



# City of Huntington Beach

File #: 22-894

MEETING DATE: 12/13/2022

## PLANNING COMMISSION STAFF REPORT

**TO:** Planning Commission  
**FROM:** Ursula Luna-Reynosa, Community Development Director  
**BY:** Ricky Ramos, Principal Planner

**SUBJECT:**  
**TENTATIVE TRACT MAP (TTM) NO. 19174/CONDITIONAL USE PERMIT (CUP) NO. 22-021  
(BRANDYWINE TOWNHOMES)**

**REQUEST:**

**TTM:** To subdivide a 5.6 acre site for condominium purposes. **CUP:** To develop a project with 130 attached 3-story townhomes up to 40 feet tall and no commercial component. The request includes a transfer of 130 dwelling units from Beach Boulevard to Edinger Avenue within the Beach and Edinger Corridors Specific Plan.

**LOCATION:**

7225 Edinger Ave., 92647 (north side, 200 feet west of Gothard St.)

**APPLICANT:**

Angela Meyer, Brandywine Homes, 16580 Aston, Irvine, CA 92606

**PROPERTY  
OWNER:**

Freeway Industrial Park, 1100 W. Town and Country Road, Suite 1250, PMB  
#2337, Orange, CA 92868

**BUSINESS  
OWNER:**

Not applicable

**STATEMENT OF ISSUE:**

1. Is the project consistent with the City's adopted land use regulations (i.e. General Plan and Zoning Code including the Beach and Edinger Corridors Specific Plan)?
2. Does the project satisfy all the findings required for approval of a TTM and CUP?
3. Have the requirements of the transfer of 130 dwelling units been met?
4. Has the appropriate level of environmental analysis identified all environmental impacts with appropriate mitigation?

**RECOMMENDATION:**

That the Planning Commission take the following actions:

- A) Find the proposed project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines and Government Code 65457.
- B) Approve Tentative Tract Map No. 19174 and Conditional Use Permit No. 22-021, including a transfer of 130 dwelling units, with suggested findings and conditions of approval (Attachment No. 1).

**ALTERNATIVE ACTION(S):**

- A) Deny Tentative Tract Map No. 19174 and Conditional Use Permit No. 22-021, including a transfer of 130 dwelling units, with findings for denial.
- B) Continue Tentative Tract Map No. 19174 and Conditional Use Permit No. 22-021, including a transfer of 130 dwelling units, and direct staff accordingly.

**PROJECT PROPOSAL:**

The applicant is proposing to subdivide and redevelop the approximately 5.6 acre site with 130 attached townhomes (Attachment No. 3). The project includes the following requests:

Tentative Tract Map No. 19174 - To subdivide a 5.6 acre site for condominium purposes.

Conditional Use Permit No. 22-021 - To develop a project with 130 attached 3-story townhomes up to 40 feet tall and no commercial component.

The request includes a transfer of 130 dwelling units from Beach Boulevard to Edinger Avenue within the Beach and Edinger Corridors Specific Plan (BECSP), a concession to reduce the required space between buildings, and reduced parking. The site is currently developed with a commercial center which will be demolished.

**Background:**

In 2010, the City adopted BECSP. The goal of BECSP was to transform the current development of commercial strip centers lined with surface parking lots and generally low-rise commercial buildings to a pattern of centers and segments characterized with clusters of shops and activity of varying intensity. These new active areas would include a mix of residential, offices, and commercial uses oriented to alternative modes of transportation including walking and bicycling.

In 2015, the City Council amended BECSP to decrease the total number of residential units allowed from 4,500 to 2,100, increase setbacks, increase minimum parking standards, require upper story setbacks, require a commercial component in all residential buildings, and permit residential subject to approval of a CUP. Other amendments related to auto dealers and civic and cultural uses were also approved. Out of the 2,100 Maximum Amount of New Development (MAND) units currently permitted, 1,900 have been constructed leaving a balance of 200 units along Beach Boulevard.

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Mixed Use - Specific Plan Overlay (M-sp)	Specific Plan 14 (SP 14) (Beach and Edinger Corridors Specific Plan)	Commercial
North and West of Subject Property:	Public (P)	Public - Semipublic (PS)	Golden West College
East of Subject Property:	M-sp	SP 14	Commercial
South of Subject Property (across Edinger Ave.):	M-sp	SP 14	Multi-Family Residential

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is Mixed Use - Specific Plan Overlay. The project is consistent with this designation and the goals and policies of 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.

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.

Policy LU-4B - Improve options for people to live near work and public transit.

Policy LU-4E - Encourage housing options located in proximity to employment to reduce vehicle miles traveled.

Goal LU-7 - Neighborhoods, corridors, and community subareas are well designed, and buildings, enhanced streets, and public spaces contribute to a strong sense of place.

The project will redevelop an infill site with townhomes to address the diverse housing needs of the community. It will be compatible with the character of the neighborhood which consists of a mix of commercial and residential with light industrial uses further away. It will provide additional opportunities for ownership housing near employment and public transit. The project proposes an architectural style that is in keeping with the proportion, scale, and character of the neighborhood. The proposed 3-story townhomes will be a story less than the more recent 4- and 5-story multi-family residential projects built in the area. It is consistent with the development standards in BECSP and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) except for reduced parking and a concession to building separation permitted under the California Density Bonus Law.

## B. Housing Element

Goal 2 - Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

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 2.3 - Encourage and facilitate the provision of housing affordable to lower income households within the Beach and Edinger Corridors Specific Plan.

Goal 3 - Enhance housing affordability so that modest income households can remain an integral part of the Huntington Beach community.

Policy 3.1 - Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 3.2 - Utilize the City's Inclusionary Housing Ordinance as a tool to integrate affordable units within market rate developments. Continue to prioritize the construction of affordable units on-site, with provision of units off-site or payment of an in-lieu housing fee as a less preferred alternative.

Policy 3.3 - Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance, with funding priority to projects that include extremely low income units. Proactively seek out new models and approaches in the provision of affordable housing.

Policy 3.4 - Explore collaborative partnerships with non-profit organizations, developers, the business community and governmental agencies in the provision of affordable housing.

Policy 4.1 - Support the use of density bonuses and other incentives, such as fee deferrals/waivers and parking reductions, to offset or reduce the costs of developing affordable housing while ensuring that potential impacts are addressed.

Policy 6.4 - Incorporate transit and other transportation alternatives including walking and bicycling into the design of new development, particularly in areas within a half mile of designated transit stops.

The project will redevelop an underutilized commercial center with a townhome project that will provide more homeownership opportunities to address the diverse housing needs of the community. The project will comply with the City's affordable housing requirement to provide 10 percent of the proposed dwelling units as affordable units. Due to the provision of affordable housing, the applicant is entitled to reduced parking and any concessions and waivers as permitted by the California Density Bonus Law. The project is located near transit, employment, and services which can facilitate alternative forms of transportation.

#### C. Circulation Element

Goal CIRC-3A - Convenient and efficient connections between regional transit and areas of employment, shopping, recreation, and housing will increase ridership and active mobility, with a focus on first/last mile solutions.

Policy CIRC-6C - Require new commercial and residential projects to integrate with pedestrian and bicycle networks, and that necessary land area is provided for the infrastructure.

The project site is located near public transportation, including the Golden West Transportation Center, as well as employment and shopping. The project will be installing Classic Boulevard frontage improvements to match recent developments in the area as required by BECSP which includes up to a 12 foot wide sidewalk along the Edinger Avenue frontage. That combined with the bike racks that will be provided onsite will facilitate active mobility and could increase transit ridership.

#### **Zoning Compliance:**

#### **Land Use Compatibility**

The project is compatible with the area which consists of a mix of commercial and residential with light industrial uses further away. Immediately to the east of the site are a variety of commercial uses, with Golden West College to the north and west, and a residential development to the south across Edinger Avenue. The proposed 3-story townhome project is in keeping with the character of the area including several nearby 4- and 5-story residential projects (Luce, Boardwalk, and Avalon apartments) developed since the adoption of the BECSP as well as the Residences at Bella Terra. The table below provides a comparison of the density of the proposed project and nearby residential developments in BECSP and shows that this project is significantly less dense than the other projects

listed.

PROJECT	UNIT COUNT	SITE SIZE	DENSITY
Brandywine Townhomes	130	5.6 acres	23.2 units/acre
Luce Apartments	510	8.5 acres	60 units/acre
Boardwalk Apartments	487	12.5 acres (mixed use)	39 units/acre
Avalon Apartments	378	3.8 acres (mixed use)	100 units/acre

The applicant also conducted a noise study which indicates that the proposed project will meet established residential indoor and outdoor (common open space) noise standards after considering noise levels from surrounding uses and vehicular traffic.

### ***Site Layout/Tract Map***

The project provides adequate vehicular access through a 28 foot wide driveway off Edinger Avenue which connects to a drive aisle that loops around the site and provides access to each unit. Gated emergency access is proposed at the northeast corner of the site which connects to an access easement across the adjacent commercial property to the east providing access to Gothard. The development includes Classic Boulevard public frontage improvements incorporating a sidewalk, angled parking, drive aisle, and landscaping that is a continuation of similar improvements at the adjacent car wash/retail property to the west. It will provide continuous circulation and replace the existing reciprocal access between the two properties. The applicant will be required to make median and signing/stripping improvements on Edinger to facilitate proper circulation. The sidewalk facilitates access to the surrounding development and supports active transportation in a pedestrian-oriented environment to nearby entertainment, services, employment opportunities, and public transit. Internal pedestrian access will be through a series of walkways proposed throughout the project. In order to restore fire access for the adjacent car wash/retail property, the applicant is planning to install a new fire lane that connects to Edinger Avenue.

The project includes 16 residential buildings mostly arranged in a linear fashion throughout the property as well as a few in a U-shaped configuration around a parking court. The entrance to the units are oriented along the main drive aisle, walkways, and landscaped common areas. The two buildings along Edinger are setback 41 feet to provide an adequate buffer from vehicular traffic. A required 10 foot setback is planned along the west and north sides abutting Golden West College. The majority of the townhomes are setback approximately 40 to 50 feet from the east property line to provide good separation next to commercial uses.

Required public open space of 50 square feet per unit is proposed on the west side of the property facing Edinger to allow public access. In order to meet the required public open space area, the applicant will have to eliminate one dwelling unit. Each unit includes a balcony/deck to meet the required private open space requirement of 60 square feet per unit. In addition, common private open space is planned in the middle of the site and will include a common area building, pool, bbq, seating, and restrooms. The project complies with all BECSP and HBZSO development standards except for reduced parking and a concession to building separation as permitted under the California Density Bonus Law.

The proposed one lot condominium TTM is consistent with the General Plan and zoning designation. The site is physically suitable for the type and density of development proposed because the subject property is located in a mixed-use neighborhood with similar residential development including some under the same General Plan land use and zoning designations. The site's size, shape, and flat topography are conducive to the development of a new residential project that conforms to the General Plan, BECSP, HBZSO, and other city requirements and is in keeping with the character of the surrounding neighborhood. The proposed grading plan minimizes pad elevations and retaining walls to remain compatible with the surrounding properties while still allowing the site to function and drain properly. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property is an infill site that has been previously been disturbed and is void of any wildlife habitat. The subdivision will provide all necessary vehicular access, sidewalk, and utility easements to serve the new development.

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

Multi-family residential projects in BECSP require a CUP from the Planning Commission and must include a retail/commercial component at street level unless a deviation is permitted. The proposed townhome project will improve an existing underutilized commercial center and provide a new home ownership opportunity in the area. The applicant has submitted 10 floor plans ranging from about 1,100 to 2,500 square feet with 2 to 4 bedrooms and a 2-car garage. Each unit will have 3 stories with a maximum height of under 40 feet which complies with BECSP and is lower than the surrounding 4- and 5-story apartments built since the adoption of BECSP.

The project 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 it will be compatible with the bulk and scale of existing residential uses in the project vicinity and proposes less density. The applicant's request to eliminate the required commercial component will not affect access to goods and services as there are numerous commercial uses and a regional mall in the area. In addition, demand for commercial space has been reduced due to e-commerce.

The project includes facade breaks, roof line variations, and architectural treatment to minimize overall building mass and scale and create an attractive design. The 2 buildings along the Edinger frontage, as modified by a code requirement, provides wall offsets and will include additional materials to enhance its appearance and contribute to a pleasing street scene. The dwellings will be separated from surrounding uses by a 6 foot tall block wall, landscaping and adequate setback. The granting of the conditional use permit will not adversely affect the General Plan because the project will be consistent with the Mixed Use Land Use Element designation established in the area. The proposed project will comply with the provisions of the BECSP and other applicable provisions in Titles 20-25 of the HBZSO with the exception of reduced parking and a concession to the required building separation permitted under the California Density Bonus Law.

### ***Density Transfer***

As noted previously, BECSP currently permits a MAND of 2,100 dwelling units (1,375 on Edinger and 725 on Beach) 1,900 of which have been constructed leaving a balance of 200 dwelling units along Beach Boulevard. The applicant is requesting a transfer of 130 dwelling units to Edinger

Avenue. BECSP permits such a transfer subject to the following requirements:

1. An Infrastructure Analysis documenting that the transfer does not exceed proposed infrastructure capacity. If capacity will be exceeded based on the required analysis, recommendations for additional infrastructure improvements must also be submitted. Required infrastructure modifications shall be the responsibility of the party requesting the transfer, and shall be placed as conditions of approval of the appropriate development entitlement.
2. An Environmental Analysis in the form of the City's Initial Study documentation that the proposed transfer will not affect the conclusions of the environmental analysis contained in Certified EIR No. 08-008. If the conclusions are affected, additional environmental analysis may be required.
3. A policy analysis documenting that the transfer is consistent with the goals, policies, and programs of the City of Huntington Beach General Plan and this Specific Plan.

Preliminary infrastructure studies have been reviewed by Public Works staff. Staff has provided code requirements identifying additional information and requirements that will be addressed during plan check to ensure existing infrastructure is suitable for the project or to identify required improvements. The applicant will be responsible for all required infrastructure improvements needed to serve the additional dwelling units proposed and to ensure that the proposed project does not exceed the infrastructure capacity in the area.

EIR No. 08-008 was certified as part of the initial adoption of BECSP and analyzed an increase of up to 4,500 dwelling units (1,745 on Edinger and 2,755 on Beach), 738,000 square feet of retail, 350 hotel rooms, and 112,000 square feet of office uses within the specific plan area. The EIR included mitigation measures to mitigate the impacts from the full buildout of BECSP. To date, 1,375 dwelling units have been constructed on Edinger within BECSP. The addition of 130 townhomes would result in a total increase of 1,505 dwelling units on Edinger since the adoption of BECSP which is below the 1,745 dwelling units analyzed in the EIR and planned for Edinger Avenue. Therefore, no further CEQA analysis is required. The General Plan conformance section of this report demonstrates that the project is consistent with the goals and policies of the General Plan. Lastly, the project, as modified by code requirements, will be consistent with the requirements of BECSP except for parking reduction and a concession to building separation permitted under the California Density Bonus Law as discussed below.

### ***California Density Bonus Law***

The applicant is seeking to invoke development tools and privileges outlined in the California Density Bonus Law (CDBL) (found in the California Government Code Sections 65915-65918). As stipulated in the CDBL, projects providing affordable housing are entitled to a density bonus on a sliding scale based on the percentage of affordable units at each income level. In addition to a density bonus, local jurisdictions are required to grant concessions to housing projects containing a percentage of affordable units. A concession is defined as any of the following: a reduction in site development standards or a modification of zoning code or architectural design requirements (e.g., a reduction in setback or minimum square footage requirements), approval of mixed use zoning, or other regulatory



concessions which result in identifiable and actual cost reductions.

The number of required concessions that are granted to an applicant is based on the percentage of affordable units included as part the project. Projects that include 10 percent of the proposed units as affordable to moderate income households like the proposed project are entitled to one concession. Concessions are permitted unless it does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would harm historical property, or would be contrary to the law.

In addition to granting concessions, developments qualifying for a density bonus also can receive an unlimited number of waivers from development standards. As such, the City is not permitted to apply development standards that would physically prevent the project from being developed at the permitted density with the granted concessions. However, the City is not required to waive or reduce development standards that would cause a public health or safety problem, cause an environmental problem, harm historical property, or would be contrary to law. A waiver of a development standard does not count as a concession, and there is no limit on the number of development standard waivers that may be requested or granted.

In addition, the CDBL stipulates that the City may not require parking at ratios beyond what is established in the CDBL upon the developer's request. Consistent with the CDBL, the project includes the following:

#### **Density Bonus:**

The applicant is not requesting a density bonus.

#### **Concession:**

The applicant is requesting a concession to reduce the required space between buildings from 20 feet to a minimum of 14 ft.-9 in. between residential buildings and 10 ft. to a common area building. The applicant has indicated that the concession will result in a cost reduction by allowing the project to have 11 additional units which allows for a reduction in the per unit construction costs making the project financially feasible. If the 20 foot building separation were required, 11 units will be lost which increases the per unit cost of construction by nearly \$30,000 per unit.

#### **Waivers:**

The applicant is not requesting any waivers.

#### **Reduced Parking Ratio:**

Per the CDBL, the City may not require more than the parking ratios for a density bonus project (inclusive of parking for persons with disabilities) outlined in the table below. As illustrated by this table, the proposed project would provide more spaces than what is required by the CDBL.

Unit Type	Type Count	Required Parking Ratio per City Code	Required Parking Spaces per City Code	Maximum Parking Requirements per State Law	Required Parking Spaces per State Law	Provided Parking by the Project
2 Bedroom	14 units	2 per unit	28	1.5 per unit	21	28

3 Bedroom	20 units	2.5 per unit	50	1.5 per unit	30	40
4 Bedroom	96 units	2.5 per unit	240	2.5 per unit	240	192
		0.5 guest space per unit	65	0 spaces	0	58
<b>Total</b>			<b>383</b>	-	<b>291</b>	<b>318</b>

### **Quimby Act and Affordable Housing**

The Community Services and Library Department has determined that additional public park area within the project area is not needed. Instead the project will pay park and recreation in lieu fees to satisfy Quimby Act requirements pursuant to Chapter 254 of the HBZSO.

Pursuant to the HBZSO, the project is required to comply with affordable housing requirements and will provide 10 percent of the proposed project as affordable units. The income restricted units must be provided on-site with the new development in order to qualify for density bonus and its other benefits.

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

The project will comply with the architectural regulations and guidelines of BECSP. A detailed discussion of the project's design was provided in the Analysis section of this staff report.

### **Environmental Status:**

The project will not have any significant effect on the environment and is exempt from the provisions of CEQA pursuant to section 15182 of the CEQA Guidelines and Government Code 65457, because the project is a residential development that conforms to the BECSP for which Program EIR No. 08-008 was adopted and implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the Final EIR for the BECSP. The project is required to comply with all applicable mitigation measures adopted for BECSP. In light of the whole record, none of the circumstances described under Section 15162 of the CEQA Guidelines are present and, therefore, no EIR or MND is required.

### **Coastal Status:**

Not applicable.

### **Design Review Board:**

Not applicable.

### **Other Departments Concerns and Requirements:**

Public Works, Building, Fire, Police, and Community Services staff reviewed the proposed project and identified code requirements applicable to the project. The Public Works Department identified one condition that has been incorporated into the suggested conditions of approval (Attachment No. 1).

### **Public Notification:**

Legal notice was published in the Huntington Beach Wave on Thursday, December 1, 2022 and notices were sent to property owners of record and occupants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Community Development Department's Notification Matrix), and applicant. Written communications received as of December 6, 2022 are

attached to this staff report (Attachment No. 6).

**Application Processing Dates:**

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
October 20, 2022	December 20, 2022

**SUMMARY:**

Staff recommends approval of TTM No. 19174 and CUP No. 22-021 with findings and conditions (Attachment No. 1).

This recommendation is based on the following:

- The project is consistent with the General Plan and its goals and policies.
- The project is compatible with the surrounding area.
- The TTM meets the requirements of the Subdivision Map Act.
- The project complies with the provisions of BECSP and HBZSO with the exception of the proposed parking reduction and concession permitted under the CDBL.
- The project adds to the City's housing stock, including affordable housing, and RHNA targets.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval of TTM No. 19174 and CUP No. 22-021
2. Vicinity Map
3. Project Narrative received September 20, 2022
4. Project Entitlement Plans dated September 19, 2022
5. Code Requirements Letter (for informational purposes only) dated Dec. 1, 2022
6. Letters in Opposition/Support
7. Police Department memo dated July 2, 2022