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Huntington Beach Planning Commission
C/O Hayden Beckman
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Re: Appeal of the Conditional Use Permit No. 21-024 for the Revised Bolsa Chica Senior Care Community Project, 4952 & 4972 Warner Avenue

This letter is to formally update my appeal for the above referenced conditional use permit for the Bolsa Chica Senior Care Community project. This letter is intended to supplement my letter to the city of Huntington Beach dated July 26, 2024 and September 19, 2024, September 6, 2024, the letter from Palmieri Hennessey & Leifer, LLP dated November 6, 2023 and the letters from Carmel & Naccasha, LLP dated October 4, 2023 and November 3, 2023. This is the same project, only slightly revised. None of the deficiencies or comments listed in these letters have been addressed in the revised environmental impact report have been properly addressed.

This project poses significant concerns for our community. The location and scale of the development threaten to disrupt the neighborhood's character, increase traffic congestion and not to mention the environmental effect on the community and our local wildlife. I urge decision-makers to consider these factors and prioritize the preservation of our community's integrity. Also, I would like to point out simple facts that are based on the City's code that Planning commission have ignored.

As the Planning Commission is aware, findings in support of land use decisions must be supported by substantial evidence in the administrative record. There is a complete absence of such required supporting evidence for this project.

City Policy LU-1D States "ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses." This project is certainly not compatible with adjacent uses; this project is almost double the density of any nearby development. The communities directly adjacent to the proposed Bolsa Chica Senior Care Community are The Cambridge Apartment complex directly to the south containing approximately 136 units on 3.93 acres of land, this is 35 units per acre. The Monticello apartment complex directly to the West containing approximately 112 units and occupied

3.11 acres, also 35 units per acre, and the Cabo Del Mar condominium complex to the southeast contains 288 units on 11.96 acres of land or 24 units per acre. This development is almost double the density at 57 units per acre. We found the City of Huntington Beach denied conditional use permit 13-010 variance number 13-0054 for an assisted living facility. The City of Huntington Beach concluded “the conditional use permit will not be compatible with surrounding uses because the assisted living facility is out of scale due to its height, number of stories and bulk” and “granting of the conditional use permit will adversely affect the general plan because the proposed project is not consistent with the following general plan goals and policies”:

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

and

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

I believe the city of Huntington Beach planning commission abused its discretion because it failed to proceed in a manner required by law, approval of this project did not follow policy LU-1(D) and policy LU-2(B). I believe the city of Huntington Beach planning commission abused its discretion under CEQA by reaching factual conclusion unsupported by substantial evidence by recommending approval of this project to city Council.

The Project would have substantial cumulative impacts, as long-standing zoning has been relied upon by the residents to protect the integrity of the community. Proposed changes to the General Plan and the Zoning Map would cause long-term environmental impacts to the community. If this Project is built, a landslide of similar developments will forever change the character and density of the community, as evidenced by the recent development at Bella Terra and downtown Huntington Beach. This Project is not compatible with the long-established development standards in the area.

Under CEQA, “‘cumulative impacts’ refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines, § 15355.) The Guidelines define “the cumulative impact from several projects” as “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” If constructed, future projects will rely on the revised Bolsa Chica Senior care community project as projects with increased density would now comply with policy LU-1 and policy LU-2. This project will justify future high density development projects around the revised Bolsa Chica Senior care community project. The development plan for

the Bolsa Chica Senior care community projects indicates it is a four-story, 159-unit residential facility. Per the city of Huntington Beach general plan, land use element High density residential is defined as 30 or more units per acre. This project proposes 56.6 units per acre. High density residential can only be obtained within an adopted specific plan.

During the planning commission meeting of September 10, 2024 the applicant referenced a 300 unit affordable housing project. This 300 unit affordable housing project was not considered as an alternate project in the environmental impact report for the revised Bolsa Chica Senior care community project. An EIR for any project subject to CEQA review must consider a reasonable range of alternatives for the project, or to the location of the project, which: (1) offered substantial environmental advantages over the project proposal (Pub. Resources code, 20 1002) and (2) may be “feasibly accomplished in a successful manner” the EIR is required to make an in-depth discussion of those alternatives identified as least potentially feasible. While the 300-unit affordable housing project was discussed at the public hearing, this was not included in the environmental impact report for the Bolsa Chica Senior care community project. This absence of meaningful analysis of alternates in the EIR did not allow the public to fulfill our proper roles in the CEQA process. The city of Huntington Beach is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives, other alternatives were discussed at the recent planning commission hearings but not included in the environmental impact report.

As indicated in the above referenced letters, the EIR fails to provide and analyze the traffic impact this project will have on the community by not studying additional services required by the project and comparing it to the actual existing traffic, the EIR fails to disclose other projects under construction, the EIR fails to properly identify construction phasing, the EIR fails to provide sufficient detail of the services provided within the facility including any biological hazardous chemicals and medical waste, the EIR fails to study the impact to drainage and the effect to the surrounding properties, the EIR fails to properly study the sewer capacity and associated infrastructure, the EIR fails to properly study the water capacity and associated infrastructure, the EIR fails to study the short-term transportation impacts, the EIR fails to study potential transportation safety hazards, the EIR fails to disclose conflicts with plans and policies adopted for purposes of reducing environmental effects, the EIR fails to study of habitat impacts to wildlife, the EIR failed to study scenic vistas, the EIR fails to properly address the project aesthetics, the EIR fails to represent the true height of the structure, the EIR fails to provide a shadow study based on the true height of the structure, the EIR fails to acknowledge the project is “spot zoning”, the EIR fails to properly provide a mitigation monitoring and reporting program. None of the concerns regarding the EIR referenced in the above stated letters have been addressed, they have only been disputed.

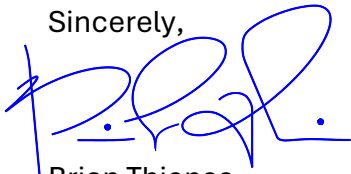
The planning commission did not have the authority to approve or conditionally approve the conditional use permit, by doing so, the planning commission violated CEQA. As clearly stated in CEQA guidelines section 15004(a):

Before granting any approval of a project subject to CEQA, every lead agency or reasonable agency shall consider a final EIR or negative declaration....

CEQA was established specifically to allow the public and decision-makers to consider all potential impacts of a project before they decide to approve the project. In this case, the planning commission, which has the authority under CEQA to certify the EIR for the project, did not do so and instead only recommended certification to the city Council. Without first determining, through certification, that the EIR addressed all environmental impacts of the project, and that all feasible mitigation measures have been implemented, the conditional use permit cannot be acted upon.

As set forth above, it is imperative that additional studies be conducted and that the revised EIR be prepared and recirculated, and appropriate additional mitigation measures imposed before this project can be responsibly considered by the City Council. Approval of the CUP was inappropriate, and the appeal should be upheld and the CUP denied until such time as the significant issues identified herein and in previous correspondence are adequately addressed.

Sincerely,



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