



# **PLANNING COMMISSION**

## **SUPPLEMENTAL MEMO**

VI. 1a.

MEETING DATE: FEBRUARY 8, 2010

ITEM NUMBER

SUBJECT: PA-09-15 FOR ASSISTED LIVING FACILITY AT 1640 MONROVIA

DATE: FEBRUARY 4, 2010

FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP  
PLANNING ADMINISTRATOR  
(714) 754-5278

Attached are the following supplemental items:

- Updated Conditions of Approval. A redlined/strikeout version of the conditions of approval are attached. These changes reflect discussion with the applicant which occurred subsequent to the publication of the staff report. Staff recommends that Planning Commission adopt these changes.
- Public Benefits Letter indicating that utilities will be undergrounded. An updated letter from the applicant, dated February 2, 2010, describes the public benefits of the project. Most importantly, 3 of the 5 Southern California Edison distribution lines will be undergrounded along Monrovia Avenue at an estimated cost of over \$900,000. (Note: two poles with adjoining guide poles/wires at the far corners of the property are required to remain aboveground pursuant to SCE requirements).

If you have any questions or comments regarding this material, please contact me at (714) 754-5278.

Distribution:           Dev. Svcs. Director  
                              Asst. Dev. Svcs. Director  
                              Deputy City Attorney  
                              City Engineer  
                              Staff (4)  
                              File (2)

EXHIBIT "B"CONDITIONS OF APPROVAL

1. Final Master Plan PA-07-20/VT-16999, as amended by PA-09-01, shall comply with the conditions of approval, code requirements, and mitigation measures of the Westside Lofts IS/MND and as listed in the attached Mitigation Monitoring Program (Exhibit "C"). The expiration date of the Final Master Plan shall coincide with the Vesting Tentative Tract Map. The Final Master Plan shall expire within one year of the final map recordation, unless the applicant applies for and is granted an extension of time for the final master plan.
2. Mitigation Measures from the Westside Lofts IS/MND have been included as conditions of approval. If any of these conditions are removed, the Planning Commission must make a finding that the project will not result in significant environmental impacts, that the condition(s) are within the responsibility and jurisdiction of another public agency, or that specific economic, social, or other considerations make the mitigation measures infeasible.
3. The Westside Lofts Mixed-Use Development Project involves Final Master Plan PA-07-20, as amended by Master Plan Amendment PA-09-15 for an Assisted Living Facility with a memory care wing. All previous entitlements for the originally proposed residential condominium and live/work developments in PA-07-20 are null and void. Therefore, conditions of approvals **SUPERCEDE** all other previously-adopted conditions because these conditions reflect the amended project.
4. All on-site utilities serving the project site shall be undergrounded to the fullest extent possible; this requirement excludes utilities that may be located within the project site but be serving adjoining neighbors located off-site. Distribution lines adjacent to proposed Assisted Living Facility along the Monrovia Avenue frontage shall be undergrounded, excluding the two distribution lines located at the outside corners of the property which must remain aboveground pursuant to the requirements of the utility provider. Undergrounding these specified utilities shall occur within three years of issuance of the building permit for the Assisted Living Facility/Memory Care Unit or prior to issuance of the first certificate of occupancy for the industrial office buildings, whichever occurs first. and specified transmission/distribution lines in the public right-of-way along Monrovia Avenue shall be installed underground. Specifically, the two aboveground transmission/distribution which are required to remain in place are located at the outside corners of the property along Monrovia. The remaining three of the five transmission/distribution lines along the Monrovia Avenue frontage shall be undergrounded prior to issuance of the first certificate of occupancy for the Assisted Living units.
5. The conditions of approval and code requirements for Final Master Plan PA-07-20/VT-16999, as amended by PA-09-01, shall be blueprinted on the page

2

following or containing the site plan. Developer shall apply for an Amendment to the Master Plan to reinstate a residential component into the project at a future date.

6. The parking management plan shall be approved by the Development Services Director and Transportation Manager prior to issuance of building permits. The Parking Management Plan shall denote the following: ~~(1) Method of allocation of assigned parking;~~ (12) Location of visitor parking including appropriate signage; ~~(23)~~ Location of security gates if any, and how gates will be operated; ~~(34)~~ Location of employee parking.
7. The total number of Assisted Living and Memory Care units shall not exceed 185 units. If the proposal is modified to result in a reduction of units, a final parking study and revised conceptual plans shall be reviewed/approved by the Development Services Director prior to submittal of the construction drawings for plan check. Final parking supply of any revised development scenario (i.e. reduction in unit mix and square footage of ancillary supportive uses) shall be approved prior to submittal of construction drawings for plan check.
8. The approximately 1,750 square foot ancillary retail building shall consist of retail businesses.
9. Parking for the Assisted Living Facility/Memory Care Unit shall be provided on the 4.13-acre institutional site (identified as Parcel 1) as shown in the conceptual plans. If overflow parking is required for the proposed facility, Developer shall submit a shared parking plan to the Planning Division for processing, at which time the appropriate review and approval process shall be identified. A shared access easement for parking and circulation purposes shall be recorded for the entire property to allow shared parking between the industrial office complex and the Assisted Living Facility. Overflow parking for the Assisted Living Facility shall be allowed in the surface parking lot of the office complex on Mondays through Fridays between 7:00PM to 11:00PM and Saturdays/Sundays between 12 noon to 11:00PM. However, no industrial office parking shall occur on the site of the Assisted Living Facility. This shared access agreement shall be reviewed and approved by the City Attorney's office and Development Services Director prior to recordation.
10. Prior to issuance of grading permits, developer shall submit for review and approval a Construction Management Plan. This plan features methods to minimize disruption to the Playport Mobile Home Park and Westside residential communities through specified measures, such as construction parking and vehicle access and specifying staging areas and delivery and hauling truck routes.
11. Prior to issuance of building permits, developer shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
12. For the Assisted Living Facility, the range of primary street addresses shall be displayed on a complex identification sign visible from the street. This

identification sign can be in the form of a monument sign or a building wall sign. Street address numerals shall be a minimum 12 inches in height with not less than 3/4-inch stroke and shall contrast sharply with the background.

13. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
14. The site plan submitted with initial working drawings shall contain a notation specifying that the project is a "common interest development" and shall specify the ultimate development property lines.
15. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The ~~entry/exit drive of the private street shall be~~ complemented by ~~made of~~ stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
16. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official and City Engineer prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public storm water facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of the subject property shall preserve or improve the existing pattern of drainage on abutting properties.
17. Street trees in the landscape parkway shall be selected from Appendix D of the Streetscape and Median Development Standards and appropriately sized and spaced (e.g. 15-gallon size planted at 30' on centers), or as determined by the Development Services Director once the determination of parkway size is made. The final landscape concept plan shall indicate the design and material of these areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
18. The landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. Specifically, the 10-foot street setback areas along Monrovia Avenue and Babcock Street shall be landscaped with trees and vegetation to the fullest extent possible. The landscape plan shall be approved prior to issuance of building permits. The landscape palette shall incorporate native California plants and/or drought tolerant plant species.

19. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
20. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as an amendment to the Master Plan, or in the requirement to modify the construction to reflect the approved plans. Applicant shall contact the Planning Division at 714-754-5245 to obtain authorization for any revisions.
21. The developer shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
22. The developer shall contact the Planning Division to arrange for an inspection of the site prior to the final inspections. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
23. Nighttime lighting shall be minimized to provide adequate security and creative illumination of building, sculptures, fountains, and artwork to the satisfaction of the Development Services Director. Any lighting under the control of the developer shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of nearby residential uses, including on-site residential uses.
24. The buildings shall use low reflective glass and building materials to minimize daytime glare to the fullest extent possible.
25. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). With the exception of back-flow prevention devices, ground-mounted equipment shall not be located in any landscaped setback visible from the street and shall be screened from view, under the direction of Planning Staff.
26. ~~If the project is constructed in phases, the~~ The decorative block wall, landscaping within the street setback areas, and irrigation for the Assisted Living Facility/Memory Care Unit shall be installed prior to the release of utilities for the first phase. ~~Specifically, Additionally, the interim landscaped areas for Parcel 1 and Parcel 2, as shown in the Phase 1 Site Plan for Master Plan Amendment PA-09-01, shall be completed prior to issuance of the first certificate of occupancy for the units of the Assisted Living Facility.~~
27. Prior to submittal of working plans for plan check, applicant shall submit a written determination from the Sanitary District and/or any private trash hauler that trash collection service can be provided ~~to each individual live/work unit.~~ This letter shall be remitted to the Planning Division prior to issuance of building permits.

28. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 7 p.m., Monday through Friday, and between the hours of 9 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays.
29. Any amendment to the Public Benefits as described in the applicant letter dated ~~November 6, 2007~~ February 2, 2010 shall require review and approval by the Planning Commission, through a Master Plan amendment application.
30. Conversion of the proposed Assisted Living Facility to a Skilled Nursing Facility shall require review and approval of an amendment to the Master Plan to reflect the change of use.
31. Truck deliveries shall occur no earlier than 6 a.m. daily, and loading/unloading of deliveries shall occur away from the Assisted Living Facility units to the fullest extent possible. For example, truck deliveries are permissible at the backdoor of the kitchen, away from groundfloor living units.
32. On-site security personnel shall service the Assisted Living Facility for 24-hours, seven days a week.
33. ~~Along with the lease agreements,~~ prospective clients/tenants shall receive written notice of the then-existing noise environment and any existing odor generating uses within a one mile radius of the proposed project within the City limits. Prospective tenants must sign a form-disclosure to acknowledge that they have read and understand the existing land use conditions. ~~This form~~The disclosure notice shall be kept on file by the facility operator and shall be approved in form and substance by the City Attorney's office prior to use. For example, the disclosure can be an exhibit within the lease agreement.
34. Any change in the outdoor amenity areas that may diminish the size, function, and aesthetics of the area shall be reviewed and approved by the Development Services Director, if the changes are significant, Planning Commission consideration of a Master Plan amendment may be required.

Eng.

35. Developer shall maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
36. Developer shall submit a hydrology/hydraulic study for review/approval by the City Engineer prior to issuance of grading permits.
37. Developer shall comply with any conditions of approval as indicated in the City Engineer's letter dated October 1, 2007 (attached).
38. Developer is informed that Babcock Street is under a "NO OPEN CUT" moratorium until Year 2015. Open cutting the street pavement during the moratorium period shall require special resurfacing requirements.

Trans.

39. Developer shall construct Type II drive approach at locations submitted on site plan. Developer shall comply with minimum clearance requirements from the property lines and any vertical obstructions.
40. Developer shall relocate powerpole(s), fire hydrant(s), and all of the utilities necessary to accommodate new driveway approaches.
41. Developer shall close unused drive approaches with full height curb and gutter.
42. Developer shall remove existing red curb paint along property frontage on Monrovia Avenue and Babcock Street to accommodate additional on-street parking.
43. Developer shall submit detailed plans for surface parking providing dimensions for all parking spaces and aisle widths per City standard.
44. Developer shall identify width of drive aisle and island approaching the gated Assisted Living Facility. A minimum of 40-foot total overall width at the guest lane, including median and entry/exit driveway for turnaround, shall be provided.

Fire

45. Structure is located near Edison transmission/distribution lines that limit the use of aerial ladders (tenant windows and roof along Monrovia Avenue frontage). Fire Department recommends that the power lines be placed underground. If undergrounding the transmission/distribution lines does not occur and the lines remain along the Monrovia frontage, the following conditions shall be implemented to the satisfaction of the Fire Department:
  - a. Provide a manual wet standpipe system in ALL stair enclosures at each floor level.
  - b. Provide a public address system per Fire Department direction.
  - c. Provide an automatic fire sprinkler system according to NFPA 13.
  - d. Access to tenant windows and balconies shall not be obstructed by trees, landscaping features, architectural elements, or any other obstruction. Clear access to tenant windows shall be considered in the project design.

Police

46. Developer shall work with the Police Department in implementing security recommendations to the maximum extent feasible, as specified in correspondence from the Police Department, dated September 26, 2007.



The Vision to Develop and the Commitment to Deliver

February 2, 2010

Ms. Claire Flynn  
Senior Planner  
**City of Costa Mesa**  
77 Fair Drive  
Costa Mesa, CA 92628

**Re: Public Benefit Letter for 1640 Monrovia – Westside Senior Living**

Dear Claire:

As part of our proposed Master Plan Amendment Application, we felt that it was important to provide the following letter outlining how our revised development reflects the policies in the Mesa West Bluffs Urban Plan with regard to public benefit and green building design.

With regard to the public benefits of the proposed project, there are a number of major contributions resulting from this development. The first major public benefit to note is that the site has been environmentally cleaned up in order to allow for new construction. More specifically we have spent the past four (4) years working with the State Department of Toxic Substances Control (DTSC) and have completed their public review process resulting in the creation of a remedial action plan. What were previously 2 large industrial buildings on top of a once contaminated site is now a demolished piece of property primed for new development.

Another public benefit is that this project will involve the undergrounding of certain SCE utility lines currently located along a portion of Monrovia Avenue directly west of the subject site. The Westside's overall appearance is hampered by the multitude of overhead power lines and we share the city's hope that some day all of the lines on the Westside can be underground as part of a comprehensive master plan. The estimated cost that we will spend to underground 3 such lines is in excess of \$900,000, which is an added expense to the project, but one that we feel strongly about.

6

**Attachment 2**

**NEXUS Development Corporation Central Division**

1 MacArthur Place, Suite 300, Santa Ana, CA 92707 ph 714.546.5600 fx 714.546.5660 www.nexusd.com

Ms. Claire Flynn  
February 2, 2010  
Page 2 of 2

Finally, we continue to be committed to designing and building a project that is responsive to green building standards. As a result, it is our intent to include the following features into our project design and construction activity:

- Energy efficient windows
- Faucet aerators and high efficiency shower heads which provide the same pressure and volume as regular faucets but with less water flow.
- Rated roofing products.
- Low-flow toilets.
- Reusable/recyclable construction materials such as counters, cabinets, and flooring when feasible.
- Energy efficient irrigation systems
- BMP clarifiers on site to treat waste water

We believe the efforts noted above are consistent with the policies and preferences identified in the Mesa West Bluffs Urban Plan. Our goal from day one has been to design a project that is respectful of the design criteria outlined in the overlay area while upholding a high standard for quality and efficiency. We look forward to the opportunity to present this project to the Planning Commission and we appreciate the continued support and cooperation of you and your staff. Please do not hesitate to contact me if you or any other department has any questions regarding the project.

Sincerely,



Rob W. Eres  
**Nexus Development Corporation**  
Vice President of Entitlements