

# Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

## NOTICE OF ACTION

January 27, 2010

Douglas Pancake, AIA  
Irwin Pancake Architects  
245 Fischer Avenue, Suite B-2  
Costa Mesa, CA 92604

**SUBJECT:** **NEGATIVE DECLARATION NO. 09-001/GENERAL PLAN AMENDMENT NO. 09-001/  
CONDITIONAL USE PERMIT NO. 09-003 (GOLDENWEST ASSISTED LIVING)**

**APPLICANT:** Douglas Pancake, AIA, Irwin Pancake Architects

**REQUEST:** **ND:** To analyze the potential environmental impacts associated with the construction of an assisted living/convalescent facility. **GPA:** To amend the General Plan floor area ratio (FAR) designation from the existing CO-F1 (Commercial Office-0.35 Max. FAR) designation to the proposed CO-F3 (Commercial Office-1.0 Max. FAR) designation. The amendment would make the General Plan and Huntington Beach Zoning & Subdivision Ordinance FAR designations consistent. **CUP:** To permit an assisted living/convalescent facility that consists of 124 rooms; 144 beds; 48 parking spaces; outdoor amenities such as a courtyard, gardens, and playground; indoor amenities such as communal dining areas, social activity rooms, housekeeping and ancillary offices.

### **PROPERTY**

**OWNER:** Paul Freeman, Burke Real Estate Group, 260 E. Baker Street, Suite 100, Costa Mesa CA 92626

**LOCATION:** 17200 Goldenwest Street (east side of Goldenwest Street, between Warner Avenue and Betty Drive)

### **DATE OF**

**ACTION:** January 26, 2010

On Tuesday, January 26, 2010, the Huntington Beach Planning Commission took action on your application, and **approved** Negative Declaration No. 09-001, **approved** General Plan Amendment No. 09-001 by approving the draft City Council Resolution, and **conditionally approved** Conditional Use Permit No. 09-003. Please see the attachment list for the applicable documents for each application.

The General Plan Amendment application will now be forwarded to the City Council for final review and action at a noticed public hearing. You will be notified of the upcoming City Council meeting when it is scheduled.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action on the Conditional Use Permit and Negative Declaration taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Thirty-Nine Dollars (\$1,539.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand, Seven Hundred Four Dollars (\$2,704.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is February 5, 2010 at 5:00 PM.

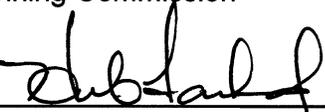
Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

If you have any questions, please contact Ethan Edwards, the project planner, at ethan.edwards@surfcity-hb.org or (714) 536-5561 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary  
Planning Commission

By:   
Herb Fauland, Planning Manager

SH:HF:EE:lw

Attachments: 1. Findings and Conditions of Approval – ND No. 09-001 and CUP No. 09-003  
2. GPA No. 09-001 Draft City Council Resolution

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred Wilson, City Administrator  
Scott Hess, Director of Planning  
Bill Reardon, Division Chief/Fire Marshal  
Mike Vigliotta, Deputy City Attorney III  
Steve Bogart, Senior Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Property Owner  
Project File

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**NEGATIVE DECLARATION NO. 09-001**  
**CONDITIONAL USE PERMIT NO. 09-003**

**FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 09-001:**

1. The Negative Declaration No. 09-001 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Any comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and Conditional Use Permit No. 09-003.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 09-003 will have a significant effect on the environment.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 09-003:**

1. Conditional Use Permit No. 09-003 for the establishment, maintenance and operation of an approximately 116,670 sq. ft. assisted living/convalescent facility with 144-beds within 124 rooms on a 2.71 acres site 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 in that the proposed project will provide housing for the elderly and persons with special needs within an attractively designed structure that compliments and provides an appropriate transition between residential and commercial uses. Based upon the conditions imposed, the proposed project will be compatible with the adjacent residential, public, and commercial uses.
2. The conditional use permit will be compatible with surrounding uses because the massing and scale is designed to be harmonious with adjacent land uses including a reduced building height nearest to adjacent single-family homes. The architectural design provides a high quality residential feel and the site layout, including courtyards and landscaping, and associated parking is in keeping with the surrounding residential and commercial developments. The assisted living/convalescent use will have minimal impact on City services because the use is mostly self-contained and occupants typically live at a slower pace and onsite staff is available to tend to daily needs.
3. The proposed assisted living/convalescent facility 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 including minimum building setbacks, parking and landscape requirements; and maximum building height and floor area ratio and any specific condition required for the proposed use in the district in which it would be located.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial Office on the subject property. The project helps to satisfy a growing social need for families that require assistance for elderly

members that are physically and mentally challenged and need daily care and support. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.5: Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low, and moderate income families.

Policy LU 9.5.2: Require that special needs housing is designed to be compatible with adjacent residential structures and other areas designated for other categories of use provided that no adverse impacts will occur.

Objective LU 13.1: Provide for the development of new uses, such as human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

The assisted living/convalescent facility will provide housing opportunities for existing and future senior citizens and the physically and mentally challenged needing help with activities of daily living. The proposed use is designed to be compatible with surrounding uses and structures.

B. Housing Element

Objective HE 3.1: Facilitate the development of housing for low and moderate income households which is compatible with and complements adjacent uses and is located in close proximity to public and commercial services.

Policy HE 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

Policy HE 4.1.2: Provide for a wide variety of housing types for different income levels and household needs.

Policy HE 5.1.2: Promote housing which meets the special needs of handicapped and elderly persons, as well as housing facilities for drug and alcohol rehabilitation, and for persons with AIDS.

The assisted living/convalescent facility will provide a housing option designed with amenities for elderly persons with special needs and care. The facility is compatible with adjacent residential and commercial uses and appropriately located near public and commercial services.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 09-003:**

1. The site plan, floor plans, and elevations received and dated November 4, 2009 shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification

(<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

3. Prior to issuance of grading permits, the following shall be completed:
  - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street from within a 1,000-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
  - b. Prior to the onset of ground disturbance activities, the project developer shall implement the following requiring nesting surveys and avoidance measures for sensitive nesting and Migratory Bird Treaty Act (MBTA) species, and appropriate agency consultation.

Nesting habitat for protected or sensitive species:

- 1) Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
  - 2) Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further action is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
  - 3) Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.
4. The use shall comply with the following:
    - a. Conditional Use Permit No. 09-003 shall not become effective until General Plan Amendment No. 09-001 has been approved by the City Council, and is in effect.
  5. The development services departments (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 Planning 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.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

## RESOLUTION NO. \_\_\_\_\_

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 09-001

**WHEREAS**, General Plan Amendment No. 09-001 proposes to amend the Land Use Element of the City’s General Plan to modify the General Plan floor area ratio (FAR) designation at an approximate 2.71 acre piece of real property located on the east side of Goldenwest Street, between Warner Avenue and Betty Drive, as more particularly described as Exhibit “A” attached hereto, from CO-F1 (Commercial Office-0.35 maximum FAR) designation to the CO-F3 (Commercial Office-1.0 maximum FAR) designation.

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 09-001 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 09-001; and

The City Council finds that said General Plan Amendment No. 09-001 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Huntington Beach as follows:

**SECTION 1:** That the real property that is the subject of this Resolution (hereinafter referred to as the “Subject Property”) is generally located on the east side of Goldenwest Street, between Warner Avenue and Betty Drive in the City of Huntington Beach, and is more particularly described in the legal description and map attached hereto as Exhibit “A”, respectively, and incorporated by this reference as though fully set forth herein.

**SECTION 2:** That General Plan Amendment No. 09-001, which amends the General Plan Land Use Designation for the subject area from CO-F1 (Commercial Office-0.35 maximum FAR) designation to the CO-F3 (Commercial Office-1.0 maximum FAR) designation. The

# DRAFT

Director of Planning is hereby directed to prepare and file an amended Land Use Map. A copy of said map, as amended, shall be available for inspection in the Planning Department.

**PASSED AND ADOPTED** by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Planning Director

ATTACHMENT

Exhibit A:    Legal Description & Map