

REQUEST FOR Planning Commission Action



PLANNING COMMISSION MEETING DATE:

JANUARY 27, 2020

TITLE:

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. 2019-45 AND VARIANCE NO. 2019-06 TO FACILITATE THE OPERATION OF AN ADULT DAY CARE FACILITY AT 1570 EAST SEVENTEENTH STREET – MIKE FLORY, APPLICANT {STRATEGIC PLAN NO. 3, 2}

Prepared by Jerry C. Guevara

Executive Director

PLANNING COMMISSION SECRETARY

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For _____

DENIED

- ☐ Applicant's Request
- ☐ Staff Recommendation

CONTINUED TO _____

Planning Manager

RECOMMENDED ACTION

1. Adopt a resolution approving Conditional Use Permit No. 2019-45 as conditioned to allow the operation of an adult day care facility; and
2. Adopt a resolution approving Variance No. 2019-06 as conditioned to allow a reduction in required off-street parking.

Executive Summary

Mike Flory with Easter Seals Southern California is requesting approval of Conditional Use Permit (CUP) No. 2019-45 and Variance (VA) No. 2019-06 to facilitate the operation of an adult day care facility at the property located at 1570 East Seventeenth Street. Staff is recommending approval of the entitlements as the proposed use will provide services to elderly persons and/or persons with disabilities. Furthermore, the project will not negatively impact the surrounding community as conditions of approval will minimize impacts to the adjacent land uses.

Table 1: Project and Location Information

Item	Information	
Project Address	1570 East Seventeenth Street	
Nearest Intersection	Seventeenth Street and Concord Street	
General Plan Designation	General Commercial (GC)	
Zoning Designation	Arterial Commercial (C5)	
Surrounding Land Uses	North	Commercial
	East	Commercial
	South	Multi-Family Residential
	West	Religious Facility
Property Size	0.72 acres	
Existing Site Development	The site is currently developed with a 10,215-square foot office building and associated parking and landscaping.	

Item	Information	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Use & Operational Standards	Sections 41-424.5(o) and 41-425 of SAMC
	Parking Requirements	Section 41-1412.5 of SAMC

Project Description

The applicant is requesting approval of CUP No. 2019-45 and VA No. 2019-06 to allow the operation of an adult day care facility within an existing building. As part of this application, the applicant is proposing to conduct minor exterior and interior improvements to the building and site consisting of ADA improvements, rehabilitation of existing landscape, parking lot restriping, new signage, and sidewalk and driveway approach improvements. The proposed facility will have a total of 25 employees and is expected to serve up to 40 individuals. Hours of operation for the office component of the facility will be seven days a week from 8:00 a.m. to 5:00 p.m. and program services will be provided from 8:30 a.m. to 3:00 p.m. The primary entrance to the facility will be through an entrance at the rear of the building, adjacent to the parking lot, and two secondary entrances are provided from Seventeenth Street and Concord Street. Parking for patrons and employees will be provided through 36 surface parking spaces at the rear of the site.

Project Background and Chronology

The existing 10,215-square foot building was constructed in 1962 as a multi-tenant office building and has been occupied by a variety of professional and medical office tenants over the years. In 2011, Easter Seals of Southern California began occupying Unit A and was operating as an administrative office. On April 9, 2019, the City received a Development Project (DP) application on behalf of Easter Seals to operate the entire building as an adult day care facility. Since then, staff and the applicant have been working together to address current zoning, Building Division and Public Works requirements.

Easter Seals is a non-profit organization founded in 1919 as the National Society of Crippled Children and provides services to help children and adults with disabilities and/or special needs as well as support to their families. The organization assists more than one million individuals per year and operates more than 550 service sites across the country.

Project Analysis

Conditional Use Permit for Adult Day Care Facility

The applicant is requesting approval of a CUP to allow the operation of an adult day care facility. Pursuant to Santa Ana Municipal Code (SAMC) Section 41-424(o), an adult day care facility within the Arterial Commercial (C5) zoning district requires review and approval of a CUP by the Planning Commission. CUP requests are governed by Section 41-638 of the SAMC. CUPs may be granted when it can be shown that the proposed project will not adversely impact the community. If these findings can be made, then it is appropriate to grant the CUP. Conversely, the inability to make these findings would result in a denial.

The applicant will obtain a license from the California Department of Social Services to operate the adult day care facility which will provide therapeutic, social and health activities and services to elderly persons and/or persons with physical and/or mental impairments for the purpose of restoring and maintaining optimal self-care. Participants may partake in scheduled activities and ancillary services such as nursing services, physical, occupational therapy, speech therapy, mental health services, physical therapy, personal care, and nutritional counseling. No overnight or 24-hour care will be provided on-site.

Staff has reviewed the applicant's request to operate an adult day care facility and has determined that the use at the subject location will not be detrimental to the health, safety, and welfare of the surrounding community. The adult day care facility will not adversely affect the General Plan. The project is located within the General Commercial (GC) General Plan land use designation which applies to major corridors in the City that provide important neighborhood facilities and services, including shopping, recreation, cultural and entertainment activities, employment, and education. In addition, these corridors provide support facilities and services to other uses. Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore Goal 1 of the Public Facilities Element promotes the need for sufficient public, cultural, recreational, educational, social service and related facilities to meet the community's needs. The adult day care facility will provide a social service to families of the City's residents and workers.

Variance for Off-Street Parking

Lastly, the applicant is requesting approval of a VA to allow a reduction in required off-street parking. Pursuant to Section 41-1412.5 of the SAMC, adult day care facilities are required to be parked at the rate of one space for each 200 square feet of activity or assembly area, plus one space for each supervisor or teacher. Based on this ratio, a total of 53 parking spaces are required on-site. The applicant is proposing to provide 36 parking spaces on-site.

Table 2: Off-Street Parking

Land Use	SAMC Requirement	Proposed Plan	Required
Adult Day Care Facility	1 space per 200 sq. ft. of activity/assembly area	5,624 sq. ft. of activity/assembly area	28 spaces
	1 space for each supervisor/teacher	25 supervisors/teachers	25 spaces
		Total Required	53 spaces
		Total Provided	36 spaces
		Deficiency	17 spaces (32% Reduction)

Pursuant to Section 41-632 (a) (2) of the SAMC, the Planning Commission may grant a variance for a reduction in required parking if the reduction exceeds 20-percent of the minimum requirement. As proposed, the applicant is requesting a 32-percent reduction. Variance requests from off-street parking may be granted when it can be shown that there exists a special circumstance related to the property, it is necessary for the preservation and enjoyment of one or more substantial property rights, it will not be materially detrimental to the public welfare or injurious to surrounding property, and it will not adversely affect the General Plan of the City.

Staff has prepared the following analysis that forms the basis for the variance recommendation contained in this report. To determine whether or not the proposed parking spaces will be adequate to support the proposed adult day care facility, an Observed Parking Study (Exhibit 7) was prepared by RK Engineering Group, Inc., a traffic and transportation engineering firm. The analysis studied the parking demand of a similar Easter Seals facility in the City of Gardena, derived a parking rate based on the data collected, and compared the rate to the proposed facility. Based on the counts and facility's operations, a parking rate of 0.36 parking spaces per participant (including staff) was derived. When applying the parking rate of 0.36 parking spaces per participant to the proposed maximum of 40 participants, the required parking would be 20 spaces. Based on the results of the parking analysis, the adult day care facility with a maximum of 40 participants at once will provide adequate number of parking spaces.

Table 3: Parking Analysis

Observed Peak Parking Rate Per Participant	Maximum Number of Participants	Parking Spaces Required	Additional Employee Parking Required	Total Projected Parking Demand	Total Parking Spaces Provided On-Site	Surplus Parking Spaces
0.36	40	8	6	20	36	16

Furthermore, the project site is located in transit-friendly environment with transit, bicycling and walking amenities that facilitate and encourage alternative modes of transportation, further contributing to reduction in parking demand. No additional traffic congestion is anticipated from the proposed facility. As part of the development process, the Public Works Agency reviewed the project and did not identify the need for any traffic mitigations. In addition, conditions of approval have been added to the variance to limit the number of participants on-site at one time. The variance will not be materially detrimental to the public welfare or injurious to surrounding properties.

Table 4: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach

CEQA, Strategic Plan Alignment, Public Notification & Community Outreach	
CEQA	
CEQA Type	Categorically Exempt per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines
Document Type	Notice of Exemption, Environmental Review No. 2019-117
Reason(s) Exempt or Analysis	This exemption applies to the operation, licensing or minor alteration of private structures, involving no negligible or no expansion of existing or former use. The existing building is 10,215-square feet in floor area within the Arterial Commercial (C5) zone which allows office, medical office and adult day care uses. Only minor improvements are proposed to convert the current building into an adult day care facility which is similar to a professional office or medical office use. The proposed use is consistent with the former use as an office and medical office building.
Strategic Plan Alignment	

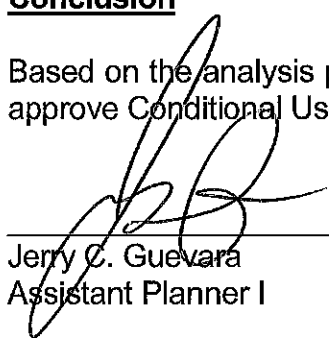
CEQA, Strategic Plan Alignment, Public Notification & Community Outreach	
Goal(s) and Policy(s)	Approval of this item supports Goal No. 3 (Economic Development) Objective No. 2 (Create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) of the City's Strategic Plan.
Public Notification & Community Outreach	
Required Measures	A public notice was posted on the project site on January 17, 2020.
	Notification by mail was sent to all property owners and occupants within 500 feet of the project site on January 17, 2020.
	Newspaper posting was published in the Orange County Reporter on January 17, 2020.
Additional Measures	The representatives of Portola Park and Marbury Park neighborhood associations were contacted to identify any areas of concern due to the proposed project. At the time this report was printed, no issues of concern were raised regarding the proposed project.

Economic Development Benefits

The project will generate permit fees, temporary jobs, permanent jobs and needed services for the community. The improvements for the project will require permit fees ranging from \$1,000 to \$5,000 paid to the City and will result in temporary construction jobs. This project is in response to Request for Proposal from Regional Center Orange County to meet the demand for Adult Day Services. It is estimated that 20 new job opportunities will be created with the operation of the adult day services facility and approximately \$400 annually will be paid in business taxes. It is anticipated that associates working at and people utilizing the adult day services center as a community hub will engage in and positively impact local commerce activity as economic consumers utilizing the local retail, dining and service industries

Conclusion

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-45 and Variance No. 2019-06 as conditioned.



Jerry C. Guevara
Assistant Planner I

JG:S:\Planning Commission\2020\1-27-20\CUP No. 2019-45 & VA No. 2019-06 Easter Seals at 1570 E. 17th Street\CUP No. 2019-45 & VA No. 2019-06 for Easter Seals.PC.doc

- Exhibits:
1. CUP No. 2019-45 Resolution
 2. VA No. 2019-06 Resolution
 3. Vicinity Zoning & Aerial View
 4. Site Photo
 5. Site Plan
 6. Floor Plan
 7. Observed Parking Study

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EXHIBIT 1

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RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SANTA ANA APPROVING
CONDITIONAL USE PERMIT NO. 2019-45 AS
CONDITIONED TO ALLOW THE OPERATION OF
AN ADULT DAY CARE FACILITY AT 1570 EAST
SEVENTEENTH STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,
determines and declares as follows:

- A. Mike Flory with Easter Seals Southern California (Applicant) is requesting approval of Conditional Use Permit (CUP) No. 2019-45 to allow the operation of an adult day care facility at 1570 East Seventeenth Street.
- B. Santa Ana Municipal Code (SAMC) Section 41-424.5(o) requires approval of a CUP for adult day care facilities within the Arterial Commercial (C5) zoning district.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the CUP for this project as set forth by the SAMC.
- D. On January 27, 2020, the Planning Commission held a duly noticed public hearing for CUP No. 2019-45.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant CUP No. 2019-45, for an adult day care facility, have been established as required by SAMC Section 41-638:
 - 1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed adult day care facility will provide a service to persons and families that are working or residing in the area. The facility will obtain a license from the California Department of Social Services for an Adult Day Program which goes through a screening and vetting process. The facility will provide a benefit to the community by providing needed services to the targeted population. Programs and services

provided are intended to support adults with developmental disabilities to gain life skills through volunteering in the community and other meaningful activities so they can live as independently as possible in their community.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed adult day care facility will not be detrimental to the health, safety or welfare of those residing or working in the vicinity. The facility will be operated within an existing building and the use is compatible with the nearby professional office, commercial and residential uses. Impacts are not anticipated from the project. A loading and unloading zone is provided to accommodate the participants that will be transported to and from the facility.

3. That the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The adult day care facility will not adversely affect the economic stability or future economic development of properties in the surrounding area. The building is primarily vacant and the adult day care facility will help re-establish use of the property and help activate the block. The project will provide a community service for adults and elderly persons and will create temporary and permanent jobs in the City.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The proposed use complies with the regulations and conditions in Chapter 41 (Zoning) of the SAMC. As part of this application, the Applicant is proposing to conduct minor exterior and interior improvements to the site. The C5 zoning district allows for adult day care uses subject to a conditional use permit. The adult day care use is similar in nature to other uses that are permitted within the C5 zoning district such as a medical office and other conditionally permitted uses such as convalescent hospitals, nursing homes and extended care facilities. A condition of approval has been added to require rehabilitation of the front and side street yard landscaping and a property maintenance agreement to be recorded against the

property which will ensure that the property and all improvements are properly maintained.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The adult day care facility will not adversely affect the General Plan. The project is located within the General Commercial (GC) General Plan land use designation which applies to major corridors in the City that provide important neighborhood facilities and services, including shopping, recreation, cultural and entertainment activities, employment, and education. In addition, they provide support facilities and services to other uses. Approval of the CUP will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore, Goal 1 of the Public Facilities Element promotes the need for sufficient public, cultural, recreational, educational, social service and related facilities to meet the needs of the community. The adult day care facility will provide a social service to families of the City's residents and workers.

Section 2. In accordance with the California Environmental Quality Act (CEQA), the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. The Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of the use. The existing 10,215-square foot building is within the C5 zone which allows for professional office uses. The proposed adult day care facility does not involve an expansion in use. As a result, Categorical Exemption, Environmental Review No. 2019-117 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, 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 Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. 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 the 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.

Section 4. Conditional Use Permit No. 2019-45 shall not be effective unless and until the Planning Commission reviews and approves Variance No. 2019-06. If said approvals are held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise denied, then this conditional use permit shall be null and void and have no further force and effect.

Section 5. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves CUP No. 2019-45, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 1570 East Seventeenth Street. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 27, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 27th day of January, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 27, 2020.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2019-45

Conditional Use Permit No. 2019-45 for an adult day care facility is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2019-11) and the staff report exhibits.
2. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
3. The operation of the adult day care facility is also subject to Variance No. 2019-06, as conditioned.
4. The maximum number of participants on-site during business hours shall not exceed 40 individuals and the maximum number of employees shall not exceed 25 individuals. In addition, 36 parking spaces shall be maintained on-site at all times.
5. Prior to the issuance of a Building Permit, the Applicant shall submit a landscape and irrigation plan for the entire site to the Planning Division for review and approval. The landscape and irrigation shall comply with the zoning district's landscape standards, the Water Efficient Landscape Ordinance (WELO), and the Citywide Design Guidelines. The landscape plan shall also include landscape planters along the west property line.
6. Prior to the issuance of a Building Permit, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Developer/Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a Maintenance Agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The Maintenance Agreement shall contain covenants, conditions and restrictions relating to the following:

- a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation; adherence to approved project phasing etc.), if applicable;
- b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses) if applicable;
- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable;
- e. If Developer/Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the Maintenance Agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The Maintenance Agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the Maintenance Agreement;
- g. The Maintenance Agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any

unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

EXHIBIT 2

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RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SANTA ANA APPROVING
VARIANCE NO. 2019-06 AS CONDITIONED TO
ALLOW A REDUCTION IN REQUIRED OFF-
STREET PARKING FOR AN ADULT DAY CARE
FACILITY AT 1570 EAST SEVENTEENTH STREET

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF
SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds,
determines and declares as follows:

- A. Mike Flory with Easter Seals Southern California (Applicant) is requesting approval of Variance (VA) No. 2019-06 to allow a reduction in required parking for an adult day care facility proposed at 1570 East Seventeenth Street.
- B. Pursuant to Santa Ana Municipal Code Section (SAMC) 41-632, the Planning Commission is authorized to review and approve a variance for a reduction in off-street parking for the subject property and project.
- C. On January 27, 2020, the Planning Commission held a duly noticed public hearing for VA No. 2019-06.
- D. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant VA No. 2019-06, for a reduction in required off-street parking, have been established as required by SAMC Section 41-638:
 - 1. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges not otherwise at variance with the intent and purpose of the provisions of this Chapter.

There are special circumstances related to the existing conditions of the property. In 1962, the building and site improvements were constructed which included a 10,215-square foot building. In order to meet the City's current off-street parking requirements for an adult day care facility, significant modifications to the building and site, such as

demolishing portions of the building, would be required. In addition, the property is a corner lot which requires landscaped setbacks on two sides (versus one side for an interior lot) thereby reducing the buildable area. Strict application of the off-street parking regulations would not allow the property owner to lease or operate several of the permitted or conditionally permitted uses within the Arterial Commercial (C5) zoning district. However, the parking analysis conducted by RK Engineering Group, Inc., supports the intent of the code which is to provide sufficient off-street parking. The study indicates that there would be sufficient parking for the proposed facility, therefore, no parking impacts to the nearby uses or properties will be created.

2. That the granting of a variance is necessary for the preservation and enjoyment of one (1) or more substantial property rights.

Granting this variance is necessary for the preservation and enjoyment of substantial property rights. Granting this variance will allow the property to be used as an adult day care facility which will benefit the community at large. The use is compatible with surrounding land uses and will not be detrimental to the surrounding community.

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to surrounding property.

Granting this variance will not be detrimental to the public or surrounding properties. A parking analysis was conducted which concluded that with 40 participants at the adult day care facility the 36 parking spaces are sufficient to meet the demand of the facility's patrons and employees. Furthermore, the target population of the adult day care facility is adults and seniors that do not drive and instead rely on other transportation services provided by the facility. Conditions of approval have been added to the variance to limit the number of participants on-site at any given time.

4. That the granting of a variance will not adversely affect the General Plan of the city.

The variance for a reduction in required off-street parking will not adversely affect the General Plan. The project is located within the General Commercial (GC) General Plan land use designation which applies to major corridors in the City that provide important neighborhood facilities and services, including shopping, recreation, cultural and entertainment

activities, employment, and education. In addition, they provide support facilities and services to other uses. Approval of the variance will be consistent with several goals and policies of the General Plan. Policy 2.2 of the Land Use Element encourages land uses that accommodate the City's needs for goods and services. Furthermore, Goal 1 of the Public Facilities Element promotes the need for sufficient public, cultural, recreational, educational, social service and related facilities to meet the community's needs. The adult day care facility will provide a social service to families of the City's residents and workers.

Section 2. In accordance with the California Environmental Quality Act (CEQA), the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines. The Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures involving negligible or no expansion of the use. The existing 10,215-square foot building is within the C5 zone which allows for professional office uses. The proposed adult day care facility does not involve an expansion in use. As a result, Categorical Exemption, Environmental Review No. 2019-117 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, 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 Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. 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 the 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.

Section 4. Variance No. 2019-06 shall not be effective unless and until the Planning Commission reviews and approves Conditional Use Permit No. 2019-45. If said approvals are held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or otherwise denied, then this variance shall be null and void and have no further force and effect.

Section 5. The Planning Commission of the City of Santa Ana, after conducting the public hearing, hereby approves VA No. 2019-06 as conditioned in Exhibit A, attached hereto and incorporated as though fully set forth herein. This decision is based upon the evidence submitted at the above said hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 27, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 27th day of January, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

Mark McLoughlin
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _____
Lisa Storck
Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 27, 2020.

Date: _____

Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Variance No. 2019-06

Variance No. 2019-06 is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations. In addition, they shall meet the following conditions of approval:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this variance.

1. All proposed site improvements must conform to the Site Plan Review (DP No. 2019-11) and the staff report exhibits.
2. Any amendment to this variance must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the variance must be amended.
3. The maximum number of participants on-site during business hours shall not exceed 40 individuals and the maximum number of employees shall not exceed 25 individuals. In addition, 36 parking spaces shall be maintained on-site at all times.
4. Prior to the issuance of a Building Permit, the Applicant shall submit a landscape and irrigation plan for the entire site to the Planning Division for review and approval. The landscape and irrigation shall comply with the zoning district's landscape standards, the Water Efficient Landscape Ordinance (WELO), and the Citywide Design Guidelines. The landscape plan shall also include landscape planters along the west property line.
5. Prior to the issuance of a Building Permit, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer/Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a Maintenance Agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The Maintenance Agreement shall contain covenants, conditions and restrictions relating to the following:
 - a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

- b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses;
- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable;
- e. If Developer/Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the Maintenance Agreement and both shall be jointly and severally liable for compliance with its terms;
- f. The Maintenance Agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the Maintenance Agreement;
- g. The Maintenance Agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

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EXHIBIT 3

4 - 27

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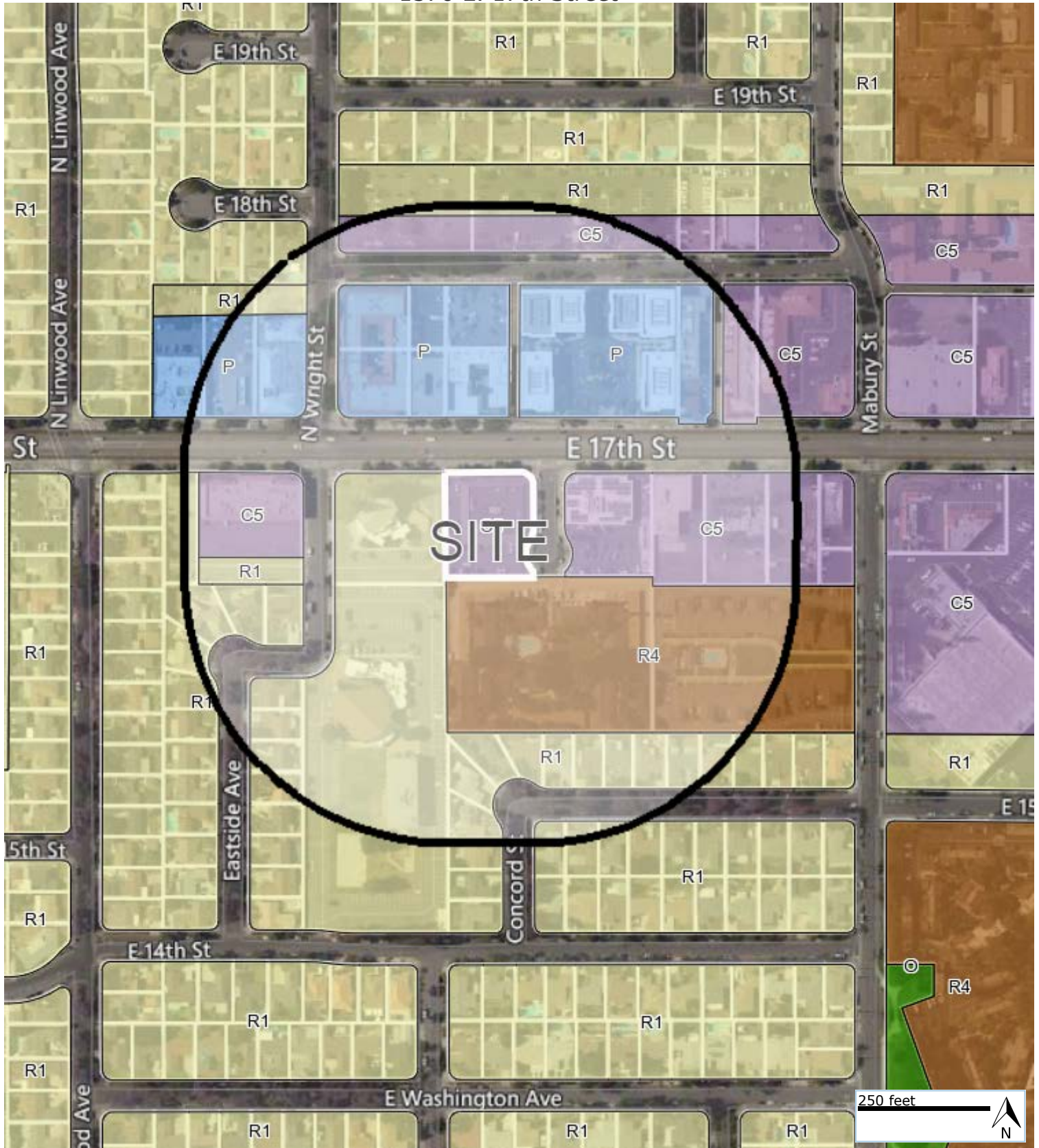


Exhibit 3 - Vicinity Zoning & Aerial View



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EXHIBIT 4

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CUP No. 2019-45 & VA No. 2019-06
1570 E. 17th Street



Exhibit 4 – Site Photo
4 - 33

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EXHIBIT 5

4 - 35

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CUP No. 2019-45 & VA No. 2019-06
1570 E. 17th Street

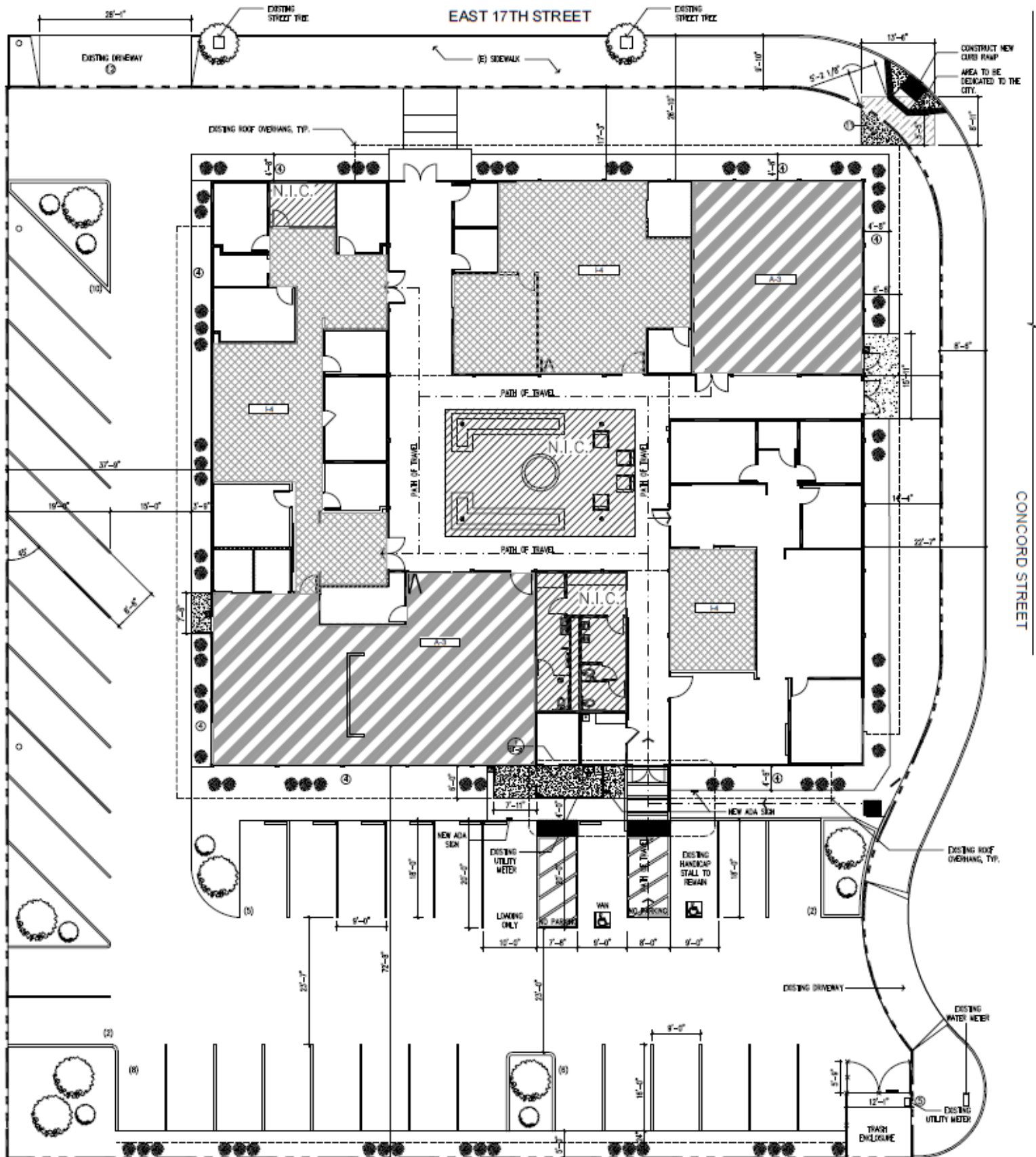


Exhibit 5 – Site Plan
4 - 37

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EXHIBIT 6

4 - 39

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CUP No. 2019-45 & VA No. 2019-06
1570 E. 17th Street

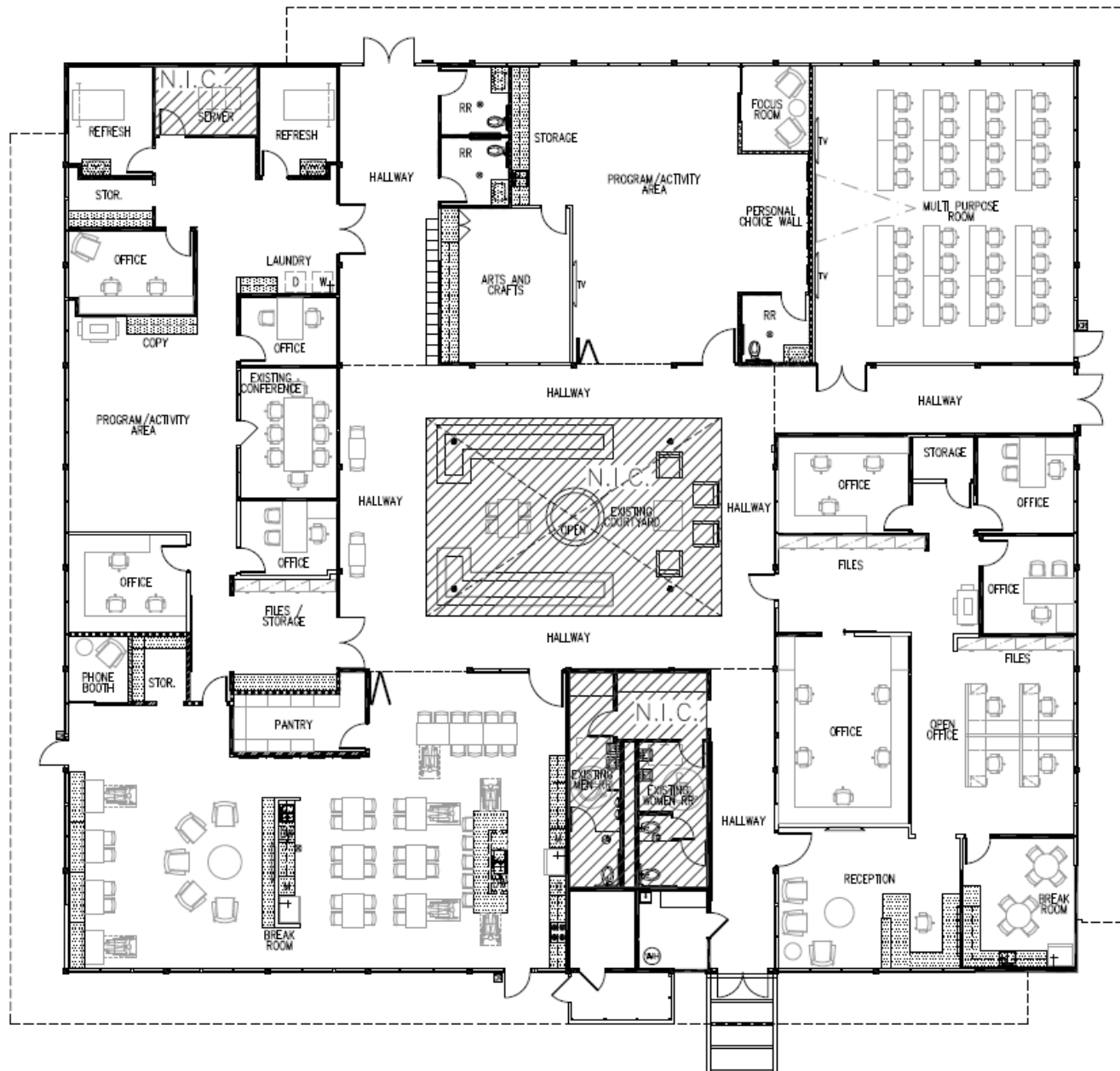


Exhibit 6 – Floor Plan
4 - 41

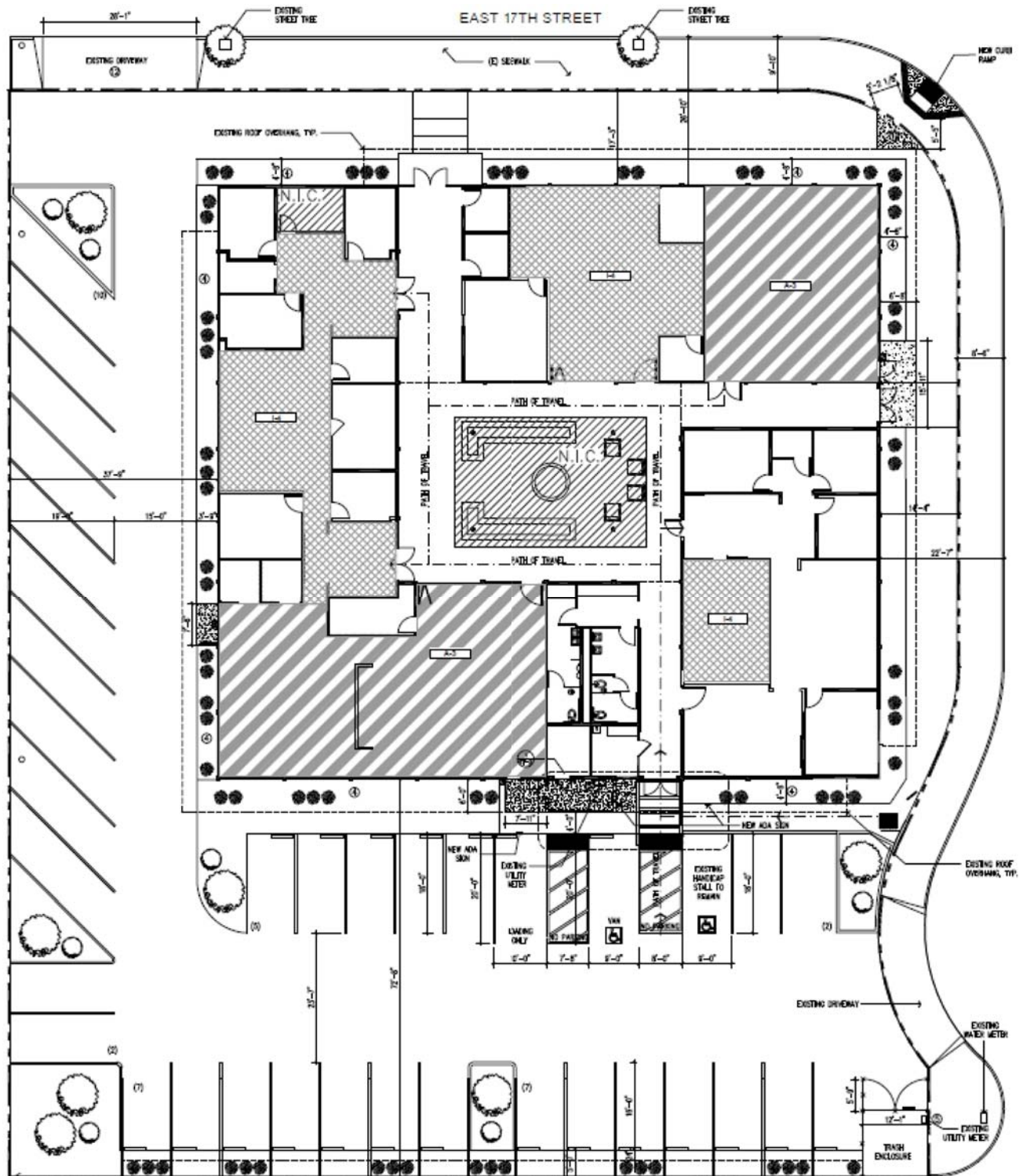
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EXHIBIT 7

4 - 43

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EASTERSEALS ADULT DAY CARE OBSERVED PARKING STUDY City of Santa Ana



November 13, 2019

Mr. Mike Flory
EASTERSEALS
1063 McGaw, Suite #100
Irvine, CA 92614

**Subject: Easterseals Adult Care Center Observed Parking Analysis,
City of Santa Ana**

Dear Mr. Flory:

Introduction

RK ENGINEERING GROUP, INC. (RK) is pleased to provide this parking review for the proposed Easterseals Adult Care Center to be located at 1570 East 17th Street in the City of Santa Ana. The project is proposing to occupy an existing one-story 10,215 square foot building. The building has a total of 36 dedicated parking spaces including two (2) handicap spaces, one (1) van accessible stall and one (1) loading zone stall. A site plan is provided in Exhibit A.

The project is proposing to use 2,844 square feet of the building for assembly use, 2,780 square foot for adult care facility and 4,591 square foot of office use. It should be noted that the project is proposing to have twenty-five (25) employees on-site. The 4,591 square foot of office use is strictly used by the employees of the adult care facility.

Based on a review of the City of Santa Ana Off-Street Parking Requirements, the project has a deficiency of seventeen (17) parking spaces per code. As a result, the City has requested a parking analysis in order to determine if adequate parking is provided on-site. This will be accomplished by obtaining parking demand data at similar use and applying a derived parking rate to the proposed use.

Table 1 shows the parking requirements for the proposed Easterseals Adult Day Care center based on the City of Santa Ana Municipal Code (Section 14-1300 Off-Street Parking Requirements)

Table 1
City of Santa Ana Parking Code for Proposed Uses

Floor	Tenant	S.F. ²	Land Use	Hours of Operation	Percent of Gross Floor Area	Parking Code ¹	Number of Spaces Required
1	Easterseal Adult Care Center Assembly Area	2,844	Adult Care Center	Monday - Friday 8AM - 5PM	51%	1 space for each 200 gfa	14
2	Easterseal Adult Care Center	2,780	Adult Care Center	Monday - Friday 8AM - 5PM	49%	1 space for each 200 gfa + 25 Staff	39
Total Required Parking		5,624			100%		53
Parking Spaces Provided On-Site							36
Number of Parking Spaces Deficient Per Municipal Code							-17
Percent of Parking Spaces Deficient Per Municipal Code							-32.23%
¹ Parking rates obtained from City of Santa Ana Municipal Parking Code Section 41-1300 - Off Street Parking Spaces							
² S.F. Square Feet							

Proposed Adult Care Facility

The Adult Day Center is an organized day program of therapeutic, social and health activities and services, provided to elderly persons or other persons with physical or mental impairments for the purpose of restoring or maintaining optimal capacity for self-care.

Easterseals serves 1.4 million children and adults with disabilities and their families, offering a wide range of services at 74 affiliates nationwide. Easterseals changes the way the world defines and views disability by making profound, positive differences in people's lives every day, helping clients build the skills and access the resources they need to live, learn, work and play.

The proposed adult care center will have a total of 25 staff member's onsite at one time and is expected to have up to 40 participants. The majority of the employees are expected to use the City's public transportation. It is understood that a majority of participants and staff members will not self-park on-site. A floor plan is located in Exhibit B.

Prior to initiating the parking study, RK reviewed the parameters of the analysis with Ms. Selena Kelaher, AICP (City of Santa Ana, Planning Department). Based on the approved scope of work, an observed parking survey during a typical weekday operation from 7:00 AM to 6:00 PM at one-hour intervals is required at an off-site similar Easterseals use in order to demonstrate that proposed adult care center has an adequate amount of parking. As a result, the Easterseals Adult Day Care Facility at 1919 West Redondo Beach Boulevard in the City of Gardena was approved as an adequate site to determine the parking rate.

Observed Parking Survey Results Easterseals Adult Care Center, Gardena (Table 2)

RK has conducted a detailed parking survey at an existing Easterseals adult care center with a similar use. Typical hourly parking demand at the Easterseals Adult Day Care Center located at 1919 West Redondo Beach Boulevard in the City of Gardena was surveyed on Tuesday, November 5th, 2019. The counts were collected from 7:00 AM to 6:00 PM at one-hour intervals. The parking counts were obtained during typical operations and weather conditions.

The existing Easterseals adult care facility at Gardena is expected to have similar operating conditions. The Gardena site is adult day services only for adults with disabilities and provides the exact same services, as the proposed Santa Ana site. At the time of observed parking analysis, the total number of participants that were present at the site was forty (40) and the total employees that were presents at the time of observed parking survey was nineteen (19).

The parking counts were conducted by an independent third party (Counts Unlimited, Inc.). The number of parked cars was determined on an hourly basis. Detailed observed parking count raw data are provided in Appendix A.

In order to determine the parking demand at the proposed facility, a parking rate (number of parked vehicles per number of participants) at the existing Easterseals Adult Day Care Center location was determined.

Table 2 shows the observed parking survey results for the Easterseals adult care center in the City of Gardena.

Table 2

Observed Parking Survey Results Easterseals Adult Care Center, City of Gardena

Observed Peak Parking Demand¹	Number of Participants	Observed Peak Parking Rate per Participant	Add 10% to the Observed Peak Parking Rate²
13	40	0.33	0.36

¹Includes 19 staff members on site.

²Add 10% Factor for Potential Fluctuations in Parking Demand.

Table 2 identifies the peak observed parking demand of 0.33 parking spaces per participant at the existing Easterseals Adult Day Care Center location. It should be noted that the

parking rate of 0.33 parking spaces per participant also includes 19 staff/employees present on-site at the time of observed parking survey. As a conservative analysis, an additional 10% is added to the parking demand to account for potential fluctuations in parking demand.

As a result, a parking rate of 0.36 parking spaces per participant can be applied to the proposed Easterseals Adult Care Center at Santa Ana. It should also be noted that the parking rate includes staff parking.

Projected Parking Demand at Easterseals Adult Care Center, Santa Ana (Table 3):

The representatives of the project are proposing to have a total of twenty-five (25) employees and forty (40) participants at the proposed Easterseals adult care facility, in the city of Santa Ana. The difference between the employees between the two facilities is expected to be six (6).

As a conservative analysis, by not taking any modal adjustments on the employee parking, additional six (6) parking spaces has been added. The parking rate of 0.36 parking spaces per participant and an additional 6 staff parking can be applied to the proposed Easterseals Adult Care Center. See Table 3 below for details:

Table 3
Projected Parking at Easterseals Adult Care Center, Santa Ana

Observed Peak Parking Rate per Participant	Maximum Number of Participants	Parking Spaces Required	Additional Employee Parking Required (1 Space per Employee) ¹	Total Projected Parking Demand	Total Parking Spaces Provided On-site	Surplus Parking Spaces
0.36	40	14	6	20	36	16

¹ The difference of 6 staff members has been added without modal adjustments as a conservative analysis.

Projected Peak Parking Demand Findings:

As per the Table 3, the proposed Easterseals Adult Care Center at Santa Ana requires a total of fourteen (14) parking spaces and the difference of six (6) staff parking requirement has been added. Hence the total parking demand for the proposed projects is expected to be twenty (20). The project provides a total of 36 parking spaces. As a result, a total of 16 parking spaces are available during peak parking demand times.

Conclusion

Based on the results of the observed parking analysis, the proposed Easterseals Adult Care Center, in the City of Santa Ana has an adequate number of parking spaces during peak parking demand times to accommodate up to 40 participants and 25 employees.

If you have any questions regarding this review or need further clarification, please contact us at (949) 474-0809.

Sincerely,

RK ENGINEERING GROUP, INC.

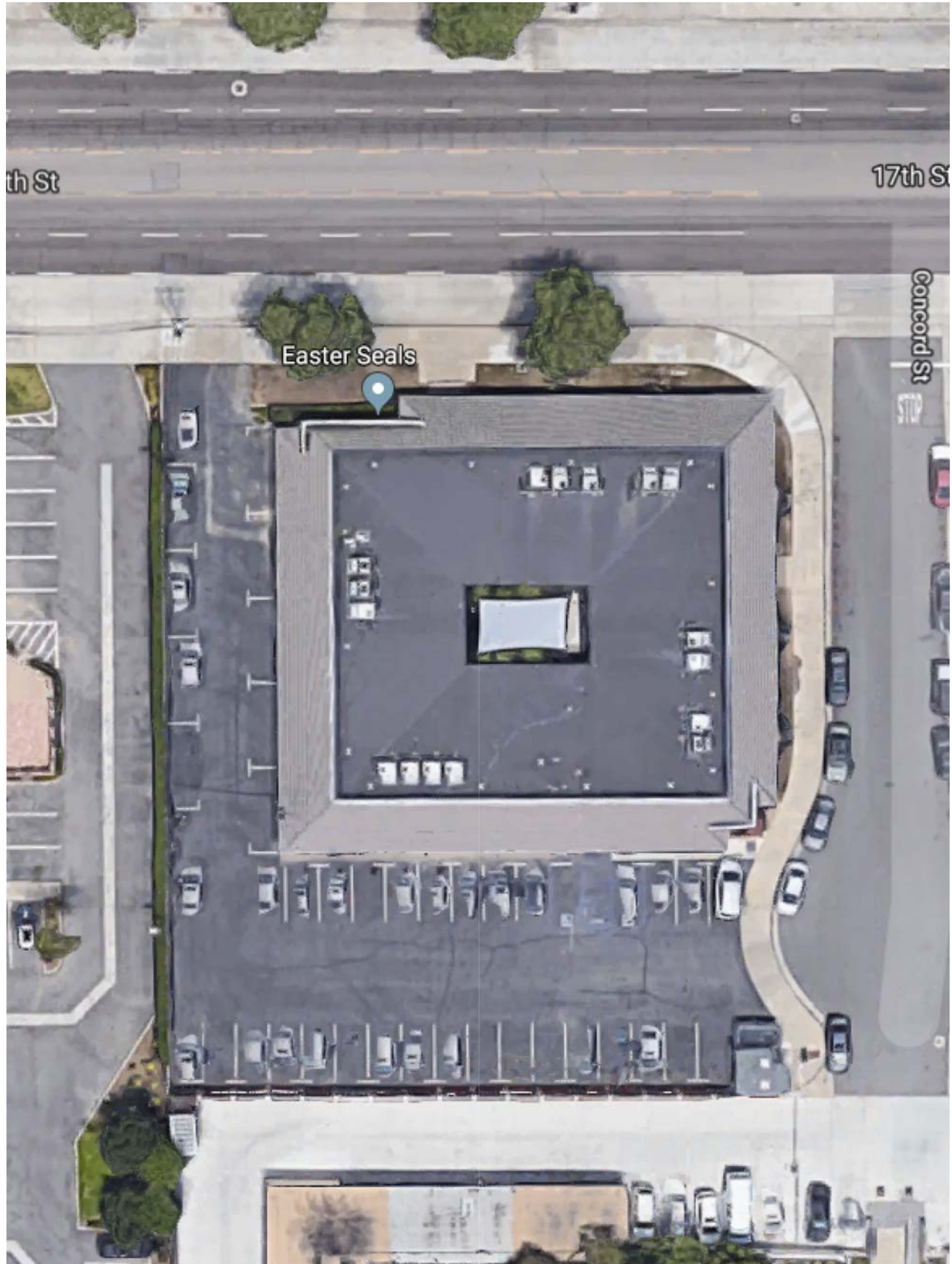


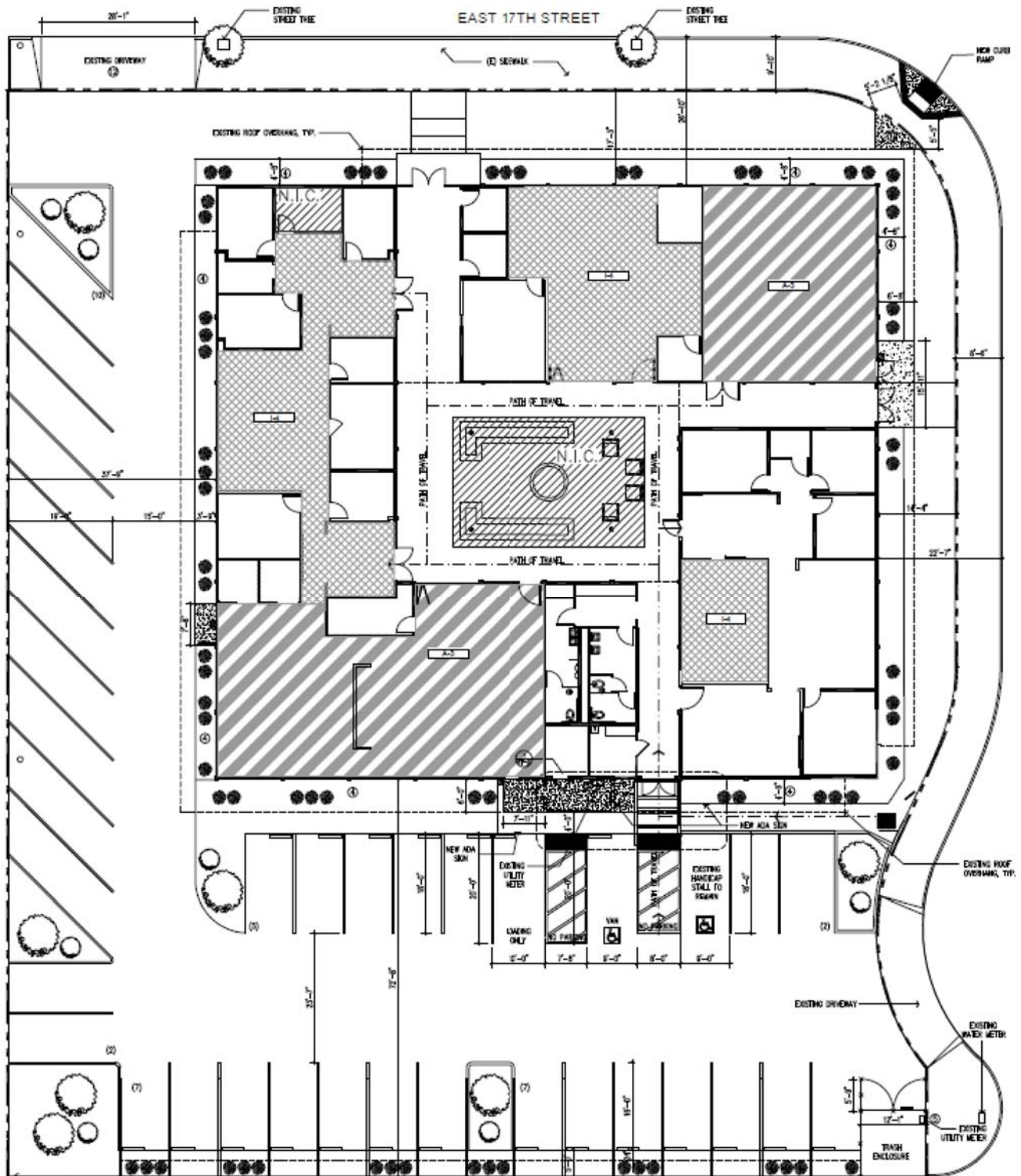
Rogier Goedecke
President



Darshan Shivaiah
Environmental Specialist II

Exhibits





Appendices

Appendix A

Observed Parking Demand Count

Easterseals Observed Parking Study
1919 West Redondo Beach Blvd
Gardena, CA
Tuesday, November 5th, 2019

Time	Parking Zone				
	Zone 1			Grand Total	Percent Occupied
	Regular Spaces	Handicap	HC Transport		
Parking Spaces	24	2	-	26	
7:00 AM	0	0	0	0	0%
8:00 AM	2	0	0	2	8%
9:00 AM	10	1	0	11	42%
10:00 AM	11	1	0	12	46%
11:00 AM	11	1	0	12	46%
12:00 PM	12	1	0	13	50%
1:00 PM	10	1	0	11	42%
2:00 PM	11	1	0	12	46%
3:00 PM	12	1	0	13	50%
4:00 PM	11	1	1	13	50%
5:00 PM	4	0	0	4	15%
6:00 PM	0	0	0	0	0%