

## Minutes

### City Council/Public Financing Authority City of Huntington Beach

Tuesday, October 15, 2024  
4:30 PM — Council Chambers  
6:00 PM — Council Chambers  
Civic Center, 2000 Main Street  
Huntington Beach, California 92648

**A video recording of the 4:30 PM and 6:00 PM portions of this meeting is on file in the Office of the City Clerk, and archived at [www.surfcity-hb.org/government/agendas/](http://www.surfcity-hb.org/government/agendas/)**

#### **4:30 PM — COUNCIL CHAMBERS**

#### **CALLED TO ORDER — 4:30PM**

#### **ROLL CALL**

Present: Moser (arrived at 4:32 pm), Bolton, Burns, Van Der Mark, Strickland (arrived at 4:31 pm), McKeon, and Kalmick  
Absent: None

#### **CITY COUNCIL MEMBER COMMENTS (3-Minute Time Limit) — None**

Mayor Pro Tem Burns announced October is Cancer Awareness Month, complimented the Pacific Air Show for a great event (in spite of the fog), as well as the popular Cars N' Copters event on October 12 and 13.

#### **ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS PERTAINING TO CLOSED SESSION (Received After Agenda Distribution) — None**

#### **PUBLIC COMMENTS (3-Minute Time Limit) — 1 Speaker**

*The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas/>.*

Maureen was called to speak and publicly acknowledged John Nguyen, Senior Traffic Engineer, as an outstanding employee based on his response to her inquiry regarding the condition of street signs in her neighborhood. She also shared a couple of pedestrian/vehicle/e-bike interactions and noted the unsafe operation of some e-bike riders. (00:02:54)

#### ***Mayor Van Der Mark announced Closed Session Titles for Item Nos. 1 – 3 regarding Labor Negotiations.***

A motion was made by Strickland, with a second by Burns, to recess to Closed Session.

#### **RECESSED TO CLOSED SESSION — 4:32 PM**

#### **CLOSED SESSION**

- 1. 24-743 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance:**

**Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Employee Organization: Management Employees' Organization (MEO).**

2. **24-744 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Marine Safety Management Association (MSMA).**
3. **24-745 CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code section 54957.6.) Agency designated representatives: Eric Parra, Interim City Manager; also in attendance: Marissa Sur, Director of Human Resources; Travis Hopkins, Assistant City Manager; Michael E. Gates, City Attorney and David Cain, Interim Chief Financial Officer. Employee Organization: Huntington Beach Municipal Teamsters (HBMT).**
4. **24-746 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(4).): One (1).**
5. **24-747 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Gov. Code section 54956.9(d)(2).): One (1).**
6. **24-748 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION. (Paragraph (1) of subdivision (d) of Section 54956.9). Daniels (Enda) v. City of Huntington Beach; OCSC Case No.: 30-2023-01315163.**

**6:00 PM — COUNCIL CHAMBERS**

**RECONVENED CITY COUNCIL/PUBLIC FINANCING AUTHORITY MEETING — 6:00 PM**

**ROLL CALL**

Present: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
Absent: None

**PLEDGE OF ALLEGIANCE** — Led by Huntington Beach Police Captain Oscar Garcia.

**INVOCATION**

In permitting a nonsectarian invocation, the City does not intend to proselytize or advance any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

7. **24-728 Huntington Beach Police Chaplain Bob Ewing**

**CLOSED SESSION REPORT BY CITY ATTORNEY** — None

**ANNOUNCEMENT OF SUPPLEMENTAL COMMUNICATIONS** (Received After Agenda Distribution)

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet which were all uploaded to the City's website and Councilmember iPads: [Invocation #7 \(1 email](#)

communication); Consent Calendar Items #9 (1 staff memo), #10 (1 staff PowerPoint Presentation, 1 letter, and 5 email communications); #11 (1 email communication); #15 (1 staff memo and 1 email communication); and Councilmember Items #19 (18 email communications).

**PUBLIC COMMENTS** (2-Minute Time Limit due to number of speakers) — 43 Speakers

*The number [hh:mm:ss] following the speakers' comments indicates their approximate starting time in the archived video located at <http://www.surfcity-hb.org/government/agendas>.*

Bob Ewing, 44-year resident of Huntington Beach, was called to speak and thanked Police Chief Parra for successfully performing as both Police Chief and Interim City Manager this past year. He also commended the Police Department Command Staff for stepping up and providing excellent service during that time. Mr. Ewing congratulated Travis Hopkins for being appointed to the Acting City Manager position. (00:12:55)

Barbara Richardson was called to speak and encouraged Huntington Beach registered voters to sign two Library petitions, which are currently circulating, so they can be placed on the March 2025 ballot. Ms. Richardson also stated her support for City Council Candidates Bolton, Kalmick and Moser, and City Clerk Candidate Blankenhorn on the November 5, 2024, General Election ballot. (00:13:52)

Shammy was called to speak and stated support for City Clerk Candidate Blankenhorn on the November 5, 2024, General Election ballot. (00:15:32)

Amory Hanson was called to speak and encouraged attendance at the court hearing on October 21, 2024, in Pasadena regarding the Huntington Beach lawsuit fighting 13,000 high-density state-mandated housing units. (00:17:16)

Dixie Terry, a Huntington Beach homeowner within the Sea Cliff Homeowners Association (HOA), was called to speak and again shared her personal experience related to her HOA Boarding hiring a vendor which she believes destroyed the design and craftsmanship of her home. She noted that at two previous City Council meetings she was asked to provide contact information for staff follow-up and stated that not one person has reached out to her. She asked for Councilmember assistance to determine why the Community Development Department has apparently exempted the Master Series from City permit requirements. (00:17:57)

Yan Killy was called to speak and thanked Councilmembers for their efforts in support of all California cities verifying voter ID to protect voter integrity. (00:20:10)

Brenda was called to speak and shared her opinions regarding many recent City Council issues and stated support for Council Candidates Bolton, Kalmick and Moser on the November 5, 2024, General Election ballot. (00:21:16)

Laura Sire, a 60+-year Huntington Beach resident, was called to speak and stated opposition to Measure U and support for Council Candidates Bolton, Kalmick and Moser on the November 5, 2024, General Election ballot. (00:23:29)

Pat Goodman was called to speak and stated support for Consent Calendar Item #17 regarding Amendment No. 1 to Professional Service Agreements with Harris & Associates, Inc. and Wallace & Associates Consulting, Inc., recommended that Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project be pulled to allow time for staff and applicant to identify potential sites throughout Huntington Beach, and stated her opposition to Measure U and support for City Council

Candidates Bolton, Kalmick and Moser, and City Clerk Candidate Blankenhorn on the November 5, 2024, General Election ballot. (00:25:39)

Patricia Pappas, 45-year Huntington Beach resident, was called to speak and stated opposition to Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. She also called out the disrespectful behavior by City Council Candidates Bolton, Kalmick and Moser at the Press Meeting called by Mayor Van Der Mark at City Hall on October 14, 2024. (00:27:30)

Regina Blankenhorn, City Clerk Candidate on the November 5, 2024, General Election ballot, was called to speak and encouraged voters to read their ballots to become educated voters. She added that candidate experience and integrity matter. (00:30:00)

Marissa Jackson, City Council Candidate on the November 5, 2024, General Election ballot, was called to speak and shared her interest in becoming a voice for good for the residents of Huntington Beach. (00:31:32)

T. J. England was called to speak and stated support for City Council Candidates Bolton, Kalmick and Moser, and opposition to Council Member Items #19, submitted by Councilmember Strickland and Mayor Van Der Mark regarding Symphony of Flowers Event Debut in Huntington Beach. (00:32:52)

Bethany Webb, 40+-year Huntington Beach resident, was called to speak and stated support for City Council Candidates Bolton, Kalmick and Moser, and opposition to Measure U on the November 5, 2024, General Election ballot. (00:34:56)

Julie Holdaway, a resident of Huntington Beach since 1976 and Merage Jewish Community Center Chief Strategy Officer, was called to speak and stated support for humanitarian respect by approving Consent Calendar Item #10 regarding adoption of Resolution No. 2024-55 authorizing a Twin City Partnership with the city of Ramat Gan, Israel. (00:37:03)

Cheryle Browning, 40-year Huntington Beach resident, was called to speak and stated her opposition to Public Hearing Item No. 18 regarding the Bolsa Chica Senior Care Community Project. (00:38:53)

Russell Neal, resident of Huntington Beach, was called to speak and stated support for Consent Calendar Item #10 regarding adoption of Resolution No. 2024-55 authorizing a Twin City Partnership with the city of Ramat Gan, Israel. (00:40:56)

Ann Palmer was called to speak and stated her appreciation for the Pacific Air Show which happened in spite of the heavy fog this year, and for the recent successful Cars N' Copters event. Ms. Palmer stated opposition to Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (00:42:51)

Murray Schrantz, a decades-long Huntington Beach resident, was called to speak and shared his opposition to the City Council Candidates on the November 5, 2024, General Election ballot who are endorsed by the current Council majority. (00:45:00)

Cathey Ryder, Huntington Beach resident and voter since 1985, was called to speak and stated support for City Council Candidates Bolton, Kalmick and Moser in the November 5, 2024, General Election. (00:47:09)

Butch Twining, City Council Candidate in the November 5, 2024, General Election, was called to speak and thanked Police Chief Parra for also filling the position of Interim City Manager for the last year,

congratulated Travis Hopkins for being appointed to the Acting City Manager position and extended his best wishes to City Clerk Robin Estanislau in her upcoming retirement. Mr. Twining thanked the Bolsa Chica Senior Care Community Project developers for recent changes made in light of neighborhood concerns, and added he believes they can try harder by not exceeding three floors. Mr. Twining shared his experience which he believes qualifies him as a viable City Council Candidate. (00:48:58)

Mark Tonkovich was called to speak and stated his opposition to Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (00:51:03)

Abi Vanitri, Mechanical Engineer registered in California, was called to speak and stated support, from an engineer's perspective, for Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (00:52:45)

Unnamed Speaker, resident of Huntington Beach residing near Bolsa Chica and Warner Avenue, was called to speak and stated opposition to Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (00:54:30)

Jignesh Padhiar, life-long Huntington Beach resident, was called to speak and stated support for City Council Candidates Chad Williams, Don Kennedy and Butch Twining and City Clerk Candidate Lisa Lane Barnes on the November 5, 2024, General Election ballot. (00:57:16)

Eva Weisz was called to speak and stated support for Consent Calendar Item #10 regarding adoption of Resolution No. 2024-55 authorizing a Twin City Partnership with the city of Ramat Gan, Israel. (00:58:45)

Karen Carroll, long-time Huntington Beach resident, was called to speak and stated opposition to Measure U on the November 5, 2024, General Election ballot. (01:00:58)

Mary Jo Baretich, 41-year Huntington Beach resident and environmentalist, was called to speak and stated opposition to Measure U on the November 5, 2024, General Election ballot. (01:03:07)

Brian Thienes was called to speak and stated opposition to Public Hearing Item #18 to consider the Bolsa Chica Senior Care Community Project. (01:04:34)

Charles Jackson, 23-year Huntington Beach resident, was called to speak and stated his support for the Orange County Power Authority (OCPA) and added his opinion that leaving the OCPA is the worst thing the City Council has done. (01:06:50)

Tim Geddes was called to speak and stated support for City Clerk Candidate Blankenhorn on the November 5, 2024, General Election ballot. (01:08:51)

Larry Hersh, 28-year Huntington Beach resident, was called to speak and encouraged residents to sign the library petitions, vote against City Council Candidates Williams, Kennedy and Twining, and expressed his opposition to Measure U on the November 5, 2024, General Election ballot. (01:11:01)

Christopher Rini, native Huntington Beach resident, was called to speak and stated opposition to Consent Calendar Item #10 regarding adoption of Resolution No. 2024-55 authorizing a Twin City Partnership with the city of Ramat Gan, Israel, and opposition to Council Member Item #19 submitted by Councilmember Strickland and Mayor Van Der Mark regarding Symphony of Flowers event debut in Huntington Beach. (01:13:12)

Larry Slonim, 40+-year Huntington Beach resident, was called to speak and stated support for City Council Candidates Bolton, Kalmick and Moser on the November 5, 2024, General Election ballot. (01:15:57)

Jerry Donohue was called to speak and stated support for City Council Candidates Bolton, Kalmick and Moser on the November 5, 2024, General Election ballot. (01:18:07)

Unnamed Speaker was called to speak and shared information from the Settlement Agreement between Pacific Airshow, LLC (PA) and City of Huntington Beach which she believes is a direct contradiction to statements made by City Attorney Gates in announcing the recent settlement with Amplified Energy Corporation. This Speaker also stated opposition to Council Member Items #19 submitted by Council Member Strickland and Mayor Van Der Mark regarding Symphony of Flowers event debut in Huntington Beach. (01:20:13)

Unnamed Speaker was called to speak and stated support for Public Hearing Item #18 to consider the Bolsa Chica Senior Care Community Project. (01:22:02)

Unnamed Speaker was called to speak and shared his opinions regarding Orange County Judge candidates on the November 5, 2024, General Election ballot, as related to his personal experience. (01:22:52)

Vic Leipzig, long-time resident and former Huntington Beach Mayor, was called to speak and voiced concerns related to Councilmember Item #19 - Symphony of Flowers, and attempted to discuss why the proposed location in Central Park may be inappropriate. (01:25:03)

Alison Meyer, 30-year Huntington Beach resident and business owner, was called to speak and stated opposition to Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (01:27:18)

Robin Estanislau, Huntington Beach City Clerk, was called to speak and shared her concerns about a recent social media post by City Attorney Michael Gates which she believes violates a portion of the Pledge for Code of Fair Campaign Practices that he voluntarily signed in 2022. She proceeded to read the portion of the Code and read part of the social media post from October 2024 to document the violation for the public record and noted that the truth matters. (01:28:29)

Adam Hill, Huntington Beach resident, was called to speak and stated support for Public Hearing Item #18 regarding the Bolsa Chica Senior Care Community Project. (01:30:51)

**COUNCIL COMMITTEE APPOINTMENT ANNOUNCEMENTS** — None

**AB 1234 REPORTING** — None

**OPENNESS IN NEGOTIATION DISCLOSURES** — None

## **CITY MANAGER'S REPORT**

### **8. 24-729 Received the Economic Development Strategic Plan**

Kriss Casanova, Economic Development Manager, presented a PowerPoint communication titled *Economic Development Strategic Plan* with slides entitled: *Background/Goals and Strategies; Economic Development Summit; Focus Areas; Business Retention, Expansion, & Attraction; Tourism, Culture, &*

*Community; Responsive & Effective Government; Communication & Collaboration; 2025 Action Plan; and Thank You.*

Councilmember Kalmick acknowledged the presentation as a good basic summary, but stated he would like to have seen details on some of the longer economic development strategies like land use changes or any strengths, weaknesses, opportunities and threats (SWOT) analysis going forward. This could include what other cities are doing to attract businesses and why they do it; looking at whether dated land use regulations are impeding or helping businesses; allowing for creativity of the free market to help determine uses; land use incentives; streamlining for certain uses; regular reporting back to Council on changes to land-use laws such as mixed-use opportunities; and looking at a wholistic strategy for the types of businesses Huntington Beach wants to attract.

Councilmember McKeon reviewed the Responsive & Effective Government slide from the presentation, and noted the Streamline Surf City process to cut the red tape and roll out the red carpet for businesses at City Hall has increased certificates of occupancy by 23% after one year. He recognized a 99% success rate for completing the permit process online which includes a specialist program or concierge service and an expedited plan check option, and noted other cities are reaching out to Huntington Beach with a desire to learn more about our program. He added that using an app for building inspections is in process, and will create even more efficiencies to opening a business quickly, ultimately creating jobs and generating tax dollars for Huntington Beach.

Councilmember Bolton asked for examples of the measures taken to enhance the visitor/resident experience. Manager Casanova described the allocated budget to target tourism enhancement programs including updating way finding; connectivity and place making between hotels to Downtown; investing in infrastructure to beach parking lots; Pier entry signage; and, accessibility improvements such as more Mobi mats over the next several years.

Interim City Manager Parra reminded Councilmembers that they approved the Tourism Business Improvement District (TBID) increased budget and created a partnership that will be beneficial for tourism.

Councilmember Moser stated she would like to have reports throughout the year on the business visits which can help adjust plans or create new actions for moving forward. Manager Casanova suggested that the Economic Development Committee, which meets every two months, could create written documents made available online, plus annual reports for City Council to determine new priorities and goals.

Councilmember Moser stated her desire to see Key Performance Indicators (KPI) related to actual outcomes also include the goal for each of the Action Plan items which will help to determine success.

Councilmember Moser and Manager Casanova discussed the manpower and collaboration required to implement the Action Plan elements; how staff interactions and business feedback is compiled; highlighting success stories and challenges; and being aware of what does or does not work in other cities.

Interim City Manager Parra noted a recent business visit where staff was told that Huntington Beach and Orange County are much more business-friendly than Los Angeles County. Councilmember Moser requested the "why" for that comment be revealed so it can be encouraged.

**CONSENT CALENDAR** (Items 9-17)

Councilmember Kalmick pulled Consent Calendar Item #10 for further discussion.

City Clerk

**9. 24-727 Approved and Adopted Minutes**

A motion was made by Van Der Mark, second Strickland to approve and adopt the City Council/Public Financing Authority special meeting minutes of September 24, 2024; and, approve and adopt the City Council/Public Financing Authority regular meeting minutes of October 1, 2024 **as amended by Supplemental Communication.**

The motion as amended carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

City Manager

**10. 24-740 Adopted Resolution No. 2024-55 Authorizing a Twin City Partnership with the City of Ramat Gan, Israel**

Councilmember Kalmick pulled this item to clarify Resolution 2024-55 and asked for more information on Israel Global Foundation (IGF).

Acting Deputy City Manager Jennifer Carey announced that IGF Chief Executive Officer Yan Killy was in attendance and provided a PowerPoint communication titled *Twin Cities — Ramat Gan, Israel* with slides entitled: *Background; Ramat Gan, Israel; Israel Global Foundation; and Recommendation.*

Yan Killy, IGF Chief Executive Officer (CEO), explained that IGF has California non-profit status and has filed with the IRS. He explained he does not know how long it takes the IRS to process the paperwork, but his understanding is that once approved the non-profit status will be retroactive to the application date and apply to any donations received during the process. IGF CEO Killy stated there is no current effort to solicit donations but rather to focus on promoting a relationship with Ramat Gan and Huntington Beach.

Councilmember Kalmick noted that IGF has no office space in Huntington Beach and Councilmember Strickland interjected that Sister City Anjo, Japan's representative also operates out of a residence and does not have office space. Councilmember Kalmick also noted that IGF's Secretary lives in San Clemente and stated his concern there doesn't seem to be any Huntington Beach connection.

Councilmember Strickland described meeting and learning about Joseph Alexander, and stated his support for collaborating with Ramat Gan, a city about the same size as Huntington Beach, to help residents of both cities to understand another culture and economy, and strengthen bonds.

A motion was made by Strickland, second Burns to adopt Resolution No. 2024-55, "A Resolution of the City Council of the City of Huntington Beach, California authorizing a Twin City Partnership with the City of Ramat-Gan, Israel."

Councilmember Bolton and CEO Killy discussed IGF's Huntington Beach agreement would be their first and they are working with three other cities for similar agreements with other Israeli cities. CEO Killy stated his interest is increasing cultural dialogue and encouraging friendships.

Councilmember Bolton confirmed with Manager Carey that the executed resolution from Ramat Gan, while not received before the meeting's cut-off time for supplemental communication, is in the City's possession and is now part of the record as the agreement with Ramat Gan and IGF. The conversation continued to clarify that Israel uses Twin City rather than Sister City to describe these relationships. Manager Carey stated that the Sister City Association has the opportunity to become involved in this agreement if they so choose.

Councilmember Bolton shared her concern that a lot of terms used in the proposed resolution are not defined, such as "services" to be provided. Manager Carey explained that a lot of the language was taken from the Anjo, Japan Sister City resolution and noted the Ramat Gan proposed resolution is for a period of three years with the intention of evolving and identifying more opportunities for advocacy and education moving forward. Currently, the types of events identified include art and cultural education events in Huntington Beach and introducing the Huntington Beach surf culture to Ramat Gan. Manager Carey noted that Ramat Gan's intention is to not negatively impact Huntington Beach staff and existing programs and services.

Discussion continued on better defining fundraising efforts and Manager Carey stated the model of the Sister City Association raising funds for Anjo, Japan events would be used, i.e., Sister City Association of Huntington Beach raises funds, not the City of Huntington Beach.

Councilmember Moser stated that these types of partnerships have the potential to foster goodwill, understanding and collaboration. She shared her concern that this action could cause greater division within Huntington Beach because of the timing of the item and the way it came forward. Councilmember Moser suggested bringing this item back after the IRS process is completed, shared her concern that this is not a local Huntington Beach resident grassroots effort, and suggested moving ahead through an MOU rather than a resolution.

Mayor Van Der Mark stated she has spoken with a number of Temple attendees and Jewish people in Huntington Beach who do support this action, and she doesn't believe the timing is wrong.

A substitute motion was made by Kalmick, second Bolton to Adopt Resolution No. 2024-55, "A Resolution of the City Council of the City of Huntington Beach, California Authorizing a Twin City Partnership with the City of Ramat-Gan, Israel" **as amended to strike paragraph 3, items 2, 5, 6, 7, 8 in Resolution 2024-55 (all references to IGF), and adding a Section 806 flag waiver.**

Councilmember Strickland stated that knowing Ramat Gan reached out to IGF and specifically mentioned Huntington Beach and knowing that IGF has been holding educational events in Orange County, he cannot support the substitute motion.

Councilmember Strickland clarified that IGF is making the commitment to raise funds for student transfers and related experiences. Huntington Beach is only agreeing to provide meeting space and waiving fees. No taxpayer dollars will be spent or committed through this action.

The substitute motion failed by the following roll call vote:

AYES: Moser, Bolton, and Kalmick  
NOES: Burns, Van Der Mark, Strickland, and McKeon

The original motion made by Strickland, seconded by Burns to adopt Resolution No. 2024-55, "A Resolution of the City Council of the City of Huntington Beach, California authorizing a Twin City Partnership with the City of Ramat-Gan, Israel," carried by the following roll call vote:

AYES: Bolton, Burns, Van Der Mark, Strickland, and McKeon  
NOES: None  
ABSTAIN: Moser, and Kalmick

Community Development

**11. 24-752 Approved Zoning Text Amendment No. 23-002 (Zoning Update) by Adopting Ordinance No. 4310 (Approved for Introduction October 1, 2024 by a Vote of 7-0)**

A motion was made by Van Der Mark, second Strickland to find Zoning Text Amendment No. 23-002 exempt from the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density; approve Zoning Text Amendment No. 23-002 with findings (Attachment No. 1) and adopt Ordinance No. 4310, "An Ordinance of the City Council of the City of Huntington Beach Amending Chapter 212 I Industrial Districts of the Huntington Beach Zoning and Subdivision Ordinance (Zoning Text Amendment No. 23-002)"; (Attachment No. 2)

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

**12. 24-753 Approved Zoning Map Amendment No. 23-001 by adopting Ordinance No. 4306; Approved Zoning Map Amendment No. 23-002 by adopting Ordinance No. 4316; Approved Zoning Map Amendment No. 24-001 by adopting Ordinance No. 4321; Approved Zoning Map Amendment No. 24-003 by adopting Ordinance No. 4323; Approved Zoning Map Amendment No. 24-004 by adopting Ordinance No. 4324; Approved Zoning Map Amendment No. 24-005 by adopting Ordinance No. 4325; Approved Local Coastal Program Amendment No. 24-001 by adopting Resolution No. 2024-14 -- Continued from September 3, 2024 (All Ordinances approved for introduction October 1, 2024 by a Vote of 7-0)**

A motion was made by Van Der Mark, second Strickland to find the proposed project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15183, Projects Consistent with a Community Plan or Zoning, and approve the following: Zoning Map Amendment No. 23-001 with findings (Attachment No. 1) and adopt Ordinance No. 4306, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 17 Parcels Consisting of City Parks and City Owned Property into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-001)", (Attachment No. 7); Zoning Map Amendment No. 23-002 with findings (Attachment No. 2) and adopt Ordinance No. 4316, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 18 Parcels Consisting of Churches and Schools into Conformance with their General Plan Designations (Zoning Map Amendment No. 23-002)", (Attachment No. 8); Zoning Map Amendment No. 24-001 with findings (Attachment No. 3) and adopt Ordinance No. 4321, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and

Subdivision Ordinance to Rezone 23 Parcels within the Coastal Zone to be in Conformance with their General Plan Designations (Zoning Map Amendment No. 24-001)", (Attachment No. 9); Zoning Map Amendment No. 24-003 with findings (Attachment No. 4) and adopt Ordinance No. 4323, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 42 Parcels Consisting of Utility Type Uses into Conformance with their General Plan Designations (Zoning Map Amendment No. 24-003)", (Attachment No. 10); Zoning Map Amendment No. 24-004 with findings (Attachment No. 5) and adopt Ordinance No. 4324, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 5 Parcels Consisting of Commercial Uses into Conformance with their General Plan Designations (Zoning Map Amendment No. 24-004)", (Attachment No. 11); Zoning Map Amendment No. 24-005 with findings (Attachment No. 6) and adopt Ordinance No. 4325, "An Ordinance of the City Council of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone 28 Inconsistently Zoned Parcels into Conformance with their Residential General Plan Designations (Zoning Map Amendment No. 24-005)", (Attachment No. 12); and, Local Coastal Program Amendment (LCPA) No. 24-001 with findings (Attachment No. 3) by adopting City Council Resolution No. 2024-14, "A Resolution of the City Council of the City of Huntington Beach Adopting Local Coastal Program Amendment No. 24-001 and Requesting Certification by the California Coastal Commission" (Attachment No. 9).

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

### Fire

#### **13. 24-602 Approved and Authorized Execution of a Purchase Order with Galls, LLC for Uniforms for the Huntington Beach Fire Department**

A motion was made by Van Der Mark, second Strickland to approve and authorize the Mayor and City Clerk to execute a purchase order with Galls, LLC for uniforms for the Huntington Beach Fire Department in an amount not to exceed \$375,000 over three years.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

#### **14. 24-685 Approved the reappointments of Van Vu and Diane Wood to the Harbour Commission, as recommended by City Council Liaisons Mayor Van Der Mark and Mayor Pro Tem Burns**

A motion was made by Van Der Mark, second Strickland to approve the reappointment of Van Vu to the Harbour Commission through December 31, 2028; and, approve the reappointment of Diane Wood to the Harbour Commission through December 31, 2028.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

**15. 24-726 Approved and authorized execution of a contract with Amir Rombod Rahimian, M.D., Inc. for Chief Medical Officer**

A motion was made by Van Der Mark, second Strickland to approve and authorize the Mayor and City Clerk to execute a contract with Amir Rombod Rahimian, M.D., Inc. for Chief Medical Officer.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

Public Works

**16. 24-548 Approved and Authorized execution of Third Amendment to the Site License Agreement between the City of Huntington Beach and T-Mobile West LLC, for a Wireless Communications Facility at Fire Station 6-Edwards**

A motion was made by Van Der Mark, second Strickland to approve and authorize the Mayor and City Clerk to execute the Third Amendment to the Site License Agreement between the City of Huntington Beach and T-Mobile West LLC.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

**17. 24-709 Approved and authorized execution of Amendment No. 1 to Professional Service Agreements with Harris & Associates, Inc., to increase the contract amount by \$1 million; and Wallace & Associates Consulting, Inc., to extend the contract by one year and increase the contract amount by \$1 million**

A motion was made by Van Der Mark, second Strickland to approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement between the City of Huntington Beach and Harris & Associates, Inc. for On-Call General Engineering Consulting Services," to increase the contract amount by \$1 million; and, approve and authorize the Mayor and City Clerk to execute "Amendment No. 1 to Agreement between the City of Huntington Beach and Wallace & Associates Consulting, Inc. for On-Call Construction Management and Engineering Services," to extend the term by one year and increase the contract amount by \$1 million.

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

**PUBLIC HEARING**

**18. 24-710 Denied appeal by Brian Thienes and Brian Flynn of the Planning Commission's approval of Conditional Use Permit No. 21-024 and approved the Bolsa Chica Senior Care Community Project — Adoption of Resolution No. 2024-52 approving General Plan Amendment No. 21-004; introduction of Ordinance No. 4327 approving Zoning Map Amendment No. 21-003; adoption of Resolution No. 2024-53 approving**

**Zoning Text Amendment No. 22-005; adoption of Resolution No. 2024-51 certifying Revised Environmental Impact Report (EIR) No. 21-004**

Mayor Van Der Mark called for Councilmember ex parte communications. Councilmembers Bolton, Kalmick, Moser, Strickland and Mayor Van Der Mark reported speaking to the Applicant and the Appellant. Mayor Pro Tem Burns and Councilmember McKeon reported speaking with the Appellant.

Hayden Beckman, Senior Planner, presented a PowerPoint communication titled *Bolsa Chica Senior Care Community*, with slides entitled: *Existing Project Site; Project Request (2); General Plan Amendment; Zoning Map Amendment; Zoning Text Amendment; Revised Final Environmental Impact Report (EIR) (2); Original Project; Revised (Proposed) Project; Original Project; Revised Project; Height; On Site Parking — Revised Project; Operation and Access; Planning Commission Action; Appeals; and Questions?*

Mayor Pro Tem Burns clarified with Planner Beckman the reference made to the 10-foot roof height allowance would only be used for roof-top access via stairs and/or elevator and matches current code. Planner Beckman also clarified that any habitable space would not exceed 49.5 feet and noted that code also allows up to four feet of parapet wall to be added to the roofline in order to cover or shroud any rooftop mechanical equipment. Mayor Pro Tem Burns confirmed with Planner Beckman that the original building height was 69 feet, plus the same allowances for parapet wall and rooftop mechanical equipment cover.

Councilmember Kalmick and Planner Beckman discussed how this Specific Plan differs from current Commercial General Zoning Code, including the Conditional Use Permit (CUP) which would cover land use. Planner Beckman stated the Specific Plan, as a zoning overlay, would permit construction of a building which meets height standards but would exceed the normal floor to area ratio (FAR) permitted under the General Plan. (FAR describes the relationship between the lot size and the size of the building allowed on that lot.)

Councilmember Kalmick and Community Development Director Jennifer Villasenor discussed historical updates and review of actual use vs FAR requirements in the Zoning code. Planner Beckman confirmed that for this project the maximum FAR was set at 1.75 and the proposed revised project is about 1.68. Discussion continued on the Specific Plan setback required for adjacent residential use property and reduction in allowed on-site parking. Councilmember Kalmick confirmed with Planner Beckman that the existing building does not meet current setback requirements, and if this project had 20,000 sq. ft. less space it would only require a Condition Use Permit (CUP) [rather than a Specific Plan].

Mayor Van Der Mark opened the Public Hearing.

Pursuant to the Brown "Open Meetings" Act, City Clerk Robin Estanislau announced supplemental communications that were received by her office following distribution of the Council Agenda packet which were all uploaded to the City's website and Councilmember iPads: *2 staff memoranda, 7 letters and 67 email communications.*

Public Hearing Speakers (3-Minute Time Limit) — 31

At her discretion, Mayor Van Der Mark provided approval for project applicants Tom Lawless and Christopher Hilbert 15 minutes to present project information to the public.

Tom Lawless began by stating that Huntington Beach has a need for more elder care, and shared a PowerPoint communication with slides entitled: *This project is more than four years in the making; The*

*project team listened to and engaged with the community during two public open houses . . . ; . . . And made substantial changes based on the community's direct feedback . . . ; Based on community feedback, we started over to deliver a smaller eldercare facility that still reflects a surf city aesthetic; The revised project is 32% smaller and meets/exceeds 6 of 7 existing code requirements; Broad Project Support; Huntington Beach widely supports its elderly population; Project opponents used misleading information to gather signatures; Addressing the Community; The reduced height is measured according to and complies with City existing code; Increased FAR is needed to provide senior support areas and infrastructure; FAR is needed to provide senior support areas and infrastructure & does not change the building visually; The revised project produces significantly less traffic than site alternatives; Two parking studies support the parking ratio, which exceeds comparable infill assisted living facilities operated by Clearwater; and Life for the Elderly at Clearwater Living. (02:49:02)*

Christopher Hilbert continued the PowerPoint communication with slides entitled: *Elderly 80+ will comfortably age in place through a continuum of care; Assisted living and memory care services are intended to provide 14/7 support of daily needs; Promoting a culture of empowered living through six dimensions of wellness; Creating an opportunity for elderly residents to nourish the mind and body . . . ; Offering specialized onsite therapy services to enhance mobility, independence, and quality of life based on three key elements . . . ; Rather than us tell you about the experience for assisted living and memory care residents and employees, let us show you what the experience is like . . . ; Video played: Clearwater at Sonoma Hills; and There is Still a Need for Senior Facilities in HB. (02:58:07)*

Jonathan Bonwit, 16-year Huntington Beach resident, was called to speak and shared his opinion this is a beautiful project — for a 5-acre plot, not squeezed into a 3-acre plot. He stated his opinion that this is a high-density development per existing building codes, and noted the developer and Clearwater management describe this facility as a "residential" project. Mr. Bonwit asked that this project be further reduced from the current proposal or located on a larger lot in Huntington Beach. (03:04:21)

Henry Goode, 35-year Huntington Beach resident who owns two homes, was called to speak and shared his opinion that the developer has made significant changes to the original plan and stated his support for the current proposal. (03:07:30)

Tim Hanson, a 30+-year resident of Huntington Beach, was called to speak and shared several personal experiences related to the support needs of elderly relatives. Mr. Hanson stated his support for this project which he believes meets a growing need in the community. (03:08:49)

Unnamed Speaker, a long-time resident of the area, was called to speak and stated support for the project which he believes represents progress as opposed to the current under-utilization of about three acres of unusable land. The speaker shared his personal experience with elder care for his father when lack of facilities and available space negatively impacted his quality of care. Based on what he learned investigating elder abuse cases, he clearly understands the preponderance of existing Orange County facilities that struggle to meet California's licensing requirements. The speaker stated support for this project which he believes represents progress and planning for the future. (03:10:00)

Tom Dillman, Cabo Del Mar Homeowner Association Board Member, also representing Brightwater and Parkside Estates homeowners and the managers of the neighboring Cambridge and Monticello apartment complexes, was called to speak and stated this project needs to be downsized to three stories for this site. He shared a slide documenting the existing parking congestion on adjacent streets during a recent weekend. Mr. Dillman further shared that if this project is approved as presented, he believes it could turn the November 5, 2024, General Election City Council results against the current Council majority. (03:12:00)

Heather Goode, 25-year Huntington Beach resident, was called to speak and stated support for the project which she described as the type of facility she would like to move her parents to. She added there is no other facility like this in Huntington Beach, and that is why her parents are currently cared for out of state. (03:14:57)

Amory Hanson was called to speak and stated opposition to the proposed project at 4952 Warner Avenue. His concerns relate to project size, lack of proximity to a hospital, and potential impact on the very close Bolsa Chica Ecological Reserve. (03:15:47)

Colleen Morrele, Little Caesars Pizza Owner in the building that will be demolished for the project, was called to speak and stated support for the project. She noted that the developer has offered relocation assistance for existing businesses on the project site. (03:16:23)

Isaac Hagerman, representing a physician's group serving over 10,000 senior patients, was called to speak and stated physician experience and research demonstrate the significant health benefits of well-designed senior living communities and provided supporting statistics. Mr. Hagerman stated that a new luxury living senior community in Huntington Beach will positively impact health outcomes for seniors, reduce pressure on local healthcare resources, and allow Huntington Beach to remain a compassionate supportive community for all ages. (03:16:56)

Danielle Morgan, Clearwater Living Chief Operating Officer, was called to speak and shared her first-hand experience regarding the lifestyle that Clearwater provides for elderly residents, and noted the demand for service continues to increase. Ms. Morgan noted that the traffic impacts from this proposed project are minimal compared to other residential and retail development. She continued by explaining the terms "home" and "apartment" are used in their marketing materials because no one wants to live their final days in a "facility", and clarified that residents sign a "resident services agreement" which is not a "residential lease". Senior living facilities serve the elderly population and also enhance the community by providing jobs, supporting local businesses and foster an environment where loved ones are being cared for in a safe and nurturing setting. Ms. Morgan asked Council to approve this project that will benefit the most cherished members of society. (03:19:10)

James Filipan, 53-year Huntington Beach resident and owner of 4972 Warner, was called to speak and stated that things have changed drastically for strip mall locations, especially since COVID-19. He stated he has not raised tenant rental fees in nearly 10 years in an effort to help keep his tenants in business. He added the proposed development will be something he will be proud to drive by for the rest of his life, unlike some of the other proposals he has received from other developers. He stated that currently there are usually 150 to 200 cars each day just for the existing businesses at that location. The number of "For Lease" signs around town are only increasing as small businesses fail to survive and residents must pivot to accept progress. He noted the changes the developer has made in response to resident concerns and believes this project will benefit Huntington Beach. (03:22:08)

Paul Glunt, 23-year Huntington Beach resident, was called to speak and shared his opinion this effort is a money grabber by outsiders, is outside of variances for the General Plan, and high density being forced on the community. He also believes this project will produce a domino effect that will destroy the nature and beauty that exists in Huntington Beach. He urged Councilmembers to vote against this project to prevent Huntington Beach from becoming like the New Jersey high-density coast. (03:26:07)

Alireza Mirzaei, property manager of the L-shaped building at the corner of Bolsa Chica and Warner, was called to speak and stated that commercial buildings like this do not work anymore because of the work environment changed by COVID-19. He noted that this building is 50 years old, less than 45 percent occupied, and is unsustainable. He believes the Bolsa Chica Senior Care Community project is the best

plan from a quality developer and a company with a demonstrated track record for providing quality senior living facilities. Mr. Mirzaei stated that the owner has been approached by other developers with plans for a variety of housing projects allowed under current State legislation and would be much more population dense than a senior care facility would be. He believes this proposed project would put Huntington Beach at the forefront for senior care and it fulfills a need in the community. (03:27:47)

Jimmy Elrod, a resident of Huntington Beach and Western States Regional Council of Carpenters Representative, was called to speak and stated support for the project, noting that construction will provide jobs for local contractors, trades people, and suppliers. In addition, he feels that once completed, the project will provide stable employment for healthcare and administrative staff, will add essential services for the community, and will generate significant tax revenue. Mr. Elrod asked Councilmembers to support this project. (03:29:48)

Brian Thienes, project appellant, was called to speak and stated his opposition to this high-density development project. He stated that current zoning code for RMH (residential medium density) allows for residential care facilities, not convalescent residential care facilities, and 30 units per acre is what the General Plan allows, with Zoning allowing 35 units per acre. He noted that this is absolutely a high-density residential project that will set precedent for future development. Mr. Thienes stated he is not against the project, but rather is against what it will do to the neighborhood and the precedent it will set. (03:30:54)

Chris Yelich was called to speak and stated his support for the project, making note of the current housing crisis for seniors and limited alternatives. He added that sooner or later everyone will need assisted living and possibly mental healthcare, both of which this project will provide. Mr. Yelich described this project as thoughtful density, and stated it as a good option for Huntington Beach, a community with limited land opportunities. He believes this project, which has been revised to address community concerns, will provide needed senior living services and allow for residents to have parents and grandparents living close by. (03:34:05)

Holly Wylie, a 32-year Huntington Beach resident living one-half mile from the proposed site, was called to speak and stated support for the project. She stated there are many other apartment and commercial buildings in the surrounding area that are three stories and higher. Ms. Wylie believes this project is a good use of the property and will provide a needed service. (03:36:23)

Brian Flynn, project appellant with Lozeau Drury, LLP Attorney, representing Supporters Alliance for Environmental Responsibility (SAFER), was called to speak. He requested that City Council not approve the project at this time due to deficiencies in the Environmental Impact Report (EIR), and stated that the California Environmental Quality Act (CEQA) provides a process to ensure the City is doing all it can to disclose and mitigate impacts and emerge with a better project. He addressed health impacts from project-related diesel exhaust from heavy-duty construction equipment and delivery trucks during operation, and how the EIR failed to quantify the health risks associated from the diesel emissions, noting how feasible and highly effective mitigation measures are available to address this properly. He also noted the absence of analysis for indoor emissions of formaldehyde that off-gases from composite wood products used in trim, baseboards, cabinets and other similar residential finishes, and described submission of evidence by experts of significant indoor cancer risk because of that. Mr. Flynn cautioned that the experts claim there will be significant risk even if complaint materials are used, and again recognized the feasible mitigation efforts available such as using low- or no-formaldehyde products. Mr. Flynn concluded by stating that the EIR also needs to include discussion regarding renewable energy features such as roof-top solar, and asked that this project be delayed allowing for the EIR to include the issues he presented. (03:37:35)

Evangelos Karantonis, Huntington Beach resident who lives a few streets away from the project site, and Leasing Broker for the prior ownership of the office building, was called to speak and stated his support for the project. He stated the existing property has and continues to lose value as an office building because it is too expensive to operate and lease. He noted that last year Bella Terra office space sold for 66% less than it sold for six years ago, and shared Orange County office space statistics from the Cold Star Tracks Rents in Commercial Real Estate report. He summarized by stating the lack of demand, age of the building, and never-ending cost of repairs are not sustainable to keep this obsolete office building on the property, and noted that senior care provides substantial economic benefits, frees up housing, and is less of an impact on the local community when compared to high-density residential, drive-through retail or dense medical offices. He added this is a project that will benefit both the seniors and the community. (03:40:41)

Unnamed Speaker was called to speak and listed four current senior care facilities that exist within five miles of the proposed site, and shared her opinion this project does not need to be rushed through. She supports the need for additional senior care facilities, but asked that this project be compatible with the existing single-family homes in the neighborhood. She asked that everybody be considered, not just the landowners who may be in a hurry to sell. She stated that this project will only serve a small segment of seniors with units that will cost from \$5,000 – \$10,000 per month, and urged changes to make it compatible with the neighborhood. (03:43:48)

Marissa Jackson, speaking on behalf of the residents and business owners who will be affected by this proposed development, was called to speak and stated opposition to the project. She asked that Councilmembers respect how this development will affect the livelihood of adjacent residents and the business owners using the existing building. She believes this project will increase traffic, air and noise pollution, and force some of the business owners in the existing building to leave Huntington Beach. (03:47:25)

Roy Englebrecat, 52-year resident of Newport Beach, Newport Beach Park and Recreation Commissioner for 12 years, and a candidate for Newport Beach City Council, was called to speak and shared his personal experience of searching for appropriate 24/7 care for his loved one and how fortunate he was to find a newly built Clearwater world-class facility in Newport Beach. He encouraged Councilmembers to support a Clearwater world-class facility in Huntington Beach to benefit the city economically as well as benefit the residents emotionally. (03:48:25)

Chad Weaver, Huntington Beach resident and a local attorney, was called to speak and stated support for the project claiming there is nothing like it in the Harbour area where the senior population is growing. He shared his and his family's opinions that a senior living facility is not high-density housing, nor is the revised project blocking anyone's view, and his belief that adequate parking will be available for resident visitors. (03:51:19)

Brian Genovese, long-time Huntington Beach resident, real estate agent and community volunteer with seniors and the non-profit community, was called to speak and stated support for the project. He noted that about one-third of Huntington Beach residents are seniors, and commended Planner Beckman and staff for working with the developer to mitigate major concerns and come up with a non-high-density project. (03:53:44)

Adam Wood, 40-year Huntington Beach resident, was called to speak and shared facts from the *Orange County Progress Report* produced by the Center for Demographic Research to document the growing senior population in Huntington Beach. He noted the project is only adding 159 care units and so much more needs to be done. Mr. Wood stated his support for this project and asked that Huntington Beach begin to seriously plan for meeting the needs of the senior population in smart ways. (03:56:04)

Jennifer, Orange County Taxpayers Association (OCTax) Representative, was called to speak and stated support for the project. She stated the mission of OCTax is ensuring local policies are equitable, cost effective and beneficial for the economy. She added that the potential tax value of approximately \$8M from the proposed facility would provide funds for critical city services from a property that currently has a tax value of approximately \$360,000. She stated another benefit will be providing local jobs during construction and operation of the proposed facility. (03:57:43)

Tamar Sayabalian, a resident of Huntington Beach with a graduate and professional background in Health Education, was called to speak and stated support for aging in place whether in a home or in a facility like the Bolsa Chica Senior Care Community project. She believes this project would be a community asset for local seniors that will reinforce aging in place, facilitate socialization, and help to build friendships and relationships while maintaining or even improving their quality of life. (03:59:01)

Marlo Mole, Marlo Naper Public Affairs, Inc., who assisted the developer with this project, was called to speak and reviewed the community outreach efforts which included three open houses, plus a project-specific website and email address for anyone with questions and/or comments. She provided a visual of approximately 500 pages of communication received from community members stating support for the Bolsa Chica Senior Care Community project. (04:00:43)

Sean Jensen, life-long Huntington Beach resident, was called to speak and stated support for the Bolsa Chica Senior Care Community project. He noted that both of his grandmothers are in care facilities in Los Angeles County because nothing was available in Huntington Beach that matched their quality of life living requirements. (04:01:45)

There being no more public speakers, Mayor Van Der Mark closed the Public Hearing.

Mayor Pro Tem Burns expressed concerns about the minimal amount of time to review the volume of material necessary to make a truly informed decision. He explained that while some of the questions he was prepared to ask had been answered through the discussions and information presented, he had many remaining questions, and proceeded to share the following summarized points:

- Project compatibility has not been addressed, and it appears to him that this amendment is not consistent with the land use pattern goals and needs of the community. He added that an amendment for a specific plan should not be needed if the project was consistent with the land use pattern goals and housing needs.
- Shared statistics from the *Orange County Progress Report* produced by the Center for Demographic Research that show in the last six years, Huntington Beach population has decreased by approximately 5,600 people, a trend projected to continue to 2050, and there will be more deaths than births.
- Regarding a statement that this project will add local jobs, wondered how many jobs will be eliminated that currently exist at the site?
- How does this project maintain and enhance the quality of existing affordable housing in Huntington Beach?
- Regarding the developer's claims that the project will promote walkability, how will seniors be able to safely navigate such a busy and traffic-congested project intersection?

- Regarding the project facilitating the efficient use of land by allowing and encouraging commercial and residential uses on the same property in both horizontal and vertical mixed uses, Mayor Pro Tem Burns noted that the reality at Elan does not support this, and is pleased to know this project is described as a residential, versus medical, facility.
- Regarding van service, how many van rides are expected to be provided each day, and will those vans increase the existing traffic congestion at that intersection?
- Questions were shared about parking and the impact of emergency service vehicles, or delivery vehicles at an already congested intersection. He questioned if there have been any vehicle noise studies to determine the potential impact to adjacent residents, and added that he doesn't believe an 8-foot wall is enough to mitigate the vehicular noise that could be created along the westside area. He also added that he did not see hours that deliveries will be made.
- Concerns about insufficient guest parking for celebratory days throughout the year such as Mother's Day, Father's Day, Easter, Thanksgiving, and Christmas that will create a nightmare situation for surrounding residents.
- Expected occupancy by Huntington Beach residents.
- Regarding Zoning Text Amendment No. 22-005 and the Specific Plan (SP-19) overlay, questioned why a specific plan is needed if the development truly meets General Plan requirements.
- Policy LU-1C regarding re-use of existing buildings – what existing buildings are there that can be re-used?
- Regarding Policy LU-1D ensuring new development projects are of compatible proportions, scale and character to compliment adjoining uses - he questioned where another 4-story with parapets is located close to that location.

Mayor Pro Tem Burns continued by stating that if overall housing needs in the community are being considered, then High Density Development (HDD) and Floor Area Ratio (FAR) are just synonymous semantics. He continued there is no study to support the statements "that providing quality-of-life dependable services will not negatively impact surrounding uses through a superior urban design" or "ensuring new development projects are compatible in proportion, scale and character to compliment adjoining uses" which in this case is single family homes. He added he has additional questions regarding setback, average number of employees, and the actual number of residents served, i.e., how many of the rooms will accommodate more than 1 resident. (04:22:47)

Councilmember McKeon stated most people appear to support this project which appears to meet current zoning requirements in the General Plan, and asked Planner Beckman to explain why this project is coming before Councilmembers. Planner Beckman responded there is a Conditional Use Permit (CUP) and the developer has proposed a Specific Plan overlay on this property to allow for certain deviations that they believe will enable the most efficient operation of the proposed use.

Councilmember McKeon asked Planner Beckman to explain for benefit of the public what the process is for a specific plan. Planner Beckman noted there is a chapter in the Huntington Beach Subdivision Ordinance that establishes procedure for specific plans, including they must be reviewed and adopted by City Council. In addition, a specific plan must be part of a development plan that is more than two acres, and a specific plan can be proposed to enable development of any proposed projects. Planner Beckman

stated that some specific plans are initiated by City Council and some are proposed by developers which in this case is Specific Plan – 19.

Councilmember McKeon asked Project Developer Mr. Lawless why they included a Specific Plan when this use is allowed under zoning in the General Plan.

Mr. Lawless referred to a slide in his PowerPoint communication where Huntington Beach zoning code permits 1.5 Floor Area Ratio (FAR), and this project is at 1.68. Mr. Lawless reiterated that as cited in recent case laws, city code FARs do not properly account for all service areas needed to properly serve senior residents. He explained that for apartment buildings, about 80 percent of the total space is rentable, but for senior living projects there is only about 60 percent rentable space. The 20 percent additional space needed for senior living projects is used for support services like kitchen area and nurse stations.

Mr. Lawless also explained that the setback on the west side of the project where the apartments are is another reason for a specific plan. Technically, the height of the building needs to be lower based on its proximity to the apartments, so they are increasing the setback from the existing use. Mr. Lawless summarized that under the 1.5 FAR it would not be possible to deliver the intended services with a mix of assisted living, memory care support, and include the outdoor space component. He added even if the lot was half an acre larger there would be the same constraints.

There was further discussion regarding a project on the northeast corner of Main Street and Yorktown with similar services being planned that did not require a specific plan because they had enough land to adjust the parcel line and meet existing FAR standards. Mr. Lawless added that plan only worked because the developer was able to include the office space parking in their project plan and use a parking lease. He noted the Bolsa Chica Senior Care Community project does not have any additional adjacent land to access, therefore a specific plan was submitted for the FAR adjustment.

Councilmember McKeon, speaking as a commercial property developer for 18 years, stated that every project requires a certain amount of land and projects are usually designed to fit on the available parcel without the need to try to shoe-horn it on an available parcel and require a specific plan. He believes specific plans are generally used for master planned communities, not for a specific spot zones. He believes that use of a specific plan for this project is a red line and a bridge too far, and stated it is not the job of Councilmembers to make a project fit for the developer. He stated his opinion this project must be made smaller or be relocated to a bigger parcel. He added that using a specific plan for this project automatically makes it a high-density housing project because high density is currently defined as 35 units per acre and this project is 53 units per acre.

Councilmember McKeon suggested the developer return to staff to pursue a pathway forward that complies with existing zoning design standards and does not require use of a specific plan. He stated he is willing to work with the applicant, neighbors and staff to come up with a plan that works. But he does not want to set a bad precedent by approving a project that is too big to fit on the selected parcel.

A motion was made by McKeon, second Burns, to continue the item and direct the applicant to continue working with staff in order to revise the project so that it complies with existing zoning standards, and does not require the use of a specific plan.

Mayor Van Der Mark stated she is sympathetic to the needs of the aging population, but she too believes this project is too big for the parcel, and expressed her opinion that it is most definitely a high-density project.

Councilmember Strickland stated he is against high-rise, high-density apartments, especially when mandated by the state of California, and his opinion that this proposed project is not that. He added that the project is a lot less intense, and noted the parcel's current use produces about double the amount of traffic that this proposed facility would produce. In this proposed project, the average parking ratio is .56 per unit which is 35 percent more parking than Merrill Gardens which includes independent living units. Typically, less than ten percent of people who require assisted living services also own a car, and no memory care patient owns a car, which means less than 20 residents would bring a car. That leaves more than 70 parking spaces for employees, and he believes there is more than enough parking at any given time.

Councilmember Strickland stated that high density creates public safety and crime problems, and this proposed project will not do that. He believes this project is not a residential or apartment living space, but rather an assisted living and memory care facility providing services that are needed in Huntington Beach. The height of the proposed facility is within City code, and the increased Floor Area Ratio (FAR) is needed to adequately provide senior care services. He noted that a recent Superior Court case found substantial evidence to support a zoning variance for FAR for eldercare facilities because standard zoning regulations make it nearly impossible to build senior care facilities. He added that the applicant has requested a less than 10 percent FAR variance from existing code. Councilmember Strickland stated this project represents about \$8M in revenue for the city, while also meeting needs of seniors.

A substitute motion was made by Strickland, second by Kalmick, to take the following actions: Approve Applicant's Request (Proposed Project) and A) certify Final Environmental Impact Report No. 21-004 (Attachment No. 16) as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving City Council Resolution No. 2024-51, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Revised Environmental Impact Report (SCH2022110040) for the Bolsa Chica Senior Care Community Project" (Attachment No. 2); and, B) Approve General Plan Amendment No. 21-004 and City Council Resolution No. 2024-52, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 21-004 for the Bolsa Chica Senior Care Community" (Attachment No. 3); and, C) Approve Zoning Map Amendment No. 21-003, and after City Clerk reads by title, approve for introduction City Council Ordinance No. 4327, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Southwest Corner of Warner Avenue at Bolsa Chica Street from CG (Commercial General) to SP-19 (Specific Plan No. 19) (Zoning Map Amendment No. 21-003)" (Attachment No. 4); and, D) Approve Zoning Text Amendment No. 22-005 and City Council Resolution No. 2024-53, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 22-005 by Creating the Bolsa Chica Senior Care Community Specific Plan (SP-19) to Apply to Real Property at the Southwest Corner of Warner Avenue at Bolsa Chica Street" (Attachment No. 5); and, E) Deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit No. 21-024 with findings and conditions of approval (Attachment No. 1), **as amended by supplemental communication (Exhibit B to Draft Resolution No. 2024-52, and updated parking demand analysis); and, add a deed restriction as a condition of approval which is a covenant that runs with the land to be recorded on the property restricting its use to assisted living and affordable care.**

Councilmember Strickland explained this proposed project meets the definition of a hospital — an institution providing medical treatment and nursing care for sick or injured people. Councilmember Strickland asked the developer if there are nurses or doctors on site as part of patient care, and the developer responded that there are nurses, caregivers and med techs 24/7 who are responsible for dispensing medications when necessary, and memory care also includes occupational therapists to keep residents mobile and to monitor dietary restrictions.

Councilmember Kalmick stated people need to understand the difference between a marketing piece and the land-use designation for the property which is an assisted living facility where people typically spend 24 months before moving into a skilled nursing facility.

Councilmember Kalmick stated he believes Mayor Pro Tem Burns shared his questions reading from the Findings for Approval which are straight out of the General Plan and is effectively used to support the legal findings. Councilmember Kalmick stated he believes the EIR which was published six months ago actually answers most of the questions asked by Mayor Pro Tem Burns. Councilmember Kalmick stated the market would not build a senior care facility if it was expected to be mostly vacant.

Councilmember Kalmick continued by stating that the cost of labor, construction and materials have increased considerably since the City's zoning code and General Plan were analyzed nearly ten years ago to see what is buildable. A new analysis might show that a 1.5 FAR is no longer buildable for any assisted living facility and that the code needs to be updated. He added that what is seen from the street meets zoning code, regardless of what the FAR is, and he believes senior care is probably one of the lowest traffic impact uses for this parcel and stated his support for the proposed project.

***At 11:00 PM the City Council reached consensus to continue doing business after the hour of 11:00 PM.***

City Clerk Robin Estanislau asked for clarification to accurately document the deed restriction. Community Development Director Villasenor provided a draft Conditional Use Permit with appropriate text. Director Villasenor added staff had one additional condition to the Use Permit in response to the latest Supporters Alliance for Environmental Responsibility (SAFER) letter to state the applicant agrees to provide Tier 4 rated heavy-duty diesel equipment for the duration of the project construction.

Councilmembers McKeon, Kalmick and Strickland continued the discussion on whether the current Huntington Beach FAR standard is workable. Mayor Pro Tem Burns stated it is the responsibility of Councilmembers to ensure development projects are kept within General Plan code restrictions.

Councilmember Bolton confirmed with Planner Beckman that the current building does not comply with the Commercial General Zoning setback, specifically along the western property line. Councilmember Bolton stated that from a legal perspective she is interested in making a defensible decision on this issue, and she does not see the requested 10 percent FAR adjustment as unreasonable. She added that this is a very contentious issue, and she has listened to all sides.

Councilmember Moser stated the statistics show the need for senior care facilities for all affordability levels, and thanked the developer for being responsive to community concerns by reducing the project size by about 30 percent. She reiterated that the project exterior dimensions are within code and the deviation requested is for interior space use only and does not affect the exterior. She stated going through the lengthy approval process for this project may suggest it is time to review the zoning code with regards to FAR for senior care commercial use.

Councilmember Moser stated that describing this project as "high-density residential development" is misinformation, and confirmed with Director Villasenor that these units do not count towards the Regional Housing Needs Assessment (RHNA) credit, as the zoning use classification is "facility". Director Villasenor added that if there were independent living units they would have been counted as above-moderate or market-rate RHNA income category. Councilmember Moser stated support for amending the item to include the deed restriction, and she supports this project to ensure Huntington Beach remains a thriving community and provides needed services for residents.

Councilmember Moser concluded by stating it is never appropriate to make threats towards those running for office. She further stated that she never comes to a meeting with a decision already made on any issue, and that she would never make decisions just to help her to get re-elected. Rather, she explained that she is here to serve the community, and make the best choices based upon the information she has at the time.

The substitute motion made by Strickland, seconded by Kalmick, was again recognized to take the following actions: Approve Applicant's Request (Proposed Project) and A) certify Final Environmental Impact Report No. 21-004 (Attachment No. 16) as adequate and complete in accordance with California Environmental Quality Act (CEQA) requirements by approving City Council Resolution No. 2024-51, "A Resolution of the City Council of the City of Huntington Beach Certifying the Final Revised Environmental Impact Report (SCH2022110040) for the Bolsa Chica Senior Care Community Project" (Attachment No. 2); and, B) Approve General Plan Amendment No. 21-004 and City Council Resolution No. 2024-52, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 21-004 for the Bolsa Chica Senior Care Community" (Attachment No. 3); and, C) Approve Zoning Map Amendment No. 21-003, and after City Clerk reads by title, approve for introduction City Council Ordinance No. 4327, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located on the Southwest Corner of Warner Avenue at Bolsa Chica Street from CG (Commercial General) to SP-19 (Specific Plan No. 19) (Zoning Map Amendment No. 21-003)" (Attachment No. 4); and, D) Approve Zoning Text Amendment No. 22-005 and City Council Resolution No. 2024-53, "A Resolution of the City Council of the City of Huntington Beach Adopting Zoning Text Amendment No. 22-005 by Creating the Bolsa Chica Senior Care Community Specific Plan (SP-19) to Apply to Real Property at the Southwest Corner of Warner Avenue at Bolsa Chica Street" (Attachment No. 5); and, E) Deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit No. 21-024 with findings and conditions of approval (Attachment No. 1), **as amended by supplemental communication (Exhibit B to Draft Resolution No. 2024-52, and updated parking demand analysis); and, two added conditions to Conditional Use Permit No. 21-024: 1. Prior to the issuance of building permits, the applicant shall submit a Restrictive Covenant declaring that the owner agrees to operate the Bolsa Chica Senior Care Community project as a Residential Care Facility for the Elderly (RCFE) as that term is defined in the California Code of Regulations Title 22, Section 87101, and restricted to the square footage number and type of units – assisted living and memory care only. This covenant shall be recorded and run with the land and shall be referenced in any instrument of transfer of the property and noticed to the City of Huntington Beach via registered mail and/or delivery prior to any such transfer or conveyance of the property. 2. During all construction related activities, off-road diesel equipment shall comply with the current California Air Resources Board (CARB) Tier 4 rated phasing standards.**

The substitute motion carried by the following roll call vote:

AYES: Moser, Bolton, Strickland, and Kalmick  
NOES: Burns, Van Der Mark, and McKeon

## COUNCIL MEMBER ITEMS

### 19. 24-750 Approved Item Submitted by Council Member Strickland and Mayor Van Der Mark — Symphony of Flowers Event Debut in Huntington Beach

Councilmember Strickland introduced this item by noting that when he served as Mayor, one of the concerns expressed to him by local business owners was the need for more cultural or art events. He stated that he was introduced to one of the co-founders of Cirque de Soleil who is interested in finding a

U. S. location to hold his new artistic event, Symphony of Flowers. He stated this item is a request to direct staff to complete a feasibility study, including an Environmental Impact Report (EIR) for Council's consideration. He believes this may be an exciting opportunity to bring in more revenue and support Huntington Beach as a destination city.

Councilmember Strickland introduced Mr. Basarra who briefly described the history of Normand Latourelle, who is now the creator and artistic director of two touring shows, Cavalia and Odysseo, and is currently looking for an ideal site for the world premiere of Symphony of Flowers. Mr. Basarra shared a PDF communication with slides entitled: *Normand Latourelle; Cavalia's history of success in California; The Show; The Footpath; A unique experience accessible to all; Symphony of Flowers; The power of Illumi.com for the Symphony of Flowers; The Symphony of Flowers and eco-responsibility; and Community outreach and charitable initiatives.*

Mr. Basarra noted that Symphony of Flowers is a family-friendly event with tickets expected to be about \$35, and the event will be custom-designed for the specific site recommended by staff. He noted that tickets are only available digitally to protect the environment and make it easier to restrict the number of attendees for any specific showing. He stated that classical music is used as the artistic story (not a religious event) of the creation of the planets and universe is told while attendees are in bleachers. After that presentation attendees are invited to participate in a walking tour among the lighted flowers on a temporary plastic walkway that is ADA compliant. The music is contained to the site and does not bleed out into the community when producing this living art piece consisting of 100,000 flowers with 500,000 low-emitting LED lights on those flowers and a water screen with projected images. Mr. Basarra stated this is an event with a very high favorability rating and is eco-responsible. He noted this is a temporary event and the focus is to hire locally and provide benefits for the local community.

Mayor Van Der Mark asked Mr. Basarra to expand on the ways the Public Library could benefit from this event. Mr. Basarra noted this is an evening event when the park is usually quiet, and Library parking is mostly open and the plan would be to share parking revenue with the Public Library. He also stated some tickets will be made available at no cost for members of the low-income community, through agencies that serve that population.

Mayor Van Der Mark and Community and Library Services Director Ashley Wysocki discussed that at certain times of the year that portion of Central Park is underutilized and noted it is the area also used for the summer overnight family campout and War Reenactment activities.

Councilmember McKeon noted this event would utilize .57 acres out of the total 343 acres in Central Park.

Mayor Van Der Mark added that if the event does not work for any reason, they would not schedule a return event, but it is something she believes should be presented at least once. Mr. Basarra stated there has already been communication with VisitHB to discuss collaborative opportunities.

Councilmember Strickland stated he believes the Symphony of Flowers would provide a worthy Destination City event for Huntington Beach. He added that if staff determines it is a feasible event, a proposed agreement will return to Council for approval.

Councilmember Bolton and Director Wysocki discussed the environmental checklist, or preliminary study that will include some technical focus studies, a biological resources reconnaissance survey, a field study, a database study and a traffic assessment. The checklist will inform as to what the next California Air Quality Act (CEQA) step should be. It will inform as to whether there are impacts that would fall under the Master Plan Environmental Impact Act (EIA) or whether this event would be exempted.

Councilmember Bolton asked what the anticipated duration of the event could be and staff explained it could be about 8 months which would include install and tear-down with a 6-month showtime. Start-up will depend upon completion of the environmental review and impact results.

Councilmember Bolton and Mr. Basarra discussed the maximum number of people that could be onsite for this event at the same time, and Mr. Basarra noted that number could be adjusted as desired. Staff reminded Councilmembers that the event producers will encourage use of transit other than private vehicles, and staff will evaluate ways to mitigate anticipated parking needs and making best use of Library closing times.

Councilmember Bolton was assured by staff that impacts to the surrounding neighborhood, including sensitive wildlife receptors, will be considered as well as the traffic assessment. Councilmember Bolton asked that a neighborhood engagement plan be utilized for any traffic impacts. She also expressed her concern about any damages to the area, such as to the irrigation system, and ensuring the taxpayers are not left to make repairs for proper restoration and concern for how wildlife might be impacted.

Councilmember Bolton questioned whether staff intends to return with an agreement, or the study data. Staff responded the results of the environmental and feasibility studies will determine how to best proceed. Councilmember Bolton asked that staff plan time for public engagement and feedback during the evaluation process.

Councilmember Kalmick and staff discussed costs for the time used for the required studies is typically covered by an agreement or permit fee and is negotiated as the process moves forward. Historically, costs have typically fallen upon an event operator. Councilmember Kalmick reminded staff that the Long Beach Airport outer marker is very close, and Mr. Basarra responded that a Toronto event was in the Toronto Airport flight path and there were no issues.

Councilmember Kalmick confirmed with staff that we are on Vehicle Miles Traveled (VMT) for traffic with regards to CEQA and the assessment will determine whether a full VMT analysis is required vs. Level of Service (LOS) analysis.

Councilmember Kalmick and Mr. Basarra discussed other sites could be considered such as the south side of the Equestrian Center. Councilmember Kalmick stated that an 8-month temporary event might be stretching the limits and set a concerning precedent for "privatizing" public park space. He also confirmed with City Attorney Michael Gates that Measure C considerations will be included in the feasibility study.

Councilmember Kalmick expressed appreciation for the developer being flexible and stated his support for moving this item forward.

Councilmember Moser shared her interest in providing more cultural events in Huntington Beach. She shared her concerns about the length of time proposed for this event as well as the potential environmental impact. Councilmember Moser stated she looks forward to seeing more detailed information on the financial impacts this event could have as well as revenue sharing options. She stated support for a feasibility study to provide more information.

A motion was made by Strickland, second Van Der Mark to direct City staff to work with the Symphony of Flowers operator on the feasibility of an agreement to debut the event in Huntington Beach at Central Park East

The motion carried by the following roll call vote:

AYES: Moser, Bolton, Burns, Van Der Mark, Strickland, McKeon, and Kalmick  
NOES: None

The regular meeting of November 5, 2024, has been cancelled.

**ADJOURNMENT** — At **12:02 AM on Tuesday, October 16, 2024**, a motion was made by Van Der Mark, with a second by Kalmick, to adjourn to the next regularly scheduled meeting of the Huntington Beach City Council/Public Financing Authority is Tuesday, November 19, 2024, in the Civic Center Council Chambers, 2000 Main Street, Huntington Beach, California

INTERNET ACCESS TO CITY COUNCIL/PUBLIC FINANCING AUTHORITY AGENDA AND STAFF  
REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT  
<http://www.huntingtonbeachca.gov>

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City Clerk and ex-officio Clerk of the City Council  
of the City of Huntington Beach and Secretary of  
the Public Financing Authority of the City of  
Huntington Beach, California

**ATTEST:**

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City Clerk-Secretary

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Mayor-Chair