

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

ZONING MAP AMENDMENT NO. 17-001/ ZONING TEXT AMENDMENT NO. 17-005/ LOCAL COASTAL PROGRAM AMENDMENT NO. 17-001/ DEVELOPMENT AGREEMENT NO. 19-001

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 17-001:

1. Zoning Map Amendment (ZMA) No. 17-001 to amend the zoning designation of the ±29 acre site from Public-Semipublic with Oil Overlay and Coastal Zone Overlay (PS-O-CZ) to Specific Plan 18 (Magnolia Tank Farm Specific Plan) with Coastal Zone Overlay (SP-18-CZ) is consistent with the goals, objectives, policies, general land uses and programs specified in the General Plan as follows:

A. Land Use Element

Goal LU-1 – New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A - Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1B - Ensure new development supports the protection and maintenance of environmental and open space resources.

The Specific Plan designation includes planning areas that will be consistent with the approved General Plan land use designations. It will provide additional lodging, visitor serving commercial, residential, and open space to serve residents and visitors. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable housing stock. A 70 foot wide Coastal Conservation area combined with an additional 30 feet of County flood control property will provide a 100 foot buffer from the Huntington Beach channel and the wetlands.

B. Coastal Element

Policy C 1.1.3 - The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.4 - Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 2 - Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 7.1.4 - Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland . . .

The Specific Plan designation includes visitor serving commercial and open space to enhance opportunities for coastal recreation. A 70 foot wide Coastal Conservation area combined with an additional 30 feet of County flood control property will provide a 100 foot buffer from the Huntington Beach channel and the wetlands. The Specific Plan designation will allow the proposed Marsh Park next to the lodge which will offer a public view corridor to the ocean.

C. Housing Element

Policy 2.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy 2.2 – Facilitate the efficient use of land by allowing and encouraging commercial and residential uses on the same property in both horizontal and vertical mixed-use configurations.

In addition to visitor serving commercial and open space, the Specific Plan designation also allows a variety of home types to suit different life stages and market segments.

2. ZMA No. 17-001 to change the zoning of the subject site to Specific Plan is compatible with the zoning in the surrounding area because the Specific Plan will have four planning areas that are consistent with the approved General Plan designations. The Commercial Visitor (CV) planning area is compatible with the power plant to the west and provides a good buffer between the power plant and the residences to the east. It is compatible with the residential area to the east given the proposed 155 foot buffer (100 foot wide Magnolia Street and proposed 55 foot wide Magnolia Park next to the lodge). The Residential planning area (15 dwelling units per acre maximum density) is compatible with and often located next to single family residential areas like the one across Magnolia Street which is designated Residential Low Density (7 dwelling units per acre maximum density). A 215 foot buffer (145 foot wide flood control channel and proposed 70 foot wide Open Space-Conservation (OS-C) area) separates the proposed Residential planning area from the power plant. Dwelling units constructed in this planning area will be required to incorporate noise mitigation such as perimeter block walls, raised residential patio walls, and construction methods to mitigate any noise from the power plant. The Residential planning area will be buffered from the CV area by the proposed interior roadway. A similar condition exists downtown where

residential can be found across the street from the Hyatt and Hilton which are designated CV. Both the Coastal Conservation and Open Space – Parks and Recreation planning areas are compatible with the surrounding area and provide additional buffers between the proposed project and the surrounding uses.

3. A community need is demonstrated for the change proposed because the Specific Plan designation will allow the development of additional lodging, visitor serving commercial, residential, and open space at the subject site to serve residents and visitors. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable house stock.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because Specific Plan designation will implement the approved General Plan land use designations, is compatible with the zoning in the surrounding area, and will be buffered from existing uses. It will allow the development of additional lodging, visitor serving commercial, residential, and open space at the subject site to serve residents and visitors. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable house stock.

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 17-005:

1. Zoning Text Amendment No. 17-005 to establish the Magnolia Tank Farm Specific Plan (MTFSP) for the ±29 acre subject site is consistent with and implements the adopted land use element of the General Plan and the certified Local Coastal Program Land Use Plan which include a Specific Plan Overlay for the subject site. In addition, the MTFSP includes four planning areas that conform to the adopted land use designations for the subject site. The MTFSP is consistent with applicable General Plan goals, objectives, and policies and is compatible with surrounding developments as follows:

A. Land Use Element

Goal LU-1 – New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A - Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1B - Ensure new development supports the protection and maintenance of environmental and open space resources.

Policy LU-2D - Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

Goal LU-4 - A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4A - Encourage a mix of residential types to accommodate people with diverse housing needs.

Goal LU-11 - Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-13A - Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Goal LU-14 - Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Goal LU-14A - Encourage expansion of the range and location of available lodging for both tourist and business visitors.

Goal LU-14B - Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors.

The MTFSP provides for additional lodging, visitor serving commercial, residential, and open space to serve residents and visitors. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable house stock. It will be separated from residential uses to the east by Magnolia Street (100 ft.) and the proposed Magnolia Park (55-75 ft.) and from the AES power plant, industrial uses, and the wetlands to the west and south by the flood control channel (145 ft.) and proposed Coastal Conservation area onsite (70 ft.).

B. Coastal Element

Policy C 1.1.3 - The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.4 - Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 2 - Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.2.2 - Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Objective C 2.4 - Balance the supply of parking with the demand for parking.

Policy C 2.4.7 - The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

Objective C 2.5 - Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Policy C 2.6.6 - Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.

Goal C 3 - Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.2 - Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. On oceanfront, waterfront or nearshore areas or lands designated for visitor uses and recreational facilities, an assessment of the availability of lower cost visitor uses shall be completed at the time of discretionary review and an in-lieu fee in an amount necessary to off-set the lack of the preferred lower cost facilities in or near Huntington Beach shall be imposed.

Policy C 3.2.4 - Encourage the provision of a variety of visitor- serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 4.1.2 - Designate lands for the provision of passive and visual open space on the Coastal Land Use Map, which provide a balance to the urban and suburban development of the Coastal Zone.

Policy C 4.7 - Improve the appearance of visually degraded areas within the Coastal Zone.

Policy C 7.1.4 - Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland . . .

The MTFSP will allow visitor serving commercial and open space to enhance opportunities for coastal recreation. The proposed lodge will incorporate a guest house component with up to 40 rooms that are designated as lower cost overnight accommodations. A 70 foot wide Coastal Conservation area combined with an additional 30 feet of County flood control

property will provide a 100 foot buffer from the Huntington Beach channel and the wetlands. The proposed Marsh Park next to the lodge will offer a public view corridor to the ocean and serve as a staging area for docent-led tours of the adjacent wetlands. A planned interior loop road serving the proposed development will add public parking to the area.

C. Housing Element

Policy 2.1 – Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Policy 2.2 – Facilitate the efficient use of land by allowing and encouraging commercial and residential uses on the same property in both horizontal and vertical mixed-use configurations.

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

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

Policy 4.2 – Provide flexibility in development standards to accommodate new models and approaches to providing housing, such as transit-oriented development, mixed use and live/work housing.

In addition to visitor serving commercial and open space, the MTFSP would also allow a variety of home types, such as single family detached and attached homes, to suit different life stages and market segments. In order to create attainable housing, the applicant is proposing development standards that would allow product types that have been built in other parts of Orange County that are more compact and taller with reduced yards and parking compared to what the HBZSO permits. The project will comply with the City’s affordable housing ordinance.

2. The MTFSP will enhance the potential for superior urban design in comparison with the development under the base district provisions that would apply if the plan were not approved because it will facilitate the coordinated development of commercial visitor, residential, and open space uses that will function as one community. The MTFSP will allow a variety of home types, such as single family detached and attached homes, to suit different life stages and market segments. In order to create attainable housing, the MTFSP includes development standards that would allow product types that have been built in other parts of Orange County that are more compact and taller with reduced yards and parking compared to what the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) permits.

3. Deviations from the base district provisions that otherwise would apply are justified by compensating benefits of the MTFSP because it will allow residential product types that are more compact and taller with reduced yards and parking compared to the HBZSO which will facilitate the provision of attainable housing to suit different life stages and market segments consistent with current demand. A more compact residential development enables the proposed residential density while providing 5.6 acres of open space and coastal conservation areas.
4. The specific plan, with staff suggested modifications, includes adequate provisions for utilities, services, and emergency vehicle access. Public service demands will not exceed the capacity of existing and planned systems.

SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 17-001:

1. Local Coastal Program Amendment No. 17-001 to the Huntington Beach Local Coastal Program to reflect the land use and zoning changes proposed by the General Plan Amendment No. 17-001, Zoning Map Amendment No. 17-001, and Zoning Text Amendment No. 17-005 is consistent with the General Plan designations in that they provide for its implementation consistent with the Coastal Act which prioritizes visitor serving commercial and the provision of coastal access and recreation opportunities.
2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act because it promotes the City's Local Coastal Program goals, objectives and policies by allowing a mix of uses with visitor serving commercial, including open space and coastal access opportunities, with residential uses on the inland side of the subject site. The proposed land uses will provide for future visitor serving commercial opportunities on the property including a lodge with a guesthouse component with 40 rooms that are designated as lower cost overnight accommodations and ancillary retail. A 70 foot wide Coastal Conservation area combined with an additional 30 feet of County flood control property will provide a 100 foot buffer from the Huntington Beach channel and the wetlands. The proposed Marsh Park next to the lodge will offer a public view corridor to the ocean and serve as a staging area for docent-led tours of the adjacent wetlands.
3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the MTFSP allows the development of a lodge with a guesthouse component with 40 rooms that are designated as lower cost overnight accommodations and ancillary retail to encourage coastal public access and recreation. A Coastal Conservation area with a public trail is planned next to the Huntington Beach channel and the wetlands. The proposed Marsh Park next to the lodge will offer a public view corridor to the ocean and serve as a staging area for docent-led tours of the adjacent wetlands. The proposed Magnolia Park will include a pedestrian walkway to facilitate coastal access. No existing coastal access will be impacted.

SUGGESTED FINDINGS FOR APPROVAL - DEVELOPMENT AGREEMENT NO. 19-001:

1. After considering the Planning Commission's review that the agreement is consistent with the General Plan, with any Specific Plan, and the Local Coastal Program, the City Council finds that Development Agreement No. 19-001 for the Magnolia Tank Farm property is consistent with the General Plan and Local Coastal Program because it assures the applicant that the proposed General Plan Amendment (GPA) No. 17-001, Zoning Map Amendment (ZMA) No. 17-001, Zoning Text Amendment (ZTA) No. 17-005, and Local Coastal Program Amendment (LCPA) No. 17-001 are vested regardless of future changes in regulations. This will facilitate the development of a mixed use project on the site with additional lodging, visitor serving commercial, residential, and open space to serve residents and visitors consistent with the General Plan and Local Coastal Program. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable housing stock.
2. The agreement is consistent with all provisions of Chapter 246 (Development Agreements) of the HBZSO, the Municipal Code, and the State Subdivision Map Act in that all application requirements have been met and the Planning Commission held a public hearing on the proposed project and the development agreement prior to transmitting its recommendation to the City Council. The development agreement has also been reviewed for consistency and compliance with the Municipal Code and Subdivision Map Act.
3. The agreement will not be detrimental to the health, safety and general welfare; and will not adversely affect the orderly development of property because it assures the applicant that the proposed GPA, ZMA, ZTA, and LCPA are vested regardless of future changes in regulations. This will facilitate the development of a mixed use project on the site with additional lodging, visitor serving commercial, residential, and open space to serve residents and visitors consistent with the General Plan and Local Coastal Program. It will enhance the local economy, provide additional revenue to the City, create jobs, and provide additional attainable housing stock. The agreement will also provide payment of funds to the City, which can be used for projects that improve the health, safety, and general welfare of the community.
4. The City Council has considered the fiscal effect of the development agreement on the City and the effects on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources. The development agreement will facilitate the development of a mixed use project on the subject site including up to 250 residential units that will add to the housing stock while also providing payment of funds to the City which can be used for projects that improve public services in the community.