

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **ZONING TEXT AMENDMENT NO. 21-003**

#### **SITE PLAN REVIEW NO. 21-002**

#### **FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 21-003:**

1. Zoning Text Amendment (ZTA) No. 21-003 to amends the HBZSO by amending the Bella Terra Specific Plan to distinguish the existing Residences at Bella Terra mixed use project from the proposed residential component of the proposed project, and the establishment of development standards that reflect the scope of the proposed development. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the adopted Land Use Element because it allows a mixed use development at a density and intensity appropriate for the site. The amended Bella Terra Specific Plan is also compatible with surrounding development in that the development standards contribute to the project's compatibility by ensuring adequate design standards for mixed-use development include building design and architecture, vehicular and pedestrian circulation, landscaping, hardscape,
2. The amended Bella Terra Specific Plan will enhance potential for superior urban design in comparison with development under the base district provision that would apply if the Plan were not approved, in that in addition to the typical development standards for the overall building design, the Specific Plan also includes general goals and policies designed to implement the General Plan vision for Areas A and B, specifically a highly articulated architecture, pedestrian oriented shopping experiences, and compatibility between the residential and commercial uses. Further, the proposed ZTA will be consistent with the overall residential development capacity that was envisioned for the Specific Plan area.
3. Modifications from the base district provisions that would otherwise apply are justified by compensating benefits of the Specific Plan. Overall, the Specific Plan design guidelines and development standards facilitate development of a high-quality mixed use project with sufficient open space, air, light, ventilation, pedestrian connections, varied architecture, and improved circulation and landscaping for an enjoyable environment in which to live, work, shop, and recreate. Specifically, implementation of a mixed use project in conformance with the amended Specific Plan will promote the enhancement of the Bella Terra shopping center and ensure its continued vitality as a significant regional commercial and lifestyle center. A community need is demonstrated for the changes proposed because they will allow an underdeveloped site to be developed with new residential and commercial uses that are consistent with the character of the area and will add to the City's housing stock.
4. Adoption of the ZTA will be in conformity with public convenience, general welfare and good zoning practices because a mixed use residential and commercial project is a more appropriate land use for the site than the existing underutilized commercial space. The project site is adjacent to an existing mixed use project (Residences at Bella Terra) as well as existing commercial retail and restaurant uses on all sides, and development of an infill mixed use project on the subject site would result in reduced traffic impacts to existing residential and commercial uses in comparison with the existing commercial space. Furthermore, additional residential units and commercial space will support the long-term economic vitality of the Bella Terra shopping center

and generate sales tax revenues. Therefore, adoption of the ZTA will implement the land use designation proposed with General Plan Amendment No. 21-001 and the overarching goals and policies in the Specific Plan, and would result in a land use on the property that is more compatible with the surrounding region.

**FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 21-002:**

1. Site Plan Review No. 21-002 for the demolition of an existing 149,000 sq. ft. Burlington department store and 30,000 sq. ft. of adjacent retail space, and the construction of a new seven-story mixed-use infill project consisting of 300 apartment units, 25,000 sq. ft. of ground floor retail and restaurant uses, an above-ground three-level podium parking garage with 404 spaces, and associated hardscape and landscape improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed mixed use project incorporates architectural and design principles to help ensure maximum compatibility of design within the existing Bella Terra Specific Plan area, promotes pedestrian-friendly entries and uses, and promotes the use of high quality exterior building materials and finishes. Structures on the project site would vary in heights, massing, and articulation to provide variation in rooflines and sufficient open space areas for future residents that reduce overall building massing. Development standards and design guidelines in the Specific Plan ensure that form, height, and development convey an overall high level of quality. Landscaping and hardscape patterns will be compatible with the adjacent Residences at Bella Terra and existing shops and restaurants and the project preserves and enhances the pedestrian circulation and pedestrian-oriented streetscapes throughout the Plan area.
2. The Site Plan Review will not adversely affect the Circulation Plan in that the project will result in a net reduction of vehicle trips generated and parking demand, enabling modern improvements to the existing site that will provide new pedestrian and vehicle paths allowing an additional ingress and egress to the existing retail parking garage and residential parking garage that reduce congestion with adjacent land uses. The proposed circulation pattern effectively moves passenger vehicles and delivery trucks around and through the site, adequate parking for the proposed development will be included, and a high level of quality architecture and site design is proposed with the mixed use project the incorporates improved access and circulation for residents, their visitors, and commercial visitors. Further, a new dedicated southbound travel lane will be provided that provides a new pass through lane adjacent to the project site that will alleviate existing congestion associated with the Costco fueling station.
3. The proposed project will comply with the provisions of the Area B development standards contained within the Bella Terra Specific Plan and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project meets code requirements in terms of building height, setbacks, landscaping, common and private open space and parking.
4. The applicant is proposing to amend the General Plan land use designations in both Areas A and B of the existing Bella Terra Specific Plan to account for the necessary changes that would implement the proposed project. Site Plan Review No. 21-002 for the construction of the proposed project, which consists of the demolition of an existing 149,000 sq. ft. Burlington department store and 30,000 sq. ft. of adjacent retail space, and the construction of a new seven-story mixed-use infill project consisting of 300 apartment units, ground floor retail and restaurant uses, an above-ground three-level podium parking garage with 404 spaces, and associated hardscape and landscape improvements will be consistent with the proposed General Plan Land Use designation of M-sp (Mixed Use – Specific Plan Overlay, Mixed Use

1.75 FAR (Mixed Use -0.9(Commercial)/Maximum 45 dwelling units per acre) and would be consistent with the following goals and policies of the General Plan:

The applicant is proposing to amend the General Plan land use designations in both Areas A and B of the existing Bella Terra Specific Plan to account for the necessary changes that would implement the proposed project. The project would redevelop a section of the Bella Terra shopping center by demolishing an existing 149,000 sq. ft. Burlington department store and 33,300 sq. ft. of adjacent retail space, and construct a new seven-story mixed-use infill project consisting of 300 apartment units, ground floor retail and restaurant uses, an above-ground three-level podium parking garage with 404 spaces, and associated hardscape and landscape improvements on a 3.35 acre portion of the existing Bella Terra Specific Plan area.

Development of the project would be consistent with the following goals and policies of the General Plan;

#### 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-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-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 project includes a Zoning Text Amendment (ZTA) to implement the land use designations proposed as part of General Plan Amendment No. 21-001, to facilitate the demolition of approximately 182,300 total sq. ft. of existing retail space and construction of a new mixed use project including 300 residential dwelling units, ground floor retail and restaurant space, and an above-ground podium residential parking garage that would support the City's General Plan goals and policies that promote infill residential and commercial development. The project will update the Specific Plan's architectural vision and provide modern Mediterranean and Spanish architectural style motifs within the coastal vernacular that exemplifies the City's built environment lifestyle. The project exhibits a modern coastal architectural style that are consistent with the proportion, scale, and character of the Bella Terra Specific Plan area and will add to the range of housing types available in the community. Approval of the ZTA will ensure that the project is consistent with the development standards applicable to the existing commercial and residential communities within the Bella Terra Specific Plan. The project will also provide an improved pedestrian vehicular and circulation that connects the project site with the surrounding commercial and residential areas that will meet the needs of future and existing residents and commercial visitors.

## B. Housing Element

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.

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.

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 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.

The proposed project would redevelop an underutilized portion of the Bella Terra Specific Plan area through an infill development located in the center of an existing mixed use site that incorporates a blend of commercial and residential uses in a vertical configuration. The subject site is located near a high concentration of commercial and semi-public land uses and a regional transportation hub that promote walkability within and without the City. The project provides efficient pedestrian access through and around the project site and greater Bella Terra Specific Plan area that meets the needs of the existing and future residential community as well as commercial visitors. The project will also comply with the Specific Plan's affordable housing requirement to provide 15 percent of the proposed dwelling units as affordable units because the applicant is providing 27 units for families or households of moderate income and 18 units for families or households of very-low income. Therefore, approval of the project will accommodate additional housing, including affordable housing, and add to the City's overall housing stock.

### **CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 21-002:**

1. The site plan, floor plans, elevations, landscaping plan, circulation plans, received and dated December 21, 2021 and parking demand analysis received and dated August 22, 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 Addendum No. 2 to the Villages at Bella Terra EIR, and Code Requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

- 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.
  - c. Submit a copy of the revised plans to the Community Development Department pursuant to Condition 1 for review, approval, and inclusion in the entitlement file.
3. Prior to the commencement of any project-related ground-disturbing activities including demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, or trenching the following shall be completed:
- a. The project applicant shall retain Native American monitor(s) from or approved by the Gabrieleno Band of Mission Indians – Kizh Nation and/or Juaneno Band of Mission Indians, Acjachemen Nation – Belardes.
  - b. A copy of an executed monitoring agreement shall be submitted to the City of Huntington Beach prior to the issuance of any permit necessary to commence a ground-disturbing activity.
  - c. All project –related monitoring and documentation activities shall occur in compliance with processes outlined in recommended in the Gabrieleno Band of Mission Indians – Kizh Nation consultation letter received and dated April 22, 2022.
5. 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;
  - 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.
6. 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**).
7. 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**).
8. 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).**
9. Comply with all mitigation measures adopted for the project in conjunction with the Addendum EIR No. 21-002 (Addendum No. 2 to the certified Final Environmental Impact Report for the Bella Terra Specific Plan).
10. Signage shall be reviewed under separate permits and applicable processing (SP13 Section 3.4.8).
11. 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.
12. Site Plan Review No. 21-002 shall not become effective until General Plan Amendment No. 20-003 and Zoning Text Amendment No. 20-003 are approved by City Council and in effect.
13. 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.