



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 9, 2015
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Semeta

P P P P P P P
ROLL CALL: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson

AGENDA APPROVAL

ON A MOTION BY KALMICK, SECONDED BY BRENDEN, ITEM NOS. D-1 AND D-2 WERE MOVED BEFORE ITEM NO. B-1.

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

- B-1. GENERAL PLAN AMENDMENT NO. 12-002/ ZONING MAP AMENDMENT NO. 12-001/ CONDITIONAL USE PERMIT NO. 12-039/ TENTATIVE TRACT MAP NO. 17801/ MITIGATED NEGATIVE DECLARATION NO. 12-008/ VARIANCE NO. 2015-001 (LEBARD PARK AND RESIDENTIAL PROJECT)
Applicant: Huntington Beach City School District **Property Owners:** Huntington Beach City School District; City of Huntington Beach **Request:** **GPA:** To amend the existing land use designation for the LeBard Elementary School portion of the project site from Public (Residential Low Density) (P(RL)) to Residential Low Density – 7 units per acre (RL-7) on 3.2 acres and Open Space – Park (OS-P) on 6.5 acres where the sports fields are currently developed. **ZMA:** To amend the existing zoning designation for the LeBard Elementary School portion of the project site from Public-Semipublic (PS) to Residential Low Density (RL) on 3.2 acres and Open Space – Parks and Recreation (OS-PR) on 6.5 acres.

CUP: To expand the surface parking lot at LeBard Park and to provide water quality and accessibility upgrades within the expanded park area. A CUP is also required to allow the development of the proposed 15-lot subdivision on a site with a grade differential greater than three feet. **TTM:** To subdivide the closed LeBard school site into an approximately 6.5-acre parcel, which would be acquired by the City, and the remaining 3.2 acres would be subdivided for development of a 15-unit single-family planned unit development (PUD). Lot sizes would average approximately 7,216 sf in total area. Associated infrastructure would also be constructed, to include a public street with access from Craimer Lane. The residential lots would be sold to a private home builder for construction of the homes in the future. Because approximately half of the proposed residential lots would not meet the minimum 60-foot lot width required in the RL zoning district, the applicant is proposing a PUD subdivision, which requires provision of a public benefit. The applicant proposes to provide a new restroom/concession/storage building for the expanded park as well as upgraded passive park amenities. **MND:** To analyze the potential environmental impacts associated with the project. **VAR:** To provide a four-foot-wide landscape planter along a portion of the parking lot adjacent to Warwick Drive in lieu of the required 10 feet. **Location:** 20451 & 20461 Craimer Lane, Huntington Beach, CA 92648 (LeBard Park and LeBard closed school) **City Contact:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to:

- A. "Approve Mitigated Negative Declaration No. 12-008 with findings (Attachment No. 1) and forward to the City Council for adoption;"
- B. "Approve General Plan Amendment No. 12-002 by approving draft City Council Resolution No. ____ (Attachment No. 2) and forward to the City Council for adoption;"
- C. "Approve Zoning Map Amendment No. 12-001 with findings (Attachment No. 1) by approving draft City Council Ordinance No. ____ (Attachment No. 3) and forward to the City Council for adoption;"
- D. "Approve Tentative Tract Map No. 17801 with findings and suggested conditions of approval (Attachment No. 1);"
- E. "Approve Conditional Use Permit No. 12-039 with findings and suggested conditions of approval (Attachment No. 1);"

The Commission made the following disclosures:

- Commissioner Crowe visited the site and spoke to a member of the City Manger's staff.
- Commissioner Semeta visited the site and spoke to Ed Kerins, resident.
- Vice-Chair Pinchiff visited the site, spoke to several residents, spoke with staff, and attended several school board meetings.
- Chair Kalmick attended the Study Session, visited the site and spoke with Alan Walls, and Ed Kerins.
- Commissioner Mandic visited the site and spoke to one resident of Meredith Gardens.
- Commissioner Brenden visited the site.
- Commissioner Hoskinson visited the site and spoke to three Meredith Garden residents.

Jennifer Villasenor, Acting Planning Manager, gave the staff presentation and an overview of the project.

Commissioner Crowe stated that he had several questions for staff. He inquired if lot A would be noted on the tentative tract map as Public Open Space. Ms. Villasenor explained that it is not noted on the map but it is included as a condition of approval prior to the issuance of grading permits. Commissioner Crowe noted that there were several Southern California Edison easements within the proposed project area and asked if there would be any negative impacts to any of the proposed structures. Ms. Villasenor stated that the applicant's engineer would need to address any potential issue with the easements. Commissioner Crowe verified with staff that the proposed lots would be a minimum of 6,000 square feet. Commissioner Crowe inquired if the number of parking spaces were 72 as first stated or 68 as currently noted. Ms. Villasenor explained that due to plan modifications to comply with code requirements, three parking spaces were lost. The proposed number of parking spaces is 68.

At Vice-Chair Pinchiff's request, Ms. Villasenor gave a brief history of the proposed project.

THE PUBLIC HEARING WAS OPENED.

Gregg Haulk, Huntington Beach City School District, spoke in support of Item No. B-1. He gave a brief overview of the proposed project. He noted the positives of the project, including a new concession stand, the increased park area for the residents, and allowing the Sea View Little League to stay in its current location.

Mark Rogers, consultant to the school district, gave an overview and a brief history of the proposed project. He shared a presentation showing various pictures of the proposed project.

Teresa Caspary, resident, spoke in opposition to Item No. B-1, citing concerns with the potential negative impacts the proposed project may have for the residents, including decrease in property values, lack of privacy, and potential property damage during construction.

David Stepancech, resident, spoke in opposition to Item No. B-1 citing concerns with potential negative impacts to traffic, property values, and lack of privacy. He also stated that new homes should be included in the Meredith Gardens Homeowners' Association.

Lucy Chou, resident, spoke in opposition to Item No. B-1. She stated that she was opposed to losing open space and concerned with potential increased drainage issues.

September Mirghanbari, resident, stated that although she is not opposed to the project, she is opposed to losing open space for a parking lot.

Tom Willson, resident, spoke in opposition to Item No. B-1 stating that he would like to keep the park. He noted that removing the park and replacing it with a parking lot would create a security issue. He also noted that the proposed plan benefits the Little League and not the community.

Jack Woods, resident and treasurer of Sea View Little League, spoke in opposition to Item No. B-1 citing concerns with potential negative impacts of placing a parking area on the west side of the baseball fields.

Ray Loehner, resident, spoke regarding Item No. B-1. He provided staff and the Planning Commissioners with a copy of a plan that he designed that could be another option to replace the proposed residential lots on the north side of the site with an access road.

Debbie Loehner, resident, spoke in opposition to Item No. B-1 citing concerns with the potential negative impacts the proposed project may have for the area residents, including lack of privacy, damage to existing landscapes, and potential negative impacts to property values. She also stated the new homes should mirror rear setbacks and height of existing homes.

Jeff Kane, resident, spoke in opposition to Item No. B-1 citing concerns with the potential negative traffic and parking impacts. He also stated that Sea View Little League parking should not be pushed into the neighborhood.

Kent Hayden, resident, spoke in support of Item No. B-1. He gave a brief overview of an alternative parking area. He provided a drawing of his proposed alternative to the Planning Commissioners in a previous email. He noted that moving the parking area to the west side of the baseball fields would create fewer negative impacts for the area residents.

Tony Bisson, resident, spoke in opposition to Item No. B-1 citing concerns with the potential negative impacts the proposed project may have for the residents, including loss of open space, parking impacts in the neighborhood, and the proposed height of the new structures.

Barry Bisson, resident, spoke in opposition to Item No. B-1 citing concerns with the loss of open space and potential safety impacts since the propose project is located in an earthquake zone.

Bob Hardy, resident, spoke in opposition to Item No. B-1 citing concerns with the potential negative safety impacts for adjacent residents and the loss of open space. He stated that the expansion of parking would be an attractive nuisance.

Steve Vasquez, resident, spoke in support of Item No. B-1. He stated that he was in favor of the proposed project; however, he is concerned with the proposed extended parking. He also noted that he is opposed to having a parking area on the west side of the property.

Ed Kerins, resident, spoke in support of Item No. B-1., but did express concern with the loss of open space. He also asked that the City inquire about the SCE property being used on a temporary basis. He stated that the he would like to see the palm trees replaced with shade trees.

Vicky Demell, resident, spoke regarding Item No. B-1. She expressed her concern with the need for parking. She encouraged the Planning Commissioners to consider relocating the parking area to the west side of the property.

Alan Walls, resident, stated that he has no concerns with the proposed project, however, he noted that he is opposed to placing the parking area on the west side of the property. He stated that he had a petition signed by 60 residents to keep the proposed parking area.

Jeffrey Hansler, resident, stated that although he lives in the downtown area, he supports the residents of Meredith Gardens. He is opposed to losing open space.

Ashley White, resident, cited her concerns with the traffic impact study that was completed for Item No. B-1. She noted that traffic is a major issue along her street and that a speed bump may help.

April Halliwell, resident, cited her concerns with the potential increased traffic, the lack of parking spaces, and loss of open space. She also noted that she is in favor of a new parking area being relocated on the west side of the larger baseball fields with access from Cynthia Lane. She also stated that she supports new parking on the west side of the fields and no new parking near the tennis courts.

Mark Herrer, resident, spoke in opposition to Item No. B-1 citing concerns that the proposed project would bring a negative impact to traffic and the lack of accessible parking.

Scott Dater, President Sea View Little League, cited his concern that establishing a parking area to the west side of the property would negatively impact the little league and their needs for the grassy area.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Chair Kalmick asked staff to give an overview of a CEQA traffic study. Carrie Garlett, representing Atkins, explained the CEQA thresholds for a traffic study. Melissa Dugan, representing Stantec, further detailed the requirements and obligations when conducting a CEQA traffic study.

At Commissioner Hoskinson's inquiry, Ms. Garlett verified that CEQA does not require speed to be factored into traffic studies.

Commissioner Semeta asked Fire Department staff to explain City's policies regarding speed calming devices. Fire Division Chief Reardon stated that the California Fire Code and the City's policies do not allow speed calming devices. He noted that some speed bumps were constructed prior to the changing of the code and are located in various areas throughout the City.

Vice-Chair Pinchiff asked if the consultant for the proposed project looked at any alternative designs to address the concern that residents have regarding loss of privacy. Mark Rogers, applicant, verified that approximately 25 alternative plans were looked at and discussed. However, the plan being currently looked out is believed to be the best option which includes modifications made to address the many concerns the area residents shared during the many community meetings. Vice-Chair Pinchiff asked Mr. Rogers to address the steps being taken to avoid loss of privacy due to the height differential of the proposed structures. Mr.

Rogers explained that although there is a height differential due to the distance between the structures and placement of proposed windows loss of privacy should not be an issue.

Commissioner Mandic inquired if the grading differential is a Federal or State regulation. Mr. Rogers explained that the grading differential is an engineering issue.

Chair Kalmick asked Mr. Rogers to give an overview of the block walls that will be adjacent to the existing properties. Mr. Rogers gave a brief overview of the proposed block walls and also noted that the wall heights could be reduced if needed. Mr. Rogers noted that the architecture items can be addressed separately.

Commissioner Semeta asked if the proposed project would negatively impact the drainage system near the Suburbia homes. Mr. Rogers explained that the proposed project would not add any additional impacts to the existing system. Mr. Peterson, civil engineer for the proposed project, explained that currently the regulations regarding potential run-off are set at a higher standard than previously required.

Commissioner Semeta asked staff if there was a guarantee that construction would not impact the baseball season. Ms. Villasenor gave a brief overview of the required construction hours. Mr. Rogers clarified the requirement for construction hours addresses that parking lot would not be impacted during the baseball season. A brief discussion took place regarding the construction schedules. Commissioner Semeta asked staff to describe the restrictions regarding the use of the SCE property to accommodate overflow parking. Dave Dominguez, Facilities Development and Concessions Manager, gave an overview of the SCE property noting that SCE does not permit government agencies to use their properties on a long term basis.

Chair Kalmick gave an overview of his concerns with the project including the elimination of open space to accommodate parking, installing traffic calming devices, addressing the second-story setbacks, and replacing the requirement for palm equivalent trees to shade tree equivalent. He also noted that he would like to hear staffs' thoughts on the proposed HOA for the new residences.

Commissioner Hoskinson commented that traffic does appear to be a problem for the residents in the area.

Commissioner Mandic inquired if any other traffic routes were studied. Ms. Villasenor gave a brief overview of the process for the traffic study explaining which routes were studied. A brief discussion took place regarding traffic in the area. Commissioner Mandic inquired if overflow parking would be allowed on grassy areas. Mr. Dominguez stated that alternative parking could be explored.

Commissioner Crowe stated that he believes staff has done a thorough job on the Mitigated Negative Declaration. He asked staff if there are code requirements for parking at a public park. Ms. Villasenor explained that there is not a City code requirement for parking. Ms. Villasenor explained the process used to determine the parking needs for the proposed project.

STRAW VOTE #1

A motion was made by Mandic, seconded by Kalmick, to remove the parking extension area near the tennis courts and leave the area as a park.

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden

NOES: Hoskinson

ABSTAIN: None

ABSENT: None

MOTION APPROVED

STRAW VOTE #2

A motion was made by Kalmick, seconded by Hoskinson, to modify the language to allow shade trees instead of palm trees.

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden,
Hoskinson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION APPROVED

A lengthy discussion took place regarding the setbacks for the proposed subdivision.

STRAW VOTE #3

A motion was made by Mandic to require 20 ft. rear setbacks for one story residences and 30 ft. setbacks for two story residences on the north side of the subdivision.

MOTION WAS NOT SECONDED

A lengthy discussion took place regarding the Design Review process.

STRAW VOTE #4

A motion was made by Kalmick, seconded by Semeta, to require the final design of the residential homes be reviewed by the Design Review Board prior to the issuance of building permits.

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden,
Hoskinson

NOES: None

ABSTAIN: None

ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY CROWE, SECONDED BY BRENDEN, TO APPROVE MITIGATED NEGATIVE DECLARATION 12-008 WITH FINDINGS AND MITIGATED MEASURES INCLUDING THE STRAW VOTE ALLOWING SHADE TREES, AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE GENERAL PLAN AMENDMENT NO. 12-002 BY APPROVING DRAFT CITY COUNCIL RESOLUTION NO. __ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE ZONING MAP AMENDMENT NO. 12-001 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY SEMETA, SECONDED BY BRENDEN, TO APPROVE TENTATIVE TRACT MAP NO. 17801 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA, TO APPROVE CONDITIONAL USE PERMIT NO. 12-039 WITH FINDINGS AND CONDITIONS OF APPROVAL, INCLUDING THE STRAW VOTES REMOVING THE PARKING EXTENSION, ALLOWING SHADE TREES, AND TO SUBMIT ALL PLANS TO THE DESIGN REVIEW BOARD FOR REVIEW PRIOR TO THE ISSUANCE OF PERMITS, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE VARIANCE NO. 2015-001 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO.12-008 :

1. Mitigated Negative Declaration No. 12-008 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of 30 days. Comments received during the comment period were considered by the Planning Commission prior to action on the project.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to air quality, aesthetics, geology/soils, hydrology/water quality, biological resources, hazards and hazardous materials, cultural resources, and mandatory findings of significance. Air quality mitigation measures would ensure that established emissions thresholds are not exceeded through sequencing of construction phases. The proposed aesthetics mitigation measures ensure that the proposed homes would be designed in accordance with the City's adopted urban design guidelines and that exterior lighting proposed in association with the homes would not impact adjacent properties. In addition, the aesthetics mitigation measures require existing healthy, mature trees to be replaced at a 2:1 ratio. The proposed biological resources mitigation measures would ensure that existing trees to remain in place and nesting birds in the project area are protected during site development and result in a less than significant impact. The mitigation measures also specify procedures for the protection of cultural, archeological and paleontological resources during the development of the project. The mitigation measures would ensure that impacts would be less than significant in the unlikely event these resources are discovered during grading and construction activities. Geology/soils mitigation measures would incorporate measures with site preparation and fill placement and compaction requirements in order to mitigate impacts to

liquefaction and unstable soils at the project site. The mitigation measures also require compliance with NPDES through preparation of a SWPPP to minimize soil erosion during construction. The hazards and hazardous materials mitigation measures require that a soils survey be prepared for the project site to ensure that any potential hazardous materials do not remain on site and require testing and remediation, if necessary, for asbestos and lead prior to demolition of the existing building. Hydrology/water quality and utilities mitigation measures ensure that vegetated swales and a bioretention basin are utilized to ensure water quality is in compliance with all applicable permits, plans and ordinances.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements, conditions of approval and the recommended mitigation measures.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 12-001:

1. Zoning Map Amendment No. 12-001 to rezone the approximately 10-acre closed LeBard school site from Public-Semipublic (PS) to Residential Low Density (RL) and Open Space – Park and Recreation (OS-PR) is consistent with the goals, objectives, and land use policies of the General Plan as identified below. The proposed change is also consistent with General Plan Amendment No. 12-002, which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include low density residential uses to the north, south, and west and park uses to the east (LeBard Park). As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development.

A. Land Use Element

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

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

Policy LU 13.1.7: The type, intensity and density for reuse and/or development of surplus school sites shall be determined by the following:

- a. compatibility with the type and character of adjacent uses;
- b. the land use designations and policies for surrounding properties as defined by this plan;
- c. working with residents of surrounding neighborhoods in the formulation of a reuse plan;

Goal LU 14: Preserve the City's open spaces.

Objective LU 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

B. Housing Element

Policy H 2.4: Utilize surplus school and park sites for residential use where appropriate and consistent with the City's General Plan.

C. Recreation and Community Services Element

Objective 4.1: Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

The project will result in redevelopment of closed school site with a single-family residential PUD, which contributes new product to the City's housing stock, while preserving existing recreational sports fields. The 6.5-acre area is developed with six sports fields, which would be acquired by the City and added to the City's overall parkland inventory. The project would provide new and upgraded amenities within the existing LeBard park and sports fields area consisting of a new restroom and concession building, ADA-compliant walkways, and drainage features. The project includes an affordable housing provision as required by existing City requirements, thereby assisting to achieve the City's overall housing goals. Proposed improvements in conjunction with the residential subdivision include a new public street designed to the City's street standards and associated infrastructure. The proposed change of General Plan land use and zoning designations for a portion of the site to RL is consistent with the surrounding single-family residential neighborhoods. The proposed General Plan and zoning amendments for the sports fields area to OS-P and OS-PR, respectively, is the appropriate designation for newly acquired parkland.

Design of the residential units would be subject to the City's design guidelines and residential infill ordinance requirements to ensure that the design of the proposed homes is compatible with the surrounding residences and sensitive to the privacy of adjacent homes. The project will be conditioned to have increased rear setbacks of a minimum 20 feet (twice the minimum distance of ten feet permitted within the RL zoning district) to minimize potential privacy intrusions onto existing residences.

2. Zoning Map Amendment No. 12-001 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.
3. A community need is demonstrated for the change proposed. The changes would expand the opportunities for housing and preserve existing sports fields to address the existing and future community's needs.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible residential land uses and 6.5 acres of City parkland. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and represents an appropriate transition of a closed school site.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17801:

1. Tentative Tract Map No. 17801 is consistent with the requirements of the Open Space Parks and Recreation (OS-PR) and Residential Low Density (RL) zoning districts with exceptions that are proposed as part of the Planned Unit Development (PUD) design for the project. These exceptions include deviations to minimum lot width and are permissible with development of a PUD pursuant to the Huntington Beach Zoning and Subdivision Ordinance. The proposed subdivision is consistent with goals, policies and objectives of the General Plan Land Use Element and the designations of Residential Low Density and Open Space – Park, as proposed on the subject property, or other applicable provisions of this code.
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation and drainage perspective. The proposed subdivision will result in a density of approximately five units per acre, which is within the allowable density of seven units per acre of the Residential Low Density land use designation for which the project is proposing to be designated. The proposed density would be consistent with existing surrounding developments.
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. The site has been previously used for an elementary school and is currently used as an administration building for the school district. The project site is surrounded by residential development and paved roads. The site does not contain significant biological resources.
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. The project will provide a new parcel that would be acquired by the City for public park use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-039:

1. Conditional Use Permit No. 12-039 for the development of 15 single-family residential units and associated infrastructure and site improvements on a site with an approximately three-foot grade differential 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 project will transition a closed school site with proposed single-family residential uses similar to those existing uses in the vicinity. It will result in less than significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project is located on an existing developed closed school site and increased minimum setbacks will provide for a good transition to the existing residential neighborhood with adequate setback buffers from abutting single-family residences.
2. The conditional use permit will be compatible with surrounding residential uses in terms of lot size, design, setbacks, onsite parking, and allowable building height. The residential homes would be required to comply with the City's adopted urban design guidelines, which would ensure compatible design.
3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision

Ordinance. The project would comply with the development standards of the RL district in terms of minimum onsite parking, height, setbacks, and lot coverage. Variations to lot width are permitted as part of a Planned Unit Development.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed General Plan Land Use Element designation of Residential Low Density. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

A. Land Use Element

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

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

Policy LU 13.1.7: The type, intensity and density for reuse and/or development of surplus school sites shall be determined by the following:

- a. compatibility with the type and character of adjacent uses;
- c. the land use designations and policies for surrounding properties as defined by this plan;
- e. working with residents of surrounding neighborhoods in the formulation of a reuse plan;

Goal LU 14: Preserve the City's open spaces.

Objective LU 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

B. Housing Element

Policy H 2.4: Utilize surplus school and park sites for residential use where appropriate and consistent with the City's General Plan.

C. Recreation and Community Services Element

Objective 4.1: Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

The project will result in redevelopment of closed school site with a single-family residential PUD, which contributes new product to the City's housing stock, while preserving existing recreational sports fields. The 6.5-acre area is developed with six sports fields, which would be acquired by the City and added to the City's overall parkland inventory. The project would provide new and upgraded amenities within the

existing LeBard park and sports fields area consisting of a new restroom and concession building, ADA-compliant walkways, and drainage features. The project includes an affordable housing provision as required by existing City requirements, thereby assisting to achieve the City's overall housing goals. Proposed improvements in conjunction with the residential subdivision include a new public street designed to the City's street standards and associated infrastructure. The proposed change of General Plan land use and zoning designations for a portion of the site to RL is consistent with the surrounding single-family residential neighborhoods. The proposed General Plan and zoning amendments for the sports fields area to OS-P and OS-PR, respectively, is the appropriate designation for newly acquired parkland.

Design of the residential units would be subject to the City's design guidelines and residential infill ordinance requirements to ensure that the design of the proposed homes is compatible with the surrounding residences and sensitive to the privacy of adjacent homes. The project will be conditioned to have increased rear setbacks of a minimum 20 feet (twice the minimum distance of ten feet permitted within the RL zoning district) to minimize potential privacy intrusions onto existing residences.

FINDINGS FOR APPROVAL - VARIANCE NO. 15-001:

1. The granting of Variance No. 15-001 to permit a four-foot-wide landscape planter along a portion of the parking lot adjacent to Warwick Drive in lieu of the required 10 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The current parking lot at LeBard Park does not have perimeter landscaping and the existing sidewalk along the street is not separated by a landscaped parkway. The proposed project would incorporate both of these features and bring the park into greater compliance with existing codes. Similar to many of the City's existing parks that were originally built with the original surrounding subdivision, the park is surrounded by single-family residential uses with limited parking designed to code requirements that are no longer in effect. The variance is required to make improvements to the parking lot and park while maintaining the current amenities and providing for minimal disruption to the public's use of the park.
2. Because of special circumstances applicable to the subject property, including size, location and surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The site is constrained by existing amenities within the park. The area for improvements to the parking lot and park that would provide landscaped parkways, new sidewalks and ADA-compliant walkways is limited due to the location of existing tennis courts and passive recreation area in the park so that they would not be affected by the proposed improvements. Under current zoning regulations, the parking lot requires a 10-foot perimeter landscaped area. The park was established with the original subdivision in the 1960s with no perimeter landscaping and minimal planter areas throughout the parking lot. The continuation of the park use is permitted and the area for improvements is limited by the existing amenities in the park. Compliance with the 10-foot perimeter landscaping area would result in impacts on the existing park amenities and disruption of those amenities to the public.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Benefits of the project include improvements that would enhance the aesthetics, safety and accessibility of the existing parking lot and LeBard Park. The variance would allow for these improvements to occur without affecting existing amenities within the park (i.e. – existing tennis courts and passive recreational area) that serve the public.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The variance is applicable to a portion of the parking lot along Warwick Drive. Due to existing improvements within LeBard Park, the variance is necessary to achieve upgrades within the park such as ADA-compliant walkways and improvements such as adjacent sidewalks and landscaped parkways that are consistent with the surrounding neighborhood. The reduction in the perimeter parking lot landscaping will enhance pedestrian safety as it allows for a landscaped parkway adjacent to the street to buffer the sidewalk where none currently exists. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Open Space – Park on the subject property because it would allow for improvements to be constructed that would enhance the overall aesthetics, safety and accessibility of the existing parking lot and LeBard Park.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The future residential developer shall comply with the Huntington Beach Urban Design Guidelines and building code requirements to ensure that the 15 single-family residential units are architecturally consistent with the surrounding residential land uses. **(MM Aes-1)**
2. The Applicant shall obtain a permit associated with the City's Tree Ordinance from the Public Works Department for any proposed activity that may disturb existing trees on the project site. A landscape plan demonstrating compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio with 36-inch box, shade tree or other species as required by the Parks, Tree and Landscape Division shall be submitted to the Public Works Department prior to issuance of a permit to remove and/or plant trees. **(MM Aes-2)**
3. All lighting associated with the single-family residential development, including any proposed street lighting, shall comply with all applicable City lighting standards to minimize light spill caused by these new light sources. For example, all exterior lighting shall be directed onto walkways and/or driveways within the development and away from adjacent properties. **(MM Aes-3)**
4. Construction phases shall occur sequentially to ensure that construction emissions are not compounded to exceed the maximum daily emission thresholds due to overlapping construction phases. **(MM Air-1)**
5. Prior to ground disturbance, the applicant shall provide the City of Huntington Beach proof that a certified biologist has been retained to determine if nesting birds are present within the project footprint or within a 250-foot buffer around the site. If nesting birds are present, construction activity shall be avoided in the area until nesting activity is complete (generally February 1 to August 31), as determined by the biologist. If ground or vegetation disturbance would occur between February and August, a preconstruction nesting bird survey shall be conducted seven days prior to any ground or vegetation disturbance. Any active nests identified shall have a buffer area established within a 100-foot radius (200 feet for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the biologist determines that the young have fledged. Construction activity may occur within the buffer area at the discretion of the biological monitor. **(MM Bio-1)**

6. If the conservation of the existing trees in place is determined to be the preferable option to importing nursery trees for transplantation, then the following measures shall be undertaken to ensure the protection of the tree's roots systems and foliage canopies:
 - Tree protection zones shall extend to the trees drip lines or a minimum of 6 feet out from the trunks whichever is greatest
 - Tree protection zones shall be fenced with durable chain link fencing during the construction operations period to prevent encroachments. The fence(s) shall be held in place with galvanized fence posts that are set into the soil without footings. The fenced tree protection zones shall prohibit access from the construction side of the trees.
 - Maintained free of soil importation or exportation, storage of materials, trenching, and vehicular or construction traffic during the operations period.
 - Top-dressed with 2 inches of coarse organic mulch during the construction period. The area within 2 feet of the trunks shall remain free of the accumulation of mulch.
 - The trees shall be maintained using current practices including irrigation, fertilization, and pruning throughout the construction period.
 - The protection zones shall be maintained free of encroachment. Encroachment shall only be undertaken after consultation with the project arborist in advance to consider the use of alternate or specialized construction methodologies intended to limit potential impact to any affected trees.
 - Shall only be encroached within the root zones beneath the canopy drip lines using pneumatic excavation equipment (Air-spade) or hand tools. All woody roots that are encountered in such excavation operations within the drip lines should be cut using sharp pruning tools and shall not be ripped, torn, or otherwise frayed or damaged, using sharp pruning implements or saws. **(MM Bio-2)**
7. The following mitigation monitoring program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project area. This program shall include, but not be limited to, the following actions:
 - Prior to the issuance of a grading permit, the future developer shall provide written verification to the City that a qualified archaeologist who meets or exceeds the Secretary of Interior Standards as an archaeologist and is a Registered Professional Archaeologist has been retained to implement the monitoring program. The retained archaeologist shall have experience identifying artifacts, features, and shell midden sites in Orange County. This verification shall be presented in a letter from the project archaeologist to the lead agency. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
 - The qualified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - The qualified archaeologist shall prepare a Cultural Resources Construction Monitoring Protocol document, which shall outline all procedures and authorities for the monitoring project; protocols for a Worker Education Training seminar designed to educate construction workers on archaeological field methods and protocols; and trainings on the penalties for collecting archaeological items.
 - In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The qualified archaeologist shall assess, record and either collect or

protect the find until such a time that the find can be subjected to Phase II test excavations, if necessary.

- The results of the cultural resources monitoring program shall be summarized in a Cultural Resources Construction Monitoring Report. The report shall document the field and analysis results and interpret the artifact and research data within the research context and shall be submitted to the satisfaction of the City prior to the issuance of any building permits. The report would include California Department of Parks and Recreation (DPR) Primary and Archaeological Site forms. **(MM Cul-1)**
8. The project applicant shall ensure that during excavation a qualified paleontological monitor is present to observe excavation in areas identified as likely to contain paleontological resources. Based upon this review, areas of concern include undisturbed older Quaternary deposits. Paleontological monitors should be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced or eliminated if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources, or if the parameters of the proposed project will not impact potentially fossiliferous units. This decision is at the discretion of the qualified paleontological monitor. If the monitoring program results in positive findings, then refer to MM Cul-3 through MM Cul-5. **(MM Cul-2)**
 9. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources. **(MM Cul-3)**
 10. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontological storage. These procedures are also essential steps in effective paleontological mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontological resources is not complete until such curation into an established museum repository has been fully completed and documented. **(MM Cul-4)**
 11. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources. **(MM Cul-5)**
 12. If human remains are encountered during construction, the find would be handled in accordance with California Health and Safety Code Section 7050.5, which states that no further disturbances shall occur until the County Coroner has made a determination of origin and disposition pursuant to California Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. **(MM Cul-6)**
 13. Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the NMG Geotechnical, Inc. Preliminary Geotechnical

Exploration and Design Parameters Report (2014) are incorporated into the proposed project during construction. The following recommendations shall be documented on the project grading plans:

- The estimated remedial removals for the site shall be on the order of 5 feet deep to fully remove the soft and loose artificial fill and weathered alluvium in order to reduce future settlement potential.
- The removal bottoms shall be reviewed and approved by the geotechnical consultant prior to fill placement.
- Upon completion of the remedial removals, the approved removal bottoms shall be scarified a minimum of 6 inches, except when soft, wet soils are encountered. The removal bottoms and fill materials shall be compacted to at least 90 percent of maximum dry density, as determined by ASTM Test Method D1557.
- Fill materials shall be placed in loose lifts no thicker than 6 inches and shall be relatively free of deleterious material.
- The moisture content of new compacted fill soils shall be placed at above the optimum moisture content within the compactable moisture range. Appropriate equipment support or other measures (e.g., mixing, stockpiling, drying) may be needed to achieve the uniform and correct moisture content for placement of the fill. **(MM Geo-1)**

14. In accordance with the NPDES Construction General Permit, the project applicant shall prepare a project-specific SWPPP to minimize soil erosion, which would implement best management practices (BMPs), such as but not limited to the following:

- **Minimizing Disturbed Areas.** Clearing of lands is limited to that which will be actively under construction in the near term, new land disturbance during the rainy season is minimized, and disturbance to sensitive areas or areas that would not be affected by construction is minimized.
- **Stabilizing Disturbed Areas.** Temporary stabilization of disturbed soils is provided whenever active construction is not occurring on a portion of the project site, and permanent stabilization is provided by finish grading and permanent landscaping.
- **Protecting Slopes and Channels.** Outside of the approved grading plan area, disturbance of natural channels is avoided, slopes and crossings are stabilized, and increases in runoff velocity caused by the project are managed to avoid erosion to slopes and channels.
- **Controlling the Site Perimeter.** Upstream runoff is diverted around or safely conveyed through the project site and is kept free of excessive sediment and other constituents.
- **Controlling Internal Erosion.** Sediment-laden waters from disturbed, active areas within the project site are detained. **(MM Geo-2)**

15. Prior to issuance of a grading permit, the project applicant shall have a soils survey conducted for the proposed project site to determine if any agricultural chemicals (herbicides, insecticides, pesticides and metals) remain at the project site from past agricultural use. The applicant shall implement the mitigation recommendations in the soils report. **(MM Haz-1)**

16. Prior to any site redevelopment, the project applicant shall have a Certified Lead Inspector/Assessor, as defined in California Code of Regulations (CCR) Title 17, Section 35005, assess onsite buildings for the presence of lead-based paint. The applicant shall implement the mitigation recommended in the assessment. **(MM Haz-2)**

17. Prior to any site redevelopment, the project applicant shall have a California Certified Asbestos Consultant assess on-site buildings for the presence of asbestos-containing materials. The applicant shall implement the mitigation recommended in the assessment. **(MM Haz-3)**
18. In compliance with the WQMP for the LeBard Elementary School site, a detention basin and a flow-based vegetated swale shall be incorporated into the design of the proposed project and shown in the Final Tentative Tract Map. All design parameters outlined in the WQMP shall be implemented in the design and construction of the detention basin and flow-based vegetated swale. All operational requirements, such as inspections and maintenance activities, established in the WQMP for LeBard Elementary School Site shall be implemented during the operational phase of the proposed project. **(MM Hydro-1/Utilities)**
19. In compliance with the WQMP for the LeBard Park site, a flow-based vegetated swale and a volume-based bioretention basin shall be incorporated into the design of the proposed project and shown in the Final Tentative Tract Map. All design parameters outlined in the WQMP shall be implemented in the design and construction of the flow-based vegetated swale and volume-based bioretention basin. All operational requirements, such as inspections and maintenance activities, established in the WQMP for LeBard Elementary School Site shall be implemented during the operational phase of the proposed project. **(MM Hydro-2/Utilities)**

CONDITIONS OF APPROVAL – TENTATIVE TRACT NO. 17801:

1. The Tentative Tract Map No. 17801 received and dated January 21, 2015, shall be the approved layout except as modified per the conditions herein:
 - a. Turning radii for the parking lot access off Warwick Drive shall be designed to comply with the minimum requirements of City Specification No. 401 – Minimum Standards for Fire Apparatus Access. **(FD)**
 - b. Fire hydrants shall be shown on the project plans and installed and in service before combustible construction begins. Hydrant location and spacing shall be shown on the plans in accordance with City Specification No. 407 – Fire Hydrant Installation Standards. **(FD)**
 - c. Identify a 20-foot setback restriction for Lots 1 through 6 on the tentative tract map per condition No. 6 a.iv.3.
 - d. The parking lot expansion area (from the eastern boundary of the existing parking lot to the SCE right of way) shall be eliminated from the project plans.
2. The final map for Tentative Tract Map No. 17801 shall not be approved by the City Council until General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 are approved and in effect.
3. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.

4. Prior to issuance of a grading permit, the required Precise Grading Plan shall include the following:
 - a. The proposed water quality/detention basin within Lot A of the subject TTM No. 17801 shall be designed and constructed as useable parkland for public park use.
 - b. All design parameters and dimensions for all proposed storm water quality and/or detention features (including any engineered and/or biofiltration media) shall be shown on the PGP.
 - c. The Final Hydrology and Hydraulics Report shall be prepared to accurately model the limits and function of the proposed water quality and/or detention basins with respect to all volume and capacity requirements for detention, infiltration, duration of detention and limits of useable parkland.
 - d. The Final Water Quality Management Plan shall conform to the final designed and modeled stormwater system, including detention **(PW)**
5. Prior to the issuance of Building Permits, an Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning and Building 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.
6. Prior to recordation of the final map:
 - a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Departments of Planning and Building, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
 - i. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping (Lots B & C and parkways along 'A' Street), irrigation, drainage facilities, water quality BMP's, and private service utilities.
 - ii. The Homeowner's Association (HOA) shall execute a Landscape Maintenance Agreement with the City that the HOA shall be responsible for the continuing maintenance and liability of all landscaping, irrigation, water quality and drainage features associated with the proposed water quality basin (adjacent to the City Park and indicated as Lot "A" on Tentative Tract Map 17801). The agreement shall describe all aspects of maintenance such as removal of trash, debris and silt buildup, removal and replacement of dead/damaged lawn (and any other plantings) resulting from the operation of the basin and any other aspects of maintenance that are warranted by the improvements. The agreement shall state that the HOA shall be responsible for all costs associated with maintenance, repair, replacement, liability, and fees imposed by the City. The Landscape Maintenance Agreement shall be referenced in the CC&R's.
 - iii. Appropriate language shall be placed into the project CC&Rs specifically allowing and guaranteeing the ongoing ability of the general public to utilize on street parking within the development during park use hours.
 - iv. Provide for disclosures to all potential buyers in the purchase and sale agreement that:

1. The buyer is aware that they are purchasing a home adjacent to sports/baseball fields and may be subject to errant/fly balls on their property.
 2. On-street parking on 'A' Street shall remain available for general use by the public.
 3. Lots abutting single-family homes on Crailet Drive (Lots 1 through 6) shall maintain 20-foot rear yard setbacks.
7. Comply with all mitigation measures adopted for the project in conjunction with MND No. 12-008.
 8. Comply with all applicable Conditional Use Permit No. 12-039 and Variance No. 2015-001 conditions of approval.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-039/ VARIANCE NO. 15-001 :

1. The project plans received and dated January 21, 2015, shall be the conceptually approved design with the following modifications:
 - a. 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. If located on a future building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - b. Turning radii for the parking lot access off Warwick Drive shall be designed to comply with the minimum requirements of City Specification No. 401 – Minimum Standards for Fire Apparatus Access. **(FD)**
 - c. Fire hydrants shall be shown on the project plans and installed and in service before combustible construction begins. Hydrant location and spacing shall be shown on the plans in accordance with City Specification No. 407 – Fire Hydrant Installation Standards. **(FD)**
 - d. The proposed foot bridge connecting the tot lot area within LeBard Park to the sports fields shall be redesigned to include a handrail. The railing shall meet all applicable requirements of the California Building Code and shall be subject to review and approval by the Planning and Building and Community Services Departments.
 - e. A minimum of one parking on-street parking space shall be provided per lot.
 - f. Lots 6, 10 and 11 shall provide one additional driveway parking space in addition to the code required driveway spaces. The additional driveway space may be tandem (i.e. – behind) the code required driveway spaces.
 - g. The parking lot expansion area (from the eastern boundary of the existing parking lot to the SCE right of way) shall be eliminated from the project plans.
2. Conditional Use Permit No. 12-039 and Variance No. 15-001 shall not become effective until General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 are approved by the City Council and in effect.

3. Green building strategies shall be incorporated into the construction of the residential units that meet all mandatory measures of the State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards. Incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
4. Prior to issuance of grading permits, the following shall be completed:
 - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
 - b. 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 and Building Department. Double walls along the existing homes on Crailet Drive shall be avoided to the greatest extent feasible. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to a six (6') foot tall wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. The two-inch gap shall be filled with foam and capped or another alternative subject to approval by the Planning and Building Department. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
 - c. A fencing/netting plan shall be submitted to the Planning and Building and Community Services Departments for review and approval. The fencing/netting plan shall be prepared by a qualified sports fencing/netting company and include backstop modifications and/or netting at heights appropriate to ensure adequate protection of the new homes from errant/fly balls based on the configuration of the sports fields.
5. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval 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.
 - b. Submit three (3) copies of the site plan and the processing fee to the Planning and Building Department for addressing purposes after street name approval by the Fire Department.
 - c. Contact the United States Postal Service for approval of mailbox location(s).

- d. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning and Building Department.
 - e. The final design of the 15 homes shall be reviewed by the Design Review Board for conformance to the Urban Design Guidelines and HBZSO.
6. Prior to issuance of building permits, the following shall be completed:
- a. 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.
 - b. General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 shall be approved by the City Council and in effect.
7. 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 accomplished and verified by the Planning and Building 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. A new storage/restroom/concession building shall be constructed per the location on the project plans, dated January 21, 2015. **(Public Benefit)**
 - d. All improvements (relocation of bleachers and bullpens, ADA-compliant walkways, parking lot improvements, drainage improvements, water quality/detention basin with passive park amenities) within LeBard Park and the sports fields shall be completed. **(Public Benefit)**
8. Conditional Use Permit No. 12-039 and Variance No. 15-001 shall become null and void unless exercised within two years of the date of the final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
9. The development services departments (Planning and Building, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
10. 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.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS

- D-1. GENERAL PLAN CONFORMANCE NO. 15-001 (DISPOSITION OF SURPLUS CITY PROPERTY)** **Applicant/Property Owner:** Office of Business Development, 2000 Main Street, Huntington Beach CA 92648 **Request:** To determine if the disposition of a City owned surplus property is in conformance with the goals, objectives, and policies of the General Plan **Location:** East side of Gothard Street, south of Garfield Avenue (Vacant) **City Contact:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1686, approving General Plan Conformance No. 15-001 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Assistant Planner, gave the staff presentation and an overview of the project.

Commissioner Mandic inquired if the adjacent property owners have been notified of the City's plan to sell the property and if a public bid process would take place. Duran Villegas, Real Estate Services, explained that the property has been through a previous process for surplus properties. The YMCA is purchasing the property which is adjacent to their property that was purchased last year.

Commissioner Crowe inquired if the Fire Department was consulted and supportive of the proposed sale and the proposed fire access for the surrounding property. Chief Reardon, Fire Department, gave a brief summary of the Fire Department assessment of the proposed access site.

Commissioner Hoskinson inquired how staff verifies the current value of the property. Mr. Villegas stated that staff looks at the zoning, condition of property, and the ability to develop the property to determine the property value.

Commissioner Pinchiff inquired if staff had any other analysis completed to determine if the subject property could have any other use. Mr. Villegas explained that currently the condition of the property and the zoning do not allow for any other uses. Commissioner Pinchiff inquired if staff could share details regarding the potential sale of the property. Mr. Villegas stated that the next step would be to go through a purchase and sale process with the potential property owner which would be done with City Council approval and the details are public. Commissioner Pinchiff asked if staff had reached out to other potential

buyers other than the YMCA. Mr. Villegas noted that staff reached out to the adjacent owner, which is the YMCA, as they are permitted to do.

Commissioner Semeta verified that the proposed buyer is the YMCA. Staff verified that the City is working with the YMCA to purchase the property.

A MOTION WAS MADE BY MANDIC, BUT NOT SECONDED, TO CONTINUE THE ITEM TO A LATER DATE.

Scott Hess, Director of the Planning and Building Department, explained that the charge of the Commissioners is limited to determining if the surplus of property is consistent with the General Plan. A brief discussion took place regarding the process involved in the surplus of property.

A MOTION WAS MADE BY CROWE, SECONDED BY KALMICK TO ADOPT RESOLUTION NO. 1686 APPROVING GENERAL PLAN CONFORMANCE NO. 15-001 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Kalmick, Brenden
NOES: Pinchiff, Mandic, Hoskinson
ABSTAIN: None
ABSENT: None

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project is categorically exempt pursuant to Section 15312, Class 12 of the California Environmental Quality Act (CEQA) which allows for the sale of surplus government property.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 15-001:

The proposed designation of the 3,075 sq. ft. vacant property as surplus conforms to the following goals and policy of the General Plan:

A. Land Use Element

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Objective LU 8.1: Maintain the pattern of existing land uses while providing opportunities for the evaluation, including intensification and re-use of selected sections in order to improve their character and identity.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map.

The subject area is no longer required to provide vehicular access to parcels it was intended to serve because existing adjacent residential uses are adequately served by existing public rights-of-way, including the adjacent alley to the east of the subject site and Gothard Street and Garfield Avenue. The subject property will be sold to an adjacent property owner, to be incorporated into a project site for future development. The proposed designation of surplus property will not negatively impact surrounding property owners or impede the development of adjacent vacant parcels. Additionally, the proposed sale will generate revenue for the City, while removing potential maintenance costs and liability for

the land. The sale of the property will remove the City's debt obligation to maintain the properties.

B. Housing Element

Goal H 3.0: A key element in satisfying the housing needs of all segments of the community is the provision of adequate sites for housing of all types, sizes, and prices.

The proposed sale of this surplus property may allow for future residential development, which provides housing opportunities for future residents in Huntington Beach.

D-2. GENERAL PLAN CONFORMANCE NO. 15-002 (ORANGE COUNTY FLOOD CONTROL DISTRICT DEBRIS COLLECTION SYSTEMS) Applicant/Property Owner: Philip Jones, Orange County Flood Control District, 300 N. Flower Street, Santa Ana, CA 92703 **Request:** To determine if the installation of two debris/litter collection systems across the Huntington Beach and Talbert storm water channels is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Within the Huntington Beach Channel (Northwest of Magnolia Street at Banning Avenue); and Within the Talbert Channel (South of Banning Avenue Bridge) **City Contact:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1687, approving General Plan Conformance No. 15-002 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Assistant Planner, gave the staff presentation and an overview of the project.

Commissioner Crowe inquired if there are future plans for the proposed system in other locations. Menardo Sanchez, Orange County Flood Control District, gave a brief overview of the proposed system and noted that the system will be used at other channels in Orange County.

Commissioner Crowe noted that the non-profit organization, MY Ocean, was involved with the proposed project. He inquired if the project the group was working on in Central Park was completed. Jane James, Planning Manger, stated that staff did not have that information on hand.

Commissioner Hoskinson noted that the agreement that was made between the group, My Ocean and the Orange County Flood Control District, included a payment of \$100,000.00. He inquired if the City was under any obligation to My Ocean. Mr. Sanchez explained that My Ocean was paying to have their name on the debris booms and the City had no obligation. Commissioner Hoskinson stated the agreement was not attached to the staff report and inquired if the Planning Commissioners could receive a copy. Mr. Beckman stated that a copy of the agreement would be forwarded to the Commissioners.

A MOTION WAS MADE BY KALMICK, SECONDED BY SEMETA TO ADOPT RESOLUTION NO. 1687 APPROVING GENERAL PLAN CONFORMANCE NO. 15-002 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning and Building – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Jane James, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS: – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Crowe asked Mr. Hess to verify that the City Council took action on the Rainbow EIR at the previous council meeting. Mr. Hess verified that the City Council did take action.

Vice-Chair Pinchiff reported on upcoming events in the City.

Commissioner Brenden noted that the recent event “Open for Business” at City Hall was a success. He also reported on upcoming events in the City.

Chair Kalmick requested a minute action be made to request the City Council to further investigate the possibility to use the Southern California Edison easement near LeBard Park for parking and to study the potential use of traffic calming devices.

A MOTION WAS MADE BY KALMICK, SECONDED BY MANDIC, TO FORWARD A MINUTE ACTION TO REQUEST THE CITY COUNCIL TO INVESTIGATE USING THE SOUTHERN CALIFORNIA EDISON EASEMENT NEAR LEBARD PARK FOR ADDITIONAL PARKING AND TO RESEARCH POTENTIAL TRAFFIC CALMING DEVICES FOR THE AREA, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

ADJOURNMENT: Adjourned at 11:11 PM to the next regularly scheduled meeting of Tuesday, June 23, 2015.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair