



# TERRA NOVA PLANNING & RESEARCH, INC.

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October 9, 2024

Mr. Brian Thienes  
Thienes Engineering  
14349 Firestone Boulevard  
La Mirada, CA 90638

RE: Revised Project Analysis, Bolsa Chica Senior Care Project, Huntington Beach

Dear Mr. Thienes:

Terra Nova has reviewed the revised project proposed for the Bolsa Chica senior living project, and has completed the following analysis. This letter tiers off our letter of December 15, 2023 to consider whether the City has properly analyzed the revised Project in the context of its planning and environmental obligations.

## **Project Description**

In 2023, the Bolsa Chica Senior Living Project (2023 project) proposed the development of a five story, 298,000 square foot, 202 unit senior living project on 3.1 acres at the southwest corner of Bolsa Chica Street and Warner Avenue. The 2023 project also included 189 parking spaces (0.9 space per unit), multiple “lounges,” multiple dining areas, a theater, a gym, salon and spa, offices and outdoor courtyards, including a pool. At the time, the 202 units included 102 independent living units providing 1, 2 or 3 bedrooms; 72 assisted living units providing one and two bedrooms; and 28 memory care units. The 2023 project would employ 110 full time employees.

The applicant now proposes a 205,308 square foot, four-story “assisted living” community project (current project), to include 159 Residential units on the same site. These units would include 25 memory care units and 134 assisted living units. Significantly, the assisted living units continue to be comprised of multiple bedroom units. The same amenities, including multiple restaurants, are proposed with the revised project, and the estimated employment remains at 110 employees, according to the Revised Draft EIR. The City’s staff report states that there would be 60 full-time employees. Unless this is in error, one can assume that 50 additional part-time employees would also be employed at the site.

## **A. Analysis**

As was the case with the 2023 project, the current project cannot be constructed on the site under City General Plan and Zoning standards. The applicant has applied for:

1. A General Plan Amendment (GPA) from Commercial General to Mixed Use, with a Specific Plan Overlay.

2. A Zone Change from Commercial General to Mixed Use.
3. A Zone Text Amendment to add the Bolsa Chica Specific Plan to allow the development of the Project.
4. A Conditional Use Permit (CUP) to allow the use of a senior housing project.

The City's Planning Commission has once again approved the CUP, in violation of State planning law, and recommended approval of the GPA, Zone Change, Zone Text Amendment and Specific Plan to the City Council.

1. The Basis for Compatibility of the Project is Flawed

The staff report continues to use a list of General Plan goals to support the required General Plan Amendment, without providing substantial evidence that the Project is consistent with those goals. Although slightly modified, the staff report continues to assert that the facility "is compatible in proportion, scale, and character with surrounding land uses" and "similar in height and massing to other multi-story senior living facilities in the City that are adjacent to residential uses." No substantial evidence, such as the listing of addresses or the naming of other facilities or neighborhoods in which these other facilities occur is provided. Nor is any evidence provided that these other facilities are proportional to the current project. Staff simply restates the wording in the goals, asserting that it is true. Such conclusionary statements are inappropriate and show a stunning lack of simple land use compatibility analysis. There is no analysis to explain how the Project is compatible with adjoining single-story single-family homes, or two-story multi-family units which surround the Project site on three sides. This failure to properly analyze the compatibility of the Project, and its requested GPA, make it impossible for the City to make findings in support of this proposal.

The staff report again ignores the Project site and its surroundings, as it did in 2023. In this case, a low-rise, multi-building commercial center which is of similar scale and mass to the surrounding single and multi-family projects is being replaced by what is still a massive monolithic behemoth that still measures 53 feet in height, and that will overshadow and overwhelm the neighborhood.

The staff report also continues to avoid goals and policies with which the Project cannot comply, including:

Policy LU-2B.: Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

Policy LU-2D.: Maintain and protect residential neighborhoods by avoiding encroachment of incompatible uses.

Goal H-1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy H1.1: Preserve the character, scale and quality of established residential neighborhoods.

The staff report continues to ignore the General Plan’s strong statements in support of the preservation and protection of existing neighborhoods. The revised Project still requires a GPA from a commercial designation to a Mixed Use designation. In this case, the revised Project is not Mixed Use, but residential. The restaurants and other facilities provided within the building are not publicly accessible commercial uses, they are solely for the use of the residents and their guests. The GPA therefore substantially changes the character of the site, which has supported the adjacent neighborhood with commercial products and services, to an intense over-large residential building that encroaches into the existing one- and two-story residential neighborhood. The findings for approval cannot be made, and the Project must be rejected, since without the GPA it is not permitted. None of the other applications can proceed without the GPA, and they should be denied.

2. The Intensity of the Project Remains Significantly Understated

The previous project proposed 28 memory care units and 72 assisted living units. The assisted living units consisted of 54 studio and one-bedroom units, and only 18 two-bedroom units. In our review of the capacity of the revised Project, we were hampered by the conspicuous absence of floor plans. Unlike the previous project, the revisions do not include floor plans, which make it difficult to assess the actual development proposed.

The revised Project now proposes 25 memory care units, and 104 assisted living units: 10 studios; 94 one-bedroom, of which 31 are one-bedroom “+,” which presumably includes a “den” or second bedroom option; and 30 two-bedroom, of which one is two-bedroom “+.” We also note that at other facilities operated by the applicant, all assisted living units contain double beds, not single hospital beds, making it likely that couples will occupy the units. The following Table illustrates the potential population at the Project under full occupancy conditions.

<b>Table 1 Potential Project Population/Intensity</b>			
<b>Unit Type</b>	<b>Number of Units</b>	<b>Persons/Bed or Bedroom</b>	<b>Total Population</b>
MC	25	1	25
AL – Studio	10	2	20
AL – 1 Bedroom	63	2	126
AL – 1 Bedroom +	31	2	62 or 124*
AL – 2 Bedroom	29	2	58
AL – 2 Bedroom +	1	2	4 or 6*
<b>Total</b>	<b>159 units</b>	<b>25 MC + 186 AL</b>	<b>295 or 359</b>
MC: Memory Care. AL: Assisted Living. * + can be assumed to allow a sleeper sofa or second bedroom for 2 additional residents/guests.			

The Revised EIR assumes a new population of 189 residents at the facility, without support or justification (REIR page 4.2.22). This represents a potential under-counting of 106 to 170 residents, which will significantly increase impacts, as described below.

### Parking Demand

As we described in our previous letter, it must be assumed that assisted living residents in an apartment (the one-bedrooms are 600 to 1,000 square feet, and the two-bedroom units are 900 to 2,200 square feet, entirely consistent with an apartment, not a nursing home room) will have both roommates and guests. The Revised EIR cites an employee count of 110, and the staff report 60 employees. Further, the parking study assumes, based on a single 8-year old report, that 88% of units will be occupied by one person. It is impossible to analyze the Project correctly when so many internal inconsistencies are evident.

The revised Project has substantially reduced the parking available to employees, residents and guests, from 189 parking spaces to 104 parking spaces. Even if it is assumed that the peak employee shift is 50 employees, and that all of the assisted living units have a need for only one car, the Project requires 184 parking spaces. When one factors in dinner and overnight guests only in the two-bedroom units, the parking demand increases to 214 spaces. Given the location of the Project, where will these addition 100+ cars park? There is no analysis, either in the REIR or the staff report, of the potential impacts to the surrounding neighborhood of so much on-street parking.

### Water Demand

Neither the EIR nor the REIR address the Project's water demand, on the basis that the Initial Study found impacts to be less than significant. That conclusion was erroneous. First, although the Initial Study states that the Project will require 25.85 acre feet (af) of domestic water annually, it does not explain the assumptions used for that calculation, so whether it is correct cannot be determined. Residential uses consume water on a per capita basis – the more people live in a unit, the higher the water use. If the population assumed in the Initial Study is undercounted, so will be water demand.

The Initial Study goes on to state that because 25.85 acre feet is 0.1% of the City's total water use, the Project's impact will be negligible. What the Initial Study ignores is that the City's Urban Water Management Plan (UWMP) determined that water supply/demand in 2020 was 25,966 afy, and that the supply/demand in 2045 is expected to be 26,054 afy annually. This represents an increase over 25 years of only 88 acre feet. Based on the Initial Study's calculation, the Project will consume 30% of all the water supply the City UWMP determined would be available in the next 25 years. On that basis, only 400 more residential units can be constructed in the City between now and 2045, before the water runs out. Given that the REIR states that the City will grow by 2,600 new households by 2035, and 4,500 new households by 2050 (REIR page 4.2.21), and that all those households will require homes and running water, the City has failed to acknowledge and analyze a significant impact which will have a detrimental effect on the City's long term health.

### 3. The Conditional Use Permit Cannot be Approved without a Certified EIR

As was the case in 2023, the Planning Commission did not have the authority to approve, or conditionally approve the CUP. By doing so, the Planning Commission violated CEQA. As clearly stated in CEQA Guidelines Section 15004(a):

“Before granting any approval of a project subject to CEQA, every Lead Agency or Responsible Agency shall consider a final EIR or Negative Declaration...”

CEQA was established specifically to allow the public and decision makers to consider all potential impacts of a project before they determine to approve the project. In this case, the Planning Commission, which has the authority under CEQA to certify the EIR for the Project, did not do so and instead only recommended certification to the City Council. Without first determining, through certification, that the EIR addressed all environmental impacts of the Project, and that all feasible mitigation measures have been implemented, the Conditional Use Permit cannot be acted upon. This violation of CEQA is further compounded by the Planning Commission’s violation of California land use law, which is separately described below.

### 4. The Conditional Use Permit Was Approved Improperly

As described in our previous letter and in subsection A.3., the Planning Commission acted improperly under CEQA when it approved the CUP without first certifying the EIR. In addition, the Planning Commission approved a Conditional Use Permit for a use not permitted in the Commercial General land use or zoning designation, and not meeting Commercial General development standards. Instead, the Planning Commission assumed that the City Council would approve the General Plan Amendment, Zone Change and Zone Text Amendment (Specific Plan), and based its findings on those amendments. Such pre-determination is not allowed under State planning law.

The City had two options in this case:

1. The Planning Commission could have recommended to the City Council that the Conditional Use Permit be approved only after the Zone Text Amendment took effect (30 days after 2<sup>nd</sup> reading of the Zone Change and Zone Text Amendment ordinances, when the Specific Plan would take effect). Or,
2. The Conditional Use Permit should not have been heard until after the approval of the General Plan, and the effective date of the Zone Change and Zone Text Amendment.

In this case, the Planning Commission’s approval is particularly inappropriate, because it was approving a CUP – a permit which by definition requires that land use compatibility be considered as a significant part of the process. This is not merely a review of the architecture and landscape plans, but a review of whether the Project’s use is appropriate for and compatible with the location, given the designations in effect at the time the CUP

is considered. In this case, a senior living facility is not compatible under the Commercial General designation, and the findings required cannot be made.

**Conclusion**

On the basis of the analysis we have conducted and described above, the proposed Bolsa Chica Project still cannot be approved. The City must rescind the CUP approval, revise and recirculate the EIR to reflect correct conditions, and then consider the Project again, once the public and decision makers have sufficient information to make an informed decision.

Please feel free to contact me if you have any questions.

Sincerely,



Nicole Sauviat Criste  
Principal