



# MINUTES

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 24, 2022

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

**6:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Adam

*P P P P P P P*

**ROLL CALL:** *Adam, Rodriguez, Acosta-Galvan, Perkins, Mandic, Scandura, Ray*

**PUBLIC COMMENTS - NONE**

**PUBLIC HEARING ITEMS**

**22-440 GENERAL PLAN AMENDMENT (GPA) NO. 20-003/ZONING TEXT AMENDMENT (ZTA) NO. 20- 003/TENTATIVE TRACT MAP (TTM) NO. 19118/CONDITIONAL USE PERMIT (CUP) NO. 20-025/ENVIRONMENTAL ASSESSMENT NO. 20-003 (HOLLY TRIANGLE TOWNHOMES) - Continued from May 10, 2022)**

**REQUEST:**

**GPA:** To amend the General Plan designation from Commercial Neighborhood-Specific Plan Overlay (CN-sp) to Residential Medium Density-Specific Plan Overlay (RM-sp). **ZTA:** To amend the existing zoning designation within the Holly -Seacliff Specific Plan (SP9) from Commercial (C) to Residential Medium Density (RM). **TTM:** To consolidate 12 lots into a 1.80 net acre lot for condominium purposes. **CUP:** To 1) develop 35 three-story attached townhomes up to 40 feet tall, and 2) allow 43-inch and 6-foot tall walls in lieu of 42-inch walls in the 10-foot front yard setback along Holly Lane and 6-foot tall walls in lieu of 42-inch walls in the 15-foot front yard setback area along Main Street. **EA:** Preparation of Addendum No. 1 to the Holly-Seacliff Specific Plan EIR No. 89-1 to analyze the potential environmental impacts of the proposed project.

**LOCATION:**

**19070 Holly Lane, 92648 (east side of Holly Lane, south of Garfield Avenue)**

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Recommend approval of Environmental Assessment No. 20-003 (Addendum No. 1 to the Holly-Seacliff Specific Plan Environmental Impact Report No. 89-1; Attachment No. 7) as adequate and complete in accordance with CEQA

requirements by approving draft City Council Resolution No. 22-26 and forward to the City Council for adoption (Attachment No. 2);

- B) Recommend approval of General Plan Amendment No. 20-003 and forward draft City Council Resolution No. 2022-19 to the City Council for consideration (Attachment No. 3);
- C) Recommend approval of Zoning Text Amendment No. 20-003 and forward draft City Council Ordinance No. 4256 to the City Council for consideration (Attachment No. 4); and
- D) Approve Tentative Tract Map No. 19118 and Conditional Use Permit No. 20-025 with findings and suggested conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Adam spoke with the applicant.
- Commissioner Mandic spoke with the applicant and attended the Design Review Board meeting on the project.
- Vice-Chair Acosta-Galvan spoke with the applicant.
- Chair Perkins spoke with the staff and visited the site.
- Commissioner Scandura visited the site, spoke with staff, the applicant, and two commissioners.
- Commissioner Rodriguez spoke with the applicant and a planning commissioner.
- Commissioner Ray visited the site.

Alyssa Helper, Associate Planner, gave the staff presentation for the proposed project.

There was discussion regarding the following items: the proposed vehicular access point on the property which is constrained by an oil easement onsite, the well abandonment and re-abandonment process, the proposed height of the development, and the oil pipeline onsite.

#### **THE PUBLIC HEARING WAS OPENED.**

Ed Mountford, applicant, spoke in support of Item No. 22-440. He stated the property has been zoned commercial for 30 years but has had virtually no commercial development in that time and that the size and shape of the property does not allow for efficient commercial development or the ingress/egress necessary for commercial development.

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

There was discussion regarding the oil well abandonment process, with proposed modifications to the conditions or mitigation measures to require all mitigation related work be approved by the city and all associated documentation given to the city or other public agency in lieu of the applicant, the need to have the plans updated to show the location of the pipeline, and amending the conditions to require disclosure of the oil well and pipeline to potential residents.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY ADAM, TO RECOMMEND APPROVAL OF ENVIRONMENTAL ASSESSMENT NO. 20-003, WITH MODIFIED MITIGATION MEASURES, AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING DRAFT CITY COUNCIL RESOLUTION NO. 22-26 AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, RECOMMEND APPROVAL OF GENERAL PLAN AMENDMENT NO. 20-003 AND FORWARD DRAFT CITY COUNCIL RESOLUTION NO. 2022-19 TO THE CITY COUNCIL FOR CONSIDERATION, RECOMMEND APPROVAL OF ZONING TEXT AMENDMENT NO. 20-003 AND FORWARD DRAFT CITY COUNCIL ORDINANCE NO. 4256 TO THE CITY COUNCIL FOR CONSIDERATION, AND APPROVE TENTATIVE TRACT MAP NO. 19118 AND CONDITIONAL USE PERMIT NO. 20-025 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:**

**AYES: Adam, Rodriguez, Acosta-Galvan, Perkins, Mandic, Scandura, Ray**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**MOTION PASSED**

**FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 20-003:**

1. Zoning Text Amendment (ZTA) No. 20-003 to amend the existing zoning designation within the Holly-Seacliff Specific Plan (SP9) from Commercial (C) to Residential Medium Density (RM) to allow for the development of up to 15 dwelling units per acre 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-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 project includes a ZTA to implement the land use designation proposed as part of General Plan Amendment No. 20-003 and enable the redevelopment of a primarily undeveloped site into a residential community consisting of 35 townhomes. The project also includes Tentative Tract Map (TTM) No. 19118 to consolidate 12 existing lots into a one lot condominium map for the development of the attached townhome units. Redevelopment of the primarily undeveloped site with a residential townhome project and approval of the TTM to consolidate the existing onsite lots into one lot would support the City's goals and policies aimed at promoting infill residential development. The project will develop the property with three-story townhomes that will exhibit a modern coastal architectural style with elements of farmhouse and coastal design that are in keeping with the proportion, scale, and character of the neighborhood 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 for RM uses as outlined in the Holly-Seacliff Specific Plan and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The project also provides enhanced landscaping areas along each of the three streets that form the site boundaries to enhance existing vehicular and pedestrian connections within the project area.

**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 a mostly vacant, underutilized site with 35 three-story townhomes that will be consistent with the scale and nature of residential land uses surrounding the site. The project would respond to community needs for pedestrian infrastructure adjacent to housing by developing the subject property, which has an existing bus stop on Main Street, with a residential project and constructing a new sidewalk along Holly Lane. The project will comply with the Holly-Seacliff Specific Plan's affordable housing requirement to provide 15 percent of the proposed dwelling units as affordable units because the Applicant is providing 5 affordable units on the site.

Due to the provision of affordable housing, the Applicant is entitled to a 10 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 10 percent density bonus to allow 16.59 units per gross acre instead of the maximum density of 15 units per gross acre established in the Holly-Seacliff Specific Plan. The project is not requesting any incentives/concessions, but does include waivers of development standards to allow for a reduced front yard setback along Holly Lane (10 feet instead of 15 feet) and a reduced building separation between several of the onsite buildings (15- and 16-feet instead of 20-feet). Approval of the density bonus and the requested waivers would serve as mechanism to accommodate additional housing and add to the City's overall housing stock.

2. The ZTA would change the land use designation of the subject property and modify text within the Holly-Seacliff Specific Plan to enable development of the site with a medium-density residential project. Conservatively, the addition of 35 units on the site has been reflected in the overall development capacity for the Specific Plan to ensure consistency with the proposed RM designation on the subject property. However, because residential uses developed under the Specific Plan have largely been developed at lower densities than what was permitted under the Specific Plan, the proposed ZTA will be consistent with the overall residential development capacity that was envisioned for the Specific Plan area. Furthermore, the ZTA will not affect the overall land use uses or the development standards prescribed for the RM zoning district established in the Holly-Seacliff Specific Plan.
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 ZTA will be in conformity with public convenience, general welfare and good zoning practices because residential uses are a more appropriate land use for the site than commercial uses. The site is surrounded by residential uses on all sides and development of a commercial use on the subject property would result in greater impacts to existing residences than a residential use, such as the proposed project. Furthermore, a residential use is more appropriate than a commercial use on the property because the site has been zoned for commercial uses since adoption of the Specific Plan and has yet to be developed with a commercial use outside of the glass shop on the northwest corner. Therefore, adoption of the ZTA will implement the land use designation proposed with General Plan Amendment No. 20-003 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 neighborhood.

**FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 19118:**

1. Tentative Tract Map (TTM) No. 19118 to consolidate 12 lots into a 1.80 net acre lot for condominium purposes is consistent with the Holly-Seacliff Specific Plan land use designation of Residential Medium Density (RM) 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 Specific Plan, including minimum lot size and width. The proposed subdivision is also consistent with the goals, policies, and objectives 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 under the same Residential Medium Density land use and zoning designations. The applicant will physically construct or pay fees for all infrastructure improvements required as part of the project. Access to the site will be provided off Holly Lane to reduce the potential for traffic congestion and vehicular conflicts on Garfield Avenue and Main Street, and to foster a connection with existing residential neighborhoods across Holly Lane. Emergency access will be provided via Holly Lane and an emergency-vehicle-access-only access point off of Main Street. The private streets comply with the City's standard drive aisle/fire lane width of 24 feet and will provide direct access to each unit and its attached garage. The project will also provide 82 parking spaces, including 70 spaces within 2-car attached garages associated with each unit and 12 off-street guest spaces. Pedestrian access to the site will be provided by existing sidewalks along Main Street and Garfield Avenue and a new sidewalk to be constructed along Holly Lane. Therefore, the project site suitable to accommodate the type of development proposed.

The proposed subdivision would result in a density of 16.59 units per gross acre, which is allowed under the California Density Bonus law and is consistent with the request for this property to be designated Residential Medium Density. The proposed density would be consistent with the character of other higher density multi-family residential uses in the project vicinity. Therefore, the site's size, shape, and topography are conducive to the development of a new residential development that conforms to the Holly-Seacliff Specific Plan, the General Plan, HBZSO, and other city requirements and is in keeping with the character of the surrounding neighborhood.

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. However, because oil drilling operations previously occurring on the site, the project includes the re-abandonment of two onsite wells and the installation of a methane barrier system under the proposed residences pursuant to City Specification 422 and 429 to avoid any health hazards associated with the oil wells onsite. Project design features, compliance with regulatory requirements, and implementation of modified mitigation measures outlined in Environmental Assessment No. 20-003 (Addendum No. 1 to the Holly-Seacliff Specific Plan Environmental Impact Report [EIR]) 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 only existing easement on the property is a private utility easement for the benefit of Standard Oil or its successors and was originally granted to lay down an oil pipeline on the site. This easement will continue to be in place on the property following project implementation. The subdivision will provide all necessary streets, sidewalk, and utility easements to serve the new development.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-025:**

1. Conditional Use Permit No. 20-025 to develop 35 three-story attached townhomes up to 40 feet tall, and allow 43-inch and 6-foot tall walls in lieu of 42-inch walls in the 10-foot front yard setback along Holly Lane and 6-foot tall walls in lieu of 42-inch walls in the 15-foot front yard setback area along Main Street 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. The project will also result in a visual and economic improvement from existing conditions on the site, which largely consists of an undeveloped dirt lot and a small glass shop, and will assist in meeting the changing housing needs of the community. The project will comply with development standards in the Specific Plan, 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 also includes façade breaks, a variation in the color scheme for each elevation, and roof variations into the design of each plan to minimize overall building mass and scale for each of the proposed units. The proposed units will be designed to reflect a modern coastal/farmhouse architectural style and will use of durable high quality building materials to enhance the project design and ensure its compatibility with the surrounding area. The 43-inch and 6-foot tall walls in the 10-foot front yard setback along Holly Lane and 6-foot tall walls in the 15-foot front yard setback area along Main Street will buffer onsite activities from surrounding uses. The project also includes a 15-foot landscaped area within the front yard setback along Main Street and an approximately 2.5-foot landscaped area within the front yard setback along Holly Lane, which would soften the appearance of the walls and enhance the streetscape within the reduced front yard setback area. Existing roadways forming the boundaries of the site will also provide an adequate setback to buffer onsite activity from adjacent uses and minimize any impacts to the general welfare of people working or residing in the vicinity of the site. Furthermore, as demonstrated in Addendum No. 1 to the Holly-Seacliff Specific Plan EIR, the project will not result in any adverse or significant environmental impacts, including traffic, noise, lighting, aesthetics, or hazardous materials, that would be detrimental to the general welfare of people in the vicinity of the site.
2. The granting of the conditional use permit to develop 35 three-story attached townhomes up to 40 feet tall, and allow 43-inch and 6-foot tall walls in lieu of 42-inch walls in the 10-foot front yard setback along Holly Lane and 6-foot tall walls in lieu of 42-inch walls in the 15-foot front yard setback area along Main Street, 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 within the Holly-Seacliff Specific Plan. 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-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 35-unit development 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 with a singular retail building that will be demolished as part of the proposed project. 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. 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 residential plans illustrate a modern coastal architectural style with elements of farmhouse and coastal design that are in keeping with the proportion, scale, and character of the neighborhood. The project also provides enhanced landscaping areas along each of the three primary streets that form the site boundaries and at each of the three street corners to enhance existing streets and pedestrian connections within the project area.

#### *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 a mostly vacant, underutilized site with 35 three-story townhomes that will be consistent with the scale and nature of residential land uses surrounding the site. The project will comply with the Holly-Seacliff Specific Plan's affordable housing requirement to provide 15 percent of the proposed dwelling units as affordable units because the applicant is providing 5 units for families. Therefore, approval of project will accommodate additional housing and 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 two waivers of development standards and a Conditional Use Permit to allow walls exceeding 42 inches within the front yard setback areas along Holly Street and Main Street, development of the project will occur in accordance with the development standards outlined in the Specific Plan and applicable provisions of the California Density Bonus Law. The project includes a density bonus of 10 percent to allow 16.59 units per gross acre instead of the maximum density of 15 units per gross acre established in the Holly-Seacliff Specific Plan and waivers of development standards to allow for a reduced front yard setback along Holly Lane (from 15 feet to 10 feet) and a reduced building separation between several of the onsite buildings (from 20 feet to 15- and 16-feet). The project Conditional Use Permit request will allow 43-inch and 6-foot tall walls in lieu of 42-inch walls in the 10-foot front yard setback along Holly Lane, and to allow 6-foot tall walls in lieu of 42-inch walls in the 15-foot front yard setback area along Main Street to provide privacy to onsite residents. The project also includes a 15-foot landscaped area within the front yard setback along Main Street and an approximately 2.5-foot landscaped area within the front yard setback along Holly Lane, which would soften the aesthetic appearance of the walls and enhance the streetscape within the reduced front yard setback area. The configuration of these walls provides for a varied setback along the street frontage, in accordance with the City's Urban Design Guidelines, and a green-space buffer

adjacent to the sidewalk. In addition, the provision of private patio areas along Holly Lane will contribute to the sense of community and provide more “eyes” on the street consistent with principles of Crime Prevention through Environmental Design. With the exception of the CUP request for wall heights, the only deviations from applicable development standards established in the base zoning district and other applicable provisions in Titles 20-25 are related to the requested waivers of development standards, density bonus, and reduced parking ratio included as part of the project as permitted under the California Density Bonus Law.

**CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19118:**

1. The Tentative Tract Map No. 19118 received and dated September 1, 2021 shall be the approved layout with the following modifications:
  - a. The text indicating, "ALLEY TO BE VACATED", shown within Lot 33 shall be removed from the subject Tentative Tract Map. **(PW)**
  - b. The text, "LOT 33 (PRIVATE ALLEY) TO BE ABANDONED BY CITY OF HUNTINGTON BEACH PER FINAL MAP" shall be revised to indicate, "LOT 33 TO BE TRANSFERRED TO THE ADJACENT PROPERTY OWNER". **(PW)**
  - c. Identify the location of the existing pipeline and associated easement on all TTM plans and construction-related documents. **(PC)**
2. Prior to recordation of the final map for Tentative Tract Map No. 19118, the transfer of Lot 33 (to the adjacent property owner) shall be finalized with the City and recorded with the County Recorder. **(PW)**
3. Pursuant to Section 230.14 of the HBZSO, the final map for Tentative Tract Map No. 19118 shall not be approved by the City Council until an Affordable Housing Agreement has been approved by the City Council.
4. 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.
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 Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.14 and include, but not be limited to, the following items:
  - a. The project shall include a total of five onsite units that are affordable to Moderate Income Households for a duration of 45 years;
  - 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 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 include notification to all potential buyers and renters of the effects resulting from on-site and off-site oil infrastructure (including oil wells and an active pipeline), oil production activities and other adjacent industrial uses including the frequency and locations of maintenance and service operations, noise levels, and potential odors. The CC&Rs shall include the allowable and prohibited encroachments into or on the pipeline easement, the contact information for the applicable regulatory agencies (City and state), and emergency procedures, as well as the contact information and responsibilities of the pipeline operator and all other relevant information to ensure no damage would occur to the pipeline during operation and to protect the health and safety of onsite residents. 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 shall also include disclosure to homebuyers that the property is adjacent to and in the vicinity of industrial sites. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
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 applicable mitigation measures adopted for the project in conjunction with the Environmental Assessment No. 20-003 (Addendum No. 1 to the certified Final Environmental Impact Report for the Holly-Seacliff Specific Plan).

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.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 20-025:**

1. The site plan, floor plans, elevations, landscaping plan, fencing plan, and colors/materials board received and dated February 11, 2022 shall be the conceptually approved design with the following modifications subject to the approval of planning staff:
  - a. Paint the exposed headers on the third floor to match the dark grey in lieu of the existing wood finish **(DRB)**.
  - b. Add horizontal sliders to the upper story windows **(DRB)**.
  - c. Modify the maximum height of the 3-foot, 6-inch high precision CMU wall within the front yard setback area along Holly Lane to be a total of 43 inches. **(HBZSO Chapter 210.06.O.2.C)**
  - d. Identify the location of the existing pipeline and associated easement on all plans and construction-related documents. **(PC)**
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, mitigation measures identified in Addendum No. 1 to the Holly-Seacliff Specific Plan EIR, and Code Requirements provided in the letter dated April, 12, 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.
  - 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 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. 19118, Conditional Use Permit No. 20-025, and Design Review No. 21- 008 shall 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. 19118 and Conditional Use Permit No. 20-025 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.
  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.

## **22-437 ZONING TEXT AMENDMENT NO. 22-002 (SB 9 DEVELOPMENT PROJECTS)**

### **REQUEST:**

**To amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to establish permanent objective development and design standards for SB 9 development projects. On March 1, 2022, the City Council adopted an interim urgency ordinance establishing Chapter 237 of the HBZSO to establish development regulations and processing procedures for SB 9 development projects. The City Council extended the interim urgency ordinance on April 5, 2022.**

### **LOCATION:**

**Citywide - Residential Low Density (RL) designated properties**

### **RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find that Zoning Text Amendment No. 22-002 is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), which state that the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.21 and 66411.7 and regulating urban lot splits and two unit projects is not a project under CEQA.;
- B) Recommend approval of Zoning Text Amendment No. 22-002 with findings (Attachment No. 1) by approving the draft City Council ordinance (Attachment No. 2) and forward to the City Council for consideration.;

The Commission made the following disclosures:

- Commissioner Adam had no disclosures.
- Commissioner Mandic had no disclosures.
- Vice-Chair Acosta-Galvan spoke with staff.
- Chair Perkins had no disclosures.
- Commissioner Scandura spoke with staff.
- Commissioner Rodriguez had no disclosures
- Commissioner Ray had no disclosures.

Jennifer Villasenor, Deputy Director of Community Development, gave the staff presentation for the proposed project.

There was discussion on the following items: the difference between a high quality and low quality transit corridor, the requirement for solar panels, potential

effects on Homeowners' Associations approval rights, maximum allowed heights, property ownership and parking requirements for lot splits, the application process for deed restricted affordable units, the potential impacts to the existing neighborhoods, and the current number of accessory dwelling unit applications being processed by the city.

**THE PUBLIC HEARING WAS OPENED.**

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

There was discussion on modifying the transit stop definitions to match the definitions in the Public Resource Code. Chair Perkins and Commissioners Ray, Mandic, and Adam expressed discomfort with the proposed Zoning Text Amendment but agreed to support in order to comply with state law.

**A MOTION WAS MADE BY SCANDURA, SECONDED BY ACOSTA-GALVAN, TO FIND THAT ZONING TEXT AMENDMENT NO. 22-002 IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO GOVERNMENT CODE SECTIONS 65852.21(J) AND 66411.7(N), WHICH STATE THAT THE ADOPTION OF AN ORDINANCE BY A CITY OR COUNTY IMPLEMENTING THE PROVISIONS OF GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7 AND REGULATING URBAN LOT SPLITS AND TWO UNIT PROJECTS IS NOT A PROJECT UNDER CEQA AND TO RECOMMEND APPROVAL OF ZONING TEXT AMENDMENT NO. 22-002 WITH FINDINGS BY APPROVING THE DRAFT CITY COUNCIL ORDINANCE WITH MODIFICATIONS AND FORWARD TO THE CITY COUNCIL FOR CONSIDERATION, BY THE FOLLOWING VOTE:**

**AYES:** Adam, Rodriguez, Acosta-Galvan, Perkins, Mandic, Scandura, Ray  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION PASSED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

Zoning Text Amendment No. 22-002 is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), which state that the adoption of an ordinance by a city or county implementing the provisions of Government Code Sections 65852.21 and 66411.7 and regulating urban lot splits and two unit projects is not a project under CEQA.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 22-002:**

1. Zoning Text Amendment No. 22-002 to amend the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) by adding Chapter 237 – *Objective Standards for SB 9 Development Projects*, which establishes development standards and review procedures for projects proposed pursuant to Senate Bill 9 (SB 9) is consistent with the general plan goals and policies as follows:

ZTA No. 22-002 would add Chapter 237 to the HBZSO and establish development regulations and processing procedures for SB 9 development projects consistent with state law. SB 9 projects would be permitted within the Residential Low (RL) Density designated areas and allow duplexes and/or subdivisions (i.e. – lot splits) in single-family residential neighborhoods. The proposed regulations of ZTA No. 22-002 provide for duplexes and lot splits in accordance with state law, create ministerial review procedures, and establish objective development and design standards that conform to the goals and policies of the General Plan. ZTA No. 22-002 is consistent with the General Plan goals and policies identified below.

#### Land Use Element

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

Policy LU-2(D): 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.

#### 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 4.3: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.

ZTA No. 22-002 would establish regulations to implement SB 9, a state law that allows for duplexes and lot splits in single-family residential zones. The proposed regulations provide a ministerial process for SB 9 projects in accordance with state law while ensuring objective standards are in place to protect the City's single-family residential neighborhoods from adverse impacts. The proposed ZTA introduces a new residential product type in the RL zoning districts. Consistent with state law, the proposed ZTA could result in development projects with a total of four units where there was previously one unit. As such, objective standards are proposed to ensure site design and architecture is context-sensitive and compatible with the existing single-family residential neighborhood. Because SB 9 units and lots, if a lot split occurs, would generally be smaller than a typical single-family property, SB 9 units may be more affordable to a larger segment of the community. In addition, the proposed ZTA includes an incentive that would allow greater square footage for property owners that voluntarily provide affordable units to low income households. The proposed processing procedures allow for ministerial approval if an applicant complies with the objective standards of the proposed ZTA. The proposed ministerial review procedures and objective standards provide a streamlined process with high level of certainty for property owners seeking to construct SB 9 projects in compliance with the objective standards.

2. Zoning Text Amendment No. 22-002 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed because it is consistent with recently enacted state laws to allow for duplexes and lot splits in single-family residential

zones. ZTA No. 22-002 does not introduce any new land uses beyond those provided for in state law.

3. A community need is demonstrated for the change proposed because the proposed changes are consistent with state law intended to increase the supply of and meet the demand for new housing in the community.
4. Its adoption will be in conformity with public convenience, general welfare, and good zoning practice because the Zoning Text Amendment will establish review and approval regulations for SB 9 projects consistent with state law while ensuring objective standards are in place to protect the City's single-family residential neighborhoods from adverse impacts.

**CONSENT CALENDAR - NONE**

**NON-PUBLIC HEARING ITEMS - NONE**

**PLANNING ITEMS**

Ricky Ramos, Principal Planner, reported on recent and upcoming City Council meetings and reported on items scheduled for upcoming Planning Commission meetings.

**PLANNING COMMISSION ITEMS**

Chair Perkins expressed condolences to those affected by the shooting in Uvalde, Texas.

Commissioner Scandura reported on the recent Historic Resources Board meeting.

Commissioner Rodriguez reported that the Southeast Area Committee's next meeting was May 25, 2022.

**ADJOURNMENT:** Adjourned at 7:50 PM to the next regularly scheduled meeting of Tuesday, June 14, 2022.

APPROVED BY:

\_\_\_\_\_  
Jennifer Villasenor, Acting Secretary

\_\_\_\_\_  
Brendon Perkins, Chairperson