



## Community Development Department

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April 19, 2023

Kelly Bruno-Nelson, Executive Director  
CalOptima  
505 City Parkway West  
Orange, CA 92868

**SUBJECT: USE DETERMINATIONS FOR PROPOSED LAND USES RELATIVE TO CONDITIONAL USE PERMIT (CUP) 2022-0019 AND APPLICATION COMPLETENESS DETERMINATION FOR THE PROPERTY LOCATED AT 14851 YORBA ST. AND 165 N. MYRTLE AVE., TUSTIN**

Dear Ms. Bruno-Nelson:

Thank you for your interest in the City of Tustin for your prospective business. Most recently, on March 28, 2023, CalOptima representatives submitted plans and documents for review regarding the proposal to establish a Recuperative Care/Post-Hospitalization Housing use to serve the unhoused and a Program of All-Inclusive Care for the Elderly (PACE) use at the site located at 14851 Yorba St. and 165 N. Myrtle Ave. All uses are intended to serve those individuals who are 55 years and older. The project is identified as CUP 2022-0019.

The subject property has a combined zoning designation of Public and Institutional (P&I) District, Professional (Pr) District and Specific Plan 9 (Yorba Street Specific Plan) and is generally comprised of a two-building campus with 73,180 square feet of programmable space. The purpose of Professional District is to identify properties that are authorized for professional offices. The purpose of the Yorba Street Specific Plan is to encourage orderly development and lot consolidation, and to preserve and protect the public health, safety, and welfare of the area. The purpose of the P&I District is to identify properties within the City that are used or authorized for public, quasi-public, and institutional uses distinct from the standard classifications of residential, commercial, and industrial. The P&I District, as described in Tustin City Code (TCC) 9245(b), does not permit any land uses by right, and instead, conditionally permits uses such as libraries, places of worship, schools, and hospitals – or other uses determined to be similar – subject to obtaining a Conditional Use Permit (CUP).

Based on the information provided by email on March 28, 2023, the project description for CUP 2022-0019 includes the following proposed land uses as defined below:

- **Recuperative Care:** A “short-term housing program for the unhoused who are 55 years or older, inclusive of comprehensive care management and housing navigation services paired with traditional medical oversight from trained professionals over an up-to-90-day stay”;
- **Post-Hospitalization Housing:** A program that provides Guests additional time to receive medical support and permanent housing assistance immediately after the Recuperative Care

CUP 2022-0019  
14851 Yorba St. / 165 Myrtle Ave  
April 19, 2023  
Page | 2

Program; there is no difference in the services provided, eligibility criteria, or room location as compared to Recuperative Care; and

- **“Program of All-Inclusive Care for the Elderly (PACE)”**: A program that enables older adults (55 years or older) to remain living in the community and out of institutions by providing services that include on-site medical care, a day-activity center, transportation, rehabilitation therapies, meals, homecare, medications, medical equipment, and coverage for hospital and long-term care.

## **USE DETERMINATION**

In light of Staff’s analysis of all the material provided by CalOptima, including the most recent submittal on March 28, 2023, the following use determinations for each proposed land use have been made pursuant to TCC Section 9298b. TCC Section 9298b authorizes the Community Development Director to determine, in cases of ambiguity, whether or not the use of any land in any district is similar in character to the particular uses or plans allowed in the district.

### ***Recuperative Care and Post-Hospitalization Housing***

Based on the review of all of CalOptima’s submittal documents, including the most recent submittal on March 28, 2023, the Recuperative Care and Post-Hospitalization Housing components of the proposed project are not similar to any of the uses that can be conditionally permitted in the P&I District. Additionally, the P&I District does not explicitly list Recuperative Care or Post-Hospitalization Housing as permitted land uses.

The operational characteristics of the proposed Recuperative Care and Post-Hospitalization Housing components are similar in character to residential uses such as extended care facilities or supportive housing, setting the proposed land uses apart from uses that are conditionally permitted in the P&I District. Those operational characteristics include, but are not limited to the following:

- Duration of stay (average anticipated stay of one (1) year);
- Interim Housing until permanent housing can be identified and secured;
- Medical oversight (no direct medical services provided); *and*
- Limited assistance with Instrumental Activities of Daily Living and/or Activities of Daily Living.

In accordance with TCC 9298b, the Community Development Director has determined that the proposed Recuperative Care and Post-Hospitalization Housing uses are not similar in character to other uses conditionally permitted in the district; therefore, they are not permitted in the P&I District (nor are they permitted in the Pr or SP9 districts).

### ***PACE***

The P&I District does not explicitly list PACE as a permitted land use, nor is it explicitly prohibited. However, based on the information provided in the application documents, including the most recent

CUP 2022-0019  
14851 Yorba St. / 165 Myrtle Ave  
April 19, 2023  
Page | 3

submittal on March 28, 2023, PACE would offer medical services similar to hospital uses that include, but are not limited to the following:

- Routine physicals and preventative health evaluations and care;
- Kidney dialysis;
- X-ray services;
- Laboratory procedures; *and*
- Outpatient surgical and mental health services.

In accordance with TCC 9298b, the Community Development Director has determined that the operational characteristics of the proposed PACE use is consistent with a hospital use. Hospital uses are conditionally permitted uses in the P&I District. As such, the PACE use can be allowed with the review and approval of a CUP by the Planning Commission.


Per TCC 9294, any decision of the Community Development Director may be appealed to the Planning Commission. Should you wish to appeal my decision, please file an appeal application with the City Clerk during normal business hours within ten (10) calendar days of the date of this letter. The appeal shall be accompanied by the required \$1,050 appeal fee. Please contact the City Clerk's office at (714) 573-3001 for more information or additional questions regarding the appeal process or visit [www.tustinca.org](http://www.tustinca.org).

#### **APPLICATION COMPLETENESS DETERMINATION**

For the reasons mentioned above and in conformance with Government Code Section 65943, this is notification that your application is considered incomplete. For your application to be considered complete, you must submit an application that omits any use not permitted by the TCC.

We welcome the opportunity to discuss the use determinations, application completeness discussed in this letter, and next steps for processing your current application for CUP 2022-0019 or submittal of a subsequent development application. To schedule a meeting, please contact Irma Huitron, Assistant Community Development Director - Planning at [ihuitron@tustinca.org](mailto:ihuitron@tustinca.org) or (714) 573-3035.

Sincerely,

DocuSigned by:  
  
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On  
behalf  
of:

Justina L. Willkom  
Community Development Director

cc: Irma Huitron, Assistant Community Development Director – Planning  
Raymond Barragan, Principal Planner

**Community Development Department**