

AGENDA HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 8, 2006
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

AGENDA APPROVAL

- A. PROJECT REVIEW (FUTURE AGENDA ITEMS) – NONE
- B. STUDY SESSION ITEMS - NONE
- C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland
- D. PLANNING COMMISSION COMMITTEE REPORTS
- E. PUBLIC COMMENTS – Regarding Study Session portion of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: *Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer*

AGENDA APPROVAL

A. ORAL COMMUNICATIONS

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendaized. Any one wishing to speak on items not on tonight's agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

B. PUBLIC HEARING ITEMS:

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN (Continued from July 25, 2006, with public hearing to be open):

Applicant: City of Huntington Beach Planning Department **Request:** Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2004 and June 1, 2005
Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: “Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review.”

B-2a. ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL):

Applicant: WL Direct Huntington Beach, LLC **Request:** **EIR:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to: “Certify EIR No. 05-01 because it adequately analyzes the potential environmental impacts associated with the project, identifies project alternatives and mitigation measures to lessen the project’s impacts consistent with General Plan policies and has been prepared in accordance with the California Environmental Quality Act (CEQA).”

B-2b. GENERAL PLAN AMENDMENT NO. 04-04/ ZONING MAP AMENDMENT NO. 04-01/ TENTATIVE TRACT MAP NO. 16733/ CONDITIONAL USE PERMIT NO. 04-32 (NEWLAND STREET RESIDENTIAL):

Applicant: WL Direct Huntington Beach, LLC **Request:** **GPA:** To amend the General Plan Land Use designation on 23.1 acres from the current I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to the proposed RM (Medium Density Residential) designation. **ZMA:** To amend the Zoning designation from the current IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain) to the proposed RM-FP2 (Medium Density Residential – Flood Plain). **TTM:** To subdivide the property into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping. **CUP:** To develop and construct a 204 unit multi-family residential project that a) Abuts an arterial street; b) Includes a dwelling unit more than 150 feet from a public street; c) Includes buildings exceeding 25 feet in height; d) Includes retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above existing grade to comply

with FEMA floodplain requirements; and e) Includes an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required. The proposed project includes dedication and improvement of a 2.0 acre public park. The existing recreational vehicle and boat storage yard on 4.5 acres of the property would be removed. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to:

- A. "Approve General Plan Amendment No. 04-04 by approving the draft City Council Resolution and forward to the City Council for adoption."
- B. "Approve Zoning Map Amendment No. 04-01 with findings for approval and forward the draft Ordinance to the City Council for adoption."
- C. "Approve Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 with findings and suggested conditions of approval."
- D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations."

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED APRIL 25, 2006

RECOMMENDED ACTION: Motion to: "Approve the April 25, 2006, Planning Commission Minutes as submitted."

D. NON-PUBLIC HEARING ITEMS:

D-1. GENERAL PLAN CONFORMANCE NO. 06-03 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2006/07) **Applicant: City of Huntington Beach **Request:** Evaluate Capital Improvement Program for Fiscal Year 2006/07 for compliance with the General Plan. **Location:** City-wide **Project Planner:** Rosemary Medel**

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1609, approving General Plan Conformance No. 06-03."

D-2. GENERAL PLAN CONFORMANCE NO. 06-01 (PUBLIC STREET VACATIONS - ELLIS/GOLDENWEST QUARTERSECTION: SADDLEBACK LANE, QUARTERHORSE LANE, FAIRCREST DR. AND PORTIONS OF ROCKINGHORSE LANE, AND CHURCHILL DR.) **Applicant: Michael C. Adams **Request:** To determine whether the proposed public street vacations of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive conform to the goals and policies of the General Plan. **Location:** Ellis Goldenwest quarter section (Bounded by Ellis Avenue, Goldenwest Street, Garfield Avenue, and Edwards Street) **Project Planner:** Rami Talleh**

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1608 approving General Plan Conformance No. 06-01 with findings."

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett -

Commissioner Livengood -

Vice-Chairperson Scandura -

Chairperson Dingwall -

Commissioner Ray -

Commissioner Horgan –

Commissioner Dwyer -

ADJOURNMENT:

Adjourn to the next regularly scheduled meeting of August 22, 2006.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.

HUNTINGTON BEACH PLANNING COMMISSION Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website (www.surfcity-hb.org) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Ron Santos, Associate Planner *RS*
DATE: August 8, 2006

SUBJECT: 2004-2005 ANNUAL REVIEW AND MONITORING REPORT -
DOWNTOWN PARKING MASTER PLAN (Continued from the July 25,
2006 Meeting With Public Hearing To Be Opened)

LOCATION: Downtown Specific Plan - (area generally bounded by Pacific Coast Highway,
Acacia St., Second St. and Sixth St.)

STATEMENT OF ISSUE:

The City of Huntington Beach Planning Department requests Planning Commission review of the Downtown Parking Master Plan Annual Review and Monitoring Report.

- ◆ The revision and update of the Downtown Specific Plan (DTSP) also referred to as the “Village Concept” was adopted in April of 1995 and became effective in June of 1995.
- ◆ As part of the revisions, a shared parking concept was prepared for the downtown core area of Main Street (see Attachment No. 1) referred to as the Downtown Parking Master Plan (DPMP).
- ◆ An update to the DPMP was approved by the City Council in November 2000, with final certification by the California Coastal Commission in January 2002.
- ◆ The DPMP requires that an annual review and monitoring report be completed.
- ◆ The report shall be forwarded to the Planning Commission, City Council and the Executive Director of the California Coastal Commission.
- ◆ The review and monitoring report contained herein considers the period between June 1, 2004 and June 1, 2005.

RECOMMENDATION:

Motion to:

“Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review.”

ALTERNATIVE ACTION(S):

The Planning Commission may take the following alternative action:

“Continue the DPMP annual review and monitoring report and direct staff accordingly.”

PROJECT PROPOSAL:

Pursuant to Section 4.2.14 of the Downtown Specific Plan, an annual review and monitoring report shall be reviewed and accepted as adequate by the Planning Commission. The report will also be presented to the City Council for review and ultimately to the Executive Director of the California Coastal Commission for final review. This annual review is for the period of June 1, 2004 to June 1, 2005 and documents activity based on the 2000 DPMP. This is the seventh annual review of the DPMP.

The DPMP is based on a shared parking concept which allows one (1) parking space to serve two (2) or more individual land uses without conflict. Shared parking relies on the variations in the peak parking demand for different uses. In other words, parking demands will fluctuate in relationship to the mix of uses by hour, day, and season. The proper mix will create an interrelationship among different uses and activities, which results in an overall reduction in the parking demand.

In the initial approval of the DPMP in 1995, the California Coastal Commission imposed measures to ensure that adequate parking was provided for the proposed development threshold within the master plan. The DPMP has a maximum development threshold for uses to ensure the proper mix of uses and the proper function of the shared parking concept. In November 2000, the City Council approved a comprehensive update to the DPMP increasing the 500,000 sq. ft. maximum development threshold identified in the 1995 DPMP to 715,000 sq. ft. The development threshold of 715,000 sq. ft. is allocated to the following land uses:

- ◆ 300,000 sq. ft. of retail floor area
- ◆ 144,000 sq. ft. of restaurant floor area
- ◆ 126,000 sq. ft. of office floor area
- ◆ 145,000 sq. ft. of miscellaneous floor area (e.g., cinema)

The 715,000 sq. ft. of development shares 2,073 parking spaces in the DPMP area (see Attachment No. 5).

General Plan Conformance:

The annual review and monitoring report is consistent with the goals and objectives of the City's General Plan and the Mixed Use and Mixed Use Vertical Land Use Element designations of the subject area. In addition, the DPMP is consistent with the Coastal Element policies that state the following:

- C 2.4.2 Ensure that adequate parking is provided in all new development in the coastal zone utilizing one or a combination of the following:
- a. Implement the Downtown Parking Master Plan
 - b. Consider developing new parking standards specific to the Coastal Zone, subject to Coastal Commission approval
 - c. Monitor parking programs to make the most effective use of parking resources
- C 2.4.3 Consider the cost effectiveness of new parking facilities and encourage those that recoup the cost of providing the land, structures, maintenance and management of the facilities in order to minimize ongoing municipal costs.

Environmental Status:

Code Amendment No. 92-5, the "Village Concept" amendment to the Downtown Specific Plan, was covered under Environmental Impact Report (EIR) No. 82-2, adopted by City Council Resolution No. 5284 on July 18, 1983. The DPMP was included as part of the code amendment and is covered by EIR No. 82-2.

Coastal Status:

The DPMP is located within the Coastal Zone. As part of the annual review and monitoring report, the report shall be forwarded to the Executive Director of the California Coastal Commission for review.

Redevelopment Status:

The DPMP is located within the Main Pier sub-area of the merged Redevelopment project area. The Economic Development Department has reviewed the report and supports the conclusions.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns:

Comments from other departments were not solicited for this, the 2004-2005 annual review, based on the lack of development activity/ land use shifts during the review period.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 13, 2006, and notices were sent to property owners of record within the boundary of the Downtown Parking Master Plan area, members of the Downtown Economic Development Committee, individuals/organizations requesting notification (Planning Department's Notification Matrix), and interested parties. As of August 1, 2006, no communication supporting or opposing the request has been received.

ANALYSIS:

The purpose of the annual review and monitoring report is to analyze and document building activity within the DPMP area. The monitoring report requires review by the Planning Commission and City Council and shall be submitted to the Executive Director of the California Coastal Commission for final review. The annual review and monitoring report addresses the following:

1. Amount and type of development square footage approved during the annual review period;
2. Total amount of square footage in the Downtown Parking Master Plan area;
3. An inventory of existing parking spaces;
4. A parking utilization study;
5. An assessment of parking demand compared with parking supply; and

6. A determination of whether adequate parking remains to serve development allowed up to the total development cap.

A brief status report on each of the aforementioned items is provided below:

APPROVED LAND USE CHANGES

No development approvals occurred during the 2004-2005 annual review period which altered the mix of uses or inventory of available parking and no projects involving payment of parking space in-lieu fees were processed.

TOTAL BUILDING FLOOR AREA

As noted, the DPMP has an overall development threshold of 715,000 square feet. The threshold was established to ensure that the shared parking concept would function properly based upon the proper mix of uses. The DPMP uses building floor area and land use information gathered from the 2000 DPMP (see Attachment No. 2 & 3). The annual review process provides for an analysis of the activity occurring in the DPMP district since the prior year's review. The total building floor area and mix of uses in the downtown remain within the established thresholds (see Attachment No. 4). The following table identifies the approved occupied floor areas presented in the 2004 DPMP Annual Review as well as 2005 floor area figures representing no change.

OCCUPIED FLOOR AREAS

	2004 Annual Review	2005 Annual Review
Retail	179,225 sq. ft.	179,225 sq. ft.
Restaurant	87,342 sq. ft.	87,342 sq. ft.
Office	109,581 sq. ft.	109,581 sq. ft.
Misc.	50,250 sq. ft.	50,250 sq. ft.
TOTALS	426,398	426,398

The table below compares the occupied and anticipated (buildout) floor areas between the 2004 Annual Review and 2005 Annual Review (no change).

OCCUPIED AND ANTICIPATED FLOOR AREA

	2004 Annual Review	2004-2005 Land Use Change	2005 Annual Review
Retail	236,362 sq. ft.	0	236,362 sq. ft.
Restaurant	159,146 sq. ft.	0	159,146 sq. ft.
Office	142,515 sq. ft.	0	142,515 sq. ft.
Misc.	162,097 sq. ft.	0	162,097 sq. ft.
TOTAL	700,120	0	700,120

The 2005 review indicates that building activity is consistent with the land use figures identified in the 2000 DPMP and that the total floor area of 715,000 square feet has not been realized. As of June 1, 2005, the total floor area (occupied and anticipated) within the DPMP is 700,120 sq. ft. of which 426,398 sq. ft. is occupied. The majority of the unoccupied floor area is attributed to the proposed CIM project on Blocks 104/105 currently under construction.

One important factor of the DPMP is the ability to shift square footage between land use categories. This allows the City to work within the overall development threshold of 715,000 square feet. The established thresholds and balance between each land use category are essential for the shared parking concept to function properly. Continued monitoring of the land uses and development activity is key to the success of the DPMP.

The DPMP provides for the Planning Commission to require additional measures to ensure that adequate parking is provided to accommodate proposed land use changes and/or development. Such measures may include, but are not limited to, full cost recovery for the corresponding number of parking spaces provided via the payment of in-lieu fees, provision of valet parking and/or provision of off-site parking by the applicant. Participation in the in-lieu fee program requires approval by the Planning Commission. The established in-lieu fee is currently \$16,408.54 per parking space (July, 2006) and is subject to annual adjustment. The program also provides for in-lieu fees to be amortized over a 15-year period, with a mechanism to secure annual payments. No projects involving payment of parking space in-lieu fees were processed during the 2004-2005 review period.

INVENTORY OF EXISTING PARKING

As noted earlier, a total inventory of 2,073 parking spaces are shared in the DPMP. This figure excludes residential parking. No change to the inventory of parking within the DPMP has occurred since last year's annual review and monitoring report.

PARKING UTILIZATION

As part of the review process, the City continues to monitor the utilization of parking in the downtown. One of the main aspects of the monitoring program is the City's ability to monitor the municipal parking structure located at 200 Main Street (Block D). The Community Services Department manages and monitors the 815 space Main Promenade parking structure. Parking fees are collected daily between 8:00 AM and 1:00 AM. Validations are available to all businesses, and monthly and yearly parking passes may be purchased. Generally, the turnover rate in the parking structure is approximately one hour and twenty minutes. Daily occupancy continues to average less than 20 percent before noon, 40 percent between noon and 4:00 PM, 60 percent between 4:00 PM and 10:00 PM, and less than 20 percent after 10:00 PM.

The parking structure averages 45 to 65 percent utilization over a one-year period (see Attachment No. 6). As expected, the summer months generate the highest occupancy with the off-season or winter months having the lowest occupancy. The parking structure experiences the highest average occupancy (75%-80%) Friday and Saturday evenings between 8:00 PM and 12:00 midnight. During the summer months and on selected holiday weekends or special events (e.g., Memorial Day, Independence Day, Labor Day, surfing events) the parking structure has reached capacity for brief periods of time.

Staff continues to conduct spot field surveys of the 296 space subterranean parking structure at Pierside Pavilion (300 PCH) and the 168 commercial parking structure at Plaza Almeria (301 Main Street). The spot surveys found that the second level of the Pierside Pavilion parking structure is typically underutilized. Staff observed the second subterranean level to be approximately 30% occupied with an overall utilization of the 296 space parking structure at approximately 70 percent. The facilities manager of the Pierside Pavilion parking structure indicated that the parking structure is occasionally full on weekend afternoons during the summer, with the majority of the validations from patrons of the movie theater. According to Plaza Almeria management, their parking structure is underutilized – typically 40% occupied with up to 70% occupancy on weekends.

Staff also reviewed the utilization of on-street parking spaces. The 480 on-street metered parking spaces located within the DPMP area are highly utilized and have a greater turnover rate, due in part to the meters' two-hour limit. The current meter rate throughout the downtown area is \$1.50/hour. The review found that on-street parking spaces are usually 100% occupied due to location and convenience.

PARKING ASSESSMENT

A parking supply and demand analysis was conducted to assess whether adequate parking is provided based on current land uses. The analysis was based on codified parking ratios specified in the DPMP and the existing mix of uses. The review indicated that there is a surplus of 40 parking spaces from the downtown parking demand (see Attachment No. 7). Although a surplus was identified, staff believes that the true indicator of the actual parking demand is the utilization data referenced above which indicates that an average of 30-60% of parking spaces in the downtown parking structures remain vacant throughout the year. Staff believes that the DPMP and associated parking is more than sufficient to accommodate approved development. Furthermore, the findings in the DPMP Update completed by Kaku Associates (September 2000), indicate that future commercial buildout in the DPMP will be accommodated by the parking identified in the DPMP.

PARKING DETERMINATION

Based on the analysis conducted for this annual review and monitoring report, staff has determined that adequate parking is provided in the DPMP for the approved mix of uses. This finding considers the following:

- ◆ no building activity approved within the last year;
- ◆ approved development remain within the thresholds of the master plan;
- ◆ no shifts in land use square footage;
- ◆ surveys of the three downtown parking structures indicates 30-60% average vacancy throughout the year;
- ◆ parking assessment indicates a 40 space surplus based on DPMP codified parking ratios;
- ◆ evidence that the existing parking supply continues to accommodate the current mix of uses and activity in the downtown.

Continued monitoring of the DPMP and the careful allocation of the square footage for each land use category will ensure continued success for the DPMP.

COASTAL COMMISSION REVIEW

The DPMP annual review and monitoring report will be forwarded to the Executive Director of the California Coastal Commission following review and acceptance by the Planning Commission and City Council.

RECOMMENDED ACTION

Staff recommends that the Planning Commission accept as adequate, complete and forward the annual review and monitoring report of the Downtown Parking Master Plan to the City Council for review.

ATTACHMENTS:

1. Area Map - DPMP
2. Downtown Parking Master Plan (Downtown Specific Plan Section 4.2.14)
3. DPMP - Land Use Master Plan (2000)
4. DPMP - Current Land Use Inventory (June 2005)
5. DPMP – Existing On-Street and Off-Street Parking Inventory (June 2005)
6. Main Promenade Parking Structure Utilization (June 2004 – May 2005)
7. DPMP - Current Parking Supply and Demand (June 2005)
8. Downtown Establishments with Outdoor Dining (June 2005)

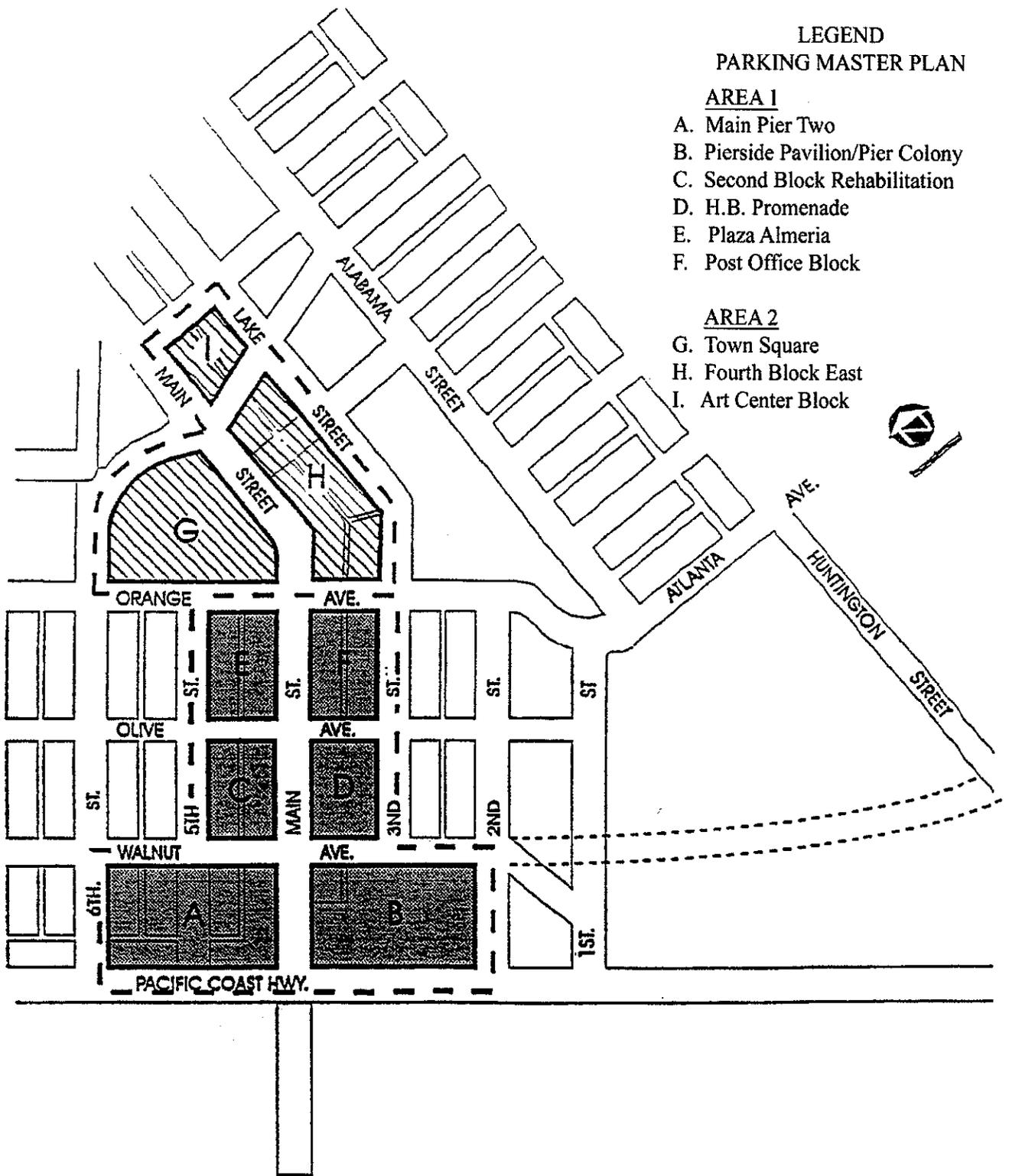
LEGEND
PARKING MASTER PLAN

AREA 1

- A. Main Pier Two
- B. Pierside Pavilion/Pier Colony
- C. Second Block Rehabilitation
- D. H.B. Promenade
- E. Plaza Almeria
- F. Post Office Block

AREA 2

- G. Town Square
- H. Fourth Block East
- I. Art Center Block



4.2.14 The Downtown Parking Master Plan

The Downtown Parking Master Plan is based on a shared parking concept. Shared parking in effect allows one (1) parking space to serve two (2) or more individual land uses without conflict. Shared parking relies on the variations in the peak parking demand for different uses. In other words, parking demands will fluctuate in relationship to the mix of uses by hour, day of week, and season. The proper mix will create an interrelationship among different uses and activities which results in a reduction of the demand for parking.

The Downtown core area is centered along the Main Street commercial corridor. This commercial corridor divides into two (2) distinct areas, north and south of Orange. The area which encompasses the Downtown Parking Master Plan is identified on the area map (Figure 4.1).

Area 1 - The area south of Orange Avenue along Main Street provides the greatest amount of public parking opportunities both off-street and on-street. Area 1 has the greatest number of visitor-serving and seasonal commercial uses including year round entertainment. This area also has the greatest concentration of expanded commercial, restaurant and office uses, and therefore, the majority of the public parking spaces are provided in this area.

Expanding commercial activity in this area remains the focus of the Downtown Master Plan, however, no additional parking for new or expanded commercial, restaurant and office uses should be required provided the total square footage and mix of uses do not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

Area 2 - The area north of Orange Avenue along Main Street provides limited amounts of public parking opportunities. This area is still part of the Downtown core. However, the commercial uses in Area 2 cater more to year-round residents, therefore, additional on-street short-term parking is provided. The existing Downtown public parking facilities are not conveniently located for use in this area, thus, a combination of expanded on-street and on-site parking may be necessary for new or expanded commercial uses. The commercial activity remains primarily service-related commercial; the existing supply of on-street and on-site parking should be sufficient for anticipated uses. The mix of commercial and residential activities can justify a parking reduction and additional parking may not be necessary if development does not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

City-owned and controlled public parking in the Downtown Parking Master Plan (DPMP) area shall be consistent with the City's certified land use plan. The DPMP is structured to protect beach user parking by providing adequate public parking within the Downtown area. The DPMP encourages the use of the City-owned and controlled parking sites within the DPMP area. To encourage the use of the City-owned public parking facilities, parking controls such as time limits, and parking rates may be adjusted to maintain the desired use of these spaces by patrons and employees of the downtown area. A validation program for the City-owned public parking structure has been established as an incentive for the use of the structure by the patrons and employees of the downtown area. Any changes to the program shall be submitted to the Executive Director to determine if an amendment to the Specific Plan is necessary.

The Downtown Parking Master Plan anticipates a total development scenario of approximately 715,000 square feet of commercial activity. The DPMP has development thresholds of 144,000 square feet for restaurant, 300,000 square feet for retail, 126,000 square feet for office and 145,000 square feet for miscellaneous development. Area 1 will contain approximately 626,000 square feet of commercial development, with the remaining 89,000 square feet in Area 2. The Planning Department shall be responsible for monitoring the development square footage per land use and the number of parking spaces within the Downtown Parking Master Plan area.

An annual review and monitoring report of the Downtown Parking Master Plan shall be prepared by the Planning Department and presented for review by the Planning Commission and City Council. Following the review by the City Council, the Downtown Parking Master Plan annual review and monitoring report shall be submitted to the Executive Director of the California Coastal Commission for review.

The Downtown Parking Master Plan annual review and monitoring report shall include, at a minimum:

- 1) amount and type of development square footage approved during the annual review period;
- 2) total amount of square footage in the Downtown Parking Master Plan area;
- 3) an inventory of existing parking spaces;
- 4) a parking utilization study;
- 5) an assessment of parking demand compared with parking supply;
- 6) a determination of whether adequate parking remains to serve development allowed up to the total development cap.

If the Downtown Parking Master Plan annual review and monitoring report indicates that the parking supply is inadequate to serve the approved level of development or if the development square footage exceeds the amount described above (up to 715,000 square feet total), all development within the Downtown Parking Master Plan area shall provide parking consistent with Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance, unless and until new parking to meet the identified demand is approved and constructed.

Changes between one or more of the individual use categories may be allowed as long as the total square footage does not exceed 715,000 square feet, provided there are corresponding changes in the other use categories to assure adequate parking remains.

Parking shall be provided for each Area. If a project is built in Area One that requires more shared parking than is available in Area One, credit from Area Two shall not be used. If a project is built in Area Two that requires more shared parking than is available in Area Two, credit from Area One shall not be used.

Although the Downtown Parking Master Plan distinguishes between the location and type of parking resources available in Area 1 and Area 2, the adjusted parking requirement for both Area 1 and Area 2 is the same (Figure 4.2). The common parking requirement is based on the shared parking concept for the entire master plan area.

Existing and proposed building square footage and uses are parked within the DPMP parking supply as inventoried in the technical background report prepared by Kaku Associates (Sept., 2000), entitled "Downtown Parking Master Plan Update," (Appendix - Existing and Proposed Land Use Analysis Blocks A - I) (Kaku Report.).

Downtown Parking Master Plan Codified Parking Requirements

Land Use	H.B. Zoning and Subdivision Ordinance (Citywide)	Parking Standard (Percent Reduced)
Retail	1:200	1:333 (60%)
Restaurant	1:100	1:100 (0%)
Office	1:250	1:500 (50%)

Note: At any time it deems necessary, the Planning Commission may require additional on-site parking to meet the parking demands generated by a use or development.

Figure 4.2

Future parking within the DPMP area shall be provided as described in Appendix A of the Kaku Report. Redevelopment of blocks that result in a loss of existing parking shall be phased with the provision of parking such that adequate parking exists within each DPMP area at all times. In the event a property owner demolishes his/her existing building, and rebuilds a new building of equal square footage and use, no additional parking shall be required. Any code required parking spaces provided on-site shall be credited for any expansion of square footage or intensification of use. All required parking shall be calculated based on the reduced requirements of the Downtown Parking Master Plan.

The Planning Commission or City Council may impose one (1), all, or a combination of the following requirements to ensure that adequate parking is provided for each development:

1. Require projects over 30,000 sq. ft. or one-half (1/2) block in size provide 50% of the code-required parking identified in Figure 4.2 on site.
2. Require that any parking in-lieu fees be full cost recovery based on the parking requirement for specific uses. However, allow that these fees be paid over an amortization period, with appropriate security provided by the applicant to guarantee payment.
3. Require valet parking once the maximum build out of restaurant activity has been obtained.
4. Commercial projects greater than 10,000 square feet in size shall be required to submit a parking management plan consistent with the Downtown Parking Master Plan.
5. Require valet and/or remote parking for special events and activities, and during the peak summer season.
6. Require the applicant to provide additional on-site and /or off-site parking for any development.
7. Develop parking options which may generate additional parking for any development.
8. Develop a sign program to direct motorists to primary parking facilities within the Downtown Parking Master Plan.

4.2.15 Landscaping. In addition to City standard landscape plans and specifications, the following shall apply:

- (a) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped and permanently maintained in an attractive manner and shall be consistent with the adopted Design Guidelines.
- (b) Permanent automatic electric irrigation facilities shall be provided in all landscaped areas.
- (c) On-site trees shall be provided in all developments as follows: One (1) thirty-six (36) inch box tree for each residential unit or for each 2,500 square feet of gross site area for commercial or office space. Alternatively, the equivalent of thirty-six

DOWNTOWN LAND USE MASTER PLAN

June 2005

BLOCK	Retail (Square Feet)	Restaurant (Square Feet)	Office (Square Feet)	Miscellaneous (Square Feet)
A	108,813	47,008	36,729	103,110 (Hotel)
B	27,834	31,773	16,000	30,000 (Theater)
C	37,365	29,785	22,175	1,600 (Police Dept.)
D	24,073	5,000	3,000	-
E	15,000	15,000	11,000	-
F	24,200	4,000	13,000	3,575 (Post Office)
G	25,000	-	4,700	-
H	23,750	-	13,000	-
I	2,500	7,946	-	10,575 (Art Center)
Total	288,535	140,512	119,604	148,860
Master Plan	300,000	144,000	126,000	145,000

LAND USE INVENTORY

June 2005

BLOCK	RETAIL	RESTAURANT	OFFICE	MISC.	VACANT
A	29,725 s.f.	3,776 s.f.	32,799 s.f.	-	-
B	26,022 s.f.	23,809 s.f.	21,864 s.f.	26,000 s.f.	2,318 s.f.
C	31,300 s.f.	29,753 s.f.	21,647 s.f.	1,600 s.f.	4,300 s.f.
D	14,486 s.f.	14,410 s.f.	3,393 s.f.	-	-
E	15,276 s.f.	7,448 s.f.	13,646 s.f.	-	-
F	22,375 s.f.	1,700 s.f.	13,312 s.f.	3,575 s.f.	-
G	19,656 s.f.	1,500 s.f.	2,920 s.f.	-	1,780 s.f.
H	13,885 s.f.	-	-	8,500 s.f.	2,550 s.f.
I	3,500 s.f.	7,946 s.f.	-	10,575 s.f.	-
TOTAL	176,225 s.f.	90,342 s.f.	109,581 s.f.	50,250 s.f.	10,948 s.f.
	426,398 s.f.				

EXISTING ON-STREET AND OFF-STREET PARKING INVENTORY

June 2005

BLOCK	ON-STREET	OFF-STREET	TOTAL
A	60	176	236
B	32	285	317
C	34	20	54
D	36	826	862
E	44	168	212
F	42	60	102
SUB-TOTAL	248	1,535	1,783
G	59	44	103
H	75	69	144
I	22	21	43
SUB-TOTAL	156	134	290
TOTAL	404	1,669	2,073

MAIN PROMENADE PARKING STRUCTURE UTILIZATION

MONTH	YEAR	PAID	TOTAL AUTOS	REVENUE
June	04	24,407	65,240	\$102,242
July	04	32,580	76,213	\$156,288
August	04	26,740	68,097	\$117,368
September	04	18,831	55,883	\$87,424
October	04	15,055	56,474	\$62,770
November	04	12,279	50,117	\$49,719
December	04	14,389	54,235	\$55,409
January	05	15,040	58,726	\$64,178
February	05	13,598	52,751	\$56,003
March	05	22,403	70,002	\$92,252
April	05	24,001	69,120	\$98,999
May	05	26,175	73,380	\$121,064
TOTAL		245,498	750,238	\$1,063,716
DAILY AVERAGE		673	2056	\$2,914

June 2004

CURRENT PARKING SUPPLY AND DEMAND

June 2005

BLOCK	PARKING DEMAND*				TOTAL	
	RETAIL	RESTAURANT	OFFICE	MISC.**	PARKING DEMAND	PARKING SUPPLY
A	89	38	65	-	192	236
B	78	238	44	350	710	317
C	94	297	43	3	437	54
D	43	144	6	-	193	862
E	45	74	27	-	146	212
F	67	17	26	7	117	102
SUB TOTAL	416	808	211	360	1,795	1,783

G	59	15	5	-	79	103
H	41	-	-	8	49	144
I	10	79	-	21	110	43
SUB TOTAL	110	94	5	29	238	290

TOTAL	526	902	216	389	2,033	2,073
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* Downtown Specific Plan Codified Parking Requirements

** Misc. ratio 1:500 sq. ft. except theater 1:5 seats and existing industrial 1:1000 sq. ft.

DOWNTOWN OUTDOOR DINING

	Address	Business Name	Outdoor Dining Area (Sq. Ft.)
1.	213 Fifth	Pete's Mexican	128
2.	101 Main #109	Jamba Juice	200
3.	126 Main #201	Pancho Villa's Cantina	400
4.	200 Main #101	BJ's Chicago Pizza	400
5.	200 Main #101A	Crabby Kenny's	280
6.	200 Main #105	Coach's Med Grill	60
7.	201 Main "B"	Baskin Robbins	96
8.	201 Main "D"	Carmen Parks Boutique	40
9.	209 Main	Killarney Pub and Grill	275
10.	211 Main "B"	Momo's Margarita	575*
11.	213 Main	Holly's Yogurt	200
12.	213 1/2 Main	Sugar Shack	200
13.	215 Main	No Ka Oi	904
14.	217 Main	Longboard	1,400*
15.	221 Main "A"	Tuna Town	400
16.	221 Main "B"	Luigi's	400
17.	221 Main "C"	Starbucks	105
18.	221 Main "E"	Black Pearl Brewery	112
19.	301 Main #101	Inka Grill	1,100*
20.	301 Main #103	Spiral Sushi	170
21.	318 Main	El Ranchito	368
22.	501 Main "D"	Jan's Health Food	92
23.	510 Main	Shorehouse Cafe	240
24.	424 Olive	Jersey Joe's	650
25.	300 PCH #113	Gallagher's	226
26.	317 PCH	Duke's	2,400*
27.	602 PCH	Supreme Donuts	80
28.	602 PCH "B"	Java Jungle	118
TOTAL OUTDOOR DINING AREA			11,619 sq. ft.

*Portion of outdoor dining area included in restaurant floor area for project

Jun. 2005



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Jane James, Senior Planner 
DATE: August 8, 2006

SUBJECT: ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL)

APPLICANT: WL Direct Huntington Beach, LLC, 3121 Michelson Drive, Suite 200, Irvine, CA 92612

PROPERTY

OWNER: Mills Land & Water Company, Robert London Moore Jr., P.O. Box 7108, Huntington Beach, CA 92615

LOCATION: 21471 Newland Street (Northwest corner of Newland Street and the terminus of Hamilton Avenue)

STATEMENT OF ISSUE:

- ◆ Environmental Impact Report No. 05-01 (EIR No. 05-01):
 - Analyzes proposed General Plan and Zoning designation amendments from industrial to medium-density residential on a 23.1 acre site.
 - Analyzes proposed subdivision of land for purposes of developing 204 multi-family residential units, private and common open space, private streets, a 2.0 acre public park, and associated infrastructure
 - Documents potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation/traffic and utilities and service systems.
 - Evaluates three alternatives to the proposed project.
 - Concludes that the Proposed Project is the environmentally superior alternative.
 - Concludes that potential impacts can be mitigated to less than significant levels for the project with the exception of impacts to air quality, which would remain significant and unavoidable.

- ◆ Staff's Recommendation:
 - Certify EIR No. 05-01 because it adequately analyzes the potential environmental impacts associated with the project, identifies project alternatives and mitigation measures to lessen the project's impacts consistent with General Plan policies and has been prepared in accordance with the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Motion to: "Certify EIR No. 05-01 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1610 (Attachment No. 1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny certification of EIR No. 05-01 with findings for denial."
- B. "Continue certification of EIR No. 05-01 and direct staff accordingly."

PROJECT PROPOSAL:

Environmental Impact Report No. 05-01 represents an analysis of potential environmental impacts associated with proposed General Plan and Zoning designation amendments and construction of a 204 unit multi-family residential project. The project includes private and common open space, landscaping, private gated streets and associated infrastructure on an approximate 23.1 acre site. The proposal also includes dedication and improvement of a two acre public park.

The EIR provides a discussion of impacts by issue area and provides mitigation measures, where appropriate. Specific issue areas discussed in the EIR include: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, transportation/traffic and utilities and service systems. An analysis of alternatives to the proposed project and long-term implications resulting from project implementation are also provided.

The EIR consists of three volumes. Volumes 1 and 2 are the Draft EIR and Appendices that were circulated for a minimum 45-day public review period. Volume 3 is titled the Final EIR and includes the comments received during the public review period, responses to those comments and text changes to the Draft EIR (Volumes 1 and 2) to clarify or correct information in response to comments or as identified as necessary by staff. These volumes are referenced as Attachment No. 2 to this staff report.

An analysis of the proposed development of the property is presented in a companion report that will be considered by the Planning Commission after action on the EIR. The companion report reviews applications for General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 16733, and Conditional Use Permit No. 04-32.

Background and Site History:

In 1956, Wilshire Oil Company leased 20 acres of vacant land owned by Mills Land & Water Company. Wilshire Oil Company subsequently leased the property to Golden West Refining Company in 1988 for construction and operation of the Huntington Beach Marine Pipeline Terminal. When Golden West developed the site as an oil pipeline terminal, it was improved with several buildings, aboveground

storage tanks, two underground tanks, pumps, sumps, pipelines, and two underground storage tanks, including one waste-oil tank.

In March 1998, Golden West initiated the process of decommissioning the terminal. Subsequent to partial decommissioning, Golden West assigned the Mills lease to Cenco Refining Company in May 1998. Cenco intended to continue operations at the marine pipeline terminal.

In October 1998, Cenco reached an agreement with the City of Huntington Beach and other parties to halt efforts to continue operation at the terminal. They also agreed to complete the decommissioning, initiated by Golden West Refining Company, by October 1999. After several years of decommissioning and remediation work at the site, the California Regional Water Quality Control Board (CRWQCB) reviewed the Remedial Action Report and Request for Closure dated December 8, 2003; Corrective Action Report, Former Waste Oil Tank dated April 21, 2003; and the Groundwater Investigation Former Dry Well report dated March 8, 2004. On June 24, 2004, the CRWQCB declared that no further action is necessary at the site. On July 27, 2004, the City of Huntington Beach Fire Department determined that the submitted data in the above referenced reports meet the City's cleanup criteria as outlined in City Specification #431-92.

In 1993, an RV storage lot was established on approximately 4.5-acres at the northeast corner of the site. Conditional Use Permit No. 93-32, Environmental Assessment No. 93-17A, and No. 93-17B were completed in association with entitlements for the RV storage lot.

In 2004, the current landowner conveyed 24 acres of property bordering the project site to the west and south to CalTrans, an agency of the State of California. The 24 acres were deed restricted for wetlands purposes in perpetuity and concurrently, the property owner relinquished its legal claim to an additional 28 acres of surrounding property on the condition that such additional land be likewise deed restricted for wetlands purposes. Therefore, a total of 52 acres surrounding the subject site is deed restricted as wetlands.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	I-F2-d (Industrial – 0.5 FAR – Design Overlay)	IL-O-FP2 (Limited Industrial – Oil Overlay – Flood Plain)	Former oil tank farm, now vacant. RV/boat storage on approx. 4.5 acres.
North of Subject Property (adjacent and across Lomond Drive)	RL-7 (Low Density Residential) and RMH-25 (Medium High Density Residential – 25 units/acre)	RL (Low Density Residential) and RMH (Medium High Density Residential)	Single family and multiple family residential units
East of Subject Property: (across Newland St.)	RL-7	RL	Single family residential
South and West of Subject Property:	OS – C (Open Space - Conservation)	CC - CZ (Coastal Conservation - Coastal Zone)	Open space; wetlands

General Plan Conformance:

The current General Plan Land Use Map designation on the subject property is I-F2-d (Industrial – 0.5 FAR – Design Overlay). In addition, the project is located within Subarea 9F (Industrial Node) of the General Plan. The proposed project includes General Plan and Zoning Amendments that would change the land use and zoning designations of the project site from “Industrial” to “Medium Density Residential”. Upon project implementation, the uses on the proposed project site would be consistent with the characteristics for “Medium Density Residential” described in the General Plan and Zoning Code. Because the General Plan and Zoning designation would change, the project site would no longer be designated as an Industrial Node (currently Subarea 9F), and associated tables and figures in the General Plan Land Use Element would be changed to reflect this.

The EIR is consistent with the proposed residential designation and the goals and objectives of the City’s General Plan as follows:

A. Air Quality Element

Policy AQ 1.8.1: Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

Policy AQ 1.8.2: Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Standard City Requirements (CR) and Mitigation Measures MM-4.2-2 (a) through (d) address means by which air emission impacts will be minimized, primarily by complying with the SCAQMD Rule 403 regarding fugitive dust.

Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

Standard CR 4.2-3 requires that the developer implement a variety of methods to reduce project-related stationary and area source emissions using energy conservation features.

B. Circulation Element

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

Policy CE 2.3.2: Limit driveway access points and require adequate driveway widths onto arterial roadways and require driveways be located to ensure the smooth and efficient flow of vehicles, bicycles, and pedestrians.

Policy CE 2.3.4: Require that new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

The EIR included a detailed traffic analysis to document potential impacts associated with the project. Mitigation Measure 4.13-1 requires the submittal of a construction area traffic management plan to minimize construction vehicle impacts. Mitigation Measure 4.13-5 requires dedication of roadway to accommodate roadway widening and side by side left turns. CR 4.13-5 (a) through (c) require the developer to ensure safe construction of project intersections.

C. Environmental Hazards Element

Policy EH 1.2.1: Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code (UBC).

CR 4.5-1 and Mitigation Measures 4.5-1 (a) through (b) require that the grading plan contain the recommendations of the final soils and geotechnical analysis, which would address groundshaking, liquefaction, compaction, foundations, etc.

Policy EH 4.1.1: During major redevelopment or initial construction, require specific measures to be taken by developers, builders, or property owners in flood prone areas, to prevent or reduce damage from flood hazards and the risks upon human safety.

The site will be raised, with imported fill soil, approximately three to five feet above existing grade to elevate the property out of the floodplain.

Objective EH 3.2: Minimize methane hazards in the identified Methane Overlay District, and other areas outside the Methane Overlay Districts as may later be defined, through the regulation of construction and adherence to the City's Methane Hazard Mitigation Plan.

Mitigation Measure 4.6-2 (a) addresses the potential accumulation of methane and hydrogen sulfide gas and requires appropriate testing and methods of gas reduction.

Objective EH 5.1: Provide information regarding tsunami, seiche, and tidal/marine hazards, and promote methods to minimize damage.

Mitigation Measure 4.7-3 fulfills this objective by requiring the developer to prepare a plan that would include tsunami safety information to project residents, identification of an evacuation site and a plan for notifying residents in the event of a tsunami warning or watch.

D. Growth Management Element

Goal GM 2: Ensure that adequate transportation and public facilities and public services are provided for existing and future residents of the City.

The proposed project does not result in any significant traffic impacts and adequate public facilities and public services will be provided.

E. Historic and Cultural Resources Element

Objective HCR 1.1: Ensure that all the City's historically and archaeologically significant resources are identified and protected.

The EIR documents all known archaeological sites in the vicinity of the project and recommends Mitigation Measures 4.4-1 (a) through (b) to reduce impacts to a less than significant level.

F. Housing Element

Policy H 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.

CR 4.10-2 requires the preparation and implementation of an affordable housing plan to fulfill the City's affordable housing requirements.

G. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

The EIR documents that as part of project design, numerous transportation and utility improvements are proposed to ensure that adequate infrastructure is provided for the project.

Goal LU 5: Ensure that significant environmental habitats and resources are maintained.

Mitigation Measures 4.3-1 (a) through (b) ensures protection of the adjacent wetland and habitat areas.

H. Noise Element

Policy N 1.2.1: Require, in areas where noise levels exceed an exterior Ldn of 60 dB(A) and an interior Ldn of 45 dB(A), that all new development of "noise sensitive" land uses, such as housing, health care facilities, schools, libraries, and religious facilities, include appropriate buffering and/or construction mitigation measures that will reduce noise exposure to levels within acceptable limits.

The project design has been proposed to reduce potential noise impacts for residential private open space areas along Newland Street, consistent with this policy.

I. Public Facilities and Services Element

Objective PF 1.3: Ensure that new developments in Huntington Beach are designed to encourage safety.

Policy PF 2.3.3: Ensure that new construction is designed with fire and emergency access and safety in mind.

The EIR documents that the proposed project does not impact safety or fire and emergency access.

J. Recreation and Community Services Element

Goal RCS 2: Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.

The applicant will be required to comply with Mitigation Measure 4.12-1, which specifies that the City's parkland ordinance be adhered to.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

In accordance with the California Environmental Quality Act (CEQA), EIR No. 05-01 was prepared by EIP Associates to analyze the potential environmental impacts associated with implementation of the proposed project as well as identify appropriate mitigation measures. The Draft EIR was distributed to the Planning Commission for review at the start of the 45-day public comment period on March 3, 2006. The Final Draft EIR, including the Response to Comments and all text changes as a result of the public comment period, was distributed to the Planning Commission and posted on the City's website on May 31, 2006.

The document must be adopted and certified by the Planning Commission prior to any action on General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 06733 and Conditional Use Permit No. 04-32. The procedure that was followed during the preparation of EIR No. 05-01 is outlined below:

<i>DATE</i>	<i>ACTIVITY</i>
June, 2005	Staff conducted an initial study and determined that an EIR would be necessary for the project.
July 13, 2005	A Notice of Preparation was sent to responsible agencies and filed with the State Clearinghouse to notify public of intent to prepare an EIR. A 30-day public review period was established. A notice of availability was sent to area property owners, occupants and interested parties.
July 18, 2005 to August 18, 2005	Initial Study/Notice of Preparation available for 30 day public review and comment period

DATE	ACTIVITY
August 3, 2005	A Public Scoping Meeting was held to solicit comments and issue areas to be studied in the EIR.
March 1, 2006	Notice of Completion filed with the State Clearinghouse.
March 3, 2006 to April 17, 2006	Draft EIR available for public review and comment for forty-five days.
March 30, 2006	A Public Comment Meeting was held to solicit comments on the adequacy of the Draft EIR.
May 31, 2006	Final EIR (including Response to Comments on Draft EIR, Text Changes to Draft EIR, Technical Appendix and Comments) made available for public information and sent to Responsible Agencies. (CEQA requires Response to Comments be sent to Responsible Agencies 10 days prior to certification hearing.)
July 11, 2006	Planning Commission Study Session on proposed project
July 25, 2006	Planning Commission Study Session on EIR process
August 8, 2006	Public hearing before Planning Commission to Certify EIR No. 05-01.

Through the use of appropriate mitigation measures identified in the EIR, the majority of the potentially adverse impacts associated with the project can be mitigated to a level of insignificance. There is, however, one adverse environmental impact anticipated from the proposed project that cannot be completely eliminated through mitigation measures. This includes short-term air quality impacts from construction vehicle emissions. This effect can be lessened by mitigation measures suggested in the environmental impact report, and staff recommends these be incorporated into the project. Prior to certification and adoption of the EIR by resolution, the Planning Commission may amend the document. However, removal of any of the recommended mitigation measures requires findings and justification. The analysis section of this report contains further discussion regarding the EIR.

Environmental Board:

The City's Environmental Board reviewed the EIR and provided a comment letter during the public review period. The letter has been responded to in the Response to Comments. In summary, the Board commented on the following: storm drainage, traffic improvements, and truck traffic.

Coastal Status: Not applicable

Redevelopment Status: Not applicable

Design Review Board: Not applicable.

Subdivision Committee:

The Subdivision Committee reviewed and unanimously approved the proposed Tentative Tract Map No. 16733 on July 13, 2006. The Committee's comments and recommendations are described in a separate report.

Other Departments Concerns and Requirements:

The EIR was circulated to other Departments for review and comment. All Department comments and recommendations are incorporated into the EIR and its mitigation measures. No conditions of approval apply to the EIR. As development of the proposed project occurs, compliance with mitigation measures will be enforced through the Mitigation Monitoring and Reporting Program.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 27, 2006, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, interested parties, and individuals/organizations that commented on the environmental document. As of July 28, 2006, no communication supporting or opposing the request, other than letters included in the Final EIR/Response to Comments have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Draft EIR: December 6, 2005

Tentative Tract Map: March 15, 2006

Conditional Use Permit: March 15, 2006

MANDATORY PROCESSING DATE(S):

Within 1 year of complete application or by March 15, 2007

Within 50 days from EIR Certification

Within 180 days from EIR Certification

ANALYSIS:

The analysis section provides an overview of the EIR and its conclusions, a review of the project alternatives and a summary of the response to comments.

EIR Overview

The EIR provides a detailed analysis of potential impacts associated with the proposed project. It is intended to serve as an informational document for decisions to be made by the City and responsible agencies regarding the project. The issues discussed in the EIR are those that have been identified in the course of extensive review of all potentially significant environmental impacts associated with the project. The EIR discusses potential adverse impacts in 14 issue areas. The direct, indirect and cumulative

impacts of the project are addressed, as are the impacts of project alternatives. A summary of key issues and mitigation measures as a result of the environmental impact report process is provided below. A complete listing of the recommended mitigation measures is provided in the Mitigation Monitoring Program provided as Attachment No. 3.

◆ Aesthetics

Implementation of the project will alter views of the area and introduce new sources of light and glare. The EIR analyzes the potential impacts associated with these changes, including an analysis of impacts to scenic resources and vistas, and the effects of shadows on adjacent uses. The EIR includes shadow projection diagrams.

The EIR concludes that impacts associated with light and glare from building facades could be potentially significant and recommends Mitigation Measure (MM) 4.1-3, which restricts the use of reflective materials. In terms of potential impacts associated with light and glare from nighttime lighting, the EIR concludes that impacts will be less than significant. The EIR documents that potential impacts related to scenic resources, views, and shadows will be less than significant and do not warrant mitigation.

◆ Air Quality

Air quality modeling was completed by EIP Associates to assess potential impacts related to construction and operation of the project. Consistent with the South Coast Air Quality Management District's (SCAQMD) recommendations, the EIR analyzed the following emissions: Carbon Monoxide (CO), Volatile Organic Compounds (VOC), Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x) and Fine Suspended Particulate Matter (PM₁₀). In addition, the EIR examined if localized CO concentrations at nearby intersections would be increased beyond state and national standards as a result of increased vehicle traffic.

The EIR concludes that there will be significant and unavoidable short-term air quality impacts associated with construction of the project as a result of construction equipment emissions of NO_x. The project results in less than significant impacts for all other emissions. The project will have to comply with standard requirements such as SCAQMD's Rule 403 related to fugitive dust during construction. The EIR discusses five standard City requirements to improve air quality emissions and recommends four mitigation measures to further reduce air quality impacts; however, the impact noted above will remain significant and unavoidable, thus requiring a Statement of Overriding Considerations for the project.

◆ Biological Resources

The EIR includes an analysis of potential impacts to plant and wildlife as well as wetlands. Two Jurisdictional and Wetland Delineations of Waters of the United States were conducted (2003 and 2005). A supplemental hydric soils investigation was also conducted (2005) as well as a botanical survey (2005). Both wetland delineation surveys were primarily conducted to assess the potential wetland characteristics of the site. Based on the studies described above, the EIR concludes that no wetland habitat is present within the limits of the project site. Although the EIR concludes that no significant impacts to wetlands would result, the project site is located adjacent to documented wetland and habitat areas. Two mitigation measures are recommended to address potential impacts to special status avian species that may exist off-

site. A third mitigation measure is included to minimize impacts related to potential spillage of light off-site. Overall, construction of the project is not expected to have any significant impacts on biological resources.

◆ Cultural Resources

According to the cultural resources records check completed for the project, four previous cultural resources investigations have been conducted within a half-mile radius of the project site. However, no archaeological sites or any additional cultural resources have been identified within the project site, or within a one-half mile radius of the project site. Nonetheless, the vicinity is known to be sensitive for archaeological resources. The EIR concludes that because the project site and vicinity are known to be archaeologically sensitive, the potential exists for unanticipated finds of archaeological resources during ground-disturbing activities associated with project implementation, even though portions of the site near the ground surface have previously been disturbed. The EIR recommends two mitigation measures to reduce impacts to these resources to less than significant, including on-site monitors during grading, trenching and other excavation activities.

◆ Geology and Soils

The EIR includes an analysis of existing geology, seismicity and soil conditions that would be conducive to geological constraints such as liquefaction or expansive soils. The analysis is based on the preliminary geotechnical study completed for the project, which determined that the project is feasible from a geotechnical perspective. The EIR concludes that implementation of the project will require MM 4.5-1 (a) through (b) to minimize potential impacts to less than significant levels. These mitigation measures require a liquefaction assessment study and compliance with the recommendations all geotechnical studies.

◆ Hazards and Hazardous Materials

The EIR analyzes the potential for impacts associated with hazardous materials on existing uses, construction workers and proposed uses. The subject property is a former oil tank farm operated by Golden West Refining Company and later leased to, but not operated by, Cenco Refining Company. All structures related to former oil storage/pipeline uses were decommissioned and demolished in 2001. Following extensive soil excavation and remediation activities on the site, all hazardous materials and contaminated soils formerly present at the oil storage site were removed in accordance with a Remedial Action Plan. A No Further Action Letter and Certificate of Completion regarding the remedial action were issued by the California Regional Water Quality Control Board—Santa Ana Region on June 24, 2004. As such, there are no remaining on-site activities associated with this work. The City Fire Department issued a letter on July 27, 2004 stating that the site has met City-established cleanup criteria.

One abandoned oil well exists on the RV/Boat storage property at the northeast corner of the subject site. Potential contamination from this oil well has not been confirmed. The EIR identifies eight mitigation measures to reduce potential impacts to a level of insignificance. The mitigation measures call for a site assessment for PCBs, sampling for contaminants in the RV/Boat storage area, further remediation and submittal of closure reports if necessary, and procedures to follow regarding the abandoned oil well.

◆ Hydrology and Water Quality

Implementation of the proposed project would include raising the grade of the site by approximately three to five feet to comply with FEMA regulations and raise the building pads out of the flood plain. Appropriate flood elevation certificates to certify the building pad height are required.

The proposed project would include improvements to storm drain infrastructure to adequately serve the project site. Detention features have been included in the project design to prevent exceedance of the local and regional drainage system. The increase in runoff would be detained onsite through sump storage, pipe storage, and storage within the public park if necessary in a 100-year storm event. The runoff would then discharge into the proposed storm drain system in Newland Street and Hamilton Avenue after the peak of the storm has passed. In the future, possible improvements to the Newland Street pumping station would increase the drainage system conveyance capacity and reduce the amount of on-site storage necessary.

The project will also be required to comply with standard City requirements related to National Pollution Discharge Elimination System (NPDES) provisions, including the preparation of a Water Quality Management Plan (WQMP). The EIR concludes that due to project design features and standard City requirements impacts related to water quality will be less than significant. Because the site is located in an area subject to tsunami run-up, the EIR does identify the need for a mitigation measure requiring the submittal of a safety plan for City approval.

◆ Land Use

Implementation of the proposed project would require amendments to the General Plan and Zoning land use designations to change the existing Industrial designations to Medium Density Residential.

Redesignation of the site to residential uses would eliminate the availability of 23.1 acres of land for industrial uses presently available on site. The General Plan supports retention of industrial uses. The site, at 23.1 acres, represents approximately 1.5% of the total industrially designated land in the City and, as such, provides a minor contribution to the total inventory of industrial lands. The site is located across Newland Street and north of two other parcels of land zoned for industrial uses. However, the majority of industrial uses in the City are located away from the project site. As such, conversion of the project site from industrial to residential would not induce substantial portions of industrially zoned land to seek redesignation to residential uses. The proposed project is consistent with the proposed Medium Density Residential General Plan and Zoning land use designations for the site and also compatible with residential land uses immediately surrounding the property to the north and east across Newland Street. The EIR concludes that the project is consistent with the applicable goals, objectives and policies of the General Plan. As such, there will not be any significant land use impacts as a result of the project.

◆ Noise

Potential noise impacts relate to short-term construction activities and long-term changes in ambient conditions related to an increase in traffic. Ambient noise levels were measured at five locations around the project site and roadway noise levels were calculated using data from the traffic study. In terms of the short-term noise impacts from construction, the City's noise ordinance exempts noise associated with construction provided the construction takes place between the hours of 7:00 A.M. and 8:00 P.M. Monday

through Saturday. Despite this exemption, to further reduce less-than-significant impacts the EIR recommends MM 4.9-1 to limit the hours and days during which pile driving can occur to between the hours of 8:00 A.M. and 6:00 P.M. Monday through Friday. The EIR also identifies the potential for noise impacts to future private recreation areas of the project as a result of traffic noise on Newland Street. MM 4.9-3 is recommended to require the construction of noise attenuating walls to reduce these impacts. The EIR also examined the potential for noise impacts associated with traffic related noise on other street segments and concluded that no significant impacts would occur.

◆ Population and Housing

This section of the EIR analyzes the potential for the project to induce population and employment growth beyond current growth projections and the impacts on housing. As the proposed project site is currently designated for industrial uses, increased population on the site has not been anticipated in the General Plan. However, the project would provide needed housing to the City and the region, contributing to the City's progress towards meeting its RHNA numbers. Further, with a projected population increase of 541 persons, the project would represent only a 0.27 percent increase in population compared to current conditions. Thus, these project impacts are insignificant. The EIR documents that the project does not yet have a fully defined, or approved, affordable housing plan. A code requirement, describing the need to comply with the Zoning Code Affordable Housing provisions is included to ensure that impacts relative to the provision of affordable housing are less than significant.

◆ Public Services

Potential impacts to fire, police, schools and libraries are analyzed in the EIR. Both the Fire and Police Departments confirmed that they have adequate staffing to serve the project and library facilities would not be adversely impacted by the incremental increase in residents. The project would be subject to a standard mitigation measure related to mitigating impacts to school facilities by entering into a mitigation agreement.

◆ Recreation

The City requires that new residential projects dedicate parkland, improve parkland, pay park in-lieu fees, or some combination thereof, to ensure that adequate recreation facilities are available. The EIR recommends MM 4.12-1 to address this requirement. The applicant proposes to dedicate and improve a 2.0 acre on-site public park and will pay in-lieu fees, if necessary to address any shortfall in parkland requirements. With implementation of this mitigation measure, no significant impacts to Recreation are expected.

◆ Transportation/Traffic

The EIR examines the potential impacts related to traffic generation, parking demand and access. The analysis takes into consideration the transportation improvements that will be constructed with the project, including improvements to Newland Street. A project specific traffic study was completed that includes an analysis of traffic conditions in Year 2009 and Year 2030 to assess potential impacts at project buildout and the long-term effect of the project in conjunction with other growth within the city.

The EIR documents that background traffic from existing and other projects, i.e. not including Newland Street Residential development, will result in one intersection (Beach/Atlanta) exceeding acceptable Levels of Service (LOS). The Newland Street Residential project will only slightly contribute to a worsening of the LOS (less than .01 change) at this intersection and the change does not meet the threshold that warrants mitigation. The project will also result in a temporary increase in congestion due to the large volume of trucks accessing the site during construction. Thus MM 4.13-1 requiring submittal of a construction area traffic management plan is recommended. Also, in order to ensure that the applicant dedicates the required roadway width to improve Newland Street as described in the left-turn queue analysis, MM 4.13-5 is recommended. The EIR shows that the project will not result in any other significant transportation/traffic related impacts.

◆ Utilities and Service Systems

This section of the EIR analyzes potential impacts to water, wastewater and solid waste services. The EIR concludes impacts related to all utilities and service systems would be less than significant.

Alternatives to the Proposed Project

CEQA requires that an EIR describe a range of reasonable alternatives to the project or its location that could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant impacts of the project. An EIR need not consider every conceivable alternative to a project; rather, it must consider a range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR should also evaluate the comparative merits of the alternatives.

Three alternatives were selected for detailed analysis in the Draft EIR:

- No Project/No Development Alternative – Maintain the project site in its current state.
- Reasonably Foreseeable Development – Analyzes buildout of the site pursuant to the current Limited Industrial zoning designation, includes 431,000 square feet of light industrial uses.
- Reduced Project Alternative – Analyzes a reduction in the density of residential uses: development of 140 single family residences vs. 204 multi-family residences with the proposed project.

The No Project/No Development Alternative would result in fewer impacts to the site but may result in greater impacts to biological resources and hydrology and water quality. Also, the No Project/No Development Alternative would not meet the basic project objectives of the City or the applicant. The Reasonably Foreseeable Development would result in greater impacts than the proposed project in the areas of aesthetics, air quality, noise, transportation, and utilities (solid waste). The Reduced Project Alternative would meet most of the project objectives of the City and the applicant but would result in greater impacts than the proposed project in the areas of traffic, air quality, and noise. The Draft EIR identifies the Proposed Project as the environmentally superior alternative.

Statement of Overriding Considerations

Environmental impacts associated with implementation of a project may not always be mitigated to a level considered less than significant. In such cases, a Statement of Overriding Considerations must be

prepared prior to approval of the project, and in accordance with CEQA Guidelines Sections 15091 and 15093. Because implementation of the proposed project would create significant unavoidable impacts as described above in the Air Quality section, a Statement of Overriding Considerations (SOC) is required to describe the specific reasons for approving the project, based on information contained within the Final EIR, as well as any other information in the public record. The SOC is part of the companion report for this project, which analyzes the general plan amendment, zoning map amendment, tract map, and conditional use permit requests.

Public Comments on the Draft EIR

During the public review period, the City of Huntington Beach received a total of 60 comment letters from four state agencies, one regional agency, two organizations, and 53 individuals, as well as some verbal and written comments at the public meeting held during the comment period. Staff has responded to all comments received in the Response to Comments. The Final EIR includes revised text sections as a result of the comments or as a result of staff requests to clarify information. Any written communication received subsequent to the preparation of this staff report will be forwarded to the Planning Commission under separate cover.

SUMMARY:

Environmental Impact Report No. 05-01 serves as an informational document with the sole purpose of identifying potential environmental impacts associated with the Newland Street Residential project, alternatives that minimize those impacts, and appropriate mitigation measures.

Staff recommends that the Planning Commission certify EIR No. 05-01 because:

- The EIR has been prepared in accordance with the California Environmental Quality Act;
- The EIR adequately addresses the environmental impacts associated with the proposed project; and
- The EIR identifies project alternatives and mitigation measures to lessen the project's impacts consistent with General Plan policies.

ATTACHMENTS:

1. Resolution No. 1610
2. Final EIR No. 05-01, includes EIR, EIR Appendices, Response To Comments and Text Changes **(under separate cover – not attached)**
3. Mitigation Monitoring Program

SH:HF:MBB:JJ:cs

RESOLUTION NO. 1610

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HUNTINGTON BEACH, CALIFORNIA, CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT (SCH#2005071083)
FOR THE NEWLAND STREET RESIDENTIAL PROJECT**

WHEREAS, Environmental Impact Report No. 05-01, State Clearinghouse #2005071083, ("EIR") was prepared by the City of Huntington Beach ("City") to address the environmental implications of the proposed Newland Street Residential Project (the "Project").

- On July 13, 2005, a Notice of Preparation/Initial Study for the Project was prepared and distributed to the State Clearinghouse, other responsible agencies, trustee agencies and interested parties.
- After obtaining comments received in response to the Notice of Preparation, and comments received at the public scoping meeting held on August 3, 2005, the City completed preparation of the Draft EIR and filed a Notice of Completion with the State Clearinghouse on March 1, 2006.
- The Draft EIR was circulated for public review and comment from March 3, 2006 to April 17, 2006 and was available for review at several locations including City Hall, the Huntington Beach Public Library, and the City's website; and

WHEREAS, public comments have been received on the Draft EIR, and responses to those comments have been prepared and provided to the Planning Commission as a section within a separately bound document entitled "Final Environmental Impact Report Newland Street Residential Project" (the "Responses to Comments"), dated May 30, 2006; and

WHEREAS, Public Resources Code 21092.5(a) requires that the City of Huntington Beach provide a written proposed response to any public agency that commented on the Environmental Impact Report, and the Response to Comments included in the Final Environmental Impact Report satisfies this provision; and

WHEREAS, the Planning Commission held a public meeting on the EIR on August 8, 2006, and received and considered public testimony.

NOW, THEREFORE, the Planning Commission of the City of Huntington Beach, California, **DOES HEREBY RESOLVE**, as follows:

SECTION 1. Consistent with CEQA Guidelines Section 15132, the Final EIR for the Project is comprised of the Draft EIR and Appendices, the comments received on the Draft EIR, the Responses to Comments (including a list of persons, organizations, and

public agencies commenting on the Draft EIR), the Text Changes to the Draft EIR (bound together with the Responses to Comments) and all Planning Department Staff Reports to the Planning Commission, including all minutes, transcripts, attachments and references. All of the above information has been and will be on file with the City of Huntington Beach Department of Planning, 2000 Main Street, Huntington Beach, California 92648.

SECTION 2. The Planning Commission finds and certifies that the Final EIR is complete and adequate in that it has identified all significant environmental effects of the Project and that there are no known potential environmental impacts not addressed in the Final EIR.

SECTION 3. The Planning Commission finds that although the Final EIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects which can feasibly be mitigated or avoided have been mitigated or avoided by the incorporation of Project design features, standard conditions and requirements, and by the imposition of mitigation measures on the approved Project.

SECTION 4. The Planning Commission finds that the Final EIR has described reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project (including the "No Project" Alternative), even when these alternatives might impede the attainment of Project objectives and might be more costly. Further, the Planning Commission finds that a good faith effort was made to incorporate alternatives in the preparation of the Draft EIR and that a reasonable range of alternatives was considered in the review process of the Final EIR and ultimate decisions on the Project.

SECTION 5. The Planning Commission finds that no "substantial evidence" (as that term is defined pursuant to CEQA Guidelines Section 15384) has been presented which would call into question the facts and conclusions in the EIR.

SECTION 6. The Planning Commission finds that no "significant new information" (as that term is defined pursuant to CEQA Guidelines Section 15088.5) has been added to the EIR after circulation of the Draft EIR. The Planning Commission finds that the minor refinements that have been made in the Project as a result of clarifications in the mitigation measures do not amount to significant new information concerning the Project, nor has any significant new information concerning the Project become known to the Planning Commission through the public hearings held on the Project, or through the comments on the Draft EIR and Responses to Comments.

SECTION 7. The Planning Commission finds that the Mitigation Monitoring Program establishes a mechanism and procedures for implementing and verifying the mitigations pursuant to Public Resources Code 21081.6 and hereby adopts the Mitigation Monitoring Program. The mitigation measures shall be incorporated into the Project prior to or concurrent with Project implementation as defined in each mitigation measure.

SECTION 8. The Planning Commission finds that the Final EIR reflects the independent review and judgment of the City of Huntington Beach Planning Commission, that the Final EIR was presented to the Planning Commission, and that the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 16733, and Conditional Use Permit No. 04-32.

SECTION 9. The Planning Commission finds that the Final EIR serves as adequate and appropriate environmental documentation for the Project. The Planning Commission certifies that the Final EIR prepared for the Project is complete, and that it has been prepared in compliance with the requirements of the California Environmental Quality Act and CEQA Guidelines.

PASSED, APPROVED, and ADOPTED, this 8th day of August 2006 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Howard Zelefsky, Secretary

Chairperson, Planning Commission

ATTACHMENT NO. 2

FINAL EIR NO. 05-01
INCLUDES EIR, EIR APPENDICES, RESPONSE TO
COMMENTS, AND TEXT CHANGES

AVAILABLE FOR REVIEW AT:

CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
CITY HALL
THIRD FLOOR
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648

ALSO AVAILABLE AT:

<http://www.surfcityhb.org/citydepartments/planning/major/newlandresidentialeir.cfm>.

City of Huntington Beach

MAY 30 2006

NEWLAND STREET RESIDENTIAL PROJECT

Final Environmental Impact Report
SCH No. 2005071083
EIR No. 2005-01

Mitigation Monitoring Program

Prepared for
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, California 92648

Prepared by
EIP Associates
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

May 30, 2006

ATTACHMENT NO. 3.1

Mitigation Monitoring Program

A. INTRODUCTION

The Final Environmental Impact Report for the Newland Street Residential project (State Clearinghouse #2005071083) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, noise, public services, recreation, and transportation/traffic.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code §21081.6).

The Mitigation Monitoring Program (MMP) shall be used by the City of Huntington Beach staff responsible for ensuring compliance with mitigation measures associated with the Newland Street Residential project.

Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation, or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
Aesthetics						
MM 4.1-3 To the extent feasible, the Applicant shall use nonreflective façade treatments, such as matte paint or glass coatings. Prior to the issuance of buildings permits for the proposed project, the Applicant shall indicate the provision of these materials on the building plans.	Project building plans	Review and approve building plans for inclusion of features	Plan check prior to issuance of building permit	Planning		
Air Quality						
MM-4.2-2(a) The project developer(s) shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction.	Notes on grading and building plans	Review and approve grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
MM-4.2-2(b) The project developer(s) shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
MM-4.2-2(c) The project developer(s) shall encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment to the extent that the equipment is readily available and cost effective. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning		
MM-4.2-2(d) The project developer(s) shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning		

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>Biological Resources</p> <p>MM 4.3-1(a) If construction occurs at any time during the breeding season (March through September) for the Western snowy plover, Belding's savannah sparrow, or California least tern then two weeks prior to grading or the construction of facilities, and per applicable USFWS and/or CDFG protocols, preconstruction surveys to determine the presence or absence of Western snowy plover, Belding's savannah sparrow, and California least tern shall be required. These surveys shall extend up to 300 feet off site into the surrounding wetland areas to determine the presence of active nests adjacent to the project site. If no active nests are identified within the 300 foot survey area no further action or mitigation is required. Should active nests be found, a 250-foot, no-construction buffer shall be required around each active nest, as it extends into the project site/construction footprint.</p> <p>If the nesting Western snowy plover, Belding's savannah sparrow, or California least tern are found to be present on the project site or within the buffer area and cannot be avoided mitigation shall be required in accordance with the <i>Endangered Species Act</i>. Measures shall be developed in consultation with the CDFG and USFWS and may include but would not be limited to the following:</p> <ul style="list-style-type: none"> ▪ On-site preservation or habitat enhancement. ▪ Off-site mitigation through the purchase of suitable habitat or participation in an existing mitigation bank ▪ Preparation of a Habitat Conservation Plan if there is no federal nexus 	<p>Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. If construction occurs during relevant breeding, developer shall present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>	<p>Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits</p> <p>Perform periodic field check to ensure compliance</p>	<p>Plan check prior to issuance of a grading permit</p> <p>During construction</p>	<p>Planning</p> <p>Planning</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.3-1(b) Permanent nighttime lighting associated with the residential development and any low-level security lighting associated with the public park, shall be angled down and away from the adjacent wetland areas. Further, the use of prismatic glass coverings and cutoff shields is recommended to further prevent light spillover off site.</p>	<p>Project building plans</p>	<p>Review and approve project building plans for inclusion of features. Building inspection to ensure implementation</p>	<p>Plan check prior to issuance of a building permit. Building inspection prior to final inspection</p>	<p>Planning Building and Safety</p>	<p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>MM 4.3-2 If the construction phase occurs during the avian breeding season for MBTA-covered species, generally February through August 15, then prior (within 2 weeks) to the onset of construction activities, surveys for nesting special-status and/or migratory avian species and raptors will be conducted on the project site following USFWS and/or CDFG guidelines. If no active avian nests are identified on or within 200 feet of the construction areas, no further mitigation is necessary. Alternatively, to avoid impacts, the project Applicant can begin construction after the previous breeding season for local raptors and other special-status species has ended (generally after mid-August) and before the next breeding season begins (generally before February). Should special-status species and/or raptors choose to nest in an area within 200 feet of active construction that was initiated after mid-August and prior to February of the following year, the project sponsor shall only be required to provide a buffer of 200 feet between activities and the nest site. If active nests for avian species of concern, migratory species, or raptors are found within the construction footprint or a 200-foot buffer zone, construction shall be delayed within the construction footprint and buffer zone until the young have fledged or appropriate mitigation measures responding to the specific situation are developed in consultation with USFWS or CDFG.</p>	<p>Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. Present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit if construction occurs during avian breeding season. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>	<p>Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits</p> <p>Perform periodic field check to ensure compliance</p>	<p>Plan check prior to issuance of a grading permit</p> <p>During construction</p>	<p>Planning</p> <p>Planning</p>	<p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.3-4 Runoff from the project site during construction and operation shall be routed away from the adjacent wetlands. To this extent, any drainage system should include standard urban water runoff reduction measures and runoff prevention measures should be incorporated into the landscape design along the western and southern perimeter. This would include, but not be limited to, landscaped berms and vegetated swales around the perimeter of the site to prevent stormwater runoff from flowing into the wetlands and to provide some treatment prior to it exiting the site. Landscaping of the berm shall only consist of native species of grasses and other appropriate vegetation that are noninvasive.</p> <p>The berm shall be monitored following each significant rain event during the construction period and for one-year after the completion of construction to ensure that runoff from the project site does not flow into the adjacent wetland areas. Guidelines for the maintenance of the site shall be established during the establishment phase of the plantings. The maintenance program shall contain guidelines for the control of nonnative plant species, maintenance of the system, and replacement of plant species.</p>	<p>Stormwater Pollution Prevention Plan and Water Quality Management Plan</p>	<p>Review and approval of Plans by the Regional Water Quality Control Board</p>	<p>Plan check prior to issuance of any grading permit or stockpile permit</p> <p>Field inspect per plan requirements</p>	<p>Public Works</p> <p>Public Works</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
Cultural Resources						
<p>MM 4.4-(a) The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.</p>	<p>Proof of retention of archaeological and paleontological monitor</p>	<p>Verify retention of qualified monitors</p> <p>Periodic field check</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Planning</p> <p>Planning</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.4-1(b) If archaeological or paleontological resources are discovered during earth moving activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and the City of Huntington Beach.</p>	<p>Notes on grading plans</p> <p>Research design and recovery plan, if required</p>	<p>Review and approve grading plans for inclusion</p> <p>Review and approve research design and recovery plan</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Planning</p> <p>Peer review by three County-certified professionals</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>MM 4.4-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.</p>	<p>Notes on grading plans</p>	<p>Review and approve grading plans for inclusion</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Orange County Coroner & Planning</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
Geology and Soils						
<p>MM 4.5-1(a) A liquefaction assessment study shall be performed in order to quantify the amount of liquefaction and associated lateral spreading that could occur due to a seismic event. The liquefaction assessment shall be completed in compliance with CDMG's Special Publications 117, "Guidelines for Evaluating and Mitigating Seismic Hazards in California" and the referenced companion publication prepared by the Southern California Earthquake Center. The assessment shall include engineering specifications for building designs that would allow structures to withstand the effects of seismically induced liquefaction and lateral spreading.</p>	Liquefaction assessment study	Review and approve liquefaction assessment study	Plan check prior to issuance of a rough/mass grading permit	Public Works Building and Safety	_____	_____
<p>MM 4.5-1(b) The rough/mass grading plan prepared for the proposed project shall contain the recommendations of the geotechnical analysis and final liquefaction soils assessment prepared pursuant to CR 4.5-1 and MM 4.5-1(a), as approved by the City. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, surcharge, fill placement and compaction, seismic design features, excavation stability and shoring requirements, dewatering, establishment of post-tension foundations, corrosion measures, surface drainage, erosion control, ground improvements, and plan review. All geotechnical recommendations provided in the soils and geotechnical analysis shall be implemented during site preparation and construction activities.</p>	Notes on rough/mass grading plan and building plans	Review and approve grading and building plans for inclusion of soils and geotechnical recommendations	Plan check prior to issuance of a rough/mass grading permit and prior to issuance of a building permit	Public Works Building and Safety	_____	_____
<p>MM 4.5-2(a) Recommendations for site grading, including treatment of existing artificial fill within the site, details regarding wick drain installation (including depths and horizontal spacings), thickness of required fill surcharge, installation of settlement monitoring equipment and requirements for settlement monitoring shall be developed and included with project plans.</p>	Notes on grading and building plans	Review and approve grading and building plans for inclusion of features	Plan check prior to issuance of a rough/mass grading permit and prior to issuance of a building permit	Public Works Building and Safety	_____	_____

Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.5-2(b) Samples of on-site soils shall be obtained at or near the completion of all site grading and submitted to a qualified corrosion engineer by the developer for further assessment. Based on this assessment by the corrosion engineer, appropriate recommendations shall be provided for concrete design mix, as well as for protection of buried metallic building materials (including steel reinforcement bars and/or post-tensioning tendons), plumbing, and all public utility facilities.</p>	<p>Soils report with corrosion engineer recommendations</p>	<p>Review and approve report notes on building plans</p>	<p>Prior to issuance of building permit</p>	<p>Building and Safety Public Works</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
<p>MM 4.5-3 Import fill at the project site shall be approved by the City Fire Department (prior to import). Structural foundations shall be designed based on the expansion potential of the near surface soils at building pad locations.</p>	<p>Soils report documenting fill properties</p>	<p>Review and approve soil sampling report Notes on building plans</p>	<p>Prior to fill import Prior to issuance of a building permit</p>	<p>Fire Building and Safety</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
Hazardous Materials						
<p>MM 4.6-2(a) Prior to issuance of a rough/mass grading permit, sampling shall be performed in the existing RV/Boat Storage area to confirm Total Recoverable Petroleum Hydrocarbons (TRPH) concentrations, if any, are within levels acceptable to the City of Huntington Beach. The extent of sampling shall be determined by the Hbfd as that which is appropriate to characterize the extent of potential contamination in the RV/Boat Storage Area. If identified, contamination shall be remediated in accordance with MM 4.6-2(d) through MM 4.6-2(f).</p>	<p>Soil sampling results</p>	<p>Review and approve sampling results and a remediation plan, if necessary</p>	<p>Plan check prior to issuance of a rough/mass grading permit</p>	<p>Fire</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
<p>MM 4.6-2(b) The developer shall consult with DOGGR to determine if abandonment of the on-site oil well is necessary. Prior to the issuance of a rough grading permit, the Applicant shall submit evidence of consultation with DOGGR indicating wells have been abandoned to current DOGGR standards.</p>	<p>Documentation of consultation with DOGGR</p>	<p>Review and approve documentation</p>	<p>Plan check prior to issuance of a rough grading permit</p>	<p>Fire</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(c) In the event that the abandoned oil well is damaged during construction, construction activities shall cease in the immediate vicinity immediately. Remedial plugging operations would be required to re-plug the well to current Department of Conservation specifications. Depending on the nature of soil contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). The developer shall ensure proper implementation of the reabandonment operation in compliance with all applicable laws and regulations.</p>	<p>Notes on grading plans and reabandonment plan, as necessary</p>	<p>Review and approve grading plans for inclusion Review and approve reabandonment plan, as necessary</p>	<p>Plan check prior to issuance of grading permit, and during construction, as necessary</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(d) Prior to issuance of a rough grading permit, the Applicant shall, in consultation with the City of Huntington Beach and other agencies, as required, formulate a remediation plan if soil contamination is identified in the RV/Boat Storage area. The plan shall include procedures for remediation of the project site to the City of Huntington Beach standards. Plans shall be submitted to Public Works and HBFD for review and approval in accordance with City Specification No. 431-92. The plan shall include methods to minimize remediation-related impacts on the surrounding properties, including processes by which all drainage associated with the remediation effort shall be retained on-site and no wastes or pollutants shall escape the site, and requirements to provide wind barriers around remediation equipment. Qualified and licensed professionals shall perform the remediation activities and all work shall be performed under the supervision of the City of Huntington Beach.</p>	<p>Remediation Plan</p>	<p>Review and approve remediation plan for thoroughness and completeness</p>	<p>Plan check prior to issuance of a rough grading permit</p>	<p>Fire Public Works</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(e) In the event that previously unknown soil contamination that could present a threat to human health or the environment is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease immediately. A risk management plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). A site health and safety plan that meets OSHA requirements shall be prepared and in place prior to the commencement of work in any contaminated area. The developer shall ensure proper implementation of the health and safety plan.</p>	<p>Risk Management Plan & Site Health and Safety Plan</p>	<p>Review and approve any grading plans for inclusion</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(f) Closure reports or other reports acceptable to the HBFD that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the HBFD prior to issuance of grading permits for site development. No construction shall occur on-site until reports have been accepted by the City.</p>	<p>Closure reports or other reports acceptable to the HBFD that document the successful completion of required remediation activities</p>	<p>Review and approve closure reports other reports acceptable to the HBFD that document the successful completion of required remediation activities</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(g) Prior to issuance of a rough grading permit, a Registered Environmental Assessor shall perform a site inspection to identify the potential for presence of PCBs on the site. If the potential for PCBs exists, then the Applicant shall, in consultation with the City of Huntington Beach, sample soil surrounding the affected areas to identify the extent of contamination. If contamination is identified, it shall be remediated in accordance with MM 4.6-2(d) and MM 4.6 2(f).</p>	<p>Site inspection report; soil sampling results and site remediation plan and documentation of remediation, if necessary</p>	<p>Review and approve site inspection report; and any other required plans and documentation, as necessary</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(h) Prior to the issuance of grading permits and during construction, the project shall comply with all provisions of the HBMC Section 17.04.085 and HBFD City Specification 429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane and hydrogen sulfide gases shall be prepared. If necessary, measures to reduce levels of gases to within levels determined acceptable by the HBFD (such as vent systems) shall be implemented, if required by the HBFD.</p>	<p>Notes on grading and building plans Methane and Hydrogen Sulfide Testing Plan</p>	<p>Plan check prior to issuance of a rough grading permit Review and approval of testing plan</p>	<p>Prior to issuance of any grading permit and during construction</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
Hydrology and Water Quality						
<p>MM 4.7-4 The Applicant shall prepare an application for and obtain a LOMR-F from the FEMA based on the graded project site characteristics. The LOMR-F process shall be completed prior to issuance of first certificate of occupancy. In the event that the LOMR-F process is not completed prior to issuance of the first certificate of occupancy, homeowners would be required to obtain flood insurance prior to occupancy.</p>	<p>LOMR-F documentation</p>	<p>Review and approve documentation</p>	<p>Plan check prior to issuance of first certificate of occupancy</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring/Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.7-6 Prior to the issuance of a precise grading permit, the Applicant shall submit to the City for approval a plan outlining specific planning measures to be taken to minimize or reduce risks to property and human safety from tsunami during operation. Planning measures could include but would not be limited to the following:</p> <ul style="list-style-type: none"> Provision of tsunami safety information to all project residents, in addition to posting in public locations on site Identification of the method for transmission of tsunami watch and warnings to residents and persons on site in the event a watch or warning is issued Identification of an evacuation site for persons on site in the event of a tsunami warning 	Tsunami risk management and safety plan	Review and approve documentation	Plan check prior to issuance of precise grading permit	Planning		
Noise						
<p>MM 4.9-1 Pile driving activities shall be limited to the hours of 8:00 A.M. to 6:00 P.M. Monday through Friday.</p>	Notes on building plans	Review and approve building plans for inclusion Field observation or review of contractor logs during any pile driving activity	Prior to issuance of a building permit During any pile driving construction activities	Planning		
<p>MM 4.9-3 The ground floor perimeter wall along Newland Street shall be raised to 8 feet in height. This perimeter wall shall also be extended 100 feet to the west along the southern boundary of the project site and 40 feet to the west along the south side of A Street, at which point the wall on A Street may step down to 6 feet in height. Upper story exterior open space areas in Units 6 through 9 shall be shielded from noise by 4-foot high terrace walls, continuous in length, constructed of material with a Sound Transmission Class rating of 45 or above (e.g., concrete, brick, glass block, thick wood, or Plexiglas).</p>	Notes on building plans	Review and approve building plans for inclusion	Prior to issuance of a building permit	Planning		

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
Public Services						
MM 4.11-3 The Applicant shall meet with the appropriate City school districts to address the potential for increased enrollment, with the intent to mitigate the impact on school facilities, prior to project approval. A written copy of the agreement reached shall be prepared and provided to the Planning Department prior to recordation of final map.	Written copy of agreement between Applicant and School District	Verify agreement documentation	Plan check prior to final map recordation	Planning	_____	_____
Recreation						
MM 4.12-1 The Applicant shall demonstrate compliance with City parkland requirements identified in Chapter 254.08 of the City of Huntington Beach Zoning Ordinance. Any on-site park provided in compliance with this section shall be improved prior to final inspection (occupancy) of the first residential unit (other than the model homes).	Final tract map and project grading plans	Review and approve final tract map and grading plans for inclusion of parkland Inspect park as required	Prior to recordation of the final tract map and grading permit, and as necessary, prior to issuance of certificate of occupancy	Public Works Planning	_____	_____
Transportation/Traffic						
MM 4.13-1 Prior to issuance of any grading permit, the project developer shall submit a construction area traffic management plan to the City Transportation Engineer for review and approval. The plan shall be prepared by a registered Civil Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation. The plan shall identify the routes that construction vehicles will use to access the site, hours of construction traffic, traffic controls and detours, vehicle staging and parking areas, and proposed construction phasing for the project. The plan shall require the project developer to keep all haul routes clean and free of debris, including but not limited to dirt, as a result of its operations.	Traffic Management Plan	Review and approval of traffic management plan	Prior to issuance of any grading permit	Public Works	_____	_____

Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
MM 4.13-5 The project shall dedicate an additional 30 feet of right-of-way for a total half-street width of 50 feet on Newland Street. The 50 feet of street right-of-way includes 40 feet for a standard half-width of a secondary arterial plus an additional 10 feet. The additional 10 feet mitigates impacts of the proposed project entry location and providing full access with side by side left turns.	Final tract map	Review and approval of final tract map	Prior to recordation of the final tract map	Public Works		



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Jane James, Senior Planner *JJ*
DATE: August 8, 2006

SUBJECT: **GENERAL PLAN AMENDMENT NO. 04-04, ZONING MAP AMENDMENT NO. 04-01, TENTATIVE TRACT MAP NO. 16733, CONDITIONAL USE PERMIT NO. 04-32 (NEWLAND STREET RESIDENTIAL PROJECT)**

APPLICANT: WL Direct Huntington Beach, LLC, 3121 Michelson Drive, Suite 200, Irvine, CA 92612

PROPERTY

OWNER: Mills Land & Water Company, Robert London Moore Jr., P.O. Box 7108, Huntington Beach, CA 92615

LOCATION: 21471 Newland Street (Northwest corner of Newland Street and the terminus of Hamilton Avenue)

STATEMENT OF ISSUE:

- ◆ General Plan Amendment No. 04-04 represents a request for the following:
 - To amend the General Plan Land Use designation on 23.1 acres from the current I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to the proposed RM (Medium Density Residential) designation.
 - To amend the General Plan Land Use Element by removing the subject area from Subarea 9F of the Community District and Subarea Schedule.
- ◆ Zoning Map Amendment No. 04-01 represents a request for the following:
 - To amend the Zoning designation from IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain) to RM-FP2 (Medium Density Residential – Flood Plain).
- ◆ Tentative Tract Map No. 16733 represents a request for the following:
 - To subdivide the property into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, parkway landscaping, and a public park.
- ◆ Conditional Use Permit No. 04-32 represents a request to develop and construct a 204 unit residential development that:
 - Abuts an arterial street,
 - Includes a dwelling unit more than 150 feet from a public street,
 - Includes buildings exceeding 25 feet in height,
 - Includes retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above existing grade to comply with FEMA

floodplain requirements, and

- Includes an eight-foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15-foot setback required.

◆ **Staff's Recommendation:**

Approve General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 16733, and Conditional Use Permit No. 04-32 based upon the following:

- Consistent with the proposed General Plan Land Use Element designation of Medium Density Residential on the subject property by allowing for a variety of housing types.
- Consistent with the proposed zoning designation of Medium Density Residential by providing residential development that is consistent and transitional between surrounding densities and land uses.
- Compatible with adjacent residential uses and open space wetland uses and the site is physically suitable for the proposed density of 9.6 units per acre.
- Serves affordable housing needs of the community by designating 18 units as affordable to median-income households and three units as affordable to low-income households.

Environmental Impact Report No. 05-01 is being processed concurrently with these entitlements and is addressed under a separate staff report. It is necessary for the Planning Commission to review and act on Environmental Impact Report No. 05-01 prior to action on these entitlements. Based on the EIR analysis, following approval of these entitlements, a CEQA Statement of Findings and Fact with a Statement of Overriding Considerations will be required.

RECOMMENDATION:

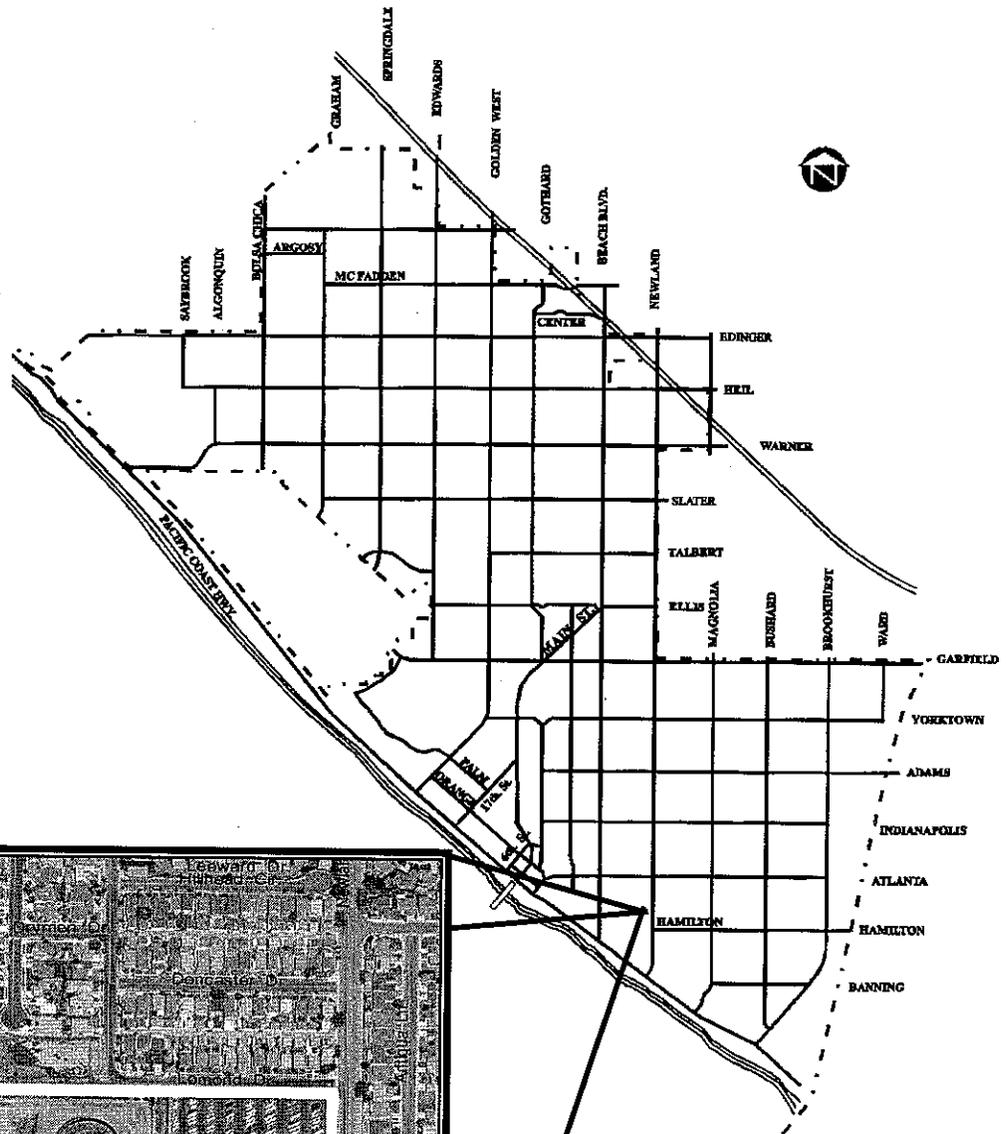
Motion to:

- A. "Approve General Plan Amendment No. 04-04 by approving the draft City Council Resolution (Attachment No. 3) and forward to the City Council for adoption."
- B. "Approve Zoning Map Amendment No. 04-01 with findings for approval (Attachment No. 1) and forward the draft Ordinance (Attachment No. 4) to the City Council for adoption."
- C. "Approve Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 with findings and suggested conditions of approval (Attachment No. 1)."
- D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 13)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

1. "Continue General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 06733, and Conditional Use Permit No. 04-32 and direct staff accordingly."
2. "Deny General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 06733, and Conditional Use Permit No. 04-32 with findings for denial."



VICINITY MAP
GENERAL PLAN AMENDMENT NO. 04-04/ ZONING MAP AMENDMENT NO. 04-01/
TENTATIVE TRACT MAP NO. 16733/ CONDITIONAL USE PERMIT NO. 04-32
(NEWLAND STREET RESIDENTIAL PROJECT)

PROJECT PROPOSAL:

General Plan Amendment No. 04-04 represents a request by the applicant to:

1. Amend the City's General Plan Land Use Element (Attachment No. 4) by changing the existing land use category on the 23.1 acre subject property from the current I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to the proposed RM (Medium Density Residential) designation; and
2. Amend the General Plan Land Use Element by removing the subject area from Subarea 9F of the Community District and Subarea Schedule pursuant to California Planning, Zoning, and Development Laws.

Zoning Map Amendment No. 04-01 represents a request by the applicant to amend the City's Zoning Map (Attachment No. 5) by changing the zoning designations on the subject property from IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain) to RM-FP2 (Medium Density Residential – Flood Plain) pursuant to Chapter 247 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

Tentative Tract Map No. 16733 represents a request by the applicant to subdivide the property into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, parkway landscaping, and a public park pursuant to Chapter 251 of the HBZSO.

Conditional Use Permit No. 04-32 represents a request by the applicant to construct 204 attached townhome units in clusters of three to four units pursuant to Chapter 210 of the HBZSO. The conditional use permit is also necessary because the project:

- Abuts an arterial street,
- Includes a dwelling unit more than 150 feet from a public street,
- Includes buildings exceeding 25 feet in height,
- Includes retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above existing grade to comply with FEMA floodplain requirements, and
- Includes an eight-foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15-foot setback required.

The proposed Newland Street Residential Project would provide a master-planned, gated residential community of 204 attached homes (medium-density residential units). The 204 residential units would consist of 126 triplex units and 78 duplex units, and would occupy approximately 8.45 net acres of the project site. Development would include two- and three-story structures with a variety of architecture and dwelling unit types and sizes. There would be eight two-story triplex units, which would be located along the northern boundary of the project site. All remaining residential structures would be three stories in height. The following tables summarize the characteristics of the proposed site development and the proposed residential units.

<i>Site Characteristics</i>	
Issue Area	Proposed
Residential Dwelling Units Proposed	204 units (78 duplex units and 126 triplex units)
Building Height	Maximum three stories above grade (up to 35 feet)
Proposed Parking Spaces	Residential: 654 spaces (482 enclosed spaces and 172 street/guest spaces); 592 parking spaces required Public Park: 19 spaces (on Lomond Drive)
Open Space	Common: 4.7 acres Private (backyard): 2.0 acres Private (decks): 0.5 acre Total: 7.2 acres Public Park: 2.07 acres constructed with improvements
Project Access	Vehicular: Newland Street (one access point) and Lomond Drive (emergency access only) Pedestrian: Newland Street and Lomond Drive

The proposed residential units are designed in clusters of attached homes with the following characteristics:

<i>Residential Unit Characteristics</i>					
Unit	Number of Bldgs	Number of Units	Avg. SF/Unit	Total SF	Req. Parking (Inc. Guest Parking)
Duplexes (3-story)	39	78	3,610	281,568	234
Triplexes (2-story)	8	24	1,765	42,360	68
<u>Triplexes (3-story)</u>	<u>34</u>	<u>102</u>	<u>2,143</u>	<u>218,585</u>	<u>290</u>
Total Residential	81	204	2,659	542,513	592
Common Area & Private Open Areas	--	--	--	314,054	--

Vehicular access to the project site would be provided from an access point at Newland Street. Approximately 10 feet of additional ROW along the property frontage must be dedicated to improve Newland Street. The dedication of ROW will provide side-by-side left turn lanes to allow a left-turn pocket for northbound project access and a left-turn pocket for the southbound approach to Hamilton Avenue. The residential development would include a series of internal private streets off of Newland Street that would be gated, and would provide access to residents and guests. The proposed internal streets

would be linked to smaller local streets, allowing direct access to residential units and associated garages. Street "A," which is connected to Newland Street and allows access to the project site, would be publicly accessible to pedestrians through a pedestrian gate.

A mix of surface parking and enclosed parking spaces along the interior streets would be provided for each residential unit, and adequate surface parking would also be provided to serve guests of the community. A total of 654 spaces would be provided for residential uses, with approximately 482 enclosed spaces and 172 street spaces (for guests and residents). In addition, 19 surface parking spaces would be available on Lomond Drive to serve the proposed public park.

The project site is located within an existing floodplain and implementation of the proposed residential development requires an increase of the project site elevation by approximately three to five feet above existing grade via import of fill soil to comply with FEMA regulations. Approximately 110,000 cubic yards (cy) of soil would be imported to the site to elevate the building pads above the base flood elevation.

The first phase of construction would involve soil import and surcharge activities. Surcharge activities consist of loading of soil onto an area in order to create additional pressure, resulting in further compaction of the underlying soil. For the proposed project, placement of additional surcharge fill will expedite soil compaction, which is intended to reduce the amount of post-construction settlement. A total of approximately 130,000 cy of soil would be imported to the project site for two primary purposes: (1) to raise the site approximately three to five feet, as discussed above and (2) to perform surcharge of the site. The site would be divided into three sections, and each section would be raised and surcharged separately. Upon completion of surcharge loading, the excess soil would be used to balance the site, with any remaining excess soil exported from the site. It is anticipated that the maximum exported soil from the site would be approximately 20,000 cy.

The applicant has been in negotiation with both the Huntington Beach City School District and the Huntington Beach Union High School District to mitigate any impact created by the development. The applicant will be required to pay the State-mandated school fees of \$2.24 per habitable square foot of each unit. Both elementary and high school districts submitted letters (Attachment No. 10) stating that each District has met with the applicant and that each District is currently updating its fee justification data. Both Districts will reach a final agreement with the applicant prior to issuance of building permits and each confirmed that they do not anticipate any adverse impacts on the public school system as a result of the proposed project.

Pursuant to Section 254.08 of the HBZSO, developers shall pay Park and Recreation Fees or dedicate vacant parkland to the City or provide a combination of both. The applicant proposes to dedicate a 2.07-acre public park. Because the 2.07 acres does not meet the total 2.73 acre land area dedication required for this size of project, the applicant proposes to make-up the shortfall by constructing the actual park improvements and pay any remaining requirements through the in-lieu fee program. The fee amount shall be based on the actual improvement costs and on the fair market value of the land as determined by an appraisal. Any necessary in-lieu fees shall be paid prior to recordation of the final tract map.

The dedicated public park would feature passive recreational uses including a large open grassy area as well as hardscape areas on the western portion of the park that would contain play equipment and half-

court basketball. In addition to recreational opportunities, the park turf area would be designed to act as a detention basin for storm water in the event of large storm events. City requirements limit detention in the park to flat grassy areas, occurring at a depth of 1 to 2 feet, for a maximum of 1.5 hours. The project as proposed meets these requirements. It is also important to note that the park will undergo an extensive plant establishment and maintenance period prior to operation and opening to the public. While the developer will be required to dedicate the land and complete the improvements prior to occupancy of the first residential unit, the park will not be available for public use until the end of the 15 month establishment and maintenance period. Potential homebuyers and property owners/occupants surrounding the site will be informed of this issue by written notification.

Pursuant to Section 230.26 of the HBZSO, the project would be required to include a minimum of 10 percent, or 21 units, of the total development as affordable housing, either on- or off-site. The applicant's Draft Affordable Housing Plan (Attachment No. 10) proposes to provide the required 21 units as for-sale units located on-site within the new development.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	I-F2-d (Industrial – 0.5 FAR – Design Overlay)	IL-O-FP2 (Limited Industrial – Oil Overlay – Flood Plain)	Former oil tank farm, now vacant. RV and boat storage on approx. 4.5 acres.
North of Subject Property (adjacent and across Lomond Drive)	RL-7 (Low Density Residential) and RMH-25 (Medium High Density Residential – 25 units/acre max.)	RL (Low Density Residential) and RMH (Medium High Density Residential)	Single family and multiple family residential units
East of Subject Property: (across Newland St.)	RL-7	RL	Single-family residential
South and West of Subject Property:	OS – C (Open Space Conservation)	CC - CZ (Coastal Conservation - Coastal Zone)	Open Space - Wetlands

General Plan Conformance:

The proposed General Plan Land Use Map designation on the subject property is RM (Residential Medium Density). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volume.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have distinct entries, courtyards, varied rooflines, abundant common areas, paseos between buildings, and viewing nodes for enjoying the adjacent wetlands. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette establishes a community theme within the project and presents a hierarchy of trees and plantings as the street scene progresses from the main street to the garage access driveways. The entire project will be landscaped to provide continuity and transition between the common open areas, paseos, viewing areas, and private open spaces.

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.

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.

The project provides a mixture of affordable unit types consisting of 18 two-bedroom units for median-income level households and three two-bedroom units for low-income level households. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

B. Housing Element

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

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.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 204 additional units with private and common open space, landscaped paseos, viewing opportunities to the adjacent wetlands, barbeque facilities, and pedestrian access to the public park. The type of units will include 183 market-rate units and 21 affordable units. The development is located in close proximity to the public beach located just south of the project at Pacific Coast Highway and Newland Street. Additionally, the project is situated near existing commercial services located at Beach Boulevard and Atlanta Avenue and Magnolia Street and Atlanta

Avenue. The proposed General Plan amendment and zone change facilitate and allow for the proposed residential subdivision and construction to commence.

C. Urban Design Element

Policies UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The applicant's request includes provisions to allow an eight-foot high masonry wall located within 11 to 13 feet of the front property line along a portion of the Newland Street frontage in-lieu of the minimum 15-foot setback required. The eight foot high wall is necessary to mitigate potential noise impacts to the residential units from traffic noise along Newland Street. Although the wall does not meet the minimum setback, the street scene is designed in an aesthetically pleasing manner with an undulating wall, pilasters, and comprehensive landscaping. The wall design, which includes two-foot offsets every 50 feet along with pilasters at the transitions, softens the overall look and height of the proposed wall. The remaining portion of the Newland Street frontage, north of the project entry and adjacent to the public park, presents an open view of the new parkland with landscaped berms, open grassy field, and a low anodized aluminum fence.

Zoning Compliance:

One of the entitlements associated with this project is to amend the Zoning designation from Limited Industrial to Medium Density Residential. This project complies with the requirements of the Medium Density Residential zone with the exception of the retaining walls and the wall within the front yard setback. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 9) for informational purposes only.

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 3 (Multi-Family Residential). The proposed project consists of the construction of 204 two and three-story townhomes and includes variations in form, building details, colors, and materials that create visual interest. The proposed buildings include roofline and façade articulation to create an interesting building form. A color scheme comprised of complimentary colors further adds to the aesthetics of the project. Staff recommends a public art element be added to the proposed project (condition #s 3.b. and 4.a) in accordance with policy regarding the inclusion of public art in all major projects. The applicant has indicated their intent to provide public art within the public park near the entrance to the subdivision.

Environmental Status:

The project's potential environmental impacts are analyzed and discussed in a separate staff report. Prior to any action on General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 16733, and Conditional Use Permit No. 04-32, it is necessary for the Planning Commission to review and act on Environmental Impact Report No. 05-01 (separate report). Staff, in its

initial study of the project, is recommending that Environmental Impact Report No. 05-01 be certified as adequate and complete with mitigation measures, findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Although the project results in adverse impacts to the environment that cannot be mitigated or avoided, the Planning Commission may still approve the project if a Statement of Overriding Considerations is adopted. CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the City may consider the adverse environmental effects acceptable. In this particular case, staff believes the economic and social benefits of the proposed project outweigh the adverse impact to Air Quality. The adverse Air Quality impacts are temporary, occurring only during import of large amounts of soil needed to raise the property above the floodplain. Approval of the project changes the land use designation from Industrial to Residential and results in a development compatible with and sensitive to the adjacent neighborhood. Development of the project also results in a temporary increase in construction jobs and provides a mix of housing types within the City. A total of 21 of the 204 proposed units will be marketed and sold as affordable housing: three units for low-income households and 18 units for medium-income households. Another benefit of the project is further protection of the adjacent wetlands to the south and west. The current property has no runoff water quality controls and may be impacting the adjacent sensitive resources. Development of the proposed project eliminates these potential impacts by creating water quality controls and directing runoff away from the wetlands.

Following approval of the general plan amendment, zoning map amendment, tentative tract map, and conditional use permit, the Planning Commission must approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 13).

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable

Subdivision Committee:

On July 13, 2006, the Subdivision Committee reviewed the proposed subdivision and tract map and recommended approval of the tract based on the consistency with the proposed General Plan and zoning designations. The Subdivision Committee reviewed the recommended conditions of approval for the tentative map from the development services departments and recommended that the affordable housing requirements be specified in the conditions of approval for the conditional use permit instead of the tentative tract map. The Subdivision Committee unanimously recommended approval of the subdivision for the proposed project to the Planning Commission.

Other Departments Concerns and Requirements:

The Departments of Public Works, Fire, Building and Safety, Community Services, and Police have reviewed the project and recommended standard code requirements. A summary of the applicable standard code requirements is included in a letter to the applicant and is provided for informational purposes only (Attachment No. 9).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 27, 2006, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, interested parties, and individuals/organizations that commented on the environmental document. Staff received one phone call in opposition to the request during the EIR comment period. The caller stated that the proposed project was too dense and should contain single family residential instead. The Board of Directors of the Surfside Homeowner's Association submitted a letter in support of the project. In response to the Subdivision Committee notification, three letters regarding the project were received. One letter was from a resident, one from Southern California Edison, and one from Caltrans. In response to the Planning Commission study sessions, the applicant submitted a letter with additional information about the proposed project. No additional letters have been received since the notification of the public hearing was published. All letters are included in Attachment No. 12.

Application Processing Dates:

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
Draft EIR: December 6, 2005	Within 1 year of complete application or by March 15, 2007
Tentative Tract Map: March 15, 2006	Within 50 days from EIR Certification
Conditional Use Permit: March 15, 2006	Within 180 days from EIR Certification

ANALYSIS:

The primary issues to consider when analyzing this project are compatibility with surrounding land uses, site layout/design, affordable housing, and parkland dedication requirements. The following is a detailed discussion of these issues.

Compatibility with Surrounding Land Uses

The proposed amendments to General Plan and Zoning land use designations require evaluation for compatibility with surrounding land uses. Likewise, the density, site layout, architectural style, floodplain design, access, and site improvements of the project itself must also be evaluated for compatibility with surrounding land uses.

Density

The current Industrial General Plan and Zoning designations are not compatible with the adjacent residential properties surrounding the subject site to the north and east. Industrial development in this location would be difficult to design and would present many challenges to overcoming compatibility issues with the surrounding residential neighborhood. Truck trips and vehicle traffic alone would be greater in volume and potentially noisier than the vehicle trips anticipated with the proposed project. Residential land use designations are more appropriate than maintaining the current Industrial designation.

The density of the subject site is compatible to the surrounding zoning and development that varies between medium-high density (25 units/acre), medium density (15 units/acre), and low density (7 units/acre) residential development. The proposed general plan and zoning designations allow up to 15 units per net acre. However, density of the proposed development project is 9.6 units per net acre, which represents a compatible transition between the surrounding land uses. The development complies with all the development standards of the proposed Medium Density Residential zoning and provides a high quality design that is compatible with the surrounding residential development.

Site Layout and Architectural Treatment

The development proposal itself, then, also bears scrutiny for compatibility to the surrounding residential land uses. The applicant has designed the townhomes in a series of buildings with two to three units each. The frontage of the project, along Newland Street, consists of the public park, the entry street, the side of one unit, and the access driveway for three other units. Separating the units from Newland Street is a wide landscaped planter and an eight-foot high wall for sound attenuation. The wall, although encroaching between two and four feet into the minimum 15 foot setback, is designed in a pleasing architectural fashion with offsets, pilasters, and heavy landscaping to soften the view. The remaining buildings are sited in an efficient manner within the interior of the site. The architectural treatment of the buildings includes numerous features that contribute to an attractive design, such as building offsets, distinct entries, courtyards, balconies, varied rooflines, and window treatments (Attachment No. 7). The architectural theme of the project is a varied design consisting of Craftsman, Monterey, and Italianate. Plan types have been alternated along one side of the primary ring road for variation in the street scene. While the same plan type is provided along the other side of the ring road, the finish style and color of each of these units is varied to create an interesting pattern and pleasing design. The design of the project is similar in scale, mass, architecture, colors and materials as Seaside Terrace, 10 new residential units recently constructed by Bonanni Development, along the north property line. All of the proposed units adjacent to Seaside Terrace are two-stories in height with elevated building pad heights, similar to the existing units. However, older smaller-scale homes exist directly north of the subject site on Lomond Drive. The proposed project will be separated from these existing one and two story single-family homes by the 2.07-acre public park and Lomond Drive.

Floodplain Requirements and Property Separation

The property will be raised approximately three to five feet above the existing grade to comply with FEMA floodplain regulations. The required property elevation is necessary to raise the property and the new structures completely out of the floodplain. The elevation will be similar to the raised grade achieved

at the adjacent Seaside Terrace development and therefore, compatible with these newly constructed homes. The remainder of the proposed project is separated from existing residential units on the north side of Lomond Drive by the public park and by a 15-foot landscape planter described below. The northwest corner of the proposed project backs to an existing multi-family residential project, Surfside Townhomes, which is zoned at 25 units per acre and has one access point onto Atlanta Avenue. Surfside Townhomes' recreation area abuts the northwest corner of the proposed residential development. Therefore, raising the grade of the existing property for FEMA regulations does not impact any residential units immediately adjacent to the proposed project, except for Seaside Terrace, which is already elevated in a similar manner. The residential units proposed along the northern side of the project are separated from the adjacent residential neighborhood by a six-foot high solid masonry wall as well as a 15-foot wide landscape area along the street edge. This landscape area will soften the view of the new project from Lomond Drive and from the existing residential units beyond.

Wall Improvements

The applicant proposes to remove and replace an existing chain link fence and block wall separating the Surfside Townhome Association property from the subject property. The applicant also proposes to relandscape the area on the north side of the new wall. The remainder of the existing wall will receive new stucco and new masonry veneer on existing pilasters on the north (Surfside Townhomes) side of the existing wall. Because these proposed wall improvements are not described on the overall site plan, a condition of approval (condition # 1.b.) has been included to require submittal of plans reflecting these proposed wall changes.

Project Access

Access to the development will be taken from Newland Street. The entrance to the gated community is accentuated with landscaping, decorative paving, and sidewalks on each side. Internal drive aisles will provide access to open guest parking and garages throughout the site. The proposed parking exceeds the minimum parking requirements by providing 61 surplus parking stalls. Although street frontage exists along the north edge of the property at the corner of Lochlea and Lomond, vehicular access is not provided here to minimize additional vehicular trips in the adjacent neighborhood. A turf-block driveable surface access road is provided from the site to Lomond along the north edge of the property for emergency vehicle access only.

All units are designed with either a three-car, two-car, or one-car garage. In many cases, roofed carports are also provided adjacent to the enclosed garages spaces and will serve as guest parking on a first-come, first-served basis. Although the minimum code required width and depth of a two-car garage is 18 feet by 19 feet, staff has recommended minimum 20 feet by 20 feet garage dimensions on all residential projects. The extra space allows more maneuverability, more door swing area, and more storage space within the garage. Some of the two car garages in the proposed project are 19 feet, 3 inches wide by 20 feet, three inches deep, which is slightly larger than the recommended depth but not quite enough in width. In order to account for this shortfall, the applicant is exploring either providing wider garage spaces or providing built-in storage shelving at the head of the garage. Staff supports either scenario and recommends that a condition of approval (condition #1.a.) be included to allow the applicant to provide either design solution.

Storm Drain Improvements

According to Public Works Department standards, the applicant will not be permitted to increase any storm water runoff from this site's current runoff amount into the public storm drain system in 10-year, 25-year, or 100-year storms. The applicant is held to a higher standard because the City determined that the baseline for establishing the current runoff would be taken from when the site was a developed and operating oil tank farm instead of the current conditions today. This is an important difference because the site was bermed and runoff contained within the property prior to the decommissioning, tank removal, and soil remediation that has subsequently occurred. Therefore, the applicant has decided to meet this standard by holding storm water on-site during major storm events and only allowing the storm water to leave the site into the public storm drain system once the peak of the storm has passed. In order to accomplish these design standards, the applicant intends to construct large holding pipes under the private streets within the project, to detain some water adjacent to the curbs within the private streets, and to utilize the large grassy playing field of the public park for ponding. The public park will only be utilized in the worse case storm events and the Community Services Department requests that the ponding be limited to a depth of one to two feet for a maximum duration of 1.5 hours. Therefore, the majority of the storm water collected and held on-site during storm events will be within the street system and the below ground storage pipes. These conditions are similar to those recently established at Meadowlark Park within the new Summerlane Development, north of Warner Avenue between Graham Street and Bolsa Chica Street.

Affordable Housing

The proposed residential development is required to provide affordable housing based on the proposed zoning designation of the site.

All new residential developments are required to provide 10 percent of the total units (21 units for the 204 unit proposed project) as affordable to medium-income, low-income, or very low-income households. Affordability and income levels are based on Orange County median income levels. The applicant has provided a draft affordable housing agreement (Attachment No. 10) that proposes to provide all the affordable units on-site in the following manner:

- 18 two-bedroom for-sale units available to medium-income families, and
- 3 two-bedroom for-sale units available to low-income families

All 21 affordable units will be made continuously available for a period of 60 years from the date of initial sale. As required by code, the affordable housing agreement states that the affordable units will be located throughout the project site and will be of the same design and finish level as all the other units. The draft agreement further states that should the City Council adopt any subsequent revisions to the affordable housing ordinance prior to issuance of building permits, the applicant may elect to comply with new code requirements. Staff supports the proposed draft affordable housing agreement.

Parkland Dedication Requirement

The new residential development is required to comply with parkland requirements as specified in Section 254.08 of the HBZSO. In this case, there is no park planned for and designated on the site in the General Plan. Therefore, the applicant would be permitted to pay in-lieu fees to meet the parkland dedication. However, in early consultations with the applicant, the City requested both land dedication and complete public park improvements to be provided by the developer and within the proposed project. Based on the size of the proposed residential development, dedication of 2.7 acres of unimproved, vacant land would be required. A 2.07-acre completely improved and constructed public park is proposed by the applicant and supported by staff. Staff prefers to obtain improved parkland rather than vacant land for new park construction at City expense. An appraisal to determine the value of the dedicated land and a bid to determine the cost of park construction must be completed to determine any remaining parkland obligations by the developer. A formula to determine the total amount of parkland in-lieu fees if no park was dedicated will be analyzed against the value of dedicated, improved land. The applicant will pay any difference in the amount of total fees vs. the value of the dedicated land and park improvements.

Summary

Staff finds that the proposed project is compatible with surrounding uses in terms of density, architecture, site layout, design, access, separation, and compliance with development standards regarding affordable housing and parkland obligations. The current Industrial land use designations are not compatible with the adjacent residential properties, which vary between low density residential and medium high density residential. The site layout, with access onto Newland Street, an arterial, minimizes vehicular traffic into the adjacent neighborhoods. The architectural design is varied, interesting, and high quality while the project itself is separated from surrounding land uses by landscape areas and attractive walls, pilasters, and view fencing. Although the project will be raised approximately three to five feet above existing grade to comply with floodplain standards, the elevated property will not be detrimental to surrounding uses. Seaside Terrace, which abuts the majority of the project to the north, has been raised to the same elevation. Other adjacent homes to the northeast of the proposed project are separated from the proposed project by the new public park and Lomond Drive. The project proposes 3 units for low-income households and 18 units for medium-income households in fulfillment of the affordable housing requirements. Additionally, a 2.07 acre fully improved public park will be dedicated to the City of Huntington Beach in accordance with parkland obligations.

Staff supports the proposed amendments to the General Plan and Zoning designations as well as the proposed subdivision and development of 204 units.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for General Plan Amendment No. 04-04, Zoning Map Amendment No. 04-01, Tentative Tract Map No. 16733, and Conditional Use Permit No. 04-32
2. Suggested Conditions of Approval – Department of Public Works memo dated July 21, 2006
3. Draft City Council Resolution No. 1611 for General Plan Amendment No. 04-04
4. Draft Ordinance for Zoning Map Amendment No. 04-01

5. General Plan Land Use Element- Existing Land Use Designation Exhibit, Existing Table LU-2a Land Use Schedule, and Excerpt of Existing Table LU-4 Community District and Subarea Schedule
6. Zoning Map – Existing Zoning Designation Exhibit
7. Tentative Tract Map, Site Plan, Floor Plans, Elevations, and other site plan exhibits dated October 25, 2005
8. Narrative dated July 2, 2004
9. Standard Code Requirements Letter dated July 21, 2006
10. Draft Affordable Housing Agreement dated July 24, 2006
11. Letter from Huntington Beach Union High School District dated July 25, 2006 and Letter from Huntington Beach City School District dated July 27, 2006
12. Letters received regarding the proposed project
13. CEQA Statement of Findings and Fact with Statement of Overriding Considerations – EIR No. 05-01
14. Mitigation Monitoring and Reporting Program – EIR No. 05-01.
15. Environmental Impact Report No. 05-01 – **Not Attached - See Staff Report No. B-2a**

SH:HF:MBB:JJ:cs

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

**GENERAL PLAN AMENDMENT NO. 04-04/
ZONING MAP AMENDMENT NO. 04-01/
TENTATIVE TRACT MAP NO. 16733/
CONDITIONAL USE PERMIT NO. 04-32**

SUGGESTED FINDINGS FOR APPROVAL – ZONING MAP AMENDMENT NO. 04-01:

1. Zoning Map Amendment No. 04-01 amends the existing zoning designation by changing the IL-O-FP2 (Limited Industrial-Oil Overlay-Floodplain) zoning designation within the project area to RM (Medium Density Residential-Floodplain). The adoption of this amendment will establish the Medium Density Residential zoning and development standards and will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan as well as the proposed General Plan Amendment No. 04-04.

The proposed residential zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. In the case of general land use provisions, the Zoning Map Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Medium Density Residential land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 04-04.
3. A community need is demonstrated for the change proposed. The proposed medium density residential zoning provides the standards necessary to develop a high quality of residential land uses complementing and enhancing surrounding land uses. The existing Industrial Land Use and Zoning designations are not compatible with the existing surrounding land uses and are no longer appropriate for the site. The residential land use designation allows for more affordable housing units to be constructed and the medium density project, proposed at 9.6 units/acre with high quality attached housing provides for a variety of housing types and units within the City, as referenced in the Land Use Element of the City's General Plan.
4. The adoption of the Medium Density Residential zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape guidelines. The resultant project provides high quality design, successful affordable housing, pleasing architecture, and a diverse development of land uses within the City of Huntington Beach.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16733:

1. Tentative Tract Map No. 16733 for the subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping for condominium purposes is consistent with the proposed General Plan Land Use Element designation of Medium Density Residential on the subject property. The proposed residential subdivision for the development of 204 townhome units is permitted with a conditional use permit in the Medium Density Residential (RM) zoning areas of the City.
2. The site is physically suitable for the type and density of development. The project density of 9.6 dwelling units per acre is compatible with the density of the surrounding developments. Furthermore the proposed development complies with the development standards regarding open space, building height, site coverage, setbacks, parking, and landscaping of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
3. 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. Short-term adverse impacts resulting from air quality impacts during construction of the project have been documented as significant and unavoidable even with mitigation measures to reduce and minimize the impacts. The project will comply with all mitigation measures identified in Environmental Impact Report No. 05-01.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. Conditional Use Permit No. 04-32 for the construction of 204 two and three-story townhomes abutting an arterial street; including a unit more than 150 feet from a public street; including buildings exceeding 25 feet in height; including retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above the existing grade to comply with FEMA regulations; and including an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required 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. The proposed site layout and design of the project properly adapts the proposed structures to streets driveways, and other adjacent structures and uses in a harmonious manner. The proposed development is designed in a manner consistent with development recently constructed or previously existing in the immediate area. The project will provide affordable housing to a segment of the population, which has limited available housing options at rates, which are affordable at the medium-income and low-income levels. An improved public park will also be provided for public use.

2. The conditional use permit will be compatible with surrounding uses because the proposed residential use is consistent and complementary to existing uses in the vicinity. The project design is similar to the residential projects located to the north and east of the subject site and is in keeping with the surrounding single-family and multi-family neighborhood. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 05-01 and code provisions will ensure that the project will be compatible with other area developments.
3. The proposed 204-unit townhome subdivision will comply with the provisions of the base district and other applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed residential units meet all code provisions, including setbacks, density, open space, and parking.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed Land Use Element designation of Residential Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- d. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volume.
- e. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- f. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have distinct entries, courtyards, varied rooflines, abundant common areas, paseos between buildings, and viewing nodes for enjoying the adjacent wetlands. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette establishes a community theme within the project and presents a hierarchy of trees and plantings as the street scene progresses from the main street to the garage access driveways. The entire project will be landscaped to provide continuity and transition between the common open areas, paseos, viewing areas, and private open spaces.

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.

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.

The project provides a mixture of affordable unit types consisting of 18 two-bedroom units for median-income level households and three two-bedroom units for low-income level households. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

B. Housing Element

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

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.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 204 additional units with private and common open space, landscaped paseos, viewing opportunities to the adjacent wetlands, barbeque facilities, and pedestrian access to the public park. The type of units will include 183 market-rate units and 21 affordable units. The development is located in close proximity to the public beach located just south of the project at Pacific Coast Highway and Newland Street. Additionally, the project is situated near existing commercial services located at Beach Boulevard and Atlanta Avenue and Magnolia Street and Atlanta Avenue. The proposed General Plan amendment and zone change facilitate and allow for the proposed residential subdivision and construction to commence.

C. Urban Design Element

Policies UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The applicant's request includes provisions to allow an eight-foot high masonry wall located within 11 to 13 feet of the front property line along a portion of the Newland Street frontage in-lieu of the minimum 15-foot setback required. The eight foot high wall is necessary to mitigate potential noise impacts to the residential units from traffic noise along Newland Street. Although the wall does not meet the minimum setback, the street scene is designed in an aesthetically pleasing manner with an undulating wall, pilasters, and comprehensive landscaping. The wall design, which includes two-foot offsets every 50 feet along with pilasters at the transitions, softens the overall look and height of the proposed wall. The remaining portion of the Newland Street frontage, north of the project entry and adjacent to the public park, presents an open view of the new parkland with landscaped berms, open grassy field, and a low anodized aluminum fence.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16733:

1. The Tentative Tract Map No. 16733 for subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping received and dated October 25, 2005 shall be the approved layout.
2. Prior to submittal of the Final Tract Map to the Public Works Department for processing and approval, the following shall be required:
 - a. At least 90 days before City Council action on the Final Tract Map, CC&Rs shall be submitted to the Planning Department for review and approval by the Public Works Department and the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the Final Tract Map.
 - b. An Affordable Housing Plan shall be submitted for review and approval as stipulated in Conditional Use Permit No. 04-32 conditions of approval.
3. The following conditions shall be completed prior to recordation of the Final Tract Map:
 - a. Comply with Section 254.08, Parkland Dedication, of the Huntington Beach Zoning and Subdivision Ordinance.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. The site plan and all associated technical exhibits (wall and fence plan, parking plan, sections, turning radius plan, etc.), floor plans, and elevations received and dated October 25, 2005 shall be the conceptually approved design with the following modifications.
 - a. All two-car garages in Plans 1 and 2 shall be revised to provide minimum interior wall-to-wall dimensions of 20 ft. by 20 ft or additional storage shelving within the garages shall be provided.
 - b. The approved site plan and section drawings shall be modified to reflect removal, replacement, and improvements to the Surfside Townhome Association wall at the northwest corner of the property as indicated in a site plan and elevations received and dated June 1, 2005.
2. Prior to submittal for building permits, the following shall be completed:
 - a. A corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. Reproduce the recommendations of the report on the plans. **(Bldg)**
 - b. A copy of the approved "Grading Plan" by Planning and Public Works must be attached to the approved sets of construction plans prior to issuance of building permits. **(Bldg)**

- c. Each lot for every single-family unit must be provided with a clear yard that provides both egress and rescue door or window from the sleeping room(s) to the building front yard. **(Bldg)**
- d. Submit a copy of the revised site plan, floor plans, elevations, and color schemes pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
- e. Zoning entitlement conditions of approval and applicable code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. Prior to issuance of building permits, the following shall be completed:

- a. The draft Affordable Housing Program received and dated July 24, 2006 identifying 21 on-site units for-sale as affordable (based upon minimum 10% of the total 204 units proposed for the site) shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the 21 two-bedroom affordable housing for-sale units on-site. The for-sale units shall be dispersed throughout the project.
 - ii. There shall be three units affordable to low-income households (income level less than 80% of Orange County median) and 18 units affordable to median-income households (income level 80% to 100% of Orange County median). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

- b. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:

- a. The public art element is installed.
 - b. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.
5. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 05-01.

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.



CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: Jane James, Senior Planner

FROM: Steven Bogart, Associate Civil Engineer

City of Huntington Beach

DATE: July 13, 2006

JUL 21 2006

SUBJECT: TTM 16733
(Former Cenco Tank Farm – Newland Street Residential)
21471 Newland Street – Conditions

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO
ISSUANCE OF A GRADING PERMIT:**

1. The site plan received and dated October 25, 2005 shall be the conditionally approved layout, except for the following:
 - a. Lot "A", the entrance street to the subject tract, shall be designated as a private street.
 - b. If Lot "A" is not designated as a private street but conversely as a public street, the following condition shall be added, "Provide a Landscape License Agreement that requires the Home Owners Association to maintain the landscaping on either side of said street. This maintenance shall include but not be limited to the care and replacement of the original irrigation equipment, weeding of all related planting areas, the replacement of originally designed plants upon their demise and control of all pests and diseases that impact the plantings."



CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: Jane James, Senior Planner
FROM: Steven Bogart, Associate Civil Engineer
DATE: July 21, 2006
SUBJECT: GPA 04-04\ZMA 04-01\CUP 04-32
(Former Cenco Tank Farm – Newland Street Residential)
21471 Newland Street – Conditions

City of Huntington Beach

JUL 21 2006

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO
ISSUANCE OF A GRADING PERMIT:**

1. The site plan received and dated October 25, 2005 shall be the conditionally approved layout, except for the following:
 - a. The public park berms shall be raised 3 to 4 feet above the existing curbs along Newland Street and Lomond Drive per the report by Wallace Laboratories, dated September 6, 2005, titled "Recommendations for construction of a turf area / detention basin..." or as amended by Wallace Laboratories and approved by the City Landscape Architect. All soil imported and used for this fill area shall be approved by the City Landscape Architect. The maximum slope allowed for the proposed is 4:1 or retaining walls shall be constructed per the City Grading Manual.
 - b. A 42-inch maximum height aluminum fence shall be located along all street frontages adjacent to the public park.
 - c. All soil to be imported for the park improvements shall be Class "A" topsoil as described in the 'Green Book'. The soil shall be tested prior to import by a City approved Soil Testing Laboratory for Agricultural Suitability. The approved Soil Lab shall do the collecting and testing. The results of which shall indicate that the soil is suitable for use without needing excessive added amendments. The Class "A" topsoil shall not require any leaching in order to be considered usable.
 - d. In the event the above ground electrical transmission lines at the south side of the subject property are found to exist on the subject site, all said overhead lines shall be undergrounded. This also includes removal of all supporting structures for said aerial lines within the subject project.
 - e. No parking shall be allowed on Lot "A".

DRAFT

RESOLUTION NO. 1611

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 04-04

WHEREAS, General Plan Amendment No. 04-04 has been prepared and analyzed in the Planning Commission Staff Report dated August 8, 2006; and

General Plan Amendment No. 04-04 is a request to amend the Land Use Element of the City's General Plan to incorporate a redesignation of an approximate 23.1 acre parcel of land from I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to RM (Medium Density Residential) on a property located at the northwest corner of Newland Street and the terminus of Hamilton Avenue.

The amendment also includes removing the subject area from Subarea 9F of the Community District and Subarea Schedule of the General Plan.

The Planning Commission held a public hearing pursuant to Government Code Section 65353 on August 8, 2006 to consider said General Plan Amendment; and

The Planning Commission is required to make a recommendation to the City Council on the amendment to the General Plan pursuant to Government Code Section 65354.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Huntington Beach as follows:

SECTION 1: The Planning Commission desires to update and refine the General Plan in keeping with changing community needs and objectives.

SECTION 2: The General Plan Amendment is necessary to accomplish refinement of the General Plan and is consistent with its elements.

SECTION 3: The Planning Commission finds that the proposed land use amendment will not result in any significant adverse impacts to the environment.

SECTION 4: The Planning Commission finds that the land use designations will be consistent with the zoning on the property and will be compatible with surrounding land uses.

DRAFT

SECTION 5: The Planning Commission of the City of Huntington Beach hereby recommends adoption of said amendment to the General Plan of the City of Huntington Beach.

BE IT FURTHER RESOLVED, that said amendment to the General Plan of the City of Huntington Beach is recommended for adoption by the City Council of the City of Huntington Beach.

PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 8th day of August 2006.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Howard Zelefsky, Secretary

Planning Commission Chairperson

ATTACHMENTS

Exhibit A: Legal Description
Exhibit B: Sketch

DRAFT

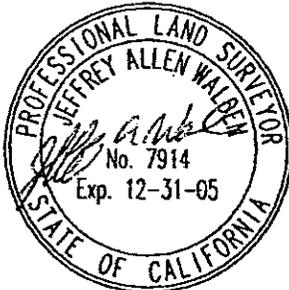
EXHIBIT "A"

BEING A PORTION OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 13, TOWNSHIP 6 SOUTH, RANGE 11 WEST, S.B.B.M., IN THE RANCHO LAS BOLSAS, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 51, PAGE 14 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE CENTERLINE INTERSECTION OF NEWLAND STREET AND HAMILTON AVENUE; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHWEST QUARTER AND SAID CENTERLINE OF NEWLAND STREET, NORTH 00°17'08" EAST 50.25 FEET TO A POINT ON A LINE BEING PARALLEL WITH AND 50.25 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID FRACTIONAL SECTION 13, SAID POINT ALSO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE, NORTH 00°17'08" EAST 609.12 FEET TO THE SOUTH LINE OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE NORTHWEST QUARTER OF SAID FRACTIONAL SECTION 13; THENCE WESTERLY ALONG SAID SOUTH LINE, NORTH 89°24'57" WEST 1649.70 FEET; THENCE LEAVING SAID SOUTH LINE, SOUTH 00°34'17" WEST 609.51' TO A POINT ON SAID PARALLEL LINE; THENCE EASTERLY ALONG SAID PARALLEL LINE, SOUTH 89°25'46" EAST 1652.74 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 1,006,104 SQ. FT. = 23.097 ACRES

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART THEREOF.



WALDEN & ASSOCIATES

Civil Engineers – Land Surveyors - Planners
2552 White Road, Suite B
Irvine, CA 92614-6236
949-660-0110 Fax: 949-660-0418

EXHIBIT "A"

LEGAL DESCRIPTION
FOR PARCEL 1

W.O. No. 1402-678-001 Date: 06/28/2004
Engr.B.J.W. Chk'd J.W. Sheet 1 of 1

DRAFT

EXHIBIT "B"

POINT OF COMMENCEMENT
SE COR. OF NW 1/4,
FRAC. SEC. 13,
T6S, R11W
NEWLAND STREET

TRUE POINT OF BEGINNING

N 00°17'08" E 609.12'

N 00°17'08" E 50.25'



SCALE: 1" = 250'

50.25'

SOUTH LINE OF
NW 1/4 OF FRACT.
SEC. 13, T6S, R11W

PARCEL 1
23.097 ACRES

1652.74'

N 89°25'46" W

50.25'

N 89°24'57" W 1649.70'

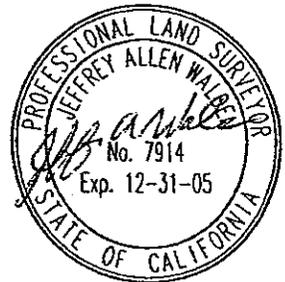
SECTION

RANCHO LABS

BOLAS

SOUTH LINE OF N. 1/2,
OF S. 1/2 OF NW 1/4,
OF FRACT. SEC. 13, T6S,
R11W

S. B. B. M.



WALDEN & ASSOCIATES

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
(949) 660-0110 FAX: 660-0418

EXHIBIT "B"

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION
FOR PARCEL 1

W.O. No. 1402-678-001
Engr. B.J.W. Chk'd J.W.

Date 07/01/04
Sheet 1 Of 1

DRAFT

**AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING DISTRICT MAP 14 (SECTIONAL DISTRICT MAP 13-6-11)
TO REZONE THE REAL PROPERTY GENERALLY LOCATED AT THE
NORTHWEST CORNER OF NEWLAND STREET AND HAMILTON AVENUE FROM
IL-O-FP2 (LIMITED INDUSTRIAL-OIL DISTRICT OVERLAY-FLOODPLAIN)
TO RM-FP2 (MEDIUM DENSITY RESIDENTIAL-FLOODPLAIN)
(ZONING MAP AMENDMENT NO. 04-01)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Map Amendment No. 04-01, which rezones the property generally located at the northwest corner of Newland Street and the terminus of Hamilton Avenue from IL-O-FP2 (Limited Industrial-Oil District Overlay-Floodplain) to RM-FP2 (Medium Density Residential-Floodplain); and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That the real property that is the subject of this Ordinance (hereinafter referred as the "Subject Property") is generally located at the northwest corner of Newland Street and the terminus of Hamilton Avenue, and is more particularly described in the legal description and sketch attached hereto as Exhibits A-1 and A-2, respectively, and incorporated by reference as though fully set forth herein.

DRAFT

SECTION 2. That the zoning designation of the Subject Property is hereby changed from L-O-FP2 (Limited Industrial-Oil District Overlay-Floodplain) to RM-FP2 (Medium Density Residential-Floodplain)

SECTION 3. That Huntington Beach Zoning and Subdivision Ordinance Section 201.04B District Map 14 (Sectional District Map 13-6-11) is hereby amended to reflect Zoning Map Amendment No. 04-01 as described herein. The Director of Planning is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

SECTION 4. This ordinance shall take effect thirty days after passage.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2006.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Jennifer M. [Signature]
City Attorney
6/1/06
LHM 8/11/06

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Administrator

Director of Planning

ATTACHMENTS

- Exhibit A: Legal Description
- Exhibit B: Sketch

DRAFT

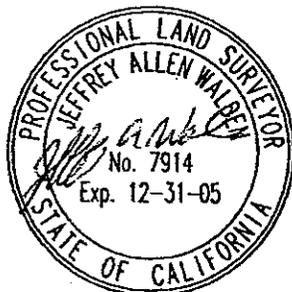
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CONTAINS 1,006,104 SQ. FT. = 23.097 ACRES

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART THEREOF.



**ALDEN &
SSOCIATES**

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EXHIBIT "A"

LEGAL DESCRIPTION
FOR PARCEL 1

W.O. No. 1402-678-001
Engr. B.J.W. Chk'd J.W.

Date: 06/28/2004
Sheet 1 of 1

DRAFT

EXHIBIT "B"

POINT OF COMMENCEMENT
SE COR. OF NW 1/4,
FRAC. SEC. 13,
T6S, R11W
NEWLAND STREET

TRUE POINT OF BEGINNING

N 00°17'08" E 609.12'

HAMILTON AVENUE

N 00°17'08" E 50.25'

SCALE: 1"=250'

N W 1/4

SECTION 13

PARCEL 1
23.097 ACRES

SOUTH LINE OF
NW 1/4 OF FRACT.
SEC. 13, T6S, R11W

FRACTIONAL

N 89°24'57" W 1649.70'

T 6 S, R 11 W

N 89°25'46" W 1652.74'

SOUTH LINE OF N. 1/2,
OF S. 1/2 OF NW 1/4,
OF FRACT. SEC. 13, T6S,
R11W

BOLAS

RANCHO LAS

N 00°34'17" E 609.51'

S. B. B. M.



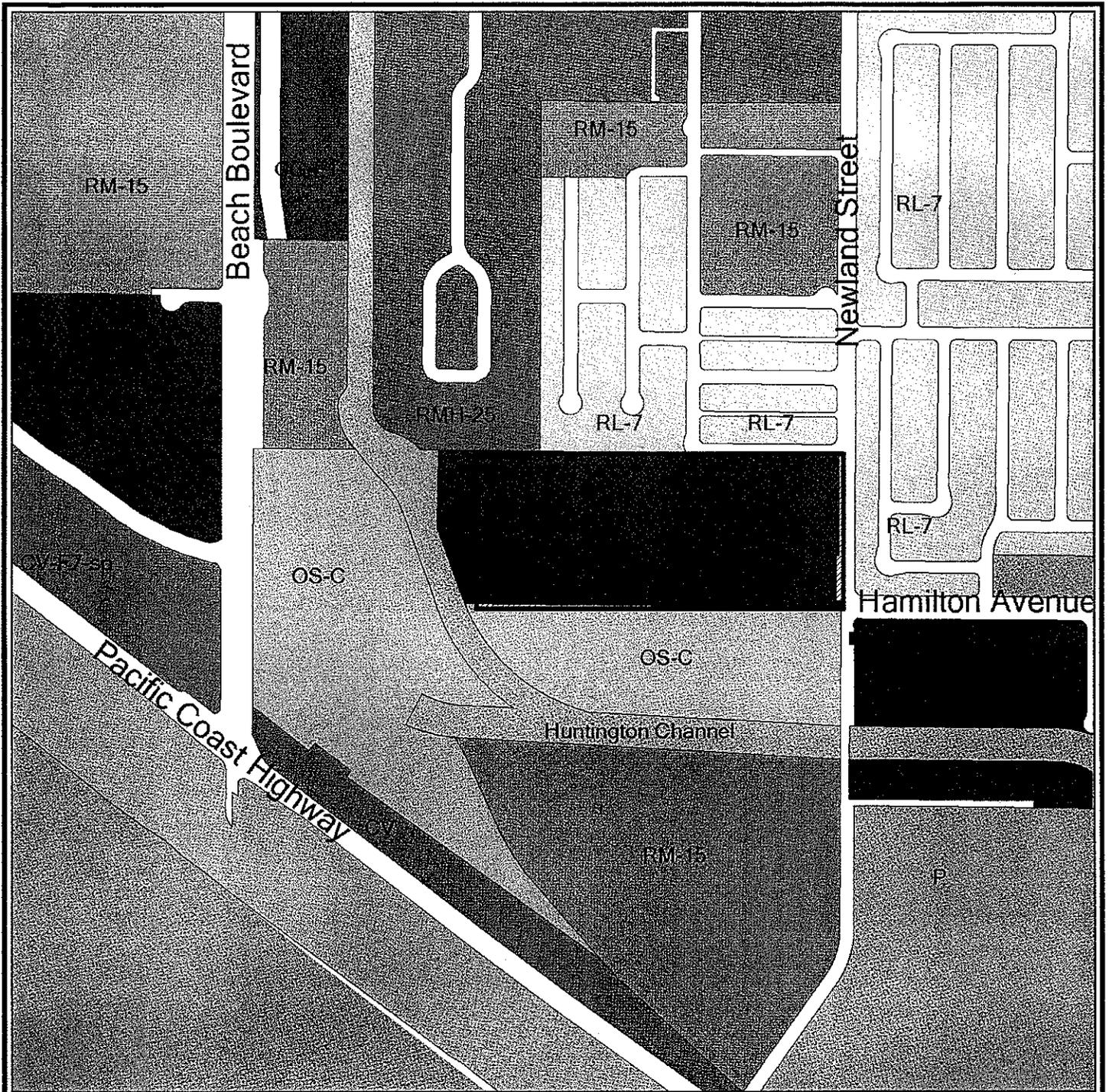
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
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(949) 660-0110 FAX: 660-0418

EXHIBIT "B"

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION
FOR PARCEL 1

W.O. No. 1402-678-001
Engr. B.J.W. Chk'd J.W.

Date 07/01/04
Sheet 1 Of 1



General Plan Designations

Map produced by information contained in the City of Huntington Beach Information Services Department Geographic Information System. Information warranted for City use only. Huntington Beach does not guarantee its completeness or accuracy.
Map Produced on 7/28/2006



HB
GIS

0 631 1262



One inch equals 631 feet

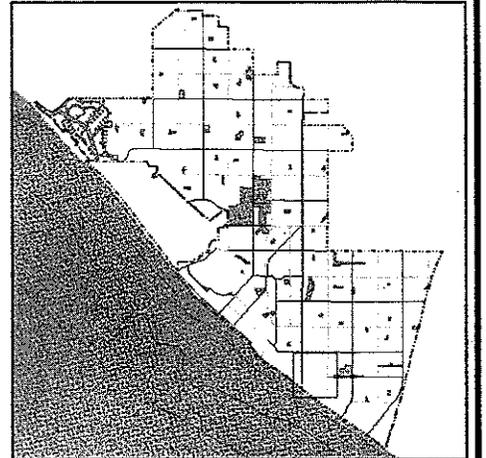


TABLE LU-2a

Land Use Schedule⁶

Land Use Category	Typical Permitted Uses
RESIDENTIAL	
Residential Low (RL)	Single family residential units; clustered zero-lot line developments; and "granny" flats.
Residential Medium (RM)	Single family residential units, duplexes, townhomes, and garden apartments.
Residential Medium High (RMH)	Townhomes, garden apartments, apartment "flats."
Residential High (RH)	Townhomes, garden apartments, and apartments.
COMMERCIAL	
Commercial Neighborhood (CN)	Small-scale retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drug stores, personal services, cultural facilities, institutional, health, government offices, and similar uses. Generally, individual establishments should not exceed 10,000 square feet. If permitted, their frontage should be designed to convey the visual character of small storefronts.
Commercial General (CG)	Retail commercial, professional offices, eating and drinking establishments, household goods, food sales, drugstores, building materials and supplies, personal services, recreational commercial, overnight accommodations, cultural facilities, government offices, educational, health, institutional and similar uses.
Commercial Regional (CR)	Anchor department stores, outlet stores, promotional ("big box") retail, retail commercial, restaurants, entertainment, professional offices, financial institutions, automobile sales facilities, and similar region-serving uses.
Commercial Office (CO)	Professional offices and ancillary commercial services (financial institutions, photocopy shops, small restaurants, and similar uses).
Commercial Visitor (CV)	Hotels/motels, restaurants, recreation-related retail sales, cultural uses (e.g., museums) and similar uses oriented to coastal and other visitors to the City.
INDUSTRIAL	
Industrial (I)	<ul style="list-style-type: none"> • Light manufacturing, research and development, warehousing, business parks and professional offices, supporting retail, financial, and restaurants, and similar uses. • Warehouse and sales outlets.
PUBLIC AND INSTITUTIONAL	
Public (P)	Governmental administrative and related facilities, such as public utilities, schools, public parking lots, infrastructure, religious and similar uses.

⁶ See LU 7.1.1 and LU 7.1.2

TABLE LU-2a (Cont.)

Land Use Schedule (Cont.)⁷

Land Use Category	Typical Permitted Uses
MIXED USE	
Mixed Use (M)	<ul style="list-style-type: none"> • Single uses containing Commercial Neighborhood (CN), or Commercial General (CG) or Residential uses as listed above. • Mixed use areas that may include Vertically Integrated Housing (MV) or Horizontally Integrated Housing (MH) uses, townhomes, garden apartments, and mid-/high-rise apartments, Neighborhood (CN) and Commercial General (CG) uses. • The exact density, location, and mix of uses in this category is intended to be governed by a Specific Plan ("-sp") to allow greater design flexibility and to address the uniqueness of a particular area.
Mixed Use-Vertically Integrated Housing (MV)	<ul style="list-style-type: none"> • Single use structures containing Neighborhood (CN) and Commercial General (CG) uses as listed above. • Mixed use structures incorporating residential units on the second floor and/or rear of commercial uses; with restrictions on the types of commercial uses to ensure compatibility with the housing.
Mixed Use-Horizontally Integrated Housing (MH)	<ul style="list-style-type: none"> • Single use structures containing Neighborhood (CN) and Commercial General (CG) uses as listed above. • Multi-family residential, including townhomes, garden apartments, and mid-/high-rise apartments. • (Note: each use is limited to a portion of the total designated site, as prescribed by policy in this element.)
OPEN SPACE	
Parks (OS-P)	Public parks and recreational facilities.
Shoreline (OS-S)	Publicly owned coastal beaches. Ancillary buildings may be permitted, such as food stands and recreation equipment rentals, as determined by City review and approval.
Commercial Recreation (OS-CR)	Publicly or privately owned commercial recreation facilities such as golf courses.
Conservation (OS-C)	Properties to be retained for environmental resource conservation and management purposes (e.g., wetlands protection). Ancillary buildings, such as maintenance equipment storage, may be permitted, as determined by City review and approval.
Water Recreation (OS-W)	Lakes and other water bodies used for recreational purposes, such as boating, swimming, and water skiing.

⁷ See LU 7.1.1 and LU 7.1.2

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

Subarea	Characteristic	Standards and Principles
8B Neighborhood Commercial	Permitted Uses	Category: Commercial Neighborhood ("CN") Commercial uses permitted by the "CN" land use category.
	Density/Intensity	Category: "-F1" <ul style="list-style-type: none"> • Height: two (2) stories
	Design and Development	Design to achieve a high level of quality in conformance with Policy LU 10.1.10
9 Industrial	Area wide Functional Role	Ensure the development of industrial uses to provide employment for the City's residents and contribute revenue for the City's services.
9A McDonnell Douglas	Permitted Uses	Category: Industrial ("I") Uses permitted by the "I" land use category.
	Density/Intensity	Category: "-F1" <ul style="list-style-type: none"> • Height: consistent with existing development, with vertical setbacks adjacent to residential areas and the site's periphery
	Design and Development	Category: Special Design ("-d") <ul style="list-style-type: none"> • Design and site development to achieve a "campus-park" setting in adherence to Policy LU 12.1.5 and buildings to achieve a high level of design quality in accordance with Policy LU 12.1.4. • Integrate new development to be compatible with existing structures and open spaces. • Incorporate extensive landscape along the primary street frontages. • Design and site buildings to ensure compatibility with adjacent residential neighborhoods.
9B Bolsa-Spring dale Park	Permitted Uses	Category: Industrial ("I") Same as Subarea 9A.
	Density/Intensity	Category: "-F2" <ul style="list-style-type: none"> • Height: two (2) stories
	Design and Development	Category: Special Design ("-d") <ul style="list-style-type: none"> • Same as Subarea 9A • Encourage the preparation of a specific or master plan to guide development in a unified manner. • Incorporate visual elements to distinguish key entries along principal streets.

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

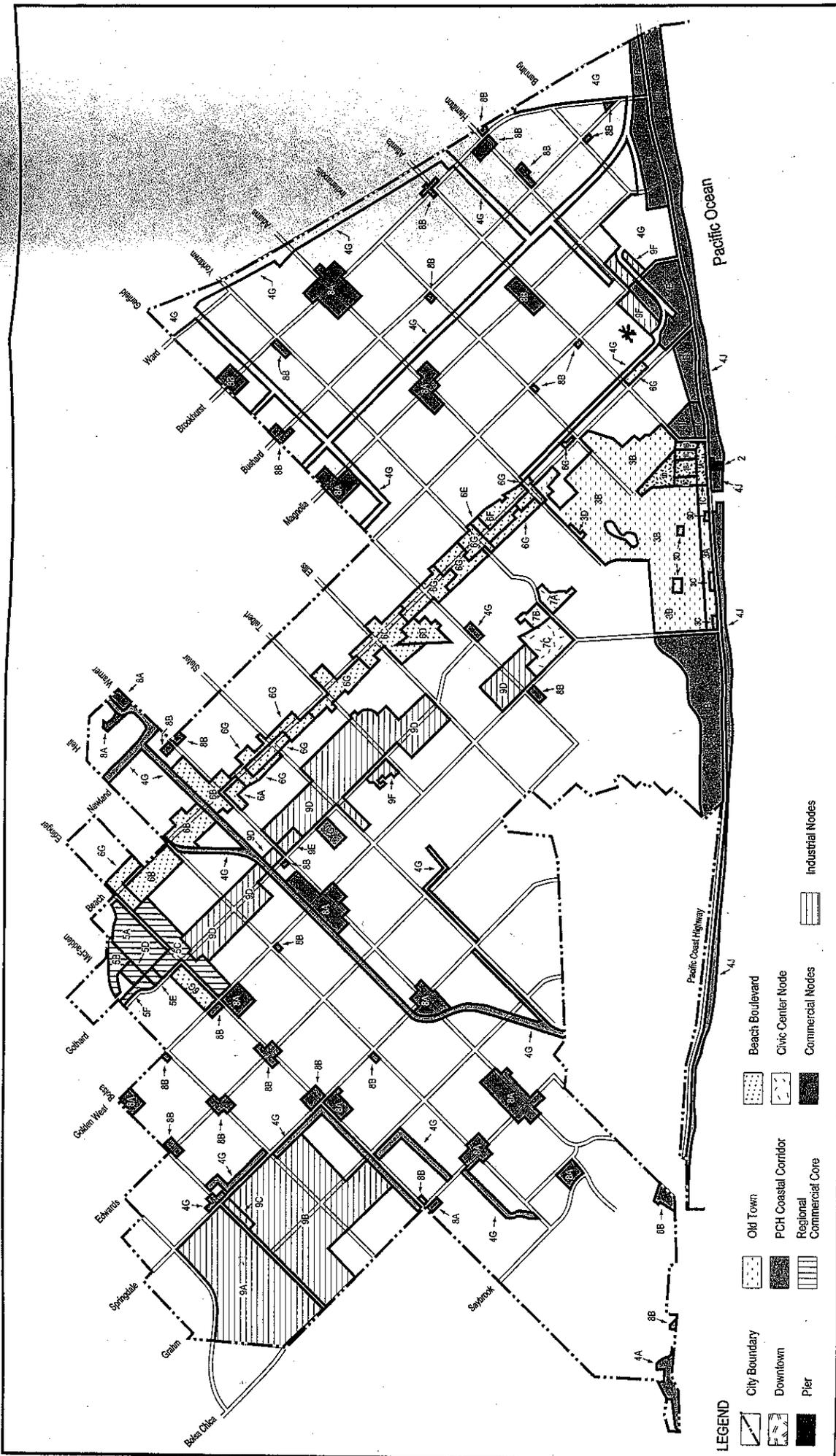
Subarea	Characteristic	Standards and Principles
9C Industrial/ Office Park	Permitted Uses	Category: Commercial Office ("CO") Offices, and supporting retail uses permitted by the "CO" land use category and light industrial uses permitted by the "I" land use category.
	Density/Intensity	Category: "-F2" <ul style="list-style-type: none"> Height: two (2) stories
	Design and Development	Category: Special Design ("-d") <ul style="list-style-type: none"> Integrate structures into a cohesive development. Encourage the preparation of a specific or master plan to guide development. Design structures to convey visual interest, including modulation of building masses and extensive facade articulation. Encourage parcel consolidation to support larger scale development.
9D Gothard Corridor	Permitted Uses	Category: Industrial ("I") Uses permitted by the "I" land use category.
	Density/Intensity	Category: "-F2" <ul style="list-style-type: none"> Height: two (2) stories
	Design and Development	Category: Special Design ("-d") <ul style="list-style-type: none"> Same as Subarea 9A Incorporate visual elements to distinguish key entries along principal streets. Incorporate design and site planning elements that facilitate the long-term development of the railroad corridor for rail transit use.
9E Gothard Historic District	Permitted Uses	Category: Industrial ("I") Light industrial, office, and similar uses, provided that the existing historic structures are retained.
	Density/Intensity	Category: "-F2"
	Design and Development	Category: Historic District ("-h") Design uses to retain character of historic structures.

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

Subarea	Characteristic	Standards and Principles
* 9F Newland Hamilton Industrial	Permitted Uses	Category: Industrial ("I") Uses permitted by the "I" land use category.
	Density/Intensity	Category: "-F2" on the northern portion of the area only. <ul style="list-style-type: none"> • Height: two (2) stories
	Design and Development	Category: Special Design ("-d") <ul style="list-style-type: none"> • Same as Subarea 9A • Site, design, and limit the scale and mass of development, as necessary, to protect wetlands.
10 Public	Permitted Uses	Category: Public ("P") Uses permitted by the "P" land use category.
	Density/Intensity	To be determined on an individual basis to reflect the character of surrounding land uses.
	Design and Development	In accordance with Policy LU 13.1.8.

Note: Areas designated by the Land Use Plan Map for single family and multi-family residential are not delineated as Community Subareas, other than those listed above. Refer to the Land Use Plan Map and associated policies to determine appropriate use, density, and design and development standards.



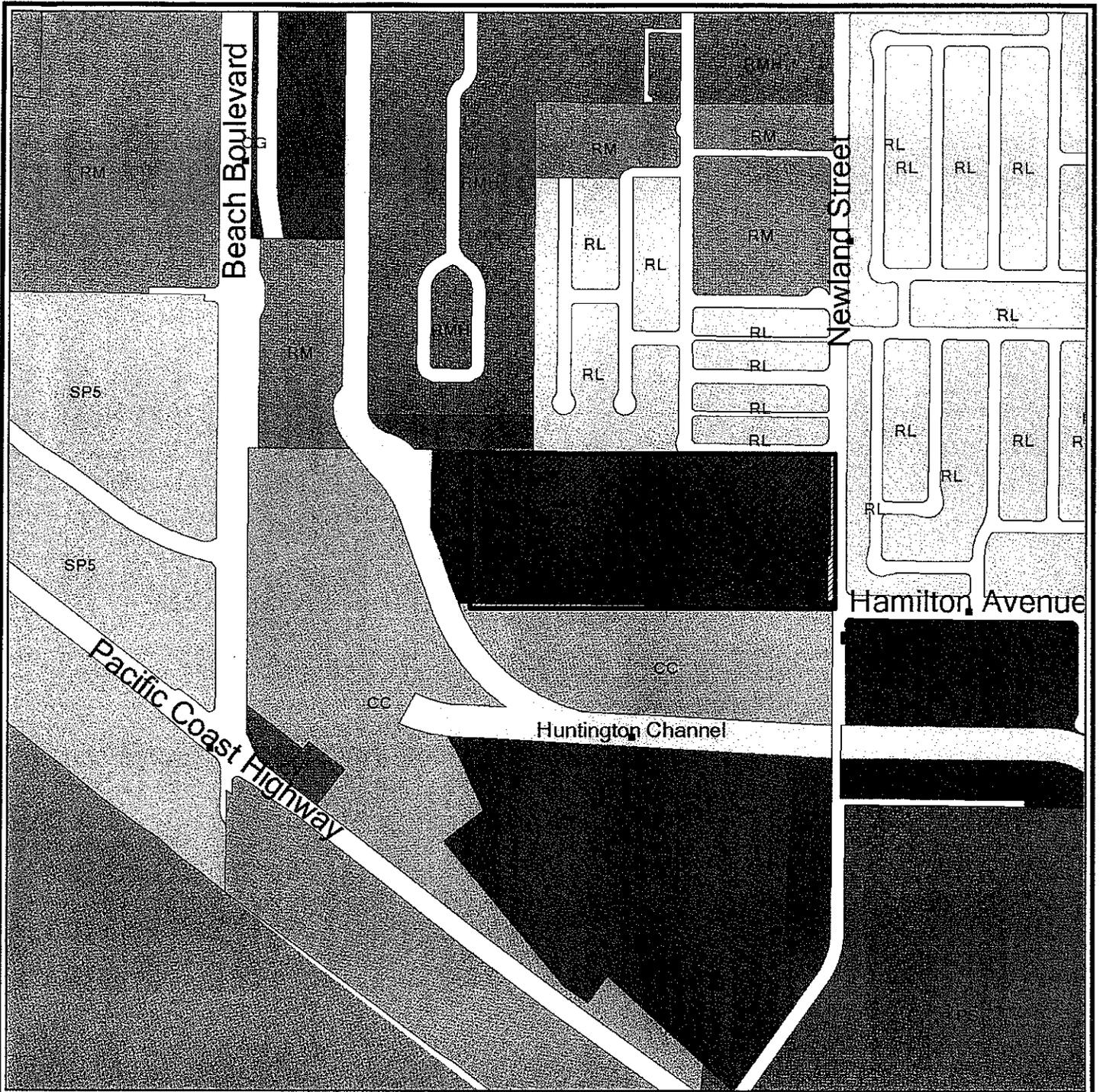
- LEGEND**
- City Boundary
 - Downtown
 - Pier
 - Old Town
 - PCH Coastal Corridor
 - Regional Commercial Core
 - Beach Boulevard
 - Civic Center Node
 - Commercial Nodes
 - Industrial Nodes

**HUNTINGTON BEACH
SUB-AREA MAP**
City of Huntington Beach General Plan

II-LU-66



FIGURE
LU-6

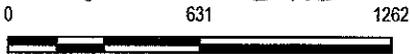


Zoning Designations

Map produced by information contained in the City of Huntington Beach Information Services Department Geographic Information System. Information warranted for City use only. Huntington Beach does not guarantee its completeness or accuracy.
 Map Produced on 7/28/2006



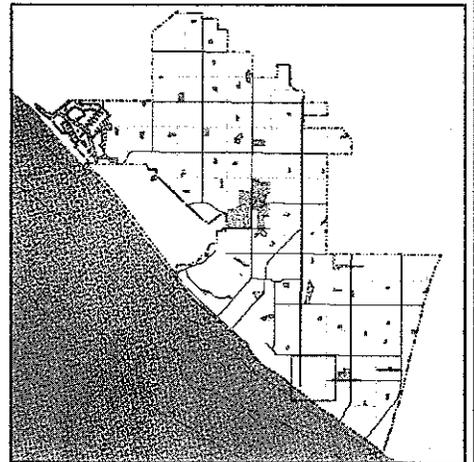
HB
 a/s



One inch equals 631 feet

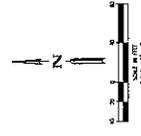
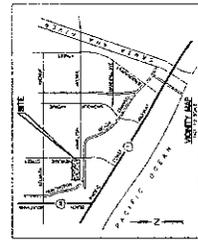
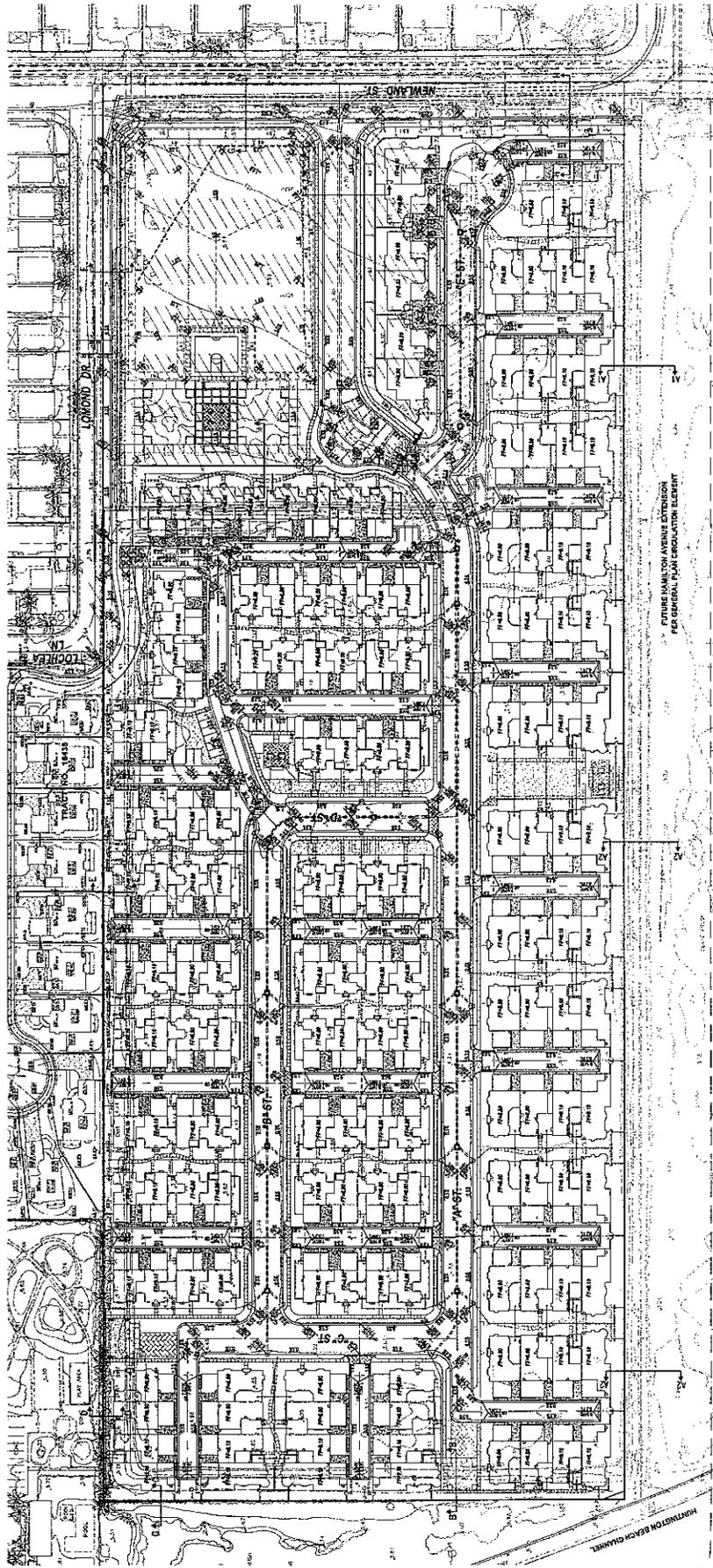
ZONING (ZONE_TYPE)

- RL
- RM
- RMH
- RH
- RA
- RMP
- CV
- CG
- CO
- IG
- IL
- OS-FR
- OS-S
- OS-WR
- CC
- PS
- SP
- CHANNEL



TRACT 16733
PRELIMINARY GRADING PLAN

OCT 25 2005



LEGEND

1	EXISTING GRADE
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100	PROPOSED GRADE

* SEE SHEET 16733-TYPICAL SECTIONS

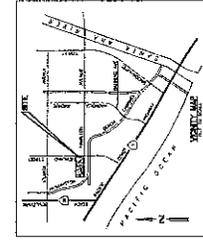
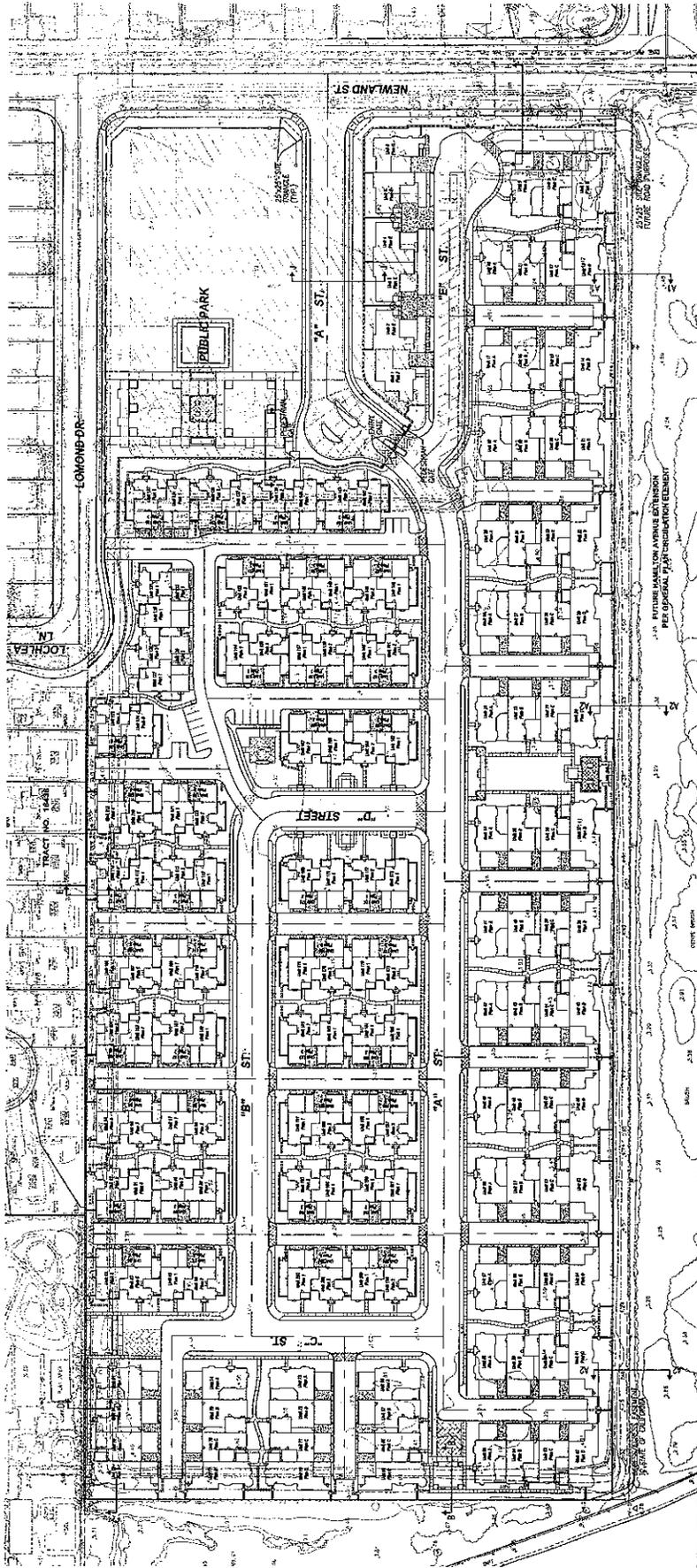
PRELIMINARY GRADING PLAN
MILLS LAND

DATE: OCTOBER 3, 2005



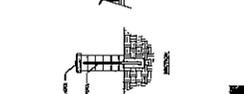
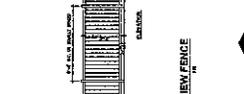
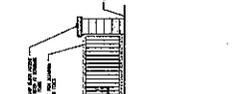
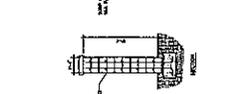
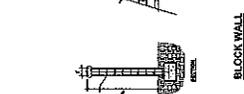
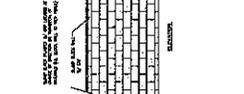
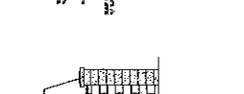
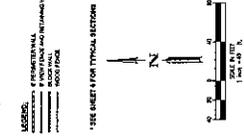
TRACT 16733
WALL AND FENCE PLAN

OCT 25 2005



WALL AND FENCE PLAN
MILLS LAND

DATE: OCTOBER 3, 2005



LEGEND:
 - FUTURE WALL
 - EXISTING WALL
 - FUTURE FENCE
 - EXISTING FENCE
 - SEE SHEET FOR TYPICAL SECTIONS

FUTURE HAMILTON AVENUE EXTENSION PER OPERATIONAL PLAN REGULATORY ELEMENT

WOOD POST, RAIL, PICKET, BOARD, TRUSS, BRACKET, JOIST, BEAM

WOOD POST, RAIL, PICKET, BOARD, TRUSS, BRACKET, JOIST, BEAM

WOOD POST, RAIL, PICKET, BOARD, TRUSS, BRACKET, JOIST, BEAM

WOOD POST, RAIL, PICKET, BOARD, TRUSS, BRACKET, JOIST, BEAM

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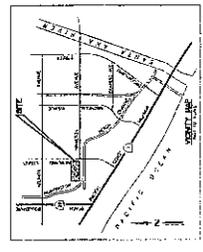
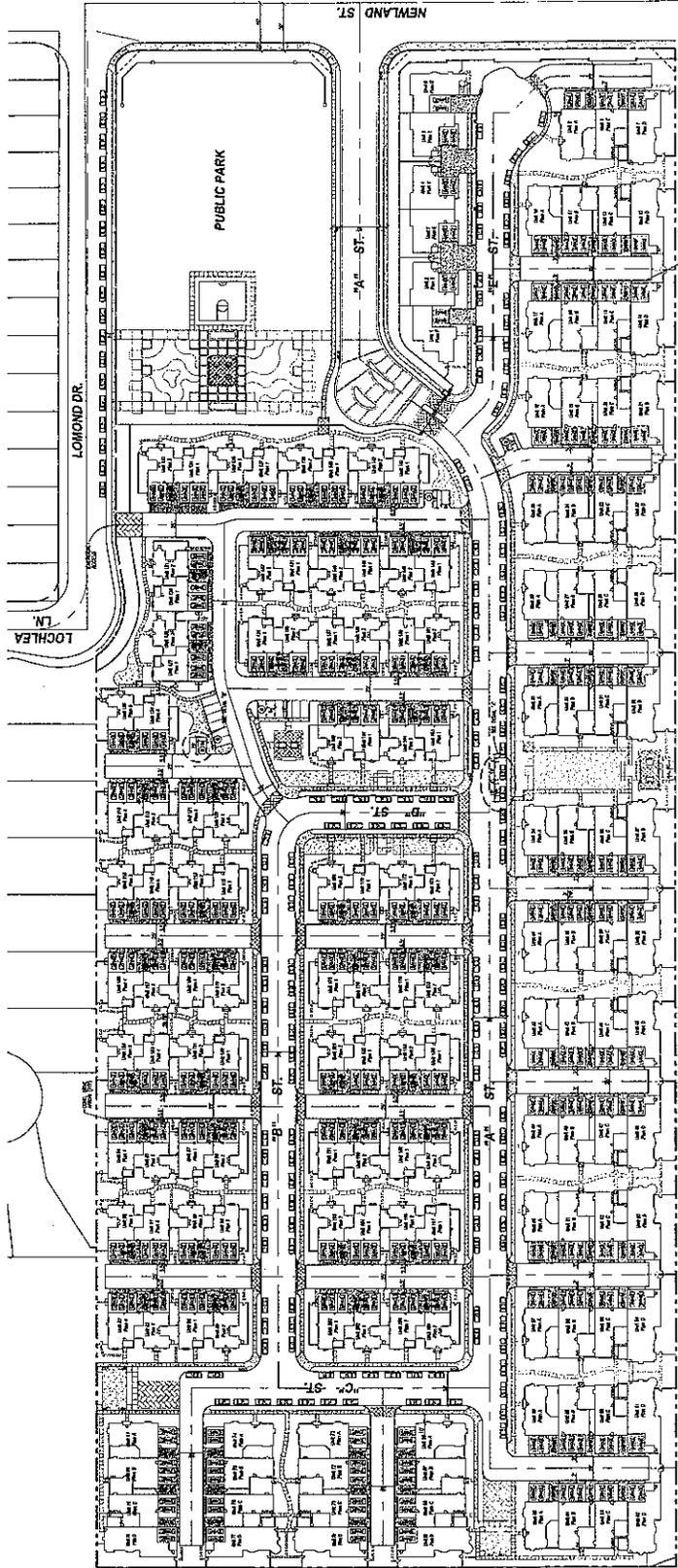
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TRACT 16733
PARKING PLAN

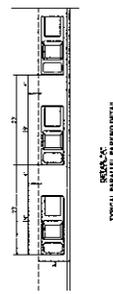
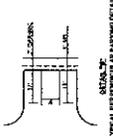
OCT 25 2005



PARKING PLAN
MILLS LAND

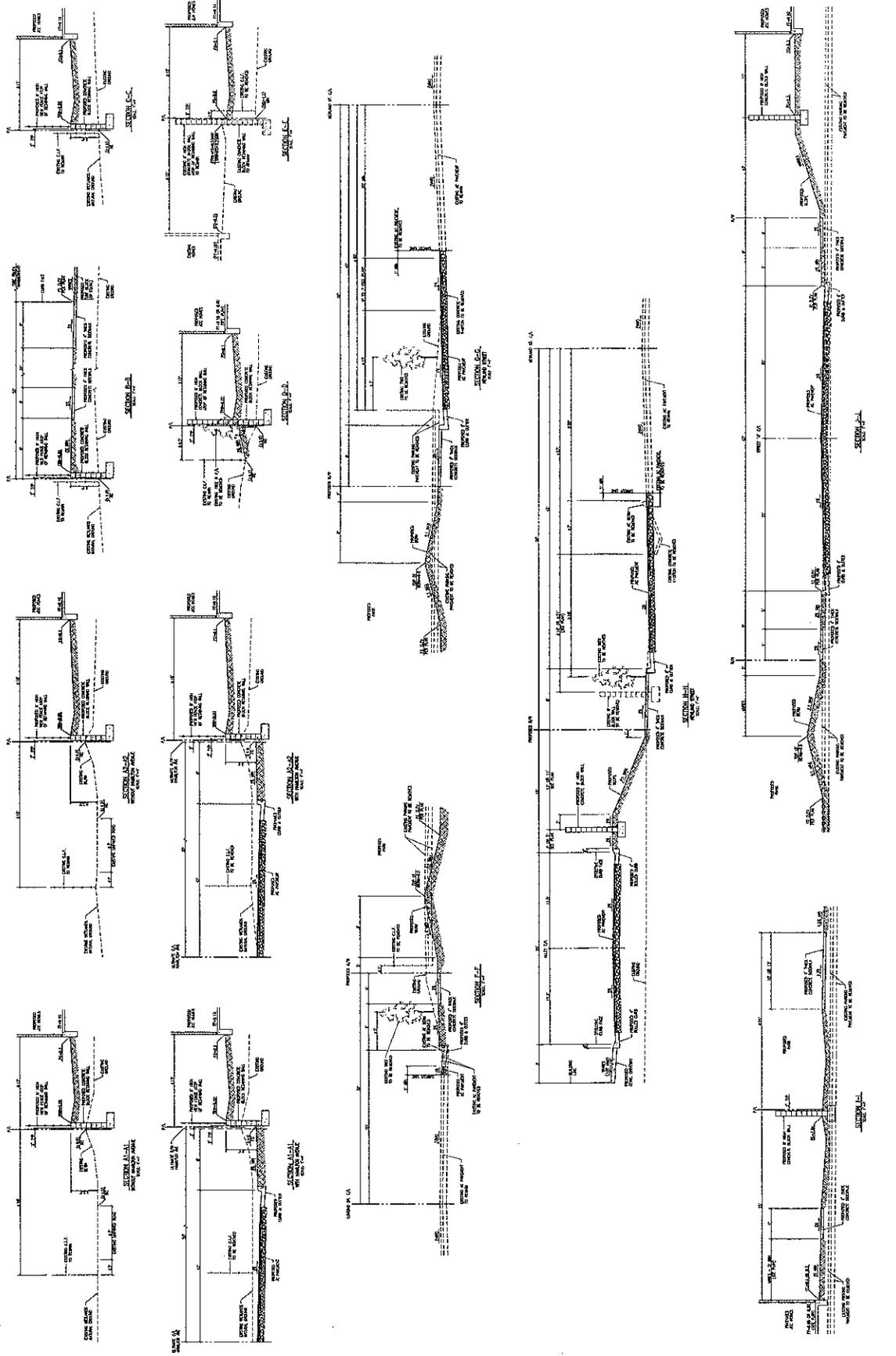
DATE: OCTOBER 3, 2005

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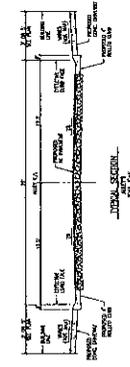
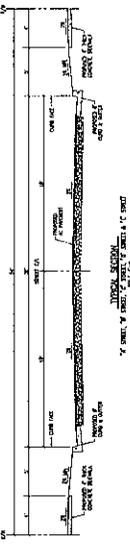
OCT 25 2005

HEET 6 OF 6 PAGES - ALL TOLERANCES SHALL BE UNLESS OTHERWISE SPECIFIED



TYPICAL SECTIONS
MILLS LAND

DATE: OCTOBER 1, 2005



OCT 25 2005

TRACT 16733
TURNING EXHIBIT



FUTURE HAMILTON AVENUE EXTENSION
PER GENERAL PLAN CIRCULATION ELEMENT

① - DELIVERY TRUCK

② - FIRE TRUCK

1" = 10' 0"

DELIVERY TRUCK PARKING DETAIL

TURNING EXHIBIT
MILLS LAND

DATE: OCTOBER 3, 2005

8

JCC
Jewish Community Center

WALDEN ASSET MANAGEMENT

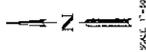
John Laing Homes
Huntington Beach, CA

OCT 25 2005

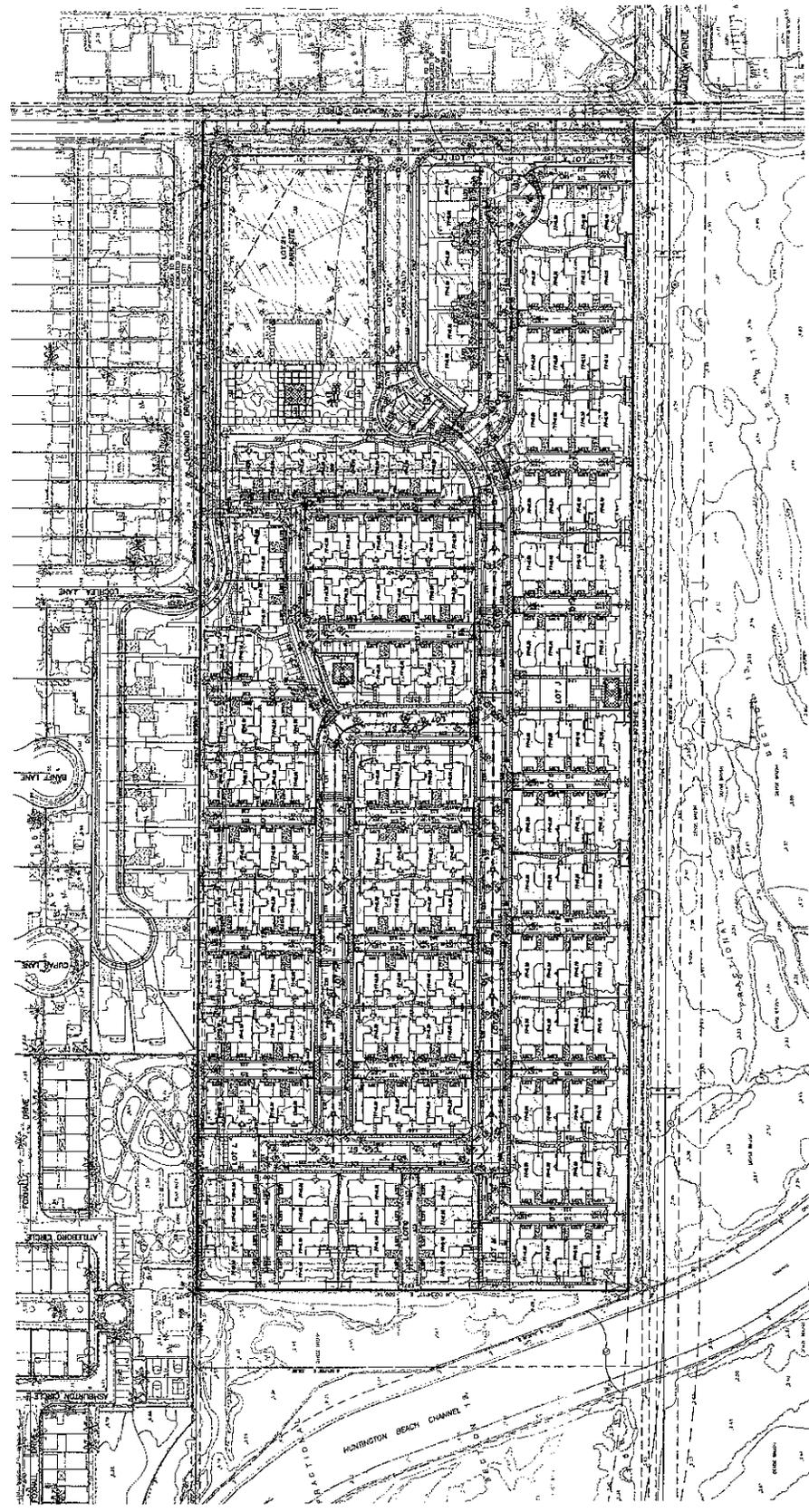
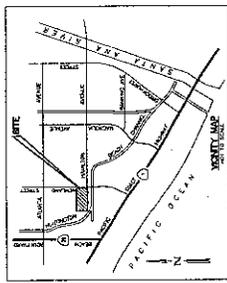
TENTATIVE TRACT NO. 16733 FOR CONDOMINIUM PURPOSES

ASSORTED PARCELS W/ 100-0000, 07 AND 08

OWNER: HUNTINGTON BEACH CITY... ARCHITECT: W. J. HARRIS & ASSOCIATES...



- NOTES: 1. THIS PARCEL... 2. THE CITY OF HUNTINGTON BEACH... 3. THE CITY OF HUNTINGTON BEACH... 4. THE CITY OF HUNTINGTON BEACH...



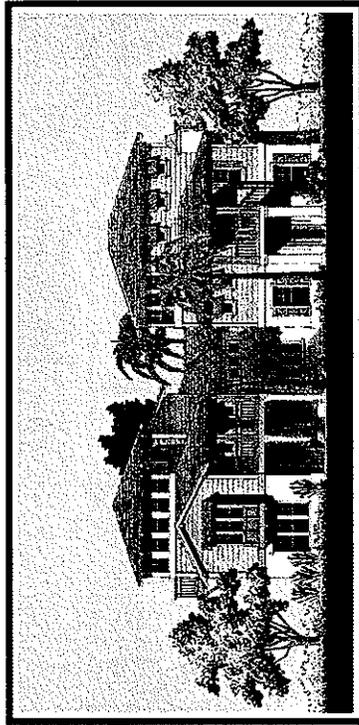
- LEGEND: 1. LOT LINES... 2. EXISTING LOT LINES... 3. EXISTING STREETS... 4. EXISTING UTILITIES...

NOTE: SEE TYPICAL SECTION SHEET FOR ACTIVITY/STAGE

Professional seal and title block for W. J. Harris & Associates, Inc., dated October 25, 2005, for Tract No. 16733.

City of Huntington Beach

OCT 25 2005



JOHN LAING HOMES
HUNTINGTON BEACH, CA
MILLS LAND CUP SUBMITTAL

SCHREUR
ARCHITECTS
INC.
2001 E. Street
Huntington Beach
CA 92648
Tel: 714.222.1100
Fax: 714.222.1101
www.schreur.com



John Laing Homes
Handcrafted Since 1968

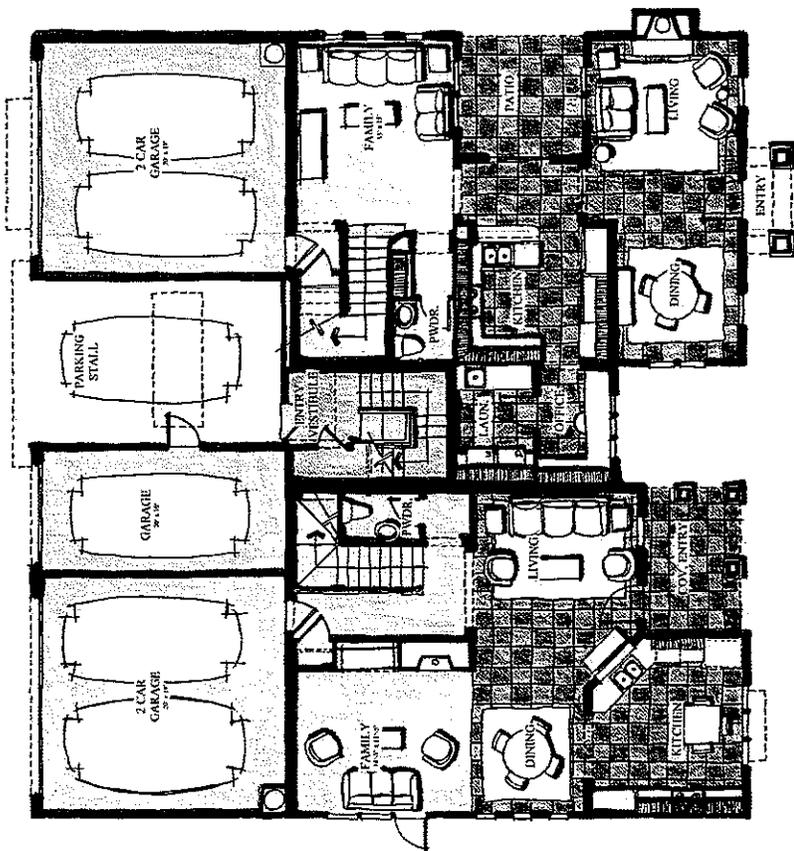
DATE
07-20-06
PROJECT NO.
0114
SCALE

ATTACHMENT NO. 7.11

City of Huntington Beach

OCT 25 2005

CARRIAGE SUITE



PLAN 1

PLAN 2

FIRST FLOOR PLAN

JOHN LAING HOMES
 HUNTINGTON BEACH, CA
 MILLS LAND CUP SUBMITTAL

SCHUBER
 ARCHITECTS,
 INC.
 4041 17th Street, Ste.
 Huntington Beach,
 CA 92648-1000
 Phone: 714.344.1000
 Fax: 714.344.1000



John Laing Homes
Handcrafted since 1934

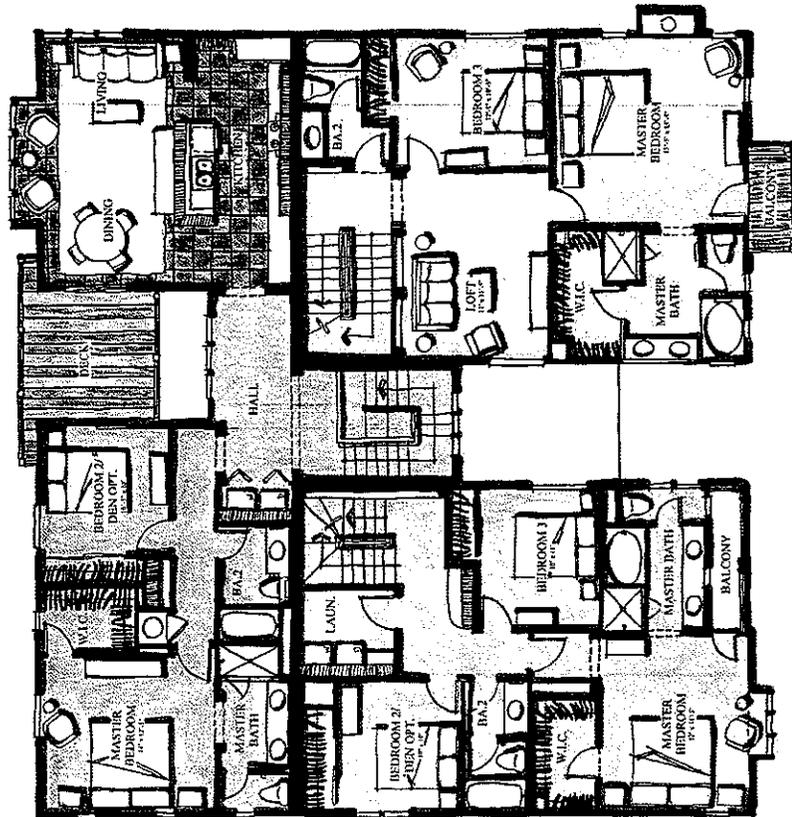
ATTACHMENT NO. 7.12

DATE: 07-20-06
 PROJECT NO.: 0414
 SCALE: 1/4"=1'-0"

City of Huntington Beach

OCT 25 2005

CARRIAGE SUITE



PLAN 2

PLAN 1

SECOND FLOOR PLAN

JOHN LAING HOMES
HUNTINGTON BEACH, CA
MILLS LAND CUP SUBMITTAL

SCHWEISS ARCHITECTS, INC.
 3011 E. Beach Blvd.
 Suite 100
 Huntington Beach, CA 92648
 Phone: 714.344.1111
 Fax: 714.344.1112



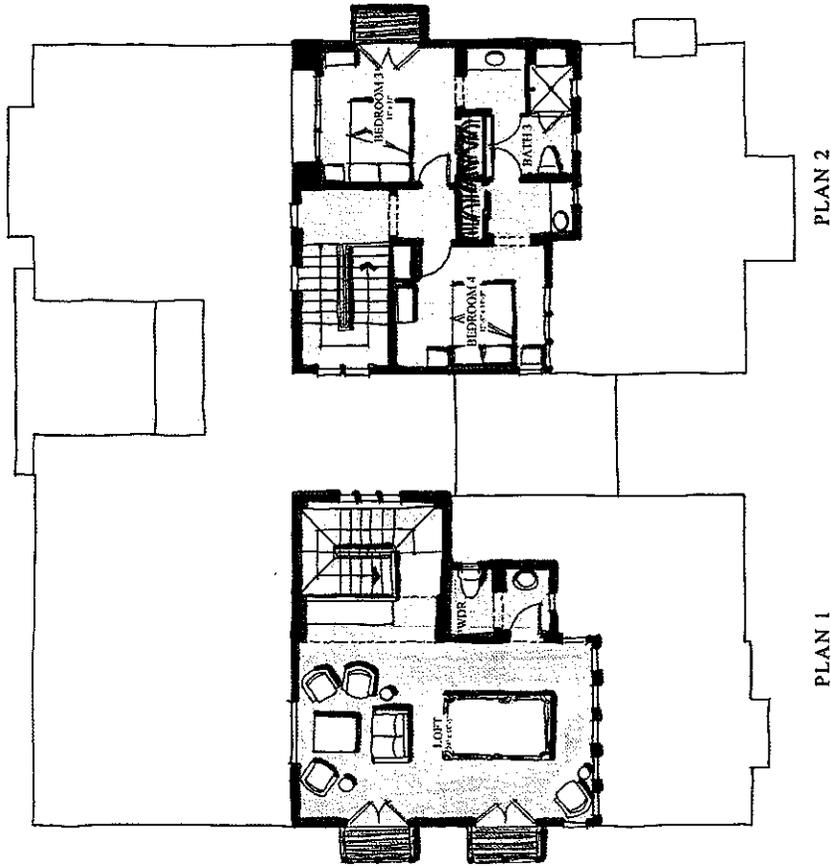
John Laing Homes
 Hunt Creek, Since 1938

ATTACHMENT NO. 7.13

DATE: 07-20-06
 Project No.: 0114
 SCALE: 1/8"=1'-0"

City of Huntington Beach

OCT 25 2005



THIRD FLOOR PLAN

JOHN LAING HOMES
HUNTINGTON BEACH, CA
MILLS LAND CUP SUBMITTAL

SCHUBERT
ARCHITECTS,
INC.
1011 1/2 1st Street
Huntington Beach, CA
94920-1000
Tel: 714.363.1000
Fax: 714.363.1001

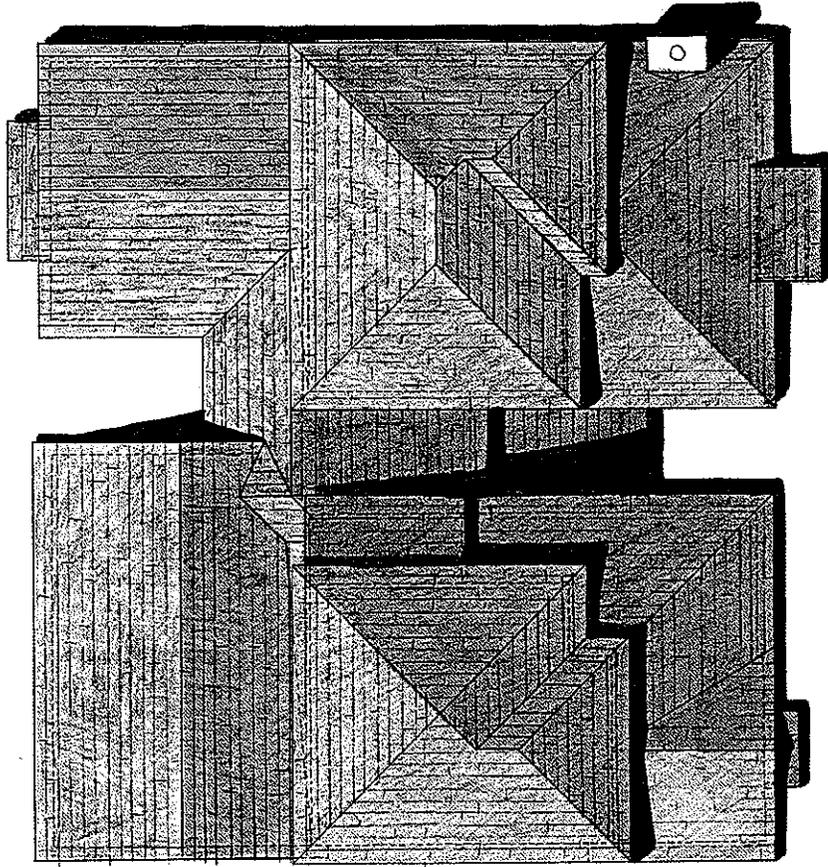


John Laing Homes
Hand crafted since 1936

DATE: 07-28-06
Project No.: 0214
SCALE: 1/4"=1'-0"

City of Huntington Beach

OCT 25 2005



ROOF PLAN

JOHN LAING HOMES
 HUNTINGTON BEACH, CA
 MILLS LAND CUP SUBMITTAL

SCHREIBER
 ARCHITECTS
 INC.
 10011 E. 17th Street
 Huntington Beach, CA 92646
 Phone: 714.363.1111
 Fax: 714.363.1112
 www.schreiberarchitects.com



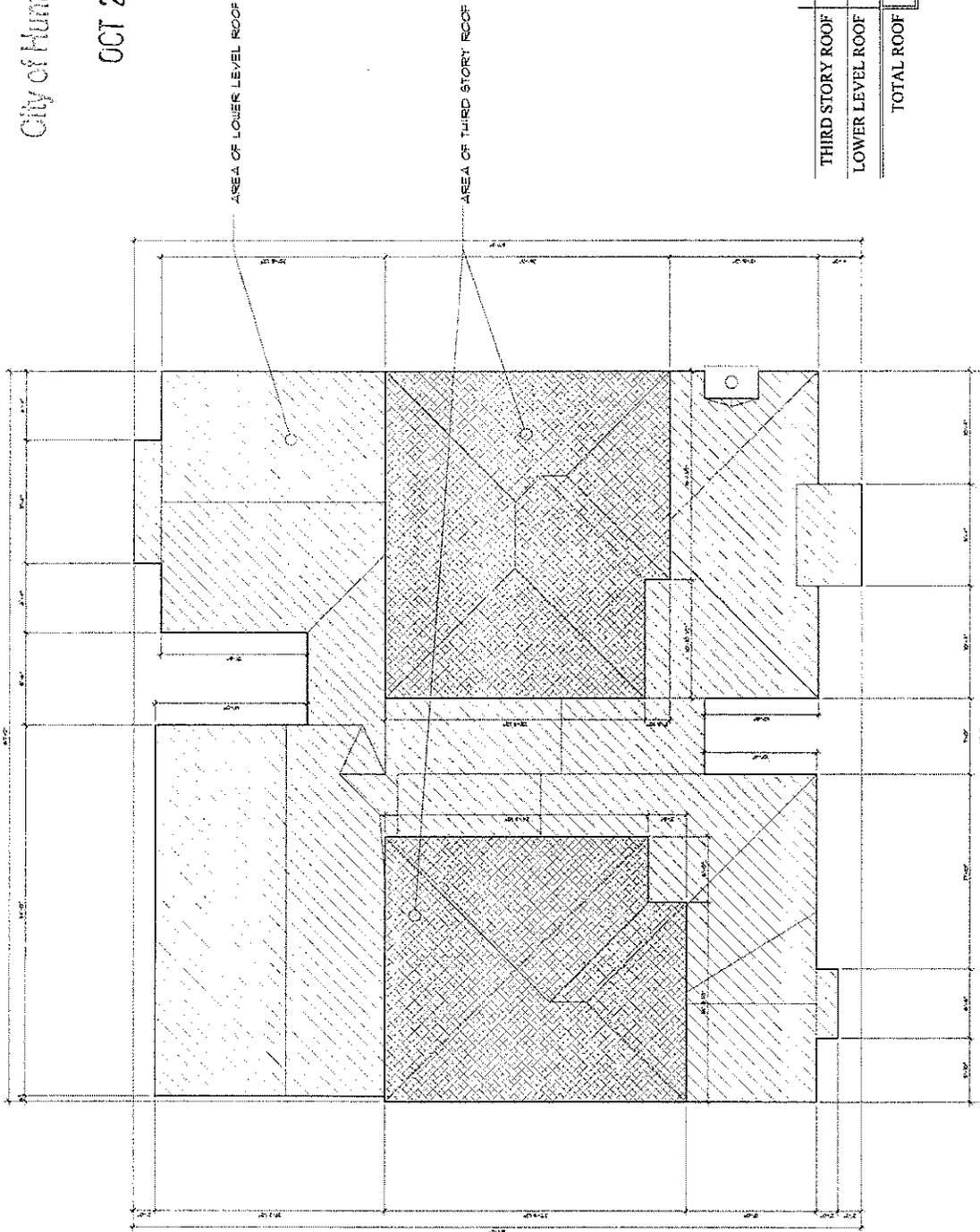
John Laing Homes
Hand-crafted since 1936

ATTACHMENT NO. 7.15

DATE: 07-20-05
 PROJECT NO.: 0414
 SCALE: 1/8"=1'-0"

City of Huntington Beach

OCT 25 2005



	AREA	% OF TOTAL ROOF AREA
THIRD STORY ROOF	1,417 s.f.	36%
LOWER LEVEL ROOF	2,527 s.f.	64%
TOTAL ROOF	3,944 s.f.	(SQR. FOOTPRINT)

ROOF AREA CALCULATIONS

JOHN LAING HOMES
 HUNTINGTON BEACH, CA
 MILLS LAND CUP SUBMITTAL

SCHUBERT
 ARCHITECTS,
 INC.
 10011 S. GARDEN
 SUITE 100
 HUNTINGTON BEACH,
 CA 92646-1000
 (714) 771-1000
 FAX (714) 771-1001

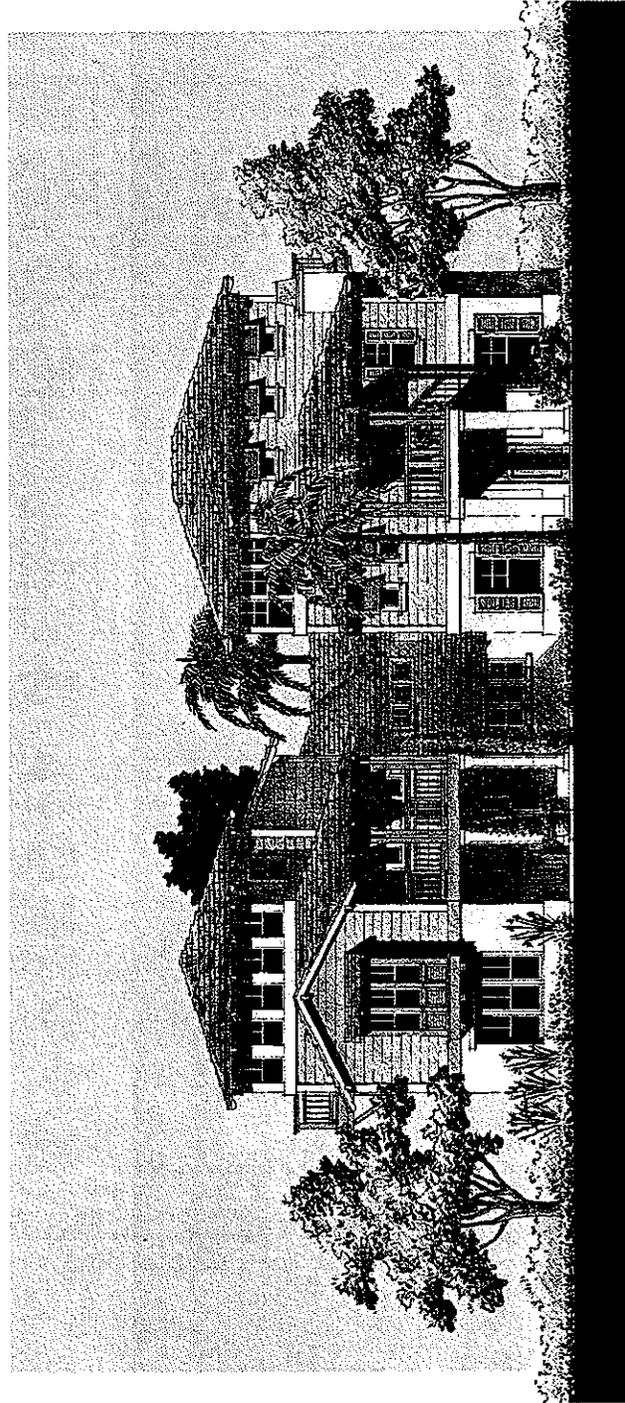


John Laing Homes
 Founded 1954

DATE
 07-30-06
 PROJECT NO.
 0414
 SCALE
 1/8"=1'-0"

City of Huntington Beach

OCT 25 2005



FRONT ELEVATION

JOHN LAING HOMES
HUNTINGTON BEACH, CA
MILLS LAND CUP SUBMITTAL

SCHUBERT
ARCHITECTS
INC.
2011 1/21st Street, Suite 100
Huntington Beach, CA 92648
Tel: 714.344.1100
Fax: 714.344.1101
www.schubertarchitects.com



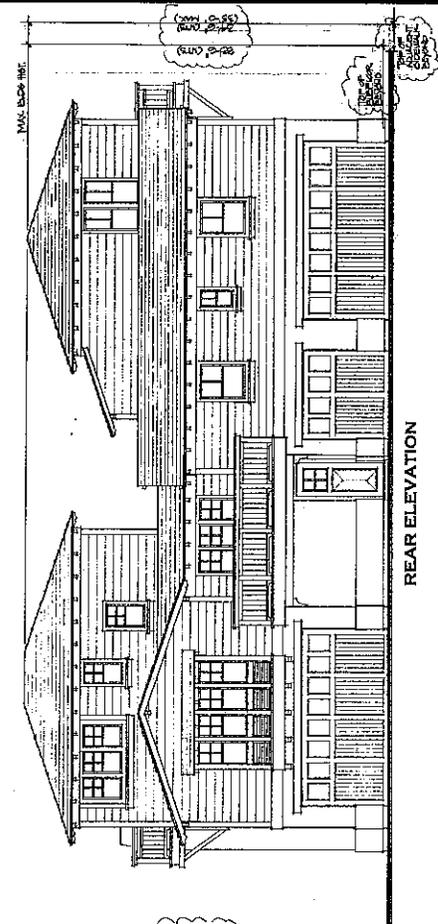
John Laing Homes
Handcrafted Since 1948

ATTACHMENT NO. 7.17

DATE: 07-28-06
PROJECT NO.: 0414
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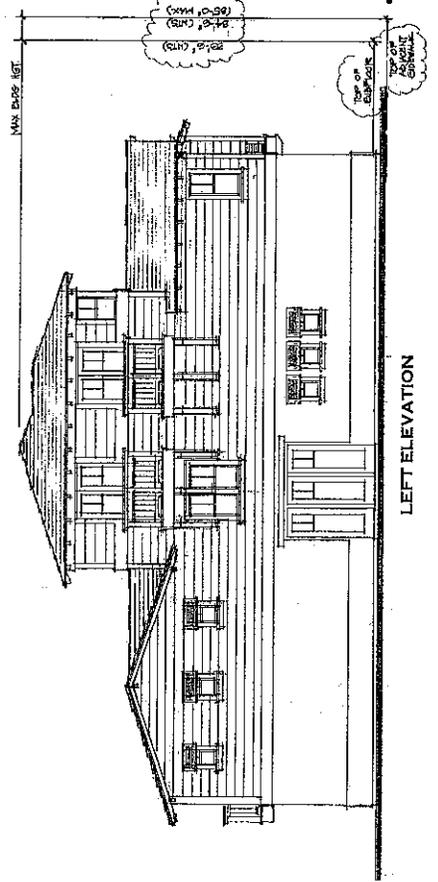
OCT 25 2005

REAR ELEVATION



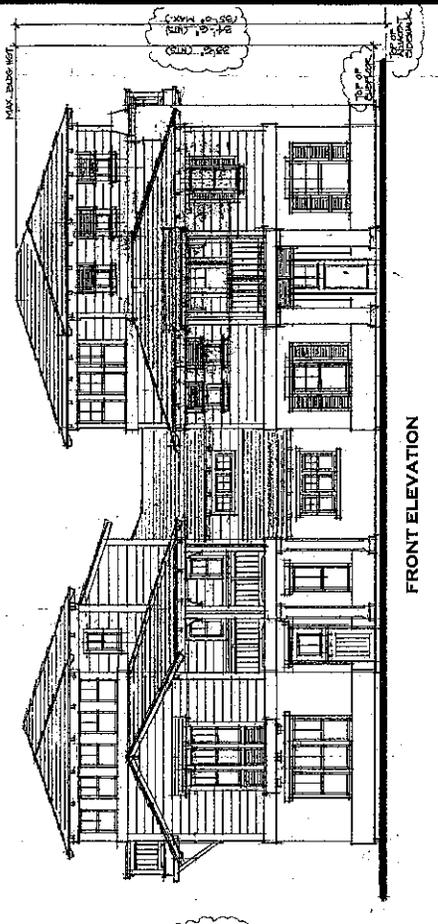
REAR ELEVATION

LEFT ELEVATION

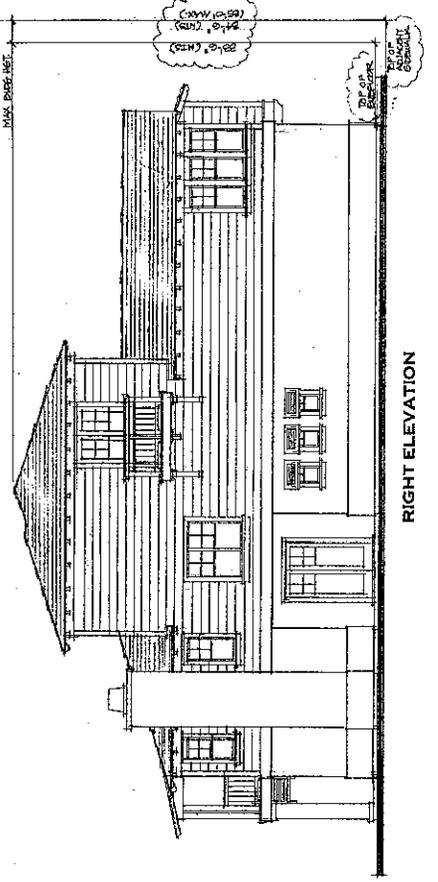


LEFT ELEVATION

FRONT ELEVATION



RIGHT ELEVATION



SCHUBERT
 ARCHITECTS,
 INC.
 1000 N. GARDEN ST.
 SUITE 100
 COSTA MESA, CA 92626
 TEL: 714/440-1111
 FAX: 714/440-1112
 WWW.SCHUBERT-ARCHITECTS.COM



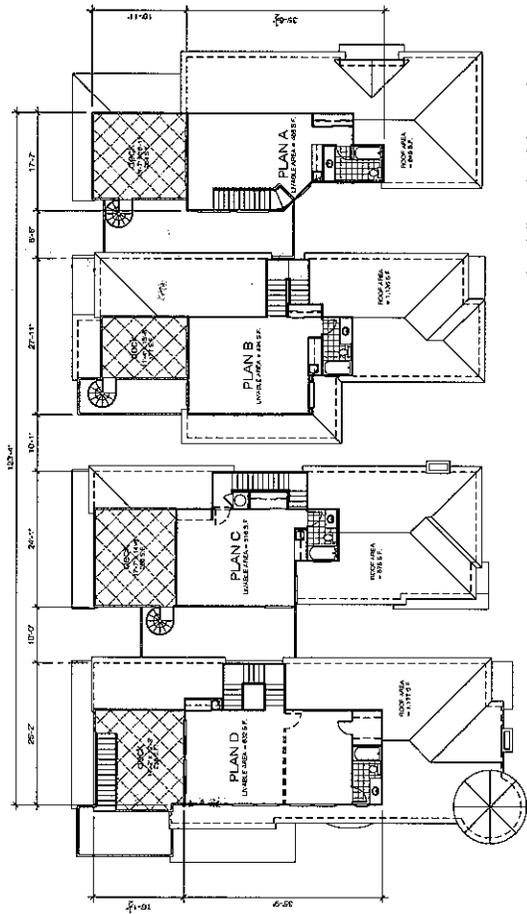
John Laing Homes
Hand-crafted since 1815

7.077

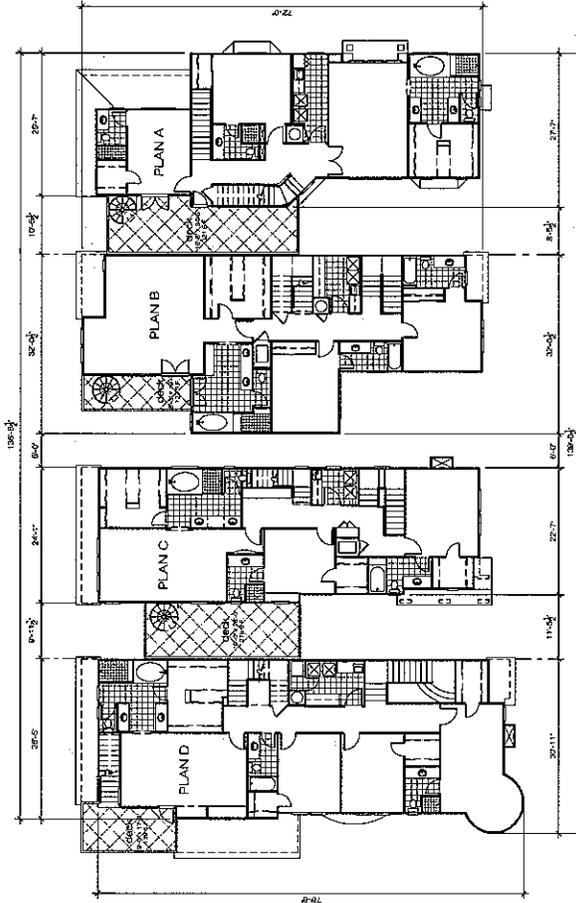
JOHN LAING HOMES
 HUNTINGTON BEACH, CA
 MILLS LAND CUP SUBMITTAL

DATE: 02.24.05
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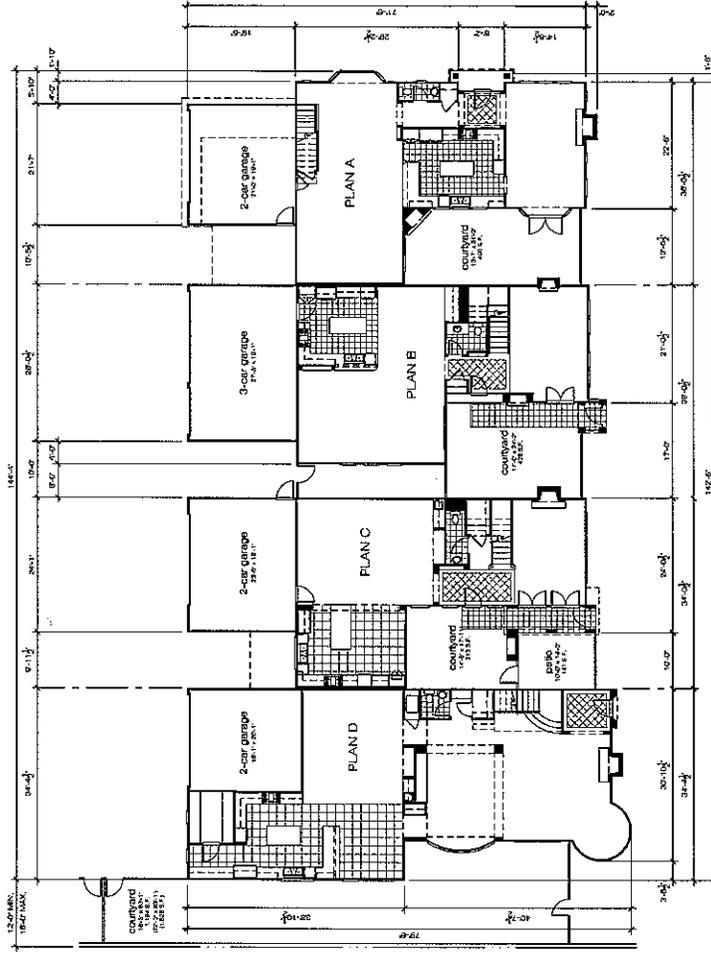
OCT 25 2005



third floor building plan



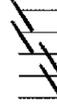
second floor building plan



first floor building plan

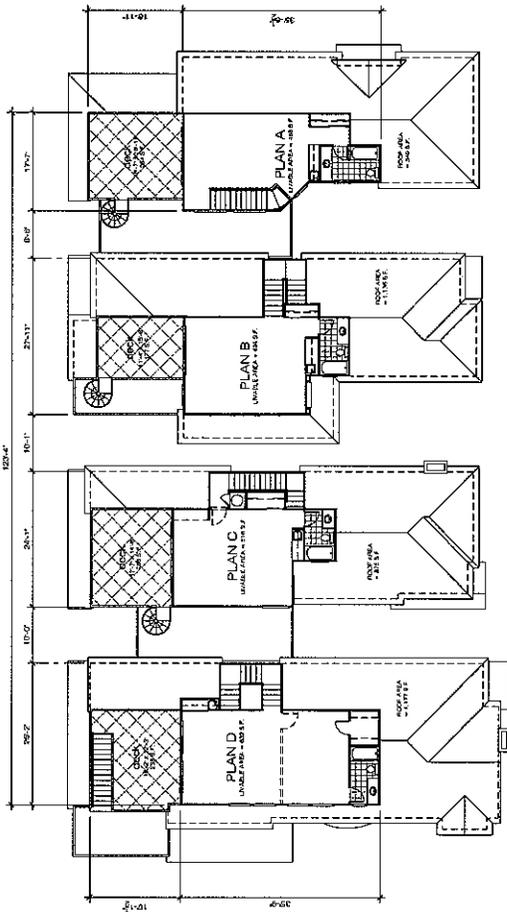
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES
3480 Terrace Boulevard, Suite 300, Torrance, CA 90503
tel: (310) 540-3590 fax: (310) 316-7133
JOB NO. A443-300
FEBRUARY 24, 2005

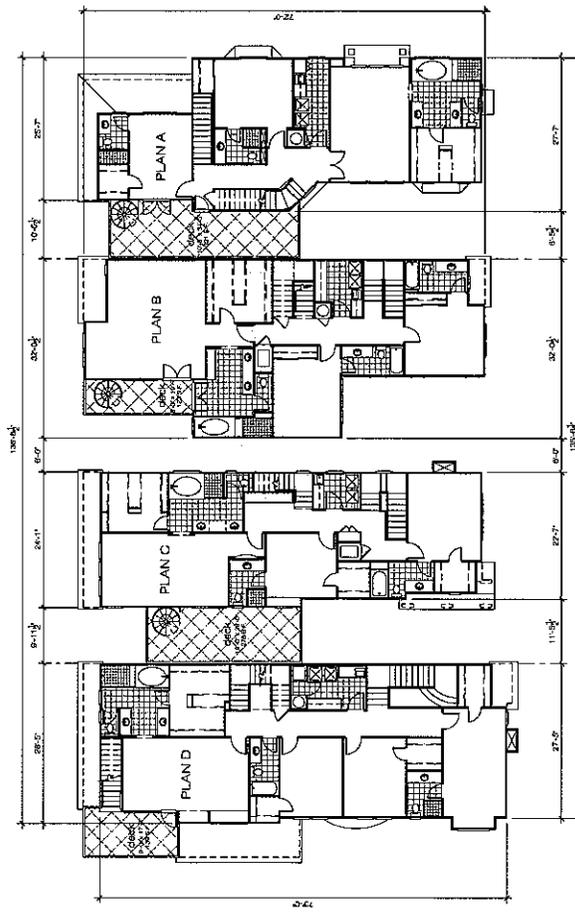


Withee Malcom Architects, LLP
1983 W. 190th Street, Suite 200
Torrance, CA 90504
Tel: (310) 217-3885
Fax: (310) 217-0225

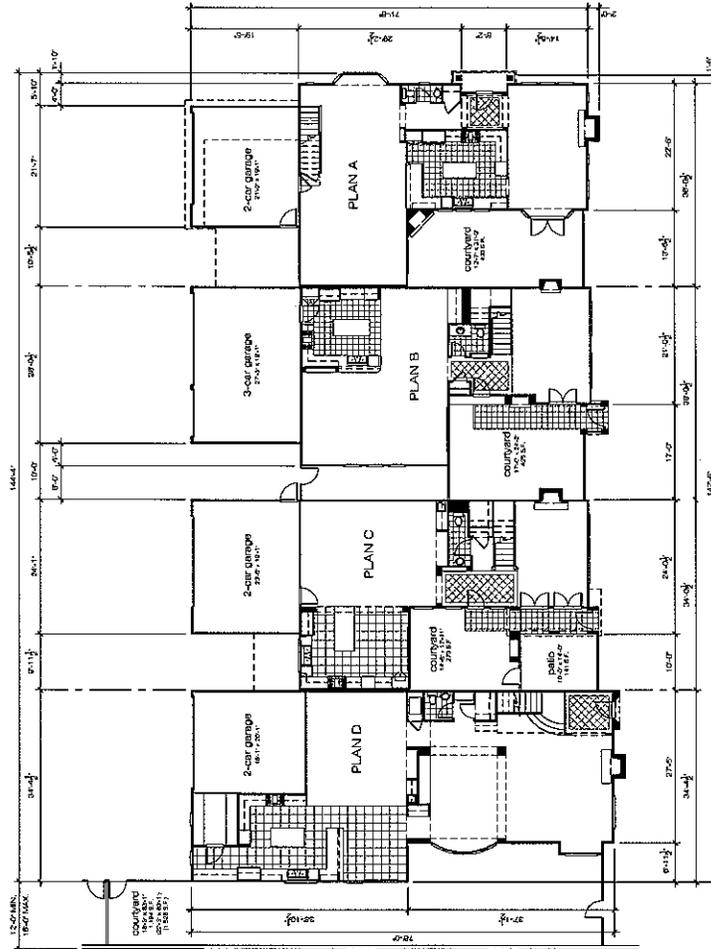
OCT 25 2005



third floor building plan



second floor building plan



first floor building plan

BUILDING 2 FLOOR PLANS

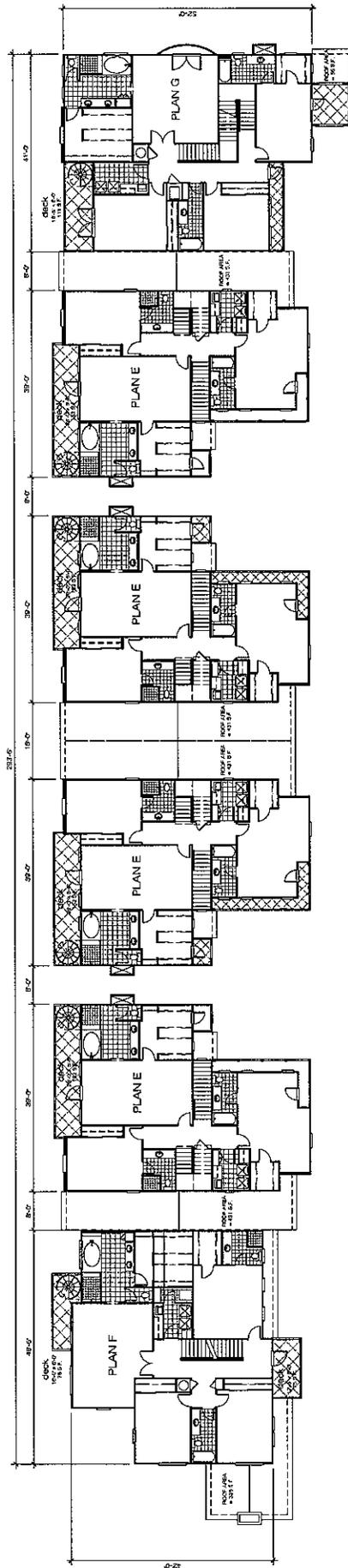


Withee Malcom Architects, LLP
 1583 W. 16th Street, Suite 200
 Huntington Beach, CA 94903
 Tel: (910) 217-4895
 Fax: (910) 217-5425

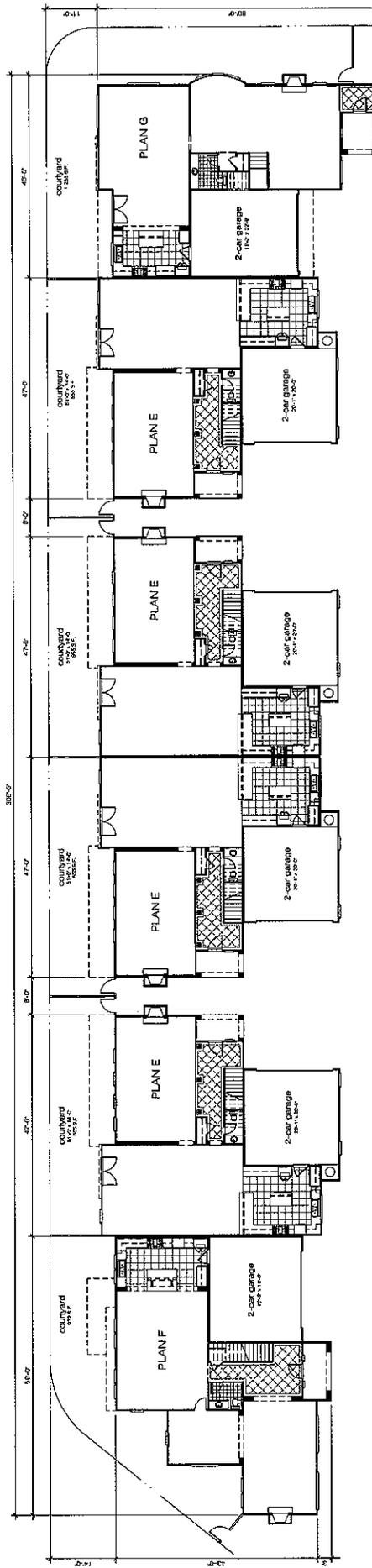
HUNTINGTON BEACH
 HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES
 3480 Torrance Boulevard, Suite 300, Torrance, CA 90503
 Tel: (310) 540-9990 Fax: (310) 516-7183
 JOB NO. A4042-300
 SCALE: 1" = 10'-0"
 FEBRUARY 24, 2005

OCT 25 2005



second floor building plan



first floor building plan

BUILDING 3 FLOOR PLANS

HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES

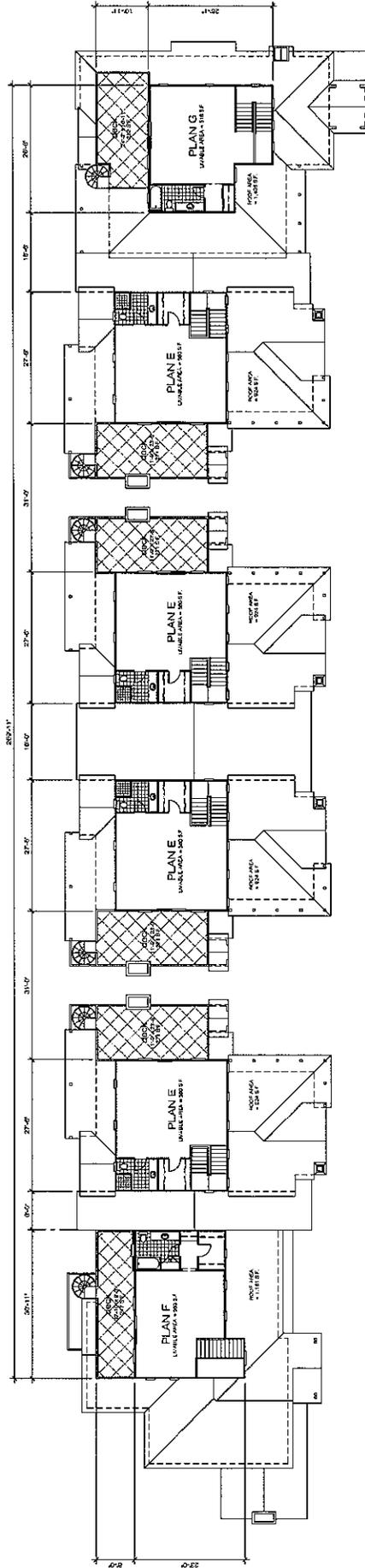
5480 Torrance Boulevard, Suite 303, Torrance, CA 90503
tel: (310) 540-8890 fax: (310) 610-7133

JOB NO. A4043300
SCALE: 1/4" = 1'-0"
FEBRUARY 24, 2005



Withee Malcolm Architects, LLP
1683 W. 19th Street, Suite 200
Huntington Beach, CA 92648
Tel: (310) 217-8885
Fax: (310) 217-0425

OCT 25 2005



third floor building plan

BUILDING 3 FLOOR PLANS

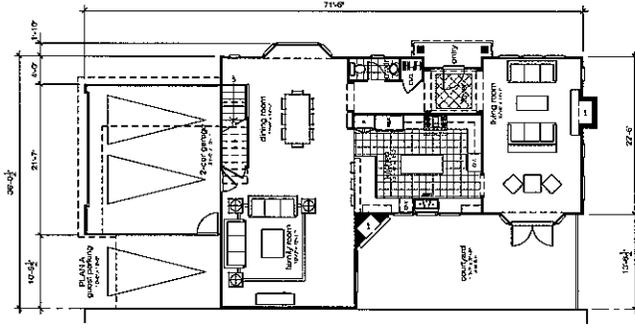


Withee Malcom Architects, LLP
 15933 W. 19th Street, Suite 300
 Torrance, CA 90503
 Tel: (310) 217-4885
 Fax: (310) 217-0425

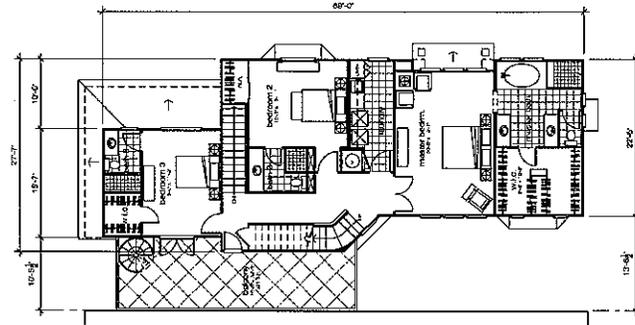
HUNTINGTON BEACH
 HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES
 3489 Torrance Boulevard, Suite 300, Torrance, CA 90503
 tel: (310) 540-3880 fax: (310) 515-7139
 JCB NO. A4493-300
 SCALE: 1" = 10'-0"
 FEBRUARY 24, 2005

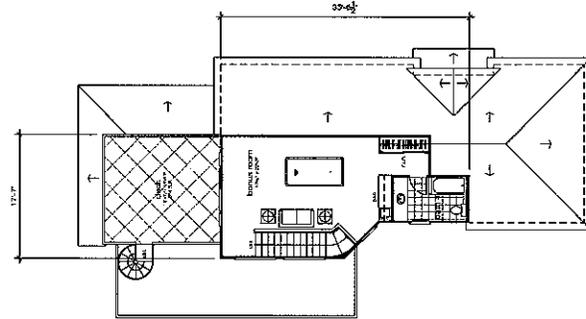
OCT 25 2005



first floor plan
area = 1,471 s.f.



second floor plan
area = 1,476 s.f.



third floor plan
area = 468 s.f.

UNIT PLAN A
gross area = 3,415 s.f.
garage area = 419 s.f.

HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES
2480 Torrance Boulevard, Suite 300, Torrance, CA 90503
tel: (310) 546-8890 fax: (310) 516-7133

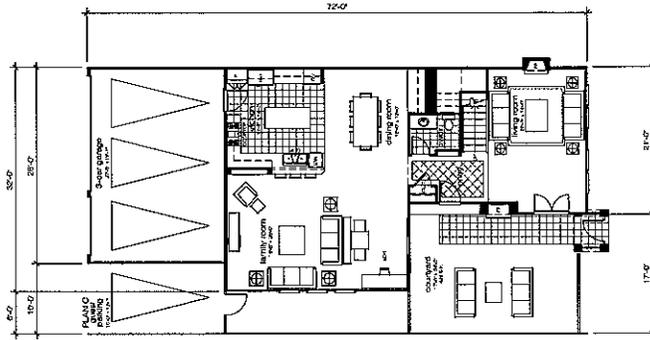


Withee Malcolm Architects, LLP
1895 W. 19th Street, Suite 300
Huntington Beach, CA 92648
Tel: (310) 217-5855
Fax: (310) 217-5465

JOB NO. A4043.300
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

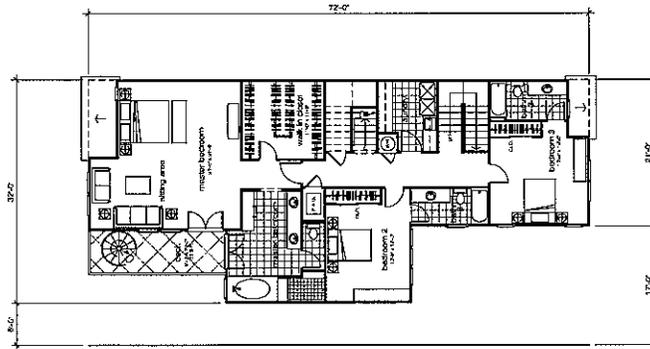
sheet 5 of 17

OCT 25 2005

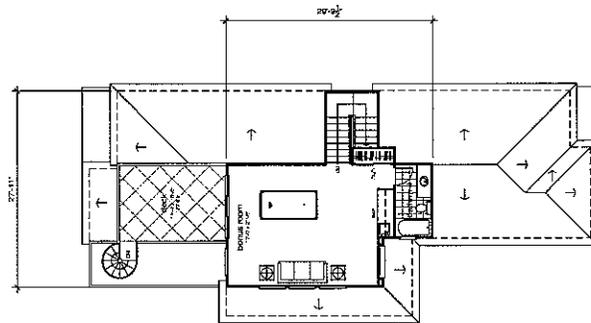


first floor plan
area = 1,386 s.f.

UNIT PLAN B
gross area = 3,570 s.f.
garage area = 548 s.f.



second floor plan
area = 1,890 s.f.

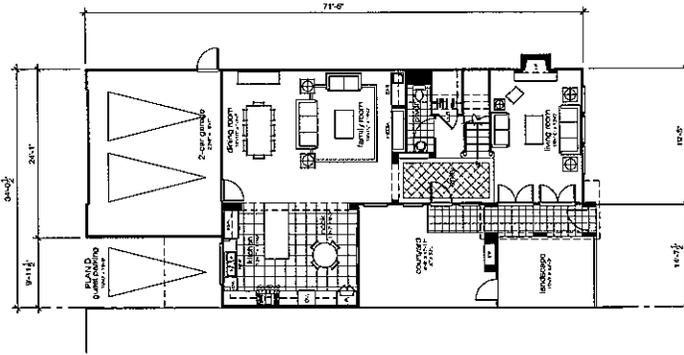


third floor plan
area = 494 s.f.

HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA
APPLICANT
JCC HOMES
3440 Terrace Boulevard, Suite 300, Torrance, CA 90503
Tel: (310) 640-3890 Fax: (310) 616-7123
JCC INC A4448.300
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

Wither Malcom Architects, LLP
1993 W. 19th Street, Suite 200
Huntington Beach, CA 92648
Tel: (310) 217-4895
Fax: (310) 217-0425

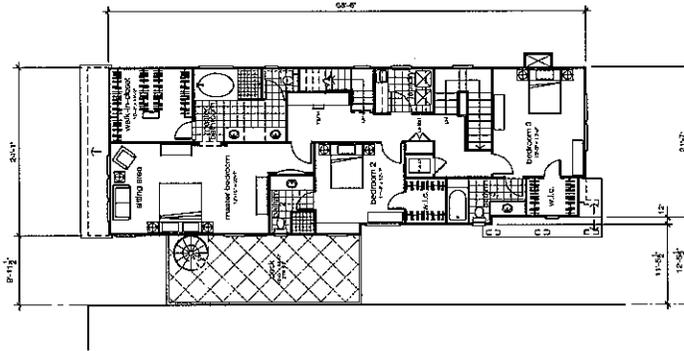
OCT 25 2005



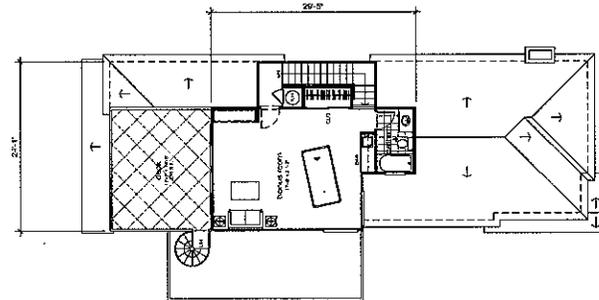
first floor plan
area = 1,309 s.f.

UNIT PLAN C

gross area = 3,338 s.f.
garage area = 468 s.f.

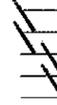


second floor plan
area = 1,513 s.f.



third floor plan
area = 516 s.f.

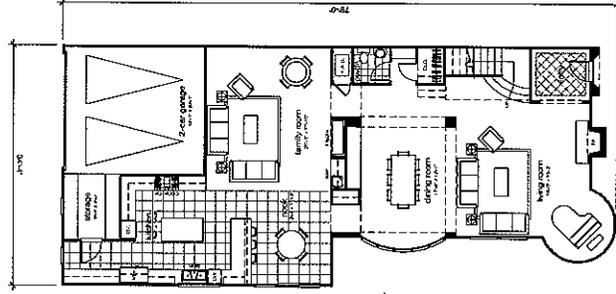
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA



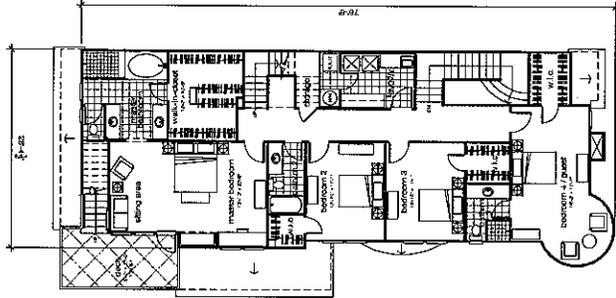
Withee Malcoim Architects, LLP
1983 W. 19th Street, Suite 200
Huntington Beach, CA 92648
Tel: (310) 217-8955
Fax: (310) 217-0525

APPLICANT
JCC HOMES
3480 Torrance Boulevard, Suite 200, Torrance, CA 90503
Tel: (310) 540-3990 Fax: (310) 516-7133
JOB NO. AM043300
DATE: FEBRUARY 24, 2005

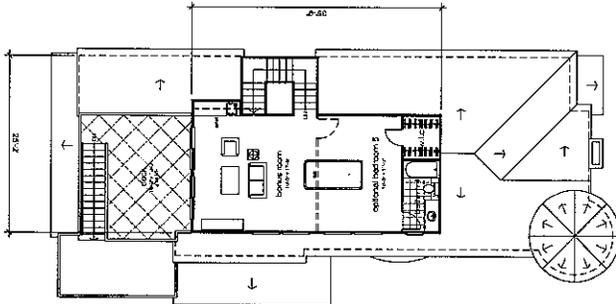
OCT 25 2005



first floor plan
area = 1,967 s.f.



second floor plan
area = 1,861 s.f.



third floor plan
area = 632 s.f.

UNIT PLAN D
gross area = 4,460 s.f.
garage area = 453 s.f.

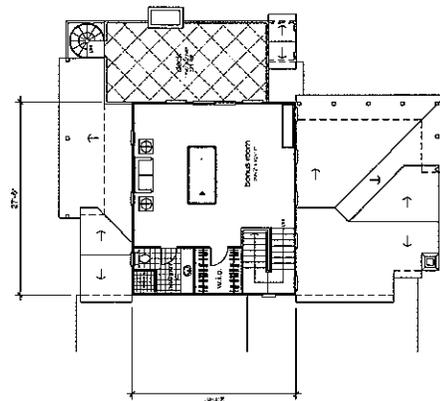
HUNTINGTON BEACH
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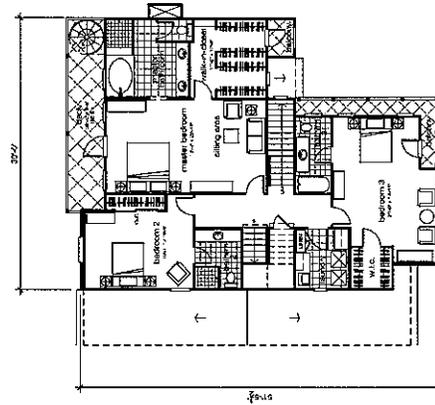
Withee Malcolm Architects, LLP
1933 W. 10th Street, Suite 200
Huntington Beach, CA 92648
Tel: (810) 217-8855
Fax: (810) 217-5425

APPLICANT
JCC HOMES
2480 Torrance Boulevard, Suite 200, Torrance, CA 90503
Tel: (310) 540-8888 Fax: (310) 316-7132
JOB NO. A4043.300
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

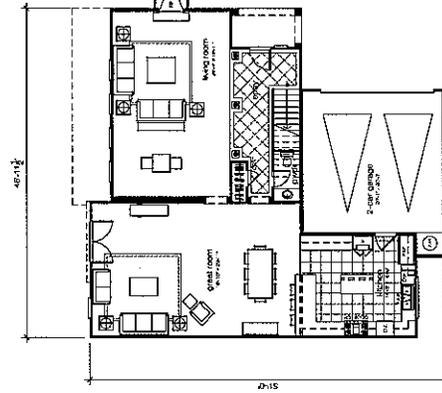
OCT 25 2005



third floor plan
area = 580 s.f.



second floor plan
area = 1,492 s.f.



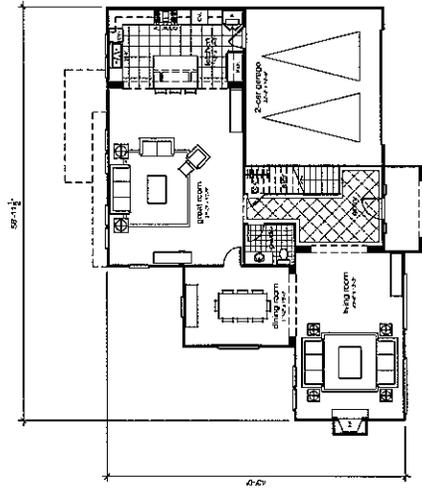
first floor plan
area = 1,553 s.f.

UNIT PLAN E
gross area = 3,625 s.f.
garage area = 433 s.f.

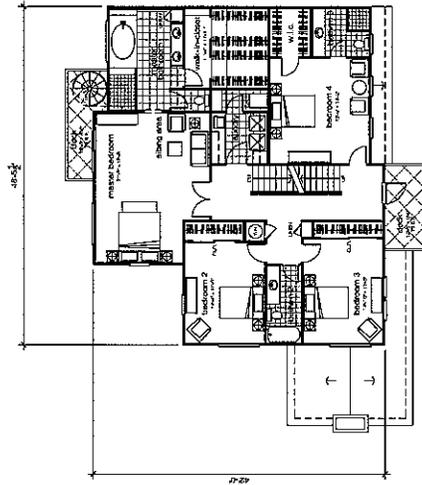
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA
APPLICANT
JCC HOMES
3403 Torrance Boulevard, Suite 200, Torrance, CA 90503
Tel: (310) 940-3899 Fax: (310) 310-7133
JOB NO. A14143-310
DATE: FEBRUARY 24, 2005
SCALE: 1/8" = 1'-0"

WMA
Withee Malcolm Architects, LLP
1883 W. 19th Street, Suite 200
Torrance, CA 90503
Tel: (310) 217-4555
Fax: (310) 217-0425

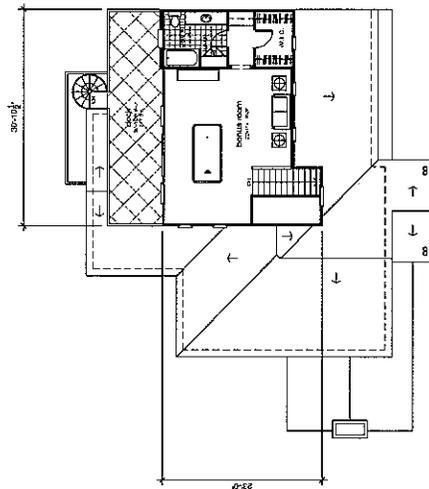
OCT 25 2005



first floor plan
area = 1,596 s.f.



second floor plan
area = 1,761 s.f.



third floor plan
area = 693 s.f.

UNIT PLAN F

gross area = 3,930 s.f.
garage area = 445 s.f.

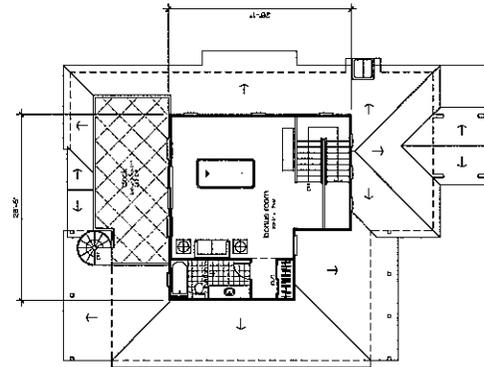
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA



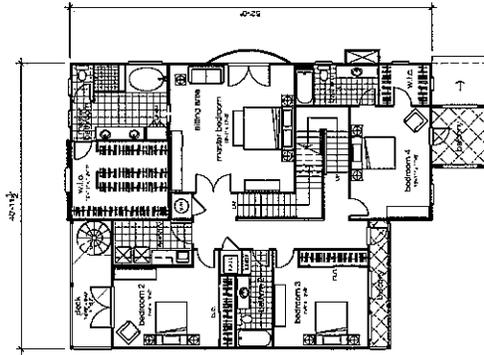
White Malcolm Architects, LLP
1983 W. 19th Street, Suite 200
Huntington Beach, CA 92648
Tel: (310) 217-6885
Fax: (310) 217-0425

APPLICANT
JCC HOMES
2400 Torrance Boulevard, Suite 200, Torrance, CA 90503
Tel: (310) 540-3900 Fax: (310) 316-7133
JOB NO. AA443-200
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

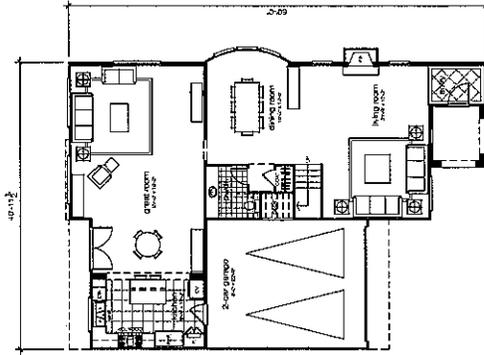
OCT 2 5 2005



third floor plan
area = 518 s.f.



second floor plan
area = 1,796 s.f.

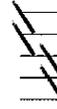


first floor plan
area = 1,560 s.f.

UNIT PLAN G

gross area = 3,874 s.f.
garage area = 425 s.f.

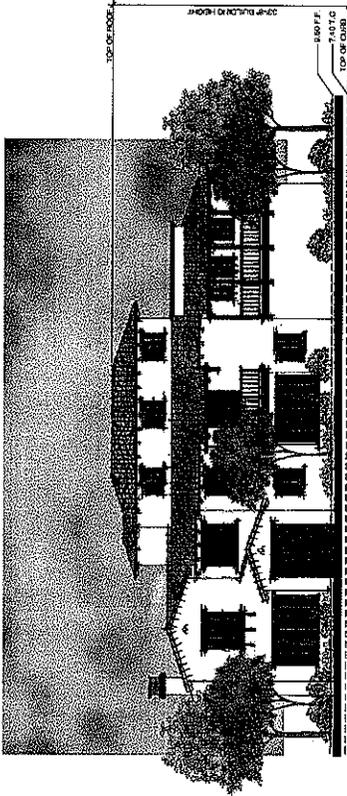
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA



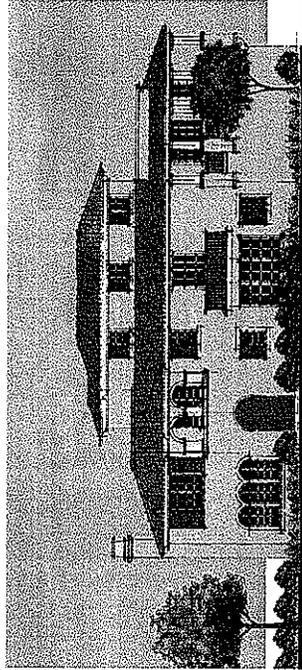
Withee Malcolm Architects, LLP
1893 W. 19th Street, Suite 200
Huntington Beach, CA 92648
Tel: (310) 217-9885
Fax: (310) 217-5425

APPLICANT
JCC HOMES
3480 Torrance Boulevard, Suite 300, Torrance, CA 90503
Tel: (310) 540-3890 Fax: (310) 916-7133
JOB NO. AM043300
SHEET NO. 001
FEBRUARY 24, 2005

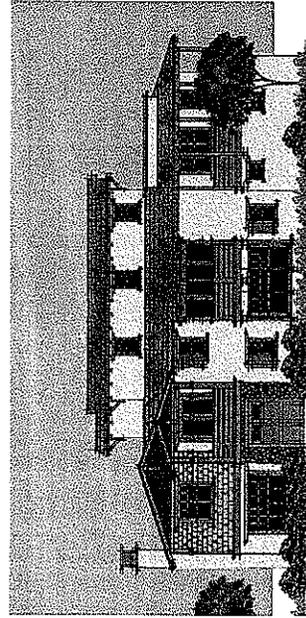
OCT 25 2005



STREET ELEVATION - PLAN A - monterey



STREET ELEVATION - PLAN A - italianate
SEE MONTEREY ELEVATION FOR TYP. INFORMATION NOT SHOWN



STREET ELEVATION - PLAN A - craftsman
SEE MONTEREY ELEVATION FOR TYP. INFORMATION NOT SHOWN

EXTERIOR ELEVATIONS

HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES

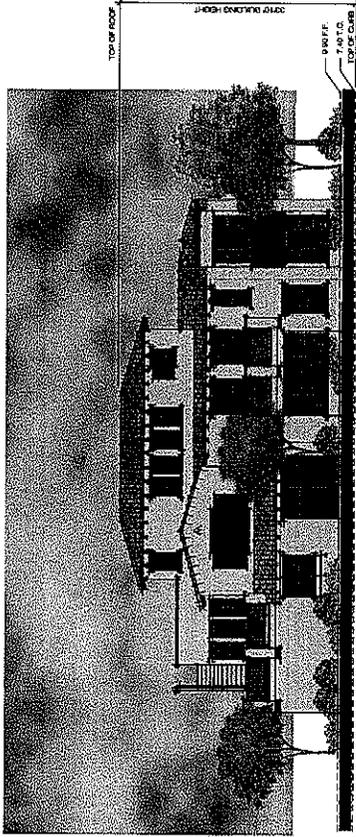
2443 Truxtun Boulevard, Suite 300, Torrance, CA 90505
Tel: (310) 540-3890 Fax: (310) 510-7183

JOB NO. AA443-300
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

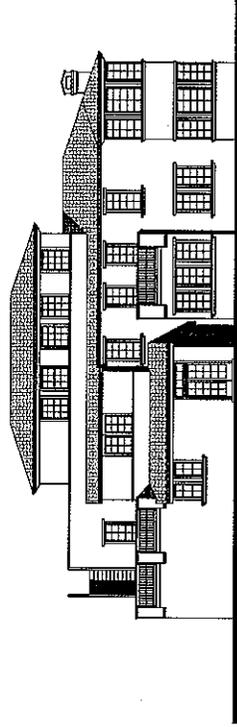


Withee Malcolm Architects, LLP
1883 W. 19th Street, Suite 200
Torrance, CA 90505
Tel: (310) 217-5885
Fax: (310) 217-5425

OCT 25 2005



WETLANDS ELEVATION - PLAN D - monterey - BUILDING II



WETLANDS ELEVATION - PLAN D - italianate - BUILDING I
SEE BUILDING II FOR TYP. INFORMATION NOT SHOWN

EXTERIOR ELEVATIONS

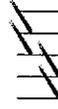
HUNTINGTON BEACH
HUNTINGTON BEACH, CALIFORNIA

APPLICANT
JCC HOMES

3450 Torrance Boulevard, Suite 300, Torrance, CA 90503
Tel: (310) 540-9990 Fax: (310) 316-7133

JOB NO. A4043.300
TORRANCE, CA 90504
SCALE: 1/8" = 1'-0"
FEBRUARY 24, 2005

sheet 16 of 17



Withee Malcolm Architects, LLP
1983 W. 106th Street, Suite 200
Torrance, CA 90504
Tel: (310) 217-2824
Fax: (310) 217-2825

JUL 02 2004



John Laing Homes
Hand crafted since 1848

July 2, 2004

Ms. Jane James, Sr. Planner
CITY OF HUNTINGTON BEACH
2000 Main Street
Huntington Beach, CA 92648

Re: Mills Land (Tank Farm Site) at Newland St. and Lomond Dr.
Narrative Description of Proposed Use

Dear Ms. James:

JCC Homes and John Laing Homes are requesting the City of Huntington Beach to commence the EIR process for the following proposed project.

Description of Proposed Project

Use: R-M, Attached product consisting of duplexes and triplexes in a gated community and a 2-acre park for dedication to the City for public use.

Square Footages:	<u>Product</u>	<u>No. of Units</u>	<u>Plan 1</u>	<u>Plan 2</u>	<u>Plan 3</u>	<u>Plan 4</u>
	Duplex	81	3,435	3,350	3,275	4,030
	Triplex	<u>123</u>	1,383	1,787	1,888	N/A
	Total Units	<u>204</u>				

All units will have private open space for exclusive use of the owners. The proposed community will also have several community passive open space amenity areas, which will be maintained by a private homeowners association.

Reasons for Initiating this Application

The site is currently zoned for Industrial. We will be filing applications for the following, henceforth requiring an EIR.

- General Plan Amendment from Industrial use to an R-M Residential designation.
- Zoning Map Amendment from Industrial use to R-M Residential.
- Tentative Tract Map to subdivide 25.3 acres into a 204 unit, _____ lots for condominium purposes..
- CUP to develop condominium units with duplex and triplex configurations, ranging in square footages from 1,383 to 4,030. CUP to include a 2-acre park site that will be dedicated to the City for public use.
- Environmental Assessment to analyze environmental impacts associated with the proposed project.

Description of Surrounding Uses

North: R-1 Residential
East: Newland Street – East of Newland St. is Residential
South: Vacant open space zoned for Industrial
West: Vacant open space zoned for Industrial

Description of Population served by Proposed Project

With the wide variety of square footages and floor plans being offered by the duplex and triplex units, the proposed project will provide homes to many different market segments. We anticipate this site providing homes to young families, singles, move-ups, empty-nesters and others.

Site Location relative to Hazardous Waste and Substance

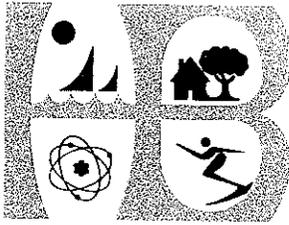
The project area was formerly an oil tank farm that has been remediated with the Regional Board as the Lead Agency. Site clean-up and its required remediation has been completed. Reports have been submitted to Orange County Health Dept., the Santa Ana Regional Water Quality Control (Regional Board) and the City of Huntington Beach.

If you have any questions, please contact me at (949) 265-6874. Thank you for your consideration.

Very truly yours,



Debra Pember
Project Manager



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

July 21, 2006

Ms. Celena Chen
WL Direct Huntington Beach
3121 Michelson Drive, Suite 200
Irvine, CA 92612

**SUBJECT: GENERAL PLAN AMENDMENT NO. 04-04/ ZONING MAP
AMENDMENT NO. 04-01/ TENTATIVE TRACT MAP NO. 16733/
CONDITIONAL USE PERMIT NO. 04-32 (NEWLAND STREET
RESIDENTIAL – 21471 NEWLAND STREET)
DEVELOPMENT AND USE REQUIREMENTS**

Dear Ms. Chen:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission and/or City Council. Please note that if the design of your project changes or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5596 and/or the respective source department (abbreviation in parenthesis at end of each condition – contact person below).

Sincerely,

Jane James
Senior Planner

ATTACHMENT NO. 9.1

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Eric Engberg, Fire Department – 714-536-5564
Terri Elliott, Public Works – 714-536-5580
Herb Fauland, Principal Planner
Jason Kelley, Planning Department
Robert London Moore, Jr., Mills Land & Water Company, P.O. Box 7108,
Huntington Beach, CA 92615
Project File

**CODE REQUIREMENTS, POLICIES, AND STANDARD PLANS OF THE
HUNTINGTON BEACH ZONING & SUBDIVISION ORDINANCE AND MUNICIPAL CODE**
(July 21, 2006)

PROJECT: NEWLAND STREET RESIDENTIAL

ADDRESS: 21471 NEWLAND STREET

The draft list is intended to assist the applicant by identifying a preliminary list of code requirements applicable to the proposed project, which must be satisfied during the various stages of project implementation. Any conditions of approval adopted by the Planning Commission would also be applicable to your project. A final list of requirements will be provided upon approval by the applicable discretionary body. If you have any questions regarding these requirements, please contact the Project Planner and the applicable Department Representative.

TENTATIVE TRACT MAP NO. 16733:

1. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
 - a. An Affordable Housing Agreement in accord with Section 230.26 of the ZSO.
 - b. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
 - c. Proposed street names shall be submitted to and approved by the Huntington Beach Fire Department in accordance with Fire Department City Specification No. 409. **(FD)**
 - d. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16) **(Planning)**
 - e. The following shall be shown as a dedication to the City of Huntington Beach on the final tract map. (ZSO 230.084A & 253.10K): **(PW)**
 1. Thirty feet (30') of right-of-way shall be dedicated in fee along the Newland Street frontage for a half-street right-of-way width of 50 feet. The dimension to the ultimate right-of-way line on Newland Street shall be explicitly shown on the Tentative Tract Map.
 2. Twenty feet (20') of right-of-way shall be dedicated in fee along the Lomond Drive frontage for an ultimate right-of-way width of 60 feet. The dimension to the ultimate right-of-way line on Lomond Drive shall be explicitly shown on the Tentative Tract Map.
 3. A 27-foot radius of right-of-way shall be dedicated in fee at the southwest corner of Newland Street and Lomond Drive, per City Standard Plan No. 207.
 4. A blanket easement over the private streets and access ways for Police and Fire Department access purposes.
 5. All vehicular access rights to Newland Street and Lomond Drive shall be released and relinquished to the City of Huntington Beach, except at locations approved by the Planning Commission.

6. The water system and appurtenances for the entire project shall be a public system.
 7. The sewer system shall be a public system.
 8. A blanket easement over the private streets and access ways for water and sewer utility purposes. The easement shall also include 5 feet on either side of any water appurtenances, unobstructed paved or landscaped surface, pursuant to Water Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. Where water facilities are constructed within a private street, parallel parking within the easement is acceptable provided the water facilities are constructed per Water Standards. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. Utilities Division personnel shall have access to public water facilities and appurtenances at all times via Knox box at all vehicular gated entries.
- f. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association.
 - g. A final hydrology and hydraulic study for the runoff from this project and its impact to the existing downstream storm drainage system including the Newland pump station shall be submitted to Public Works for review and approval. This project shall be responsible for mitigating the increased storm water runoff from this property based on the net difference between a pre-1986 undeveloped condition and the proposed developed condition for 10, 25 and 100-year storms under current County and City criteria. Possible mitigation measures to manage increased storm water runoff may include on-site attenuation and/or construction of downstream drainage improvements including the Newland Pump Station (per the adopted Public Works Department 2005 Drainage Study). The study and the proposed drainage improvements shall include on-site, privately maintained clarifiers or other devices to control the quality of run-off water from the development. The study shall also justify final pad elevations on the site in conformance with the latest FEMA requirements. The minimum finished floor elevations for all lots shall meet FEMA requirements (7-feet + 1-foot for NAVD 88 Datum) and City Standard Plan No. 300. (ZSO 255.04)
 - h. A will-serve letter from the Orange County Sanitation District (OCSD), to accept the discharge from the new development into the existing OCSD sewer in Newland Street, shall be obtained. A copy shall be provided to the City of Huntington Beach, Public Works Department. **(PW)**
 - i. A qualified, Licensed Engineer shall prepare a detailed soils and geotechnical analysis. This analysis shall include Phase II Environmental on-site soil sampling in areas not previously investigated and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, liquefaction, foundations, landscaping, dewatering, ground water, retaining walls, pavement sections and utilities. (ZSO 251.06 & 253.12) **(PW)**
 - j. A qualified, Licensed Engineer shall prepare a detailed soils and geotechnical analysis. This analysis shall include Phase II Environmental on-site soil sampling in areas not previously investigated and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, liquefaction, foundations, landscaping, dewatering, ground water, retaining walls, pavement sections and utilities. (ZSO 251.06 & 253.12) **(PW)**
 - k. A reproducible mylar copy and a print of the recorded tract map shall be submitted to the Department of Public Works at the time of recordation. **(PW)**

- i. The engineer or surveyor preparing the final tract map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item: **(PW)**
 1. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
 2. Provide a digital-graphics file of said map to the County of Orange.
- m. Provide a digital-graphics file of said map to the City per the following design criteria: **(PW)**
 1. Design Specification:
 - a) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
 - b) Digital data shall have double precision accuracy (up to fifteen significant digits).
 - c) Digital data shall have units in US FEET.
 - d) A separate drawing file shall be submitted for each individual sheet.
 - e) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
 - f) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
 2. File Format and Media Specification:
 - g) Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
 - AutoCAD (version 2000, .release 4) drawing file: ____ .DWG
 - Drawing Interchange file: _____ .DXF
 - h) Shall be in compliance with the following media type:
 - CD Recordable (CD-R) 650 Megabytes
- n. The grading and improvement plans shall be submitted to the Department of Public Works for review and approval. The engineer shall submit cost estimates for determining bond amounts. (ZSO 255.16C & MC 17.05) **(PW)**
- o. A Homeowners' Association(s) (HOA) shall be formed and described in the CC&R's to manage the following for the total project area: **(PW)**
 1. On-site landscaping and irrigation improvements
 2. On-site sewer and drainage systems
 3. Best Management Practices (BMP's) as per the approved Water Quality Management Plan (WQMP)

The aforementioned items shall be addressed in the development's CC&R's.

- p. The Homeowners' Association (HOA) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach for maintenance and control of the area within the public water pipeline easement, which shall address repair to any enhanced pavement, etc., if the public water pipelines and/or appurtenances require repair or maintenance. The HOA shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the

maintenance and repair of any public water pipeline. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29) **(PW)**

- q. If the project is developed in phases, then a phasing map shall be submitted for approval by the Planning, Public Works and Fire Departments showing improvements to be constructed. All required infrastructures including all public streets shall be designed with the first phase. The phasing plan shall include public improvements, construction employee parking, utility relocation, material location, and fire access. (ZSO 253.12L) **(PW)**
- r. All improvement securities (Faithful Performance, Labor & Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney. (ZSO 255.16) **(PW)**
- s. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (ZSO 253.12K) **(PW)**
- t. The final tract map and any phased maps shall be consistent with the approved tentative tract map. (ZSO 253.04) **(PW)**
- u. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16) **(PW)**

2. Prior to submittal for Building Permits, the following shall be completed:

- a. A minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Planning Department.

3. The following conditions shall be completed prior to issuance of a Grading Permit:

- a. Provide a Fire Department approved Remedial Action Plan (RAP) based on requirements found in Huntington Beach City Specification #431-92, Soil Cleanup Standard. **(FD)**
- b. From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a Permit to Conduct Well Operations for all on-site active/abandoned oil wells. **(FD)**
- c. From the DOGGR, provide proof of a Site Plan Review application. **(FD)**
- d. Obtain a Huntington Beach Fire Department Permit to Abandon Oil Well and follow the requirements of City Specification #422, Oil Well Abandonment Permit Process. **(FD)**
- e. For Fire Department approval, applicant must submit a site plan showing all on-site abandoned oil wells accurately located, "x" and "y" parameters delineated and identified by well name, as well as API number, PLUS identify and detail all methane safety measures per City Specification #429, Methane District Building Permit Requirements. These details shall be on a separate sheet titled "METHANE PLAN," which must be approved by the Fire Department prior to issuance of a precise grading permit. **(FD)**
- f. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
- g. The site plan received and dated October 25, 2005 shall be the conditionally approved layout. **(PW)**

- h. The final map shall be recorded with the County of Orange. **(PW)**
- i. Separate plans for removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations shall be prepared by a Licensed Civil Engineer, and be submitted to the Public Works Department for review and approval. (MC 17.05.140) **(PW)**
- j. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. (MC 17.05.150/FD Spec. 431-92) **(PW)**
- k. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. Final grades and elevations on the grading plans shall not vary by more than 1-foot from the grades and elevations on the approved tentative tract map and site plan, unless otherwise required by these development requirements and/or conditions of approval, and as directed by the Department of Public Works. (MC 17.05/ZSO 255.04A) **(PW)**
- l. Improvement Plans, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 255.04A) The following improvements shall be shown on the plan: **(PW)**
 - 1. New curb, gutter, sidewalk and new pavement to the centerline of Newland Street per City Standard Plan Nos. 102, 202 and 207, along the Newland Street frontage within a 50-foot half-street right-of-way. (ZSO 255.04A)
 - 2. Thirty-five foot radius curb returns, with the appropriate right-of-way dedication, shall be constructed at all Newland Street intersections. ADA compliant access ramps at the southwest corner of the Newland Street/Lomond Drive intersection, both the northwest and southwest corners of the Newland Street and Lot "A" intersection, per Caltrans Standard Plan A88A. (ZSO 255.04A, ADA)
 - 3. All onsite curb return radii shall be designed and constructed per City Standard Plan No. 207 to accommodate ADA compliant access ramps which shall be constructed per Caltrans Standard Plan A88A. (ZSO 255.04A, ADA)
 - 4. All onsite alleys shall be designed and constructed per City Standard Plan Nos. 107 and 210. (ZSO 255.04A)
 - 5. Lomond Drive shall be constructed to provide for an ultimate right-of-way width of 60 feet, requiring both a 40-foot curb-to-curb roadway width and 10-foot southerly parkway width per modified City Standard Plan No. 104.
 - 6. The southern portion of the intersection knuckle at Lochlea Lane and Lomond Drive shall be constructed per City Standard Plan No. 105, Case I.
 - 7. ADA compliant access shall be provided through all improvements, including off-site locations, where improvements are included in project related plans. All sidewalks shall meet ADA, Title 24 and Pubic Works standards to the maximum extent feasible.
 - 8. ADA compliant access ramps at the southwest corner of the Newland Street/Lomond Drive intersection, both the northwest and southwest corners of the Newland Street/"A" Street intersection, per Caltrans Standard Plan RSP A88A. (ZSO 255.04A, ADA)

9. The sewer facilities shall be designed per the final approved sewer study and City Standards.
 10. All drainage facilities shall be designed per the final approved hydrology and hydraulics study and City Standards. (ZSO 255.04A)
 11. Each dwelling unit shall have a separate domestic water service and meter, installed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). Each domestic water service shall be a minimum of 1-inch in size. (ZSO 230.84)
 12. Each separate landscaping area (i.e. Home Owner's Association (HOA) property, public common landscaping areas, park site, etc.) shall have separate irrigation meters, services and backflow protection devices. The irrigation water services shall be a minimum of 1-inch in size. (Resolution 2003-29)
 13. Separate backflow protection devices shall be installed per Water Standards for all domestic and irrigation water services. (Resolution 5921 and Title 17)
 14. The existing domestic water services and meters shall be abandoned per Water Standards. (ZSO 255.04E)
 15. In accordance with Water Standards, copper water services and nitrile gaskets (on all PVC and ductile iron pipelines) shall be required for water improvements.
 16. The emergency access located on Lomond Drive shall be constructed per City Standard Plan No. 209 modified with a 4-inch curb face in place of the ¾-inch lip.
- m. The parking layout shall be in conformance with the approved parking plan, and shall also conform to City Standards and the City's Subdivision Ordinance and Municipal Code requirements, including Municipal Ordinance No. 10.40.050. No parking shall be permitted adjacent to the emergency access areas in compliance with Fire Department Standard Specifications 401 and 415. **(PW)**
 - n. Parking will not be allowed in the knuckle at Lochlea Lane and Lomond Drive and shall not be included in any parking counts. (MC 10.40.050) **(PW)**
 - o. A privately maintained street lighting system, consistent with City standards, shall be constructed along the private streets and access ways in this subdivision. A photometric analysis shall be provided which demonstrates that such lighting will not negatively impact the existing residences to the north. (ZSO 255) **(PW)**
 - p. Street lighting shall be installed on the Newland Street and Lomond Drive frontages and shall be consistent with City standards. A photometric analysis shall be provided which demonstrates that such lighting will not negatively impact the existing residences to the north and east. (ZSO 255) **(PW)**
 - q. A signing and striping modification plan shall be prepared for the segment of Newland Street along the project frontage. This plan shall indicate the installation of the left turn pocket along with any other modifications necessitated by the project. There is currently a traffic signal proposed at the intersection of Newland Street and Hamilton Avenue. If the signal is installed at the time of this project, a traffic signal modification plan shall be prepared for the widening of Newland Street. (ZSO 255) **(PW)**
 - r. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines) **(PW)**

- s. Twenty-five foot sight triangles shall be provided at the Lomond Drive/Newland Street and "A" Street/Newland Street intersections in conformance with ZSO 230.88. **(PW)**
- t. All intersections with Newland Street shall provide corner sight distance in conformance with Chapter 400 of the Caltrans Highway Design Manual. (Highway Design Manual) **(PW)**
- u. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545) **(PW)**
 - 1. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
- v. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04) **(PW)**
- w. Storm Drain and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. (DAMP) **(PW)**
 - 1. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary BMP's and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all de-watering operation flows, and for nuisance flows during construction. The SWPPP shall be submitted to Public Works for information only. (DAMP)
 - 2. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. (DAMP)
- x. A Project WQMP shall be submitted to the Public Works Department for review and approval and shall include the following: **(PW)**
 - 1. Discusses regional or watershed programs (if applicable)
 - 2. Addresses Site Design BMP's (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - 3. Incorporates the applicable Routine Source Control BMP's as defined in the DAMP
 - 4. Incorporates Treatment Control BMP's as defined in the DAMP
 - 5. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMP's
 - 6. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMP's
 - 7. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMP's

- 8. Includes an Operations and Maintenance (O&M) Plan for all structural BMP's
 - 9. Upon approval of the WQMP, three signed copies and an electronic copy on CD (.pdf or .doc format) shall be submitted to the Public Works Department.
 - y. A designated car wash area that does not drain to a storm drain system shall be provided for common usage. Wash water from this area may be directed to the sanitary sewer (upon approval by the Orange County Sanitation District), to an engineered infiltration system, or to an equally effective alternative. Pre-treatment may also be required. **(DAMP) (PW)**
 - z. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. **(AQMD Rule 403) (PW)**
 - aa. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. **(PW)**
 - bb. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. **(PW)**
4. The following conditions shall be completed prior to issuance of Building Permits:
- a. Comply with applicable Conditional Use Permit No. 04-32 conditions of approval and all applicable Mitigation Measures of EIR No. 05-01.
 - b. To maintain required emergency access and site safety during project construction phases, submit a Fire Protection Plan in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**
 - c. Fire access roads shall be provided in compliance with City Specification #401, Minimum Standards for Fire Apparatus Access. **(FD)**
 - d. Fire hydrants must be installed and be in service before combustible construction begins. Shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. Indicate hydrant locations and Fire Department connections. The Fire Department and the Public Works Water Division shall determine the number of fire hydrants. **(FD)**
 - e. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to the Building Department as separate plans for permits. **(FD)**
 - f. A fire alarm system in compliance with Huntington Beach Fire Code is required. For Fire Department approval, shop drawings shall be submitted to the Building Department as separate plans for permits. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, voice communication, and 24-hour central station monitoring. **(FD)**
 - g. All Fire Department requirements shall be noted on the Building Department plans. **(FD)**
 - h. State-mandated school impact fees shall be paid.
 - i. A Precise Grading Permit shall be issued. **(PW)**

- j. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B) **(PW)**
 - k. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. **(DAMP) (PW)**
 - l. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545) **(PW)**
5. The structure(s) cannot be occupied, the final Building Permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. Secured entries shall utilize strobe-switch activated, automated gates, and comply with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings, including emergency access at Lomond Drive. **(FD)**
 - b. Courtyard, Paseo, and all project pool areas must have a KNOX® access installed on entry gates. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. **(FD)**
 - c. Fire extinguishers shall be installed and located in areas to comply with Huntington Beach Fire Code standards found in City Specification #424, Minimum Requirements for Portable Fire Extinguishers. **(FD)**
 - d. Address numbers shall be installed to comply with City Specification #428, Premise Identification. Number sets may be required on front and rear of the structure. **(FD)**
 - e. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. Additionally, the site plan shall show all fire lanes. If violations occur prior to approved fire lane signage, and the services of the Fire Department are required, the applicant may be liable for related expenses. **(FD)**
 - f. GIS mapping information shall be provided to the City's GIS Department. For specific requirements, contact the GIS Department at (714) 374-1560. **(FD)**
 - g. Automatic sprinkler systems shall be installed in accordance with approved plans. **(FD)**
 - h. All improvements shall be completed in accordance with approved plans.
 - i. Prior to the first occupancy of Phase 1 (excluding model homes), all associated onsite and offsite improvements, including the public park, as shown on the approved grading, landscape and improvement plans shall be completed. Prior to the first occupancy of each succeeding phase, all associated onsite improvements as shown on the approved grading, landscape and improvement plans shall be completed. (MC 17.05) **(PW)**
 - j. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D) **(PW)**
 - k. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File

Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**

- i. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall: **(PW)**
 10. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 11. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 12. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 13. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
 - m. Traffic impact fees for residential developments shall be paid at a rate of \$146 per net new added daily trip. This project, as currently proposed, is forecast to generate 1,976 new daily trips for a total traffic impact fee of \$276,640. The rate is subject to an annual adjustment. (MC 17.65) **(PW)**
 - n. All landscape, irrigation and hardscape improvements for the public park shall be completed. The park shall be temporarily fenced for a period of 15 months following the completion of park improvements to allow for a 90-day plant establishment and one-year maintenance period to be completed by the applicant. All potential buyers of the new residential units and all property owners and occupants within a 1000-foot radius of the subject property shall receive written notification of the delayed opening of the public park. Evidence of the written notification shall be submitted to the Department of Public Works (Resolution 4545) **(PW)**
6. During Demolition, Grading, Site Development, and/or Construction, the following shall be adhered to:
- a. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**
 - b. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - c. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - d. Truck idling shall be prohibited for periods longer than 5 minutes.
 - e. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - f. Discontinue operation during second stage smog alerts.
 - g. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - h. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
 - i. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This

plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210) (PW)

- j. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (WE-1) (PW)
 - k. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05) (PW)
 - l. Wet down the areas that are to be graded or that are being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05) (PW)
 - m. The construction disturbance area shall be kept as small as possible. (EC1) (PW)
 - n. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (PW)
 - o. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (PW)
 - p. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403) (PW)
 - q. Wind barriers shall be installed along the perimeter of the site. (PW)
 - r. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas. (PW)
 - s. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP) (PW)
7. The Departments of Planning, Public Works and Fire shall be responsible for ensuring compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed during the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. 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 HBZSO.
8. Tentative Tract Map No. 16733 shall not become effective until the ten calendar day appeal period has elapsed from Planning Commission action.
9. Tentative Tract Map No. 16733 and General Plan Amendment No. 04-04/Zoning Map Amendment No. 04-01/Tentative Tract Map No. 16733/Conditional Use Permit No. 04-32 shall become null and void unless exercised within two (2) years of the date of final approval, which is August 18, 2006. An extension of time may be granted by the Director of Planning pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.

10. The subdivision shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein.
11. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
12. The applicant shall submit a check in the amount of \$43 for the posting of a Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
13. A Mitigation Monitoring Fee shall be paid to the Planning Department prior to the issuance of Building Permits.
14. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
15. Standard landscape code requirements apply. (ZSO 232) **(PW)**
16. City Arboricultural and Landscape Standards and Specifications apply. (Resolution 4545) **(PW)**
17. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52) **(PW)**
18. All new utilities shall be undergrounded. (MC 17.64) **(PW)**
19. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16) **(PW)**
20. An Encroachment Permit is required for all work within the City's right-of-way. (MC 14.36.020) **(PW)**
21. An Encroachment Permit is required for all work within Caltran's right-of-way. **(PW)**

CONDITIONAL USE PERMIT NO. 04-32:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications.
 - a. Elevations shall depict approved colors and building materials.
 - b. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
 - c. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.

- d. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).
 - e. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - f. Energy saving lamps shall be used for all outdoor lighting. All outside lighting shall be directed to prevent "spillage" onto adjacent properties. The type and location of all exterior lighting shall be on the site plan and elevations.
 - g. Project data information shall include the flood zone, base flood elevation and lowest building floor elevation(s) per NAVD88 datum.
2. Prior to issuance of demolition permits, the following shall be completed:
- a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - c. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
 - d. The applicant shall disclose the method of demolition on the demolition permit application for review and approval by the Director of Building and Safety. **(B&S)**
3. Prior to submittal for building permits, the following shall be completed:
- a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department and 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model.
 - b. Zoning entitlement conditions of approval and code requirements identified herein, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Department for addressing purposes after street name approval by the Fire Department.
 - d. All Fire Department requirements shall be noted on the building plans. **(FD)**
 - e. Residential type structures on the subject property, whether attached or detached, shall be constructed in compliance with the State acoustical standards set forth for units that lie within the 60 CNEL contours of the property. Evidence of compliance shall consist of submittal of an

acoustical analysis report and plans, prepared under the supervision of a person experienced in the field of acoustical engineering, with the application for building permit(s).

- f. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof. **(B&S)**
 - g. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. **(B&S)**
 - h. Floor plans shall depict natural gas and 220V electrical shall be stubbed in at the location of clothes dryers; natural gas shall be stubbed in at the locations of cooking facilities, water heaters and central heating units.
 - i. A request for Letter of Map Revision shall be submitted to the Federal Emergency Management Agency (FEMA) to remove the proposed structure(s) and/or property from the floodplain.
 - j. Contact the United States Postal Service for approval of mailbox location(s).
4. Prior to issuance of building permits, the following shall be completed:
- a. An Affordable Housing Agreement in accord with Section 230.26 of the HBZSO.
 - b. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
 - c. A gated entryway (access control devices) plan shall be submitted to the Planning Department. The gated entryway shall comply with Fire Department Standard No. 403. In addition, the gated entryway plan shall be reviewed by the United States Postal Service. Prior to the installation of any gates, such plan shall be reviewed and approved by the Planning, Fire and Public Works Departments.
 - d. A copy of a Letter of Map Revision from the Federal Emergency Management Agency (FEMA) removing the property(ies) from the floodplain shall be submitted to the Planning Department for inclusion in the entitlement file. If a letter of map revision is not approved by FEMA, the applicant shall submit a copy of completed FEMA Elevation Certificate(s) for each building based on construction drawings, or a Flood-proofing Certificate(s) in the case of a non-residential structure.
 - e. All applicable Building & Safety, Public Works and Fire Department fees shall be paid.
 - f. Traffic Impact Fees shall be paid.
 - g. State-mandated school impact fees shall be paid.
 - h. A Mitigation Monitoring Fee shall be paid to the Planning Department.
5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:

- a. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - b. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - c. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for each building, or a Letter of Map Revision issued by the Federal Emergency Management Agency (FEMA), shall be submitted to the Planning Department.
6. The Planning Director ensures that all requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
 7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
 8. This Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 shall not become effective until General Plan Amendment No. 04-04 and Zoning Map Amendment No. 04-01 have been approved by the City Council, and are in effect.
 9. Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
 10. Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 shall become null and void unless exercised within two years of the date of final approval which is August 18, 2006 or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
 11. The Planning Commission reserves the right to revoke Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
 12. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
 13. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.

City of Huntington Beach

JUL 24 2006

**Affordable Housing Plan
Newland Street Residential Project
Huntington Beach, CA
July 24, 2006**

**Submitted by
WL-DIRECT Huntington Beach LLC**

ATTACHMENT NO. 10.1

Affordable Housing Plan
Newland Street Residential Project
Huntington Beach, CA
July 24, 2006

A. Introduction

The purpose of this document is to address the affordable housing requirements for the Newland Street Residential Project, which is located at the northwest corner of Newland Street and the terminus of Hamilton Avenue in the City of Huntington Beach (the "Project"). The Project will include 204 attached units and an approximately 2-acre public park.

B. City of Huntington Beach Affordable Housing Requirements

The City's current affordable housing requirements are set forth in Ordinance No. 3687, which was passed and adopted on November 1, 2004. Ordinance No. 3687 requires a minimum of ten percent of the total units to be affordable for a term of not less than 60 years from the time the unit is built. Affordable units may be rental units or for sale units, and may be developed on site or at an off-site location.

Should a new affordable housing ordinance become effective prior to issuance of building permits for the Project that permits fees to be paid in lieu of construction, the Project Applicant may elect to comply with the City's affordable housing requirements through payment of in lieu fees.

C. Proposed Affordable Housing Plan

The Project Applicant, WL-DIRECT Huntington Beach LLC, proposes to satisfy its affordable housing requirement by building 21 affordable units on the Project site. These units will be for sale units and will be marketed and sold to median and low income level households, as described in more detail below.

1. **Total On Site Affordable Units.** Ten percent of the total units, or 21 units, will be marketed and sold as on site affordable units.
2. **For Sale Units.** All of the affordable units will be for sale units.
3. **Affordable Housing Cost.** 18 of the affordable units will be marketed and sold to median income level households, and 3 of the affordable units will be marketed and sold to low income level households.
4. **Product Type.** The affordable units will consist of 21 carriage units designed for construction by John Laing Homes. The carriage unit is a single story unit that

includes two bedrooms and two bathrooms, with a total liveable square footage of approximately 1,393 square feet. Each carriage unit includes one garage and one parking stall and its own deck area.

5. **Location of Affordable Units.** The affordable units will be located throughout the entire project site and will be of the same design and finish level as all other carriage units marketed to the general public.
6. **Construction Schedule of Affordable Units.** Construction of the affordable units will be concurrent with construction of the market rate units.
7. **Deed Restrictions.** The affordable units will be deed restricted for 60 years from initial sale, 18 of which will be sold to median income households and 3 of which will be sold to low income households.

**HUNTINGTON BEACH UNION
HIGH SCHOOL DISTRICT**

10251 Yorktown Avenue • Huntington Beach, California 92646-2999
(714) 964-3339 FAX (714) 963-7684

Board of Trustees:
Bonnie Castrey
Brian Garland
Matthew Harper
Susan Henry
Michael Simons

Van W. Riley, Ph.D., Superintendent of Schools

July 25, 2006

City of Huntington Beach
Attn: Jane James, Senior Planner
2000 Main Street
Huntington Beach, CA 92648

RE: Newland Street residential project - WL Direct Huntington Beach, LLC

Dear Ms. James,

This letter constitutes the Huntington Beach Union High School District's ("District") initial comment on the above-referenced project.

The District has met with the applicant to discuss the scope and potential impact of the Project. The applicant has expressed a willingness to come to a formal agreement with the District in order to mitigate the impact, if any, of the proposed development on the District. Presently, the District is in the process of updating its fee justification data, and will negotiate a formal agreement with the applicant upon completion of that process.

The District will continue to work with the applicant to evaluate any impact that the enrollment of the additional students generated may have on our schools and to negotiate the fees to address that impact. From our meetings with the applicant representatives, we are confident that a final agreement will be reached so that any fees toward project impact will be determined and paid prior to issuance of building permits.

Sincerely,

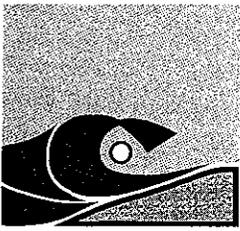
A handwritten signature in black ink, appearing to read "Stephen Ritter".

Stephen Ritter
Assistant Superintendent Business Services

Our mission is to educate all students, responding to their diverse needs, using a challenging curriculum with multiple avenues of learning, to develop creative, responsible and productive members of our community.

TOTAL P.02

ATTACHMENT NO. 111



HUNTINGTON BEACH CITY SCHOOL DISTRICT

20451 Cramer Lane, Huntington Beach, California 92646 (714) 964-8888

City of Huntington Beach

JUL 27 2006

BOARD OF TRUSTEES

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President

Brian E. Rechsteiner
Clerk

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Member

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Roberta DeLuca, Ed.D.
Superintendent

Lynn Bogart, Ed.D.
Assistant Superintendent
Educational Services

Kathy Kessler
Assistant Superintendent
Human Resources

Michael Curran
Chief Business Official
Administrative Services

July 24, 2006

Jane James, Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Newland Street Residential Project – 204 Units
WL Direct Huntington Beach, LLC

Dear Ms. James:

This letter constitutes the Huntington Beach City School District's ("District") initial comment on the above-referenced project.

The District has met with the applicant to discuss the scope and potential impact of the Project. The applicant has expressed a willingness to come to a formal agreement with the District in order to mitigate the impact, if any, of the proposed development on the District. Presently, the District is in the process of updating its fee justification data, and will negotiate a formal agreement with the applicant upon completion of that process.

The District will continue to work with the developer to evaluate any impact that the enrollment of the additional students generated may have on our schools and to negotiate the fees to address that impact. From our meetings with the applicant representatives, we are confident that a final agreement will be reached so that any fees toward project impact will be determined and paid prior to issuance of building permits.

Sincerely,

Michael Curran
Chief Business Official
Administrative Services

Cc: Steve Ritter, Assistant Superintendent, HBUHSD
Kurt Nelson, JCC Homes
Geri Mestro, Developer Fees

"We Are An Equal Opportunity Employer"

ATTACHMENT NO. 11.2



SOUTHERN CALIFORNIA
EDISON[®]

An EDISON INTERNATIONAL[®] Company

Done

Huntington Beach
JUL 06 2006 July 3, 2006

City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

Attention: Howard Zelefsky
Subdivision Committee

Subject: Tract Map No. 16733 (Newland Street Residential)

Our review of the subject subdivision map reveals that the proposed development may interfere with easement rights, and/or facilities held by Southern California Edison within the subdivision boundaries. Until such time as arrangements have been made with the developer to eliminate this interference, the development of the subdivision may unreasonably interfere with the complete and free exercise of Edison's rights.

Five copies of the grading, drainage, landscape and street improvement plans are required to be submitted by the developer to determine the extent of the interference. The Edison facilities and the easements should be plotted on the above reference maps. Included with the above referenced plans, the developer must state the proposed method to eliminate any interference. Plans should be forwarded to my attention at the following address:

**Southern California Edison Company
14799 Chestnut Street
Westminster, CA 92683**

Attention: Steven D. Lowry

If you have any questions, or need additional information in connection with the subject subdivision, please contact me at (714) 934-0808.

Steven D. Lowry
Title and Real Estate Services
Corporate Real Estate Department

James, Jane

From: David Maricich [david@maricich.com]
Sent: Monday, July 10, 2006 3:07 PM
To: James, Jane
Subject: Comments- Tract Map No. 16733

Dear Ms. James:

These comments are in response to your letter dated June 16, 2006 regarding Tentative Tract Map No. 16733 (Newland Street Residential). My comments are as follows:

- I received your letter and map in my mailbox on July 8, 2006, three weeks after the date on the letter and only two business days before the comments deadline. If other residents experienced the same delay, I suggest extending the deadline and notifying residents about the problem with the delay and the deadline extension.
- It looks like the development's main entrance will be just south of where the existing storage yard exists. Are there plans for a stoplight at the main entrance or at the intersection of Hamilton and Newland? Is it possible to send all residents in the area any summary of any Newland Street signal changes/street improvements and potential impacts?
- Is there any possibility to move the development's entrance to connect with the intersection of Newland/Hamilton?
- Will the developer be assisting financially with any of the proposed Newland Street improvements. If so, what will these be specifically? Will the developer be required to help improve the lanes between Hamilton and PCH?

Best regards,

David Maricich
21292 Banff Lane
Huntington Beach, CA 92646
david@maricich.com

DEPARTMENT OF TRANSPORTATION

City of Huntington Beach



DISTRICT 12
3337 MICHELSON DRIVE
SUITE C380
IRVINE, CA 92612-1699
PHONE (949) 724-2000

JUL 11 2006

Flex your power!
Be energy efficient!

July 11, 2006

FAX and SEND

Jane James, Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

IGR/CEQA
SCH# None
TTM No. 16733
Log# 977C
SR-1

Subject: Newland Street Residential

Dear Ms. James:

Thank you for the opportunity to review and comment on the Tentative Tract Map (TTM) No. 16733 for the Newland Street Residential Project. The proposed project is to subdivide approximately 23.1 acres into 21 numbered lots and 9 lettered lots for town home purposes. The proposed subdivision map is intended to permit development of 196 three-story town home dwelling units as well as private streets, landscaping, and common areas. The proposed project also includes dedication and improvement of a 2.0 acres public park. The project site is located at 21471 Newland Street in the City of Huntington Beach.

Caltrans District 12 is a reviewing agency and has the following comments:

1. If any project work (e.g. street widening, emergency access improvements, sewer connections, sound walls, stormdrain construction, street connections, etc.) occurs in the vicinity of the Caltrans Right-of-way, an encroachment permit would be required and environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near Caltrans Right-of-way.
2. All work within the State Right-of-way must conform to Caltrans Standard plans and Standard Specifications for Water Pollution Control, including production of a water Pollution Control Program (WPCP) or Storm Water Pollution Prevention Plan (SWPPP), and required. Any runoff draining into Caltrans Right-of-way from construction operations, or from the resulting project, must fully conform to the current discharge requirements of the Regional Water Quality Control Board to avoid impacting water quality. Measures must be incorporated to contain all vehicle loads and avoid any tracking of materials, which may fall or blow onto Caltrans roadways or facilities. Please note that all projects involving soil disturbance activities should pay extra attention to storm water pollution control during the "Rainy Season" (October 1st – April 30th) and follow the Water Pollution Control BMPs to minimize impact to the receiving waters.

"Caltrans improves mobility across California"

ATTACHMENT NO. 12.3

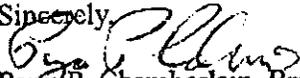
Jane James, Senior Planner

July 11, 2006

Page 2

Please continue to keep us informed of projects that may impact our State Transportation Facilities. If you have any questions or comments, please contact Lynne Gear (949) 724-2241.

Sincerely,


Ryan P. Chamberlain, Branch Chief
Local Development/Intergovernmental Review
District 12

cc: Terri Pencovic, Headquarters
Terry Roberts, OPR

"Caltrans improves mobility across California"

ATTACHMENT NO. 12.4

City of Huntington Beach

AUG 01 2006

Planning Commission and City Council
c/o Jane James, Sr. Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

July 30, 2006

Dear Commissioners and Councilmembers,

We the undersigned are all of the Board of Directors of the Surfside Homeowners Association, a non profit association of 330 homeowners. This letter is written to document the Board's support of the proposed, 204 unit WL-Direct Huntington Beach residential project at Newland Street and Lomond, as presently under application for entitlement.

The proposed project is situated immediately adjacent to our development. The developer's representatives met with our Board early in the process, shared their plan of development and answered our questions concerning their project. We feel that it will be a far more desirable and beneficial use of the property than the previous "tank farm" or any return to industrial use. The project as currently proposed seems to us to be attractive and well designed.

The Board Directors unanimously endorses this project as submitted, and we respectfully request that you approve it.

Sincerely,

Richard J. Long, President Surfside HOA.

Board of Directors
Surfside Homeowners Association

ATTACHMENT NO. 12.5

WL-Direct Huntington Beach, LLC
2632 W. 237th Street, Ste. 201
Torrance, CA 90505

JUL 28 2006

Ms. Jane James, Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

July 27, 2006

Re: Planning Commission Workshop - Newland Street Project

Dear Jane,

As discussed, this letter is written to provide what we hope will be helpful comment and information in connection with the questions and comments received during the Planning Commission workshops.

- Questions have been asked regarding project density. Project density is about 25% less than allowable under the zoning sought. We believe that the range of floor plans/models in our 204 unit project is the best choice for this site. A higher density residential project would provide greater affordability across the board, but with greater impacts, and a lower density, SFR project would price all units at a point inaccessible to all but highest earners, and have virtually all of the same impacts as our proposal. Our range of units allows a significant number of homes to be brought to market at a price point that should be accessible to working Huntington Beach residents with good jobs (firemen, police officers, educators), as well as higher earners, equity holders desiring to move up, etc. It also allows us to meet affordable housing requirements through providing 21 affordable housing units within the project site. The only reasons I have heard for questioning project density have been perceptions of traffic impact. It should be noted that whether you utilize a bedroom count or the traffic study projections, a smaller number of larger homes would generate as many or more vehicle trips as our project. Industrial uses allowed under the current zoning would have even higher traffic impacts.

- Site drainage - At the public hearing, someone from our team will be prepared to answer questions regarding onsite water detention over time and resultant mitigation to runoff during peak storm levels. It is important to note that even during a significant storm event this project would provide onsite detention of storm water such that there will be no significant runoff impacts to adjacent neighborhoods. In fact, the project would actually improve existing conditions, because the "delta" between "before" and "after" hydrology is unusually weighted against the project, requiring our "before" condition to be

that when the tank farm was operational and bermed on all sides, rather than the site condition at time of application. Consequently, the runoff from our developed project in a major storm event should be less than that which would occur under current conditions.

- Regarding park size and Quimby – at least one commissioner has made statements to the effect that the park should be of greater size due to loss of open space in Huntington Beach. There is no loss of open space at all resulting from this project – there is a net increase of 2 acres of improved, public park in addition to the 52 acres of open space that has been deed restricted as such for wetlands preservation by Mills Land & Water at the project's inception. It would also seem that an improved, 2 acre public park at the project site is preferable to a slightly larger donation of unimproved land.

Sincerely,

Kurt Nelson
WL-Direct Huntington Beach, LLC

cc Celena Chen

FINDINGS OF FACT

1. Introduction and Background

This document provides the Findings of Facts and Statement of Overriding Considerations required for the approval of the Newland Street Residential project.

As a first step in complying with the procedural requirements of CEQA, the City prepared an Initial Study (IS) to determine whether any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment and, if so, to narrow the focus (or scope) of the environmental analysis. For this project, the IS indicated that an EIR would be the appropriate type of environmental document to address potential environmental impacts resulting from project implementation.

After completion of the IS, the City filed a Notice of Preparation (NOP) with the California Office of Planning and Research indicating that an EIR would be prepared. In turn, the IS/NOP was distributed to appropriate public agencies for a 30-day public review period, which began on July 18, 2005 and ended on August 18, 2005. A scoping meeting was held on August 3, 2005. The purpose of the scoping period, including the scoping meeting, was to solicit comments on the scope and content of the environmental analysis to be included in the EIR. During the scoping period, the City received five written comment letters on the IS/NOP. The IS/NOP, as well as the scoping comment letters, are included in Appendix A of the EIR.

During the preparation of the Draft EIR (DEIR), agencies, organizations, and persons who the City believed may have an interest in this project were specifically contacted. Information, data, and observations from these contacts are included in the DEIR. Agencies or interested persons who did not respond during the public review period of the IS/NOP were given an opportunity to comment during the 45-day public review period of the DEIR, as well as at subsequent hearings on the project.

The DEIR was distributed to affected agencies, surrounding cities, and interested parties for a 45-day review period in accordance with Section 15087 of the State CEQA Guidelines. During the review period, 60 comment letters were received, and 24 verbal comments were received at the public information meeting.

Following the 45-day public review period, written responses to all environmental comments received were completed. These comments, and their responses, have been included in the Final EIR for consideration by the City of Huntington Beach Planning Commission, as well as any other public decision-makers. Furthermore, responses to all written comments received were made available to commentors at least 10 days prior to the public hearing at which certification of the FEIR would be considered.

Specific issue areas discussed in the EIR include Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and

Water Quality, Land Use, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

The Draft EIR included a detailed description of the proposed project, an analysis of its potential environmental effects, and a detailed analysis of the effects of three alternatives to the project:

- No Project/No Development Alternative;
- Reasonably Foreseeable Development Alternative;
- Reduced Project Alternative.

2. Project Objectives and Description

The Project has the following primary objectives:

Applicant

- Create a master planned, residential community utilizing the RM zoning designation, so as to allow for dedication of a two acre public park and appropriate project open space and amenities, while still realizing a sufficient number of homes to make the project economically feasible.
- Obtain entitlements sufficient to redevelop one of the few significant parcels in the City that is suitable for a residential project of this type, converting an unused industrial site to a residential use consistent with present needs and compatible with the surrounding residential development.
- Develop a project with a mix of housing types and floor plans, including larger, duplex units and triplex units with both moderate and smaller homes, so as to meet a broad market demand of various income levels and household sizes (including 10 percent of units dedicated to median income housing), while realizing a reasonable return on investment.

City of Huntington Beach

- Implement the policies and development standards of the City's General Plan and Zoning and Subdivision Ordinance.
- Create a development compatible with and sensitive to the existing land uses in the project area.
- Promote the development of residential land uses that convey a high quality visual image and character.
- Expand residential land use opportunities in the City of Huntington Beach for a greater number and variety of housing options.
- Ensure the proposed residential development complies with the City's affordable housing requirements and includes an affordable housing component.
- Ensure adequate infrastructure and public services for new and existing development, and that timing and funding of improvements is closely correlated with development phasing.

- Mitigate environmental impacts to the greatest extent possible.

The Applicant, WL Direct Huntington Beach, LLC, proposes to amend the General Plan Land Use designation of a 23.097 acre parcel from I-F2-d (Industrial - 0.5 Floor Area Ratio - design overlay) to RM (Medium Density Residential); to amend the zoning map from IL-O-FP2 (Limited Industrial - Oil District overlay - Flood Plain 2) to RM-FP2 (Medium Density Residential - Flood Plain 2); and to develop and subdivide the former industrial site to a residential development with 204 multi-family residential units and approximate two acre public park (as discussed below). The proposed project site was formerly used as an oil pipeline and storage tank terminal, for which decommissioning and remediation has been completed. A portion of the site is currently operating as a recreational vehicle and boat storage facility, which would be removed and replaced with the proposed new uses. The property is located at 21471 Newland Street (south of Lomond Avenue, west of Newland Street, and north of the terminus of Hamilton Avenue).

The proposed Newland Street Residential Project would provide a master-planned, gated residential community of 204 attached homes (medium-density residential units). The 204 residential units would consist of 126 triplex units and 78 duplex units. Development would include two- to three-story structures with a variety of architecture and dwelling unit types and sizes. The project would be required to include affordable housing at a minimum of 10 percent, or approximately 21 units, of the total development as affordable housing. The affordable housing component could be provided either on- or off-site.

Generally, the duplexes would be located on the western and southern perimeter of the project site, while the triplex units would be located in the center and northern portion of the project site. In total, there would be eight two-story triplex units, which would be located along the northern boundary of the project site. All remaining residential structures would be three stories in height.

A two-acre public park would be constructed on the northeastern portion of the project site and dedicated/accessible for public use. The public park would feature passive recreational uses including a large open grass field as well as hardscape areas on the western portion of the park that would contain play equipment and half-court basketball. During large storm events, the park turf area would also act as a detention basin for storm water. City requirements limit detention in the park to flat grassy areas, occurring at a depth of 1 to 2 feet, for a maximum of 1.5 hours, and the project as proposed meets these requirements. A 42-inch anodized aluminum fence would surround the eastern boundary of the park along Newland Street, and at the western edge of the park, a six-foot perimeter wall would define the boundary between the park and the residential development. The northern and southern boundaries of the park would be defined with landscaping. Public parking for the park would be provided along Lomond Drive. In addition, common open space areas (such as open play areas, landscaping areas, etc.) would be situated around all the residential buildings, while private open space would be provided through patios, balconies, and stoops.

Under the proposed project, one significant unavoidable impact associated with Air Quality would occur. However, compared to the alternatives analyzed against the proposed development, the City finds that the proposed project is the environmentally superior alternative.

The following discretionary approvals by the City of Huntington Beach are required to implement the proposed project:

- **General Plan Amendment No. 04-04**—Amendment to the General Plan Land Use designation for the 23.097 acre parcel from the current I-F2-d (Industrial—0.5 Floor Area Ratio—Design Overlay) designation to the proposed RM (Medium Density Residential) designation.
- **Zoning Map Amendment No. 04-01**—Amendment to the zoning map from the current IL-O-FP2 (Limited Industrial—Oil District Overlay—Flood Plain) zoning to the proposed RM-FP2 (Medium Density Residential—Flood Plain 2) zoning.
- **Tentative Tract Map No. 16733**—Subdivision of the 23.097 acre parcel into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping.
- **Conditional Use Permit No. 04-32**
 - › To construct a 204-unit condominium project consisting of attached duplex and triplex units
 - › To construct a multiple family residential development that abuts an arterial highway
 - › To construct a multiple family residential development that includes a dwelling unit more than 150 feet from a public street
 - › To construct a multiple family residential development that includes buildings exceeding 25 feet in height
 - › To construct retaining walls up to four feet, six inches in height in lieu of a maximum height of 2 feet on pads raised approximately 3 to 5 feet above existing grade to comply with FEMA floodplain requirements
 - › To construct an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot front setback required

The findings (Section 4 of this document) describe the effects of the project as defined above.

3. Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Huntington Beach's decision on the project consists of the following documents:

- The Initial Study/NOP prepared for the project;
- Other public notices in conjunction with the project;
- The Draft EIR;
- All written comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- The Final EIR for the project;
- The Mitigation Monitoring Program for the project;
- All findings and resolutions adopted by the City of Huntington Beach in connection with the project, and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, and other planning documents relating to the project prepared by the City of Huntington Beach, the City of Huntington Beach's

consultants, or Responsible or Trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City of Huntington Beach action on the project;

- All documents submitted to the City of Huntington Beach by agencies or members of the public in connection with the project;
- Minutes and verbatim transcripts of all information sessions, public meetings, and public hearings held by the City of Huntington Beach in connection with the project;
- Any documentary or other evidence submitted to the City of Huntington Beach at such workshops, public meeting, and public hearings; and
- Matters of common knowledge to the City of Huntington Beach, including, but not limited to federal, State, and local laws and regulations.

The custodian of the documents is the City of Huntington Beach Planning Department.

4. Findings Required Under CEQA

Under CEQA, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant effects on the environment (Public Resources Code (PRC) §21081, subd. [a]);
2. Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency (PRC §21081, subd. (b)); and
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, made infeasible the mitigation measures or alternatives identified in the environmental impact report (PRC §21081, subd. [c]).

These findings are subsequently referred to in this document as Finding 1, Finding 2, and Finding 3.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091, subd. (a), [3]). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors". State CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* [Goleta II] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the findings requirement can an agency adopt a Statement of Overriding Considerations. (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727].) CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable."

The California Supreme Court has stated that, "the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents the City of Huntington Beach findings as required by CEQA, cites substantial evidence in the record in support of each of the findings, and presents an explanation to supply the logical step between the finding and the facts in the record. (State CEQA Guidelines §15091.).

5. Mitigation Monitoring Program

A Mitigation Monitoring Program (MMP) has been prepared for the project, as required by PRC Section 21081.6. The City of Huntington Beach will use the MMP to track compliance with adopted mitigation measures. The City of Huntington Beach considered the MMP during its certification of the Final EIR. The final MMP will incorporate, under separate cover, all mitigation measures adopted for the project.

6. Significant Effects, Mitigation Measures, and Findings

Effects Determined to be Mitigated to Less-Than-Significant Levels

The potentially significant adverse environmental impacts that can be mitigated to less-than-significant levels are listed below. The City of Huntington Beach finds that these potentially significant impacts can be mitigated to a level that is considered less than significant after implementation of the existing City development review requirements, standards, and codes, as well as mitigation measures identified in the Final EIR.

Aesthetics

Impact 4.1-3. Structural development would introduce new sources of light and glare into the project vicinity.

Mitigation Measures for Impact 4.1-3

MM 4.1-3 To the extent feasible, the Applicant shall use non-reflective façade treatments, such as matte paint or glass coatings. Prior to issuance of building permits for the proposed project, the Applicant shall indicate provision of these materials on the building plans.

Findings for Impact 4.1-3. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce Impact 4.1-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.1-3.

Biological Resources

Impact 4.3-1. The proposed project would not have a substantial adverse impact on species identified as sensitive or special status in local or regional plans, policies, or regulations; or by the California Department of Fish and Game; or by the U.S. Fish and Wildlife Service.

Mitigation Measures for Impact 4.3-1

MM 4.3-1(a) If construction occurs at any time during the breeding season (March through September) for the Western snowy plover, Belding's savannah sparrow, or California least tern then two weeks prior to grading or the construction of facilities, and per applicable USFWS and/or CDFG protocols, preconstruction surveys to determine the presence or absence of Western snowy plover, Belding's savannah sparrow, and California least tern shall be required. These surveys shall extend up to 300 feet off site into the surrounding wetland areas to determine the presence of active nests adjacent to the project site. If no active nests are identified within the 300 foot survey area no further action or mitigation is required. Should active nests be found, a 250-foot, no-construction buffer shall be required around each active nest, as it extends into the project site/construction footprint.

If the nesting Western snowy plover, Belding's savannah sparrow, or California least tern are found to be present on the project site or within the buffer area and cannot be avoided mitigation shall be required in accordance with the *Endangered Species Act*. Measures shall be developed in consultation with the CDFG and USFWS and may include but would not be limited to the following:

- On-site preservation or habitat enhancement.
- Off-site mitigation through the purchase of suitable habitat or participation in an existing mitigation bank
- Preparation of a Habitat Conservation Plan if there is no federal nexus

MM 4.3-1(b) Permanent nighttime lighting associated with the residential development and any low-level security lighting associated with the public park, shall be angled down and away from the adjacent wetland areas. Further, the use of prismatic glass coverings and cutoff shields is recommended to further prevent light spillover off site.

Findings for Impact 4.3-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.3-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.3-1(a) and 4.3-1(b).

Impact 4.3-2. Implementation of the proposed project could have a substantial adverse effect as a result of the direct loss of nesting habitat for resident and migratory avian species of special concern and raptors.

Mitigation Measures for Impact 4.3-2

MM 4.3-2 If the construction phase occurs during the avian breeding season for MBTA-covered species, generally February through August 15, then prior (within 2 weeks) to the onset of construction activities, surveys for nesting special-status and/or migratory avian species and raptors will be conducted on the project site following USFWS and/or CDFG guidelines. If no active avian nests are identified on or within 200 feet of the construction areas, no further mitigation is necessary.

Alternatively, to avoid impacts, the project Applicant can begin construction after the previous breeding season for local raptors and other special-status species has ended (generally after mid-August) and before the next breeding season begins (generally before February). Should special-status species and/or raptors choose to nest in an area within 200 feet of active construction that was initiated after mid-August and prior to February of the following year, the project sponsor shall only be required to provide a buffer of 200 feet between activities and the nest site.

If active nests for avian species of concern, migratory species, or raptors are found within the construction footprint or a 200-foot buffer zone, construction shall be delayed within the construction footprint and buffer zone until the young have fledged or appropriate mitigation measures responding to the specific situation are developed in consultation with USFWS or CDFG.

Findings for Impact 4.3-2. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.3-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.3-2.

Impact 4.3-4. The proposed project would not have a substantial adverse effect on federally protected wetlands, including those located adjacent to the project site.

MM 4.3-4 Runoff from the project site during construction and operation shall be routed away from the adjacent wetlands. To this extent, any drainage system should include standard urban water runoff reduction measures and runoff prevention measures should be incorporated into the landscape design along the western and southern perimeter. This would include, but not be limited to, landscaped berms and vegetated swales around the perimeter of the site to prevent stormwater runoff from flowing into the wetlands and to provide some treatment prior to it

exiting the site. Landscaping of the berm shall only consist of native species of grasses and other appropriate vegetation that are noninvasive.

The berm shall be monitored following each significant rain event during the construction period and for one-year after the completion of construction to ensure that runoff from the project site does not flow into the adjacent wetland areas. Guidelines for the maintenance of the site shall be established during the establishment phase of the plantings. The maintenance program shall contain guidelines for the control of nonnative plant species, maintenance of the system, and replacement of plant species.

Findings for Impact 4.3-4. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.3-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.3-4.

Cultural Resources

Impact 4.4-1. Construction of the proposed project could cause a substantial adverse change in the significance of previously unknown archaeological resources that could be present on the project site.

Mitigation Measure for Impact 4.4-1

MM 4.4-1(a) The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.

MM 4.4-1(b) If archaeological or paleontological resources are discovered during earth moving activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and the City of Huntington Beach.

Finding for Impact 4.4-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.4-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.4-1(a) and 4.4-1(b).

Impact 4.4-2. Paleontological resources could be present within rock units on the project site, and could be damaged or destroyed by earth-moving activities resulting from implementation of the proposed project.

Mitigation Measure for Impact 4.4-2

Mitigation Measures 4.4-1(a) and 4.4-1(b), described under "Mitigation Measure for Impact 4.4-1," would also apply to Impact 4.4-2.

Findings for Impact 4.4-2. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.4-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.4-1(a) and 4.4-1(b).

Impact 4.4-3. Construction activities associated with implementation of the proposed project could result in the disturbance of human remains, including those interred outside of formal cemeteries.

Mitigation Measure for Impact 4.4-3

MM 4.4-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.

Findings for Impact 4.4-3. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.4-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.4-3.

Geology and Soils

Impact 4.5-1. Project implementation could expose people or structures on-site to strong seismic ground shaking and seismic-related ground failure, including liquefaction.

Mitigation Measure for Impact 4.5-1

MM 4.5-1(a) A liquefaction assessment study shall be performed in order to quantify the amount of liquefaction and associated lateral spreading that could occur due to a seismic event. The liquefaction assessment shall be completed in compliance with CDMG's Special Publications 117, "Guidelines for Evaluating and Mitigating

Seismic Hazards in California" and the referenced companion publication prepared by the Southern California Earthquake Center. The assessment shall include engineering specifications for building designs that would allow structures to withstand the effects of seismically induced liquefaction and lateral spreading.

MM 4.5-1(b) The rough/mass grading plan prepared for the proposed project shall contain the recommendations of the geotechnical analysis and final liquefaction soils assessment prepared pursuant to CR 4.5-1 and MM 4.5-1(a), as approved by the City. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, surcharge, fill placement and compaction, seismic design features, excavation stability and shoring requirements, dewatering, establishment of post-tension foundations, corrosion measures, surface drainage, erosion control, ground improvements, and plan review. All geotechnical recommendations provided in the soils and geotechnical analysis shall be implemented during site preparation and construction activities.

Findings for Impact 4.5-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.5-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.5-1(a) and 4.5-1(b).

Impact 4.5-2. Development of the proposed project would be located on potentially unstable soils and subject to subsidence, lateral spreading, and corrosive soils.

Mitigation Measure for Impact 4.5-2

MM 4.5-2(a) Recommendations for site grading, including treatment of existing artificial fill within the site, details regarding wick drain installation (including depths and horizontal spacings), thickness of required fill surcharge, installation of settlement monitoring equipment and requirements for settlement monitoring shall be developed and included with project plans.

MM 4.5-2(b) Samples of on-site soils shall be obtained at or near the completion of all site grading and submitted to a qualified corrosion engineer by the developer for further assessment. Based on this assessment by the corrosion engineer, appropriate recommendations shall be provided for concrete design mix, as well as for protection of buried metallic building materials (including steel reinforcement bars and/or post-tensioning tendons), plumbing, and all public utility facilities.

Finding for Impact 4.5-2. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.5-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.5-2(a) and 4.5-2(b).

Impact 4.5-3. The proposed project would be located on expansive soil.

Mitigation Measure for Impact 4.5-3.

MM 4.5-3 Import fill at the project site shall be approved by the City Fire Department (prior to import). Structural foundations shall be designed based on the expansion potential of the near surface soils at building pad locations.

Finding for Impact 4.5-3. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.5-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.5-3.

Hazardous Materials

Impact 4.6-2. Implementation of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Mitigation Measures for Impact 4.6-2

MM 4.6-2(a) Prior to issuance of a rough/mass grading permit, sampling shall be performed in the existing RV/Boat Storage area to confirm Total Recoverable Petroleum Hydrocarbons (TRPH) concentrations, if any, are within levels acceptable to the City of Huntington Beach. The extent of sampling shall be determined by the HBFD as that which is appropriate to characterize the extent of potential contamination in the RV/Boat Storage Area. If identified, contamination shall be remediated in accordance with MM 4.6-2(d) through MM 4.6 2(f).

MM 4.6-2(b) The developer shall consult with DOGGR to determine if reabandonment of the on-site oil well is necessary. Prior to the issuance of a rough grading permit, the Applicant shall submit evidence of consultation with DOGGR indicating wells have been abandoned to current DOGGR standards.

MM 4.6-2(c) In the event that the abandoned oil well is damaged during construction, construction activities shall cease in the immediate vicinity immediately. Remedial plugging operations would be required to re-plug the well to current Department of Conservation specifications. Depending on the nature of soil contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). The developer shall ensure proper implementation of the reabandonment operation in compliance with all applicable laws and regulations.

MM 4.6-2(d) Prior to issuance of a rough grading permit, the Applicant shall, in consultation with the City of Huntington Beach and other agencies, as required, formulate a remediation plan if soil contamination is identified in the RV/Boat Storage area. The plan shall include procedures for remediation of the project site to the City of Huntington Beach standards. Plans shall be submitted to Public Works and HBFD for review and approval in accordance with City Specification No. 431-92. The plan shall include methods to minimize remediation-related impacts on the surrounding properties, including processes by which all drainage associated with

the remediation effort shall be retained on-site and no wastes or pollutants shall escape the site, and requirements to provide wind barriers around remediation equipment. Qualified and licensed professionals shall perform the remediation activities and all work shall be performed under the supervision of the City of Huntington Beach.

- MM 4.6-2(e) In the event that previously unknown soil contamination that could present a threat to human health or the environment is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease immediately. A risk management plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). A site health and safety plan that meets OSHA requirements shall be prepared and in place prior to the commencement of work in any contaminated area. The developer shall ensure proper implementation of the health and safety plan.
- MM 4.6-2(f) Closure reports or other reports acceptable to the HBFD that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the HBFD prior to issuance of grading permits for site development. No construction shall occur on-site until reports have been accepted by the City.
- MM 4.6-2(g) Prior to issuance of a rough grading permit, a Registered Environmental Assessor shall perform a site inspection to identify the potential for presence of PCBs on the site. If the potential for PCBs exists, then the Applicant shall, in consultation with the City of Huntington Beach, sample soil surrounding the affected areas to identify the extent of contamination. If contamination is identified, it shall be remediated in accordance with MM 4.6-2(d) and MM 4.6 2(f).
- MM 4.6-2(h) Prior to the issuance of grading permits and during construction, the project shall comply with all provisions of the HBMC Section 17.04.085 and HBFD City Specification 429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane and hydrogen sulfide gases shall be prepared. If necessary, measures to reduce levels of gases to within levels determined acceptable by the HBFD (such as vent systems) shall be implemented, if required by the HBFD.

Findings for Impact 4.6-2. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.6-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measures 4.6-2(a) through 4.6-2(h).

Hydrology and Water Quality

Impact 4.7-6. Implementation of the proposed project would result in the placement of residential units in an area identified as having moderate tsunami risk.

Mitigation Measure for Impact 4.7-6

MM 4.7-6 Prior to the issuance of a precise grading permit, the Applicant shall submit to the City for approval a plan outlining specific planning measures to be taken to minimize or reduce risks to property and human safety from tsunami during operation. Planning measures could include but would not be limited to the following:

- Provision of tsunami safety information to all project residents, in addition to posting in public locations on site
- Identification of the method for transmission of tsunami watch and warnings to residents and persons on site in the event a watch or warning is issued
- Identification of an evacuation site for persons on site in the event of a tsunami warning

Findings for Impact 4.7-6. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.7-6 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.7-6.

Noise

Impact 4.9-3. Implementation of the proposed project could expose new residential land uses on site to noise levels in excess of City standards.

Mitigation Measure for Impact 4.9-3

MM 4.9-3 The ground floor perimeter wall along Newland Street shall be raised to 8 feet in height. This perimeter wall shall also be extended 100 feet to the west along the southern boundary of the project site and 40 feet to the west along the south side of A Street, at which point the wall on A Street may step down to 6 feet in height. Upper story exterior open space areas in Units 6 through 9 shall be shielded from noise by 4-foot high terrace walls, continuous in length, constructed of material with a Sound Transmission Class rating of 45 or above (e.g., concrete, brick, glass block, thick wood, or Plexiglas).

Findings for Impact 4.9-3 Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.9-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.9-3.

Public Services

Impact 4.11-3. Implementation of the proposed project could require new or physically altered facilities to accommodate additional students, the construction of which could have adverse environmental impacts.

Mitigation Measures for Impact 4.11-3

MM 4.11-3 The Applicant shall meet with the appropriate City school districts to address the potential for increased enrollment, with the intent to mitigate the impact on school facilities, prior to project approval. A written copy of the agreement reached shall be prepared and provided to the Planning Department prior to recordation of final map.

Findings for Impact 4.11-3. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.11-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.11-3.

Recreation

Impact 4.12-1. Implementation of the proposed project could increase the use of existing parks or recreational facilities; however, not such that substantial physical deterioration of the facility would occur or be accelerated.

Mitigation Measure for Impact 4.12-1

MM 4.12-1 The Applicant shall demonstrate compliance with City parkland requirements identified in Chapter 254.08 of the City of Huntington Beach Zoning Ordinance. Any on-site park provided in compliance with this section shall be improved prior to final inspection (occupancy) of the first residential unit (other than the model homes).

Findings for Impact 4.12-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.12-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.12-1.

Transportation and Traffic

Impact 4.13-1. Construction of the proposed project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Mitigation Measure for Impact 4.13-1

MM 4.13-1 Prior to issuance of any grading permit, the project developer shall submit a construction area traffic management plan to the City Transportation Engineer for review and approval. The plan shall be prepared by a registered Civil Engineer

and shall address traffic control for any street closure, detour, or other disruption to traffic circulation. The plan shall identify the routes that construction vehicles will use to access the site, hours of construction traffic, traffic controls and detours, vehicle staging and parking areas, and proposed construction phasing for the project. The plan shall require the project developer to keep all haul routes clean and free of debris, including but not limited to dirt, as a result of its operations.

Findings for Impact 4.13-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.13-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.13-1.

Impact 4.13-5. The project would not substantially increase roadway hazards.

Mitigation Measure for Impact 4.13-5

MM 4.13-5 The project shall dedicate an additional 30 feet of right-of-way for a total half-street width of 50 feet on Newland Street. The 50 feet of street right-of-way includes 40 feet for a standard half-width of a secondary arterial plus an additional 10 feet. The additional 10 feet mitigates impacts of the proposed project entry location and providing full access with side by side left turns.

Findings for Impact 4.13-5. Finding 1. The City finds that the above-identified changes or alterations in the project, which would reduce the impact identified as 4.13-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of Mitigation Measure 4.13-5.

Environmental Effects Which Would Remain Significant and Unavoidable After Mitigation

The Final EIR concluded that an environmental impact associated with Air Quality would be significant and cannot be mitigated to a less-than-significant level. Specifically, there is one significant and unavoidable impacts for which the City has prepared a Statement of Overriding Considerations.

Air Quality

Impact 4.2-2. Peak construction activities associated with the proposed project could generate emissions that exceed SCAQMD thresholds. Construction related daily emissions would exceed SCAQMD significance thresholds for NOX during the site excavation, grading, and surcharge phase, as well as during the peak construction phase. These emissions are primarily due to the large number of truck trips associated with hauling in the fill to raise the project site, as well as the anticipated number of construction equipment on-site during the construction phase.

Mitigation Measures for Impact 4.2-2

- MM-4.2-2(a) The project developer(s) shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction.
- MM-4.2-2(b) The project developer(s) shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.
- MM-4.2-2(c) The project developer(s) shall encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment to the extent that the equipment is readily available and cost effective. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.
- MM-4.2-2(d) The project developer(s) shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.

Findings for Impact 4.2-2.

Finding 1. The City finds that changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant effects on the environment. The reduction in air quality emissions is limited by the best available technology, which is required to be implemented for the proposed project.

Finding 3. The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. The Air Quality Management District CEQA Handbook identifies mitigation measures that can be implemented to reduce project emissions. A number of these measures are included as part of the proposed project, and the DEIR requires that the project include all other measures that are considered feasible.

Exceedances in NO_x are primarily due to the large number of truck trips associated with hauling in the fill to raise the project site, as well as the anticipated number of construction equipment on-site during the construction phase. Construction equipment would be required to maintain equipment engines in good condition, turn off construction-related equipment when not in use for more than five minutes, use alternative fuel construction equipment and low-emission diesel construction equipment to the extent that the equipment is readily available and cost effective, and rely on the electricity infrastructure surrounding the construction sites to the extent feasible. However, no other measures are technologically feasible that would reduce NO_x emissions below levels of significance.

Effects Determined to be Less Than Significant

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the Newland Street Residential project are less than significant and no mitigation is required. In some instances, mitigation measures are proposed to further reduce impacts already determined to be less than significant. Additionally, the City finds, as set forth in these findings, no other potentially significant project-specific effects of the proposed project are anticipated to occur.

Aesthetics

Impact 4.1-1. Implementation of the proposed project would not substantially degrade the existing visual character or quality of the project site and its surroundings.

Findings for Impact 4.1-1. The City finds the impact identified as 4.1-1 to be less than significant and no mitigation measures are required.

Impact 4.1-2. The proposed project would cast shadows on surrounding residential uses.

Findings for Impact 4.1-2. The City finds the impact identified as 4.1-2 to be less than significant and no mitigation measures are required.

Air Quality

Impact 4.2-1. The proposed project would provide new sources of regional air emissions, but would not impair implementation of the Air Quality Management Plan.

Findings for Impact 4.2-1. The City finds the impact identified as 4.2-1 to be less than significant and no mitigation measures are required.

Impact 4.2-3. Daily operation of the project would not generate emissions that exceed SCAQMD thresholds.

Findings for Impact 4.2-3. The City finds the impact identified as 4.2-3 to be less than significant and that CR 4.2-3 would further minimize daily emissions. No mitigation measures are required. [Note – In the ES Table, this impact was called out as PS with the CR reducing to LTS; however, it should have been identified as LTS with the CR further reducing the impact. Please identify which section of the Findings you prefer this impact to be listed.]

Impact 4.2-4. The proposed project would generate increased local traffic volumes, but would not cause localized CO concentrations at nearby intersections to exceed national or state standards.

Findings for Impact 4.2-4. The City finds the impact identified as 4.2-4 to be less than significant and no mitigation measures are required.

Biological Resources

Impact 4.3-3. Implementation of the proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.

Findings for Impact 4.3-3. The City finds the impact identified as 4.3-3 to be less than significant and no mitigation measures are required.

Impact 4.3-5. The proposed project would not conflict with local policies or ordinances protecting biological resources.

Findings for Impact 4.3-5. The City finds the impact identified as 4.3-5 to be less than significant and no mitigation measures are required.

Geology and Soils

Impact 4.5-4. Project implementation could result in soil erosion, loss of topsoil, and changes in topography.

Findings for Impact 4.5-4. The City finds the impact identified as 4.5-4 to be less than significant and no mitigation measures are required.

Hazardous Materials

Impact 4.6-1. Implementation of the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Findings for Impact 4.6-1. The City finds the impact identified as 4.6-1 to be less than significant and no mitigation measures are required.

Hydrology and Water Quality

Impact 4.7-1. Implementation of the proposed project would include the construction of new stormwater drainage facilities.

Findings for Impact 4.7-1. The City finds the impact identified as 4.7-1 to be less than significant and no mitigation measures are required.

Impact 4.7-2. Implementation of the proposed project would not violate water quality standards, waste discharge requirements, or otherwise substantially degrade water quality.

Findings for Impact 4.7-2. The City finds the impact identified as 4.7-2 to be less than significant and no mitigation measures are required.

Impact 4.7-3. Implementation of the proposed project would alter the drainage patterns of the site, but not in a manner that would create substantial erosion, siltation, or flooding on or off site, or result in substantial polluted runoff.

Findings for Impact 4.7-3. The City finds the impact identified as 4.7-3 to be less than significant and no mitigation measures are required.

Impact 4.7-4. Although the existing site is located within the 100-year flood hazard area, implementation of the proposed project would raise the project site out of the identified flood hazard area.

The following Mitigation Measure was recommended in the EIR to further reduce less-than-significant impacts:

MM 4.7-4 The Applicant shall prepare an application for and obtain a LOMR-F from the FEMA based on the graded project site characteristics. The LOMR-F process shall be completed prior to issuance of first certificate of occupancy. In the event that the LOMR-F process is not completed prior to issuance of the first certificate of occupancy, homeowners would be required to obtain flood insurance prior to occupancy.

Findings for Impact 4.7-4. Finding 1. The City finds that the above-identified changes or alterations in the project, which would further reduce the less-than-significant impact identified as 4.7-4, are hereby incorporated into the project. No additional mitigation measures are required.

Impact 4.7-5. The import of fill on the project site would redirect flood flows but would not result in significant displacement effects.

Findings for Impact 4.7-5. The City finds the impact identified as 4.7-5 to be less than significant and no mitigation measures are required.

Land Use and Planning

Impact 4.8-1. The proposed project would redesignate the site from Industrial to Residential, and would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Findings for Impact 4.8-1. The City finds the impact identified as 4.8-1 to be less than significant and no mitigation measures are required.

Noise

Impact 4.9-1. Construction activities associated with the proposed project would not exceed the standards established in the Huntington Beach Municipal Code.

The following Mitigation Measure was recommended in the EIR to further reduce less-than-significant impacts:

MM 4.9-1 Pile driving activities shall be limited to the hours of 8:00 A.M. to 6:00 P.M. Monday through Friday.

Findings for Impact 4.9-1. Finding 1. The City finds that the above-identified changes or alterations in the project, which would further reduce the less-than-significant impact identified as 4.9-1, are hereby incorporated into the project. No additional mitigation measures are required.

Impact 4.9-2. Construction activities associated with the proposed project would not generate or expose persons off site to excessive groundborne vibration.

Findings for Impact 4.9-2. The City finds the impact identified as 4.9-2 to be less than significant and no mitigation measures are required.

Impact 4.9-4. The proposed project would generate increased local traffic volumes, but would not cause a substantial permanent increase in ambient noise levels.

Findings for Impact 4.9-4. The City finds the impact identified as 4.9-4 to be less than significant and no mitigation measures are required.

Population and Housing

Impact 4.10-1. Implementation of the proposed project would directly increase population growth; however, the population growth would not cause exceedance of current growth projections established by the City.

Findings for Impact 4.10-1. The City finds the impact identified as 4.10-1 to be less than significant and no mitigation measures are required.

Impact 4.10-2. The proposed project would provide the required number of affordable housing units either on- or off-site.

Findings for Impact 4.10-2. The City finds the impact identified as 4.10-2 to be less than significant and no mitigation measures are required.

Public Services

Impact 4.11-1. Implementation of the proposed project could increase the demand for fire protection services, but would not require the construction of new or physically altered facilities to accommodate the increased demand and maintain acceptable fire flows.

Findings for Impact 4.11-1. The City finds the impact identified as 4.11-1 to be less than significant and no mitigation measures are required.

Impact 4.11-2. Implementation of the proposed project would not result in the need for new or physically altered police facilities in order to maintain acceptable service ratios.

Findings for Impact 4.11-2. The City finds the impact identified as 4.11-2 to be less than significant and no mitigation measures are required.

Impact 4.11-4. Implementation of the proposed project would not result in the need for new or physically altered library facilities in order to maintain acceptable service ratios.

Findings for Impact 4.11-4. The City finds the impact identified as 4.11-4 to be less than significant and no mitigation measures are required.

Recreation

Impact 4.12-2. Implementation of the proposed project would result in the construction of recreational facilities; however, construction of the recreational facilities would not result in an adverse physical effect on the environment.

Findings for Impact 4.12-2. The City finds the impact identified as 4.12-2 to be less than significant and no mitigation measures are required.

Transportation and Traffic

Impact 4.13-2. Under Year 2009 conditions, the proposed project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Findings for Impact 4.13-2. The City finds the impact identified as 4.13-2 to be less than significant and no mitigation measures are required.

Impact 4.13-3. Under Year 2030 conditions, the proposed project would not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system.

Findings for Impact 4.13-3. The City finds the impact identified as 4.13-3 to be less than significant and no mitigation measures are required.

Impact 4.13-4. Implementation of the proposed project would not exceed standards established by the Orange County Transportation Authority.

Findings for Impact 4.13-4. The City finds the impact identified as 4.13-4 to be less than significant and no mitigation measures are required.

Impact 4.14-6. Implementation of the proposed project would not result in inadequate parking capacity.

Findings for Impact 4.14-6. The City finds the impact identified as 4.14-6 to be less than significant and no mitigation measures are required.

Impact 4.14-7. Implementation of the proposed project would not conflict with adopted policies supporting alternative transportation.

Findings for Impact 4.14-7. The City finds the impact identified as 4.14-7 to be less than significant and no mitigation measures are required.

Utilities and Service Systems

Impact 4.14-1. Implementation of the proposed project would not require or result in the construction of new or expanded water treatment facilities, the construction of which could cause significant environmental effects.

Findings for Impact 4.14-1. The City finds the impact identified as 4.14-1 to be less than significant and no mitigation measures are required.

Impact 4.14-2. Implementation of the proposed project would generate an additional demand for water, but would not require water supplies in excess of existing entitlements and resources, or result in the need for new or expanded entitlements.

Findings for Impact 4.14-2. The City finds the impact identified as 4.14-2 to be less than significant and no mitigation measures are required.

Impact 4.14-3. Implementation of the proposed project would not exceed wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board.

Findings for Impact 4.14-3. The City finds the impact identified as 4.14-3 to be less than significant and no mitigation measures are required.

Impact 4.14-4. Implementation of the proposed project would require new sewer connections, but would not require or result in the construction of new or expanded wastewater conveyance systems.

Findings for Impact 4.14-4. The City finds the impact identified as 4.14-4 to be less than significant and no mitigation measures are required.

Impact 4.14-5. Implementation of the proposed project would not increase wastewater generation such that treatment facilities would be inadequate to serve the project's projected demand in addition to the provider's existing commitments.

Findings for Impact 4.14-5. The City finds the impact identified as 4.14-5 to be less than significant and no mitigation measures are required.

Impact 4.14-6. Implementation of the proposed project would not generate solid waste that exceeds the permitted capacity of landfills serving the City of Huntington Beach.

Findings for Impact 4.14-6. The City finds the impact identified as 4.14-6 to be less than significant and no mitigation measures are required.

Impact 4.14-7. Implementation of the proposed project could increase the demand for electricity, but would not require or result in the construction of new energy production or transmission facilities.

Findings for Impact 4.14-7. The City finds the impact identified as 4.14-7 to be less than significant and no mitigation measures are required.

Impact 4.14-8. Implementation of the proposed project could increase the demand for natural gas, but would not require or result in the construction of new gas production or transmission facilities.

Findings for Impact 4.14-8. The City finds the impact identified as 4.14-8 to be less than significant and no mitigation measures are required.

Impact 4.14-9. Implementation of the proposed project would not result in the wasteful or inefficient use of energy by the proposed project.

Findings for Impact 4.14-9. The City finds the impact identified as 4.14-9 to be less than significant and no mitigation measures are required.

7. Feasibility of Project Alternatives

Chapter 5 of the EIR examined three alternatives to the proposed project in detail to determine whether any of these alternatives could meet the project's objectives, while avoiding or substantially lessening its significant, unavoidable impacts. The following three alternatives were examined:

Alternative 1: No Project/No Development Alternative;

Alternative 2: Reasonably Foreseeable Development; and

Alternative 3: Reduced Project Alternative.

In addressing the No Project/No Development Alternative, the City of Huntington Beach followed the direction of the State CEQA Guidelines that:

The no project analysis shall discuss the existing conditions, as well as what would be reasonably 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 (State CEQA Guidelines Section 15126[d][4]).

No Project/No Development Alternative

The No Project/No Development Alternative represents the status quo, or maintenance of the project site in its current state. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects of not approving the project. Currently the majority of the project site is vacant and undeveloped, with disturbed or no vegetation occupying most of the site. The northeast corner of the site is used as an RV/boat storage facility. Since the project site would not be developed under this alternative, these existing uses and conditions on the property would remain.

Implementation of the No Project/No Development Alternative would not meet any of the project objectives listed for either the Lead Agency or the Applicant, as no new uses would be developed.

In general, no new environmental effects would directly result from the selection of this alternative. Maintenance of the project site in its present state would avoid any environmental impacts associated with aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, land use, noise, population and housing, public services, recreation, traffic, and utilities and service systems that were identified for the proposed project. In addition, although implementation of this alternative would not result in environmental changes to the existing hydrologic or soil conditions at the project site, erosion and siltation may occur due to the current undeveloped nature of the site. In contrast, the proposed project would direct flows away from adjacent sensitive areas. Continued erosion and siltation could affect adjacent sensitive wetland habitat over the long term, resulting in greater impacts on biological resources and hydrology and water quality compared to the proposed project. In terms of land use, the present state of the project site as a vacant and undeveloped parcel of land would remain as an underutilized parcel of land. As this alternative represents continuation of existing conditions, no significant and adverse environmental impacts directly or cumulatively associated with the No Project/No Development Alternative would occur. However, potential effects on sensitive resources could occur.

Finding for the No Project/No Development Alternative: Finding 3. The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. This alternative is less desirable than the proposed project. Although the No Project/No Development Alternative would result in fewer impacts to the site, it could result in greater impacts on biological resources and hydrology and water quality. Due to the environmentally sensitive habitat that would be affected, this alternative would not be considered environmentally superior to the proposed project. The project will provide many benefits as described in the Statement of Overriding Considerations. These benefits would not be obtained if the No Project Alternative were adopted.

Reasonably Foreseeable Development

For this alternative, if the proposed project is not approved, then the project site would be developed with a light industrial use (per existing zoning and general plan land use designations), such as research and development, in order to be as compatible as possible with surrounding residential land uses. Approximately 431,000 square feet of industrial buildings would be developed, assuming development over 22 acres of the site, with a floor area ratio (FAR) of 45 percent. Infrastructure site improvements required for the proposed project would remain, such as site surcharge and elevation increase, utility connections, and internal circulation improvements.

Implementation of the Reasonably Foreseeable Development Alternative would not provide any additional housing for the City, and would provide no affordable housing. It would not achieve the objective of creating a development compatible with and sensitive to the existing land uses in the project area to the same extent as the proposed project. In addition, this alternative would not achieve the objective of expanding residential land use opportunities in the City of Huntington Beach for a greater number and variety of housing options.

The Reasonably Foreseeable Development Alternative would result in fewer impacts to population and housing and recreation. This alternative would result in greater impacts on aesthetics, air quality, land use, noise, transportation, and utilities (solid waste). It is possible that impacts to air quality, noise, transportation, and utilities (solid waste) could be significant and unavoidable. This alternative could result in impacts that would be substantially greater than the proposed project.

Finding for the Reasonably Foreseeable Development Alternative: Finding 3. The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. This alternative is less desirable than the proposed project. This alternative would increase the magnitude of environmental impacts on the site without substantially furthering project objectives or providing additional project benefits.

Reduced Project Alternative

The reduced project alternative that has been identified for the site is a low density residential project of detached homes. A General Plan Amendment would be proposed to change the designation of the site to the RL Residential Low Density designation. A total of 140 single family residences would be developed on the site, assuming 2 acres of the site is dedicated to the City as a public park and 1 acre of the site is used for street and ancillary improvements. Homes would average 5,000 sf in size. Infrastructure site improvements required for the proposed project would remain, such as site surcharge and elevation increase, utility connections, and internal circulation improvements.

This project would provide additional housing for the City, and would also include affordable housing. It would not achieve the objective of providing a mix of housing types to the same extent as the proposed project.

The Reduced Project Alternative would result in fewer impacts to utilities due to its reduced density. However, development of single family residences would generate more traffic, even though fewer residences could be built. This would increase impacts on air quality, noise, and transportation. Noise impacts may not be mitigable, due to feasibility related to screening exterior noise levels on single family residences. This alternative could result in impacts that would be substantially greater than the proposed project.

Finding for the Proposed Project: Finding 3. The City finds that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the environmental impact report. The Reduced Project Alternative is less desirable than the Proposed Project. This Alternative would result in more severe environmental impacts without a substantial increase in project benefits when compared to the Proposed Project.

8. Statement of Overriding Considerations

When a project results in significant unavoidable adverse effects, CEQA requires the decision making body of the Lead Agency to balance the benefits of the project against its unavoidable

adverse effects in determining whether to approve the project. The Lead Agency must state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations.

■ **Project Specific Significant and Unavoidable Impact**

The proposed project would have the following significant unavoidable impact:

- **Air Quality:** Peak construction activities associated with the proposed project could generate emissions that exceed SCAQMD thresholds.

The City of Huntington Beach has adopted all feasible mitigation measures with respect to the significant unavoidable impact identified above. Although these Mitigation Measures would lessen the impacts, they would not reduce the potential impact to a level of insignificance.

As a result, to approve the Proposed Project, the City of Huntington Beach must adopt a Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15043 and 15093. The Statement of Overriding Considerations allows a Lead Agency to cite a project's general economic, social, or other benefits as justification for approving the project in spite of the significant environmental effects. The statement explains why, in the agency's judgment, the benefits of the proposed project outweigh its unavoidable significant effect.

In accordance with the requirements of CEQA and the CEQA Guidelines, the City finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring Program, when implemented, avoid or substantially lessen nearly all of the significant effects identified in the Final EIR relative to the Proposed Project; that is, there are no significant impacts that will occur following the implementation of the mitigation measures related to Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic, and Utilities and Service Systems. Nonetheless, one significant impact to construction Air Quality identified in the Final EIR for the project is unavoidable even after incorporation of all feasible mitigation measures. Further, there are no feasible alternatives that would reduce or eliminate this significant and unmitigated impact on construction Air Quality. For this significant environmental issue, identified as Impact 4.3-2, the City finds that notwithstanding the disclosure of this significant unavoidable impact, there are specific overriding economic, legal, social, technological, and other reasons for approving this project.

The City has balanced the benefits of the project against its unavoidable environmental risk in determining that specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to construction Air Quality. The City finds that implementation of the proposed Newland Street Residential project would result in a range of benefits to the City. The project would result in development of an underutilized parcel in the City, resulting in the following benefits:

1. Create a development compatible with and sensitive to the existing land uses in the project area

Implementation of the proposed project would require a General Plan Amendment and Zoning Map Amendment to change the existing industrial designations to medium density residential in order to allow the proposed development of 204 residential units.

Uses adjacent to the site are primarily residential, including all parcels adjacent to the northern and eastern site boundaries. The project would essentially extend the existing residential neighborhood further southwest toward the coastline. Industrial uses are located southeast of the site, including the AES power station. However, the site is removed from the primary industrial areas of the City, located northwest of the site, along the Gothard Industrial Corridor and in the furthest northwestern portion of the City in the Boeing campus area.

Given the similarity between the proposed project and surrounding residential uses, the proposed project would be compatible with these uses.

2. Provide a mix of residential housing in the City, including 204 units of housing, together with affordable housing units

Additional market-rate housing is needed in the City. The homeowner vacancy rate in the City is 2.65 percent, which is indicative of the overall high demand for housing within the City. The Regional Housing Needs Assessment (RHNA) has identified a 1998-2005 future housing need for Huntington Beach of 2,015 units. Housing construction would be completed by 2009, at which time a new set of RHNA numbers will be applicable to the City. Nonetheless, the project would contribute 204 units to the housing needs in the City.

Affordable housing is one component of the housing needs in the City. The 1998-2005 RHNA identified the need for 400 and 255 units of moderate and low-income housing, respectively. As stated above, a new set of RHNA numbers will be applicable at the time project housing construction is completed, and affordable housing units are anticipated to remain in demand. Affordable housing would be provided by the proposed project in compliance with City Code. The applicant proposes to provide three units for low-income households and 18 units for medium-income households, which satisfies the moderate-income requirements. A total of 21 units of affordable housing would be dispersed throughout the site and contribute to the affordable housing supply in the City.

3. Provide temporary construction jobs

Development of residential units would generate short-term, construction-related employment opportunities. These opportunities would occur over the approximate 26-month duration of the construction period. SCAG predicts that the number of jobs in the City will increase relative to population and households from 2000 to 2010, providing additional employment opportunities for a growing population, and the project is consistent with this pattern.

4. Improve conditions associated with biological resources and hydrology and water quality in the area

Because the site is currently vacant, no runoff water quality controls are present on site. As such, the site currently has the potential to cause erosion and siltation in the adjacent wetland area. The proposed project would direct flows away from adjacent sensitive areas, minimizing runoff containing sediments from flowing towards the wetlands. Continued erosion and siltation could affect adjacent sensitive wetland habitat over the long term, resulting in greater impacts on biological resources and hydrology and water quality compared to the proposed project.

For the reasons stated above, and based on the substantial evidence in the record before it, the City of Huntington Beach finds that the unavoidable adverse environmental effects related to the impacts on construction Air Quality are acceptable, and furthermore, finds that the benefits of the project outweigh its unavoidable adverse environmental effects.

City of Huntington Beach

MAY 30 2006

NEWLAND STREET RESIDENTIAL PROJECT

Final Environmental Impact Report
SCH No. 2005071083
EIR No. 2005-01

Mitigation Monitoring Program

Prepared for
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Department of Planning
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Huntington Beach, California 92648

Prepared by
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May 30, 2006

ATTACHMENT NO. 14.1

Mitigation Monitoring Program

A. INTRODUCTION

The Final Environmental Impact Report for the Newland Street Residential project (State Clearinghouse #2005071083) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazardous materials, hydrology and water quality, noise, public services, recreation, and transportation/traffic.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code §21081.6).

The Mitigation Monitoring Program (MMP) shall be used by the City of Huntington Beach staff responsible for ensuring compliance with mitigation measures associated with the Newland Street Residential project.

Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation, or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Mitigation Monitoring Program

Mitigation Monitoring Program						
<i>Mitigation Measure</i>	<i>Implementation Documentation</i>	<i>Monitoring Activity</i>	<i>Timing</i>	<i>Responsible Monitor</i>	<i>Compliance Verification Signature</i>	<i>Date</i>
Aesthetics						
MM-4.1-3 To the extent feasible, the Applicant shall use nonreflective façade treatments, such as matte paint or glass coatings. Prior to the issuance of building permits for the proposed project, the Applicant shall indicate the provision of these materials on the building plans.	Project building plans	Review and approve building plans for inclusion of features	Plan check prior to issuance of building permit	Planning	_____	_____
Air Quality						
MM-4.2-2(a) The project developer(s) shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction.	Notes on grading and building plans	Review and approve grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning	_____	_____
MM-4.2-2(b) The project developer(s) shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning	_____	_____
MM-4.2-2(c) The project developer(s) shall encourage contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment to the extent that the equipment is readily available and cost effective. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning	_____	_____
MM-4.2-2(d) The project developer(s) shall require by contract specifications that construction operations rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.	Contract language and notes on grading and building plans	Review and approve contract specifications, grading and building plans for inclusion	Plan check prior to issuance of a grading permit	Planning	_____	_____

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>Biological Resources</p> <p>MM 4.3-1(a) If construction occurs at any time during the breeding season (March through September) for the Western snowy plover, Belding's savannah sparrow, or California least tern then two weeks prior to grading or the construction of facilities, and per applicable USFWS and/or CDFG protocols, preconstruction surveys to determine the presence or absence of Western snowy plover, Belding's savannah sparrow, and California least tern shall be required. These surveys shall extend up to 300 feet off site into the surrounding wetland areas to determine the presence of active nests adjacent to the project site. If no active nests are identified within the 300 foot survey area no further action or mitigation is required. Should active nests be found, a 250-foot, no-construction buffer shall be required around each active nest, as it extends into the project site/construction footprint.</p> <p>If the nesting Western snowy plover, Belding's savannah sparrow, or California least tern are found to be present on the project site or within the buffer area and cannot be avoided mitigation shall be required in accordance with the <i>Endangered Species Act</i>. Measures shall be developed in consultation with the CDFG and USFWS and may include but would not be limited to the following:</p> <ul style="list-style-type: none"> ▪ On-site preservation or habitat enhancement. ▪ Off-site mitigation through the purchase of suitable habitat or participation in an existing mitigation bank ▪ Preparation of a Habitat Conservation Plan if there is no federal nexus 	<p>Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. If construction occurs during relevant breeding, developer shall present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>	<p>Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits</p> <p>Perform periodic field check to ensure compliance</p>	<p>Plan check prior to issuance of a grading permit</p> <p>During construction</p>	<p>Planning</p> <p>Planning</p>		

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.3-1(b) Permanent nighttime lighting associated with the residential development and any low-level security lighting associated with the public park, shall be angled down and away from the adjacent wetland areas. Further, the use of prismatic glass coverings and cutoff shields is recommended to further prevent light spillover off site.</p>	<p>Project building plans</p>	<p>Review and approve project building plans for inclusion of features. Building inspection to ensure implementation</p>	<p>Plan check prior to issuance of a building permit. Building inspection prior to final inspection</p>	<p>Planning Building and Safety</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
<p>MM 4.3-2 If the construction phase occurs during the avian breeding season for MBTA-covered species, generally February through August 15, then prior (within 2 weeks) to the onset of construction activities, surveys for nesting special-status and/or migratory avian species and raptors will be conducted on the project site following USFWS and/or CDFG guidelines. If no active avian nests are identified on or within 200 feet of the construction areas, no further mitigation is necessary. Alternatively, to avoid impacts, the project Applicant can begin construction after the previous breeding season for local raptors and other special-status species has ended (generally after mid-August) and before the next breeding season begins (generally before February). Should special-status species and/or raptors choose to nest in an area within 200 feet of active construction that was initiated after mid-August and prior to February of the following year, the project sponsor shall only be required to provide a buffer of 200 feet between activities and the nest site. If active nests for avian species of concern, migratory species, or raptors are found within the construction footprint or a 200-foot buffer zone, construction shall be delayed within the construction footprint and buffer zone until the young have fledged or appropriate mitigation measures responding to the specific situation are developed in consultation with USFWS or CDFG.</p>	<p>Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. Present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit if construction occurs during avian breeding season. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p>	<p>Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits</p> <p>Perform periodic field check to ensure compliance</p>	<p>Plan check prior to issuance of a grading permit</p> <p>During construction</p>	<p>Planning Planning</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.3-4 Runoff from the project site during construction and operation shall be routed away from the adjacent wetlands. To this extent, any drainage system should include standard urban water runoff reduction measures and runoff prevention measures should be incorporated into the landscape design along the western and southern perimeter. This would include, but not be limited to, landscaped berms and vegetated swales around the perimeter of the site to prevent stormwater runoff from flowing into the wetlands and to provide some treatment prior to it exiting the site. Landscaping of the berm shall only consist of native species of grasses and other appropriate vegetation that are noninvasive.</p> <p>The berm shall be monitored following each significant rain event during the construction period and for one-year after the completion of construction to ensure that runoff from the project site does not flow into the adjacent wetland areas. Guidelines for the maintenance of the site shall be established during the establishment phase of the plantings. The maintenance program shall contain guidelines for the control of nonnative plant species, maintenance of the system, and replacement of plant species.</p>	<p>Stormwater Pollution Prevention Plan and Water Quality Management Plan</p>	<p>Review and approval of Plans by the Regional Water Quality Control Board</p>	<p>Plan check prior to issuance of any grading permit or stockpile permit</p> <p>Field inspect per plan requirements</p>	<p>Public Works</p> <p>Public Works</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>

Cultural Resources

<p>MM 4.4-1(a) The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.</p>	<p>Proof of retention of archaeological and paleontological monitor</p>	<p>Verify retention of qualified monitors</p> <p>Periodic field check</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Planning</p> <p>Planning</p>	<p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p>
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Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.4-1(b) If archaeological or paleontological resources are discovered during earth moving activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and the City of Huntington Beach.</p>	<p>Notes on grading plans</p> <p>Research design and recovery plan, if required</p>	<p>Review and approve grading plans for inclusion</p> <p>Review and approve research design and recovery plan</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Planning</p> <p>Peer review by three County-certified professionals</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>MM 4.4-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.</p>	<p>Notes on grading plans</p>	<p>Review and approve grading plans for inclusion</p>	<p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p>	<p>Orange County Coroner & Planning</p>	<p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
Geology and Soils						
MM 4.5-1(a) A liquefaction assessment study shall be performed in order to quantify the amount of liquefaction and associated lateral spreading that could occur due to a seismic event. The liquefaction assessment shall be completed in compliance with CDMG's Special Publications 117, "Guidelines for Evaluating and Mitigating Seismic Hazards in California" and the referenced companion publication prepared by the Southern California Earthquake Center. The assessment shall include engineering specifications for building designs that would allow structures to withstand the effects of seismically induced liquefaction and lateral spreading.	Liquefaction assessment study	Review and approve liquefaction assessment study	Plan check prior to issuance of a rough/mass grading permit	Public Works Building and Safety		
MM 4.5-1(b) The rough/mass grading plan prepared for the proposed project shall contain the recommendations of the geotechnical analysis and final liquefaction soils assessment prepared pursuant to CR 4.5-1 and MM 4.5-1(a), as approved by the City. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, surcharge, fill placement and compaction, seismic design features, excavation stability and shoring requirements, dewatering, establishment of post-tension foundations, corrosion measures, surface drainage, erosion control, ground improvements, and plan review. All geotechnical recommendations provided in the soils and geotechnical analysis shall be implemented during site preparation and construction activities.	Notes on rough/mass grading plan and building plans	Review and approve grading and building plans for inclusion of soils and geotechnical recommendations	Plan check prior to issuance of a rough/mass grading permit and prior to issuance of a building permit	Public Works Building and Safety		
MM 4.5-2(a) Recommendations for site grading, including treatment of existing artificial fill within the site, details regarding wick drain installation (including depths and horizontal spacings), thickness of required fill surcharge, installation of settlement monitoring equipment and requirements for settlement monitoring shall be developed and included with project plans.	Notes on grading and building plans	Review and approve grading and building plans for inclusion of features	Plan check prior to issuance of a rough/mass grading permit and prior to issuance of a building permit	Public Works Building and Safety		

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.5-2(b) Samples of on-site soils shall be obtained at or near the completion of all site grading and submitted to a qualified corrosion engineer by the developer for further assessment. Based on this assessment by the corrosion engineer, appropriate recommendations shall be provided for concrete design mix, as well as for protection of buried metallic building materials (including steel reinforcement bars and/or post-tensioning tendons), plumbing, and all public utility facilities.</p>	<p>Soils report with corrosion engineer recommendations</p>	<p>Review and approve report notes on building plans</p>	<p>Prior to issuance of building permit</p>	<p>Building and Safety Public Works</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.5-3 Import fill at the project site shall be approved by the City Fire Department (prior to import). Structural foundations shall be designed based on the expansion potential of the near surface soils at building pad locations.</p>	<p>Soils report documenting fill properties</p>	<p>Review and approve soil sampling report Notes on building plans</p>	<p>Prior to fill import Prior to issuance of a building permit</p>	<p>Fire Building and Safety</p>	<p>_____</p>	<p>_____</p>
Hazardous Materials						
<p>MM 4.6-2(a) Prior to issuance of a rough/mass grading permit, sampling shall be performed in the existing RV/Boat Storage area to confirm Total Recoverable Petroleum Hydrocarbons (TRPH) concentrations, if any, are within levels acceptable to the City of Huntington Beach. The extent of sampling shall be determined by the HRFD as that which is appropriate to characterize the extent of potential contamination in the RV/Boat Storage Area. If identified, contamination shall be remediated in accordance with MM 4.6-2(d) through MM 4.6 2(f).</p>	<p>Soil sampling results</p>	<p>Review and approve sampling results and a remediation plan, if necessary</p>	<p>Plan check prior to issuance of a rough/mass grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(b) The developer shall consult with DOGGR to determine if abandonment of the on-site oil well is necessary. Prior to the issuance of a rough grading permit, the Applicant shall submit evidence of consultation with DOGGR indicating wells have been abandoned to current DOGGR standards.</p>	<p>Documentation of consultation with DOGGR</p>	<p>Review and approve documentation</p>	<p>Plan check prior to issuance of a rough grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(c) In the event that the abandoned oil well is damaged during construction, construction activities shall cease in the immediate vicinity immediately. Remedial plugging operations would be required to re-plug the well to current Department of Conservation specifications. Depending on the nature of soil contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). The developer shall ensure proper implementation of the reabandonment operation in compliance with all applicable laws and regulations.</p>	<p>Notes on grading plans and reabandonment plan, as necessary</p>	<p>Review and approve grading plans for inclusion Review and approve reabandonment plan, as necessary</p>	<p>Plan check prior to issuance of grading permit, and during construction, as necessary</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(d) Prior to issuance of a rough grading permit, the Applicant shall, in consultation with the City of Huntington Beach and other agencies, as required, formulate a remediation plan if soil contamination is identified in the RV/Boat Storage area. The plan shall include procedures for remediation of the project site to the City of Huntington Beach standards. Plans shall be submitted to Public Works and HBFD for review and approval in accordance with City Specification No. 431-92. The plan shall include methods to minimize remediation-related impacts on the surrounding properties, including processes by which all drainage associated with the remediation effort shall be retained on-site and no wastes or pollutants shall escape the site, and requirements to provide wind barriers around remediation equipment. Qualified and licensed professionals shall perform the remediation activities and all work shall be performed under the supervision of the City of Huntington Beach.</p>	<p>Remediation Plan</p>	<p>Review and approve remediation plan for thoroughness and completeness</p>	<p>Plan check prior to issuance of a rough grading permit</p>	<p>Fire Public Works</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(e) In the event that previously unknown soil contamination that could present a threat to human health or the environment is encountered during construction, construction activities in the immediate vicinity of the contamination shall cease immediately. A risk management plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., City of Huntington Beach Fire Department). A site health and safety plan that meets OSHA requirements shall be prepared and in place prior to the commencement of work in any contaminated area. The developer shall ensure proper implementation of the health and safety plan.</p>	<p>Risk Management Plan & Site Health and Safety Plan</p>	<p>Review and approve any grading plans for inclusion</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>		
<p>MM 4.6-2(f) Closure reports or other reports acceptable to the HBFD that document the successful completion of required remediation activities, if any, for contaminated soils, in accordance with City Specification 431-92, shall be submitted and approved by the HBFD prior to issuance of grading permits for site development. No construction shall occur on-site until reports have been accepted by the City.</p>	<p>Closure reports or other reports acceptable to the HBFD that document the successful completion of required remediation activities</p>	<p>Review and approve closure reports other reports acceptable to the HBFD that document the successful completion of required remediation activities</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>		

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.6-2(g) Prior to issuance of a rough grading permit, a Registered Environmental Assessor shall perform a site inspection to identify the potential for presence of PCBs on the site. If the potential for PCBs exists, then the Applicant shall, in consultation with the City of Huntington Beach, sample soil surrounding the affected areas to identify the extent of contamination. If contamination is identified, it shall be remediated in accordance with MM 4.6-2(d) and MM 4.6 2(f).</p>	<p>Site inspection report; soil sampling results and site remediation plan and documentation of remediation, if necessary</p>	<p>Review and approve site inspection report; and any other required plans and documentation, as necessary</p>	<p>Plan check prior to issuance of any grading permit</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>MM 4.6-2(h) Prior to the issuance of grading permits and during construction, the project shall comply with all provisions of the HBMC Section 17.04.085 and HBFD City Specification 429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane and hydrogen sulfide gases shall be prepared. If necessary, measures to reduce levels of gases to within levels determined acceptable by the HBFD (such as vent systems) shall be implemented, if required by the HBFD.</p>	<p>Notes on grading and building plans Methane and Hydrogen Sulfide Testing Plan</p>	<p>Plan check prior to issuance of a rough grading permit Review and approval of testing plan</p>	<p>Prior to issuance of any grading permit and during construction</p>	<p>Fire</p>	<p>_____</p>	<p>_____</p>
<p>Hydrology and Water Quality</p>						
<p>MM 4.7-4 The Applicant shall prepare an application for and obtain a LOMR-F from the FEMA based on the graded project site characteristics. The LOMR-F process shall be completed prior to issuance of first certificate of occupancy. In the event that the LOMR-F process is not completed prior to issuance of the first certificate of occupancy, homeowners would be required to obtain flood insurance prior to occupancy.</p>	<p>LOMR-F documentation</p>	<p>Review and approve documentation</p>	<p>Plan check prior to issuance of first certificate of occupancy</p>	<p>Planning</p>	<p>_____</p>	<p>_____</p>

Mitigation Monitoring Program

Mitigation Monitoring Program						
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.7-6 Prior to the issuance of a precise grading permit, the Applicant shall submit to the City for approval a plan outlining specific planning measures to be taken to minimize or reduce risks to property and human safety from tsunami during operation. Planning measures could include but would not be limited to the following:</p> <ul style="list-style-type: none"> ▪ Provision of tsunami safety information to all project residents, in addition to posting in public locations on site ▪ Identification of the method for transmission of tsunami watch and warnings to residents and persons on site in the event a watch or warning is issued ▪ Identification of an evacuation site for persons on site in the event of a tsunami warning 	Tsunami risk management and safety plan	Review and approve documentation	Plan check prior to issuance of precise grading permit	Planning		
Noise						
<p>MM 4.9-1 Pile driving activities shall be limited to the hours of 8:00 A.M. to 6:00 P.M. Monday through Friday.</p>	Notes on building plans	Review and approve building plans for inclusion Field observation or review of contractor logs during any pile driving activity	Prior to issuance of a building permit During any pile driving construction activities	Planning		
<p>MM 4.9-3 The ground floor perimeter wall along Newland Street shall be raised to 8 feet in height. This perimeter wall shall also be extended 100 feet to the west along the southern boundary of the project site and 40 feet to the west along the south side of A Street, at which point the wall on A Street may step down to 6 feet in height. Upper story exterior open space areas in Units 6 through 9 shall be shielded from noise by 4-foot high terrace walls, continuous in length, constructed of material with a Sound Transmission Class rating of 45 or above (e.g., concrete, brick, glass block, thick wood, or Plexiglas).</p>	Notes on building plans	Review and approve building plans for inclusion	Prior to issuance of a building permit	Planning		

Mitigation Monitoring Program					
Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature Date
Public Services					
MM 4.11-3 The Applicant shall meet with the appropriate City school districts to address the potential for increased enrollment, with the intent to mitigate the impact on school facilities, prior to project approval. A written copy of the agreement reached shall be prepared and provided to the Planning Department prior to recordation of final map.	Written copy of agreement between Applicant and School District	Verify agreement documentation	Plan check prior to final map recordation	Planning	_____
Recreation					
MM 4.12-1 The Applicant shall demonstrate compliance with City parkland requirements identified in Chapter 254.08 of the City of Huntington Beach Zoning Ordinance. Any on-site park provided in compliance with this section shall be improved prior to final inspection (occupancy) of the first residential unit (other than the model homes).	Final tract map and project grading plans	Review and approve final tract map and grading plans for inclusion of parkland Inspect park as required	Prior to recordation of the final tract map and grading permit, and as necessary, prior to issuance of certificate of occupancy	Public Works Planning	_____
Transportation/Traffic					
MM 4.13-1 Prior to issuance of any grading permit, the project developer shall submit a construction area traffic management plan to the City Transportation Engineer for review and approval. The plan shall be prepared by a registered Civil Engineer and shall address traffic control for any street closure, detour, or other disruption to traffic circulation. The plan shall identify the routes that construction vehicles will use to access the site, hours of construction traffic, traffic controls and detours, vehicle staging and parking areas, and proposed construction phasing for the project. The plan shall require the project developer to keep all haul routes clean and free of debris, including but not limited to dirt, as a result of its operations.	Traffic Management Plan	Review and approval of traffic management plan	Prior to issuance of any grading permit	Public Works	_____

Mitigation Monitoring Program

Mitigation Monitoring Program

Mitigation Measure	Implementation Documentation	Monitoring Activity	Timing	Responsible Monitor	Compliance Verification Signature	Date
<p>MM 4.13-5 The project shall dedicate an additional 30 feet of right-of-way for a total half-street width of 50 feet on Newland Street. The 50 feet of street right-of-way includes 40 feet for a standard half-width of a secondary arterial plus an additional 10 feet. The additional 10 feet mitigates impacts of the proposed project entry location and providing full access with side by side left turns.</p>	<p>Final tract map</p>	<p>Review and approval of final tract map</p>	<p>Prior to recordation of the final tract map</p>	<p>Public Works</p>	<p>_____</p>	<p>_____</p>

ATTACHMENT NO. 15

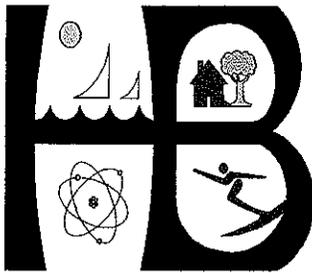
FINAL EIR NO. 05-01
INCLUDES EIR, EIR APPENDICES, RESPONSE TO
COMMENTS, AND TEXT CHANGES

AVAILABLE FOR REVIEW AT:

CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
CITY HALL
THIRD FLOOR
2000 MAIN STREET
HUNTINGTON BEACH, CA 92648

ALSO AVAILABLE AT:

<http://www.surfcityhb.org/citydepartments/planning/major/newlandresidentialeir.cfm>.



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 25, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P P P P P P P
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY SECONDED BY LIVENGOOD TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS

B-1. PROJECT REVIEW PROCESS – Commissioner Ray

Ray stated that the intent of the Commission is to improve the current process by making it more streamlined and easier for the public to use. He advised the changes would be minor.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE

D. PLANNING COMMISSION COMMITTEE REPORTS:

Scandura reported that the Quarterly School District meeting would be held on May 26, 2006.

Burnett advised that the Environmental Board had a very informative tour of the Orange County Sanitation District Facility.

Livengood reported that the special Design Review Board meeting scheduled for April 27, 2006, has been cancelled and re-scheduled.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:20 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS

Steve Stafford, resident, provided comments regarding the on-going problems at Crystal Island.

Bob Clayton, resident, voiced his concerns regarding the future development of 19422 Beach Blvd.

Chair Dingwall announced that he felt a milestone had been reached with the Planning Commission meetings due to changes in the speakers allocation of time at commission meetings; the receipt of commission packets seven days prior to the meeting; and the advanced posting of the agenda and items on the Huntington Beach website. He thanked the City Council, City Administration, the Planning Director and staff, and the other Planning Commissioners for their hard work and support.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. **COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10 (CONTINUED FROM JANUARY 24, 2006 - MAIN STREET LOFTS @ 438 Main St.): Applicant:** Jeff Bergsma **Request:** CDP/CUP: To permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot. **Location:** 438 Main St. (east side of Main St./south of Pecan Ave.). **Project Planner:** Paul Da Veiga

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer drove by the site.
- Commissioner Scandura visited the site and spoke with staff.
- Chair Dingwall stated he has visited the site.
- Commissioner Horgan drove by the site and spoke with staff.
- Commissioner Ray visited the subject site.
- Commissioner Livengood visited the site twice.
- Commissioner Burnett recused herself.

Paul DaVeiga, Associate Planner, gave a Powerpoint presentation and an overview of the proposed project. He stated that the revised project included the construction of three condominium units and the potential payment of a future affordable housing in-lieu fee instead of providing a unit onsite.

THE PUBLIC HEARING WAS OPENED

Jeff Bergsma, applicant, gave an overview of the project and explained why the special permit was necessary. He also explained that the third floor deck and screening would alleviate sound issues and preserve the privacy of nearby neighbors

Gil Aouizerat, owner, made himself available for questions.

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

Discussion ensued regarding conditions of approval, parking spaces, design standards, in-lieu fees, open space and parcel map approval.

Scandura voiced concern regarding the proposed third floor deck becoming a party area and disturbing residents. He proposed removing the open space.

Bergsma advised that he could move the deck back to 39 feet and place a six-foot screening wall on the side facing nearby neighbors.

Livengood suggested approving the item with the following revisions: A minimum setback of 30 feet and a six-foot screen wall on the eastside of the rooftop deck to be approved by the Director of Planning; future subdivision changes would be brought to the Planning Commission for approval; income definition would be changed from moderate to median; resident/visitor parking signs to be displayed; individual water meters for each condo unit with no sub-metering or allocation; and open parking be designated for motor vehicles only.

AN AMENDMENT MOTION WAS MADE BY HORGAN, SECONDED BY DINGWALL TO REMOVE THE THIRD FLOOR DECK. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Livengood, Dwyer, Ray
NOES:	Horgan, Dingwall, Scandura
ABSENT:	None
ABSTAIN:	Burnett

MOTION FAILED

Livengood restated his motion for approval of the item.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 05-13/CONDITIONAL USE PERMIT NO. 05-10/SPECIAL PERMIT NO. 05-02 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: Burnett

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL

**COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/
SPECIAL PERMIT NO. 05-02**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines – *In-Fill Development Projects*, which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant impacts to traffic, noise, air quality or water quality. In addition, the site does not have value as habitat for endangered or threatened species.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13:

1. Coastal Development Permit No. 05-13 for the development project as proposed, conforms with the General Plan, including the Local Coastal Program Land Use Designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) and the following Coastal Element policies:

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed residential units are located contiguous to existing commercial development on the same property in a highly urban neighborhood consisting of mixed-use development. Development of residential units on the property will minimize the need for use of coastal access roads based on the proximity of the development to neighborhood serving commercial uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of the special permit request. The project complies with applicable maximum floor area ratio and building height requirements, and the applicable parking requirements.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-10:

1. Conditional Use Permit No. 05-10 to permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan, 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. The proposed project provides required on-site parking, and will not generate significant traffic volumes, noise, odors or other adverse impacts. In addition, the project achieves the objectives of the General Plan and Downtown Specific Plan by providing mixed-use development in accordance with the provisions of the DTSP– District 6 (Mixed-Use – Commercial/Office/Residential) standards and guidelines. The development that will help to support the residential and commercial land uses existing in the surrounding neighborhood.
2. The conditional use permit for the proposed mixed-use project building will be compatible with surrounding uses because the project is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The project consists of three residential units in conjunction with an existing two-story retail/office building. In addition, the proposed building height, massing, architecture, colors, materials and orientation are consistent with the City's Urban Design Guidelines for Downtown development and the character of the existing neighborhood.
3. The proposed two-story development will comply with the provisions of the Downtown Specific Plan – District 5 and applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
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 M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

The project is consistent with the goals and objective in the General Plan which promotes integration of housing with retail and office uses. The proposal will introduce three new housing units to the property and area in general, which is encouraged under the mixed-use provisions identified in the General Plan. The project has also been designed to achieve compatibility with existing on-site and surrounding commercial, mixed-use, and residential structures.

The subject property is located within Community Sub area 1D (Main Street, North of Orange) and complies with the standards for the sub area including a maximum building height of three (3) stories. The project also complies with the Urban Design Guidelines by providing a consistent architectural theme with the existing commercial building.

Housing Element

Policy HE1.1.10: Conserve affordable housing opportunities in the Coastal Zone through implementation of low and moderate-income housing, and for inclusion of affordable units where feasible in new residential construction.

Staff is recommending a condition of approval that requires one affordable for-sale unit to be located on-site. One of the three units is required to remain affordable to persons at a median-income level for a period of 60 years, in compliance with the City's affordable housing ordinance and policies. The recommendation for the on-site for-sale unit requirement is based on the location of the project within the downtown and the scarcity of affordable housing stock within the coastal zone. As an option to meeting the affordability requirement, the condition permits payment of an affordable housing fee in-lieu of providing one for-sale affordable housing unit on-site.

Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development that incorporates new residential units in close proximity ("walking distance") to commercial areas as well as to existing residential land uses. The project also incorporates design characteristics consistent with the existing building on the property and surrounding development, such as similar scale and mass and use of quality design materials.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 05-02:

1. The granting of Special Permit No. 05-02 (pursuant to Section 4.1.02 of the DTSP) in conjunction Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 is requested for the following:

- Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)
- Permit 500 square feet of common open space in lieu of the required 795 square feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)

This Special Permit will promote a better living environment by facilitating residential development in conjunction with commercial which will further the goals and objectives for mixed-use in District No. 6 of the DTSP. As conditioned, the development will provide larger private open space areas that create a better living environment for residents, while also providing a common open space rooftop deck for use by the residents.

2. The granting of Special Permit No. 05-02 will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The Special Permit will allow continued use of a recently upgraded commercial structure, while incorporating a residential component that is architecturally consistent with the existing building and surrounding neighborhood. The horizontal design and separation are consistent with the existing commercial building on the site and adjacent commercial building to the south. The design features include decorative tile, stucco, and a cornice to match the existing building. The design also features direct access to designated parking from the rear alley. In addition, the separation between the existing commercial and proposed residential units creates a buffer that will protect future residents of the complex from impacts related to commercial activities.
3. The granting of Special Permit No. 05-02 will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The building currently exists with a two-foot seven-inch front yard setback and will not impact views to coastal resources. The shift in common to private open space, as conditioned, will allow for larger private open space areas that will provide larger, more usable private decks for use by future residents. The decks are directed away from adjacent single-family residential properties. The project has been evaluated for compatibility with the surrounding neighborhood, which includes buildings of comparable and greater heights.
4. The granting of Special Permit No. 05-02 will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Downtown Specific Plan provides for all projects to be in conformance with the adopted Design Guidelines for the area.
5. The granting of Special Permit No. 05-01 will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act, and complies with State and Federal Law. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit Findings. The proposed project would develop a mix of commercial and residential uses in an established, urban, downtown area. Public services are currently available to the project site. Views of the beach/ocean will not be obstructed by the proposed project.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13/
CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02:**

1. The site plan, floor plans, and elevations received and dated November 2, 2005, shall be the conceptually approved design, with the following modifications:
 - a. The development shall provide 500 square feet of common open space within a rooftop deck. A minimum setback of thirty feet shall be maintained from the rear exterior face of the building to the rooftop deck area. A six-foot high screen wall shall be provided along the easterly boundary of the rooftop deck.
 - b. Each of the three private decks shall be enlarged by 68.5 square feet.
 - c. A minimum drive aisle width of 25 feet shall be provided within the parking garage.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised project plans, pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to issuance of building permits, the following shall be completed:
 - a. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the building permit. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the one for-sale affordable housing unit. The for-sale unit shall be located on-site.
 - ii. The one on-site unit shall be affordable to median-income households. The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years.

The affordable for-sale unit shall be constructed concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable unit.
 - b. In the event that an affordable housing in-lieu fee is approved by the City Council, the applicant has the option of payment of the established fee in-lieu of providing one for-sale affordable housing unit on-site. The payment shall be received prior to issuance of building permits. The exact in-lieu affordable housing fee and terms of payment will be determined by the City Council.
 - c. A tentative parcel map for condominium purposes shall be approved by the Zoning Administrator and the final map recorded with the Orange County Recorder's Office.
 - d. Any future request to subdivide the individual units within the existing commercial building shall be subject to the review and approval of the Planning Commission.

4. Prior to final building permit inspection, signs shall be placed at the head of each parking stall designating the spaces for use only by residents of the development and/or resident's guests, and for motor vehicle parking only.
5. A separate water meter shall be provided for each residential unit; no sub metering and no allocation shall be permitted.

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.

- B-2. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 03-35 (TARGET – TRUCK DELIVERY HOURS @ 9882 ADAMS): Applicant: City of Huntington Beach Request: A six month review of Conditional Use Permit No. 03-35 as required under Entitlement Plan Amendment No. 05-01, approved by the Planning Commission on September 27, 2005. The review is to provide an update of compliance with the approved conditions of approval regarding loading and delivery operations for the Target Department Store. Location: 9882 Adams Avenue (southwest corner of Brookhurst St. and Adams Ave.). Project Planner: Paul Da Veiga**

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 with suggested amended conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer visited the site.
- Commissioner Scandura visited the loading dock recently as well as in the past.
- Chair Dingwall visited the site and spoke with staff.
- Commissioner Horgan visited the site/loading dock area several times.
- Commissioner Ray visited the subject site, observed the loading dock and drivers.
- Commissioner Livengood visited the site several times.
- Commissioner Burnett visited the site several times.

Paul DaVeiga, Associate Planner, gave a Powerpoint presentation and staff report of the six-month review.

Discussion ensued between the Commissioners, staff and Code Enforcement concerning complaints of truck idling, fumes and late deliveries received over the past six months.

Tim Flanagan, Code Enforcement Technician, answered questions regarding complaints received and a citation issued. Flanagan advised that the citation was due to non-compliance regarding outside storage. He stated that seven citizen complaints were received for prolonged truck idling.

THE PUBLIC HEARING WAS OPENED

Francis Arciaga, Jr., resident, complained of fumes, excessive truck idling and illegal Sunday deliveries. He suggested signs be installed advising truck drivers to turn off their engines while delivering goods. Mr. Arciaga stated he represented some of his neighbors and their complaints included bright lights at the rear of the store which shined through their windows at night and water seepage from store planters into their rear yards.

Chris Long, representing Target, handed out pictures of signs that had recently been posted which direct truck drivers to turn off their engines while making deliveries to the store. He stated that there are no deliveries to the store on Sundays. He referenced the citation that Flanagan issued and stated that the situation has been addressed.

Dwyer suggested installing shields to the outdoor lighting fixtures.

Kareem Ali, representing Target, stated that internal shields were placed on lighting initially and the lights are programmed to shut off during late night hours.

Chair Dingwall asked for Code Enforcement to inspect the lighting during night hours.

Flanagan stated that no complaints have been received regarding lighting.

Jane James, Senior Planner, interjected that Code Enforcement will inspect the lighting during night hours.

Randy Yee, store manager, advised he had received only one citizen complaint and addressed it personally with the complainant.

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

Chair Dingwall made a recommendation to the Commission that the review not be accepted as adequate and another six month review by the Planning Commission be scheduled.

Commissioner Scandura stated that the review is adequate, however, he recommended another review in one year.

Commissioner Dwyer thanked the Target staff for their proactive measures regarding directive sign posting for the truck delivery drivers and stated that he is opposed to any review prior to two years in the future.

Commissioner Ray applauded Target's efforts to mitigate complaints from residents and recommended a one-year review. He also stated that contact information for the store should be included on the signs posted for deliveries.

Commissioner Horgan advised that the review is adequate and does not support any future review.

Chair Dingwall questioned staff regarding gate access for the Fire Department and why the gates must remain unlocked during the day. Da Veiga advised there is adequate access for the Fire Department and the original CUP directed that the gates remain open during business hours to provide for access.

Discussion ensued regarding the placement of the rear gate and the location in which employees park. A recommendation of moving the gate to another location and utilizing rear parking for the employees was raised by Commissioner Ray.

Burnett suggested a sign be posted at the southeast corner of the building prohibiting truck entry in lieu of moving the gate.

Commissioner Horgan stated that mandatory parking by employees to the rear of the store would create more noise and possibly disturb the neighbors. She recommended that the gate should remain where it is. Staff pointed out that the issue at hand is reviewing delivery hours and operations.

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGOOD TO RECEIVE AND FILE AS ADEQUATE THE SIX MONTH REVIEW WITH AMENDED CONDITIONS OF APPROVAL; WITH ANOTHER REVIEW SCHEDULED NO LATER THAN ONE YEAR, BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	Dingwall
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-35 (AMENDED 4/25/06):

1. The site plan, floor plans and elevations received and dated March 18, 2004 shall be the conceptually approved layout with the following modifications:
 - a. The loading dock enclosure shall be constructed with sound absorbing material designed to minimize noise impacts associated with loading and unloading activities. Truck loading and maneuvering shall be designed to provide the greatest separation possible from the adjacent residential properties. The architecture colors and materials of the enclosure shall be consistent with the overall building architecture.
 - b. The architecture colors and materials of the garden center shall be consistent with the overall building architecture.
 - c. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the Planning Commission.
 - 1) Elevations shall be revised to incorporate multiple roof planes and/or a variety of roof slopes to reduce the overall mass and bulk of the building and comply with the Urban Design Guidelines.

- 2) The overall architectural theme shall reflect a contemporary architectural design consistent with the design concept identified on elevation dated April 14, 2004. Several massing elements, in various volumes, shall be incorporated into the design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, or other similar material shall be incorporated to accent prominent portions of the building façades.
- 3) The design of the garden center shall incorporate an enhanced entry design which shall have the appearance of a secondary storefront. The design of the garden center shall include similar architectural design as the overall building.
- 4) A public art element shall be integrated and be in a location that is visible to the public within the project site. Public art shall incorporate the following:
 - i) Artistic excellence and innovation
 - ii) Appropriate to the design of the project
 - iii) Indicative of the community's cultural identity (ecology, history, society)

The Design Review Board's recommended public art element shall be reviewed and approved by the Planning Director, prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

- d. The cart corrals shall be constructed with a durable material such as concrete block. The design of the cart corrals shall be consistent with Sheet 6 of the conceptual plans dated March 18, 2004. The colors and materials used on the cart corrals shall be consistent with the subject building.
- e. All non-conforming signs shall be eliminated from the subject site, including the one pylon sign along the Adams Avenue frontage and a second pylon sign along the Brookhurst Street frontage. A planned sign program for all signage on the subject property and outlying commercial pads shall be submitted to the Planning Department. Said program shall be approved prior to the first sign permit request.
- f. Prior to submittal for building permits. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval, and inclusion in the entitlement file to the Planning Department and submit 8.5 inch by 10 inch colored elevations, materials board, and renderings to the Planning Department for inclusion in the entitlement file.
- g. All parking that is proposed behind the store, within the access gates, shall be designated as employee-only parking.
- h. A minimum of two speed bumps shall be provided behind the building, subject to review and approval by the Fire Department.
- i. All perimeter trees located directly adjacent to residential properties shall be of a species that is non-deciduous and results in minimal impacts in maintenance and upkeep to adjacent properties.

2. Prior to issuance of a grading permit, the following shall be completed:
 - a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: **(PW)**
 - 1) The driveway on the south side of the property along Brookhurst Street shall be widened to a minimum of 36-feet in width, to allow for two egress lanes.
 - 2) A minimum 10-foot sight triangle must be provided at all points on the site, including the building corners. Areas of concern include the northwest corner (at the loading dock) and northeast corner of the building. The sidewalk must also be extended a minimum of four feet west of the building corner.
 - 3) A truck-tracking exhibit, utilizing a WB-50 design vehicle, must be provided to demonstrate that delivery trucks can be accommodated. This truck tracking exhibit must illustrate a truck entering the site, accessing the loading docks and egressing the site. It must be demonstrated that the truck movements will not encroach into opposite directions of roadway traffic nor impact the parking spaces shown.
 - 4) A traffic signal shall be constructed at the main driveway entrance on Adams Avenue. This traffic signal shall include the installation of interconnect conduit and cable to the traffic signal controller cabinet at the intersection of Brookhurst Street and Adams Avenue. A traffic signal and maintenance easement shall be provided in the driveway area. The appropriate curb ramp and signing & striping modifications shall be made to accommodate the traffic signal installation. **(PW/MM)**
 - 5) The applicant shall provide the legal description(s), plat(s), and supporting documents necessary for the City to quitclaim any abandoned portions of the existing water line easement dedicated to the City of Huntington Beach. **(PW)**
3. Prior to issuance of building permits, the following shall be completed:
 - a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - b. The public art element shall be approved by the reviewed by the Design Review Board and approved by the Planning Director.
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.
5. The use shall comply with the following:
 - a. Target product delivery and trash pickup shall be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 12:00 p.m. to 6:00 p.m. on Saturday. No deliveries shall occur on Sunday. Delivery hours for vendor trucks shall be permitted

between the hours of 8:00 a.m. and 12 p.m. Monday through Friday. All delivery vehicles, including Target product delivery trucks and outside vendors trucks that cannot be accommodated with a typical 9 foot wide by 19 foot deep parking stall shall utilize the enclosed delivery bays for all loading and unloading activities. All other delivery vehicles that are no larger than a typical parking stall size may utilize the parking lot and access the store through the main entrance. Deliveries of any kind shall be prohibited behind the subject building, other than the designated loading and unloading bays.

- b. Delivery trucks shall not leave engines idling while delivering merchandise to the Target store. Trucks shall turn-off engines once they reach the loading dock. (MM)
- c. There shall be no loudspeakers or other amplified devices within the garden center, at any time. (MM)
- d. Rubber noise seals shall be provided around the opening to the building at the location of the loading dock. (MM)
- e. The trash compactor shall not be operated before 8:00 AM and after 7:00 PM. (MM)
- f. All doors along the southerly and westerly facades of the building shall remain closed at all times. (MM)
- g. The hours of operation for the Target store shall be from 7 a.m. to 12 a.m. The access gates to the rear of the building shall remain closed from 10:00 p.m. to 7:00 a.m.
- h. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing.
- i. The Target Department Store shall be designated as a single user with a maximum of 10 percent of the gross building floor area devoted to an ancillary retail/restaurant tenant.
- j. Any re-use of the site or request for future demising walls to allow for a new use within the subject building shall require approval of a conditional use permit by the Planning Commission.
- k. All outdoor display of seasonal, holiday, special events, and temporary outdoor sales events within the parking lot, on sidewalks, or any other portion of the project site shall be subject to the Huntington Beach Zoning and Subdivision Ordinance Code. At no time shall a Temporary Use Permit be granted for the area between the subject building and the southerly or westerly property lines.
- l. There shall be no outside storage of storage containers or bins, vehicles, vehicle parts, equipment, or trailers. There shall be no outside storage of palettes or other product at any time without the required permits.
- m. There shall be no loitering by patrons or employees within the parking areas located at the rear of the subject building. Signs shall be posted to indicate that no loitering in all parking areas located behind the subject building. Store managers shall be responsible for regulating all activity occurring at the rear of the subject building at all times.

- n. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site.
 - o. All Mitigation Measures of Mitigated Negative Declaration No. 03-02 shall be adhered to.
6. A review of the hours of deliveries and all loading and unloading activities shall be conducted by the Planning Commission within one year following the date of the prior six-month review. The review shall include a public hearing with notification to all property owners and tenants within a 500-foot radius of the subject site. The review of the hours of delivery and loading and unloading activities will involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval, mitigation measures, and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code pertaining to noise and truck deliveries. Any violations of the mitigation measures, conditions of approval, or applicable chapters of the HBZSO and HBMC may require a duly noticed revocation hearing of the Planning Commission. **(AMENDED 4/25/06)**
7. Within 30 days of Planning Commission action on the six-month review, the following signs shall be installed **(AMENDED 4/25/06)**:
- a. A sign(s) prohibiting truck idling, identifying the permitted hours for loading and delivery, and providing a store contact shall be placed in a conspicuous location adjacent to the loading dock. The sign shall be sized appropriately in order that it can be clearly viewed by truck drivers entering the loading dock area. The sign(s), the text, and location shall be submitted to the Planning Department for review and approval prior to installation. **(AMENDED 4/25/06)**
 - b. A sign shall be installed at the southeasterly portion of the building that indicates "No thru traffic" and "No deliveries permitted". The sign shall be placed in a conspicuous location with the text and location subject to the review of the Planning Department prior to installation. **(AMENDED 4/25/06)**
- a. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
 - b. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

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.

- B-3. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING @ 10142 ADAMS) Applicant:** City of Huntington Beach
Request: A six month review of Conditional Use Permit No. 05-08 approved by the Planning Commission on October 11, 2005. The review is to provide an update of compliance with the approved conditions of approval to permit dancing and a one-space parking reduction for Le Petit Paris, an existing dining/nightclub establishment. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Direct staff to schedule a public hearing for revocation of Conditional Use Permit No. 05-08."

The Commission made the following disclosures:

- Commissioner Dwyer visited the outside of the site
- Commissioner Scandura visited the site; spoke with staff and the City Attorney's office.
- Chair Dingwall stated he has visited the site and spoken with staff.
- Commissioner Horgan visited the outside of the site.
- Commissioner Ray visited the site.
- Commissioner Livengood visited the site.
- Commissioner Burnett visited the outside of the site.

Ron Santos, Associate Planner, reviewed Conditional Use Permit No. 05-08 and the violations thereof including dance floor delineation, overcrowding and lack of security.

Livengood inquired as to what time of day the Police and Fire Departments inspected the club and if it was closed down due to overcrowding. Fire Marshall Engberg advised it was near closing time so the club was allowed to clear out.

Chair Dingwall pointed out that the issue at hand is the CUP for dancing at the location and cautioned the Commissioners to address this issue.

Chief Small recommended revocation of the CUP due to non-compliance with the conditions of approval set forth in the CUP and entertainment permit.

THE PUBLIC HEARING WAS OPENED

Bill Pham, applicant, spoke about the dance floor delineation which was discussed at the October 11, 2005, Planning Commission meeting. He stated he was not required to re-tile the area, as it would be costly for the business. He also stated that he was unaware of the event held on April 1, 2006, and has since discussed the matter with his manager.

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

Discussion ensued between the Commissioners and the applicant with regards to knowledge of the event, flyers passed out prior to the event, loud music, security requirements, the lack of a certificate of occupancy and the dance floor delineation.

Ray reminded Pham that the dance floor delineation was to be addressed with staff after the approval of CUP No. 05-08; as to date this has not taken place.

Horgan stated the certificate of occupancy should have been completed during the past six – month period.

Pham stated that the City Building Department did not have the appropriate floor plan on file and therefore could not issue the certificate of occupancy.

Kenneth Small, Police Chief, advised that most of the concerns the Commissioners have regarding loud music, overcrowding and lack of security can be addressed by the revocation of the entertainment permit which the Police Department issued.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO DIRECT STAFF TO SCHEDULE A REVOCATION HEARING OF CONDITIONAL USE PERMIT NO. 05-08. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 14, 2006

RECOMMENDED ACTION: Motion to: "Approve the February 14, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY HORGAN, TO APPROVE THE FEBRUARY 14, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Jane James, Senior Planner – reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Jane James, Senior Planner – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Jane James, Senior Planner – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – None.

Commissioner Livengood - Invited the public to attend the Spring Festival at the Shipley Nature Center on Saturday, April 29, 2006, from 9:00 a.m. to 2:00 p.m.

Vice-Chairperson Scandura – None.

Chairperson Dingwall – None.

Commissioner Ray – Reiterated the invitation to the Shipley Nature Center.

Commissioner Horgan – None.

Commissioner Dwyer – Advised he recently ran the Boston Marathon in less time than the length of tonight's meeting.

ADJOURNMENT:

Adjourned at 11:50 p.m. to the next regularly scheduled meeting of Tuesday, May 23, 2006. The May 9, 2006 meeting has been canceled.

APPROVED BY:

Howard Zelefsky, Secretary

Robert Dingwall, Chair



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Rosemary Medel, Associate Planner *RM*
DATE: August 8, 2006

SUBJECT: GENERAL PLAN CONFORMANCE NO. 06-03 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2006/07)

STATEMENT OF ISSUE:

- ◆ General Plan Conformance No. 06-03 request:
 - Evaluate Capital Improvement Program for Fiscal Year 2006/07 for compliance with the General Plan.
- ◆ Staff's Recommendation: Approve General Plan Conformance No. 06-03 based upon the following:
 - The proposed projects conform with the goals and policies of the General Plan.

RECOMMENDATION:

Motion to:

“Adopt Resolution No. 1609, approving General Plan Conformance No. 06-03.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

“Continue General Plan Conformance No. 06-03 and direct staff accordingly.”

ANALYSIS:

The Government Code of the State of California, Section 65401, requires that a local planning agency review a list of proposed projects recommended for planning, initiation, or construction during the ensuing fiscal years for conformance with the local General Plan. This list of proposed projects is contained in the Capital Improvement Program (CIP). The role of the Planning Commission in reviewing a CIP is to ensure the conformity of each project with the goals, objectives, and policies of the General Plan. The benefits and funding source for individual projects listed in the CIP will then be reviewed and approved by the City Council.

The Department of Public Works has submitted a coordinated list of capital projects for the Fiscal Year 2006/07 (see Attachment No. 1). Each project is summarized with a brief description. On July 25, 2006 the Planning Commission reviewed the CIP in a Study Session.

To provide detailed information as to the conformity of each project with the General Plan, Resolution No. 1609 (see Attachment No. 2) presents relevant General Plan policies for each proposed project in the CIP. The General Plan policies are grouped with projects by subject.

The proposed projects further the goals and policies of the General Plan. Staff recommends the Planning Commission approve Resolution No. 1609 finding that the proposed CIP is in conformance with the General Plan.

ATTACHMENTS:

1. Brief Description of Capital Improvement Projects
2. Resolution No. 1609

ATTACHMENT NO. 1

PLANNED PROJECTS AND GENERAL PLAN POLICIES FOR CAPITAL IMPROVEMENTS PROGRAM FY 2006/2007 (GENERAL PLAN CONFORMANCE NO. 06-03)

The following is a list of planned projects for Fiscal Year 2006/2007 Capital Improvements Program (CIP). The list is divided into categories by subject. Below each project group is a listing of the relative General Plan policies.

I. DRAINAGE IMPROVEMENTS

A. Planned Projects:

1. Heil Pump Station Rebuild
Acquire adjacent vacant property and construct a new/larger storm water pump station to replace the existing Heil Pump Station. A vacant adjacent property provides an unusual opportunity for station replacement.
2. Storm Drain Improvements in various locations in the Merged Redevelopment Areas
Drainage Projects to provide additional drainage relief within the Merged Redevelopment Area, including the Talbert/Beach and Huntington Center Sub-areas.

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.6 Provide for the construction of necessary pump and storage facilities including the Reservoir Hill Booster Pump Station, the Sunset Heights Reservoir, and the Southeast Reservoir Complex to ensure adequate water supply, and proper water system balance.

U 3.1.1 Maintain existing public storm drains and flood control facilities, upgrade and expand storm drain and flood control facilities.

II. FACILITY IMPROVEMENTS

A. Planned Projects:

Facilities

1. Art Center Improvements
Upgrade air handling system and make interior modifications to improve the safety and functionality of the facility
2. Civic Center Improvements
Replace HVAC cooling tower on City Hall building; Refurbish Civic Center plaza areas by replacing damaged concrete and stucco and re-caulking deck joints.
3. Main Street Library Improvements
Replace flooring, install fire monitoring equipment, replace exterior lighting, and exterior paint. Make minor ADA improvements
4. Parking Structure Repairs
Replace lighting ballasts

B. General Plan Policies:

LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.

PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

III. NEIGHBORHOOD IMPROVEMENTS

A. Planned Projects:

1. CDBG Concrete Construction
Make curb, gutter, sidewalk improvements
2. Residential Concrete/Trees
Remove and replace curb, gutter, sidewalk, street trees and restore proper drainage
3. Downtown Asphalt/Concrete Repairs and Rehabilitation
Repair or replace concrete and asphalt to improve drainage and enhance accessibility and appearance
4. Oakview Area Asphalt/Concrete Repairs and Rehabilitation
Repair or replace concrete and asphalt to improve drainage and enhance accessibility and appearance in Oakview Enhancement Area
5. Residential Pavement Overlay
Rehabilitate residential streets with asphalt overlay

B. General Plan Policies:

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.6 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

IV. PARK and BEACHES IMPROVEMENTS

A. Planned Projects:

1. Blufftop Restrooms
Design and construct restrooms to serve the Blufftop Park area north of pier
2. Pier Buildings
Replace modular buildings with permanent structures
3. Lakeview Clubhouse Improvements
Make ADA improvements and modernize interior of 1972 facility
4. Murdy Community Center Improvements
Make ADA improvements and repair concrete areas
5. Tot Lot Resurfacing
Resurface tot lots to meet ADA and Consumer Product Safety Commission guidelines
6. Visitor's Kiosk
Construct kiosk in Pier Plaza to be staffed by Visitor's Bureau to promote the City and provide visitor information
7. Wardlow Park Reconfiguration
Reconfigure park to provide adequate parking for general public and Little League use.

B. General Plan Objectives/Policies:

RCS 3.1.1 Design neighborhood park features and facilities that are responsive to the recreational preferences expressed by the park users and local neighborhood residents.

RCS 4.1 Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

V. SEWER IMPROVEMENTS

A. Planned Projects:

1. Sewer Lift Stations
Design two sewer lift stations
2. Annual Lining/Rehabilitation
Line or rehabilitate aging sewer lines in the southeast section of Huntington Beach
3. Sewer Main Capacity Analysis
Perform flow test to verify deficiencies identified in the 2003 Sewer Master Plan

VI. SEWER IMPROVEMENTS, Cont'd

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

PF 6.1.1 Ensure adequate government facilities and services are being provided to meet the needs of the City's population.

VII. STREETS AND TRANSPORTATION IMPROVEMENTS

A. Planned Projects-Streets :

1. Arterial Highway Rehabilitation
Resurface segments of McFadden Ave, Adams Ave, Yorktown Ave. Newland St and Garfield Ave.
2. Arterial Coordination
Study to evaluate signal coordination
3. Main Street Interconnect
Install interconnect cable for complete communications link on Main St. between Promenade and Delaware St.
4. Traffic Signal Installations
Install 2 new signals per the approved 2006 Traffic Signal Priority List
5. Traffic Signal Modifications
Make left turn arrow modifications at Center Ave @ Pacific Plaza and Edwards St @ Heil Avenue

B. General Plan Policies:

CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

CE 1.2.3 Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

CE 2.1.1 Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

CE 2.1.2 Maintain a city-wide level of service (LOS) for links not to exceed LOS "C" for daily traffic with the exception of Pacific Coast Highway south of Brookhurst Street.

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

UD 1.3.2 Provide for the implementation of streetscape and landscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

VIII WATER IMPROVEMENTS

A. Planned Projects:

1. Distribution Improvements
Routine appurtenances and valves replacement
2. Energy Backup Wells
Provide portable propane to three well sites
3. Supervisory Control and Data Acquisition System (SCADA) Installation
Upgrade remote monitoring equipment for water, flood and sewer facilities
4. Water Main Replacement
Replace old or undersized water lines

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.1 Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

U 1.1.3 Continue to evaluate the adequacy of the water supply and distribution system.

U 1.1.4 Adopt a water master plan and an associated capital improvements program.

U 1.1.5 Designate, preserve, and acquire land for water storage and transmission facilities, as necessary.

U 1.1.6 Provide for the construction of necessary pump and storage facilities including the Reservoir Hill Booster Pump Station, the Sunset Heights Reservoir, and the Southeast Reservoir Complex to ensure adequate water supply, and proper water system balance.

RESOLUTION NO. 1609

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HUNTINGTON BEACH FINDING THE CAPITAL
IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2006/2007
IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 06-03)**

WHEREAS, the Government Code of the State of California, Section 65401, provides that a local planning agency review a list of the proposed public works projects recommended for planning, initiation, or construction during the ensuing fiscal year as to conformity with the local general plan; and

WHEREAS, the Department of Public Works has submitted a coordinated list of all capital projects recommended by City departments for the current fiscal year in the form of a Capital Improvement Projects List for Fiscal Year 2006/2007; and

WHEREAS, staff has reviewed a description of the capital improvement projects and submitted it to the Planning Commission for review on July 25, 2006; and

WHEREAS, staff has indicated applicable General Plan policies for each project included in the Fiscal Year 2006/2007 Capital Improvements Program to establish conformance with the General Plan (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the Capital Improvement Program for Fiscal Years 2006/2007 in conformance with the goals and policies of the General Plan.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the eighth day of August 2006, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Howard Zelefsky, Secretary

Chairperson, Planning Commission

ATTACHMENT: Exhibit A

(res1584)

ATTACHMENT NO. 21

EXHIBIT A

PLANNED PROJECTS AND GENERAL PLAN POLICIES FOR CAPITAL IMPROVEMENTS PROGRAM FY 2006/2007 (GENERAL PLAN CONFORMANCE NO. 06-03)

The following is a list of planned projects for Fiscal Year 2006/2007 Capital Improvements Program (CIP). The list is divided into categories by subject. Below each project group is a listing of the relative General Plan policies.

I. DRAINAGE IMPROVEMENTS

A. Planned Projects:

1. Heil Pump Station Rebuild
2. Storm Drain Improvements in various locations in the Merged Redevelopment Areas

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.6 Provide for the construction of necessary pump and storage facilities including the Reservoir Hill Booster Pump Station, the Sunset Heights Reservoir, and the Southeast Reservoir Complex to ensure adequate water supply, and proper water system balance.

U 3.1.1 Maintain existing public storm drains and flood control facilities, upgrade and expand storm drain and flood control facilities.

II. FACILITY IMPROVEMENTS

A. Planned Projects:

Facilities

1. Art Center Improvements
2. Civic Center Improvements
3. Main Street Library Improvements
4. Parking Structure Repairs

B. General Plan Policies:

LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy 7.1.1.

PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

III. NEIGHBORHOOD IMPROVEMENTS

A. Planned Projects:

1. CDBG Concrete Construction
2. Residential Concrete/Trees
3. Downtown Asphalt/Concrete Repairs and Rehabilitation
4. Oakview Area Asphalt/Concrete Repairs and Rehabilitation
5. Residential Pavement Overlay

B. General Plan Policies:

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.6 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

IV. PARK and BEACHES IMPROVEMENTS

A. Planned Projects:

1. Blufftop Restrooms
2. Pier Buildings
3. Lakeview Clubhouse Improvements
4. Murdy Community Center Improvements
5. Tot Lot Resurfacing
6. Visitor's Kiosk
7. Wardlow Park Reconfiguration

B. General Plan Objectives/Policies:

RCS 3.1.1 Design neighborhood park features and facilities that are responsive to the recreational preferences expressed by the park users and local neighborhood residents.

RCS 4.1 Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

V. SEWER IMPROVEMENTS

A. Planned Projects:

1. Sewer Lift Stations
2. Annual Lining/Rehabilitation
3. Sewer Main Capacity Analysis

ATTACHMENT NO. 2.3

VI. SEWER IMPROVEMENTS, Cont'd

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

PF 6.1.1 Ensure adequate government facilities and services are being provided to meet the needs of the City's population.

VII. STREETS AND TRANSPORTATION IMPROVEMENTS

A. Planned Projects-Arterial/Transportation :

Arterial

1. Arterial Highway Rehabilitation

Transportation

1. Arterial Coordination
2. Main Street Interconnect
3. Safe Routes to School
4. Traffic Signal Installations
5. Traffic Signal Modifications

B. General Plan Policies:

CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

CE 1.2.3 Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

CE 2.1.1 Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

CE 2.1.2 Maintain a city-wide level of service (LOS) for links not to exceed LOS "C" for daily traffic with the exception of Pacific Coast Highway south of Brookhurst Street.

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

UD 1.3.2 Provide for the implementation of streetscape and landscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

VIII WATER IMPROVEMENTS

A. Planned Projects:

1. Distribtuion Improvements
2. Energy Backup Wells
3. Supervisory Control and Data Acquisition System (SCADA) Installation
4. Utility Yard Improvements
5. Water Main Replacement

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.1 Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

U 1.1.3 Continue to evaluate the adequacy of the water supply and distribution system.

U 1.1.4 Adopt a water master plan and an associated capital improvements program.

U 1.1.5 Designate, preserve, and acquire land for water storage and transmission facilities, as necessary.

U 1.1.6 Provide for the construction of necessary pump and storage facilities including the Reservoir Hill Booster Pump Station, the Sunset Heights Reservoir, and the Southeast Reservoir Complex to ensure adequate water supply, and proper water system balance.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Howard Zelefsky, Director of Planning
BY: Rami Talleh, Associate Planner
DATE: August 8, 2006

SUBJECT: GENERAL PLAN CONFORMANCE NO. 06-01 (PUBLIC STREET VACATIONS - ELLIS/GOLDENWEST QUARTERSECTION: SADDLEBACK LANE, QUARTERHORSE LANE, FAIRCREST DR, AND PORTIONS OF ROCKINGHORSE LANE AND CHURCHILL DR.)

**APPLICANT/
PROPERTY**

OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92603

LOCATION: Public streets within the Ellis/Goldenwest quartersection (Bounded by Ellis Avenue, Goldenwest Street, Garfield Avenue, and Edwards Street)

STATEMENT OF ISSUE:

General Plan Conformance No. 06-01 represents a request to determine whether the proposed public street vacations of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive conform to the goals and policies of the General Plan. It should be noted this determination of General Plan Conformance is not the decision by the City to vacate the public streets; that decision will be made by the City Council at a subsequent public hearing.

Staff recommends approval of General Plan Conformance No. 06-01 for the following reason:

- ◆ The proposed public street vacations will conform to the goals and policies of the General Plan.

RECOMMENDATION:

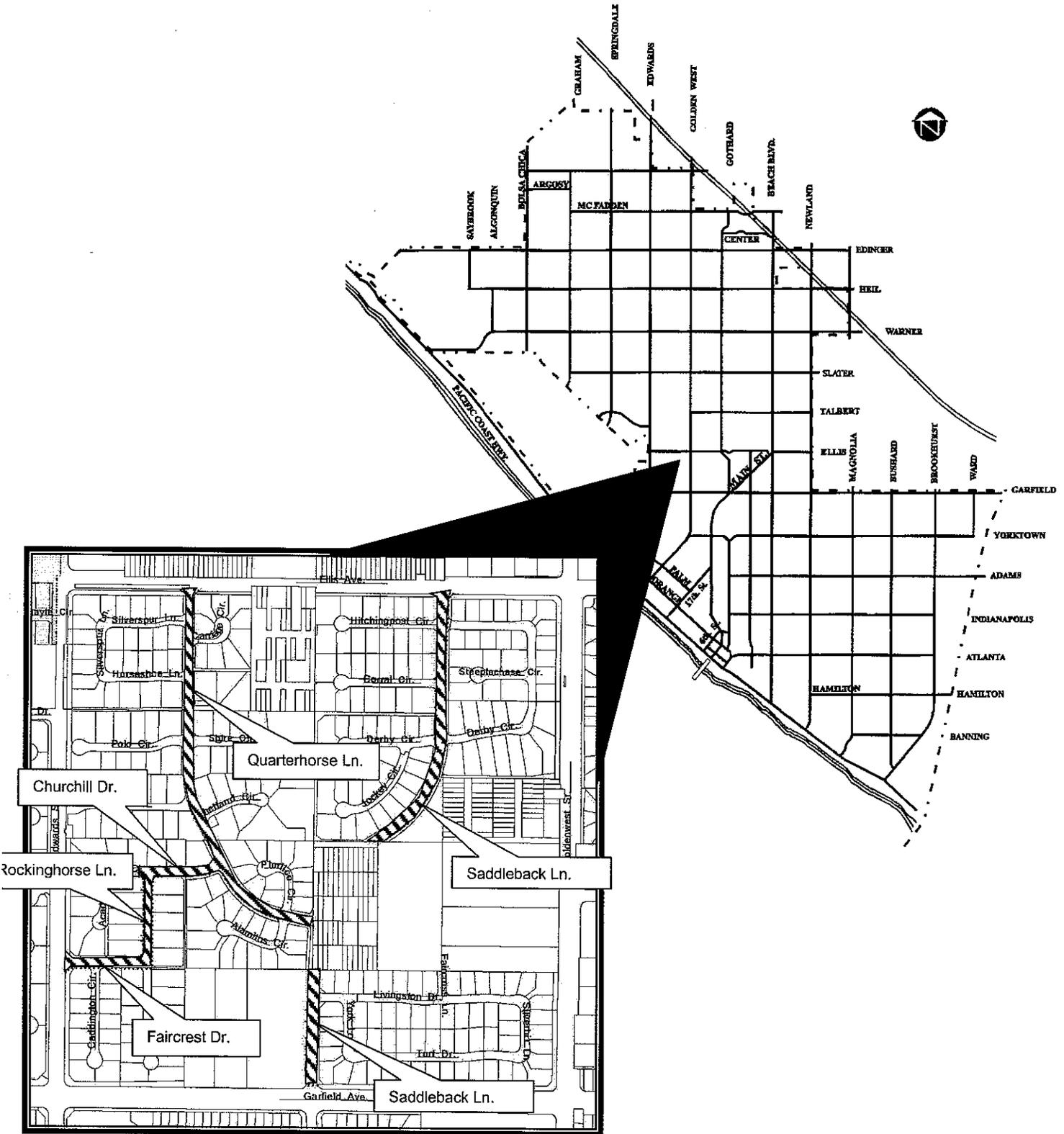
Motion to:

“Adopt Resolution No. 1608 approving General Plan Conformance No. 06-01 with findings.”

ALTERNATIVE ACTIONS:

The Planning Commission may:

- “Continue General Plan Conformance No. 06-01 and direct staff accordingly.”
- “Deny General Plan Conformance No. 06-01 with findings for denial.”
- “Refer General Plan Conformance No. 06-01 to the City Council.”



VICINITY MAP
GENERAL PLAN CONFORMANCE NO. 06-01 (STREET VACATIONS - ELLIS/GOLDENWEST QUARTERSECTION: SADDLEBACK LANE, QUARTERHORSE LANE, FAIRCREST DRIVE, AND PORTIONS OF ROCKINGHORSE LANE AND CHURCHILL DRIVE)

APPLICANT/

PROPERTY OWNER: City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

REQUEST: To determine if the proposed public street vacations of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive conform to the goals and policies of the General Plan.

SUBJECT PROPERTY AND SURROUNDING LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property (Public Streets):	Right of Ways	SP7 (Ellis/Goldenwest Specific Plan – Estate Residential)	Public streets
North of Subject Property:	OS-P (Open Space – Park)	OS-PR (Open Space – Parks and Recreation Subdistrict)	Parkland
South of Subject Property:	RL-5-sp (Residential Low – 5 Units Per Acre – Specific Plan) and CN-F1 (Neighborhood Commercial – 0.35 maximum Floor Area Ratio)	SP9 (Holly-Seacliff Specific Plan)	Single-family residential and Neighborhood shopping center
West of Subject Property:	RL-4 (Residential Low – 4 Units Per Acre – Specific Plan)	SP9 (Holly-Seacliff Specific Plan)	Single-family residential
East of Subject Property:	RL-7 (Residential Low – 5 Units Per Acre – Specific Plan) and I (Industrial)	SP9 (Holly-Seacliff Specific Plan)	Single-family residential and Oil operations

PROJECT PROPOSAL:

General Plan Conformance No. 06-01 is a request by the City seeking a determination from the Planning Commission on whether the vacation of public streets for private ownership is in conformance with the goals and policies of the General Plan. Section 65402 of the California Government Code provides that the city cannot dispose of any real property until the location, purpose and extent of such activity has been submitted to and reported upon as to its conformity with the City's General Plan.

The Ellis/Goldenwest quartersection is bounded by Ellis Avenue, Goldenwest Street, Garfield Avenue, and Edwards Street. The area is primarily developed with single-family homes comprised of eight individual homeowner associations. The streets within the developed areas of the quartersection are privately owned with the exception of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive, which are dedicated to the City for public street purposes. Saddleback Lane and Quarterhorse Lane are collector streets, which provide access to private residential streets serving individual residential tracts. The development of Quarterhorse Lane is complete, however

the street terminates into an undeveloped area of the quartersection. Saddleback Lane is not complete and is divided into two segments – a northern segment with access off of Ellis Avenue and a southern segment with access off of Garfield Avenue. The southern segment provides access to the Huntington Seacliff Elementary School bus drop off area and serves as an entrance to approximately 62 homes within the Hamptons residential tract.

These internal collector streets are delineated in the Ellis Goldenwest Specific Plan in order to ensure internal circulation between the individual tracts as each has been developed over the years. Faircrest Drive and portions of Rockinghorse Lane and Churchill Drive are designated as local streets providing access to their respective residential tracts and collectively serve as a secondary entrance into the quartersection.

The quartersection is also developed with a network of multi-purpose trails (pedestrian and equestrian) that are dedicated to the City for public use. The trails connect to a larger trail system which extends north to Huntington Central Park and will ultimately extend south to the coast with the development of the Harriet Weider Regional Park.

Representatives of the homeowners associations have submitted a request to the Public Works Department to vacate the subject streets. The Public Works Department is currently evaluating the request and when completed, will forward it to the City Council for consideration. Part of the Public Works Department analysis is the Planning Commission's determination relative to General Plan conformity.

The City Council will evaluate the street vacation request at a future hearing, which will include the following additional issues:

- Transfer of street ownership,
- Indemnification of the city,
- Access rights to property owners, future developments, and school district,
- Homeowner authorization, and
- Creation of a master homeowners association.

Prior to action on the street vacation by the City Council, the Planning Commission must first make a finding that the proposed public street vacations are in conformance with the City's General Plan.

Should the City Council approve the vacation of the public streets for private ownership, a subsequent application by the homeowner's representatives to install vehicle gates at various street entrances to the quartersection will come before the Planning Commission for review and approval.

ISSUES:

General Plan Conformance:

The proposed street vacations are in conformance with the goals and objectives of the City's General Plan and the Land Use Element designation of Right of Ways on the subject property. The following is a

summary of the specific policies with which the vacation conforms:

A. Land Use Element

Policy 4.3.2: *“Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.”*

The proposed vacation of public streets within the quartersection would result in a transfer of land to a master homeowners association governed by individuals residing within the quartersection. The association will implement the maintenance, upkeep, and renovation of the streets.

B. Circulation Element

Goal 1 *“Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.”*

The proposed vacation of public streets within the quartersection will not adversely impact the City’s transportation system. Vehicular access to properties within the quartersection will still be provided over a private network of streets. Adjacent Arterial streets; Goldenwest Street, Garfield Avenue, Edwards Street, and Ellis Avenue will remain public streets and operate at existing levels of service.

Policy 6.1.6 *“Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.”*

Public access to existing multi-use trails will be maintained for pedestrian use. Existing bicycle lanes on Goldenwest Street, Garfield Avenue, and Edwards Street will not be impacted by the proposed street vacation.

Policy 6.1.9 *“Develop an equestrian trail network and support facilities that provide a linkage with regional facilities and can be combined with hiking trails.”*

The proposed vacation of public streets will not impact the existing equestrian trail network. The existing multi-purpose trails will be maintained for public use. The trails connect to a larger trail system which extends north to Huntington Central Park and will ultimately extend south to the coast with the development of the Harriet Weider Regional Park. Support facilities such as horse stables and parking are located outside of the quartersection within the Huntington Beach Equestrian Center north of Ellis Avenue.

Environmental Status:

The proposed project is categorically exempt pursuant to Class V: Alterations in Land Use Limitations, sub-section (a) Minor street, alley, and utility easement vacations, of Resolution No. 4501 adopted by the City of Huntington Beach on August 1, 1977. This resolution consists of the City’s implementing procedures for the California Environmental Quality Act (CEQA) and establishes additional categorical exemptions, pursuant to 150619(c) of the Guidelines for Implementation of the California Environmental Quality Act.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns:

There are no concerns from other departments with respect to the General Plan Conformance. The other departments' concerns with the proposed street vacation will be forwarded to the City Council as part of that request. The concerns of other departments with respect to the installation of the vehicle gates will be forwarded to the Planning Commission as part of the conditional use permit request.

Public Notification:

The subject General Plan Conformance is a non-public hearing item; therefore advertisements and noticing are not mandatory. As a courtesy, however, notices were sent to property owners of record and tenants within a 500 ft. radius of the quartersection, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and individual homeowner association presidents. As of August 1, 2006, staff has received letters in opposition and in favor of the request (see Attachment No. 4). A letter was received from the Hunting Beach City School District opposing the proposed street vacation due to financial responsibility incurred by the district for upkeep and repair of Saddleback Lane (see Attachment No. 3)

Application Processing Dates:

DATE OF COMPLETE APPLICATION:
May 30, 2006

MANDATORY PROCESSING DATE(S):
Not Applicable

ANALYSIS:

Staff has identified the goals and polices applicable to the general plan conformance and possible vacating of public streets. These policies relate to promoting neighborhood-based efforts to maintain the built environment and developing/maintaining/providing vehicle, pedestrian, and equestrian access. The possible street vacation will not conflict with the goals and policies of the general plan in that the transfer of ownership of the vacated streets to a master homeowners association gives residents authority over the use of and appearance of entrances and main thoroughfares of the quartersection. In addition, pedestrian and equestrian access will remain accessible to the public through the multi-purpose trails already in place. The network of multi-purpose trials will not be disrupted and the level of service for vehicles within the quartersection and on adjacent arterial streets will not be affected. Other gated and non-gated neighborhoods with private street systems have been developed adjacent to the quartersection.

The proposed general plan conformance is the first in a series of applications, which will lead to the possible gating of the Ellis/Goldenwest quartersection. In this step, the analysis focuses on issues relating to conformance with the goals and policies of the General Plan. The street vacations themselves involve other issues relating to transferring of ownership, indemnification of the city, access rights, homeowner authorization, creation of a master homeowners association, etc. Other issues pertaining to the gating of the quartersection will involve location and layout of the gates, vehicular stacking and turnaround areas, access to school bus drop off areas and/or playgrounds, etc. These issues are currently under review as part of separate applications that will involve their own analysis and recommendations.

ATTACHMENTS:

1. Findings of Approval – General Plan Conformance No. 06-01
2. Resolution No. 1608
3. Letter received from Huntington Beach City School District received and dated on July 19, 2006
4. Letters received in support/opposition

SH:HF:RT

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

GENERAL PLAN CONFORMANCE NO. 06-01

FINDING FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 06-01:

1. The vacation of the subject public streets conform with the following goals and policies of the Land Use and Circulation Elements of the General Plan:

- a. LU Policy 4.3.2: *“Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.”*

The proposed vacation of public streets within the quartersection would result in a transfer of land to a master homeowners association governed by individuals residing within the quartersection. The association will implement the maintenance, upkeep, and renovation of the streets.

- B. CE Goal 1 *“Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.”*

The proposed vacation of public streets within the quartersection will not adversely impact the City’s transportation system. Vehicular access to properties within the quartersection will still be provided over a private network of streets. Adjacent Arterial streets; Goldenwest Street, Garfield Avenue, Edwards Street, and Ellis Avenue will remain public streets and operate at existing levels of service.

- CE Policy 6.1.6 *“Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.”*

Public access to existing multi-use trails will be maintained for pedestrian use. Existing bicycle lanes on Goldenwest Street, Garfield Avenue, and Edwards Street will not be impacted by the proposed street vacation.

- CE Policy 6.1.9 *“Develop an equestrian trail network and support facilities that provide a linkage with regional facilities and can be combined with hiking trails.”*

The proposed vacation of public streets will not impact the existing equestrian trail network. The existing multi-purpose trails will be maintained for public use. The trails connect to a larger trail system which extends north to Huntington Central Park and will ultimately extend south to the coast with the development of the Harriet Weider Regional Park. Support facilities such as horse stables and parking are located outside of the quartersection within the Huntington Beach Equestrian Center north of Ellis Avenue.

RESOLUTION NO. 1608

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF HUNTINGTON BEACH FINDING THE VACATION OF PUBLIC STREETS
WITHIN THE ELLIS/GOLDENWEST QUARTERSECTION
IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN
(GENERAL PLAN CONFORMANCE NO. 06-01)**

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

WHEREAS, the City of Huntington Beach, as the applicant on behalf of representatives of the homeowners associations within the Ellis/Goldenwest Quartersection, requests the vacation of Saddleback Lane, Quarterhorse Lane, Faircrest Dr, and portions of Rockinghorse Lane and Churchill Dr.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Huntington Beach as follows:

SECTION 1: The subject properties are public streets and are designated as rights of way on the General Plan map.

SECTION 3: The vacation of public streets is in conformance with the goals and policies of the City's adopted General Plan.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the eighth day of August 2006, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Howard Zelefsky, Secretary

Chairperson, Planning Commission



HUNTINGTON BEACH CITY SCHOOL DISTRICT

20451 Cramer Lane, Huntington Beach, California 92646 (714) 964-8888

City of Huntington Beach

BOARD OF TRUSTEES

Bill Wallace
President

Brian E. Rechsteiner
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Shirley Carey
Member

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Member

Catherine G. McGough
Member

ADMINISTRATION

Roberta DeLuca, Ed.D.
Superintendent

Lynn Bogart, Ed.D.
Assistant Superintendent
Educational Services

Kathy Kessler
Assistant Superintendent
Human Resources

Michael Curran
Chief Business Official

July 5, 2006

JUL 19 2006

City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

JUL 07 2006

City of Huntington Beach
City Council Office

To: Dr. David Sullivan, Mayor
Ms. Penny Culbreth-Grath, City Administrator
Mr. Howard Zelefsky, Director of Planning
Mr. Rami Talleh, Associate Planner
Mr. Scott Hess, Planning Manager

Subject: Saddleback Lane

Dear Sirs,

At the June 20, 2006, Board of Trustees Meeting, the General Plan Conformance No. 06-01 (Public Street Vacations-Ellis/Goldenwest Quartersection: Saddleback and Quarerhorse Lanes) was posted as a discussion item for the Board of Trustees in Public Session. As a result of this discussion, staff was directed to send notification to the City of Huntington Beach that there was no interest on the part of the Huntington Beach City School District Board of Trustees to support the proposed vacation of Saddleback Lane. The district's concerns regarding the gating of Saddleback Lane are as follows:

- the district's limited access to the bus drop off area for students;
- the district's limited access to the playground area often used for parking for school events;
- the district's financial responsibility for the up-keep and repair of Saddleback Lane;
- the possible encroachment on district property to facilitate an automobile turn around area in front of the gate; and
- the disruptions in school operations the Huntington Seacliff Elementary School would experience.

Thus in summary, the Huntington Beach City School District Board of Trustees do not wish to support the vacation of Saddleback Lane. If you should seek further clarification, please feel free to give me a call.

Very truly yours,


Roberta DeLuca, Ed.D.
Superintendent

RDL:jm

"We Are An Equal Opportunity Employer"

ATTACHMENT NO. 3.1

-----Original Message-----

From: Martha Morrow [mailto:martha@morescrow.com]

Sent: Monday, July 31, 2006 1:48 PM

To: Robert Dingwall; Elizabeth Burnett; Flossie Horgan; Devin Dwyer; John Scandura; Scott Hess; Steve Ray; Tom Livengood

Subject: Gating of Edwards Hill

Dear Commissioners:

At the August 11, 2006 planning commission meeting, you will be considering whether or not the gating of Edwards Hill conforms to the city's general plan.

As the president of Heritage at Huntington Shores, one of several homeowners associations at Edwards Hill, I am urging you on behalf of our 30 homeowners to vote that gating Edwards Hill does conform to the City's general plan.

We have spent \$40,000.00, approximately \$20,000.00 of that at the city, trying to move our gate plans forward.

The homeowners in Heritage are unanimously in favor of gating and it will be a win-win situation for the homeowners and the City.

We urge you to vote that gating Edwards Hill conforms to the city's general plan.

Martha Morrow
President, Heritage at Huntington Shores
6702 Pimlico Cr.
Huntington Beach, Ca.

7/31/2006

ATTACHMENT NO. 401

-----Original Message-----

From: James K. DelloRusso, MD [mailto:jdell@earthlink.net]

Sent: Monday, July 31, 2006 7:07 AM

To: [REDACTED];
[REDACTED]; [REDACTED];
[REDACTED]; [REDACTED];
shess@surfcity-hb.org

Subject: Vacating streets in Ellis Goldenwest quartersection

To all-

I am writing to support the proposed vacating of public streets in the Ellis Goldenwest quartersection. The overall project of gating the quartersection is one that this community has pursued for at least 10 years.

As president of my homeowners association for many years, I have had the opportunity to discuss this project with many homeowners. These personal discussions mirror what our survey found within this association (Hamptons): that the vast majority of homeowners support the vacating and gating. We had over 90% support of the 123 homes when we surveyed.

I would like to have our community gated so that we can cut down on random traffic on our streets and make them safer for our children, and to lessen the chances of mail and identity theft, which have occurred since I have lived here (8 years). While I recognize that gating is not a panacea for all ills, I do believe the benefits far outweigh the problems cited by opposition.

I would urge you all to please allow this process to move on to the next step. Vacating the few public streets within the quartersection does not alter the intent or goals of the Specific Plan. Please vote to allow us to bring this long awaited project before the Council in the near future.

Thank you for our attention to this letter. I am out of town and unable to attend the Planning Commission meeting in person.

James K. DelloRusso, M.D.
18815 Rockinghorse Lane
Huntington Beach

-----Original Message-----

From: Carrie Thomas [mailto:hbmauijim@yahoo.com]

Sent: Monday, July 24, 2006 8:41 AM

To: [REDACTED].com; [REDACTED].com; [REDACTED].com; [REDACTED].com; [REDACTED].com; [REDACTED].net; [REDACTED].net; [REDACTED].com; shess@surfcity-hb.org

Subject: Vacating Public Streets

As a former Planning Commissioner, I realize the importance of having pertinent information available prior to voting on planning items. I have attached a copy of information discussed at a recent meeting with City staff relative to a request by Mike Adams/ Craig Towers for a CUP to ultimately privatize public streets and gate the Ellis-Goldenwest Quartersection.

After you have had an opportunity to peruse it, you will likely determine that many issues need to be resolved before the item can be brought before the Planning Commission for a vote.

Please consider continuing this item until such time all information, surveys and issues are resolved. This is an important issue not only due to the reasons stated above, but because individual property rights will potentially be violated. Many of the original homeowners are now retired and on fixed incomes. They will be financially unable contribute their portion of the cost of gating and maintaining the equipment and additionally, funding the reserves that will be required should the streets become privatized. Still, there are others who simply do not wish to reside in a gated community.

Should this item become agendized, I request that all homeowners in the quartersection be notified since most of them come within 300 feet of a public street within the quartersection.

If you have any questions, please contact me on: 841-4857. I will be out of town from 7/25 through 8/9/06. Thank you for your consideration....Carrie Thomas

**Edwards Hill Gating/Street Vacation Meeting
July 7, 2006**

In Attendance: Jennifer McGrath, Romi Telleh, Bob Stalwalski, Jill Hardy, Mark Allen, Carrie Thomas

Applicant is Mike Adams, representing Craig Towers & "Edwards Hill HOA" for street vacation to further their desire for gating. Mark stated in other cities, the applicant is required to show a Certificate of Ownership (owner authorization). "Edwards Hill HOA" does not exist and the applicant does not own the street property,

Staff stated they may be able to deed the property to an entity (HOA) created for the purpose of maintaining the streets and infrastructure below streets. Staff does not know who presently owns the streets in question...they may belong to the City or if they have an easement.

Other areas of discussion:

Subdivision Law – authority of associations annexing additional property into the common area. Most associations do not allow for acquiring additional common area. CCR's need to be changed to pursue acquisitions.

Documents for vacation needed/required?

**Center line of street divides the street property: (according to staff)
Property would revert back to developer or to adjacent property owner (if everything is in order). City wants ONE entity to be responsible. Staff stated individual property owners would then deed the street annexation over to a Master Association – which presently doesn't exist.**

What if an adjacent property owner would not accept the vacation of the street or deed it over to an Association? Staff stated all adjacent owners must agree (all or nothing): One opposing individual property owner would prevent all/any street vacations from taking place.

City needs findings to vacate the streets. Homeowner survey supporting gating is about 5 years old - many properties have since sold. Some of the 7 associations did not support gating. White paper never indicated gating of the community would take place.

Maintenance of vacated public streets: All associations would either have to agree (100%) or a master association would have to be created for the purpose deeding street annexations to that single entity. This Master Association would be financially responsible for not only the street, but all infrastructure below the street. The city will not upgrade any streets prior to annexation of same. In fact, they will not repair any streets as long as the homeowners pursue gating/privatizing the streets.

ISSUES FOR HOMEOWNERS TO CONSIDER:

1. Additional Costs Homeowners will assume:

- a. Street Sweeping
- b. Street Lighting
- c. Funding Street/Infrastructure Reserve
- d. Cost of 5 gates (School District opposes)
- e. Acquiring property for 5th gate
- f. Purchasing property for new road to open Quarterhorse and Saddleback as thru streets
- g. Additional property taxes and increased HOA fees within each HOA
Gates will prompt new property assessments (taxes on land value). Higher tax assessments resulting in higher monthly fees on association owned property as well as individual property.
- h. Law Enforcement patrol/response on private property

Planning Commission will likely hear General Plan Revision August 8— this item should be continued until all information is available and up to date and a new survey is conducted .

-----Original Message-----

From: Basok, David [mailto:David.Basok@wolterskluwer.com]
Sent: Tuesday, June 13, 2006 4:53 PM
To: Hess, Scott
Subject: Gating of Ellis-Goldenwest Quartersection

Hi Scott,

I just heard about the meeting tonight and was totally surprised..

I am against gating in any form or fashion as I think most are in the Quartersection. Since this has been going on for over 10-15 years, anyone that wanted a gate has already moved to the Peninsula or Sea Cliff like the former President of the Hamptons has done. The residents of this area should continue to have a "gating" option. If you want gating, then you can purchase in the areas mentioned above. It is not fair to impose gating on a community that is split at best as to the desire for a gate. I think one factor that may be driving this gating issue may be the real estate agents that live in the Quartersection as it supposedly will increase the home value 10%, hence increase their commission.. I can not see any other reason why gating would makes sense as it will not impact security as anyone will be able to enter at will as the horse trails will always be open...

Please feel free to call me and I can explain in more detail as with this short notice, this is all I had time to share..
Thanks for listening.

Take care,

David A. Basok
6925 Livingston Dr.- The Hamptons
Huntington Beach, CA 92648-1555
Home Office and Fax: 877-870-5078

ATTACHMENT NO. 4.6

-----Original Message-----

From: Hess, Scott

Sent: Tuesday, June 13, 2006 4:44 PM

To: Salcedo, Catherine

Cc: Fauland, Herb

Subject: FW: proposed vacation of streets

-----Original Message-----

From: mandygall2@netscape.net [mailto:mandygall2@netscape.net]

Sent: Tuesday, June 13, 2006 4:42 PM

To: Hess, Scott

Cc: CITY COUNCIL; Dapkus, Pat; Fikes, Cathy

Subject: proposed vacation of streets

Dear planning commision:

As an 18 year resident of the neighborhood bordered by garfield/goldenwest/ellis/edwards, I am voicing my strong opposition to vacating the public streets in this quarter section to the homeowners as private property. I further assume this is agenda is being put forth by the groups in this area that are trying to gate these streets. Gating this quarter section is not at all practical. The general plan calls for flow through traffic on several of these streets. We have horse trails that are to open to the public. Our proposed entry points are not engineered for gates. We have multiple homowners associations that are not prepared to handle the joint task and expense of maintaining those streets, nor will we any time soon. We have a number of homeowners adamantly opposed to gating.

If vacating the streets is **NOT** being considered as a prelude to gating, I am absolutely opposed, since these streest will serve a a public thoroughfare, to be maintained at our expense.

Randy and Amanda Gall

-----Original Message-----

From: Cathy McGough [mailto:cmcgough@surfcity.net]
Sent: Tuesday, June 13, 2006 8:04 AM
To: Hess, Scott
Cc: CITY COUNCIL; Dapkus, Pat; Fikes, Cathy
Subject: Letter to Planning Commission 6-13-06, Vacation of Streets

Catherine G. McGough cmcgough@surfcity.net
6812 Corral Circle ~ Huntington Beach ~ CA 92648 ~ hm (714)
848-7332 ~ fx 848.9442 ~ cl 642-7550

[Please forward this message to the Members of the Planning Commission as soon as possible.]

June 13, 2006

Dear Members of the Planning Commission:

I have just received word that the Commission is considering action on vacating the public streets in our quartersection bounded by Garfield, Ellis, Edwards, and Goldenwest. This requires, as I understand it, compliance with the General Plan and is a precursor to the installation of gates at four locations entering the quartersection.

So often, all our houses in our area (above) receive letters from the city on numerous occasions when a neighbor or the church (on Goldenwest) or someone wants to do some action (or creates an area issue) that seems innocuous. Yet, this action--that of vacating or gifting public streets to the private homeowners' associations--is not noticed to those living in and around these streets.

I vehemently complain that this discussion is even taking place with no notice to our residents. I cannot attend the meeting due to prior commitments and want my objections considered.

Secondly, I am opposed to this action of giving over our public access streets to private homeowners' associations and consider this action illegal and unethical, essentially completely changing the character of my everyday living and property and imposing this on me and my family and friends for others' selfish reasons.

1. This area has in reality 5-6 homeowners' associations--there is no official "master homeowners' association."

Who is going to own the streets, if vacated by the city?

The General Plan calls for maintaining pedestrian and bike access and low:

"Provide a circulation system which supports existing, approved, and planned

ATTACHMENT NO. 4.8

land uses throughout the City while maintaining a desired level of service on all streets and at all intersections."

and

"Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools and public facilities."

A gated community will cut off access of our public bike riders and walkers, unless they use the horse trails that prohibit (and are not conducive to) bikes and pedestrians. The development was not PLANNED as a gated community with the necessary wide streets, areas for cars to line up during high traffic holidays, turnarounds--essentially what you see in the Peninsula and Seacliff gated communities. Gates will also cut off our public access to the Kindergarten area of the school after school during playtime or on weekends. This is our public facility, too.

3. This community was PLANNED as an open, public access area and it would be contrary to the General Plan and the intention of the approved development to now make it into a gated community of numerous homeowners' associations. These associations can become mired in arguments and disagree on such things as traffic rules, parking rules, hours of operation, pedestrian safety precautions, and on and on...who will decide, among these various associations, and how will I have input? Who will assure that the "...a desired level of service on all streets and at all intersections" is maintained?...the city will no longer have jurisdiction.

4. The governance structure of the City is set up for the good of the whole community. If there is a PLANNED COMMUNITY that develops with buyers knowing prior to purchasing that it will be gated, knowing the CC&R's, streets planned for access, rules and regulations---then perhaps a city can allow private streets and gates to develop (as it has done in several areas of HB).

But to GIVE OVER the public's ownership of land that it owns, especially when the new would-be "owners" have no official governance structure and incalculable issues yet undetermined and unresolved---this is irresponsible government.

5. There has been no EIR for a gated community in this huge 160 acre area! Where will the traffic on Christmas or Thanksgiving line up outside the entrance to each gate? This community has no sidewalks...what will be the impact of gates on the numerous pedestrians inside and outside the gates? What about the Ellis/Saddleback gate...what if many cars are lined up driving west on Ellis to turn in to the Saddleback gate...will the cars line up back into the Goldenwest/Ellis intersection, already a dangerous one for speed and traffic. What if the cars are lined up because the gate doesn't work?

Ellis and Goldenwest is a street full of speeders...what will be the impact of gates? Other residential areas of gates in the city are set back from speeding thoroughfares. Has a study of speeds and number of cars been conducted? What study has been conducted regarding the mix of horses and gates and cars lining up, stopping, etc.?

6. My rights as a homeowner are being violated and those of my numerous neighbors in this area who are opposed to giving up our public streets. We are opposed to making this into an awkward gated community AFTER THE FACT.... I chose to buy in a non-gated community for several reasons. Huntington Beach has numerous gated communities where residents can move if this is their overriding ambition...but to impose their vision on us, and to impose the additional costs and nuisances of gates on us as well, is at best, arrogant. My vision is an open, accessible, publicly controlled and

monitored area, with major access remaining open and unrestricted, where I can drive home unhampered by stopping at gates, where I can invite friends and workers without hassling how to make sure they get in...where I and my family can walk and ride a bike openly.

7. Gates restrict my access and the access of the police and fire department; they do not restrict criminal activity. I have spoken to numerous members of the HBPD and Fire Dept. over the years as an administrator in Alternative Education for the high school district; all confirm that they hate gated communities from a public safety standpoint - all agree that gates give residents a false sense of security that they wish residents did not have. Crime is as frequent in gated communities (or more frequent), because often folks leave homes, doors, windows, children unattended feeling (falsely) more "safe" than those who do not live in a gated community. And officers do not like any access that is slowed or hampered by gates.

8. If those wanting to take possession of these streets as their private property want to do so because this will raise their property values, then this action (of vacation) can be seen as a "gift of public funding." How many more developments will want this, too? What makes this area so special as to be given the public's streets?

In conclusion, the vacating of these public streets is irresponsible without a great deal of further study and notice, not in the best interests of the whole community of Huntington Beach, amounts to a "gift of public funds," and is contrary to the Ellis/Goldenwest Plan & General Plan.

I urge you to do your civic duty on behalf of all of us and reject this item and any further items that may come forth in the near future regarding this issue. Protect my right as a homeowner to have free and public access to my home and unhampered city services and protection. Encourage those residents who want you to gift them these streets for them to own privately to finally understand, after 19 years of living here, that this area was just not planned as a gated community as other communities were so planned.

Cathy
Catherine G. McGough
30-year resident of Huntington Beach

Huntington Beach Planning Commission
In Care of Scott Hess

6/12/06

Dear Planning Commission:

I will not be able to attend the meeting tomorrow concerning the vacation of the public streets in the Ellis-Goldenwest Quartersection. I actually did not know about the meeting until a neighbor of mine mentioned it. I believe Section 8323 of the California Streets and Highways Code dictates that notice be given along the streets that are being considered for vacation at least two weeks before such a meeting.

Nevertheless, I would like to voice my strong opposition to this proposal. I live in this quartersection and would be directly affected by this vacation. Many of my neighbors feel the same way. We bought homes here in 1988 and were assured that the community would stay open and would not be gated. We enjoy having visitors without the problems a gate introduces. Many of our neighbors could not afford the cost of a gate, its' continued maintenance, and the additional cost of maintaining these extra streets. I do not think it fair to impose this financial Burdon on them. Remember, these homes were very affordable 20 years ago. If homeowners here want to live in a gated community, they can move to one whenever they like. There are many around us. I do not think it fair for them to impose their desires on us when we purchased our homes under the supposition that this community would remain open. We have lived happily under those circumstances for almost 20 years now.

I also believe that we obtained a legal opinion years ago that stated that the city could not vacate these streets since the public uses them every day. I have visitors constantly – the public. Therefore, I would invoke Section 8234 of the Code and would find it hard to believe that the city could find these streets unnecessary for present and future public use.

Thank you for your time.

Sincerely,

Larry Geisse, M.D.
6811 Corral Circle, Huntington Beach, 848-3891, Lgeisse@aol.com

ATTACHMENT NO. 4.11

Salcedo, Catherine

Subject: FW: Gating of Ellis-Goldenwest Quartersection

-----Original Message-----

From: Carrie Thomas [mailto:hbrmauijim@yahoo.com]

Sent: Monday, June 12, 2006 9:42 PM

To: Hess, Scott

Subject: Gating of Ellis-Goldenwest Quartersection

Hi Scott...Hope all's well with you and staff. I was just informed that there is a study session regarding the gating of the E/G Quartersection tomorrow, June 13. Can you please let me know what/who is the driving force behind this item being brought to PC? Many of the homeowners were under the impression this was a dead issue and were told by City staff gating the quartersection would never happen.

Many of the homeowners who desired a home in a gated community have, in fact, moved across the street to gated communities. I do not believe the majority of homeowners presently support gating our neighborhood. In fact, I believe there are many seniors in the quartersection who are on fixed incomes who would not favor the gates due to increase in costs associated with same.

I am requesting this item be continued to a future date to allow for questionnaires to be sent to individual homeowners to enable the PC and staff to better understand the issues and costs involved. I would also request that each homeowner in the E/G quartersection be noticed prior to any formal discussions on the matter.

Please distribute my email to all planning commissioners. Also, please place my name on your mailing list for future Council/Planning Commission agenda items.... thanks so much.

I look forward to seeing you at the study session on Tuesday, June 13, 2006.

Respectfully,

Carrie & James Thomas
6642 Trotter Drive
Huntington Beach, CA 92648
714 841-4857

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6/13/2006

ATTACHMENT NO. 4.12

-----Original Message-----

From: Paul Kollar [mailto:gaucho@surfcity.net]
Sent: Tuesday, June 13, 2006 8:39 AM
To: Hess, Scott
Cc: CITY COUNCIL; Dapkus, Pat; Fikes, Cathy
Subject: Planning Commission Proposal to Vacate Streets

6/13/06

Dear Planning Commissioners:

My neighbors and I did not hear until yesterday that the City is considering giving up our public streets to numerous homeowners' associations in the area where I live, off Goldenwest & Ellis, Garfield & Edwards.

I am angry that this is even being discussed without a letter going to my home giving me the opportunity to give input. Many other homeowners are, I am sure, unaware of your discussion tonight.

We have long been vehemently opposed to any gating of this community -- a community of homes that did not go through the extensive planning process that is required of gated communities. We purchased our home in an open tract with the intent of living in an open area, free from the hassles I have experienced when visiting my relatives in Coto de Caza and other neighborhoods.

I am philosophically opposed to gated communities, and particularly the thought that others, who are interested in raising their property values further -- isn't over 2 million dollars enough? -- might impose their lifestyle wishes and financial burdens on me, a public employee, a teacher in one of our local high schools. This house was affordable when I purchased it. I well understand the costs of gate operation and maintenance from my family members and friends in gated communities. I now look forward to retirement, but I am concerned about living on a fixed income with increasing utilities and other costs. Now I will be forced to assume additional payments (that will continue to go up) towards a "master HOA" and cumbersome gates?! Please, I did not buy into that kind of community.

In addition, I do not want to have my visitors and workers hampered in their attempting to come to my house at various times convenient to them. I do not want the fire and police departments hampered in any way in accessing my neighborhood.

But most importantly, the City plans its developments through a lengthy and often burdensome process--for a very good reason. We need streets and homes that are well thought out, allow for safe parking, access, traffic flow. This community was never a gated community; it lacks an official master-HOA that all agreed to prior to purchasing. The layers of seven homeowners' associations with individual rules about the streets, noise, parking, etc. cause a myriad of problems and potential legal conflicts that we don't need or want, when it wasn't set up that way initially.

ATTACHMENT NO. 4.13

The City has a responsibility to me and my family too, not just the few who represent themselves as having 100% support. They do not. Long ago, I was told that this action could not be legally accomplished anyway, so I have not taken a visible and vocal contrary position, in an effort to maintain the wonderful relationships that I have with some of those who desire a gate. Now I hear that this is being considered for a vote in July??!!

Where is the public notice, EIR study, and long, thoughtful planning process that I trust as a resident of Huntington Beach for the past 30 years? Who is protecting the City's assets of public, open streets? Why does this community, already property-wealthy beyond our expectations, deserve to be given the gift of our streets? How will my rights be governed and protected under private ownership?

I strongly oppose this action which is in conflict with the content in the General Plan and the long process that took place to develop it. I demand that you put this concept to rest so I can continue to live in the peaceful, open lifestyle that I have now for nearly 19 years.

Thank you,

Paul L. Kollar gaucho@surfcity.net
6812 Corral Circle
Huntington Beach, CA 92648

MICHAEL C. ADAMS
ASSOCIATES

of Huntington Beach

AUG 01 2006

July 31, 2006

Mr. Bob Dingwall
Planning Commission Chairman
2000 Main Street
Huntington Beach, Ca 92648

Re: Ellis/Goldenwest Gates

Dear Mr. Dingwall:

The Ellis/Goldenwest Specific Plan was adopted in order to create a unique residential neighborhood within the City. In March of 2001 85% of the property owners voted to support an effort to gate the community. This request would revert the public streets to private streets and construct gated entry nodes at selected locations. Attached to this letter is a copy of the voting ballot language and a copy of the final tabulation.

Although the vote upon which this application request is being processed was in 2001 discussion of gating the community go back to the late 1980's. In many of the tracts, an Agreement supporting future gating was requested at the time of home purchase and remodel. A copy of those Agreements are enclosed. During this same time period discussions were going on with the City concerning the need and location of a neighborhood park within the quarter section. The City investigated a number of sites and began assembling land for one of them. While there was probably discussion between neighbors on both topics at the same time ("you support my park idea and I will support your gate concept"); the two items were never linked. However, when it became apparent that the City's recommended park site would be within the proposed gated portion of the community, legal advice was sought and followed and the gating concept was shelved until the City abandoned the park idea.

P.O. Box 382, Huntington Beach, CA 92648-0382
(714) 376-3060
e-mail: AdamsAssoc@socal.rr.com

D2 LATE COMMUNICATION

In order to accomplish the establishment of gating the community three separate actions are required by the City. The first step is to determine if the request is consistent with the City's General Plan (the action currently in front of the Planning Commission).

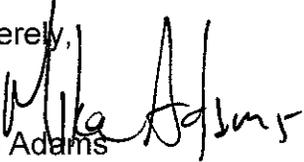
The next step is the request to vacate the public streets and transfer the maintenance responsibility to the homeowners. Upon a favorable vote to the above items a Conditional Use Permit can be processed which addresses the proposed gate design and location. The conceptual designs submitted to date were created to illustrate the proposal. The final design will require additional public input and engineering to address all of the concerns to date.

In order to get to those discussions on gate design alternatives the General Plan conformance is the mandatory first step. A favorable vote on the General Plan conformance will allow this proposal to proceed to the next step.

If you have any questions on this proposal please contact my office. Thank you for your consideration.

Sincerely,

Mike Adams



cc: Craig Towers

Attachments: Ballot Instructions
Vote Tabulation
Letter to Remodeler
Agreement for Home Purchases

BALLOT INSTRUCTIONS

GATING OF EDWARDS HILL COMMUNITY

INSTRUCTIONS:

The attached Ballot must be completed and returned in accordance with the following instructions:

- A. Indicate your vote by initializing the appropriate space signifying approval or disapproval of the "Proposal" described below.
- B. Print your name and the address of your residence on the appropriate line of the "Owner Certification" which is at the end of the Ballot.
- C. Sign and date the Certification on the appropriate line of the "Owner Certification" which is also at the end of the ballot. If a residence is owned by a husband and wife or other joint ownership, only one authorized co-owner need sign the ballot.
- D. Return the ballot in the enclosed envelope so that your Management Company receives it by no later than March 31, 2001.
- E. For the Proposal to pass, all eight homeowners associations (collectively the "Coalition Associations") must achieve their required majority. A minimum of seventy-five percent (75%) of the owners is needed from this association.

Proposal Background:

A large group of homeowners have been investigating the possibility of gating the residential community bounded by Edwards Street, Ellis Avenue, Garfield Avenue, and Goldenwest as a single gated community ("Community"). The gate configuration is currently planned to be a central gate location off of Garfield Avenue with additional gates off of Edwards Street and Ellis Avenue ("Community Gates") all as described in the "Edwards Hill Gate Proposal" that was recently delivered to all homeowners in the Community ("Gate Prospectus"). The exact location and appearance of the Community Gates may vary depending on construction and planning requirements and requirements of the City of Huntington Beach. The gating of the Community would require the privatization of the public streets described in the Gate Prospectus ("Public Streets"). The gating of the Community including without limitation the privatization of the Public Streets will also eventually require the approval of the City of Huntington Beach. Upon completion of this project, the Gates, the privatized Public Streets, and certain landscape and common areas in the Community ("Jointly Maintained Facilities") will be operated and maintained by a committee composed of representatives of the Coalition Associations pursuant to a joint use and operations agreement agreed to by the Coalition Associations. The cost of maintenance of these Jointly Maintained Facilities will be shared equally by all homeowners in the Community.

Note: The following Proposal does not propose that the Community Gates will be staffed. Any decision on staffing will be made later by a vote of Community homeowners.

OWNER BALLOT

PROPOSAL TO GATE THE COMMUNITY

Should access to the Edwards Hill Community
(area bounded by Garfield Avenue, Edwards Street, Ellis Avenue, and Goldenwest)
be gated substantially in the manner described in the Ballot Instructions to which this Ballot is
attached?

(Please check one of the following)

_____ YES, I vote in favor of Gating the Community

_____ NO, I vote against Gating the Community

OWNER CERTIFICATION:

I hereby certify that

- (i) As of this date, I am an owner of the home described below
- (ii) I am authorized to cast this Ballot and have received all information I require from the Committee respecting the above Proposal
- (iii) The Committee and Coalition Associations can rely on this Ballot in determining whether to go forward with the gating of the Community and privatization of the Public Streets, and
- (iv) If the Proposal to gate the Community is approved by the applicable percentage of the homeowners' votes, I will fully cooperate in connection with the gating of the Community and privatization of the Public Streets.

PRINT: Mr./Mrs./Ms. _____
Name

Mr./Mrs./Ms. _____
Name

Address: _____

SIGNATURE: _____ DATE SIGNED: _____

SIGNATURE: _____ DATE SIGNED: _____

June 13, 2001

Dear Jay,

This contains the final voting summary for the eight associations:

<u>Association</u>	<u># Homes</u>	<u>Yes Votes</u>	<u>No Votes</u>	<u>Not Voted</u>
Country View Estates	35	30 (86%)	2	3
Edwards Central Park	38	34 (89%)	1	3
Ellis Central Park	30	23 (77%)	5	2
Ellis # 9	28	25 (89%)	0	3
Hamptons	122	100 (82%)	12	10
Huntington Beach Estates	12	9 (75%)	0	3
Huntington Shores	30	27 (90%)	0	3
Triple Crown Estates	24	23 (96%)	0	1
Total	319	271 (85%)	20 (6%)	28 (9%)

If you have any questions, please feel free to contact me at 714-848-4883.

Respectfully,



Craig V. Towers M.D.
Gate Committee Co-Chair Person

HUNTINGTON BEACH ESTATES

4431 West Rosecrans Ave., Suite 800
Hawthorne, California 90250
(213) 675-8095

May 15, 1989

Mr. & Mrs.

Huntington Beach, Ca. 92648

Re: Huntington Beach Estates

Dear Mr. & Mrs. :

Per our recent telephone conversations we agreed on the following:

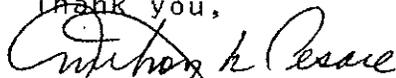
1) Huntington Beach Estates (HBE) would execute a covenant to be provided by you, whereby you could construct a second story addition on your personal residence without any requests from the owners of lots # 1-12 in our subdivision that frosted windows be installed.

2) We would include language in our escrow instructions for the HBE tract whereby the buyers would agree that in the event the other homeowners associations in the Quarterhorse section decide to install a remote control/card access type of security gate to gain entrance to Quarterhorse Lane or the adjoining tracts, they, as well as Huntington Beach Estates Homeowners Association, would support the same. To date all buyers approached have supported the idea and have agreed to contribute a pro-rata share.

3) You agreed that you would execute a letter indicating that the frosted windows on lot # 1 were adequate and in fact satisfied the City of Huntington Beach's applicable tract map condition as far as you were concerned.

If the above recital does not accurately reflect our conversations, please so advise immediately.

Thank you,



Huntington Beach Estates

By: Anthony R. Cesare

ARC:dr

Agreement Regarding Security Gate
on Quarterhorse Lane

Buyer agrees that in the event the Country View Homeowners Association and the Huntington Beach Estates Homeowners Association obtain permission from the City of Huntington Beach to close Quarterhorse Lane and install a remote control/card access type security gate; then buyer agrees to consent to the transfer of title of Quarterhorse Lane to the Homeowners Association and will participate in their proportionate share of the cost.

Agreed to by:

Buyer: _____

Date _____

Buyer: _____

Date _____

Address: _____

Lot # _____

Tract # _____