

## MINUTES

### HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 26, 2023

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. – COUNCIL CHAMBERS

#### CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Acosta-Galvan

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ROLL CALL: Adam, Kennedy, Twining, Pellman, Wood, Rodriguez, Acosta-Galvan

PUBLIC COMMENTS – NONE

#### PUBLIC HEARING ITEMS

23-715 ENVIRONMENTAL IMPACT REPORT NO. 21-004, GENERAL PLAN AMENDMENT NO. 21-004, ZONING MAP AMENDMENT NO. 22-003, ZONING TEXT AMENDMENT NO. 22-005, CONDITIONAL USE PERMIT NO. 21-024 (BOLSA CHICA SENIOR LIVING COMMUNITY)

##### REQUEST:

EIR: To analyze the potential environmental impacts associated with the project; GPA: Revise the General Plan Land Use Map designation from Commercial General (CG) to Mixed Use (MU) with a Specific Plan Overlay; ZMA: To amend the zoning designation from Commercial General (CG) to Specific Plan 19 (SP-19); ZTA: To establish the Bolsa Chica Senior Living Community Specific Plan including development standards for height, open space, and convalescent uses on the subject site; CUP: To demolish 50,000 sq. ft. of existing commercial space and construct a new five-story 298,000 sq. ft. convalescent facility with on-site alcohol sales and consumption at a maximum overall height of 65 ft., consisting of 202 total units, a subterranean parking garage, and associated hardscape and landscape improvements on a property with a grade differential above three feet that involves the excavation of more than 25,000 cubic yards of soil.

##### LOCATION:

4952 & 4972 Warner Avenue, 92649 (Southwest corner of Bolsa Chica Street and Warner Avenue)

##### RECOMMENDED ACTION:

The Planning Commission shall take the following actions:

- A) Recommend certification of Environmental Impact Report No. 21-004 as adequate and complete in accordance with CEQA requirements by approving draft City Council Resolution No. 23-XX and forward to the City Council for adoption (Attachment No. 2); and
- B) Recommend approval of General Plan Amendment No. 21-004 by approving draft City Council Resolution No. 23-XX (Attachment No. 3), Zoning Map Amendment No. 22-003 with findings (Attachment No. 1) by approving draft City Council Ordinance No. XXXX (Attachment No. 4), and Zoning Text Amendment No. 22-005 with findings (Attachment No. 1) by approving draft City Council Resolution No. 23-XX (Attachment No. 5); and
- C) Approve Conditional Use Permit No. 21-024 with findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam visited the site and spoke with the applicant and staff.
- Commissioner Kennedy visited the site.
- Vice-Chair Twining visited the site.
- Chair Pellman visited the site and spoke with the applicant's representative.
- Commissioner Wood visited the site and spoke with the applicant's representative.
- Commissioner Rodriguez visited the site and spoke with staff and with the applicant's representative.
- Commissioner Acosta-Galvan visited the site and spoke with staff and with the applicant's representative.

Hayden Beckman, Senior Planner, gave the staff presentation for the proposed project.

There was a brief discussion regarding the number of proposed units, the process for pedestrian crosswalk improvements, the Specific Plan entitlement process, the proposed floor area ratio, and the proposed setback.

Thomas Lawless and Christopher Hilbert, applicants, gave a presentation in support of the proposed project, reviewing the proposed amenities and architecture.

#### **THE PUBLIC HEARING WAS OPENED.**

Paul Geery, resident, spoke in support of Item No. 23-715, citing the need for senior housing in the community.

John Villa, resident, spoke in support of Item No. 23-715, citing the need in the city for a senior living community with multiple amenities and multiple tiers of living assistance in one facility.

Brian Genovese, resident and realtor, spoke in support of Item No. 23-715, citing the need for senior living in the community, the potential to free up single family residential properties, and potential positive traffic impacts.

Phillip Smith, resident, spoke in support of Item No. 23-715, citing the need for tiered senior housing in the city.

Taylor Friend, resident, spoke in support of Item No. 23-715 and the proposed zoning change, citing the decreased need for office space in the city.

Liza, resident, spoke in opposition to Item No. 23-715, citing potential negative traffic impacts, the current traffic at the subject intersection, and the potential negative impacts to resources for existing residents.

Rebecca Laugenwalter, resident, spoke in opposition to Item No. 23-715, citing concerns with the proposed height, setback, number of bedrooms in larger units, potential negative shade impacts, and potential negative safety impacts.

Amy Santos, resident, spoke in opposition to Item No. 23-715 concerned with public notification process, the proposed building height, the potential negative traffic impacts, and the potential negative impacts from the daily deliveries.

Randal Mihara, resident, spoke in opposition to Item No. 23-715, citing concerns with the proposed building height, neighborhood compatibility, and the loss of the commercial center.

Luis Berbari, resident, spoke in opposition to Item No. 23-715, citing concerns with the proposed building size, and the negative shading, temperature, and traffic impacts.

Tom Dillman, resident, spoke in opposition to Item No. 23-715, citing neighborhood compatibility, proposed building height, proposed onsite density, and potential negative traffic impacts.

Barb Chang-Holt, resident, spoke in opposition to Item No. 23-715, citing potential negative traffic and shade impacts, neighborhood compatibility, light pollution impacts to the wetlands, and potential noise impacts during construction.

Paul Glunt, resident, spoke in opposition to Item No. 23-715, citing the proposed height and the impacts to the community.

Christine Wendl, resident, spoke in opposition to Item No. 23-715, citing neighborhood compatibility, the proposed setbacks and the potential negative traffic impacts.

Alison Meyer, resident, spoke in opposition to Item No. 23-715, citing the potential negative traffic impacts, the proposed height, and the density in the proposed area.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

There was discussion on the following items: the specific plan entitlement process, the General Plan amendment process, the proposed emergency and delivery access, the allowed density and uses of the current zoning, the current demand for office uses, the need for senior living uses in the city, the utility and resource impacts of the proposed project, the public notification process, and the definitions of different senior living uses.

**A MOTION WAS MADE BY TWINING, SECONDED BY WOOD, RECOMMEND CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 21-004 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING DRAFT CITY COUNCIL RESOLUTION NO. 23-XX AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:**

**AYES: Adam, Twining, Pellman, Wood, Rodriguez, Acosta-Galvan**  
**NOES: Kennedy**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION PASSED**

**A MOTION WAS MADE BY TWINING, SECONDED BY ACOSTA-GALVAN, TO RECOMMEND APPROVAL OF GENERAL PLAN AMENDMENT NO. 21-004 BY APPROVING DRAFT CITY COUNCIL RESOLUTION NO. 23-XX (ATTACHMENT NO. 3), ZONING MAP AMENDMENT NO. 22-003 WITH FINDINGS (ATTACHMENT NO. 1) BY APPROVING DRAFT CITY COUNCIL ORDINANCE NO. XXXX (ATTACHMENT NO. 4), AND ZONING TEXT AMENDMENT NO. 22-005 WITH FINDINGS (ATTACHMENT NO. 1) BY APPROVING DRAFT CITY COUNCIL RESOLUTION NO. 23-XX, BY THE FOLLOWING VOTE:**

**AYES: Adam, Twining, Pellman, Wood, Rodriguez, Acosta-Galvan**  
**NOES: Kennedy**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION PASSED**

**A MOTION WAS MADE BY TWINING, SECONDED BY RODRIGUEZ, TO APPROVE CONDITIONAL USE PERMIT NO. 21-024 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

**AYES: Adam, Twining, Pellman, Wood, Rodriguez, Acosta-Galvan**  
**NOES: Kennedy**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION PASSED**

**FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 22-003:**

1. Zoning Map Amendment (ZMA) No. 22-003 to amend the zoning designation of the  $\pm 3$  acre site from Commercial General (CG) to Specific Plan 19 (Bolsa Chica Senior Living Community Specific Plan) is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan as follows:

A. Land Use Element

Goal LU-1 – New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A - Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Goal LU-12B – Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The Specific Plan designation will be consistent with the approved General Plan land use designations in that its implementation will assist in meeting the overall housing needs of the community and will be compatible in proportion, scale, and character of the surrounding land uses as the proposed project will replace two underutilized commercial properties and will be similar in massing to other multi-story senior living facilities in the City. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable senior housing stock.

B. Housing Element

Goal H1 – 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.

Policy 2.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy 2.2 – Facilitate the efficient use of land by allowing and encouraging commercial and residential uses on the same property in both horizontal and vertical mixed-use configurations.

The proposed project is quasi-residential and designed to reflect a traditional style of architecture that is reflective of the City's beach lifestyle and complements and enhances the surrounding areas. The project includes high quality design, architecture, and materials that is consistent with the overall character of the surrounding neighborhoods. Additionally, multiple nearby commercial businesses are within walking distance of the project site, and for those services that aren't, van services would be provided to residents to access additional adjacent commercial uses including restaurants, medical offices, and pharmacies.

2. ZMA No. 22-003 to change the zoning of the subject site to Specific Plan is compatible with the zoning in the surrounding area because the Specific Plan will establish development standards that are largely consistent with the approved General Plan designation of Commercial General. The subject site is located at a high volume traffic intersection that features commercial zoning on each of the corners, and a mix of commercial and residential zoning districts in adjacent areas. Since the proposed land use under the Specific Plan is quasi-residential, and will be less intense of a use than the existing commercial developments, the project will be compatible with the well-established mix of residential and commercial uses along both Warner Avenue and Bolsa Chica Street corridors. The project will place 98% of employee, resident, and visitor parking in a subterranean garage and will provide building setbacks in excess of those required by the existing base zoning district. Architectural design incorporates varied rooflines, offset building massing, upper story setbacks, and a mix of high quality building materials and landscaping treatments to blend into the surrounding environment. Site planning design incorporates outdoor amenity areas and fire access lanes between the proposed building facades and the adjacent residential and commercial properties to the west and south, respectively. The north and east frontages are buffered by Warner Avenue and Bolsa Chica Street, respectively from adjacent uses. These buffer distances, as well as a new 8 foot high masonry wall along the southern property line works are proposed to mitigate noise from operation of the senior living community.
3. A community need is demonstrated for the change proposed because the Specific Plan designation will allow the development of a new senior convalescent living facility at the subject site tailored to serve the growing demand for housing options for residents aged 55 and older. Data from the 2020 census indicates that 25% of the City's population is 60 years of age or older, and as the local population ages, the proposed Specific Plan will allow the development of additional senior units in a modern facility with high quality design, architecture, and amenities for residents and their visitors. Further, the Specific Plan will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional senior housing stock.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the Specific Plan designation will implement the proposed Mixed Use General Plan land use designations, and is compatible with the zoning in the surrounding area, and It will allow the development of a modern senior living community of high quality design to serve the expanding population of aging residents and their visitors. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional senior housing stock.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 22-005:**

1. Zoning Text Amendment No. 22-005 to establish the Bolsa Chica Senior Living Community Specific Plan (BCSLCSP) includes development standards for height, open space, and convalescent uses on the subject site. ZTA No. 22-005 is consistent with and implements the adopted land use element of the General Plan which include a Specific Plan Overlay for the subject site. ZTA No. 22-005 is consistent with applicable General Plan goals, objectives, and policies and is compatible with surrounding developments as follows:

A. Land Use Element

Goal LU-1 – New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-2E: Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

Goal LU-4 - A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4A - Encourage a mix of residential types to accommodate people with diverse housing needs.

Goal LU-11B - Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU-12B - Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

ZTA No. 22-005 provides for an infill redevelopment project on an underutilized commercial site that would assist in meeting the overall housing needs of the community. The proposed convalescent facility is compatible in proportion, scale, and character of the surrounding land uses because the proposed building is similar in height and massing to other multi-story senior living facilities adjacent to residential uses and incorporates high quality architectural design. It will enhance the local economy, create jobs, and provide additional senior housing stock.

B. Noise Element

Goal N-1: Noise-sensitive land uses are protected in areas with acceptable noise levels.

Policy N-1B: Incorporate design and construction features into residential, mixed-use, commercial, and industrial projects that shield noise-sensitive land uses from excessive noise.

Goal N-2: Land use patterns are compatible with current and future noise levels.

Goal N-3B: Prioritize use of site planning and project design techniques to mitigate excessive noise. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.

The proposed project would introduce a quasi-residential land use on a property currently developed with commercial office and retail uses. The proposed project's design incorporates the existing configuration of the project site to maintain acceptable stationary noise levels at existing noise-sensitive land uses by placing outdoor amenities and vehicle parking associated with the use behind or beneath the primary structure so as to attenuate potential off-site noise impacts. Additionally, a new 8-foot high masonry wall would be installed along the project site's southern boundary and operational noise levels would not exceed the City's exterior daytime or nighttime noise standards as established in the Municipal Code. Further, the use of modern construction methods and materials will reduce vehicle noise from the adjacent roadways, and the building design and siting is proposed to enclose the future residents' common open space courtyards to minimize any roadway noise from Warner Avenue and Bolsa Chica Street.

### C. Housing Element

Goal H2 - Provide adequate housing sites through appropriate land use, zoning, and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy H2.1 – Provide site opportunities for development of housing that response to diverse community needs in terms of housing types, cost, and location emphasizing locations near services and transit that promote walkability.

ZTA No. 22-005 would also allow a senior living community that is designed to provide a variety of senior unit types to suit different life stages and market segments. In order to create a senior living community that includes high quality design, architecture, and materials that are consistent with the overall character of the surrounding neighborhood, the applicant is proposing development standards that would allow a senior living community that includes independent living units, assisted care units, and memory care units that provide a continuum of care within the same building. A more dense senior living community project enables a modern facility of high quality amenities and services that ensure that residents are provided quality and dependable services and connection to the surrounding community without negatively impacting surrounding uses.

2. ZTA No. 22-005 will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the plan were not approved because it will facilitate a modern facility of high quality amenities and services that ensure that residents are provided quality and dependable services and connection to the surrounding community without negatively impacting surrounding uses. The BCSLCSP will allow a variety of senior living unit types to suit different life stages and market segments. In order to create amenity rich senior housing and a continuum of care, the BCSLCSP includes development standards that would allow a greater floor area ratio and maximum building height compared to what the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) permits in addition to parking requirements based on parking demand specific to the proposed use.
3. Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the BCSLCSP because it will facilitate the provision of senior housing to suit different life stages and market segments consistent with current demand in a single cohesive structure on an underutilized commercial property. A more compact convalescent facility enables the proposed senior living density while providing greater setbacks, landscaping, and adequate public safety access infrastructure.



4. The specific plan includes adequate provisions for utilities, services, and emergency vehicle access. Public service demands will not exceed the capacity of existing and planned systems.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 21-024:**

1. Conditional Use Permit No. 21-024 to demolish 50,000 sq. ft. of existing commercial space and construct a new five-story 298,000 sq. ft. convalescent facility with on-site alcohol sales and consumption at a maximum overall height of 65 ft., consisting of 202 total units, a subterranean parking garage, and associated hardscape and landscape improvements on a property with a grade differential above three feet that involves the excavation of more than 25,000 cubic yards of soil will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the new five-story senior living community project is an infill development on two underutilized commercial properties that would assist in meeting the overall housing needs of the community. In addition, the proposed convalescent facility is compatible in proportion, scale, and character of the surrounding land uses because the proposed building is similar in height and massing to other multi-story senior living facilities in the City that are adjacent to residential uses and incorporates high quality architectural design. The project designed reflects a traditional style of architecture that is reflective of the City's beach lifestyle that complements and enhances the architectural style of the larger surrounding area. A variety of building materials, multilevel rooflines, and varying building setbacks along the Warner and Bolsa Chica frontages are incorporated into the proposed design and are intended to break up the scale and massing of the building. Landscaping includes a variety of tree and plant species and is designed to complement the architecture, frame the building elements, and be consistent with the overall character of the surrounding area. Project implementation would involve approximately 55,000 cubic yards of cut that would be exported offsite, a majority of which is excavation to accommodate the subterranean parking garage. The remaining portions of the site will be more precisely leveled to provide a single level building surface. Lastly, the proposed convalescent facility supports the provision of a mix of housing types that meet the diverse economic, social, and housing needs of the community.
2. The granting of the conditional use permit to demolish 50,000 sq. ft. of existing commercial space and construct a new five-story 298,000 sq. ft. convalescent facility with on-site alcohol sales and consumption at a maximum overall height of 65 ft., consisting of 202 total units, a subterranean parking garage, and associated hardscape and landscape improvements on a property with a grade differential above three feet that involves the excavation of more than 25,000 cubic yards of soil will not adversely affect the General Plan because it is consistent with the Land Use Element designation of MU (Mixed Use) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-2E: Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-2E: Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Goal LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

Goal LU-11B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU-12B: Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The new five-story senior living community project is an infill development on two underutilized commercial properties that would assist in meeting the overall housing needs of the community. In addition, the proposed convalescent facility is compatible in proportion, scale, and character of the surrounding land uses because the proposed building is similar in height and massing to other multi-story senior living facilities in the City that are adjacent to residential uses and incorporates high quality architectural design. The project designed reflect a traditional style of architecture that is reflective of the City's beach lifestyle that complements and enhances the architectural style of the larger surrounding area. A variety of building materials, multilevel rooflines, and varying building setbacks along the Warner and Bolsa Chica frontages are incorporated into the proposed design and are intended to break up the scale and massing of the building. Landscaping includes a variety of tree and plant species and is designed to complement the architecture, frame the building elements, and be consistent with the overall character of the surrounding area. Lastly, the proposed convalescent facility supports the provision of a mix of housing types that meet the diverse economic, social, and housing needs of the community.

#### Noise Element

Goal N-1: Noise-sensitive land uses are protected in areas with acceptable noise levels.

Policy N-1B: Incorporate design and construction features into residential, mixed-use, commercial, and industrial projects that shield noise-sensitive land uses from excessive noise.

Goal N-2: Land use patterns are compatible with current and future noise levels.

Goal N-3B: Prioritize use of site planning and project design techniques to mitigate excessive noise. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.

The proposed project would introduce a quasi-residential land use on a property currently developed with commercial office and retail uses. The proposed project's design incorporates the existing configuration of the project site to maintain acceptable stationary noise levels at existing noise-sensitive land uses by placing outdoor amenities and vehicle parking associated with the use behind or beneath the primary structure so as to attenuate potential off-site noise impacts. Additionally, a new 8-foot high masonry wall would be installed along the project site's southern boundary and operational noise levels would not exceed the City's exterior daytime or nighttime noise standards as established in the Municipal Code. Further, the use of modern construction methods and materials will reduce vehicle noise from the adjacent roadways, and the building design and siting is proposed to enclose the future residents' common open space courtyards to minimize any roadway noise from Warner Avenue and Bolsa Chica Street.

### Housing Element

Goal H1: 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.

Goal H2: Provide adequate housing sites through appropriate land use, zoning, and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy H2.1: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost, and location emphasizing locations near services and transit that promote walkability.

Policy 2.2 – Facilitate the efficient use of land by allowing and encouraging commercial and residential uses on the same property in both horizontal and vertical mixed-use configurations.

The proposed project is designed to reflect a traditional style of architecture that is reflective of the City's beach lifestyle and complements and enhances the surrounding areas. The project includes high quality design, architecture, and materials that is consistent with the overall character of the surrounding neighborhoods. The proposed senior living community would add 202 units of senior living capacity in a facility that includes on-site amenities for residents including recreational areas, exercise areas, dining, and entertainment options that reduce the need for residents to travel off-site. Additionally, multiple nearby commercial businesses are within walking distance of the project site, and for those services that aren't, van services would be provided to residents to access additional adjacent commercial uses including restaurants, medical offices, and pharmacies.

3. The request to demolish 50,000 sq. ft. of existing commercial space and construct a new five-story 298,000 sq. ft. convalescent facility with on-site alcohol sales and consumption at a maximum overall height of 65 ft., consisting of 202 total units, a subterranean parking garage, and associated hardscape and landscape improvements on a property with a grade differential above three feet that involves the excavation of more than 25,000 cubic yards of

soil will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the new structure is designed to comply with all Specific Plan development standards, including building setbacks, maximum building height, and on-site parking. The proposed convalescent facility with an ancillary Type 47 ABC alcohol license for residents and guests is allowed in the Bolsa Chica Senior Living Community Specific Plan. Additionally, the project has been designed to accommodate the site's existing grade and topographical features in a manner that is consistent with the scale and character of the surrounding land uses, and will not result in an adverse impact upon implementation.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-024:**

1. The site plan, floor plans, and elevations received and dated November 22, 2022 shall be the conceptually approved design with the following modifications:
  - a. The adequacy and type of any upper story bird safe window treatments, including, but not limited to, fritted or patterned windows, UV pattern film, window nets and/or window screens shall be reviewed and approved by the Community Development Department.
2. The use shall comply with the following:
  - a. Prior to the sales, service, or consumption of alcoholic beverages, the facility shall obtain an ABC license authorizing alcohol use. **(PD)**
  - b. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
  - c. All areas of the facility where sales, service, and consumption of alcoholic beverages occur shall be equipped with lighting sufficient to power and illuminate and permit the identification of patrons. **(PD)**
  - d. All alcoholic beverages shall remain within the perimeter of the facility. **(PD)**
  - e. Consumption of alcoholic beverages by all on-duty employees, including servers, bartenders, management, and supervisory personnel is forbidden. **(PD)**
  - f. All persons engaged in the sale or service of alcohol shall complete a mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 60 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
  - g. All owners, employees, representatives, and agents must obey all federal, state, and local laws. In addition, all conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provision, or restrictions prescribed by an agency with jurisdiction over the premise are required as part of the CUP to be followed. **(PD)**
  - h. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to

record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. The applicant is required to have someone able to operate the system on duty during all business hours. **(PD)**

3. The legislative draft Bolsa Chica Senior Living Community as proposed under ZTA No. 22-005 be the conceptually approved language figures, with the following modifications:
  - a. Page 11 – Revise Reference under CEQA Compliance to read “Reference EIR No. 21-004.”
  - b. Page 18 – Revise second sentence under Section 3.2 to read “The project shall comply with all development standards contained in this section in addition to all standards applicable to development within the Commercial General (CG) zoning district of the Huntington Beach Zoning and Subdivision Ordinance.”
  - c. Table 3.1 shall be revised to include a minimum Private Open Space requirement for each type of unit and/or floor plan.
  - d. Section 3.2 Development Standards shall identify that a convalescent land use requires approval of a Conditional Use Permit by the Planning Commission, and include a discussion of any other on-site permitted uses.
4. Comply with all mitigation measures adopted for the project in conjunction with EIR No. 21-004 (Bolsa Chica Senior Living Community Project).
5. Prior to submittal of building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - b. A Lot Line Adjustment shall be processed and approved to adjust underlying property lines on the subject site.
6. Final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements shall be completed in accordance with approved plans, and all Mitigation Measures must be satisfied before issuance of a Certificate of Occupancy.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

- d. All Development Impact Fees shall be paid to the Community Development Department (*City of Huntington Beach Community Development Department Fee Schedule*). **(HBZSO Section 254.16).**
7. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
8. Conditional Use Permit No. 21-024 shall not become effective until General Plan Amendment No. 21-004, Zoning Map Amendment No. 22-003, and Zoning Text Amendment No. 22-005 has been approved by the City Council and is in effect. **(HBZSO Section 247.16)**
9. Conditional Use Permit No. 21-024 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.

The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

## **CONSENT CALENDAR**

### **23-811 APPROVE PLANNING COMMISSION MINUTES DATED JULY 25, 2023**

**Recommended Action:**

That the Planning Commission take the following action:

"Approve the July 25, 2023, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY TWINING, SECONDED BY RODRIGUEZ, TO APPROVE THE JULY 25, 2023, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Adam, Kennedy, Twining, Wood, Rodriguez, Acosta-Galvan  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** Pellman

**MOTION APPROVED**

**23-812 APPROVE PLANNING COMMISSION MINUTES DATED AUGUST 22, 2023**

**Recommended Action:**

That the Planning Commission take the following action:

"Approve the August 22, 2023, Planning Commission Minutes as submitted."

**A MOTION WAS MADE BY ADAM, SECONDED BY TWINING, TO APPROVE THE AUGUST 22, 2023, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:**

**AYES:** Adam, Kennedy, Twining, Pellman, Wood, Rodriguez, Acosta-Galvan  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

**NON-PUBLIC HEARING ITEMS - NONE**

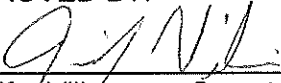
**PLANNING ITEMS**

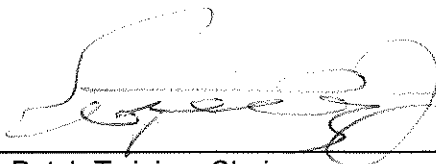
Matthew Schneider, Planning Manager, reported on recent and upcoming City Council meetings and reported on items scheduled for upcoming Planning Commission meetings.

**PLANNING COMMISSION ITEMS - NONE**

**ADJOURNMENT:** Adjourned at 8:23 PM to the next regularly scheduled meeting of Tuesday, October 10, 2023.

APPROVED BY:

  
\_\_\_\_\_  
Jennifer Villaseñor, Secretary

  
\_\_\_\_\_  
Butch Twining, Chairperson