

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 21-003 **ZONING MAP AMENDMENT NO. 21-001/** **TENTATIVE TRACT MAP NO. 19157/** **CONDITIONAL USE PERMIT NO. 21-004**

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 21-003:

1. Mitigated Negative Declaration No. 21-003 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 twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on Mitigated Negative Declaration No. 21-003, General Plan Amendment No. 21-002, Zoning Map Amendment No. 21-001, Tentative Tract Map No. 19157, and Conditional Use Permit No. 21-004.
2. Mitigation measures, incorporated into the Mitigation, Monitoring, and Reporting Program avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. No significant impacts are anticipated with implementation of mitigation measures in the areas of biological resources, cultural resources, geology, and tribal cultural resources.
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 reduced to less than significant through the project design and mitigation measures.

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 21-001:

1. Zoning Map Amendment (ZMA) No. 21-001 to change the zoning on an approximately 2.07 acre site from RL (Residential Low Density) to RM (Residential Medium Density) is consistent with the goals and policies of the General Plan as identified below:

A. Land Use Element

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

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

Policy LU-1C - Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D - Ensure that new development projects are of compatible proportion, scale and character to complement adjoining uses.

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

Policy LU-2E - Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

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

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

The ZMA will implement the land use designation proposed with General Plan Amendment No. 21-002 and will be an extension of zoning found in the area. It will enable redevelopment of an infill site into a residential community consisting of 34 townhomes to address the diverse housing needs of the community. The proposed project will be compatible with the character of the neighborhood and will meet the changing needs of the community. The project will exhibit an architectural style that is in keeping with the proportion, scale, and character of the neighborhood and consistent with the development standards in the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project also provides landscaped areas along the street frontages and throughout the site to enhance its appearance.

B. Housing Element

Policy 1.1 - Preserve the character, scale and quality of established residential neighborhoods.

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

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

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

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

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

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

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

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

The proposed project will develop an underutilized site with 34 two- and three-story townhomes that will be consistent with the scale and nature of residential land uses surrounding the site while also addressing the diverse housing needs of the community. The project will comply with the City's affordable housing requirement to provide 10 percent of the proposed base dwelling units as affordable units. Due to the provision of affordable housing, the applicant is entitled to a 5 percent density bonus, one incentive/concession, and an unlimited number of waivers of development standards as permitted by the California Density Bonus Law. The project includes a 5 percent density bonus to allow 2 density bonus dwelling units in addition to the 32 base density units. Approval of the density bonus and the requested waivers would facilitate development of the project and adds to the City's overall housing stock.

2. The ZMA would only change the land use designation of the subject property 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 because it will allow an underdeveloped site to be developed with a residential use that is consistent with the character of the area and will add to the City's housing stock.
4. Adoption of the ZMA will be in conformity with public convenience, general welfare and good zoning practice because the proposed zoning will implement the land use designation proposed with General Plan Amendment No. 21-002 and is compatible with the surrounding neighborhood.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 19157:

1. Tentative Tract Map (TTM) No. 19157 to subdivide approximately 2.07 acres for condominium purposes is consistent with the proposed General Plan land use and zoning designation of Residential Medium Density on the subject property, applicable provisions of the Subdivision Map Act, and the HBZSO. The TTM complies with all development standards set forth in the HBZSO including minimum lot size and width. The proposed subdivision is also consistent with the goals and policies of the General Plan Land Use Element that govern new subdivisions and residential development. These goals and policies call for a range of housing types to be available to meet the diverse economic, physical, and social needs of future and existing residents while maintaining the neighborhood character of the surrounding area.
2. The site is physically suitable for the type and density of development proposed as part of the project because the subject property is located in a residential neighborhood with similar residential development including some also under the proposed Residential Medium Density land use and zoning designations. The site's size, shape, and topography are conducive to the development of a new residential project that conforms to the General Plan, HBZSO, and other city requirements and is in keeping with the character of the surrounding neighborhood. Access to the site will be provided off Newland Street and Talbert Avenue and drive aisles will provide direct access to each unit and its attached garage. The project will also provide 85 parking spaces, including 68 spaces within 2-car attached garages associated with each unit and 17 off-street guest spaces. Pedestrian access to the site will be provided by existing public sidewalks and proposed private walkways onsite. Therefore, the project site suitable to accommodate the type of development proposed.
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 because the site has been previously been disturbed and is void of any wildlife habitat. Project design features, compliance with regulatory requirements, and mitigation measures will ensure that the subdivision will not cause serious health problems or substantial environmental damage.
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 streets, sidewalk, and utility easements to serve the new development.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-004:

1. Conditional Use Permit No. 21-004 to develop 34 attached two- and three-story townhomes up to 35 feet tall and allow up to an 8 foot tall retaining wall topped with a 6 foot tall wall along the west property line 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 improve an existing underutilized site with a residential development consistent with other uses in the vicinity and will assist in meeting the changing housing needs of the community. The project will comply with development standards in the HBZSO including building height, lot coverage, and landscaping and will be consistent with the overall bulk and scale of existing residential uses in the project vicinity. The project includes facade breaks, roof variations, and architectural treatment to minimize overall building mass and scale. The dwellings will be separated from the nearest residential development to the north by 5 feet of landscaping and a 20 foot wide drive aisle. Two-story units are proposed along the north side to enhance compatibility with existing development before transitioning to three-story towards Talbert Avenue. The proposed retaining wall above ground along the western property line is needed to enable the entire site to be developed. Its location along the western interior property line will reduce its visibility and existing and proposed landscaping will help soften its appearance. The proposed grading plan minimizes pad elevations and the retaining wall as much as possible while still allowing the site to function and drain properly.

2. The granting of the conditional use permit to develop 34 attached two- and three-story townhomes up to 35 feet tall and allow up to an 8 foot tall retaining wall topped with a 6 foot tall wall along the west property line will not adversely affect the General Plan because once approved, the project will be consistent with the Residential Medium Density Land Use Element designation established in the area. The proposed project is also consistent with the General Plan goals and policies listed below.

A. Land Use Element

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

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

Policy LU-1C - Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D - Ensure that new development projects are of compatible proportion, scale and character to complement adjoining uses.

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

Policy LU-2E - Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

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

Policy LU-4D - Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

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

The proposed project will continue the land use pattern of medium-density residential uses in the surrounding area. The project also supports infill development, as the project is located on an underutilized lot in a developed area. The proposed project will be compatible in proportion, scale, and character with the surrounding neighborhood because there are similar medium-density residential units surrounding the site. The project includes facade breaks, roof variations, and architectural treatment to minimize overall building mass and scale. The dwellings will be separated from the nearest residential development to the north by 5 feet of landscaping and a 20 foot wide drive aisle. Two-story units are proposed along the north side to enhance compatibility with existing development before transitioning to three-story towards Talbert Avenue. Furthermore, the attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community. The proposed retaining with above ground wall along the western property line is needed to enable the entire site to be developed. Its location along the western interior property line will reduce its visibility and existing and proposed landscaping will help soften its appearance. The proposed grading plan minimizes pad elevations and the retaining wall as much as possible while still allowing the site to function and drain properly.

B. Housing Element

Policy 1.1 - Preserve the character, scale and quality of established residential neighborhoods.

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

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

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

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

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

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

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

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

The proposed project will be consistent with the scale and nature of residential land uses surrounding the site. The project will comply with the City's affordable housing requirement to provide 10 percent of the proposed base dwelling units as affordable units. Therefore, approval of project will add to the City's overall housing stock.

3. The proposed project will comply with the provisions of the RM (Residential Medium Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance with the exception of any concession/incentive and waivers of development standards permitted under the State Density Bonus Law.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19157:

1. The Tentative Tract Map No. 19157 received and dated March 21, 2022 shall be the approved layout with the following modifications **(PW)**:
 - a. The Statement of Ownership shall be signed and dated on all sheets of the subject TTM.
 - b. The Basis of Bearings shall be corrected to indicate a pertinent street within City of Huntington Beach limits.
 - c. All existing parcel lines shown on Sheet 1 of the TTM shall be identified and all boundary dimensions for the existing parcels shall be clearly indicated on said TTM.
 - d. All irrelevant Legend items not used on each respective sheet of the TTM shall be omitted.
 - e. The proposed storm drain easement shall be identified on Sheet 2 of the TTM with a required width of 24 feet, centered over the existing public storm drain pipeline onsite.

2. Pursuant to Section 230.14 of the HBZSO, the final map for Tentative Tract Map No. 19157 shall not be approved by the City Council until an Affordable Housing Agreement has been approved by the City Council.
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 Community Development Department.
4. Prior to issuance of Building Permits, an Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Community Development for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.14 and include, but not be limited to, the following items:
 - a. The duration of the affordability and the number of the affordable units which shall include at least two moderate income units and one low income unit onsite to meet the California Density Bonus Law replacement requirement;
 - b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;
 - c. The method in which vacancies will be marketed and filled;
 - d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project; and
 - e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.
5. Prior to submittal of the final tract and at least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall identify the common driveway access easements, and maintenance, repair and replacement of all walls, common landscape areas, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service lines by the Homeowners' Association. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state, or federal law and the LIP. The CC&Rs shall also include a parking management plan to ensure the ongoing control of availability of on-site parking including but not limited to: the implementation of a parking permit system, restricting garages from being converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests; no boat,

trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any open parking spaces; and towing of any vehicles violating the restrictions within the CC&Rs. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**

6. Prior to final inspection or occupancy, the applicant shall remit a fair-share contribution payment in-lieu of the actual undergrounding of the existing overhead utilities, from the project's Newland Street frontage to the City limit line (20 feet east of the existing street centerline), to the Public Works Department. This in-lieu contribution amount shall be based on construction estimates provided to the applicant by the respective utility companies and approved by the City of Huntington Beach Public Works Department. **(HBZSO Chapter 255)**
7. Block wall/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 Community Development Department. Double walls shall be avoided to the greatest extent feasible. 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. The plans shall identify materials, seep holes and drainage.
8. Comply with all mitigation measures adopted for the project in conjunction with MND 21-003.
9. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).
10. The development services departments (Community Development Department, Fire Department, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to the plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Final map review and 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.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-004:

1. The site plan, floor plans, elevations, landscaping plan and other project plans received and dated March 2 through April 18, 2022 shall be the conceptually approved design.
2. Prior to submittal for building permits, the following shall be completed:

- a. Zoning entitlement conditions of approval, mitigation measures identified in MND No. 21-003, and Code Requirements provided in the letter dated May 4, 2022 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 Community Development Department for addressing purposes after street name approval by the Fire Department.
3. Prior to issuance of building permits, the following shall be completed:
 - a. Block wall/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 Community Development Department. Double walls shall be avoided to the greatest extent feasible. 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. The plans shall identify materials, seep holes and drainage.
 - b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. An interim parking and building materials storage plan shall be submitted to the Community Development 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.
 - d. The applicant shall obtain any necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department (**AQMD Rule 1403**).
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.

- d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday-Saturday 7:00 AM to 7:00 PM. Such activities are prohibited Sundays and Federal holidays (**HBMC 8.40.090**).
5. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released for the first residential unit until the following have been completed:
- a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department (**AQMD Rule 1403**).
 - b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - c. 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.
 - d. All Development Impact Fees shall be paid to the Community Development Department (*City of Huntington Beach Community Development Department Fee Schedule*). (**HBZSO Section 254.16**).
6. Signage shall be reviewed under separate permits and applicable processing (**HBZSO Chapter 233**).
7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
8. Tentative Tract No. 19157 and Conditional Use Permit No. 21-004 become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Community Development Director pursuant to a written request submitted to the Planning Division a minimum 60 days prior to the expiration date. (**HBZSO Section 251.14 and 251.16**)
9. Tentative Tract Map No. 19157 and Conditional Use Permit No. 21-004 shall not become effective until General Plan Amendment No. 21-002 and Zoning Map Amendment No. 21-001 are approved by City Council and in effect.

10. The development services departments (Community Development Department, Fire Department, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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