extra charge – we love family dining!
  - Daily housekeeping and laundry services
  - Gourmet food – come and see what we mean!
  - Pets in-residence, gardens and walking paths – stimulating, secure leisure-time activities
  - Part-time Flexible and Overnight respite care to help home caregivers avoid burnout (available on a location-by-location basis)
  - Skilled relocation teams to help residents moving in from distances
- In addition to the above amenities, families can rest assured that their loved one's care will include the following care services, personalized for each resident:
- As-needed assistance with dressing, personal care, etc., with a focus on independence
  - Caregivers specialized in Alzheimer's, Parkinson's, Lewy body and other types of dementia and memory impairment
  - Dementia care certification program that exceeds state standards
  - Physician Medical Director
  - Social workers who are Masters-level educated
  - Around-the-clock licensed nurse on-site
  - Associates specially trained in managing challenging behaviors
  - Medications administered only by licensed nurses

# Silverado Memory Care Community Amenities

The life-enriching amenities enjoyed by Silverado residents on a daily basis are all designed with the challenges of memory impairment in mind. By providing a wide range of specially-created features, residents experience dignity, comfort and purpose in ways that best fit their needs and preferences.

## ***Engagements***



Activities that are age-appropriate, build self-esteem, maintain dignity and offer opportunities for growth and creativity. Club programs focus on abilities, interests and histories.

## ***Neighborhoods***



Communities are organized in "neighborhoods" that offer programming tailored to residents' individual needs, challenging them appropriately without being too easy or frustratingly difficult. Independence is maximized for their neighborhood.

## ***Early-Stage Program***



Based in research and recent studies, **Nexus at Silverado** is a pioneering program designed to help early-stage residents build and maintain cognitive ability, the goal being to slow the progression of dementia.

## ***Intergenerational Programming***



Children have a noticeably positive effect on residents. We encourage the presence of children in communities wherever possible, whether through partnerships with local schools and organizations or by welcoming associates to bring their children to work.

## ***Pets in the Community***



Pets, both community animals and those belonging to residents, provide love, companionship and a sense of purpose while giving the opportunity to maintain dignity and self-esteem

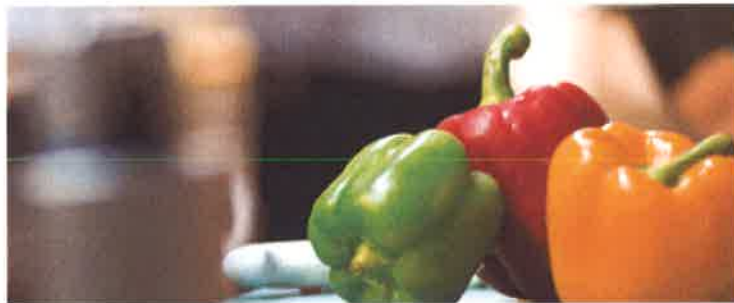


## ***Memory Boxes***



These cabinets, located outside each room, display important keepsakes and help residents find their room while providing valuable reminders of the things they hold most important.

## ***Gourmet Meals***



Meals at Silverado are prepared to be nutritious while also appealing to eyes and palate. Programs are available for residents with special dietary needs.

Families and visitors are always welcome to enjoy a meal with their loved one at no charge.

## ***Open Areas***



The communities' secure, enclosed courtyards and walking trails encourage mobility, maintain strength and balance and help to foster a sense of independence and freedom while maintaining safety.

## ***Garden Activities***



Working in the garden helps reconnect many residents with memories related to hobbies or experiences working in agriculture.

## ***Outings***



Group outings and activities are designed to offer new experiences and an opportunity for social interaction, which are excellent tools to prevent the self-isolation that often accompanies dementia.

## ***Respite Care***



Silverado communities offer Flexible and Overnight Care, allowing families who provide care at home the chance to recharge while their loved one receives the same world-class levels of care residents do.

## ***Service Comparison***



When weighing your options for memory care we encourage you to research all options thoroughly. To help compare offerings at Silverado with other providers we've created a convenient checklist

# Tustin Hacienda Memory Care Community

240 E. Third St., Tustin, California 92780

(657) 888-5752

## Overview

Located near Old Town Tustin near the 5 and 55 freeways and close to Orange, Irvine, Anaheim and Villa Park, Silverado Tustin Hacienda is more than just assisted living, it is specialized memory care.

Many assisted living providers in Tustin have similar amenities, including gourmet food, engagements, social events, pets and even clinical staff, but Silverado's focus and experience makes a world of difference. We have been leading the way in memory care for 20 years. Discover the Silverado difference.

## Programs & Features

### Programs Unique to Silverado

- Nexus, an innovative research-based program for early stage residents combining science and social engagement
- Staff specially trained in the challenges of Alzheimer's, Parkinson's, Lewy body and other types of dementia
- Newly launched Dementia Care Certification program for caregivers that requires 40 hours of classroom and hands-on training
- Physician medical director, masters level social worker and 24-hour licensed nurses

## Community Features

- Quaint locale close to a library, museum, restaurants and farmers markets

# Newport Mesa Memory Care Community

350 W. Bay St., Costa Mesa, California 92627

(949) 945-0189

## Overview

Located just off the 55 freeway and minutes from Newport Beach, Irvine, Santa Ana and Fountain Valley, Silverado Newport Mesa is more than just assisted living, it is specialized memory care.

Many assisted living providers in Costa Mesa have similar amenities, including gourmet food, engagements, social events, pets and even clinical staff, but Silverado's focus and experience makes a world of difference. We have been leading the way in memory care for 20 years.

## Programs & Features

### *Programs Unique to Silverado*

- Nexus, an innovative research-based program for early stage residents combining science and social engagement
- Staff specially trained in the challenges of Alzheimer's, Parkinson's, Lewy body and other types of dementia
- Newly launched Dementia Care Certification program for caregivers that requires 40 hours of classroom and hands-on training
- Physician medical director, masters level social worker and 24-hour licensed nurses

### *Community Features*

- Located in the heart of Costa Mesa near the fairgrounds, Balboa Island and South Coast Plaza



# San Juan Capistrano Memory Care Community

30311 Camino Capistrano, San Juan Capistrano, California 92675  
(949) 988-0921

## Overview

Located right off the 5 freeway at Junipero Serra Road and close to Laguna Niguel, Dana Point, Mission Viejo and Coto de Caza, Silverado San Juan Capistrano is more than just assisted living, it is specialized memory care.

While amenities such as gourmet food, engagements, social events, pets and clinical staff can be found among some San Juan Capistrano assisted living providers, there is a difference when it comes to experience and care. We have been leading the way in memory care for 20 years. Discover the Silverado difference.

## Programs & Features

### *Programs Unique to Silverado*

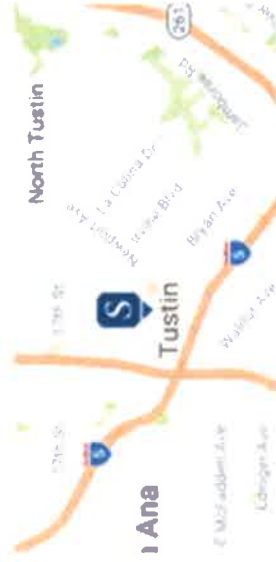
- Nexus, an innovative research-based program for early stage residents combining science and social engagement
- Staff specially trained in the challenges of Alzheimer's, Parkinson's, Lewy body and other types of dementia
- Newly launched Dementia Care Certification program for caregivers that requires 40 hours of classroom and hands-on training
- Physician medical director, masters level social worker and 24-hour licensed nurses

### Community Features

- Located just a mile from downtown and the historic Mission San Juan Capistrano

# SILVERADO LOCATIONS

## Tustin Hacienda Memory Care Community



*Tustin Hacienda Memory Care Community*

240 E. Third St., Tustin, CA 92780

(657) 888-5752

## Newport Mesa Memory Care Community



*Newport Mesa Memory Care Community*

350 W. Bay St., Costa Mesa, CA 92627

(949) 945-0189

## San Juan Capistrano Memory Care Community



*San Juan Capistrano Memory Care Community*

30311 Camino Capistrano, San Juan

Capistrano, CA 92675

(949) 988-0921

August 17, 2017

Anthony Ciabarra, M.D., Ph.D.  
Neurology Center of North Orange County  
381 Imperial Highway  
Fullerton, CA 92835

Brea City Council

To whom it may concern

Re: Memory Care Resources in the city of Brea

This is written to support the efforts of Silverado to establish a comprehensive Memory Care facility in the city of Brea. As a community neurologist and co-director of the comprehensive stroke program at St. Jude Medical Center, it is apparent that there is a rapidly increasing need for resources to provide care for patients with memory related disorders. These needs are unfortunately anticipated to increase significantly in the coming years. Earlier this year the Alzheimer's association projected a 33% increase in the prevalence of Alzheimer's dementia in California by 2025. This vast increase over the next 7 years will require resources not currently available to the community and the need for future planning is clear. The lack of sufficient local resources places significant added stress to both the patient and family members. Referring out of the local area also has adverse ramifications regarding continuity of medical care. The City Council of Brea is urged to give favorable priority consideration for increased Memory Care facilities within the city. Please feel free to contact me if I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Ciabarra', with a stylized flourish at the end.

Anthony Ciabarra, M.D., Ph.D.



**From:** "drfelgner@geissmed.com" <drfelgner@geissmed.com>  
**Date:** August 20, 2017 at 8:18:21 PM PDT  
**To:** Russell Martin <rmartin@silverado.com>  
**Subject:** letter

To whom it may concern

Re: Memory Care Resources in Brea

This is written to support the efforts of Silverado to establish a comprehensive Memory Care facility in Brea. I write this as a physician practicing Family Medicine and Geriatrics in Orange County for the past 7 years. Although we do have some memory care resources in the Brea area, these are presently inadequate for our current needs. These needs are unfortunately anticipated to increase significantly in the coming years. In my experience, our practice frequently has to reach outside the local area to meet the needs of our dementia patients. This often occurs on an urgent basis, rendering significantly added stress to both the patient and family members because adequate care could not be rendered locally. Referring out of the local area also has adverse ramifications regarding continuity of medical care. The City Council of Brea is urged to give favorable priority consideration for increased Memory Care facilities. Please feel free to contact me if I may be of any assistance.

Sincerely,  
Jeffrey Felgner, MD, MS, FAAFP

September 8, 2017

City of Brea Planning Commission

My wife and I have lived in Brea for nearly twelve years. We've always loved it here because Brea is wonderful place that does everything first class. Brea always thinks of its citizens whenever it plans and implements anything.

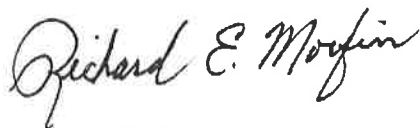
There are some assisted living facilities in Brea that already exist, that offer memory health care, but it isn't their primary concern, it is one of several concerns.

Many of us have close family members, relatives or friends that suffer from Alzheimer's disease and other forms of dementia. These loved ones should be at a local facility, close to family, that exclusively cater to the above conditions.

Everyone who lives in Brea wants the best possible care and attention for our dear ones in these situations. This is why I feel, allowing Silverado to open a top echelon memory health care facility is of great importance.

Please remember sooner or later, but for the grace of God, all of us could be put in this situation or be directly affected by it.

Sincerely,

A handwritten signature in cursive script that reads "Richard E. Morfin". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Richard E. Morfin  
Lake Park Brea Resident  
641 Shadow Lake Drive  
Brea, CA 92821

## **Appendix E**

*Northfax Development Senior Living Facility Parking Assessment (Gorove Slade  
Transportation Planners and Engineers), City of Fairfax, Virginia*

## TECHNICAL MEMORANDUM

To:	Brooke Hardin, AICP	Director of Community Development & Planning City of Fairfax
CC:	Russell Rosenberger	Madison Homes, Inc.
	Andrew Rosenberger	Madison Homes, Inc.
	Steve Marker	Brightview Senior Living
	Kathryn Taylor	Walsh, Colucci, Lubeley & Walsh, P.C.
	Lynne Strobel	Walsh, Colucci, Lubeley & Walsh, P.C.
From:	Steven Matthew Dauterman, EIT, RSP1	Gorove Slade Associates Inc.
	Niraja Chandrapu, PE, PTOE	Gorove Slade Associates Inc.
	Chad Baird	Gorove Slade Associates Inc.
Date:	June 3, 2020	
Subject:	Northfax Development – Proposed Senior Living Facility Parking Assessment	

### Introduction

This memorandum presents the findings of a parking assessment conducted for the proposed senior living facility portion of the Northfax development within the City of Fairfax, Virginia. The projection of parking space needs was assessed based on the Institute of Transportation Engineer's (ITE's) parking generation rates, past experience of the operator, and the parking requirements per the City of Fairfax's *Zoning Ordinance*; and was compared to the number of spaces planned.

As discussed in this memorandum, the Applicant is requesting the City Council to modify the parking requirement to allow for an approximately 35% reduction in the required parking spaces (from the 194 spaces required prior to any reductions to the proposed 126 spaces) for the senior living facility. Based on anticipated future demand, the proposed 126 spaces would adequately serve the future parking demand.

### Background

The Northfax development would be generally located in the northwest quadrant of the intersection of Route 123 and Fairfax Boulevard (Rte. 29/50). The proposed redevelopment of the site would require a rezoning of the property. The parcels fronting Fairfax Boulevard and Chain Bridge Road are currently zoned CR (Commercial Retail District), while the interior parcels along Orchard Street are zoned RM (Residential Medium); the Applicant is proposing to rezone the subject property from the CR and RM districts to a PD-M (Planned Development Mixed Use) district.

The development will be constructed in two phases. Phase 1 is anticipated to be complete by 2023 and is the current application with respect to the site. The current development program for Phase 1 includes 56 multi-family residential units and a 200-unit senior living facility. Phase 2, which would be constructed as part of separate application, is anticipated to be complete by 2027 and consist of 25,000 square feet of commercial use (including retail space, office space, and restaurants) with approximately 180 residential dwelling units on the upper floors and a 140-room capacity hotel.

### City of Fairfax Parking Requirements & Proposed Parking Supply

As noted, this memorandum assesses the parking demand and supply for the proposed senior living facility portion of the Northfax development. The senior living facility is anticipated to have an upward capacity of 200 units, split between independent living, assisted living, and memory care units. A summary of the number of units and beds by each type is provided below:

- Independent Living:
  - 76 one-bedroom units and 38 two-bedroom units (152 beds total)

- Assisted Living:
  - 54 one-bedroom units and 6 two-bedroom units (66 beds total)
- Memory Care:
  - 24 studios and 2 one-bedroom units (26 beds total)

The City of Fairfax's *Zoning Ordinance*, adopted in June 2016 and last amended June 2019, stipulates parking ratios (i.e., the number of parking spaces per unit type or square footage) required. A summary of the City's parking requirements relevant to the senior facility is summarized below in Table 1.

**Table 1: City of Fairfax Parking Requirements**

Land Use	Parking Requirements	Required Spaces
Independent Living	1.5 Spaces per dwelling unit*	171.00
Assisted Living	1 Space per 4 Beds	16.50
Memory Care	1 Space per 4 Beds	6.50
<b>Total</b>		<b>194</b>

*Note: (\*) The 1.5 spaces per dwelling unit is based on the City's guidelines for multifamily type land uses. Given the average age of an independent living resident, 82 years of age, it is anticipated this parking rate would be conservative given that many are not anticipated to own or operate personal vehicles.*

As can be seen the table above, the Northfax senior facility is mandated to provide a total of 194 parking spaces per the City's *Zoning Ordinance*. The Applicant is planning to construct a total of 12 surface and 114 garage parking spaces (totaling 126 spaces), which would account for a reduction of approximately 35% from the City's requirements.

Of note, the City's *Zoning Ordinance* allows for a parking reduction of 20%, which could reduce the required parking spaces to 156. Based on previous discussions with the City, the Applicant is requesting the City Council to modify the parking requirement as part of the rezoning application.

### ***Anticipated Parking Demand (ITE Parking Generation)***

In order to assess if the proposed number of spaces would accommodate future demand, a future parking analysis was conducted based on the parking rates and methodology presented in the Institute of Transportation Engineer's (ITE's) *Parking Generation Manual*, 5<sup>th</sup> edition publication.

The *Parking Generation Manual* contains statistics that describe "current state-of-the-practice understanding of the relationship between parking demand and the many characteristics associated with an individual development site or land use." The manual presents land use descriptions and data plots for 121 land use types with various time periods, independent variables, and area types in order to provide forecasts of maximum daily parking demand.

As noted previously, the proposed senior living facility is projected to have a capacity of up to 200 units. The units would be split between independent living, assisted living, and memory care. In order to assess the parking demand, the rates for ITE Land Use Code 252 (Senior Adult Housing – Attached) were utilized for the independent living units, and the rates for ITE Lane Use Code 254 (Assisted Living) were utilized for both the assisted living units and the memory care units. The independent variable used for ITE Land Use Code 252 was based on the number of dwelling units, whereas the independent variable used for ITE Lane Use Code 254 was based on the number of beds. These independent variables coincide with the City's guidelines for parking requirements.

The resulting parking generation is presented in Table 2 and is based on the rates for a general "urban /suburban" setting. Additional documentation from ITE is presented in the Appendix.

**Table 2: Senior Living Facility Parking Demand – Based on ITE's Parking Generation Manual (5 ED)**

Land Use	ITE Code	Size		Daily	
				Rate	Total
Senior Adult Housing - Attached (Independent Living)	252	114	DU	0.61	70
Assisted Living (Assisted Living and Memory Care)	254	66+26	Beds	0.39	36
<b>Total</b>					<b>106</b>

As can be seen in the table above, per ITE's *Parking Generation Manual*, the proposed senior living facility is anticipated to require a daily maximum of 106 parking spaces in order to meet future demand (inclusive of residents, staff, and visitor needs). Thus, the proposed 126 parking space supply is anticipated to adequately serve future parking demand with an excess of 20 parking spaces at any given time.

### **Anticipated Parking Demand (Brightview Historic Parking Rates)**

The proposed senior living facility is anticipated to be built, owned, and operated by Brightview Senior Living. Currently, Brightview operates more than 50 senior living facility in the East Coast with many of their site operating in urban environments, such as in the Rockville Town Center and in the Woodmont Triangle area of Bethesda, Maryland. The closest facilities to the proposed Northfax site are located in the Fair Oaks and Woodburn areas of Fairfax County.

Based on an assessment of six nearby Brightview sites, located within Fairfax County (Virginia) and Montgomery County (Maryland), it is anticipated that the projected parking ratio per unit is approximately 0.56 spaces and the parking ratio per bed is approximately 0.50 spaces. A summary of the six sites is presented below in Table 3.

**Table 3: Parking Ratios of Existing Brightview Sites Near the City of Fairfax**

Name	Total units	Total Beds	Parking Space	Parking / Unit	Parking / Bed
Fair Oaks	170	196	105	0.62	0.54
West End	198	236	123	0.62	0.52
Bethesda Woodmont	113	119	42	0.37	0.35
Great Falls	88	96	57	0.65	0.59
Grosvenor	96	100	47	0.49	0.47
Woodburn	100	114	63	0.63	0.55
<b>Average</b>	<b>128</b>	<b>144</b>	<b>73</b>	<b>0.56</b>	<b>0.50</b>

Assuming the above mentioned rates of 0.56 spaces per unit and the 0.50 spaces per bed, it is anticipated that the proposed senior living facility would require a 110 parking space supply, as shown below in Table 4.

**Table 4: Senior Living Facility Parking Demand – Based on Brightview Historic Parking Rates**

Land Use	Size		Daily	
			Rate	Total
Senior Adult Housing - Attached (Independent Living)	114	DU	0.56	64
Assisted Living (Assisted Living and Memory Care)	66+26	Beds	0.50	46
<b>Total</b>				<b>110</b>

### **Additional Considerations – On-Street Parking**

In addition to the 126 on-site parking spaces, Orchard Street and the future extension of Farr Avenue are anticipated to supply 39 on-street parking spaces in their right-of-way as well as a single loading space for the senior facility. Though not included in this parking assessment as per the City's guidelines, these curb parking spaces could absorb parking demand fluctuations in excess of the 126 spaces on occasion and in excess of the 106 parking space demand as per ITE projections.

### ***Additional Considerations – Parking Utilization***

The proposed 126 parking spaces will be utilized by the facility's residents, staff, and visitors. At this time, it is not anticipated that on-site parking will be assigned or specifically designated. Of note, at other Brightview facilities, management has recommended their staff to park further way from the front door of the building. A similar practice will be recommended at this site.

### ***Additional Considerations – Alternative Transportation Amenities***

At other similar facilities, Brightview has operated company owned vehicles (vans and sedans) for the purposes of transporting residents. Brightview is planning to provide this service at the Northfax location with two vehicles (one van and one sedan). The vehicles will be operated by Brightview staff for planned activities/events as well a pre-reserved service to take residents for errands/appointments upon request.

The van service for this site is not anticipated to operate as a Metro shuttle, but would provide residents an alternative transportation mode in order to get to and from major hotspots (such as retail centers, medical centers, community centers, and places of worship). The service will be provided routinely. Of note, this service is practiced at Brightview's Rockville Town Center location (West End), which is a close proxy for the proposed Northfax location with 198 units in a walkable, mixed-use environment.

Per a meeting between City staff and representatives of the Applicant on March 19, 2020, Transportation Demand Management (TDM) plan for the Northfax Development will be submitted as a separate document to the City of Fairfax prior to Site Plan and would include this service as a component.

## **Conclusions**

This memorandum presents the findings of a parking assessment conducted for the proposed senior living facility portion of the Northfax development within the City of Fairfax, Virginia. This memorandum supports the following conclusions:

- Based on City guidelines, the site is required to provide a total of 194 parking spaces. With a 20% reduction allowable under the City's *Zoning Ordinance*, the parking requirements could be reduced to 156 parking spaces.
  - The Applicant is proposing to construct 126 spaces for the facility's residents, staff, and visitors. The 126 spaces would constitute a 35% reduction. Based on previous discussions with the City, the Applicant is requesting the City Council to modify the parking requirement as part of the rezoning application.
- The planned 126 spaces for the senior living facility are anticipated to adequately serve the future parking demand, based on either standard ITE data or Brightview's experience at similar operational facilities.
  - Based on ITE rates, a parking supply of 106 spaces would be required in order to meet anticipated demand. Thus, the proposed 126 parking spaces would accommodate the parking demand with an excess of 20 spaces.
  - Based on Brightview historic rates of nearby sites, a parking supply of 110 would be required in order to meet anticipated demand. Thus, the proposed 126 parking spaces would accommodate the parking demand with an excess of 16 spaces.

## **Appendix F**

Previously Prepared Parking Demand Observation Study for the Church Use



CITY OF LAGUNA NIGUEL

AGENDA ITEM  
PLANNING COMMISSION

AUGUST 26, 2008

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**TO:** Planning Commission

**FROM:** Community Development Department

**SUBJECT:** Use Permit UP 08-08P (24600 La Plata Drive - Grace Church and Classical Academy) - **PUBLIC HEARING** - The project is a request to allow a new elementary and middle school (K-8) at an existing church campus that includes a 6,800 square-foot church building and 80-space parking lot. The church building includes a 240-seat sanctuary, 1,500 square feet of classroom space, and 480 square feet of church offices. The proposed school would have a maximum enrollment of up to 100 students. No new development is proposed as part of the project. The project is generally located near the southern corner of the intersection of La Plata Drive and Crown Valley Parkway in the Public/Institutional (PI) Zoning District.

---

**PROJECT PROPONENTS:**

Property Owner/Authorized Agent:

Stephen Dawson  
Evangelical Covenant Church  
5101 North Francisco Avenue  
Chicago, IL 60625  
(773) 784-3000

Applicant:

Michael Duhs  
Grace Church and Classical Academy  
P.O. Box 6539  
Laguna Niguel, CA 92607  
(949) 388-5537

---

**PUBLIC NOTICE & COMMUNITY OUTREACH:**

A notice of public hearing describing the project, date, time and location of the hearing was advertised in the *Laguna Niguel News* at least 10 days prior to the hearing date. Property owners within 300 feet of the project boundaries were mailed notice of the hearing. A notice was also posted at City Hall. As of August 22, 2008, staff has not received any comments in response to the public notice.

To encourage public input early in the development process, the applicant conducted a site walk with representatives of the abutting Chatelain Homeowners Association. No objections to the proposed use have been received from the Association.

## **BACKGROUND:**

The subject site consists of a 5.3-acre lot, generally located on the southwesterly corner of the intersection of La Plata Drive and Crown Valley Parkway at 24600 La Plata. Existing improvements include a 6,800 square-foot church building and ancillary parking facilities providing a total of 80 on-site parking spaces. While no site development or use permits have been identified for the site, it appears that it has continuously operated as a church since construction of the church campus in the early 1970's.

The site is currently operated by Grace Church and Classical Academy, which recently relocated to the City of Laguna Niguel from the City of Mission Viejo. As the name suggests, their prior operation included both church and private school uses. The church currently conducts one Sunday morning service that is held between the hours of 10:00 a.m. and 11:30 a.m. The service includes use of a 240-seat sanctuary and 1,500 square feet of classroom space for a children's Sunday school program. The church also hosts several small group meetings throughout the week, during evening hours. Church offices, totaling 480 square feet, are in use various hours throughout the week.

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## **PROJECT DESCRIPTION**

Currently, Grace Church and Classical Academy, has requested approval of a use permit to commence operation of a Kindergarten through eighth grade (K-8) private school in conjunction with the existing church use. The school, which would operate between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, would use up to six existing classrooms within the church building and would have a maximum enrollment of 100 students.

To create an outside school play area, a five-foot high wrought iron access gate is to be installed to allow for enclosure of the main southern portion of the church parking lot during non drop-off and pick-up periods, between the hours of 9:00 a.m. and 2:00 p.m. The portion of the parking area to remain accessible throughout the day would include 18 parking spaces.

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## **CEQA COMPLIANCE:**

Staff has conducted an environmental analysis and determined that the project is Categorically Exempt under Class 1, 15301 of the California Environmental Quality Act. Class 1 Exemptions include the operation and minor alteration of existing structures involving negligible expansion of use beyond that currently existing. The proposed school qualifies as a negligible expansion of use in that it; 1) will operate only during off-peak periods of church activity; 2) will not alter the existing peak parking demand for the site, and; 3) is designated as a typical use within the Public Institutional Land Use Designation of the Laguna Niguel General Plan.

#### **GENERAL PLAN COMPLIANCE:**

The project is located within Community Profile Area 10, Subarea A, of the Laguna Niguel General Plan. The Land Use Element designates the site "Public/Institutional" which includes a wide range of public, semi-public and special purpose private facilities aimed at providing a variety of governmental or social services to the community. The existing church and proposed school are typical of uses found within this designation. As conditioned, the project is consistent with the goals and policies of the General Plan in that it will further enhance the City's overall balanced mixture of land uses in a manner compatible with development in the immediate area.

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#### **SURROUNDING LAND USES:**

LAND USE ON AND ADJACENT TO THE SITE		
DIRECTION	LAND USE	ZONING
Project Site	Grace Church and Classical Academy	Public/Institutional - PI
North	Residential Detached (Across La Plata)	Single-Family Residential - RS-3
East	Residential Detached	Single-Family Residential - RS-3
South	Residential Detached	Single-Family Residential - RS-3
West	Preschool (Abutting)/ Residential Detached (Across La Plata)	Public/Institutional - PI/ Single-Family Residential - RS-3

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#### **ANALYSIS:**

##### Consistency with the Zoning Code

The project site is located within the Public/Institutional (PI) Zoning District and is subject to the development standards of the Laguna Niguel Zoning Code. Churches are a permitted use within the PI District and private schools are conditionally permitted, subject to the approval of a use permit by the Planning Commission.

As conditioned, the proposed school use adequately addresses issues of safety and function. The outside play area is proposed well within the interior of the site, 140 feet from the nearest residential property and buffered by existing mature perimeter and slope landscaping. The proposed play area location and access gate provide adequate separation from both on- and off-site areas of high pedestrian and vehicle traffic. As discussed in the following sections, adequate

on-site parking and circulation areas exist to support the use and avoid backing up of queued vehicles onto La Plata Drive during drop-off and pick-up periods.

### ***Landscaping***

In reviewing this request, it came to staff's attention that portions of the landscaped slope abutting Crown Valley were in need of relandscaping. The applicant has been working with Community Development staff and the City Landscape Architect toward this end. Several conditions (Conditions No. 22-24) are included in the draft resolution to ensure timely completion of the relandscaping work, in accordance with staff landscaping recommendations, and proper maintenance of the slope in the future.

### ***Parking and Circulation***

On-site parking required for the project varies based on the combination of uses occurring at any given time. The overall peak parking demand for the site will continue to occur during existing Sunday morning church services that include use of the 240-seat sanctuary and 1,500 square feet of related children's Sunday school activities. Per applicable parking requirements, the sanctuary requires provision of 80 on-site parking spaces, which matches the number of spaces currently provided. However, per the City parking standards, the children's Sunday school program requires provision of an additional 43 spaces resulting in a Sunday morning parking deficit of 43 parking spaces. This apparent deficiency is due to the fact that City parking standards do not take into account the ancillary nature of the children's program. In comparison, actual parking counts, conducted by Austin-Foust Associates, Inc., found a peak parking demand of approximately 65 vehicles during Sunday morning services.

As proposed, off-peak uses would include use of church offices, ancillary church programs and the proposed private school. The combination of these uses would result in a maximum weekday parking requirement of 14 spaces and a weeknight parking requirement of up to 43 spaces. A detailed parking breakdown for the project is included in the table on the following page.

REQUIRED PARKING BY TIME PERIOD		
USE	PARKING STANDARD	PARKING REQUIRED
<u>WEEKEND PEAK: (Existing)</u> Sanctuary (240 seats) Children's Sunday School (1,500 sq. ft.)	1 space/18 lin. in. of bench seating 1 space/35 sq. ft. of concurrent uses	80 spaces 43 spaces <b>Total:</b> 123 spaces
<u>WEEKDAY PEAK: (Proposed)</u> Church Offices (480 sq. ft.) School (6 classrooms)	4 spaces/1,000 sq. ft. 2 spaces/classroom	2 spaces 12 spaces <b>Total:</b> 14 spaces
<u>WEEKNIGHT PEAK: (Existing)</u> Various Small Groups (up to 1,500 sq. ft.)	1 space/35 sq. ft.	43 spaces <b>Total:</b> 43 spaces

As conditioned, the proposed school use complies with City parking requirements. The looped layout of the southern portion of the parking lot also would allow for adequate drive aisle space to accommodate potential on-site queuing of vehicles during morning drop-off and afternoon pick-up periods, preventing vehicle spill out onto La Plata Drive. To further facilitate and ensure adequate on-site circulation, the school proposes to post a parking monitor within the parking lot during peak periods of activity.

### *Traffic and Parking Analysis*

At the City's request, a traffic and parking analysis was prepared for the project by Austin-Foust Associates, Inc. The analysis found that the additional traffic generated by the proposed school would not significantly impact nearby intersections, which would continue to operate at level of service (LOS) "A." The analysis also found that adequate on-site parking is currently available to accommodate both proposed and existing uses. With regard to on-site circulation, the analysis recommended that parking in the parallel parking space nearest to the proposed access gate (Parking Space No. 76), be prohibited during hours of school operation, thereby increasing the available turn-around area during periods when the gate is being used to secure the outside play area. This recommendation is included in the draft resolution as Condition No. 12. For reference, a copy of the analysis is included as Attachment E.

### **SUMMARY**

The proposed school use, as conditioned, complies with the requirements of the Zoning Code and the General Plan. The proposed outside play area would be adequately secured and would

maintain a minimum separation distance of 140 feet from adjacent residential properties. According to the parking analysis conducted for the project, adequate on-site parking and circulation areas exist to accommodate both existing church and proposed school uses. The additional traffic generated by the school would not significantly impact nearby intersections.

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**RECOMMENDATION:**

It is recommended that the Planning Commission adopt Resolution No. 08-07, approving Use Permit UP 08-08P (24600 La Plata Drive - Grace Church and Classical Academy), subject to conditions.

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Respectfully submitted,  
COMMUNITY DEVELOPMENT DEPARTMENT

**PREPARED**

BY: 

Jonathan Orduna  
Senior Planner

**REVIEWED**

BY: 

Jeff Gibson  
Planning Manager

**APPROVED**

BY: 

Robert P. Lenard  
Community Development Director

**ATTACHMENTS:**

- A. Draft Resolution No. 08-07
- B. Vicinity Map
- C. Church Photographs
- D. Applicant Letter of Justification and Project Description
- E. Traffic and Parking Analysis Prepared by Austin-Foust, Associates, Inc.
- F. Full-Size Project Plans (limited distribution)

## RESOLUTION NO. 08-07

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAGUNA NIGUEL, CALIFORNIA, APPROVING USE PERMIT UP 08-08P, SUBJECT TO CONDITIONS (GRACE CHURCH AND CLASSICAL ACADEMY)

#### WHEREAS:

1. The APPLICANT, Grace Church and Classical Academy, 24600 La Plata Drive, CA 92675, is requesting approval to establish a new elementary and middle school (K-8) at an existing church campus that includes a 6,800 square-foot church building and 80-space parking lot. The church building includes a 240-seat sanctuary, 1,500 square feet of classroom space, and 480 square feet of church offices. The proposed school would have a maximum enrollment of up to 100 students. No new development is proposed as part of the project. The project site is located at 24600 La Plata Drive (Parcel 1 of Parcel Book 23, Page 45) near the southern corner of the intersection of La Plata Drive and Crown Valley Parkway in the Public/Institutional (PI) Zoning District.
2. A notice of public hearing describing the project, date, time and location of the hearing was advertised in the *Laguna Niguel News* at least ten days prior to the hearing date. Property owners within 300 feet of the property boundaries were mailed notice of the hearing. A notice was posted at City Hall.
3. The Planning Commission of the City of Laguna Niguel finds and determines as follows:
  - a. **Consistency with the General Plan** - The proposed project is located in General Plan Community Profile Area 10, Subprofile Area A. The General Plan land use designation for the project site is Public/Institutional. The existing church and proposed school uses are consistent with uses typically found within this designation.
  - b. **Consistency with the Zoning Code** - The project site is located within the Public/Institutional (PI) Zoning District. The proposed school use is consistent with the Zoning Designation and, otherwise, conforms to all applicable requirements of the City's Zoning Code.
  - c. **Compliance with CEQA** - The project is Categorically Exempt under Class 1, 15301 of the California Environmental Quality Act. Class 1 Exemptions include the operation and minor alteration of existing structures involving negligible expansion of use beyond that currently existing. The proposed school qualifies as a negligible expansion of use in that it; 1) will operate only during off-peak periods of church activity; 2) will not alter the existing peak parking demand for the site, and; 3) is designated as a typical use within the Public Institutional Land Use Designation of the Laguna Niguel General Plan.

- d. **Surrounding Uses** - Approval of the project will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity, in that the proposed outside play area will maintain minimum separation of 140 feet from adjacent residential property. A traffic and parking analysis was performed which found that existing on-site parking and circulation are adequate to accommodate the existing church and proposed school uses and avoid spill over onto La Plata Drive. The additional traffic generated by the school will not significantly impact nearby intersections.

**THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Laguna Niguel, California does hereby approve Use Permit UP 08-08P, to allow a new elementary and middle school (K-8) at an existing church campus, subject to the following conditions:

***General Conditions***

1. Permit Expiration - Unless an extension is approved by the City, the Use Permit for this project shall expire 24 months from the date of approval written herein below. If the use is not established by said expiration date, this Use Permit shall become null and void.
2. Project Compliance - This approval constitutes approval of the proposed project only to the extent that the project complies with the Laguna Niguel Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval regarding any other applicable ordinance, regulation, or requirement.
3. Limits of Approval - This Use Permit shall apply only to the land use and location specified herein and only to the plans date stamped August 26, 2008, on file with the Community Development Department as herein modified. No other land use, location, or plans are authorized under this Use Permit.
4. Changed Plan - Except as otherwise provided herein, this Use Permit is approved as a precise plan. After any application has been approved, if changes are proposed regarding the location or alteration of any use or structure, a changed plan may be submitted to the Community Development Director for approval. If the Director determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action could have been the same for the changed plan as for the approved plan, he or she may approve the changed plan without requiring a new public hearing.
5. Revocation - Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Laguna Niguel Planning Commission.



6. Legal Indemnification - The applicant shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, agents, and employees to attack, set aside, void, or annul an approval of the City Council, Planning Commission, other decision-making body, or staff action concerning this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
7. Acceptance of Conditions of Approval - Prior to commencement of use, the property owner and applicant shall execute an Agreement to Conditions Imposed Form, as provided by the Community Development Department, acknowledging and agreeing to abide by all conditions of the subject approval.
8. Prior Permits - All other conditions and approvals of prior permits as amended to date and not amended by this action shall remain in full force and effect.
9. Appeal Period - The action taken herein shall not be deemed final until the 16th day after the date of the approval. Any aggrieved party may appeal any part of this action to the Planning Commission prior to the expiration of the foregoing period by doing so in writing to the Community Development Department and stating the reasons for the appeal.
10. Building Permit - Prior to issuance of any permits for the proposed access gate, the applicant shall submit final construction plans for review and approval by the City of Laguna Niguel Planning and Building Divisions. The design of the gate shall be consistent in materials and appearance with the existing five-foot high wrought iron fencing located atop the retaining wall that abuts the parking area.
11. Signage - Prior to the modification of any existing signage or the addition of new signage, whether permanent or temporary, the applicant shall obtain approval from the Community Development Director.
12. Parking Signage - Prior to commencement of use, the applicant shall be responsible for posting of signage prohibiting parking of vehicles in the parallel parking space adjacent to the proposed access gate (Parking Space No. 76) during hours of school operation.
13. Parking Lot Striping - Prior to commencement of use, the project parking area shall be restriped to comply with current City design standards, to include provision of four ADA accessible parking spaces.
14. Property Maintenance - The applicant shall be responsible for adequately maintaining all areas of the property (including but not limited to fencing, parking areas and sidewalks) at all times.

### ***Fees***

15. Notice of Exemption Filing Fee - Within 48 hours of the approval of the project, the applicant shall deliver to the Community Development Department a check payable to the "County Clerk" in the amount of Fifty Dollars (\$50.00) for the County administrative fee to enable the City to file the Notice of Exemption. If within such 48-hour period the applicant has not delivered to the Community Development Department the fee required above, the approval for the project granted herein shall be void.

### ***Church Use***

16. Intensification of Use - Church sanctuary seating shall not be increased beyond the existing 240-seat capacity. Church programming to occur concurrently with Sunday morning services shall not be expanded or intensified except as related to ancillary childcare and children's Sunday school uses. Church activities to occur during hours of school operation shall be limited to those office uses currently existing.
17. Parking - The church shall monitor the use of the sanctuary and ancillary facilities to ensure that the parking does not overflow onto adjacent public streets. If the parking at the site becomes a problem in the future, the applicant will be required to implement a parking management plan to ensure that church functions do not negatively impact parking on adjacent public streets.

### ***School Use***

18. Hours of Operation - Hours of school operation shall occur between 8 a.m. and 3 p.m., Monday thru Friday only.
19. Enrollment - Maximum school enrollment shall not exceed 100 children.
20. Outside Play Area - The proposed access gate shall remain closed between the hours of 9 a.m. and 2 p.m., on days the school is in session.
21. Parking Monitor - The school shall post an on-site traffic and parking monitor within the parking area during school drop-off and pick-up periods. The traffic and parking monitor shall, to the extent possible, ensure proper circulation of vehicle traffic in the parking lot and minimize conflicts between pedestrian and vehicle traffic.

### ***Landscape Conditions***

22. Final Landscape Plans - Prior to the commencement of use, the applicant shall submit an as-built landscape plan for the entire site and a planting plan for the relandscaping of the slope abutting Crown Valley Parkway. The

planting plan shall be consistent with the landscaping recommendations previously provided to the applicant by the City Landscape Architect.

23. Landscaping Installation - Prior to commencement of use, relandscaping of the slope abutting Crown Valley Parkway shall be approved by the City Landscape Architect as installed in accordance with the planting plan.
24. Landscape Maintenance - The property owner and/or applicant shall be responsible for adequately installing and maintaining all landscaping at all times. All existing and required landscaping shall be maintained in a neat, clear and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal and immediate replacement of plants when necessary and the regular watering of all plants. Any removal or significant thinning of landscaping in the future shall first require the review and approval of a landscape plan by the City Landscape Architect and the Community Development Director.

**BE IT FURTHER RESOLVED**, that the action taken herein shall not be deemed final until the 16th day after the date of this Resolution. Any aggrieved party may appeal any part of this action to the City Council prior to the expiration of the foregoing period by doing so in writing to the City Clerk and stating the reasons for the appeal.


**PASSED, APPROVED, AND ADOPTED this 26th day of August, 2008.**

**AYES:** Weiss, Harris, Slusiewicz

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Minagar, Alpert

  
\_\_\_\_\_  
Jeff Gibson  
Acting Community Development Director

  
\_\_\_\_\_  
David Weiss  
Chairman of the Planning Commission

# **Attachment G**

## **Residential Care Facilities Comparison Chart and Calls for Service**

Project Comparison				
	Griffin Senior Center	Gateway Holden	Aegis	Crestavilla
<b>Number of Units</b>	108 state licensed units	111 state licensed residential care units	78-unit assisted living facility 63 studios, 15 one bedrooms	224 units: 75 assisted living units and 37 memory care beds & 112 independent living
<b>Parking</b>	65 parking spaces	71 parking spaces on-site	29 parking spaces 1 loading space 2 ADA spaces	12 surface 'guest-only" parking stalls; Subterranean parking garage with 156 parking spaces for employees, residents and guests.
<b>Unit Size</b>	474-1,100 sq ft	Units ranging from 392 sq ft to 658 sq ft	Studios - 377 square feet One bedroom - 650 square feet	Units ranging from 360 sq.ft. to 1,190 sq.ft.
<b>Overall Density</b>	28 dwelling units per acre	72 dwelling units per 1.1 acre		
<b>Building Height</b>	2 stories and 35 feet	3 story 52' total height	2 story 30 feet 5 inches total height	Ranges from two to four-stories, majority three-stories. Height of main structure would range from 41 feet to approx. 50 feet tower elements
<b>Building Square Feet</b>	130,863 sq ft including basement garage	127,190 square feet total, including basement garage 89,850 square feet above grade	58,156 square feet total	11.52 Gross Acres (502,059 s.f.) 4.28 Net Acres (186,525 s.f.)
<b>Landscaping</b>	27% of lot area	12% of lot area 8' intermittent landscape parkway Forbes Rd 8' continuous landscape parkway Cape Dr	7' walkway boundary landscaping along Niguel Rd 1.6 acres Hillside/open space .32 acre Resident Garden .44 acre Parking Landscaping .31 acre Hardscape Landscaping	Project landscaping would consist of a drought-tolerant palette with various species of trees, wide array of low- to mid-size shrub, vine, and groundcover species The project would maintain four fuel modification zones within the hillside

## Emergency Services

Response times are calculated at the 80<sup>th</sup> percentile

Community	2021	2022	2023
Crestavilla	151	229	39
Aegis	55	81	18

Community	Call Type	2021	2022	2023
Crestavilla	EMS	0:05:51	0:06:30	0:07:52
	Service Call	0:06:47	0:07:27	0:05:41
	Good Intent	0:07:45	0:09:24	
	False Alarm	0:07:46	0:05:08	0:04:34
	<b>Total</b>	<b>0:05:54</b>	<b>0:06:32</b>	<b>0:07:44</b>
Aegis	EMS	0:06:25	0:07:05	0:06:55
	Service Call	0:06:03	0:06:10	0:00:00
	Good Intent	0:00:00	0:05:29	0:00:00
	<b>Total</b>	<b>0:06:19</b>	<b>0:06:40</b>	<b>0:06:55</b>

# **Attachment H**

**Chatelaine HOA Letter of Project Support**

# *Chatelain Homeowners Association*

The Honorable Mayor Fred Minagar and Members of the City Council, City of Laguna Niguel,  
30111 Crown Valley Parkway,  
Laguna Niguel, CA 92677

c/o: Jonathan Orduna, Community Development Director  
John Morgan, Development Services Manager  
Amber Gregg, Contract Planner

March 29, 2021

Re: Griffin Living and Grace Church - Laguna Niguel Senior Assisted Living Facility, 24600 La Plata Drive.

Dear Mayor Minagar and Members of the City Council,

We are writing this letter to inform you about a series of meetings our Board of Directors and our Association has had with Grace Church and Griffin Living over the past months regarding a much needed senior care facility.

The Grace Church and Griffin group first met with our Board on July 9, 2019 to present their concept for a Senior Assisted Living Facility on the vacant portion of the Grace Church property which was previously was used by the Grace Church Christian Academy. Our Chatelain HOA regularly uses one of these church buildings for our Board and HOA General Association members' meetings, so we are very familiar with this property and its previous use. Our Board met again with Grace and Griffin in October 2019 and at our General Membership meeting in November and February 2020, at our HOA General Membership Meeting. Each time we met we recognized that their design was improved and modified in response to our board members comments and recommendations. Our most recent meeting with them was in March 2021, at our HOA General Membership Meeting with adjacent homeowners present, at this meeting the HOA Board unanimously voted to write this letter of support to the City.

Listed below are some of the changes in the project design that were in direct response to our board members and general members recommendations and comments. Also listed are other items of support:

- A. The existing Christian Education building (that our HOA meets in) will be removed and replaced as part of the remodeled Church building with a 2<sup>nd</sup> floor addition.
- B. They have agreed to improve, repair and replant areas of the main slopes adjacent to our members rear yards. Also, they have agreed to coordinate the slope maintenance and grant the HOA easements for landscape maintenance currently not owned by the HOA.
- C. Their current proposal is a wonderfully designed Senior Assisted Living facility with two interior courtyards, with a residential scale and building style, using warm colors and materials, all set below the view line of our members.
- D. They have relocated their trash pick area and trash storage bins away from our member's back yards.
- E. By building an underground parking garage for most of their cars and adding additional surface parking we have been ensured that there will be adequate off-street parking for the facility.
- F. Lowering the height of the building roof so as not to block the views of our members homes on the hill above.
- G. Covering the exposed roof equipment and roof wells with full roofing will improve the building look from our members homes and yards above.
- H. Adding a new driveway access via Crown Valley Parkway will reduce congestion at the La Plata Drive signal.
- I. Adding landscaping improvements on Crown Valley Parkway and a new landscaped monument sign at the new driveway will improve the view from Crown Valley Parkway.



# ***Chatelain Homeowners Association***

We fully support this much needed senior care facility proposed by Griffin Living and Grace Church.

Sincerely,

*Mark N. Pugh, Sr.*

Mark N. Pugh, Sr.  
Treasurer

Chatelain HOA Board of Directors  
c/o Associa-PCM  
27051 Towne Centre Drive #200,  
Foothill Ranch, CA 92610

cc: Pastor James Wenger, Pastor Clark Gallegher, Pastor Joey Hahne; Elder Guy Baker, Richard Niec, City Planner  
Amber Gregg, Planning Director John Morgan

# **Attachment I**

## **Example of Anticipated Employee Shift Schedule**

### Laguna Niguel Assisted Living and Memory Care Facility - Daily Staffing timeline

	Time																							
	12:00 AM	1:00 AM	2:00 AM	3:00 AM	4:00 AM	5:00 AM	6:00 AM	7:00 AM	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	10:00 PM	11:00 PM
AM Care Staff							6								6									
PM Care Staff														6									6	
Night Shift Care Staff							6																6	
Health Services Director & Resident Care manager									3									3						
House Keeping								3								3								
Activities									2									2						
Management									5									5						
Marketing									2									2						
Concierge								1									2				1			
Maintenance								1									1							
Culinary Staff							6								6		6				6			
Total Number of Staff on Site	6	6	6	6	6	6	6	6	6	6	6	18	18	12	12	17	17	29	29	29	29	29	29	35
Total Number of Staff arriving or leaving	0	0	0	0	0	0	0	0	0	0	12	6	0	0	5	0	12	0	0	0	0	0	0	0

The staffing shift would or could be as follows:

AM Care Staff – 6am to 2pm (approximately 6 people per shift)

PM Care Staff – 2pm to 10pm (approximately 6 people per shift)

NOC Care Staff – 10pm to 6am (approximately 6 people per shift)

Health Services Director and Resident Care Manager – 9am to 5:30pm ( 2-3 people 5 days a week)

Housekeeping – hours vary starting anywhere from 7:30am to 8:30am and leaving 3:30pm to 4:30pm (Approximately 1-2 people per day)

Activities – 9am to 5:30pm (1-2 people per day)

Management (Business Office and ED) – 9am to 5:30pm ( 2 people 5 days a week)

Marketing – 9am to 5:30pm ( 1-2 people per day)

Concierge – 8am to 4pm and 4pm to 8pm ( 1 person per each shift every day)

Maintenance – 8am to 4:30pm or 9am to 5:30pm ( 1-2 people per day)

Culinary – varies

Servers – 6am to 2pm or 10am to 6pm or 4 to 8pm depends on the needs of the community, the shift schedule can vary (approximately 4-6 people per day)

Cooks and Chef – 5:30am or 6am to 2pm and 1pm to 8pm (2-3 people per day)

Dishwasher – 6:30am or 7am to 1pm or 2pm and then 1 or 2pm to 8pm ( 2 people per day)

\*Staffing is contingent on number of residents. Staffing numbers shown are for a full census.

# Attachment J

## Sign Program Plans (limited distribution)

### **LIMITED DISTRIBUTION**

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel  
Community Development Department  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949.362.4360

Normal copying charges apply - Or available to download at no cost from  
<https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

# Attachment K

## Reduced Size Project Plans (limited distribution)

### **LIMITED DISTRIBUTION**

Due to the size of this document, full copies have only been provided to the Planning Commission.

Copies are available upon request at:

City of Laguna Niguel  
Community Development Department  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
949.362.4360

Normal copying charges apply - Or available to download at no cost from  
<https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

# **Attachment L**

**Minutes from February 14, 2023, Project  
Workshop**



## **THE CITY OF LAGUNA NIGUEL**

### **MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**

**FEBRUARY 14, 2023**

#### **CALL TO ORDER**

**By Chair Green at 7:00 p.m.**

#### **ROLL CALL**

**Voting Members Present:** Chair Roger Green  
Commissioner Karen Ferlauto  
Commissioner Kathleen Hayes  
Commissioner Pedram Vahid

**Voting Members Absent:** Vice Chair Sally Savage-Lebhart

**Advisory Members Present:** Community Development Director  
Jonathan Orduna

**Staff Present:** Development Services Manager John Morgan  
Assistant City Attorney Paul Early  
Senior Planner Katie Crockett  
Contract Planner Amber Gregg  
Administrative Secretary Hannah Tamaddon

#### **PLEDGE OF ALLEGIANCE**

**Led by Commissioner Ferlauto**

#### **APPROVAL OF MINUTES – January 24, 2023**

**It was moved by Commissioner Ferlauto and seconded by Commissioner Hayes to approve the Minutes of the January 24, 2023, Planning Commission meeting. The motion carried 4-0-1.**

**AYES:** Green, Ferlauto, Hayes, Vahid  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Savage-Lebhart

#### **PUBLIC COMMUNICATIONS**

There were no Public Communications.

## **WORKSHOP ITEM**

1. **Grace Church Project** - Workshop with the City's Planning Commissioners to discuss the proposed Grace Church and Griffin Senior Community Project generally located near the Crown Valley Parkway and La Plata Drive intersection.

**Recommended Action:** No formal action will be taken on this item. However, it is recommended that the Planning Commission receive public input, discuss the project, and provide direction to the applicant and City staff, as deemed appropriate.

Contract Planner Amber Gregg provided a PowerPoint presentation summarizing the proposed Grace Church and Griffin Senior Community Project.

Richard Neese, with Griffin Living, spoke on the project and provided additional project details.

Ruling Elder Guy Baker, with Grace Church, spoke on the church's history in Laguna Niguel.

Chair Green opened public testimony at 7:41 p.m.

Anders Lasater, 24901 La Vida Drive, spoke on his concern regarding the project changing the character of neighborhood, traffic, and parking concerns considering the school nearby. He also noted his support for the church access proposed on Crown Valley Parkway to alleviate traffic on La Plata Drive. He wondered if it would be feasible to have a right turn lane on Crown Valley Parkway, and inquired if there would be relief on the Crown Valley side elevation. He added that he welcomed the church's remodel of the facility. His only suggestion would be to consider a different color scheme and asked the Planning Commission to address the concerns of the community regarding traffic.

Americo Bianchi, 24782 La Plata Drive, inquired as to whether the project team contacted the residents of La Plata Drive, as he did not receive previous notification. He added that the facility proposed looked great but was concerned about the additional 108 units, which did not include staff working at the facility. He also expressed concern about the traffic and noted he attempted to work with the City to provide traffic alleviation for La Plata Drive but was not successful. He added that La Plata Drive had existing traffic issues.

Chair Green explained for the audience that this was a workshop item and it would not be voted on this evening. Rather, this was an opportunity for the Planning Commission to hear from the public and gather testimony.

Lisa Henson, 24782 La Plata Drive, spoke on her support of senior housing in the community but was also concerned about existing traffic conditions on La Plata Drive. She noted that there were 100-200 cars parked on La Plata Drive from 8:00 a.m. – 4:00 p.m. She had requested assistance from the City to address the speed and quantity of traffic on La Plata Drive. The City added yellow lines, but this did not reduce the speed of traffic, and the quantity



of traffic had never been addressed. She explained that traffic would only get worse with this project. She would like to be supportive of the project but did believe La Plata Drive was the appropriate location. To garner support, there would need to be traffic mitigation to address existing conditions, and an entrance/exit plan from Crown Valley Parkway.

David Bailey, 24281 La Vida Drive, noted his concern regarding the history of poor soils conditions in Laguna Niguel. He explained that the City had an existing ordinance for hillside protections but did not see any of the requirements of this ordinance being applied to this project. He elaborated that historically, residents were able to park on both sides of the street, which forced traffic to be slow. He added that the existing traffic issues on La Plata Drive must be mitigated, stating that he made requests to the City for speed bumps and speed limit signs, which had been denied. He summarized that his main concerns were grading and soils conditions and asked for a soils report to review.

Jerry Monson, 24712 La Plata Drive, explained that the facility looked beautiful facility but there were current traffic issues on La Plata Drive. He mentioned that La Plata Drive was known as a thoroughfare street, despite being a residential street. He wanted to know how traffic would improve and would like to hear from the traffic engineer. He echoed a comment that the yellow street divider made people drive faster. He also noted water leak issues on La Plata Drive to Via De Anza.

Alice Cowell, 24632 La Plata, noted that she was not contacted regarding this workshop. She expressed her concern regarding traffic and explained that people disregard the stop signs. She explained that it was already too dangerous to cross the street on La Plata Drive. She wanted to know what had been done by the City so far to address traffic. She explained the speed monitoring signs should be placed nearer to La Plata Drive where speed was greater. She was also concerned about having additional vehicles coming into La Plata Drive without the entrance/exit on Crown Valley Parkway being added. She supported the project being a remodel of the Church, but also noted that she was unsure how the project would impact her view.

Chair Green closed public testimony at 8:02 p.m.

Commissioner Hayes asked to know the traffic mitigation measures looked at for La Plata Drive. Contract Planner Gregg answered that traffic, an entrance/exit plan, and grading/geotechnical issues were concerns of the residents. She explained that a geotechnical report had been prepared and would be included in the Mitigated Negative Declaration (MND) for public review.

Brian Estrada with RK Engineering Group, prepared the traffic impact study that would be included in the MND. He explained a few notables from the analysis, including looking at the number of trips the project would generate compared to previous uses. He added that the project was projected to have 289 trips and in comparison, the school had 411 trips and their peak hour trips were much higher. In regards to traffic, an added entrance from Crown Valley Parkway would provide direct access to the facility where the majority of users would be entering and exiting, mitigating the impact on La Plata Drive. He concluded that the findings of the study show that the project would not significantly impact the intersection at Crown Valley Parkway or the project access driveways.

Chair Green confirmed with Brian Estrada that the traffic study was not yet available for the public but would be when the MND was distributed.

Chair Green asked if there was any traffic mitigation proposed for Crown Valley Parkway, such as a deceleration lane. Brian Estrada answered that given the volume of traffic turning in and out of the driveway compared to the speed of the roadway, a deceleration lane was not shown to be warranted.

Chair Green added that his concern was safety, and they should look the traffic and speed of Crown Valley Parkway.

Commissioner Vahid echoed Chair Green's statement regarding the traffic study and added that the scope of the study should include La Plata Drive's current conditions versus proposed conditions as this was a major concern for the residents. Brian Estrada, with RK Engineering, noted he understood the concerns regarding La Plata Drive, and added that this was an existing issue. The project would not trigger any threshold of significance that would warrant mitigation for this project. Issues for La Plata Drive that are existing issues could be dealt with separately.

Commissioner Hayes inquired about the traffic data and asked since school attendance had been impacted by Covid if this was the most reasonable comparison, or if the traffic should be assessed by current conditions. Brian Estrada, with RK Engineering, answered that this was correct, and they did a comparison showing what one use compared to the other would look like. As for analyzing the impacts, this was done by comparing existing conditions and the addition of the project as a whole. Contract Planner Gregg added that under CEQA, staff must look at current conditions, but it was helpful to hear about the history of the school's operations and the traffic history of La Plata Drive. Due to the history, the Public Works Director was aware of these issues and they were looking at improvements to be made. This information will be provided to the residents.

Chair Green confirmed with Contract Planner Gregg that the MND would have a detailed analysis on traffic issues on Crown Valley Parkway, La Plata Drive, and the surrounding area, and this information as well as geotechnical, parking, noise, and lighting would also be included in the MND.

Commissioner Ferlauto inquired about the grade of the driveway on Crown Valley Parkway being steep, and asked if this was included in the study that there was no slowdown coming into Crown Valley Parkway. She also inquired about the safety to make the turn into the lower-level garages and going up the grade and into the main entrance of the facility.

Brian Estrada with RK Engineering, answered that they did look at this and noted it was sufficient for entrance and exit into the site. He added that the slope was significantly less at the bottom of the driveway.

Commissioner Ferlauto confirmed with Brian Estrada that most of the entrance and exit to the facility would be from Crown Valley Parkway.

Commissioner Vahid noted there was an existing bus stop near the project site and if there was an option to relocate this. He also inquired about the second entrance off La Plata Drive

and possibly having an entrance at Via Valverde. Brian Estrada answered that the traffic study did not look at the potential for a bus turnout as usage would not be heavily impacted by the project. As for alternative access points, only the alternative access point at Crown Valley Parkway was analyzed.

Commissioner Vahid noted that residents were concerned about the outreach efforts and asked staff whether notices would be sent out in a 500 feet radius. Contract Planner Gregg clarified that the applicant had completed their own outreach prior to this workshop. This workshop was the first outreach completed by the City and was a 500 feet radius.

Commissioner Vahid asked if the project applicant provided outreach to Niguel Hills Middle School. Richard Neese, with Griffin Living, answered that they had reached out to the Chatelain homeowners but did not reach out to the residents at La Plata Drive as they did not have direct view impacted. As for traffic, they believed the project would significantly reduce traffic impacts compared to the previously held school use. Their assumption was that there would be relief for the residents and apologized for not reaching out previously. They would make sure to include the residents at La Plata Drive moving forward.

Chair Green confirmed with Richard Neese that additional outreach would be needed. Richard Neese added that additional questions would be answered in the traffic study.

Contract Planner Gregg confirmed that the MND would be released next week.

Chair Green inquired about the mechanical equipment and type of equipment in resident rooms. Richard Neese, with Griffin Living, answered that they would predominantly be using VTACs, vertical terminal air conditioning units, which would be architecturally compatible.

Chair Green confirmed with Richard Neese that the building would be 2-3 stories which included an underground parking garage. Richard Neese added that this would be a fully licensed community for memory care and assisted living.

Chair Green noted his concern for fire department and emergency access. Greg Irwin, with Irwin Partners Architects, answered that everything complied. He added that there would be additional surface parking available in addition to the parking garage.

Chair Green asked staff to make sure the staff report covered the items mentioned thus far and inquired regarding compliance of open space and landscape area requirements. Contract Planner Gregg answered that they were in compliance and added that density units and parking requirements would be addressed in the staff report as well.

Chair Green added that he was aware of two current assisted living facilities in Laguna Niguel. Contract Planner Gregg added there would be a third facility in the Gateway. Chair Green confirmed with Contract Planner Gregg that the staff report would include a comparison table that would highlight size, parking, open space, and show similarities and differences between the projects.

Chair Green noted that a common issue for assisted living facilities include the high number of fire and ambulance calls made from the facility. He added that it would be helpful to know what the data was at the other facilities, and whether OCFA had the staffing and equipment

to service this project as well as the others in Laguna Niguel.

Chair Green inquired about landscaping on Crown Valley Parkway and who currently maintained the slope. Contract Planner Gregg answered that this was private property and the landscaping along Crown Valley Parkway would be maintained by the property owner.

Chair Green confirmed with Contract Planner Gregg that the soils report would be reviewed by the City's third-party consultant in the MND.

Community Development Director Orduna noted that after hearing the concerns from the residents regarding traffic, staff would certainly raise the issues with the Public Works Department and get them addressed so that they were not conflated with the project.

Chair Green concluded the workshop at 8:34 p.m.

### **NOTICED PUBLIC HEARING ITEMS**

- 1. Variance VA 22-01 (30292 Grande Vista – Wallentine Residence) - PUBLIC HEARING** - A request for a deviation from the minimum garage setback and driveway length standards to allow an un-permitted as-built detached single-car garage (approximately 240 square feet) located 4' from the front property line, where a minimum 17' setback is required.

**Recommended Action:** That the Planning Commission open the public hearing, take public testimony, close the public hearing, and then adopt Resolution No. 23-01, denying Variance VA 22-01 (30292 Grande Vista – Wallentine Residence).

Senior Planner Crockett provided a PowerPoint presentation summarizing the Variance application and the City's position for denying the request.

Chair Green asked what would be allowed by permit to be built in a 17-foot setback. Senior Planner Crockett answered that this would be fences and walls under 42 inches. There were also opportunities for other types of accessory structures, including garages, to be located in some areas of the front yard setback, provided that the City granted a minor adjustment involving a separate set of findings and provisions. The City had not previously granted minor adjustments for garages or accessory structures closer than 10 feet to the property line.

Jonathan Wallentine, property owner, summarized the history of his property and additional project details as to his justifications for building the structure without permits.

Chair Green asked the property owner to provide more information regarding his property. Jonathan Wallentine answered that the City had previously denied a permit to replace his fence. He had wanted to provide access for his father to be able to come up the driveway in a wheelchair, so he thought about flattening his driveway but was not sure it would be approved. Chair Green asked what the structure built was used for. Jonathan Wallentine answered that it was not a garage, and he built it to match the character of his home. He also noted that his father was a licensed contractor.

Chair Green inquired since his father was a licensed contractor, why they would not get permits with the City. Jonathan Wallentine answered that based on his prior experience with the City, he did not try to get permits. He added that the County would permit this but for some reason the City cannot.

Chair Green noted that the City's code required a 17-foot setback and the Planning Commission could only make a decision based on the code, and the decision would be whether a variance can be approved based on the encroachment. He also noted that procedurally, he would need to open the public hearing to hear from the public once the property owner concluded his presentation.

Assistant City Attorney Early noted that the property owner had received 15 minutes to discuss his position.

Jonathan Wallentine, the property owner, added that there were state and federal regulations that stated the Planning Commission did not have the authority to make this decision.

Chair Green added that the property owner had three more minutes for his presentation. Jonathan Wallentine then requested a continuance to receive more time. He added that the City was hired to work for the residents and other presenters were given more time to speak. He continued that federal regulations supported taking away property owner rights and added that it was called "constructive taking." State regulations provided a template to make sure easements are granted based on specific standards, including rules for public policy purposes like privacy, safety, and environmental protection. He asked how this applied to his project, as he did not believe they are reasons to deny his variance request.

Chair Green opened and closed the Public Hearing at 9:05 p.m.

Commissioner Hayes explained that it was not her purview to discuss federal regulations and added that the property owner could have created a patio rather than a garage. At this point, she agreed with staff to deny the request.

Commissioner Ferlauto noted that she visited the property and said the garage structure was beautifully matched to the house. She appreciated the support from neighbors. However, the structure did look like it was located right on the sidewalk and blocks views of the other homes. More importantly, it was built without a permit and did not meet zoning code. Approval of the variance would set a difficult precedent for the City.

Commissioner Ferlauto asked if the variance was not approved, how long the property owner had to deconstruct the structure. Senior Planner Crockett answered that this was an active code case so the Code Compliance Manager would provide input on this. They would provide a reasonable amount of time for compliance, as demonstrated by the timeline of the code case thus far. Commissioner Ferlauto encouraged that staff work with the property owner for this. She also confirmed with Senior Planner Crockett that the concrete pad this was built on could remain and provide level access into the home.

Chair Green noted that he appreciated their situation and explained that it was unfortunate the property owner did not go through the process of obtaining a permit. He added that there

were plenty of informational guides by the City that would have likely prevented the property owner from getting this far in the process if they had reached out to staff for information. Chair Green continued that the Planning Commission's role was to serve the best interest of the residents and the community. They need to review projects for consistency in the General Plan, Zoning, and be fair to other property owners who have developed their properties in accordance with the rules and regulations. He added that the property owner asked how a setback was defined, and to him, the setback was a no-build zone, and intended to maintain landscape, hardscape, and allow light and air into living areas. Setback requirements also apply to attached and unattached structures like garages, sheds, and workshops. Setbacks can only be adjusted through variances and staff cannot meet the findings to grant the variance request. Granting this request would be the first of its kind, precedent-setting, and there were no special circumstances in this case. Therefore, Chair Green would be supporting staff's recommendation for the denial.

**It was moved by Commissioner Hayes and seconded by Commissioner Vahid, to adopt Resolution No. 23-01 denying Variance VA 22-01 (30292 Grande Vista – Wallentine Residence).**

**The motion carried 4-0-1.**

**AYES: Green, Ferlauto, Hayes, Vahid**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: Savage-Lebhart**

Chair Green recommended that Jonathan Wallentine speak to staff about next steps. Jonathan Wallentine asked what the steps were pertaining to. Chair Green answered that since the variance was not approved, there would a process going forward to remove the structure. Jonathan Wallentine answered that the structure would not be removed and added that he did not receive a hearing and was cut off from speaking.

## **REPORTS AND COMMENTS**

### **1. Planning Commission**

None

### **2. Community Development Director and Staff**

None

## **ADJOURN**

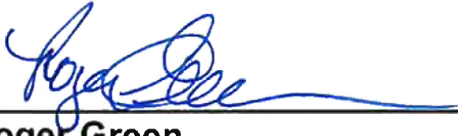
**The meeting was adjourned at 9:15 p.m.**

## **ATTEST:**



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**Jonathan Orduna**  
**Community Development Director**



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**Roger Green**  
**Planning Commission Chair**

# **Attachment M**

**Public Comments received (does not include  
MND public comments)**



## Amber Gregg

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**From:** barbara123ness@gmail.com  
**Sent:** Thursday, April 20, 2023 11:35 AM  
**To:** Amber Gregg; John Morgan  
**Cc:** benness1956@gmail.com  
**Subject:** FW: Proposed Senior Development on land currently owned by Grace Church (Traffic Egress / Ingress) - Resident Feedback for your consideration

City of Laguna Niguel  
Community Development Department  
Amber Gregg, Project Planner  
John Morgan, Community Development Services Manager

April 20, 2023

Regarding: Proposed Senior Development on land currently owned by Grace Church

We are writing today to provide you with our feedback regarding this pending development and its possible impact directly on our neighborhood. We have lived in this home since 1985. Unfortunately, we cannot attend the planned April 25<sup>th</sup> meeting at the Crown Valley Community Center.

We want to be sure the city planning department understands that additional traffic for this development should not be accommodated, via La Plata Drive. Access into and out of the neighborhood is already heavily impacted by traffic entering and leaving the Childtime Day Care. Any additional vehicle traffic to and from the newly proposed senior living facility, including ambulance and medical vehicles, as well as staff and visitors cannot be accommodated safely via the neighborhood.

Please continue to protect the quality of our neighborhood and please mandate the development with the written condition that any/all traffic be exclusively limited to ingress/ egress via Crown Valley Parkway. In addition, please expressly prohibit any traffic access via Niguel Hills neighborhood streets (La Plata Drive, Via Valverde, or La Vida Drive) during both development and thereafter, in perpetuity.

We sincerely ask for your serious consideration of this request. Please protect our neighborhood and our quality of life within Niguel Hills.

Sincerely,

Barbara & Bennie Ness  
24992 La Plata Drive, Laguna Niguel, CA 92677  
949.249.1366  
[Barbara123Ness@gmail.com](mailto:Barbara123Ness@gmail.com)  
[BenNess1956@gmail.com](mailto:BenNess1956@gmail.com)

## Amber Gregg

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**From:** Andres.M.Miranda <Andres.M.Miranda@proton.me>  
**Sent:** Thursday, April 20, 2023 11:00 AM  
**To:** Amber Gregg; John Morgan; Kaylee Choa  
**Cc:** Tessa Hazlett de Miranda 🐼  
**Subject:** Traffic flow concerns: proposed senior living community

Good morning,

We recently found out about the proposed 110 unit senior living facility adjacent to "Grace Church" off La Plata Dr.

We are fully aware of the benefits of additional senior living housing options, business growth for the developer, as well as the additional tax revenue for the City however, we would like to express our concern for the reduced quality of life that the current community would experience if vehicle access is not implemented correctly. One of the most desirable aspects of this community is the low levels of noise, noise pollution, and pollution that we experience as a very quiet community that has been long established in the City of Laguna Niguel.

We are concerned for the additional traffic that would be transit on La Plata Dr given the nature of the business, throughout the day and night as well as delivery vehicles supporting this new facility. As facility of this size and magnitude will be best supported by access from a main, 3 lane road that is Crown Valley (day and night). We are concerned about additional vehicles and potential risk to the adjacent child care business "Child time", given the proximity to the intersection as well as the current church entrance. We are concerned about strangers accessing our neighborhood at all hours of the day and night, and thusly request that access be exclusive from Crown Valley.

We strongly oppose access that is not exclusive from Crown Valley. We respectfully request that the approval of this project include exclusive access from Crown Valley parkway as directed by city planning and emergency/fire code regulations. We would also request to be included in any future notifications of the Draft Mitigated Negative Declaration.

Thank you kindly for your time and consideration.

Best regards,

Andrés Miranda & Tessa Hazlett

24771 La Vida Dr  
Laguna Niguel, CA 92677

## **Amber Gregg**

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**From:** Donald Thomas <HODAT@msn.com>  
**Sent:** Monday, April 17, 2023 4:04 PM  
**To:** Amber Gregg; John Morgan  
**Subject:** Grace-Church project

Dear Amber & John , I live at 29651 Via Pan in a cul-d-sac on La Plata,up the street from the Grace church at Crown Valley and have a concern about possible increased traffic that may occur at La Plata & Crown Valley when the new senior facility is completed !

Has your traffic engineer reviewed the potential problems that may be created ?  
The entrances to Grace church and the day care facility are very close to Crown Valley and are currently often conjested on a daily basis during certain times of the day.

Because of the possible dangerous conditions that may be created , I'm suggesting that this new facility build a retaining wall between the Grace church and the senior project which would close the entry off La Plaza for the new building and only allow an entrance/exit off of Crown Valley and NOT La Plata ! If this is done properly , it will prevent future accidents at the intersection of Crown Valley & La Plata.

Because this is extremely important , I am requesting to be added to future notifications regarding this environmental review which is called a Draft Mitigated Negative Declaration MND.

Thank You for reading this and hope all factors are considerd for the safety of Laguna Niguel residents.

Donald A Thomas (a 39 year resident )

## Amber Gregg

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**From:** Shaun Flavin <sflavin85@gmail.com>  
**Sent:** Thursday, March 23, 2023 7:48 PM  
**To:** Amber Gregg  
**Cc:** Farrah Flavin  
**Subject:** Re: Stop 108 senior living center

Thank you Amber! Appreciate it.

On Thu, Mar 23, 2023 at 4:26 PM Amber Gregg <[AGregg@cityoflagunaniguel.org](mailto:AGregg@cityoflagunaniguel.org)> wrote:

Dear Mr. and Mrs. Flavin,

Thank you again for providing additional clarifying comments, they are greatly appreciated. This email is to confirm receipt of your email and let you know it will be included in the agenda packet for Planning Commission and City Council.

Please feel free to contact me again if you have further questions or concerns.

Take care,

Amber

**From:** Shaun Flavin <[sflavin85@gmail.com](mailto:sflavin85@gmail.com)>  
**Sent:** Wednesday, March 22, 2023 9:29 PM  
**To:** Amber Gregg <[AGregg@cityoflagunaniguel.org](mailto:AGregg@cityoflagunaniguel.org)>  
**Cc:** Farrah Flavin <[farrahflavin@gmail.com](mailto:farrahflavin@gmail.com)>  
**Subject:** Re: Stop 108 senior living center

Hello Amber,

Thank you for the prompt response and additional information. I attended the 2+ hour community workshop Monday night and share the same very serious concerns that many repeatedly conveyed regarding concerns of unwanted and dangerous traffic speeding through our neighborhood to cut across to golden Lantern. It is a massive oversight by the

consultants who performed the traffic impact study to assume workers and visitors won't use the neighborhood to bypass stop lights on crown valley. I also have safety concerns with the quick right into the driveway off crown valley to enter the site, it seems like a rear ending waiting to happen.

I have trust that the city will hear its concerned citizens and do the right thing here.

Please keep us posted and hopefully we can get these concerns addressed through measures such as necessary speed bumps and Griffin restricting their associates from using our neighborhood to fast track home. Thanks for the consideration in this very serious matter, especially with those with young kids on Vista Plaza Drive.

Sincerely, Shaun and Farrah Flavin

On Mon, Mar 20, 2023 at 11:12 AM Amber Gregg <[AGregg@cityoflagunaniguel.org](mailto:AGregg@cityoflagunaniguel.org)> wrote:

Hello Mr. and Mrs. Flavin,

Thank you so much for taking the time to reach out to the City with your concerns about the proposed project. Please note that the proposed Senior Housing Community is not low-income housing but rather market-rate residential care. The development is proposing a new right-in right-out access driveway on Crown Valley Parkway as most vehicles are anticipated to utilize Crown Valley to get to and from the project. If you would like to find out more about the project, a community informational workshop is being held at Grace Church tonight, March 20<sup>th</sup> at 7pm. Plans and additional information are also available on the City's project website at <https://www.cityoflagunaniguel.org/1551/Grace-Church-Project>

I hope this information is helpful but if you have any other questions or would like additional information, please feel free to email me back.

Sincerely,

Amber Gregg

**From:** Shaun Flavin <[sflavin85@gmail.com](mailto:sflavin85@gmail.com)>

**Sent:** Sunday, March 19, 2023 4:48 PM

**To:** Amber Gregg <[AGregg@cityoflagunaniguel.org](mailto:AGregg@cityoflagunaniguel.org)>; Farrah Flavin <[farrahflavin@gmail.com](mailto:farrahflavin@gmail.com)>

**Subject:** Stop 108 senior living center

Hello Amber,

Shaun and Farrah Flavin living on [29416 vista plaza drive](#) in the Niguel hills neighborhood strongly oppose the cities contemplated development of a senior center at the bottom of La Plata. Having this type of low income development could be calamitous to the safety and home values of this family neighborhood. We have 3 young children and had designs of living in this neighborhood until they are grown, but hearing news of this development is quite disheartening. We already have issues with people racing down La Plata and now adding a senior center where out of town family members and visitors could short cut through our neighborhood sounds very dangerous and unappealing. It has me and my wife already reevaluating if we want to remain in this area. Please consider our protest and seek this type of development in an area more befit for it.

-Shaun and Farrah Flavin

## Amber Gregg

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**From:** sharie mcnamee <shariemcnamee@hotmail.com>  
**Sent:** Tuesday, March 21, 2023 10:16 AM  
**To:** Amber Gregg  
**Subject:** Housing project

Housing project should not be allowed without a vote by the residents to approve or not allow a project that impacts the residents of the city. For the Council to proceed s without authorization by the residents is not right and should not be allowed.

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

## Amber Gregg

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**From:** Maria Angel <m6a2@dwiwater.com>  
**Sent:** Thursday, March 16, 2023 12:49 PM  
**To:** Daniel Kesicbasian; Amber Gregg  
**Subject:** Re: Live in Senior Home

This is our neighborhood and we should have a say so about adding 110 new homes to a small 5 acre parcel that is at the entrance of a residential street.

We OPPOSE THIS and if we need to get a signed petition, that might help, yes? An attorney might help to shed some light as well, yes? I wasn't able to make the city hearing because I was out of the country. Please let me know what the status is and how far along is this whole thing?

Maria Simmsgeiger  
949-678-0640

On Mar 14, 2023, at 8:19 AM, Daniel Kesicbasian <[DKesicbasian@cityoflagunaniguel.org](mailto:DKesicbasian@cityoflagunaniguel.org)> wrote:

Good Morning Maria,

Thank you for reaching out to the Planning Department. The public review period for the Draft Mitigated Declaration ends on 3/20/2023. If you have any questions or would like to voice your concerns about the project, please reach out to the project planner, Amber Gregg (I have included her contact information below). Additionally, the Draft Mitigated Declaration and project page can be found at the following link: [Grace Church Project & Senior Living Center | the City of Laguna Niguel Website!](#) Please let me know if you have any additional questions, thank you and have a great day!

Amber Gregg  
[agregg@cityoflagunaniguel.org](mailto:agregg@cityoflagunaniguel.org)  
Telephone: 949-362-4323

Best Regards,

<image002.png> **Daniel Kesicbasian | Assistant Planner**  
**City of Laguna Niguel**  
**Community Development Department**  
Planning Counter Hours | Monday - Friday | 8:00am - 4:00pm  
30111 Crown Valley Parkway  
Laguna Niguel, CA 92677  
[dkesicbasian@cityoflagunaniguel.org](mailto:dkesicbasian@cityoflagunaniguel.org)  
Tel: 949-362-4396

**From:** Maria Angel <[m6a2@dwiwater.com](mailto:m6a2@dwiwater.com)>  
**Sent:** Saturday, March 11, 2023 8:23 AM  
**To:** John Morgan <[JMorgan@cityoflagunaniguel.org](mailto:JMorgan@cityoflagunaniguel.org)>  
**Subject:** Live in Senior Home

Off La Plata they are planning a senior live in home. We don't want it! How do I complain?



<image001.jpg>

**Maria Angel**

Certified Lake Manager (CLM)

Aquatic Treatment & Lake Management Services