



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: MAY 3, 2016**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 3**  
**DEPARTMENT**

**SUBJECT: PLANNING CASES P15-0610 AND P15-0611 –BY WAYNE SANT, ON BEHALF OF OAKMONT SENIOR LIVING, FOR A CONDITIONAL USE PERMIT AND DESIGN REVIEW FOR AN 85-UNIT SINGLE BUILDING ASSISTED LIVING AND MEMORY CARE FACILITY, LOCATED AT 5695 GLENHAVEN AVENUE**

## **ISSUE:**

The issue for City Council consideration is a proposal by Wayne Sant, on behalf of Oakmont Senior Living, for a Conditional Use Permit and Design Review for an 85-unit, assisted living and memory care facility located at 5695 Glenhaven Avenue.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine the proposed project will not have a significant effect on the environment based upon the findings and mitigation measures set forth in the case record and adopt a Mitigated Negative Declaration;
2. Adopt the Mitigation Monitoring and Reporting Program (MMRP) found in the attached staff report, pursuant to Section 21081.6 of CEQA; and
3. Approve Planning Cases P15-0610 and P15-0611 based on the findings recommended by the Planning Commission and summarized in the attached findings and subject to the attached recommended conditions.

## **STAFF/PLANNING COMMISSION RECOMMENDATIONS:**

Staff recommended approval to the Planning Commission, subject to recommended conditions of approval. On March 17, 2016, the City Planning Commission recommended approval of Planning Cases P15-0610 and P15-0611 by a vote of 7 ayes, 0 noes and 0 abstentions, subject to staff's recommended conditions with modifications.

## **BACKGROUND:**

The applicant requests approval of a Conditional Use Permit and Design Review application to permit an 85-unit assisted living facility (Oakmont Senior Living). The facility will consist of a single two-story, 87,953 square foot building, with a maximum of 103 beds. Assisted living refers to the residential-style community housing for senior citizens who can function semi-independently, but require assistance with daily activities.

Oakmont Senior Living will provide amenities such as private and formal dining rooms, a café, entertainment and activity rooms, beauty salon, library, outside courtyard, an in-house fitness center, and a private surround-sound theater. Additional services will include:

- Dining – 3 daily meals, plus beverages and snacks
- Housekeeping, Laundry, Linens
- Chauffeured Transportation
- 24-hour Emergency Response
- Wellness and Personal Care, Medication Management
- Exercise Programs
- Musical Performances, Lectures
- Full Social and Activity Calendar
- Religious Services

The applicant indicates that at move-in, the majority of residents at these types of facilities are in their early to mid-eighties. Residents utilize a myriad of assisted living services offered within the community such as medication management, an in-house concierge doctor program, and diabetes management. Progressive care needs of residents are provided within individual private rooms to allow residents to age-in-place. In addition, twenty-seven of the units are set aside for memory care. The memory care program will be offered in a specifically designed area for residents with Alzheimer's disease and other forms of dementia.

The facility will be open and operate on a 24-hour basis, seven days a week. The number of employees will fluctuate throughout the day from a high of 30 employees during the morning and afternoon, and 4-6 employees during evening and night shifts.

The Zoning Code requires 0.5 parking spaces per bed for assisted living facilities. Based on a total of 103 beds, 52 parking spaces are required, and 62 parking spaces are proposed. According to the applicant, very few residents own cars or drive. Transportation needs are provided by a 20+ passenger bus, with a qualified driver, along with a smaller vehicle for local trips. Parking will primarily be utilized by staff and visitors. Staff believes that 62 parking spaces will be adequate to provide parking for the 30 peak hour employees and visitors to the facility, therefore parking will have no impact on surrounding properties.

The building elevations as submitted reflect Tuscan-style elements, such as a hipped roof, entry area accentuated by columns, window surrounds, and a tile roof. A variety of building materials, including stucco and stone veneer, are incorporated into the project to lend visual interest to the building.

Per the Citywide Design Guidelines, the windows, façade, roof shape, size and rhythm of openings, trim and details, and materials and color are compatible with the surrounding neighborhood. Furthermore, the proposed assisted living facility will provide pedestrian

circulation which is sited with adequate separation from vehicular traffic. The proposed on-site pedestrian walkways link common open space facilities, such as the dining patio, memory care garden, resident's garden, and the pet park. Staff supports the building elevations as described above, subject to the recommended conditions of approval.

Conceptual landscape plans have been designed to provide a variety of landscape materials throughout the project site, including trees, shrubs, vines, and groundcovers, which creates a lush and comfortable environment for residents and those viewing from public areas. On site pedestrian walkways are visually attractive, and well defined by landscaping and lights. Therefore, Staff supports the conceptual landscape plans, and recommends a condition of approval requiring substantial landscaping is provided at the corner of Alessandro Boulevard and Glenhaven Avenue to screen existing accessory structures, as well as the formal submittal of detailed landscape and irrigation plans prior to building permit issuance.

At the March 17, 2016 Planning Commission meeting, staff provided the Commission with 20 letters received after the preparation of the staff report; 18 letters were in opposition of the project and 2 were in support. At the Planning Commission meeting, 11 residents spoke in opposition of the project and 4 residents supported the project. The comment letters and comments made at the public hearing expressed similar concerns including: increased traffic and potential City liability if accidents occur at the intersection of Alessandro Boulevard and Glenhaven Avenue; increase in noise from construction, emergency vehicles and delivery trucks; bright lights from the parking lot; decrease in property values; inadequate parking provided; potential odors from the proposed kitchen; height of the building; density of the project; the nature of the proposed land use as a commercial medical facility in a residential area; and, demolishing the existing structures with possible landmark eligibility.

Staff provided a response to the comments and clarified that the anticipated traffic trips generated by the proposed facility would be 14.4 AM peak hour trips and 22.6 PM peak hour trips and not enough to trigger the requirement for the preparation of Traffic Impact Analysis. A Noise Impact Analysis was prepared for this project and it concluded that the construction noise, parking lot activities deliveries, weekly trash collection, rooftop mechanical equipment were found to be less than significant and consistent with the City's Noise Control. Lighting from the parking lot was required to be shielded to prevent light spillage onto the adjacent residential development. Additionally, the applicant offered to remove two parking spaces and a light pole adjacent to the single family residences to further eliminate any potential impacts. In terms of concerns regarding kitchen odors, there are performance standards in the Municipal Code, which address foul or obnoxious odors. However, in this instance, the kitchen will not create odor impacts on the existing neighborhood as it is located at the southwesterly corner of the building adjacent to Alessandro Boulevard, which is the farthest point from the residences. The height of the building is allowed in the R-1-13000 – Single Family Residential Zone; so this project complies with the height requirement. The concerns regarding an outdoor amplification system is not valid, as per discussions with the applicant, an amplification system is not included in the project scope. Lastly, the existing structures have been deemed to have no historical significance.

Since City Planning Commission meeting of March 17, 2016, staff has received two additional comment letters in opposition of the project (Exhibit 4). One of the letters raised concerns regarding the adequacy of the Mitigated Negative Declaration, with respect to air quality impacts, and the anticipated operational characteristics of a commercial medical facility. A response letter was prepared by FirstCarbon Solutions, addressing the concerns of the Mitigated Negative Declaration and the medical uses within the project (Exhibit 5). In addition, a second letter was received by staff, and raised concerns regarding rezoning the property to

allow the proposed assisted living facility. The project does not involve rezoning the subject site, as the proposed assisted living facility is permitted, subject to the granting of a Conditional Use Permit.

Please refer to the March 17, 2016 City Planning Commission staff report, recommended conditions and draft minutes for additional project information.

**FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Rafael Guzman, Community & Economic Development Director  
Certified as to  
availability of funds: Scott Miller, Interim Finance Director/Treasurer  
Approved by: Al Zelinka, FAICP Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

**Attachments:**

1. City Planning Commission Recommended Conditions
2. City Planning Commission Report – March 17, 2016
3. City Planning Commission Draft Minutes – March 17, 2016
4. Comment Letters Received Following Planning Commission
5. Response to Comment Letters provided by FirstCarbon Solutions – April 13, 2016
6. Presentation
7. Application Presentation