

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 19174 **CONDITIONAL USE PERMIT NO. 22-021**

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15182 of the CEQA Guidelines and Government Code 65457, because the project is a residential development that conforms to the Beach and Edinger Corridors Specific Plan (BECSP) for which Program EIR No. 08-008 was adopted and implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the Final EIR for the BECSP. The project is required to comply with all applicable mitigation measures adopted for BECSP. In light of the whole record, none of the circumstances described under Section 15162 of the CEQA Guidelines are present and, therefore, no EIR or MND is required.

The project is located at 7225 Edinger Avenue and consists of 130 attached 3-story townhomes up to 40 feet tall without a commercial component and a tentative tract map to subdivide a 5.6 acre site for condominium purposes. The development site is located within the Town Center Boulevard Segment of the BECSP. The City certified Program EIR No. 08-008 on December 8, 2009 and adopted the BECSP on March 1, 2010. In 2015, the City Council amended the BECSP to reduce the Maximum Amount of New Development (MAND) from 4,500 to 2,100 total new dwelling units (725 units on Beach Boulevard and 1,375 units on Edinger Avenue). There are 200 undeveloped units remaining within the MAND on Beach Boulevard. The 130 units proposed by the project is within this limit and the project includes a request to transfer 130 dwelling units from Beach Boulevard to Edinger Avenue. The project conforms to all standards and regulations of the BECSP and HBZSO except for reduced parking and a concession to required building separation as permitted by the California Density Bonus Law.

Accordingly, no revision to the previously certified Program EIR is proposed as part of the project, nor have any circumstances changed requiring revision of the previously certified Program EIR. In addition, no new information identifies that implementation of the BECSP, including the project, will have significant effects that were not discussed in the previously certified Program EIR or that the significant effects identified in the certified Program EIR will be substantially more severe than determined in the Program EIR. Nor is there new information showing that mitigation measures or alternatives not previously adopted would substantially reduce one or more significant effects of the Project.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 19174:

1. Tentative Tract Map (TTM) No. 19174 to subdivide a 5.6 acre site for condominium purposes is consistent with the General Plan land use designation of Mixed Use – Specific Plan Overlay and zoning designation of BECSP (Town Center Boulevard Segment) on the subject property, applicable provisions of the Subdivision Map Act, and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The TTM complies with all development standards set forth in the BECSP and HBZSO. 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 mixed-use neighborhood with similar residential development including some under the same General Plan land use and zoning designations. The site's size, shape, and flat topography are conducive to the development of a new residential project that conforms to the General Plan, BECSP, HBZSO, and other city requirements and is in keeping with the character of the surrounding neighborhood. The proposed grading plan minimizes pad elevations and retaining walls to remain compatible with surrounding properties while allowing the site to function and drain properly. Access to the site will be provided off Edinger Avenue and drive aisles will provide direct access to each unit and its attached garage. The project will also provide 260 spaces within 2-car attached garages associated with each unit and up to 58 off-street guest spaces. Pedestrian access to the site will be provided by a proposed public sidewalk along Edinger and 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 property is an infill site already developed with a commercial center and is void of any wildlife habitat. 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 vehicular access, sidewalk, and utility easements to serve the new development.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-021:

1. Conditional Use Permit No. 22-021 to develop a project with 130 attached 3-story townhomes up to 40 feet tall and no commercial component with a request to transfer 130 dwelling units from Beach Boulevard to Edinger Avenue within BECSP 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 underutilized site with a residential development compatible with other uses in the vicinity. It will assist in meeting the changing housing needs of the community by providing a new homeownership opportunity in the area. The project will comply with development standards in BECSP and the HBZSO including building height, setbacks, and landscaping and will be consistent with the overall bulk and scale of existing residential uses in the project vicinity. The project is one story less than residential projects developed in the area in recent years and includes façade offsets, roofline variations, and architectural treatment to minimize overall building mass and scale. The project's lack of a commercial component will not affect access to goods and services as there are numerous commercial uses and a regional mall in the area to adequately meet the needs of the general public. The applicant is required to make all infrastructure improvements needed to serve the additional dwelling units proposed.

2. The granting of the conditional use permit to develop a project with 130 attached 3-story townhomes up to 40 feet tall without a commercial component with a request to transfer 130 dwelling units from Beach Boulevard to Edinger Avenue within BECSP will not adversely affect the General Plan because the project is consistent with the Mixed Use – Specific Plan Overlay Land Use Element designation on the subject site. 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-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-4A – Encourage a mix of residential types to accommodate people with diverse housing needs.

Policy LU-4B – Improve options for people to live near work and public transit.

Policy LU-4E – Encourage housing options located in proximity to employment to reduce vehicle miles traveled.

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 will redevelop an infill site with townhomes to address the diverse housing needs of the community. It will be compatible with the character of the neighborhood which consists of a mix of commercial and residential with light industrial uses further away. It will provide additional opportunities for ownership housing near employment and public transit. The project proposes an architectural style that is in keeping with the proportion, scale, and character of the neighborhood. The proposed 3-story townhomes will be a story less than the more recent 4- and 5-story multi-family residential projects built in the area. It is consistent with the development standards in the Beach and Edinger Corridors Specific Plan (BECSP) and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) except for reduced parking and a concession to building separation permitted under the California Density Bonus Law.

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 2.3 – Encourage and facilitate the provision of housing affordable to lower income households within the Beach and Edinger Corridors Specific Plan.

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 - 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.

Policy 6.4 – Incorporate transit and other transportation alternatives including walking and bicycling into the design of new development, particularly in areas within a half mile of designated transit stops.

The project will redevelop an underutilized commercial center with a townhome project that will provide more homeownership opportunities to address 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 dwelling units as affordable units. Due to the provision of affordable housing, the applicant is entitled to reduced parking and any concession and waivers as permitted by the California Density Bonus Law. The project is located near transit, employment, and services which can facilitate alternative forms of transportation.

C. Circulation Element

Goal CIRC-3A – Convenient and efficient connections between regional transit and areas of employment, shopping, recreation, and housing will increase ridership and active mobility, with a focus on first/last mile solutions.

Policy CIRC-6C – Require new commercial and residential projects to integrate with pedestrian and bicycle networks, and that necessary land area is provided for the infrastructure.

The project site is located near public transportation, including the Golden West Transportation Center, as well as employment and shopping. The project will be installing Classic Boulevard frontage improvements to match recent developments in the area as required by BECSP which includes up to a 12 foot wide sidewalk along the Edinger Avenue frontage. That combined with the bike racks that will be provided onsite will facilitate active mobility and could increase transit ridership.

3. The proposed project will comply with the provisions of the BECSP and other applicable provisions in Titles 20-25 of the HBZSO with the exception of reduced parking and a concession to the required building separation permitted under the California Density Bonus Law.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19174:

1. The Tentative Tract Map No. 19174 received September 20, 2022 shall be the approved layout.
2. Pursuant to Section 230.14 of the HBZSO, the final map for Tentative Tract Map No. 19174 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 onsite;
 - 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, and City Attorney's office for review and approval. The CC&Rs shall 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 and BECSP)**

6. Prior to final inspection or occupancy, the Developer shall provide a Landscape Maintenance Agreement for the continuing maintenance and liability of all landscaping, irrigation, street lighting, furniture, and hardscape that is located along the project frontage within the public right of way and pedestrian access easements. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, weed and pest control, trash cans, disposal of trash, signs, tree or palm replacement, and any other aspect of maintenance that is warranted by the improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance (including any fees for water and electrical use), repair, replacement, liability, and fees imposed by the City. **(PW)**
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 in the BECSP EIR No. 08-008.
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. 22-021:

1. The site plan, floor plans, elevations, and other project plans received September 20, 2022 shall be the conceptually approved design.
2. Prior to issuance of a demolition permit, the required entitlement for the proposed elimination of 2 parking spaces on the adjacent car wash property to the east in order to provide the required fire lane for that property must be approved.
3. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, mitigation measures identified in BECSP EIR No. 08-008, and code requirements provided in the letter dated Oct. 21, 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 floor plans and the processing fee to the Community Development Department for addressing purposes after street name approval by the Fire Department.
4. 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.
5. 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**).
6. 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. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. The public open space and private common open space and recreational amenities shall be completed.
 - 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**).
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. 19174 and Conditional Use Permit No. 22-021 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. 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.