

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Jennifer Villasenor, Interim Community Development Director  
**BY:** Hayden Beckman, Senior Planner

**SUBJECT:**

**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)

**APPLICANT:**

Tom Lawless, Hines, 444 S. Flower Street, Suite 2100, Los Angeles CA 90071

**PROPERTY  
OWNER:**

Manny Khoshbin, 18071 Fitch, Suite 100, Irvine CA 92614

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**PROJECT PROPOSAL:**

The project proposal is to allow the redevelopment of an approximately 3.10-acre project site consisting of two parcels into the Bolsa Chica Senior Living Community, a project that

includes 202 total living units, 189 on-site parking spaces, and associated hardscape and landscape improvements. In order to undertake the project proposal, the applicant requests the following entitlements:

- Environmental Impact Report to analyze the potential environmental impacts associated with the project
- General Plan Amendment to amend the land use designation of the project site from Commercial General (CG) to Mixed Use (MU) with a Specific Plan Overlay;
- Zoning Map Amendment to amend the zoning designation of the project site from Commercial General (CG) to Specific Plan (SP-19);
- Zoning Text Amendment to establish the Bolsa Chica Senior Living Community Specific Plan (BCSLC) for the subject site;
- 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 site with a grade differential above three feet that involves the excavation of more than 25,000 cubic yards of soil.

**RECOMMENDATION:**

That the Planning Commission 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)

**ALTERNATIVE ACTION(S):**

- A) Do not make the suggested findings, which will result in a mandatory denial per Section 241.10 (c) of the Huntington Beach Zoning and Subdivision Ordinance.

- B) Continue Environmental Impact Report No. 21-004, General Plan Amendment No. 21-004, Zoning Map Amendment No. 22-003, Zoning Text Amendment No. 22-005, and Conditional Use Permit No. 21-024 and direct staff accordingly. |

### **Project Characteristics**

The proposed facility would include 202 total senior living units, 189 on-site parking spaces, interior and exterior resident amenities, and associated hardscape and landscape improvements. Of the total 202 senior units, 28 would be Memory Care units, 72 would be Assisted Living units, and 102 would be Independent Living units. The units would range from a studio (approximately 540 sq. ft.) to three-bedroom units (approximately 2,580 sq. ft.). Amenities for residents would include multiple restaurant-style dining venues, fitness and wellness center, salon and studio spaces, theater, art room, lounge, and multi-purpose rooms. Outdoor spaces would include a memory care garden, swimming pool with outdoor exercise area, outdoor seating area with a fire pit, outdoor dining areas, meditation spaces, a dog park, and roof decks.

A portion of the new community would be licensed by the California Department of Social Services, Community Care Licensing Division (CCLD) per California Code of Regulations (CCR) Title 22, Division 6, Chapter 8 as a Residential Care Facility for the Elderly (RCFE). The State would enforce laws and regulations governing resident rooms, including building inspection prior to opening and thorough periodic inspections during operations. The RCFE designation would allow residents at the community to age in place and receive assistance with the activities of daily living. Care for assisted living and memory impaired residents would be provided 24 hours per day, seven days per week. Once the community reaches full residential occupancy, it is anticipated that there would be a total of 110 full-time employees, spread out over multiple shifts. Vans would be provided to transport residents to off-site activities.

### **Study Session:**

The Planning Commission held a study session on August 22, 2023. City staff and the applicant responded to most questions from the Planning Commission during the study session, which included questions regarding property ownership, future senior unit rents, and operational details. However, the following remaining items of information as requested by the Planning Commission are provided below:

1. How will the project handle stormwater, and how will the basement floor avoid flooding?

Any stormwater collected on-site, including the descending ramp to/from the subterranean parking garage is required to be treated before leaving the site via City storm drains. Runoff on the project site will be designed to be collected by inlets, trench drains, and/or multiple roof drains before flowing to a modular

wetland, bio-filtration planter, or a combination of both for treatment. The project will be designed to contain flows up to and exceeding a 25-year storm event on-site prior to discharge.

2. Are there any alternatives to the use of asbestos-lined cement pipes? What will the project use?

The use of asbestos is no longer accepted in modern construction and under current standards, water pipes are now installed using plastic (PVC) or Ductile Iron pipe (DIP) and the project will incorporate one or both of these materials.

3. Is the City aware of the depth of the water table on the project site?

The project's Preliminary Soils Report indicates a groundwater depth of 46.2 feet and 44.7 feet below the existing grade at the site. The County's data shows an estimated groundwater depth of greater than 30 feet below existing grade at the site.

4. Where is the ingress/egress for emergency vehicles and paramedics?

Emergency vehicle lanes (EVAs) are incorporated into the project, with access to the interior of the site from both Warner Avenue and Bolsa Chica Street. Refer to project plans in Attachment No. 11.

5. What is the project's overall traffic impact?

As analyzed in the Environmental Impact Report, trip generation rates for the proposed project are approximately 50% less than those of the existing on-site commercial uses. Traffic generated by the proposed project will not result in additional traffic congestion over existing conditions and will not impact the level of service or operation of any surrounding intersections. Further, no traffic signal or vehicle lane modifications are necessary to mitigate project traffic.

6. How much parking does the project require compared to what is proposed?

Based on the draft Specific Plan, the proposed parking ratio is 0.93 parking stalls per unit, which results in a parking demand calculation of 189 spaces. By comparison, under existing HBZSO requirements, the proposed project would require 207 on-site parking spaces. The HBZSO's parking standard is intended to reflect a continuum of care that is a hallmark feature of convalescent uses, and utilizes a mix of 'per bed' and 'per unit' depending on the type of senior unit. The proposed parking standard is based on a parking demand study submitted by the applicant which was reviewed by City staff.

7. What is the potential impact on migratory birds and how will the project mitigate possible bird strikes?

The project will incorporate adequate bird protection through the use of bird safe glasses on the 5<sup>th</sup> floor that have been approved by the American Bird Conservancy. Additional options include fritted or patterned windows, UV pattern film, window nets, and window screens.

8. Will public utilities be undergrounded?

Yes, the existing overhead lines along the project's Bolsa Chica frontage are required to be undergrounded, in coordination with the City's Public Works Department.

9. How many of the City's Specific Plans have been written by applicants versus City staff?

Commissioner Wood accurately clarified that applicant-initiated Specific Plans are written by the applicant to be reviewed and edited by City staff prior to consideration by decision makers. The City authors some Specific Plans, such as the Downtown Specific Plan, or the Sunset Beach Specific Plan, as they were initiated by the City Council.

10. Will the project's portion of Bolsa Chica frontage be painted red for emergency use only, or will the City continue to support the existing on-street parking?

The on-street parking will remain with implementation of the proposed project. Adequate on-site parking and emergency vehicle access will be provided, and the City does not intend to displace the existing street parking.

**PROJECT ANALYSIS:**

**Subject Property And Surrounding General Plan Designations, Zoning And Land Uses:**

| LOCATION                   | GENERAL PLAN                               | ZONING    | LAND USE                                 |
|----------------------------|--------------------------------------------|-----------|------------------------------------------|
| Subject Property:          | CG (Commercial General)                    | CG        | Retail and Office                        |
| North of Subject Property: | CG                                         | CG        | Retail Pharmacy                          |
| East of Subject Property:  | CG and RM (Residential Medium Density)     | CG and RM | Commercial and single family residential |
| South of Subject Property: | PS(CG) (Public Semi-public, CG underlying) | CG        | Commercial Office                        |
| West of Subject Property:  | RMH (Residential Medium High Density)      | RMH       | Residential Apartments                   |

**General Plan Conformance:**

The General Plan Land Use Map and zoning designation on the subject property is CG (Commercial General). The Commercial General designation provides for retail commercial, professional offices, restaurants, drugstores, personal services, as well as institutional and health care related uses. Through a General Plan Amendment request, the applicant is proposing to amend the current General Plan designation on the project site from CG to a MU-sp (Mixed Use) designation with a Specific Plan Overlay, which provides for both residential and commercial uses on the same site. Both the CG and MU designations are compatible with the surrounding area.

In addition to the proposed Land Use Map amendment, the request will also require other minor changes such as updating Land Use Element Figure LU-3 to reflect the proposed specific plan, if approved.

The proposed project is consistent with the intent of the proposed Mixed Use (MU) designation and the goals and policies of the City's General Plan as follows:

**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.

**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 with 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. The project design is 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 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.

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.

### **Zoning Compliance:**

#### ***Zoning Map Amendment***

The applicant is proposing to amend the zoning designation from CG (Commercial General) to SP-19 (Specific Plan No. 19), referred to as the Bolsa Chica Senior Living Community Specific Plan (BCSLCSP) in conformance with the proposed General Plan Amendment. The proposed BCSLCSP is analyzed in greater detail in the next section below and provides for the orderly development of the subject site to ultimately create a cohesive senior living community. A specific plan also allows the establishment of customized development standards to permit a unique development that the standard zoning code would not permit.

The subject site complies with the HBZSO required minimum net area of two acres for specific plans. The adoption of the ZMA will be in conformity with public convenience, general welfare and good zoning practice because the Specific Plan designation will implement the proposed General Plan land use designations which include a Specific Plan Overlay. The proposed BCSLCSP will be compatible with the surrounding area for the same reasons cited in the General Plan analysis above. The draft Specific Plan is consistent with General Plan goals, objectives, and policies to provide:

- Infill development of underutilized commercial properties;
- New senior living units that responds to diverse community needs;
- Benefits to the local economy, additional revenue to the City, and job creation

A community need is demonstrated for the change proposed because the Specific Plan designation will allow the development of additional senior units in a modern facility with high quality design, architecture, and amenities for residents and their visitors. The change will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable senior housing stock with an opportunity for senior residents to age-in-place and remain close to family and services.

### ***Zoning Text Amendment***

The proposed BCSLCSP will serve as the zoning ordinance for the subject site (Attachment No. 6). It will be supplemented by the HBZSO for provisions that are not addressed or customized in the BCSLCSP. The proposed Specific Plan is divided into five sections:

1. Introduction – provides the purpose/intent of the BCSLCSP, site location, and project overview
2. Development Plan – describes the project vision and development plan
3. Development Standards & Guidelines – sets forth development standards and design guidelines applicable to the Specific Plan area and facilitate development of the proposed senior living community
4. Infrastructure – describes proposed infrastructure and services, including grading, hydrology, water quality, sewer, and dry utilities
5. Administration & Implementation – discusses the process for implementation, potential future amendments, and severability.

The BCSLCSP intends to implement a new senior living community designed to provide residents with a unique, vibrant living experience that encourages socialization and provides continuing care and other services. A wide range of customizable care options and amenities enable residents to age in place and are integral to the successful operation of a senior living community, and have been designed in a way that accommodates the necessary square footage intended for those amenities and services, as well as efficiently interconnecting these spaces to one another.

The BCSLCSP is consistent with and implements the proposed General Plan land use designation (Mixed Use) which includes a Specific Plan Overlay for the subject site. The BCSLCSP conforms to the adopted land use designations for the subject site and is consistent with General Plan goals, objectives, and policies to provide:

- A senior living community of compatible proportion, scale, and character of the area
- Flexibility in development standards to accommodate a senior living community of superior design and architecture;

- Benefits to the local economy, additional revenues to the City, and job creation;
- Improved appearance and economic vitality of underutilized commercial areas;
- Enhanced landscaped setback areas
- Sufficient emergency and first responder access to the site

Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the BCSLCSP because it will allow a new 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 that suits different life stages and market needs. The BCSLCSP will further enhance the potential for high quality urban design in comparison with the maximum development potential under the base district provisions that would apply if the plan were not approved because it would facilitate the coordinated development of a cohesive senior living or convalescent facility that would function as one community, and result in reduced overall daily traffic trips. In order to create the highest quality senior living environment, the BCSLCSP includes development standards that would allow greater overall building height (65 ft. in lieu of 50 ft.), floor area ratio (2.5 in lieu of 1.5) and a revised parking demand calculation, when compared to what Chapter 231 of the HBZSO otherwise requires. A more dense senior living community project enables a modern facility of high quality site design, architecture, and amenities that ensure that residents are provided quality and dependable services and connection to the surrounding community without negatively impacting surrounding uses. The BCSLCSP includes adequate provisions for utilities, services, and emergency vehicle access. Public service demands will not exceed the capacity of existing and planned systems.

### ***Conditional Use Permit***

The Conditional Use Permit request for the propose project includes four total requests. First, the convalescent facilities use is a conditionally permitted use, which herein is used as the land use approval mechanism for a proposed Specific Plan district. Second and third, the Conditional Use Permit also includes a request to construct the proposed project on a site that has an existing grade differential greater than 3 feet between the low and high points, and will include the excavation of more than 50,000 cubic yards of soil. Finally, the Conditional Use Permit request includes a request for approval of a Type 47 ABC alcohol license that would permit the service of beer, wine, and spirits in the dining rooms and cafes of the facility for residents and their guests.

The senior living community will be open and staffed 24 hours a day, seven days a week. The use will be a controlled environment, limiting access to people coming in and out. As a conditionally approved use, staff has reviewed the proposed development and facility operations for compatibility with surrounding uses. Staff suggests conditions of approval that pertain to the safety and security of both residents and guests alike as they utilize the subterranean parking garage. Staff considers the operation of the use as proposed will not have detrimental impacts on the surrounding land uses in that the future residents will be well served by nearby businesses and services, and adjacency to nearby public open

spaces and activities. Draft Findings and Conditions of Approval for CUP No. 21-024 are included as Attachment No. 1.

### **Access, Circulation, and Parking**

In the existing condition, the project site is accessed by a total of five driveways; two from Warner Avenue and three from Bolsa Chica Street. With implementation of the proposed project, vehicle access to the community would be provided via three driveways on Bolsa Chica Street (one entry-only driveway and one exit-only driveway for the porte cochere, and one full access driveway from the subterranean parking garage. The proposed project would also provide a right-in/right-out only driveway on Warner Avenue (in the northwest corner of the property) for emergency, trash/recycling, and service vehicles. This driveway would feature a gate and 'hammerhead' turn-around that complies with the City's Fire standards. A passenger drop-off zone for the community would be located in front of the main entrance along Bolsa Chica Street under the porte cochere. An additional fire access road with gate would be provided on the south side of the project site, with full access provided from Bolsa Chica Street. Pedestrian access to the community would be provided via sidewalks along Warner Avenue and Bolsa Chica Street as well as internal walkways.

The project would provide 193 parking spaces for residents and staff, 4 of which would be at-grade parking spaces under the porte cochere. A single-level subterranean parking garage will be constructed beneath the senior living community and provide 189 parking spaces, including disabled and clean air vehicle spaces. Guest parking is included in the parking requirement calculation outlined below.

### **Parking Requirements**

|                                |               |                     |                  |                     |
|--------------------------------|---------------|---------------------|------------------|---------------------|
| SKILLED NURSING FACILITIES:    | 0.65 PER UNIT |                     |                  |                     |
| ASSISTED LIVING FACILITIES:    | 0.65 PER UNIT |                     |                  |                     |
| INDEPENDENT LIVING FACILITIES: | 1.2 PER UNIT  |                     |                  |                     |
|                                |               | MEMORY CARE:        | 28 UNITS x 0.65  | = 19 SPACES         |
|                                |               | ASSISTED LIVING:    | 72 UNITS x 0.65  | = 47 SPACES         |
|                                |               | INDEPENDENT LIVING: | 102 UNITS x 1.20 | = 123 SPACES        |
|                                |               | TOTAL               |                  | 189 SPACES REQUIRED |

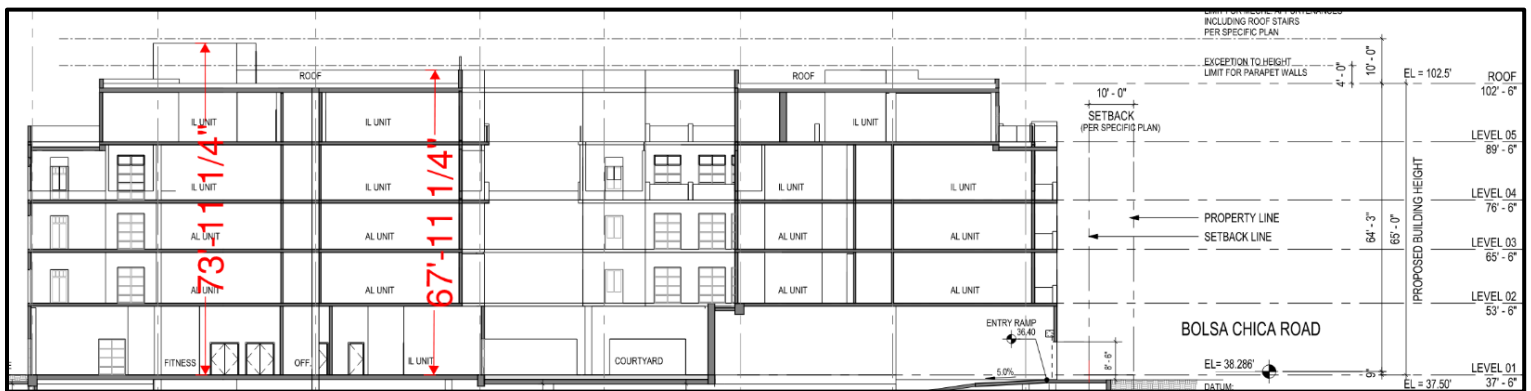
The HBZSO provides a parking standard for convalescent facilities with a mix of 'per bed' and 'per unit' basis, which represents the accepted calculation standard at the time it was adopted. Parking generation rates and analysis methodology for convalescent facilities has since evolved and a parking study prepared for this project recommends the above parking rates, calculated on a per unit basis, as adequate for the size and scope of the proposed facility. Staff has reviewed the parking study and supports the proposed parking rates.

### **Height**

Current HBZSO development standards in the CG (Commercial General) zoning district permit maximum height of structures to 50 feet as measured from the datum, which is established as the highest adjacent top of curb. Under existing CG requirements, an additional 10 feet of overall height, up to 60 feet maximum overall, is permitted but only for parapet walls, stairways, elevators, and mechanical equipment to provide architectural screening of access ways and equipment, and enhancement of the building elevations by incorporating these elements into the colors and materials of the overall project. As discussed above, the proposed Specific Plan would permit a maximum overall height of 65 feet, and a maximum of 5 stories. The Specific Plan also makes the same accommodation of an additional 10 feet of height, which enables a parapet wall to screen rooftop mechanical equipment measuring 67 feet, 11 inches, and a roof access stairway that measures 73 feet 11 inches maximum overall. The proposed project does not include any portion of the primary habitable building area that exceeds 65 feet. The Specific Plan does

The proposed increase in maximum overall height is to accommodate a custom design of the proposed senior living community, wherein each floor is specifically designed to accommodate an adequate level of comfort and access for each type of living space. Below are exhibits from the project's section drawings and elevations that highlight these dimensions:

A. Section Drawing

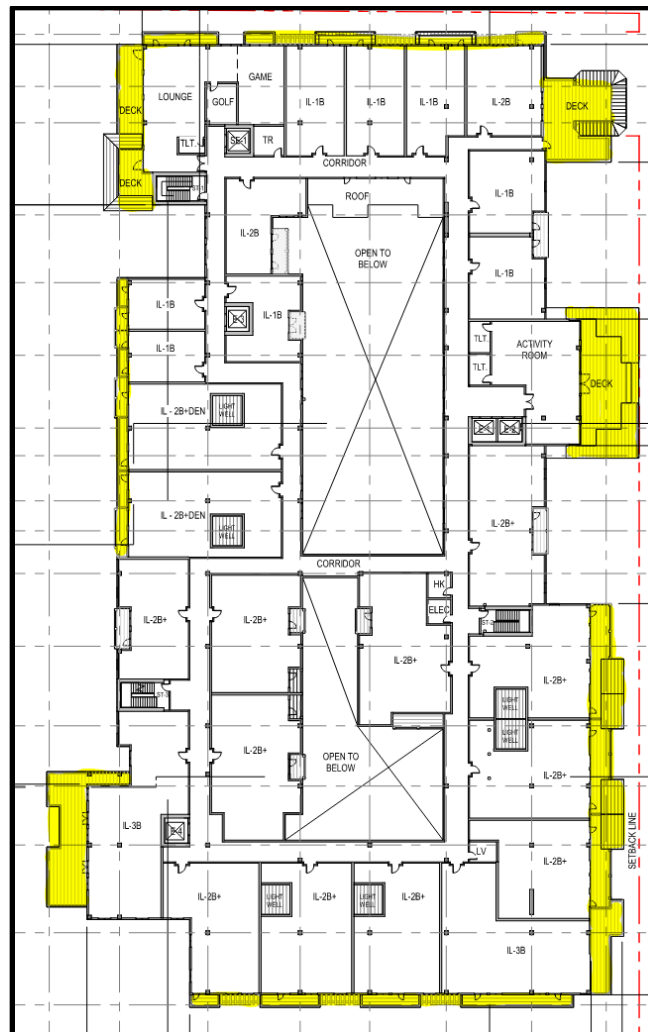


B. Elevation



Additionally, and in accordance with the BCSLCSP, the project includes an upper story setback at various locations along each elevation to reduce the overall mass of the structure, provide articulation along the building planes, and provide a transition in scale to adjacent uses. The exhibit below is the 5<sup>th</sup> floor plan, with areas in highlight those areas on the floors below that are part of the building's primary massing. Each elevation has been treated with an upper story setback to reduce the bulk and massing of the 5<sup>th</sup> floor.

### 5<sup>th</sup> Floor Plan



### **Urban Design Guidelines Conformance:**

The City's Urban Design Guidelines promote high quality development that contributes to a positive physical image and identity of the City. Currently, the City's Urban Design Guidelines do not contain specific guidelines for convalescent facilities such as the proposed project. However, the project's location at a highly visible, well-traveled intersection creates a strong demand for quality design and architecture that is compatible with the variety of existing adjacent uses and representative of modern design. As such, the proposed Specific Plan identifies and would incorporate project-specific design guidelines that are consistent with the City's Urban Design Guidelines for both multi-family

and commercial development. Design Guidelines contained within the proposed Specific Plan include development guidelines for landscape, signage, and architectural improvements, including but not limited to:

### *Site Planning Guidelines*

Site Character: Place site elements, including buildings, circulation routes, parking, communal outdoor space, and landscape areas to create an orderly site plan and contribute to a positive neighborhood character.

Site Access & Circulation: Design vehicular and pedestrian circulation systems for safe, efficient, and convenient site access and utilization.

Pedestrian Access & Circulation: Provide safe, convenient, and clearly identifiable pedestrian walkways, designed to minimize conflicts with vehicular access and circulation. Shaded pedestrian walkways and connections are encouraged.

### *Building Design Guidelines*

Building Character & Quality: Design a visually attractive building that improves the aesthetic quality of site and surroundings. The building should exhibit a unified composition, achieving a sense of proportion and balance in both exterior form and the placement of such features as windows, doors, and architectural elements.

Façade Articulation: Modulate exterior building walls; articulation may include change of wall plane, door and window treatment, and other compatible architectural treatment that creates an interesting pattern of projections and provides visual relief (e.g., balconies, canopies, and overhangs, etc.).

Materials & Finishes: Choose materials, textures, and colors that add visual interest and complement the scale and character of the building. [ ]

### **Environmental Status**

In accordance with the California Environmental Quality Act (CEQA), EIR No. 21-004 was prepared by LSA to analyze the potential environmental impacts of the project as well as identify appropriate mitigation measures.

The Draft EIR was made available to the public, public agencies, Planning Commission and City Council for review at the start of the 45-day public comment period on May 1, 2023. The Final Draft EIR, which including the Response to Comments and all text changes as a result of the public comment period will be posted on the City's website prior to the public hearing on the EIR and the link will be forwarded to the Planning Commission and City Council.

The required CEQA procedure that was followed is outlined below:

|                                        |                                                                                                                                    |
|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| November 2, 2022 -<br>December 1, 2022 | Notice of Preparation was filed with the State Clearinghouse and available for public review and comment for 30 days.              |
| November 10, 2022                      | A Public Scoping Meeting was held to solicit comments related to issue areas to be studied in the EIR.                             |
| May 1, 2023 –<br>June 15, 2023         | Notice of Completion was filed with the State Clearinghouse and draft EIR was available for public review and comment for 45 days. |

The Draft EIR discusses potential adverse impacts in the areas described below. The direct, indirect, and cumulative impacts of the project are addressed, as are the impacts of the No Project Alternative. The draft EIR must be adopted and certified by the Planning Commission and City Council prior to any action on the project.

#### Scope of EIR Analysis

The Draft EIR studied the following topics pursuant to CEQA guidelines:

|                       |                               |
|-----------------------|-------------------------------|
| Aesthetics            | Geology and Soils             |
| Noise                 | Utilities and Service Systems |
| Cultural Resources    | Greenhouse Gas Emissions      |
| Land Use and Planning | Air Quality                   |
| Energy                | Tribal Cultural Resources     |

Environmental topics and CEQA Checklist questions/thresholds with no potential significant impacts were discussed in Chapter 2.0 of the EIR and were scoped out from further detailed analysis in the EIR.

#### Project Impacts

The draft EIR concluded that the environmental impacts as a result of project implementation would not result in significant unavoidable adverse impacts. Chapter 4.0 of the draft EIR includes proposed mitigation measures for potentially significant impacts for Cultural Resources, Geology and Soils, and Tribal Cultural Resources to ensure that no significant, adverse effects on the environment would occur. The Mitigation Monitoring and Reporting Program is included as Attachment No. 13 and has been incorporated into the Conditions of Approval (Attachment No. 1).

#### Alternatives

Public Resource Code (PRC) Section 21100 and CEQA Guidelines Section 15126 require an EIR to identify and discuss a No Project Alternative and a reasonable range of alternatives to the proposed project that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant environmental impacts. Further, the range of alternatives required in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a

reasoned choice. An EIR's discussion of alternatives need not include alternatives that do not offer significant environmental advantages in comparison with the project. Of those alternatives, the EIR must examine only those that the lead agency determines could feasibly attain most of the basic objectives of the project. The City, as lead agency, has determined that since there are no significant and unavoidable impacts resulting from the proposed project, and any alternative proposed would not meet all the project objectives, only the No Project Alternative is identified and discussed in the EIR to meet this requirement.

The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. Pursuant to CEQA Guidelines Section 15126.6(e)(3)(C), the lead agency should project what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. The alternative would involve no changes to existing land uses and conditions on the project site, and no new development would occur.

CEQA also requires the identification of an environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is the environmentally superior alternative, then the EIR should also identify an environmentally superior alternative among the others. In the short term, the No Project Alternative would have the least impact on the environment because it does not involve any new construction activities or the intensification of land uses. However, when compared to the proposed project, the No Project Alternative would result in greater environmental impacts to air quality and transportation-related impacts to the surrounding circulation system due to the greater number of vehicle trips to and from the project site. Therefore, the No Project Alternative would result in potentially significant impacts that would not occur under the proposed project, and would not provide the benefits of the proposed project including helping the City to meet its goal of providing senior housing options within the City, revitalizing the project site, and providing new job opportunities.

Staff recommends certification of the EIR because it is adequate and complete in that it has identified all significant environmental effects of the project. All significant environmental impacts which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of Project Design Features, standard code requirements, and mitigation measures. Lastly, the EIR was prepared in compliance with CEQA Guidelines.

**Coastal Status:**

Not applicable.

**Design Review Board:**

Not applicable.

**Other Departments Concerns and Requirements:**

The Departments of Public Works, Fire, and the Building Division have reviewed the project and identified a list of applicable code requirements (Attachment No. 12). The Police Department reviewed the project and is proposing conditions of approval regarding the request for a Type 47 ABC alcohol license.

**Public Notification:**

Legal notice was published in the Huntington Beach Wave on Wednesday, September 13, 2023 and notices were sent to property owners of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Community Development Department's Notification Matrix), applicant, interested parties, and those who commented on the EIR and provided contact information. Written communications received as of September 20, 2023 are attached to this staff report (Attachment No. 11).

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:  
August 23, 2023

MANDATORY PROCESSING DATE(S):  
CUP - October 23, 2023  
EIR – August 23, 2024 (certified within 1 year)  
GPA/ZMA/ZTA – None

**SUMMARY:**

Staff recommends that the Planning Commission approve Conditional Use Permit No. 21-024 based on the following:

- Project proposal is consistent with the Mixed Use and Specific Plan Overlay land use designations
- Project proposal satisfies all the findings required for approving a Conditional Use Permit

The Planning Commission may recommend certification of EIR No. 21-004 and approval of GPA No. 21-004, ZMA No. 21-003, and ZTA No. 22-005 with findings (Attachment No. 1).

This recommendation may be based on the following:

- The EIR is adequate and complete in that it has identified all significant environmental effects of the project.
- All significant environmental impacts which can feasibly be mitigated or avoided have been mitigated or avoided by incorporation of Project Design Features, standard regulatory requirements, and mitigation measures.
- The EIR was prepared in compliance with CEQA Guidelines.
- The GPA, ZMA, and ZTA are consistent with the General Plan and its goals, policies, and objectives.
- The GPA, ZMA, and ZTA are compatible with the surrounding area.
- The request will allow development of a new senior living community on the subject site to service senior residents in need of opportunities to age in place with professional care services.

- The project will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable senior housing stock. |

#### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval of ZMA No. 21-003, ZTA No. 22-005, and CUP No. 21-024
2. Draft City Council Resolution No. 23-XX for EIR No. 21-004
3. Draft City Council Resolution No. 23-XX for GPA No. 21-004
4. Draft City Council Ordinance No. XXXX for ZMA No. 21-003
5. Draft City Council Resolution No. 23-XX for ZTA No. 22-005
6. Draft Bolsa Chica Senior Living Community Specific Plan (SP-19)
7. Vicinity Map
8. Existing and Proposed General Plan Land Use Designation Maps
9. Existing and Proposed Zoning Maps
10. Site Plan, Floor Plans, and Elevations received and dated November 18, 2022
11. Letters received from the public
12. Code Requirements Letter dated December 22, 2022
13. Draft Mitigation Monitoring and Reporting Program
14. Final EIR No. 21-004 (includes Draft EIR, Appendices, Response to Comments, and Errata not attached but available at <https://www.huntingtonbeachca.gov/government/departments/planning/environmental-reports/environmental-report-view.cfm?ID=62> )