



City of Huntington Beach Community Development Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Community Development  
**BY:** Tess Nguyen, Associate Planner  
**DATE:** June 27, 2017

**SUBJECT: GENERAL PLAN AMENDMENT NO. 16-002 / ZONING MAP AMENDMENT NO. 16-003 / ZONING TEXT AMENDMENT NO. 16-004 / LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002 / TENTATIVE TRACT MAP NO. 18060 / CONDITIONAL USE PERMIT NO. 16-035 / COASTAL DEVELOPMENT PERMIT NO. 16-018 / DEVELOPMENT AGREEMENT NO. 16-001 / DRAFT MITIGATED NEGATIVE DECLARATION NO. 16-003 (WINDWARD RESIDENTIAL AND OPEN SPACE)**

**APPLICANT/  
PROPERTY**

**OWNER:** Ed Mountford, Signal Landmark, 27271 Las Ramblas, Suite 100, Mission Viejo, CA 92691

**LOCATION:** 17202 Bolsa Chica Street, 92649 (SEC of Bolsa Chica Street and Los Patos Avenue)

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**STATEMENT OF ISSUE:**

- ◆ General Plan Amendment No. 16-002 request:
  - To amend the Land Use Designation from Open Space – Park (OS-P) to Residential Medium Density (RM) for the western half (2.5 acres) of the 5-acre Windward site.
- ◆ Zoning Map Amendment No. 16-003 request:
  - To amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Specific Plan – Coastal Zone Overlay (SP-CZ) on the entire 5.3-acre project site.
- ◆ Zoning Text Amendment No. 16-004 request:
  - To establish the Windward Specific Plan for the development of the residential townhome project and dedication of open space.
- ◆ Local Coastal Program Amendment No. 16-002 request:
  - To amend the certified Land Use Plan from Open Space – Park (OS-P) to Residential Medium Density (RM) for the western half (2.5 acres) of the site and to reflect the Zoning Map and Text Amendments described above.

- ♦ Tentative Tract Map No. 18060 request:
  - To subdivide the approximately 5-acre lot into one numbered lot (residential development for 36 townhome units) and one lettered lot (open space area).
- ♦ Conditional Use Permit No. 16-035 request:
  - To permit the construction of a 36-unit townhome development with associated open space and infrastructure.
  - To develop on a lot with a grade differential greater than three feet between the high point and the low point.
- ♦ Coastal Development Permit No. 16-018 request:
  - To construct a 36-unit townhome development and associated open space and infrastructure in the coastal zone.
- ♦ Development Agreement No. 16-001 request:
  - To vest the proposed land use designations and standards for the development of 36 residential units for a 10-year term.
  - To ensure the dedication of 8.7 acres of land for passive public open space and resource conservation uses to a governmental agency or a qualified non-profit organization subject to approval by the Executive Director of the California Coastal Commission.
- ♦ Mitigated Negative Declaration No. 16-003 request:
  - To analyze the potential environmental impacts associated with the project and legislative amendments.
- ♦ Staff's Recommendation:

Approve General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004, Local Coastal Program Amendment No. 16-002, Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Development Agreement No. 16-001 based upon the following:

- The proposed land use amendments to amend the land use designation from Open Space–Park to Residential Medium Density and the zoning designation from Residential Agriculture–Coastal Zone to Specific Plan–Coastal Zone will:
  - be consistent with surrounding zoning and land use designations;
  - not result in the loss of an existing or planned recreational resource;
  - provide for the creation of new housing units in the City; and
  - provide compatible zoning and General Plan land use designations.
- The proposed project will comply with the provisions of the Windward Specific Plan and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with respect to the development standards as well as the standards of the Coastal Zone Overlay.
- The proposed residential units will be compatible with other residential uses surrounding the project site with respect to density, building height, and site layout.
- The project meets the requirements of the Subdivision Map Act and has been reviewed by the Subdivision Committee for compliance.
- The proposed Local Coastal Program amendment will be consistent with the Coastal Act by providing enhanced coastal access through the improvement of an existing City-owned parcel

and the Windward open space areas and contributing to existing recreational opportunities through the dedication of 8.7 acres of land for passive open space areas.

- The project will be sensitive to surrounding preserved environmentally sensitive habitat areas.
- The proposed zoning text amendment, through the proposed Windward Specific Plan development standards, will ensure a development that is compatible with surrounding developments.
- The development agreement will ensure the dedication of 8.7 acres of land for passive public open space uses and vests the development of 36 residential units.

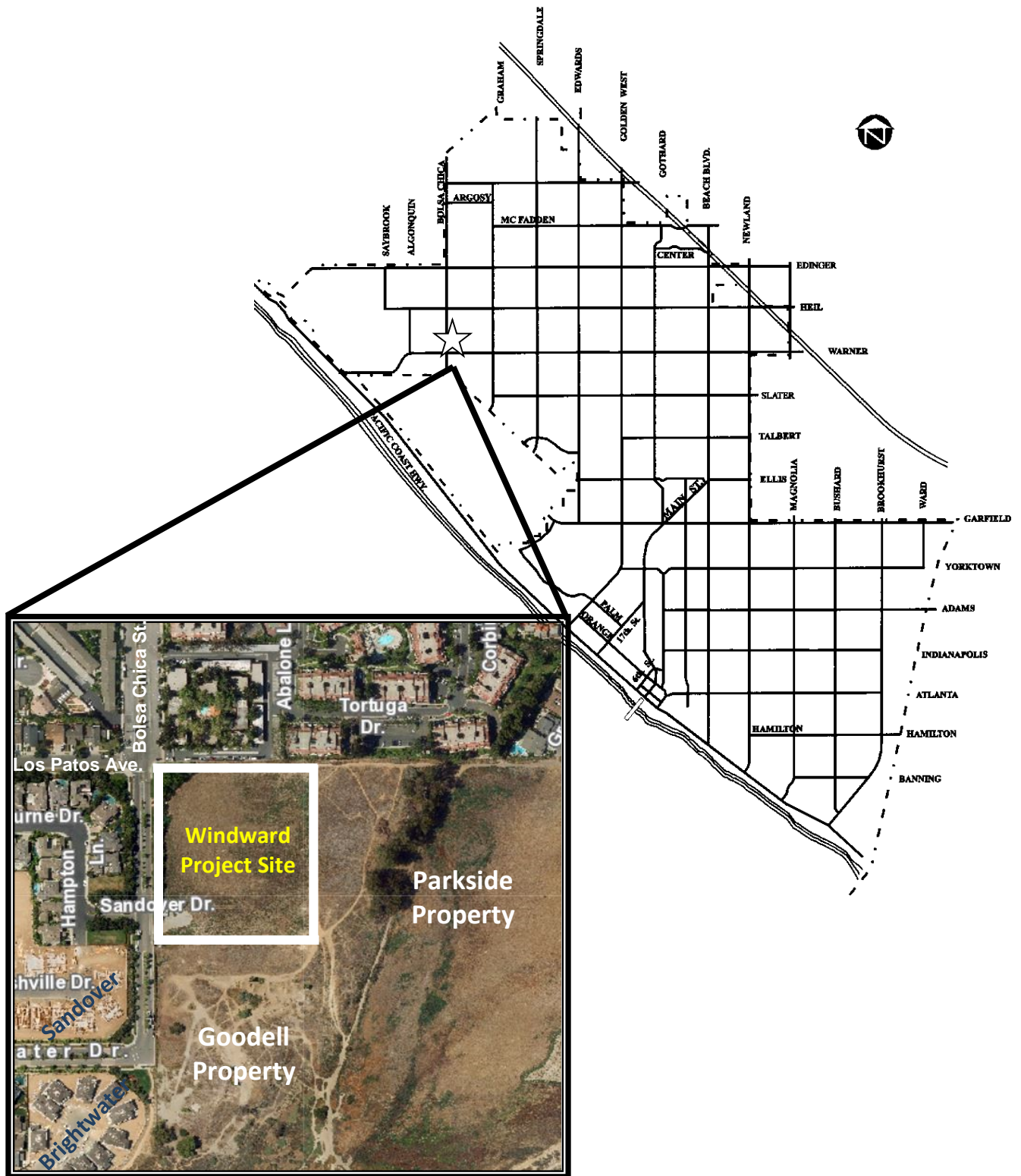
Approve Mitigated Negative Declaration No. 16-003 based upon the following:

- The project, with the incorporation of mitigation measures, will not have significant adverse impacts on the environment.

### **RECOMMENDATION:**

Motion to:

- A. “Approve Mitigated Negative Declaration No. 16-003 with findings and forward to the City Council for adoption (Attachment No. 1);”
- B. “Approve General Plan Amendment No. 16-002 by approving the draft City Council Resolution No. 2017-20 (Attachment No. 2) and forward to the City Council for adoption;”
- C. “Approve Zoning Map Amendment No. 16-003 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. 4134 (Attachment No. 3) and forward to the City Council for adoption;”
- D. “Approve Zoning Text Amendment No. 16-004 with findings for approval (Attachment No. 1) by approving the draft City Council Resolution No. 2017-19 (Attachment No. 4) and forward to the City Council for adoption;”
- E. “Approve Local Coastal Program Amendment No. 16-002 with findings for approval (Attachment No. 1) by approving the draft City Council Resolution No. 2017-18 (Attachment No. 5) and forward to the City Council for adoption;”
- F. “Approve Tentative Tract Map No. 18060 with findings and suggested conditions of approval (Attachment No. 1);”
- G. “Approve Conditional Use Permit No. 16-035 with findings and suggested conditions of approval (Attachment No. 1).”
- H. “Continue Coastal Development Permit No. 16-018 to a date uncertain until after a Local Coastal Program Amendment for the project is certified by the California Coastal Commission.”
- I. “Approve Development Agreement No. 16-001 with findings and suggested conditions of approval (Attachment No. 1) by approving the draft City Council Ordinance No. 4135 (Attachment No. 6) and forward to the City Council for adoption.”



#### VICINITY MAP

MITIGATED NEGATIVE DECLARATION NO. 16-003/ GENERAL PLAN AMENDMENT NO. 16-002/ ZONING MAP AMENDMENT NO. 16-003/ ZONING TEXT AMENDMENT NO. 16-004/ LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002/ TENTATIVE TRACT MAP NO. 18060/ CONDITIONAL USE PERMIT NO. 16-035/ COASTAL DEVELOPMENT PERMIT NO. 16-018/ DEVELOPMENT AGREEMENT NO. 16-002  
(WINDWARD RESIDENTIAL DEVELOPMENT – 17202 BOLSA CHICA STREET)

## **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Mitigated Negative Declaration No. 16-003 / General Plan Amendment No. 16-002 / Zoning Map Amendment No. 16-003 / Zoning Text Amendment No. 16-004 / Local Coastal Program Amendment No. 16-002 / Tentative Tract Map No. 18060 / Conditional Use Permit No. 16-035 / Coastal Development Permit No. 16-018 / Development Agreement No. 16-001 with findings for denial.”
- B. “Continue Mitigated Negative Declaration No. 16-003 / General Plan Amendment No. 16-002 / Zoning Map Amendment No. 16-003 / Zoning Text Amendment No. 16-004 / Local Coastal Program Amendment No. 16-002 / Tentative Tract Map No. 18060 / Conditional Use Permit No. 16-035 / Coastal Development Permit No. 16-018 / Development Agreement No. 16-001 and direct staff accordingly.”

## **PROJECT PROPOSAL:**

General Plan Amendment (GPA) No. 16-002 represents a request to amend the General Plan land use designation from Open Space – Park (OS–P) to Residential Medium Density – Max 15 dwelling units per acre (RM–15) for the western half (2.5 acres) of the 5-acre Windward site. The existing City-owned parcel (0.3 acres) and eastern half (2.5 acres) of the Windward site would retain the Open Space – Park land use designation.

Zoning Map Amendment (ZMA) No. 16-003 represents a request to amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA–CZ) to Specific Plan – Coastal Zone Overlay (SP–CZ) on the entire 5.3-acre project site pursuant to Chapter 247, Amendments, of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

Zoning Text Amendment (ZTA) No. 16-004 represents a request to establish the Windward Specific Plan (SP 16) for the development of the residential townhome project and dedication of open space pursuant to Chapter 215, Specific Plan, of the HBZSO.

Local Coastal Program Amendment (LCPA) No. 16-002 represents a request to amend the certified Land Use Plan from Open Space – Park (OS–P) to Residential Medium Density (RM) for the western half (2.5 acres) of the site in accordance with ZMA No. 16-003 and ZTA No. 16-004 pursuant to Chapter 247, Amendments, of the HBZSO. If approved by the City, LCPA No. 16-002 will require certification (approval) by the California Coastal Commission.

Tentative Tract Map No. 18060 represents a request to subdivide the approximately 5-acre lot into one 2.5-acre numbered lot (residential development for 36 townhome units) and one 2.5-acre lettered lot (open space area) pursuant to Section 250.14, Map Requirements, of the HBZSO.

Conditional Use Permit No. 16-035 represents a request for the following:

- 1) To construct a 36-unit townhome development and associated open space and infrastructure pursuant to Section 210.04 of the HBZSO and Section 5.2.1 of the Draft Windward Specific Plan.
- 2) To develop on a lot with a grade differential of greater than three feet between the high point and the low point pursuant to Section 230.70, Measurement of Height, of the HBZSO.

Coastal Development Permit No. 16-018 represents a request to construct a 36-unit townhome development and associated infrastructure in the coastal zone pursuant to Chapter 245 of the HBZSO.

Development Agreement No. 16-001 represents a request to enter into a Development Agreement between the City of Huntington Beach and Signal Landmark 1) to vest the proposed land use designations and standards for the development of 36 residential units for a 10-year term; and 2) to ensure the dedication of 8.7 acres of land for passive public open space and resource conservation uses to a government agency or a qualified non-profit organization pursuant to Chapter 246, Development Agreements, of the HBZSO.

Mitigated Negative Declaration No. 16-003 represents a request to analyze the potential environmental impacts associated with the proposed legislative amendments and development project pursuant to Chapter 240, Environmental Review, of the HBZSO and the California Environmental Quality Act (CEQA).

### Residential Development

The proposed residential development consists of the subdivision and construction of 36 townhome units, 3,800 square feet of common residential open space, and associated improvements on the western portion (2.5-acres) of the Windward site. The residential units are duplex townhomes with four different floor plans, featuring three bedrooms and ranging in size from 2,087 to 2,202 square feet in living space with attached two-car garages. Each unit is three stories with a roof deck at a maximum height of 34.25 feet. Private open space for each unit is provided on the first floor in either the front or rear depending on the floor plan, on a second story balcony and on the third floor roof deck. A recreation area is proposed on the northwest corner of the residential development area and includes a swimming pool, fireplace, restroom, and seating for the use by the residents. Access to the site includes two ingress/egress driveways along Bolsa Chica Street. The project is proposing construction of infrastructure improvements including street, curbs, sidewalks and storm drain facilities. The project plans are provided in Attachment No. 12.

The development project site is generally flat, however, portions of the site slope gradually from west to east at elevations ranging from approximately 52 feet to approximately 47 feet. Finished pads on the west side of the residential project site, adjacent to Bolsa Chica Street, will remain relatively the same as the existing elevation. The eastern portion of the residential project site adjacent to the open space area would be raised two to four feet over existing elevations requiring approximately 2,900 cubic yards of cut and 2,100 cubic yards of fill.

A minimum of 10% of all new residential construction shall be affordable housing units pursuant to HBZSO Section 230.26. The requirement would be 3.6 affordable units for the 36-unit Windward development. In order to satisfy the affordable housing requirement, the City and the property owner will enter into an agreement that provides for the payment of in-lieu fees consistent with the City's affordable housing fee program.

Pursuant to HBZSO Section 254.08, developers shall pay Park and Recreation Fees or dedicate land for park and recreational facilities to the City. The applicant proposes to pay the in-lieu fees for park and recreational facilities.

### Open Space/Passive Park Plan

The Specific Plan provides a comprehensive program to direct development of the residential and passive open space areas of the Windward site and City-owned parcel. In addition to the proposed residential development of the western half of the Windward site, the eastern half is proposed to be dedicated to a government agency or a qualified non-profit for use as passive open space. No building construction or

development within the 2.5 acre open space area is proposed. In addition, the terms of the proposed development agreement would require the developer to purchase the 6.2-acre Goodell property (undeveloped property immediately south of the Windward site located in unincorporated Orange County) and dedicate the property to a government agency or a qualified non-profit for passive open space purposes prior to beginning construction of the residential project.

The open space portion of the Windward site is designed with a pedestrian trail which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a trail system is proposed. A decomposed granite pedestrian trail with landscaping would be installed on the City-owned property and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property. The plan is to initially create a trail loop that starts at the southeast corner of Bolsa Chica Street and Los Patos Avenue, extends easterly through the City-owned property, then turning southerly across the Windward site, and then turning westerly to intersect back at Bolsa Chica Street. The trail will be located at the highest elevation of the project site providing an opportunity for a scenic overlook node offering trail users unobstructed views of Saddleback Mountain in south Orange County. The trail would feature interpretive signage that would provide users with information regarding the property's rich history. Ultimately, the trail system could be extended onto the Goodell property to create a network of trails that provide users with a variety of experiences.

#### Development Agreement

Development Agreements are authorized by California Government Code Section 65864 et seq. and Chapter 246 of the HBZSO to enable the City to enter into binding contract with a developer that assures the City as to the type, character, and quality of development and additional "benefits" and assures the developer that the necessary development permits will be issued regardless of changes in regulations. The proposed Development Agreement is a request from Signal Landmark (developer) to lock in the land use designations and development of 36 residential units and to dedicate 8.7 acres of land for passive public open purposes in conjunction with the Windward development. The development agreement provides certainty for the City and developer as to the land use, density, and intensity of Windward development and provides the City with benefits, namely the dedication of 8.7 acres of land for passive public open space and conservation uses. If approved, the developer would secure the right to complete the residential project for the duration of the 10-year term of the Development Agreement. The draft Development Agreement is provided in Attachment No. 9.

#### Background:

In 2008, Signal Landmark proposed a project, known as The Ridge, that involved a request to amend the land use and zoning designations on the 5-acre Windward parcel for the subdivision and development of a 22-unit single-family planned unit development. The project proposed to amend the General Plan land use designation from Open Space – Park to Residential Low Density – 7 dwelling units/acre and amend the existing zoning from Residential Agriculture – Coastal Zone to Residential Low Density – Coastal Zone. The project also consisted of a zoning text amendment that amended the Planned Unit Development (PUD) supplemental standards and provisions of Chapter 210.12 with respect to public benefits and parking and a Local Coastal Program Amendment to reflect the Zoning Map, Zoning Text and Land Use Plan Amendments.

In 2010, the City approved the project with all the proposed amendments to the General Plan and zoning designations. To comply with the California Environmental Quality Act, the City adopted a Mitigated Negative Declaration (MND). Because the property is within the coastal zone, the California Coastal Commission (CCC) must approve any amendments to the City's Local Coastal Program (LCP), therefore

the City submitted the LCP amendment to the CCC for approval. In August 2010, the Bolsa Chica Land Trust filed litigation challenging the City's approval of a MND claiming that the City should have prepared an Environmental Impact Report (EIR) rather than approving a MND. The litigation was stayed pending the outcome of the Coastal Commission's decision. In June 2014, the City and Signal Landmark withdrew the LCP Amendment from consideration by the CCC.

In April 2016, after over a year of facilitated settlement meetings, Signal Landmark, the City, and the Bolsa Chica Land Trust signed a settlement agreement in an effort to resolve the pending CEQA litigation. The Settlement Agreement (Attachment No. 16) identified two alternative approaches to the disposition of the Windward site and the adjacent Goodell property. The Acquisition Alternative provides an opportunity to preserve both the Windward property and the Goodell property as open space. Signal has independently entered into an option agreement with the Trust for Public Land (TPL) for the purchase of the Windward and Goodell properties. The TPL has an 18-month period in which to raise funds to purchase both properties. The option will expire in October 2017. The purchase price will be determined by an independent third party appraisal. The Development Alternative allows Signal Landmark to pursue entitlements for residential development on approximately half of the Windward site concurrently with TPL's pursuit of acquisition funds while preserving the remaining 2.5 acres of the Windward site as open space and acquiring the 6.2-acre Goodell property and dedicating it for open space. The proposed project and associated entitlements reflect the Development Alternative. If TPL is successful in the acquisition of the Windward and Goodell properties, then the proposed Windward residential project would not be developed.

### **Study Session:**

The project was introduced to the Planning Commission (PC) on May 23, 2017, at a study session. The PC inquired about several project-related issues that are identified and expanded upon below:

#### *Architectural Compatibility with Surrounding Developments*

The Huntington Beach Urban Design Guidelines have different design objectives for single-family and multi-family residential developments. While the guidelines do not specify any particular architectural style, they encourage elements that add visual interest and character to the neighborhood. The layout and design of the single-family developments (Sandover and Brightwater) to the west would be different from the multi-family developments (Cabo del Mar, Los Patos Apartments) to the north of the proposed Windward site. Refer to the Urban Design Guidelines Conformance section for more information regarding the architectural design of the proposed Windward development. Although the proposed project is designed to have a different architectural style (Mid-Century Modern) from the surrounding developments, it offers a range of architectural elements that create visual interest and enhance the character to the neighborhood. The Mid-Century Modern architectural style is chosen because it reflects the current market demand as well as fits in with the California lifestyle. In addition, the proposed Windward residential units are separated from the surrounding developments by approximately 80 feet to the north and 100 feet to the west. These distances combined with existing and proposed landscaping on the 30-foot wide parcel (north of the site) and along Bolsa Chica Street frontage would function to buffer the existing residential developments from the proposed Windward development.

#### *Obstruction of Views*

The project is proposing three story townhomes at approximately 34.25 feet in height. Because existing residential uses north and west of the project site are two and three stories in height, private views from



these residential uses would be impacted by the project. However, neither the General Plan Coastal Element nor the Coastal Act protect private views.

### *Building Height Limits*

The Huntington Beach Zoning and Subdivision Ordinance allows exceptions to height limits, permitting chimneys, cooling towers, architectural features, antennas, and similar structures and necessary mechanical appurtenances to exceed the maximum height by no more than 10 feet. In addition to allowing similar structures above the height limit, the Windward Specific Plan also proposes to permit roof deck trellises up to a maximum of 10 feet above the roof deck floor with the following criteria: 1) setback a minimum of five (5) feet from the edge of the roof or adjacent unit; 2) not to exceed 150 sq. ft. in area; 3) open on three (3) sides; and 4) lattice design only. In reviewing other specific plans for similar exceptions to height limits, the Bella Terra Specific Plan was found to allow special themed architectural structures or elements such as towers or domes up to 120 feet. A matrix comparing the development standards of the draft Windward Specific Plan with the Huntington Beach Zoning and Subdivision Ordinance is in the Zoning Text Amendment section below.

### *Annexation of Goodell Property*

The Goodell property is currently an unincorporated island and is zoned for medium low density residential (6.5 – 12.5 du/ac) by the County, although this land use is not certified by the Coastal Commission. In 2009, the City, in anticipation of annexing the property, pre-zoned 3.2 acres of the property adjacent to Bolsa Chica Street for low density residential, 2.0 acres as Open-Space Park and one acre as Coastal Conservation. These designations were not certified by the California Coastal Commission. The property owner is not seeking annexation into the City at this time. Under Acquisition Alternative or Development Alternative, the City would work with the property owner to annex the property into the City.

### *Cultural Mitigation Program*

The Cultural Mitigation Plan is a requirement stemming from a 2013 Consent Restoration Order issued by the California Coastal Commission as a result of a violation that occurred on the Windward site in 2001 when a subsurface archaeological investigation took place without a valid Coastal Development Permit. The Cultural Mitigation Plan is a plan to mitigate for impacts to archaeological and cultural resources on the Windward site, including the following:

1. A plan to construct a cultural area that provides sufficient space and amenities that can be used by Native Americans for, among other activities, ceremonial and reflection purposes.
2. A plan to construct trails that connect the Cultural Site to 1) Bolsa Chica Street, 2) areas open or required to be open to the public, and 3) public areas within the adjacent Brightwater project.
3. A signage program that details a system of signs that clearly 1) direct the public to and mark the location of public accessways, public parking areas, and the Cultural Site; 2) provide information about the cultural history of the property, the Bolsa Chica Mesa, and the purpose of the Cultural Site.
4. A plan to revegetate areas adjacent to the Cultural Site and Cultural Site Trails.
5. A provision to record deed restrictions to allow public access over and passive recreational uses of the Cultural Site and Cultural Site Trails.
6. A provision to obtain all necessary permissions to conduct and complete the work required to implement the Mitigation Plan.

Under the Acquisition Alternative or Development Alternative, the Cultural Mitigation Plan would be implemented upon the approval of the Plan by the Coastal Commission.

## **ISSUES:**

### **Subject Property and Surrounding Land Use, Zoning and General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	OS-P (Open Space – Park)	RA-CZ (Residential Agricultural - Coastal Zone)	Undeveloped; construction staging area (portion)
North of Subject Property:	RMH-25 (Residential Medium High Density – 25 du/ac)	RMH (Residential Medium High Density)	Multi-family Residential
East of Subject Property:	OS-C (Open Space – Conservation)	CC (Coastal Conservation)	Undeveloped (Shea property – approved for single-family and open space uses)
South of Subject Property:	Suburban Residential – 0.5 – 18.0 du/ac – County of Orange)	PC (Planned Community – County of Orange)	Undeveloped (Goodell property)
West of Subject Property (across Bolsa Chica Street):	RL-7 (Residential Low Density – 7 du/ac); Undesignated – (Brightwater Specific Plan)	RL-CZ (Residential Low Density – Coastal Zone); SP15-CZ – (Brightwater Specific Plan – Coastal Zone)	Single-family Residential (Brightwater and Sandover developments)

### **General Plan Conformance:**

In addition to the request to subdivide and construct 36 townhome units on the project site, the project applicant is proposing to amend the existing zoning to Specific Plan – Coastal Zone (SP–CZ) with a General Plan Land Use designation of Residential Medium Density–15 units/acre (RM–15) for the western half of the Windward site. The project also consists of a zoning text amendment that would establish the Windward Specific Plan for the development of the residential townhome project and dedication of open space. The project also requires an amendment to the City’s certified Local Coastal Program to change the Land Use Plan from OS–P to RM–15 and reflect the zoning map and zoning text amendments.

The proposed project and legislative amendments are consistent with the following applicable Goals, Objectives and Policies of the General Plan Land Use, Coastal, Urban Design, Recreation and Community Services and Environmental Resources/Conservation Elements:

#### **A. Land Use Element**

**Goal LU 5:** Ensure that significant environmental habitats and resources are maintained.

**Objective LU 5.1:** Provide for the protection and maintenance of environmental resources as new development and redevelopment projects occur during the planning, project review and permitting process.

Policy LU 5.1.1: Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and State (CEQA) regulations.

During the development review process:

- a. Review any development proposal for the Bolsa Chica area, Huntington Beach Wetlands and throughout the City to ensure that no development is permitted in Federally and state delineated wetlands; and
- b. Review any development proposed for non-wetland areas to ensure that appropriate setbacks and buffers are maintained between development and environmentally sensitive areas to protect habitat quality.

The project has been reviewed for environmental impacts in accordance with CEQA. The project's potential impacts are analyzed in Recirculated Draft MND No. 16-003, which concludes that the project, with mitigation, would result in less than significant impacts. The project site is adjacent to an existing grove of eucalyptus trees that has been designated as an environmentally sensitive habitat area (ESHA). As such, the project is required to be designed in accordance with the provisions of Chapter 221 of the HBZSO, which includes performance standards for development adjacent to an ESHA. Compliance with these provisions would ensure that impacts from the proposed project on the ESHA would be minimized. The project site does not contain any wetland areas and is located outside of the required buffer area for delineated wetlands on the adjacent (Shea) property to the east. The drainage concept for the proposed project and compliance with applicable requirements related to water quality and water discharge would ensure that impacts to downstream waters, including the Bolsa Chica Wetlands, would be less than significant. Finally, the project complies with the minimum buffer requirements for development adjacent to an ESHA pursuant to the HBZSO and the City's certified Local Coastal Program. Notwithstanding compliance with the minimum buffer requirements, the project's proposed distance to the ESHA east of the project site has been analyzed by a qualified biologist and determined to be adequate in terms of minimizing impacts to the ESHA.

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

Implementation Program I-LU 7: Where appropriate, the City may use Development Agreements as binding implementation tools. Development Agreements are authorized by State law to enable a city to enter into a binding contract with a developer that assures the city as to the type, character, and quality of development and additional “benefits” that may be contributed and assures the developer that the necessary development permits will be issued regardless of changes in regulations.

The development agreement would ensure that the project is developed in accordance with the approved Windward Specific Plan, consisting of 36 residential units and a public open space plan. The benefits of the development agreement for this project include assurances that the residential project will be built and dedication of 8.7 acres of land for public access, passive recreational use, habitat enhancement, and public trails.

## B. Coastal Element

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Policy C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and

enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

Policy C 1.1.5: New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.

- b. provide non-automobile circulation such as bike trails and pedestrian walkways within the development
- d. provide for the recreational needs of new residents through local park acquisition or on-site recreational facilities to assure that recreational needs of new residents will not overload nearby coastal recreation areas

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

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

Goal C 4: Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

The project is proposing a passive open space plan as part of the Windward development, encompassing the existing undeveloped City-owned 30-foot wide parcel north of the project site, the eastern 2.5 acres of the project site, and the 6.2-acre Goodell property (undeveloped property south of the project site located in unincorporated Orange County). The open space area is designed with a pedestrian trail system which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a decomposed granite pedestrian trail would be installed on the City-owned property and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property. The plan is to initially create a trail loop that starts at the southeast corner of Bolsa Chica Street and Los Patos Avenue, extends easterly through the City-owned property, then turning southerly across the Windward site, and then turning westerly to intersect back at Bolsa Chica Street. The trail will be located at the highest elevation of the project site providing an opportunity for a scenic overlook node offering trail users unobstructed views of Saddleback Mountain in south Orange County. The trail would feature interpretive signage that would provide users with information regarding the property's rich history. Ultimately, the trail system could be extended onto the Goodell property to create a network of trails that provide users with a variety of experiences. The project does not propose entry gates or other entry or parking restrictions. Access to the street and on-street parking would be available to the general public.

The project is in close proximity to similar developments, is consistent with the existing land use pattern in the area, and can be accommodated by existing infrastructure. Although the proposed project would result in development on the Bolsa Chica Mesa, the existing slope adjacent to the project site would be preserved in that no construction would occur other than minimal landscaping. In addition, the proposed

drainage system would further protect the slope from potential impacts from runoff and erosion. Environmental impacts from the proposed project were analyzed in Draft MND No. 16-003. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

C. Urban Design Element

Goal UD 2: Protect and enhance the City's public coastal views and Oceanside character and screen any uses that detract from the City's character.

Objective UD 2.1: Minimize visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height and site orientation.

The proposed design of the residential project would be consistent with existing residential uses in terms of density and scale. The proposed project would result in the preservation of approximately 8.7 acres of open space. As such, the project would retain existing public coastal views from the City-owned parcel north of the project site and the eastern half of the project site. The project would also preserve the existing slope along the eastern perimeter of the project site as a scenic resource.

D. Recreation and Community Services Element

Goal RCS 2: Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.

Policy RCS 2.1.5: Provide for the inclusion of recreational trails in new developments which link with the existing or planned trails.

Although the project is proposing to amend the existing land use designation from Open Space – Park to Residential Medium Density for the western 2.5 acres of the project site, the project would be providing for additional recreational opportunities. The project is proposing an approximately 3,800 square foot (0.09 acre) common open space area to provide a recreational amenity for the residents of the project. The project is also required to pay park in-lieu fees as required by the HBZSO to contribute to future recreational opportunities. The project is proposing to improve an existing 30-foot wide City-owned parcel located immediately north of the project site with a decomposed granite trail with native landscaping that would provide access from Bolsa Chica Street to the project site open space area. The proposed Specific Plan and Development Agreement would ensure the preservation of 8.7 acres of open space and the expansion of passive recreational opportunities within the Bolsa Chica area. Designed with interpretive signage and scenic overlooks, a trail system is proposed for the open space area to provide public access to the recreational resource. In this respect, the project would further recreational opportunities in the Bolsa Chica area.

## E. Environmental Resources/Conservation Element

Goal ERC 2: Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic values.

Objective ERC 2.1: Evaluate, enhance, and preserve the City's important habitat areas.

Policy ERC 2.1.1: Acquire and maintain the most current information available regarding the status and location of sensitive biological elements (species and natural communities) throughout the City.

A biological resources assessment was prepared by a qualified biologist for the project. The biological resources assessment presents the most current information on potential resources on the project site and also identifies existing resources within the vicinity of the project site. The project site is located on the Bolsa Chica Mesa and surrounding resources include a grove of primarily eucalyptus trees that have been designated as an Environmentally Sensitive Habitat Area (ESHA) on the Shea property east of the project site. There is also a designated wetland area on the Shea property in the vicinity of the project site at the toe of the slope. The project's design, in addition to applicable HBZSO requirements for development adjacent to an ESHA, will ensure that impacts to surrounding resources would be minimized from development of the project. While the project site does not contain any sensitive resources, there is potential for two special status species, burrowing owls and southern Tarplant, to occur on the site. Mitigation measures recommended for Draft MND No. 16-003 require pre-construction surveys to determine the presence of these species on the project site. The mitigation measures also require additional provisions, in accordance with established protocols, to protect the special status species if they are determined to be present on the project site.

Goal ERC 6: Protect and enhance the beneficial uses of our receiving waters.

Objective ERC 6.1: Minimize impacts from urban runoff into receiving waters.

Policy ERC 6.1.1: Create and implement means to reduce the quantity and improve the quality of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls and Best Management Practices into new development and redevelopment land use decisions.

Policy ERC 6.1.6: Ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat.

The project's proposed storm drain system would limit the amount of post-construction runoff to ensure that impacts due to runoff would be less than significant. Runoff from the project site will be conveyed to the Brightwater storm drain system, water quality flows will be diverted for treatment, reconnect to the peak flow storm drain and ultimately outlet to the Bolsa Chica Wetlands. The proposed post-development drainage design will utilize two on-site catch basins to capture storm water runoff and flow into an existing 24-inch storm drain system on Bolsa Chica Street that was installed as of the Brightwater development. The runoff will be diverted to a filtration system for treatment and outletted through a 66-inch pipe to the Bolsa Chica Wetlands. The project, as designed and with implementation of a Water Quality Management Plan, which incorporates Best Management Practices (BMPs), would not result in substantial increases in the rate and volume of post construction runoff that would adversely impact the beneficial use of downstream waters. Finally, the proposed storm drain system would lessen

the impact of uncontrolled storm flows into the adjacent open space areas that could cause environmental harm and sensitive resources.

### **Zoning Compliance:**

The proposed project complies with the requirements of the new Windward Specific Plan zoning district. A Zoning Conformance Matrix (Attachment No. 15) shows an overview of the project's conformance to the development standards of the Windward Specific Plan. The proposed project is also required to comply with other requirements of the HBZSO including regulations pertaining to subdivisions and the Coastal Zone overlay. In addition, a list of City Code Requirements of the applicable provisions of the HBZSO and Municipal Code has been provided to the application (Attachment No. 14) for information purposes only.

### **Urban Design Guidelines Conformance:**

The Huntington Beach Urban Design Guidelines contains guidelines specific to multi-family residential development. The project generally conforms to the objectives and standards contained in the Guidelines. The project would comply with general design objectives providing high quality architectural and landscape design in scale with existing residential development surrounding the project site and preserving natural amenities such as the open space along the eastern perimeter of the site.

The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The project creates visual interest along the street frontage by incorporating enhanced landscaping and paving, providing a variety of trees, as well as functional open space in one common area and private yards, and maintains high quality architectural design. Grading will be minimized by filling low areas and maintaining the natural contours of the existing terrain. The project proposes to incorporate several guidelines for building siting/lot design including varied building offsets and varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes the "high quality" architecture as encouraged by the design guidelines. Articulation and architectural details are proposed on all four sides of each duplex. The building facades contain architectural elements that provide visual interest using a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. Decorative paving is integrated at site entries and at pedestrian walkways across circulation drives and parking aisles for safe and visually attractive pedestrian access. Overall the layout of the development provides efficient access for both pedestrians and vehicles and the buildings will be constructed of quality architecture and colors.

### **Environmental Status:**

On March 2, 2017, the Environmental Assessment Committee (EAC) approved the processing of a Mitigated Negative Declaration (MND) for the project. The draft MND concluded that the project would not have significant environmental impacts with incorporation of recommended mitigation measures that were identified for potential impacts to biological resources, cultural resources, and tribal cultural resources. Subsequently, Draft Mitigated Negative Declaration No. 16-003 (Attachment No. 10) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of CEQA.



Draft Mitigated Negative Declaration No. 16-003 was made available for a 30-day public review period from March 9, 2017 to April 10, 2017. The City received 11 comment letters on Draft MND No. 16-003. All comments as well as staff's responses to comments are included in Attachment No. 11. The Environmental Board was notified of the Mitigated Negative Declaration. The Environmental Board did not submit a comment letter.

Prior to any action on the project, it is necessary for the Planning Commission to review and act on Mitigated Negative Declaration No. 16-003. Staff, in its initial study of the project, is recommending that the proposed mitigated negative declaration be approved with findings.

**Coastal Status:**

Local Coastal Program Amendment No. 16-002 is subject to review and approval by the California Coastal Commission. Consequently, the legislative amendments and development entitlements for the proposed project would not become effective until the Local Coastal Program amendment is certified by the Coastal Commission.

Coastal Development Permit (CDP) No. 16-018 is appealable to the Coastal Commission. Because approval of the CDP must be found to be consistent with the certified Coastal Land Use Plan for the project site, action on the CDP cannot occur until the Coastal Commission certifies LCPA No. 16-002 and the proposed Residential Medium Density (RM) land use designation on the development portion of the project site is effective. As such, staff is recommending that action on the CDP be continued until the LCPA is certified by the Coastal Commission. Once certified, the City would hold a public hearing on the CDP and, if approved, a Notice of Final Action on CDP No. 16-018 would be forwarded to the Coastal Commission at that time.

**Design Review Board:** Not applicable.

**Subdivision Committee:**

The Subdivision Committee reviewed the proposed subdivision and tentative map on April 25, 2017, and voted 6-0 to recommend approval of the request to the Planning Commission with modified suggested conditions of approval, which have been incorporated into the conditions of approval for Tentative Tract Map No. 18060 in Attachment No. 1. The Subdivision Committee reviewed the tentative tract map for compliance with the Subdivision Map Act and applicable provisions of the HBZSO. A copy of the minutes is provided in Attachment No. 17.

**Other Departments Concerns and Requirements:**

The Departments of Public Works, Fire, and Community Development have reviewed the project and identified a list of code requirements (Attachment No. 14) applicable to the project. In addition, the evaluation of environmental factors included in Draft Mitigated Negative Declaration No. 16-003 reflect and is based in part on consultation with the Departments of Community Services, Fire, Police, and Public Works.

### **Public Notification:**

Legal notice was published in the Huntington Beach Wave on June 15, 2017, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of June 20, 2017, no communication supporting or opposing the request has been received.

### **Application Processing Dates:**

#### **DATE OF COMPLETE APPLICATION:**

- Draft Mitigated Negative Declaration; General Plan Amendment; Local Coastal Program Amendment; Zoning Map Amendment; Zoning Text Amendment; Tentative Tract Map; Coastal Development Permit; Conditional Use Permit; Development Agreement: February 21, 2017

#### **MANDATORY PROCESSING DATE(S):**

Draft MND: Within 180 days of complete application – August 21, 2017

All others: Within 60 days of adoption of MND – October 21, 2017

The project application was submitted on September 6, 2016 and deemed complete on February 21, 2017.

### **ANALYSIS:**

#### **Land Use Amendments**

##### **Background**

The approximately 5-acre privately-owned portion of the project site was incorporated into the City in 1970. At the time it was incorporated, both the General Plan land use and Zoning Map designations were for low density residential uses. After the Coastal Act was enacted in 1976, the City submitted a proposed Land Use Plan to the Coastal Commission for certification. At the time, large scale development that included approximately 3,000 residential units, was being considered by the County for the Bolsa Chica, including the mesa and lowland areas. In anticipation of the development, the City re-designated an area that included the project site to Open Space – Recreation (subsequently changed to Open Space – Park) on the City's Land Use Plan, which was certified by the Coastal Commission in 1982. Then, in 1984, the City re-zoned the same area to Residential Agriculture. The Residential Agriculture zoning designation was reflective of the existing agricultural use of the site and was determined, at the time, to be consistent with the Open Space – Recreation land use designation. In 1985, the Coastal Commission certified a County Land Use Plan for that portion of the Bolsa Chica Mesa adjacent to the 8-acre area within County jurisdiction with a land use designation of low density residential. Today, the amount of development that was once contemplated for the Bolsa Chica area has been considerably scaled back in what ultimately resulted in the 349-unit Brightwater development on the Bolsa Chica Mesa with no development occurring in the lowlands.

##### **General Plan Amendment**

The project proposes to change the existing General Plan land use designation of the western half of the project site (2.5 acres) from Open Space – Park to Residential Medium Density. Existing General Plan land use designations surrounding the project site include Residential Low Density to the west, Residential Medium High Density to the north, Suburban Residential (County of Orange) to the south and Open Space – Conservation and Residential Low Density to the east. The Brightwater development west of the project

site does not have a General Plan land use designation, but is developed with single-family residential and open space/conservation uses. In terms of compatibility with surrounding land use designations, the proposed change from Open Space – Park to Residential Medium Density would be consistent with surrounding designations.

Although the project site is designated Open Space – Park, the site is not currently used for a public park or public open space area. In addition, the property is not included on the City’s inventory of parks and the City’s Community Services Department does not intend to acquire the site in the future for a park or recreational use. Also, since the project site has been privately owned since it was incorporated into the City, passive use of the property by the public has never existed. Therefore, the proposed general plan amendment on 2.5 acres of the site would not result in the loss of existing park space, passive public open space or planned future park and recreational opportunities.

Currently, under the Open Space – Park land use designation, the project site would be permitted to develop as a public park or public recreational facility. No other uses would be permitted and the property owner would not be able to develop any of the uses allowed under its current Residential Agriculture zoning designation. Given that the City does not intend to acquire the site for development of a public park, the property owner is not afforded the opportunity to develop the property with any development in the interest of the property owner. The proposed General Plan Amendment would also eliminate a current inconsistency between the General Plan and zoning land use designations.

#### Zoning Map Amendment

The project site is currently zoned Residential Agriculture (RA) with a Coastal Zone overlay and allows agricultural uses, single-family dwellings, nurseries and temporary uses such as storage yards. Based on the lot size, the existing zoning designation would allow up to five single-family dwellings on the property. However, as previously mentioned, none of these uses would be consistent with the current Open Space – Park land use designation. According to the HBZSO, the intent of the RA zoning district is to provide a “transition or holding zone” for properties with “current” agricultural uses. Since the property has not been used for agricultural uses in over 11 years, the RA zoning designation is no longer the appropriate zoning designation. Properties to the north, northwest and west are zoned and developed with single- and multi-family residential uses. The Shea property to the east has zoning designations for single-family residential uses as well as open space/conservation areas. The Brightwater development southwest of the project site has a Specific Plan zoning designation, but is developed with single-family residential uses and open space/conservation areas. Property to the south, known as the Goodell property, is located in the County of Orange and has a zoning designation of Planned Community (PC), which is a designation that allows single-family residential uses at a density of 6–12 units per acre. The western half (2.5 acres) of the Windward site is proposed to be designated for medium density residential development under the zoning map amendment. Therefore, the proposed zoning map amendment would be compatible with existing zoning designations surrounding the project site as well as the proposed General Plan land use designation.

#### Local Coastal Program Amendment

The project is requesting to amend the City’s certified Land Use Plan from Open Space – Park to Residential Medium Density similar to the General Plan amendment request. According to the Coastal Act, the Open Space – Park designation is considered a higher priority land use designation than a residential land use designation because the Coastal Act places higher priority on coastal recreational resources than private residential uses to ensure that coastal recreational opportunities are provided to all people. However, as discussed under the General Plan Amendment analysis, the site is not currently developed with a park or recreational resource. In addition, there is no plan for the property to be used for recreational opportunities

in the future. Therefore, the proposed amendment to the Land Use Plan will not result in the loss of a higher priority coastal recreational resource. Existing recreational and open space opportunities are available in the vicinity that would serve the approximately 94 potential new residents from the project. As part of the proposed residential development, approximately 8.7 acres of the 11 acres of privately owned property are proposed to be preserved as open space area. This would be a public benefit, providing passive recreational opportunities within the Bolsa Chica area. A trail system with interpretive signage and scenic overlooks is proposed for the 8.7-acre open space area in order to provide enhanced coastal access to existing coastal recreational and open space areas. In addition, the existing undeveloped 30-foot wide City-owned parcel north of the project site and the 8.7 acres of open space are proposed to be improved with a trail system that would connect to the trail system within Bolsa Chica. Although the proposed project would result in development on the Bolsa Chica Mesa, the eastern half of the project site and the existing slope adjacent to the project site would be preserved. Thus, amending the Land Use Plan would not be inconsistent with the Coastal Act in that recreational opportunities would continue to be provided for all people and the project would be contributing to the enhancement of coastal recreational resources in the area.

### **Zoning Text Amendment**

The proposed zoning text amendment would establish the Windward Specific Plan for the development of the residential townhome project and dedication of open space. The Specific Plan determines the land use, zoning, development standards, and infrastructure for the site. Under the Specific Plan, the western half (2.5 acres) of the Windward site is designated for medium density residential development while the eastern half (2.5 acres) and the City-owned parcel (0.3 acre) are designated for coastal conservation (public open space). The Windward Specific Plan includes development standards for all new development within the specific plan area. The table below summarizes the proposed Windward Specific Plan development standards in comparison with the medium density residential development standards of the HBZSO. The provisions of the HBZSO will apply if they are not listed in the Specific Plan.

DEVELOPMENT STANDARDS	HBZSO	WINDWARD SPECIFIC PLAN
minimum building site	6,000 sq. ft.	2.5 acres
width	60 ft.	N/A
minimum setbacks front side rear	15 ft. 5 ft. 10 ft.	15 ft. 9 ft. 13 ft.
upper story setbacks	average 10 ft. from second floor front façade for all stories above the second floor	no setback from the first floor for second or third floor
building separation	10 ft.	10 ft.
minimum lot area per dwelling unit	2,904 sq. ft.	3,025 sq. ft.
maximum lot coverage	50%	50%

DEVELOPMENT STANDARDS	HBZSO	WINDWARD SPECIFIC PLAN
maximum height	35 ft.	35 ft. 3 stories
roof deck trellises	N/A	up to a maximum of 10 ft. above roof deck floor and meet the following criteria: –5 ft. minimum setback from edge of roof or adjacent unit –not exceed 150 sq. ft. in area –open on three sides –lattice design only
exceptions to height limits (chimneys, cooling towers, architectural features, antennas, and similar structures and necessary mechanical appurtenances)	10 ft. above maximum height limit	10 ft. above maximum height limit
minimum floor area 3 bedroom unit	1,100 sq. ft.	None
minimum open space	25% of residential floor area per unit	None
private open space 3 bedroom unit	300 sq. ft.	300 sq. ft.
common open space	projects 20+ units: one amenity (i.e. swimming pool, outdoor cooking facility)	3,800 sq. ft. (swimming pool, barbecue area, picnic area, seating area)
off-street parking 3 or more bedrooms unit	2.5 spaces (1 enclosed) per unit  0.5 guest space per unit  Total Spaces Required: 108	2 enclosed spaces per unit  1 unenclosed guest space per unit  Total Spaces Required: 108

The Windward Specific Plan (WSP) development standards that are different from the HBZSO development standards include upper story setback, roof trellis structure, minimum floor area, minimum open space, and off-street parking.

- Upper Story Setback—The HBZSO requires an average setback of 10 ft. from the second floor front façade for all stories above the second floor. The WSP does not require upper story setbacks for the second or third floor, allowing for the Mid-Century Modern architectural style of the project.

- **Roof Trellis Structure**—The HBZSO does not have an allowance for the roof trellis structure. The WSP allows these structures to be up to a maximum of 10 ft. above the roof deck floor with specific size and design criteria in order to offer more private open space opportunities.
- **Minimum Floor Area**—The HBZSO requires a minimum floor area of 1,100 sq. ft. for a three-bedroom unit. The WSP does not have a minimum floor area but each unit within the Windward development is at least 2,000 sq. ft.
- **Minimum Open Space**—The minimum open space area under the HBZSO is 25% of the residential floor area or an equivalent of approximately 19,210 sq. ft. for the Windward project. The WSP does not have a minimum open space area. However, the Windward project is providing more than 37,000 sq. ft. of private open space (balcony, patio, roof deck).
- **Off-Street Parking**—The HBZSO requires 2.5 spaces (1 enclosed) per unit for 3 or more bedroom unit and 0.5 guest space per unit. The WSP requires 2 enclosed spaces per unit and 1 unenclosed guest space per unit. Under both the HBZSO and WSP, a total of 108 parking spaces would be required.

Although there are differences in these development standards, the Windward project is designed to be similar and compatible with surrounding projects designed under the HBZSO development standards in terms of scale and character.

The Specific Plan provides a comprehensive program to direct development of the residential and passive open space areas of the Windward site and City-owned parcel. As a part of the residential development of the western half of the Windward site, the eastern half is proposed to be dedicated to a government agency or a qualified non-profit organization for use as passive open space. No construction or development within the open space area is proposed. In addition, the terms of the proposed development agreement provide that the developer purchase the 6.2-acre Goodell property (undeveloped property immediately south of the Windward site located in unincorporated Orange County and zoned for medium density residential uses) and dedicate the property to a government agency or a qualified non-profit organization for passive open space purposes prior to beginning construction of the residential project.

The open space portion of the Windward site is designed with a pedestrian trail which includes interpretive signage and a scenic overlook. To facilitate public access to the property and as part of the public benefit per the development agreement, a decomposed granite pedestrian trail is proposed to be installed on the City-owned property and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property. Maintenance of the improvements on the City-owned property would be the responsibility of the Homeowners association of the development.

### **Compatibility with Surrounding Uses**

The proposed three-story development will be consistent with other single and multi-family residential uses in the vicinity with respect to density, height, and character. Properties to the north and northwest are developed with two and three story multiple family dwellings and properties to the west are developed with two story single family dwellings. The proposed project, as designed, is an extension of the residential character of the surrounding area. The project's density of 14.4 dwelling units per acre is consistent with the proposed land use and zoning designations as well as compatible with the allowed density of 25 dwelling units per acre of the adjacent multi-family developments to the north and northwest. In addition, the proposed project is compatible in both height and character to the adjacent residential projects to the north

and therefore will have no adverse impacts regarding scale and massing. The proposed project will be buffered from developments to the west by Bolsa Chica Street and to the north by a 30-foot wide City-owned parcel with at least an 80-foot building-to-building separation between the existing apartment building and the closest unit in the development. This separation includes a retaining wall (ranging from 2 ft. to 3.4 ft. high) and a 6 ft. high metal view fence on top of the retaining wall and the 30-ft. wide landscaped trail.

### **Tentative Tract Map**

The proposed tentative tract map consists of one numbered lot and one lettered lot. The numbered lot is for the development of 36 for-sale townhome dwelling units and associated infrastructure. The lettered lot is for passive open space. Vehicular access to the tract is from two access drives along Bolsa Chica Street. The 28-ft. wide southern access is located across from the existing Sandover Drive. The 26-ft. wide northern access is right in/right out only due to the existing median in Bolsa Chica Street. A private non-gated street system provides access to each of the housing units. Roadways within the project are proposed to be a minimum of 24 ft. in width. Vehicular turnarounds are provided at the north and south ends of the private streets. The design of the internal streets provides adequate access for fire engines and turnaround areas. On-street guest parking is provided along the street. Four-foot wide sidewalks will be located on one side of the private streets. A homeowners association will maintain private streets, landscaping, recreation area, community walls and fences, and open space areas, including the proposed 30-foot wide landscaped access trail on the City-owned parcel and the 2.5-acre Windward open space area. The homeowners association will continue to maintain the Windward open space area until it is conveyed to a governmental agency or a qualified non-profit organization. A 13-foot wide landscaped parkway will be provided along Bolsa Chica Street designed to match the existing 13-foot wide landscaped parkway on the west side of Bolsa Chica Street. The proposed tentative tract map has been reviewed by the Fire and Public Works Departments for compliance with applicable codes and regulations. In addition, the proposed subdivision can be adequately served by existing infrastructure. As mentioned previously, the Subdivision Committee reviewed and approved the proposed tentative tract map subject to conditions of approval, which are incorporated in Attachment No. 1. Staff supports the overall access and design of the proposed tentative tract map layout because it meets the City's standards and assists in achieving the overall design concept for the project.

### **Environmental Impacts**

Draft MND No. 16-003 analyzes the potential environmental impacts associated with the project site. The analysis concludes that, with mitigation, the project would result in less than significant environmental impacts. The analysis in the environmental assessment relies on an Archaeological Resources Report, a Geotechnical Feasibility Study, a Biological Resources Assessment, a preliminary Drainage Report, a preliminary Water Quality Management Plan (WQMP), the project plans as well as other technical information compiled for the project.

### **Cultural Resources**

Impacts to cultural resources were analyzed based on an Archeological Resources Report that was prepared for the project in May 2009 and April 2013. The report was peer reviewed by members of the Bolsa Chica Peer Review Committee in December 2009. The members of the peer review committee are archeologists that are selected from a list compiled by the California Coastal Commission. The peer review corroborated the conclusions of the archeological report.

The project site contains portions of the archeological site CA-ORA-86. The archeological report for the project provides a description of prior investigations of the archeological site dating back to the 1920s. In

2001, a research design program to investigate the presence of CA-ORA-86 on the entire project site was conducted. The 2001 investigation consisted of a multi-phased program, which included subsurface excavation. Resources from the investigation were hand excavated and documented. One small deposit was found in the southeast corner of the property on the slope edge. Geophysical investigations revealed an oval depression at the deposit site that was identified as the subterranean remains of a single structure (house pit). The subsurface remains of the structure were completely removed by hand excavation, which recovered the entire cultural deposit. No other intact deposits of CA-ORA-86 were found on the project site. The subsurface investigation indicates that the western half of the five acre parcel where development is proposed (i.e., the 2.5 acre Windward project site), is the most disturbed portion of the property, and is less likely to contain cultural resources than the eastern half, where the house pit was located. Today, study of the recovered materials is still ongoing as they are being analyzed in the context of the overall archeological sites on the Bolsa Chica Mesa. It is unlikely that any significant deposits remain on the project site. As such, impacts from development of the project site on cultural resources would be less than significant. As added precaution, mitigation measures are recommended to require archeological and Native American monitoring during site grading and construction to ensure the proper treatment, including the option of preservation in place, of any resources or human remains discovered on the project site.

### Biological Resources

The potential for impacts from the proposed project on biological resources within and surrounding the project site was analyzed in Draft MND No. 16-003. The analysis in the environmental assessment is based on a biological resources assessment that was prepared by a qualified biologist. The City retained a separate biological firm to review the biological resources assessment, which agreed with the analysis and conclusions of the report.

The biological resources assessment determined that the project site would result in potential impacts to two special status species, burrowing owls and southern Tarplant. Although these two species do not currently exist on the project site, they have the potential to occur on the site and mitigation is required to ensure that no significant impacts would occur as a result of the proposed development. The mitigation measures require surveys to determine presence of the species on the project site prior to construction-related ground disturbance. If presence of either species is determined to be on the site, further mitigation is required in accordance with established protocols for the respective species.

The biological resources assessment also analyzed the project's potential impacts to surrounding resources, specifically the ESHA east of the project site. The biological resources assessment concluded that due to several factors including the project's design, the requirements of Chapter 221 of the HBZSO for development adjacent to an ESHA, the adaptability of raptors that use the ESHA and the project's distance from the ESHA, impacts to the ESHA would be less than significant. In addition, the project's drainage concept, as analyzed in the Geology and Soils and Hydrology and Water Quality sections of the environmental assessment conclude that runoff from the proposed project would not result in potentially significant impacts to the existing slope, the designated wetland on the eastern Shea property, and the beneficial use of downstream waters.

### Grade Differential

The project site is located on the Bolsa Chica Mesa. The project site is generally flat, however, portions of the site (from the midpoint of the site to the eastern boundary) slope gradually from west to east at elevations ranging from approximately 49 feet above mean sea level (msl) to approximately 35 feet msl. The existing elevation of the area of the project site proposed to be developed with residential units ranges from approximately 52 feet msl to approximately 47 feet msl. Finished pads on the west side of the residential



project site, adjacent to Bolsa Chica Street, are proposed to remain relatively the same as the existing elevation. The eastern portion of the residential project site adjacent to the open space area would be raised two to four feet over existing elevations. The project would be two to three feet higher than the undeveloped property south of the project site and three to four feet higher than the 30-foot wide City-owned parcel proposed to be improved with a landscaped public access trail. The applicant is proposing 6 ft. high perimeter walls and fences on top of retaining walls ranging from 1 ft. high to 4.5 ft. high along the north, east, and south boundary of the residential project site. Although the site includes a grade differential greater than three feet, the project is designed such that the existing eastern slope would be preserved, which is consistent with the policies of the Coastal Element. In addition, the project's drainage concept is designed such that the slope and existing resources below the slope on the Shea property to the east would not be negatively impacted from development of the residential project site, including the project's grading design.

### **Project Design and Site Layout**

The proposed development is well designed and appropriate for the subject site based on the applicable zoning, surrounding uses and the physical characteristics of the lot. The project achieves substantial conformance with the City's Urban Design Guidelines for multi-family residential projects. Visual interest is provided along the street frontage and access road within the site with the incorporation of building projections in the facades, balconies with decorative railing, and a variety of building colors and materials. The proposed arrangement of buildings, open space, and drive aisles provide for a functional and attractive design. Decorative paving along the entry aisle and pedestrian crossings creates an inviting experience for visitors and residents while creating visual interest on the site. Buildings are arranged in clusters of two units. The project also provides usable open space and enhanced landscaping that are designed to allow sufficient access for all residents and to appeal to the sensory system. The common open spaces consist of a swimming pool, fireplace, restroom, and a variety of seating for recreation and passive activity. Furthermore, each dwelling unit is provided with private open space areas consisting of a patio, balcony, and roof deck. Staff supports the proposed project's site layout, design, and architecture because it will result in a development that will be compatible with the physical character of the surrounding residential areas.

### **Development Agreement**

Development Agreement No. 16-001 would be effective for ten years and vests the developer's rights to construct the Windward project pursuant to the terms of the agreement. The development agreement is consistent with the Windward Specific Plan, General Plan, and Local Coastal Program land use designation for the site insofar as the proposed project is consistent with the General Plan and Local Coastal Program land use designation. As discussed in the General Plan Conformance Section of this report, the development agreement would conform with applicable goals and policies of the City's General Plan.

The development agreement provides certainty for the developer as to the land use, density, and intensity of Windward development and in exchange provides the City with benefits, including the dedication of 8.7 acres of land for passive public open space and conservation uses, improvements of the City-Owned Parcel and the Windward Open Space Parcel with trails and landscaping. In addition, the City-Owned Parcel improvements will be maintained by the Windward Homeowners Association and the Windward Open Space Parcel will be maintained by the Windward Homeowners Association until it is transferred to a governmental agency or qualified non-profit organization.

Staff supports the approval of the Development Agreement due to the benefits to the City.

## **SUMMARY:**

Staff recommends approval of Mitigated Negative Declaration No. 16-003, General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004, Local Coastal Program Amendment No. 16-002, Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, and Development Agreement No. 16-001 based upon the following:

- The project will not result in significant adverse impacts to the environment.
- The proposed land use and zoning designations will be consistent with the existing land use and zoning designations surrounding the project site.
- The Local Coastal Program Amendment is consistent with the Coastal Act and the project provides for preservation and enhancement of existing coastal recreational resources and coastal access.
- The Specific Plan is designed to address the comprehensive and unique development of the residential and open space areas of the project site.
- The project will comply with the provisions of the Windward Specific Plan and Huntington Beach Zoning and Subdivision Ordinance.
- The project will be consistent with the goals and policies of the General Plan and Coastal Act.
- The development will be compatible with other residential uses surrounding the project site.
- The project meets the requirements of the Subdivision Map Act and has been reviewed by the Subdivision Committee for compliance.

## **ATTACHMENTS:**

1. ~~Suggested Findings and Conditions of Approval for Draft Mitigated Negative Declaration No. 16-003; Zoning Map Amendment No. 16-003; Zoning Text Amendment No. 16-004; Local Coastal Program Amendment No. 16-002; Tentative Tract Map No. 18060; Conditional Use Permit No. 16-035; and Development Agreement No. 16-001~~
2. ~~Draft City Council Resolution No. 2017-20 for General Plan Amendment No. 16-002~~
3. ~~Draft City Council Ordinance No. 4134 for Zoning Map Amendment No. 16-003~~
4. ~~Draft City Council Resolution No. 2017-19 for Zoning Text Amendment No. 16-004~~
5. ~~Draft City Council Resolution No. 2017-18 for Local Coastal Program Amendment No. 16-002~~
6. ~~Draft City Council Ordinance No. 4135 for Development Agreement No. 16-001~~
7. ~~Map of surrounding developments and resources~~
8. ~~Draft Windward Specific Plan~~
9. ~~Draft Development Agreement~~
10. ~~Draft Mitigated Negative Declaration No. 16-003~~
11. ~~Response to Comments of Draft Mitigated Negative Declaration No. 16-003~~
12. ~~Site plans, floor plans and building elevations received and dated January 17, 2017 and March 24, 2017~~
13. Project Narrative received and dated September 6, 2016
14. Code Requirements Letter (for informational purposes only), dated February 21, 2017
15. Zoning Conformance Matrix
16. Litigation Settlement Agreement
17. Subdivision Committee Meeting Minutes

SH:JV:JJ:TN:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

**MITIGATED NEGATIVE DECLARATION NO. 16-003**

**GENERAL PLAN AMENDMENT NO. 16-002**

**ZONING MAP AMENDMENT NO. 16-003**

**ZONING TEXT AMENDMENT NO. 16-004**

**LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002**

**TENTATIVE TRACT MAP NO. 18060**

**CONDITIONAL USE PERMIT NO. 16-035**

**DEVELOPMENT AGREEMENT NO. 16-001**

**SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 16-003:**

1. Mitigated Negative Declaration No. 16-003 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on Mitigated Negative Declaration No. 16-003, General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004, Local Coastal Program Amendment No. 16-002, Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Development Agreement No. 16-002.
2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to biological, cultural, and tribal cultural resources. The proposed biological resources mitigation measures would ensure that impacts to two special status species, burrowing owls and southern Tarplant, with the potential to occur on the site would be less than significant. The cultural resources and tribal cultural resources mitigation measures require archeological and Native American monitoring during ground disturbing activities and construction. The mitigation measures also specify procedures if any resources or human remains are discovered during construction of the project. The project site has undergone archeological testing and excavation and it is not anticipated that intact deposits remain on the site. However, the mitigation measures would ensure that impacts would be less than significant in the unlikely event that resources are discovered during grading and construction activities.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. The project consists of an amendment to the existing General Plan and zoning land use designations as well as the Coastal Land Use Plan for the subdivision of the project site and construction of 36 townhome units and associated open space, street and infrastructure improvements in the coastal zone. The project also consists of a Zoning Text Amendment to establish a Specific Plan that determines the land use, zoning, development standards, and infrastructure for the site. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements, and the recommended mitigation measures.

## **SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 16-003:**

1. Zoning Map Amendment No. 16-003 represents a change to the Huntington Beach Zoning Map (District Map #33) to rezone the project site from Residential Agriculture – Coastal Zone Overlay (RA–CZ) to Specific Plan – Coastal Zone Overlay (SP–CZ). The proposed amendment is consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program as identified below. The proposed change is also consistent with General Plan Amendment No. 16-002, which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include low density residential to the west, medium high density residential uses to the north and low density and open space uses to the east. As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development. The proposed zoning change would be consistent with the following General Plan Land Use Element goals, objectives and policies:

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the

project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The change proposed would be compatible with the uses in the vicinity, which include medium density residential uses. The project's design and compliance with applicable code requirements would ensure that impacts to existing preserved open space areas east of the project site are minimized.
3. A community need is demonstrated for the change proposed. The change would expand opportunities for housing and address the needs of a growing population. The project will provide for enhanced coastal access through the provision of a passive open space plan, encompassing the existing undeveloped City-owned 30-foot wide parcel north of the project site, the eastern 2.5 acres of the project site, and the 6.2-acre Goodell property (undeveloped property south of the project site located in unincorporated Orange County). The open space area is designed with a pedestrian trail system which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a decomposed granite pedestrian trail would be installed on the City-owned property and maintained by the project's Homeowners Association and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible land uses and eliminate an existing zoning designation that is no longer appropriate for the site. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

#### **SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 16-004:**

1. Zoning Text Amendment No. 16-004 establishes the Windward Specific Plan for the development of the residential project and dedication of open space. The Specific Plan will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because it provides a comprehensive planning program for the development of residential and open space areas consistent with the existing development pattern and standards and compatible with adjacent uses in the vicinity and the environmentally sensitive Bolsa Chica area to the east and south. The Specific Plan is consistent with the General Plan goals and policies that protects coastal recreational resources and public access, require residential projects be designed to convey a high level of quality and distinctive neighborhood character.
2. In the case of general land use provisions, the proposed Specific Plan is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The Specific Plan contains development standards and architectural and landscape design guidelines that will apply to the residential development and open space areas that will ensure consistency with the

high quality architectural and landscape design of the existing developments and compatibility with residential, open space, and recreational uses in the vicinity.

3. A community need is demonstrated for the change proposed. The Windward Specific Plan will provide standards that necessary to develop high quality residential and open space uses complementing and enhancing surrounding land uses. The Windward Specific Plan includes a description of the land use, public facilities, circulation, infrastructure, development standards, and implementation measures to ensure that the property is developed in a manner consistent with the vision for the site. The Specific Plan comprehensive approach ensures the preservation of passive open space, provision of public access to coastal resources, development of compatible land uses. The Specific Plan also provides for preservation of ecological and cultural resources that will provide a public benefit to the City of Huntington Beach and surrounding communities.
4. Adoption of the Windward Specific Plan will be in conformity with public convenience, general welfare and good zoning practice in that the Specific Plan provides standards for future development that will transform the character of the project area in a beneficial way consistent with the goals of the City's General Plan. The development standards work together to provide development and preservation that are compatible with and sensitive to the surrounding area and to development within the Specific Plan itself. The Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. As analyzed in Mitigated Negative Declaration No. 16-003, the public service demands for the Specific Plan will not exceed the capacity of existing and planned systems. All public services will be adequately met by existing resources including fire, police and emergency services. Emergency access will be adequate for the Specific Plan area in that all streets within the site will be public to allow emergency vehicles access to the site. In addition, the Specific Plan area will not be gated.

**SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002:**

1. Local Coastal Program Amendment No. 16-002 proposes to amend the Huntington Beach Local Coastal Program to reflect the proposed General Plan, Zoning Map and Zoning Text amendments. The amendments will allow multi-family residential uses on the subject property. Although multi-family residential is a lower priority use than recreational uses, the project site is not existing or planned for public recreational uses. The amendment would allow the property owner to develop the site and, in doing so, would contribute to the provision of enhanced coastal access and additional recreational resources through the proposed development consistent with the policies of the City's General Plan and California Coastal Act.
2. Local Coastal Program Amendment No. 16-002 is in accordance with the policies, standards and provisions of the California Coastal Act relative to residential development, land resources and public access. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing medium density residential uses while promoting preservation of coastal views and enhancing public coastal access.

3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project proposes an 8.7-acre passive open space area that does not currently exist. The project will preserve existing public views of the slope along the eastern perimeter of the site and views from an existing 30-foot wide City-owned parcel that is proposed to be improved with development of the project site. No existing coastal access will be impacted. In fact, coastal access would be enhanced through the proposed development project associated with the amendment.

**SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 18060:**

1. Tentative Tract Map No. 18060 for the subdivision of an approximately 5-acre lot into one numbered lot for residential development for 36 townhome units and one lettered lot for open space areas is consistent with the requirements of the proposed Windward Specific Plan. The proposed subdivision is consistent with the goals, policies, and objectives of the General Plan Land Use Element and Coastal Element that govern new subdivisions and residential development. These goals and policies call for development that protects and enhances coastal resources, promotes public access and is in close proximity to other developments with adequate public services available.
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The proposed subdivision will result in a density of 14.4 units per acre. The proposed density is below the allowable density of 15 units per acre of the Residential Medium Density land use designation for which the project is proposing to be designated. The proposed density would be compatible with existing surrounding developments.
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. The site has been previously used for farming and has served as a construction staging area for an adjacent single-family residential project. The site does not contain significant habitat for wildlife or fish. Mitigation measures require pre-construction surveys to determine the presence of special status species on the project site. If special status species are present, further mitigation is required including avoidance measures and relocation techniques in accordance with established protocols for the respective species to ensure that no significant adverse impacts would occur. Design features of the project as well as compliance with the provisions of Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of existing resources adjacent to the project site.
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. No existing easements for the public at large will be affected by the project. The project will provide enhanced public coastal access through the improvement of an existing City-owned parcel north of the subject site and dedication of 8.7 acres of land for passive open space purposes to a government agency or a qualified non-profit.

## **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-035:**

1. Conditional Use Permit No. 16-035 for the development of the proposed 36 townhome units and associated infrastructure and site improvements on a site with a grade differential of greater than three (3) feet from the low to the high point 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 vacant parcel of land. The proposed residential use is similar to those existing uses in the vicinity. Grading will be minimized by filling low areas and maintaining the natural contours of the existing terrain. The proposed grade differential to adjacent properties will not adversely impact surrounding undeveloped properties and open space areas. The resulting elevation will be the same as the adjacent elevation of Bolsa Chica Street and result in a development that is compatible with existing development west and north of the project site. Proposed improvements include enhanced landscaping, decorative paving, and quality architectural design throughout the site. Furthermore, the layout of the site improves the visual surroundings by providing efficient drive aisles for vehicular access, safe pedestrian access with decorative paving at crossings, and minimizing the visibility of parking garages and parking spaces from the street.
2. The conditional use permit will be compatible with surrounding residential and open space land uses in size and scale through setbacks, landscaping onsite parking, lot coverage, and allowable building height. The project is designed in a Mid-Century architectural style, consisting of stucco and siding exterior, varied offsets, and decorative balcony railings. Enhanced landscaping along the site perimeter and within the common recreation area will create visual interest and improve the visual image of the community. The project includes three-story buildings that are compatible with surrounding developments and proportionally relate to the overall mass and scale of the neighborhood. The proposed project is in conformance with applicable code requirements and has been designed to be compatible with existing uses in the vicinity. The project's building scale, architecture, site layout and color palette will complement the surrounding developments. The project also incorporates an open space area to provide for protection of environmentally sensitive habitat area east of the project site.
3. The proposed project will comply with the provisions of the Windward Specific Plan and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO requires projects proposed to be located on a site where the difference in grade is greater than three feet to obtain a conditional use permit. The project complies with the development standards in terms of minimum setbacks, minimum parking requirement, minimum open space, and maximum building height. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed General Plan Land Use Element designation of Residential Medium Density. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:



A. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

B. Urban Design Element

Goal UD 2: Protect and enhance the City's public coastal views and Oceanside character and screen uses that detract from the City's character.

Objective UD 2.1: Minimize visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height and site orientation.

The proposed design of the residential project would be consistent with existing residential uses in terms of density and scale. The proposed project would result in the preservation of approximately 8.7 acres of open space. As such, the project would retain existing public coastal views from the City-owned parcel north of the project site and the eastern half of the project site. The project would also preserve the existing slope along the eastern perimeter of the project site as a scenic resource.

C. Environmental Resources/Conservation Element

Policy ERC 6.1.6: Ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat.

The project, including the proposed grading design, is consistent with existing policies of the General Plan Land Use Element that require developments to be compatible with the surrounding developments and properties. The proposed project, including the proposed grading concept and drainage concept, would result in a development compatible with other developments in the surrounding area while being sensitive to existing resources.

**SUGGESTED FINDING FOR APPROVAL – DEVELOPMENT AGREEMENT NO. 16-001**

1. The development agreement is consistent with the General Plan, Local Coastal Program, and Windward Specific Plan No. 16. Development Agreement No. 16-001 provides for the construction of the Windward residential project which complies with the Windward Specific Plan development standards, the dedication of the open space area in accordance with the Settlement Agreement, and improvements and maintenance of the City-owned parcel and Windward open space parcel. The development agreement ensures the construction of the proposed project under the 10-year term. The development agreement is consistent with the following General Plan goals, policies, and objectives:

A. Land Use Element

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Objective LU 9.1: Provide for the development of single- and multi-family residential neighborhoods.

Policy LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volumes.
- b. Locate the elevation of the first occupiable floor at or in proximity to the predominant grade elevation, visually screening subterranean parking facilities from the street frontage.
- c. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and/or common areas.
- d. Site and design parking areas and facilities that are integrated but do not dominate the architectural character of the structure.
- e. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

The project is proposing to provide 36 multi-family residential units in an area with existing single- and multi-family residential uses. The character of the development is consistent with the existing neighborhood in size and scale of other residential structures in the vicinity. The residential units are duplex townhomes with four different floor plans, featuring three-bedrooms with attached two-car garages. The project creates visual interest along the street frontage by incorporating varied building design. Featuring a Mid-Century Modern architectural style, the project building design includes articulation and architectural details on all four sides of each duplex. The building facades contain a combination of building pop-outs and recesses to create shadow patterns and depth on wall surfaces. The architectural details on each elevation do not repeat frequently and a variety of colors and building materials are used to create differentiation in the exterior appearances. All details and materials of the project are modern and stylistically consistent. A 3,800 sq. ft. recreation area, including a swimming pool, fireplace, restroom, and seating, is provided for the use of the residents at the northwest corner of the project site. The majority of the existing trees along the front property line on Bolsa Chica Street will remain and additional landscaping will be added, creating an enhanced landscaped setback that is integrated with abutting sidewalks and parkways.

Implementation Program I-LU 7: Where appropriate, the City may use Development Agreements as binding implementation tools. Development Agreements are authorized by State law to enable a city to enter into a binding contract with a developer that assures the city as to the type, character, and quality of development and additional “benefits” that may be contributed and assures the developer that the necessary development permits will be issued regardless of changes in regulations.

The development agreement would ensure that the project is developed in accordance with the approved Windward Specific Plan, consisting of 36 residential units and a public open space plan. The benefits of the development agreement for this project include assurances that the residential

project will be built and dedication of 8.7 acres of land for public access, passive recreational use, habitat enhancement, and public trails.

B. Coastal Element

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Policy C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

Policy C 1.1.5: New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.

- b. provide non-automobile circulation such as bike trails and pedestrian walkways within the development
- d. provide for the recreational needs of new residents through local park acquisition or on-site recreational facilities to assure that recreational needs of new residents will not overload nearby coastal recreation areas

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

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

Goal C 4: Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

The project is proposing a passive open space plan as part of the Windward development, encompassing the existing undeveloped City-owned 30-foot wide parcel north of the project site,

the eastern 2.5 acres of the project site, and the 6.2-acre Goodell property (undeveloped property south of the project site located in unincorporated Orange County). The open space area is designed with a pedestrian trail system which includes interpretive signage and a scenic overlook. To facilitate public access to the property, a decomposed granite pedestrian trail would be installed on the City-owned property and connect the City-owned property to the Windward site open space area and ultimately to the Goodell property. The plan is to initially create a trail loop that starts at the southeast corner of Bolsa Chica Street and Los Patos Avenue, extends easterly through the City-owned property, which is proposed to be improved with a decomposed granite trail and landscaping, then turning southerly across the Windward site, and then turning westerly to intersect back at Bolsa Chica Street. The trail will be located at the highest elevation of the project site providing an opportunity for a scenic overlook node offering trail users unobstructed views of Saddleback Mountain in south Orange County. The trail would feature interpretive signage that would provide users with information regarding the property's rich history. Ultimately, the trail system could be extended onto the Goodell property to create a network of trails that provide users with a variety of experiences. In addition to the open space areas, a 3,800 sq. ft. open space is proposed within the development to provide a recreational area for new residents to ensure that the new residents would not overload existing coastal recreation areas. The project does not propose entry gates or other entry or parking restrictions. Access to the street and on-street parking would be available to the general public.

The project is in close proximity to similar developments, is consistent with the existing land use pattern in the area, and can be accommodated by existing infrastructure. Although the proposed project would result in development on the Bolsa Chica Mesa, the existing slope adjacent to the project site would be preserved in that no construction would occur other than minimal landscaping. In addition, the proposed drainage system would further protect the slope from potential impacts from runoff and erosion. Environmental impacts from the proposed project were analyzed in Draft MND No. 16-003. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

### *C. Urban Design Element*

*Goal UD 2:* Protect and enhance the City's public coastal views and Oceanside character and screen any uses that detract from the City's character.

*Objective UD 2.1:* Minimize visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

*Policy UD 2.1.1:* Require that new development be designed to consider coastal views in its massing, height and site orientation.

The proposed design of the residential project would be consistent with existing residential uses in terms of density and scale. The proposed project would result in the preservation of approximately 8.7 acres of open space. As such, the project would retain existing public coastal views from the City-owned parcel north of the project site and the eastern half of the project site. The project would also preserve the existing slope along the eastern perimeter of the project site as a scenic resource.

#### D. Recreation and Community Services Element

Goal RCS 2: Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.

Policy RCS 2.1.5: Provide for the inclusion of recreational trails in new developments which link with the existing or planned trails.

Although the project is proposing to amend the existing land use designation from Open Space – Park to Residential Medium Density for the western 2.5 acres of the project site, the project would be providing for additional recreational opportunities. The project is proposing an approximately 3,800 square foot (0.09 acre) common open space area to provide a recreational amenity for the residents of the project. The project is also required to pay park in-lieu fees as required by the HBZSO to contribute to future recreational opportunities. The project is proposing to improve an existing 30-foot wide City-owned parcel located immediately north of the project site with a decomposed granite trail with native landscaping that would provide access from Bolsa Chica Street to the project site open space area. The proposed Specific Plan and Development Agreement would ensure the preservation of 8.7 acres of open space and the expansion of passive recreational opportunities within the Bolsa Chica area. Designed with interpretive signage and scenic overlooks, a trail system is proposed for the open space area to provide public access to the recreational resource. In this respect, the project would further recreational opportunities in the Bolsa Chica area.

#### **SUGGESTED MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:**

1. Prior to any development, the Applicant shall retain a City-approved Archaeologist who meets the Secretary of Interior Standards for both Archaeology and History. An Archaeological Mitigation and Monitoring Plan (AMMP) shall be developed prior to initiating construction to outline “controlled archaeological grading methods,” which has been shown to be an effective investigative method for locating previously unknown resources on Bolsa Chica Mesa. The plan shall include protocol for the mitigation of cultural resources through a research design and recovery/preservation plan, including significance testing of inadvertent archaeological finds; lab analysis, curatorial requirements, and reporting requirements; and identification of an acceptable repository for all recovered material with curatorial fees being paid by the Applicant. **(Mitigation Measure)**
2. In accordance with CR-1 and the AMMP, controlled archaeological grading shall occur across the entire Windward project site prior to the issuance of a grading permit for residential development of the project site. Archaeological grading shall consist of using mechanized equipment where the plowzone is removed in approximate 2 centimeter depth increments by a mechanical scraper, as part of the controlled grading effort and under the supervision of the archaeological site supervisor. The grading process shall be limited to slow excavation in small horizontal areas providing ultimate control. The archaeologist(s) and Native American Monitor(s) shall examine the soils as they are exposed. Previous investigation have shown that once below the plowzone, soils consist of: 1) basal midden remnants (beige-yellow in color) or 2) Pleistocene terrace deposits (red in color). Culturally-sterile Pleistocene terrace deposits are shallow at this location, reached at a maximum depth of 150cm

below the surface. The entire process shall be monitored by both Gabrielino and Juaneno Native American monitors. Monitoring will occur with at least one archaeologist and one Native American monitor per equipment array that is operating. **(Mitigation Measure)**

3. All construction personnel shall be instructed to stop work on the project site in the event of a potential find, until the archaeologist and Native Monitors have been able to assess the significance of the find and implement appropriate measures as outlined in the AMMP to protect or scientifically remove the find. Construction personnel shall also be instructed that unauthorized collection of cultural resources is prohibited by law. If archaeological resources are discovered during ground-disturbing activities, the archaeologist has the authority to cease all earthwork in the immediate area of the finds (within 50 feet) until the find can be evaluated for significance. **(Mitigation Measure)**

In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery/preservation plan for the resources as outlined within the AMMP. **(Mitigation Measure)**

4. In the event cultural resources are exposed in any overlying basal midden remnants during the controlled archaeological grading, the archaeologist shall prepare a research design and recovery/preservation plan for the resources as outlined within the AMMP. Specific protocol for uncovering the resource and analyzing its significance will be detailed within this plan. The protocol shall establish procedures for various types of archaeological resources that may be discovered. Because of their cultural significance, however, if any of the following cultural resources are discovered in situ, i.e., they have not been moved or relocated to the site of discovery, they shall be preserved in place: human remains, house pits, hearths, artifact caches, and intact midden deposits. Prehistoric ceremonial or religious artifacts such as cogged stones, pipes, crystals, pigments, incised stone, beads and bone or shell ornaments shall be preserved in place if associated with human remains. Upon discovery of any of the above resources, all construction will stop and the archaeologists shall consult with Native American monitors to determine preservation methods. **(Mitigation Measure)**
5. If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site and may recommend or deny scientific removal and nondestructive analysis of human remains. If the human remains are determined to be in situ, i.e., they have not been moved or relocated to the site of discovery, the preservation methods in CR-4 shall apply. **(Mitigation Measure)**
6. Prior to the issuance of any grading permit, the project applicant shall provide written evidence to the City that a City-approved paleontologist has been retained to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, which ensure proper exploration and/or salvage. **(Mitigation Measure)**

7. Prior to construction-related ground disturbing activity, a qualified biologist shall survey the project site for presence of Southern tarplant during the appropriate blooming period, May – November. If feasible, the survey shall be conducted during the peak blooming period for the year. Any substantial occurrence (at least 500 mature individuals) shall be preserved on-site or relocated to open space areas in the Bolsa Chica area. If relocation is required, a Southern tarplant relocation program shall be prepared by a qualified biologist and implemented prior to the onset of construction. **(Mitigation Measure)**
8. Prior to construction-related ground disturbing activity, focused burrowing owl surveys shall be conducted in accordance with the CBOC and California Department of Fish and Wildlife (CDFW) established protocols on the project site.
  - If no occupied burrows are found, the methods and findings of the surveys shall be reported to the City and CDFW for review and approval and no further mitigation would be required.
  - If unoccupied burrows are found during the nonbreeding season, the burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.
  - If occupied burrows are found, a buffer of 165 feet (during the nonbreeding season of September 1 through January 31) or 250 feet (during the breeding season of February 1 through August 31) shall be provided. The buffer area may be adjusted based on recommendations by a qualified biologist in consultation with the CDFW. No activity shall occur within the buffer area until a qualified biologist confirms that the burrow is no longer occupied.
  - If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. The 6.5 acres would consist of the five acres of the project site as well as the adjacent 6.2 acre Goodell property. The western portion of the Shea property is designated as permanent open space providing an additional 19 acres of foraging habitat.
  - If avoidance of an occupied burrow is not feasible, on-site passive relocation techniques approved by the CDFW shall be used to encourage the owls to move to an alternative borrow outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival. **(Mitigation Measure)**

**SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 18060:**

1. The Tentative Tract Map No. 18060 received and dated March 17, 2017, shall be the approved layout.
2. The final map for Tentative Tract Map No. 18060 shall not be approved by the City Council until General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004 are approved and in effect, and Local Coastal Program Amendment No. 16-002 has been approved by the California Coastal Commission for the Implementation Plan.



3. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within resource protection areas.
4. A Domestic Animal Control Plan shall be prepared that details methods to be used to prevent pets from entering any resource protection areas, including but not limited to, appropriate fencing and barrier plantings.
5. A Pesticide Management Plan shall be prepared that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides and herbicides in outdoor areas, except Vector Control conducted by the City, County, or Special District.
6. Protective fencing or barriers shall be installed and maintained between the resource protection areas and areas developed for homes or recreational use for the purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas. Visual impacts created from any walls or barriers adjacent to open space conservation and passive recreational use areas shall be minimized through measures such as open fencing/wall design, landscape screening, use of undulating or off-set wall features, etc.
7. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Departments of Community Development, Public Works, Fire and City Attorney's office for review and approval. The CC&Rs shall include the following:

#### City Landscape Lot

- a. Provide for maintenance, repair and replacement by the Windward Homeowners Association (HOA) for all common area landscaping, irrigation, drainage facilities, water quality BMP's, and all private service utilities in the City Landscape Lot adjacent to and north of the Windward project site.
- b. The Windward Homeowners Association shall execute a Landscape Maintenance Agreement with the City for the continuing maintenance (including but not limited to: landscaping, decomposed granite trail, interpretive signage, open space trail fencing and bench seating) and liability of all landscaping, irrigation, water quality and drainage features associated with the proposed Public Open Space Areas indicated as "City Landscape Lot" on Tentative Tract Map 18060. The agreement shall describe all aspect of maintenance such as removal of trash, debris and silt buildup, removal/replacement of dead, damaged lawn (and any other plantings) resulting from public use of the trail system or any other aspect of maintenance, repair, replacement, liability, and fees imposed by the City. The Landscape Maintenance Agreement shall be referenced in the CC&Rs.

#### Open Space Parcel

- c. Provide for maintenance, repair and replacement by the Windward Homeowners Association for all common area landscaping, irrigation, drainage facilities, water quality BMP's, and all private service utilities in the Open Space Parcel (2.5 acres) as identified on Tentative Tract Map No. 18060 for the Windward project site.

- d. The Windward Homeowners Association shall execute a Landscape Maintenance Agreement with the City for the continuing maintenance (including but not limited to: landscaping, decomposed granite trail, interpretive signage, open space trail fencing and bench seating) and liability of all landscaping, irrigation, water quality and drainage features associated with the proposed Public Open Space Areas indicated as “Open Space” (2.5 acres) on Tentative Tract Map No. 18060. The agreement shall describe all aspects of maintenance such as removal of trash, debris and silt buildup, removal/replacement of dead, damaged lawn (and any other plantings) resulting from public use of the trail system or any other aspect of maintenance, repair, replacement, liability, and fees imposed by the City. The Landscape Maintenance Agreement shall be referenced in the CC&Rs.
  - e. The maintenance, repair, replacement in the subject open space area and the LMA execution (stated in Items “c” and “d” above) shall be the responsibility of the HOA until such time the subject Open Space parcel is transferred to a governmental agency or to a qualified non-profit organization.
- 8. 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 Planning and Building Department.
  - 9. Prior to issuance of building permits, an Affordable Housing In-Lieu Fee in the amount of \$1,883,196 shall be paid to the City of Huntington Beach in accordance with the HBZSO and Windward Specific Plan.
  - 10. Tentative Tract Map No. 18060 shall not become effective until General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-004, Zoning Text Amendment No. 16-004, and Local Coastal Program Amendment No. 16-002 have been approved by the City Council and certified by the California Coastal Commission, and are in effect.
  - 11. Comply with all applicable Conditional Use Permit No. 16-035 and Coastal Development Permit No. 16-018 conditions of approval.
  - 12. Comply with all mitigation measures adopted for the project in conjunction with Mitigated Negative Declaration No. 16-003.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-035/DEVELOPMENT AGREEMENT NO. 16-001:**

- 1. The site plan, floor plans, and elevations received and dated January 17, 2017 and March 24, 2017 shall be the conceptually approved design.

2. Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Development Agreement No. 16-001 shall not become effective until General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-004, Zoning Text Amendment No. 16-004, and Local Coastal Program Amendment No. 16-002 have been approved by the City Council and certified by the California Coastal Commission, and are in effect.
3. The project shall comply with all mitigation measures adopted in conjunction with Draft Mitigated Negative Declaration No. 16-003.
4. 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 submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval 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 approved site plan and the processing fee to the Community Development Department for addressing of the new buildings/units.
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. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. 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.

7. Prior to occupancy of the first residence, the following requirements shall be completed:
  - a. The 30-foot wide City-owned parcel north of the project site and the 2.5-acre Windward open space parcel shall be improved with a landscaping and access trail. The applicant shall include language in the CC&Rs for the project that the trail shall remain open for public access and will not be closed off for the exclusive use of the residents of the proposed development.
  - b. Signs identifying the public access and public use areas shall be provided.
8. Plans for the coastal access trail shall be submitted to the City of Huntington Beach concurrent with the project's plan check submittal. The plans for the trail shall include signage indicating public access and shall provide informational details about the entire coastal access path including length of the entire path to the Bolsa Chica Wetlands and nature of the terrain beyond the landscaped trail.
9. The developer shall design and improve, and the Windward Homeowners Association (HOA) shall maintain the linear open space along the north property line to the City of Huntington Beach design and maintenance standards for landscaped areas.
10. Prior to final inspection of the first residential unit, with exception of the model homes, the following requirements shall be completed:
  - a. Landscape plans shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water plants, and plants primarily native to coastal Orange County. The plans shall be reviewed and approved by the City of Huntington Beach.
  - b. Covenants, Conditions and Restrictions (CC&Rs) in a form approved by the Office of the City Attorney shall be recorded. The CC&Rs shall be binding on each of the lots, shall run with the land affected by the subdivision and shall be included or incorporated by reference in every deed transferring one or more lots in the subdivision.
  - c. In order to ensure the continuance of habitat value and function of the adjacent designated Environmentally Sensitive Habitat Areas, the project applicant shall provide any buyer of a housing unit within the project an information packet that explains the sensitivity of the natural habitats adjacent to the project site and the need to minimize impacts on the designated resource protection areas, and the prohibition on landscaping that includes exotic invasive plant species on lots that are directly adjacent to a resource protection area. The information packet shall include a copy of the Domestic Animal Control Plan and Pest Management Plan and be required for all sales of housing units pursuant to the CC&Rs. The project applicant shall provide the City with a copy of the information packet.
  - d. Walls, fences, gates and boundary treatments shall use wood, wrought iron, frosted or partially-frosted glass or other visually permeable barriers that are designed to prevent creation of bird strike hazard. Clear glass or plexiglass shall not be installed unless appliques (e.g. stickers/decals) designed to reduce bird-strike by reducing reflectivity and transparency are also used.
11. Signage shall be reviewed under separate permits and applicable processing.

12. 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.
13. The Development Services Departments (Fire, Community Development, 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.
14. 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>).

#### **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.

**WINDWARD PROJECT  
AUGUST 2016**

RECEIVED

SEP 06 2016

Dept. of Planning  
& Building

## **Project Description**

The Windward project is a 36-unit townhome development on 2.5 acres at the southeast corner of Bolsa Chica Street and Los Patos Avenue (17202 Bolsa Chica Street). The owner of the property is Signal Landmark. The Windward development project encompasses approximately half of the five acres Signal owns at that location. The other half of the property is proposed to remain open space. The current general plan for the property is Open Space – Park and the zoning is Residential Agriculture (RA).

With respect to surrounding land uses, directly west of the site across Bolsa Chica Street is the Sandover neighborhood comprised of single family detached homes on 6,000 square foot lots; on the north are apartment and condominium complexes; to the east lies an open space/conservation area that is part of the Parkside project; and on the south is an undeveloped 6.2-acre property located in unincorporated Orange County and owned by the Goodell Family Trust

In order to carry out the residential project, Signal will need to obtain a number of entitlements including the following: General Plan Amendment, Zoning Map Amendment, Zoning Text Amendment, Local Coastal Program Amendment, Tentative Tract Map, Conditional Use Permit, Coastal Development Permit and Development Agreement.

Signal has submitted a specific plan to the city (Windward Specific Plan) which establishes the land use, zoning and site development standards for the five-acre property. The land use for the western half of the property is proposed to be medium density residential while the eastern half would retain its current Open Space – Parks designation. The proposed zoning is Specific Plan with the western half designated for medium residential and the eastern half Coastal Conservation. Because the property lies in the Coastal Zone the project will require a CDP. A Conditional Use permit is being requested because the finished grade of northeastern corner of the development will be 4.5 feet higher than existing grade (exceeds three feet). The tentative tract map proposes to subdivide the property into one numbered lot (residential development area) and one lettered lot (open space area).

## **Public Open Space Area**

The design of the open space area on the east side of the residential development area includes an approximate 0.4-mile loop trail. The trail consists of a concrete sidewalk along Bolsa Chica street and a connecting, six foot (6') wide, decomposed granite trail that extends east through the City-owned property above the northern Windward development area boundary, south through the Windward Open Space and returns west back to Bolsa Chica Street. The trail experience includes directional and interpretive signage, open space trail fencing and an overlook area with bench seating. Native landscaping will be planted on the 2.5-acre open space area. As part of the CDP, Signal is proposing to install native landscaping and a trail on the city parcel on the northern end of the Windward site.

**WINDWARD PROJECT**  
**AUGUST 2016**

## **Architecture & Floor Plans**

The architectural character for Windward follows a Mid-Century Modern theme, with strong linear elements and bold horizontal and vertical features. A variety of exterior materials are utilized including wood, stone, stucco, and glass. The mid-century modern architectural style provides “four-sided” architecture with a variety of architectural elements on all four sides of the home, thus eliminating a flat plane on any side.

The residential units are duplex townhomes with four different floor plans. The floor plans feature three bedrooms and range in size from 2,094 SF to 2,184 SF. Each unit is three stories with a roof deck. Each unit has a two car garage and one uncovered parking space. Private open space for each unit is provided on the first floor in either the front or rear depending on the floor plan, on a second story balcony and on the third floor roof deck. A private recreation area will be constructed on the northwest corner of the residential development area that will include a swimming pool, fire place, restroom and seating.

## **Infrastructure**

Vehicular access to Windward is from two access drives along Bolsa Chica Street. The southern access is located across from existing Sandover Drive. The northern access is right in/right out only due to the existing median in Bolsa Chica Street. A private street system provides access to each of the housing units. Roadways within the Specific Plan Area shall be a minimum 24-feet in width. Vehicular turnarounds are provided at the north and south ends of the private streets. The parkway on the east side of Bolsa Chica Street will be improved with a pedestrian sidewalk which will allow access from Los Patos Avenue to the southern boundary of the Windward Specific Plan Area.

The drainage plan for Windward consists of a proposed storm drain line located within the Windward private roadway system which will connect to an existing storm drain within Bolsa Chica Street. Two catch basins will be constructed to capture storm runoff within the development and prevent it from discharging into the adjacent open space areas.

Once it is collected on-site, the drainage from the Windward development will be conveyed to an existing storm drain in Bolsa Chica Street that is part of the drainage system for the neighboring Brightwater community. Windward will utilize Brightwater’s Coastal Commission-approved (CDP 5-05-20) storm drain system which uses a state of the art filtration system (STORMFILTER) to treat runoff before it is discharged into the Bolsa Chica lowlands. The system uses storm drain pipes to convey runoff to an underground concrete structure where it flows through a number of media filter cartridges that remove pollutants from the water before discharging it. The entire drainage area for Windward was included in the design of the Brightwater storm drain system so there is sufficient capacity in the system to accommodate flows from the property. The Best Management Practices (BMPs) included in the Brightwater Water Quality Management Plan were also designed to treat runoff from Windward. An amendment to the Brightwater Water Quality Management Plan (WQMP) to incorporate the Windward project has been submitted to the city.

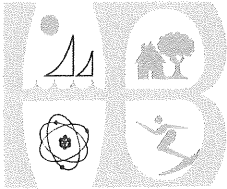
**WINDWARD PROJECT  
AUGUST 2016**

Domestic water and waste water lines from the project will connect with existing lines in Bolsa Chica Street. The water and sewer lines in Bolsa Chica Street were constructed with the Brightwater project and were sized in anticipation that the Windward property would ultimately be developed.

**Affordable Housing**

Section 230.26 of the Huntington Beach Zoning Ordinance requires that at least ten percent of all new residential construction shall be affordable units. The Windward Specific Plan provides 36 residential units; therefore, the requirement is 3.6 affordable units. The affordable housing requirement will be satisfied through the provision of payment of in lieu fees for the partial unit, and providing offsite affordable units (e.g. acquisition and rehabilitation of existing market rate units), constructing the affordable units on-site or some combination of these measures that satisfies the City's affordable requirement. In accordance with the Windward Specific Plan, an affordable housing plan will be submitted to the City prior to the issuance of a grading permit for project construction specifying how the affordable requirement will be satisfied





# City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648  
DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division  
714/536-5271

Code Enforcement Division  
714/375-5155

Building Division  
714/536-5241

February 21, 2017

Ed Mountford  
Signal Landmark  
27271 Las Ramblas, Suite 100  
Mission Viejo, CA 92691

**SUBJECT: GENERAL PLAN AMENDMENT NO. 16-002 / ZONING MAP AMENDMENT NO. 16-003 / ZONING TEXT AMENDMENT NO. 16-004 / LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002 / TENTATIVE TRACT MAP NO. 18060 / CONDITIONAL USE PERMIT NO. 16-035 / COASTAL DEVELOPMENT PERMIT NO. 16-018 / DEVELOPMENT AGREEMENT NO. 16-001 / ENVIRONMENTAL ASSESSMENT NO. 16-003 (WINDWARD RESIDENTIAL DEVELOPMENT) —17202 BOLSA CHICA STREET  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Mountford:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 ([tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org)) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN  
Associate Planner

Enclosures

cc: Khoa Duong, Building Division – 714-872-6123  
Steve Bogart, Public Works Department– 714-374-1692  
Dave Dominguez, Community Services – 714-374-5309  
Jason Kelly, Planning Division

Jim Brown, Fire Department – 714-374-5344  
Jane James, Planning Manager  
Michelle Boldt, Police Department – 714-536-5986  
Project File



## HUNTINGTON BEACH BUILDING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** FEBRUARY 15, 2017

**PROJECT NAME:** WINDWARD RESIDENTIAL DEVELOPMENT

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 16-169

**ENTITLEMENTS:** GENERAL PLAN AMENDMENT NO. 16-002  
ZONING MAP AMENDMENT NO. 16-003  
ZONING TEXT AMENDMENT NO. 16-004  
LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002  
TENTATIVE TRACT MAP NO. 18060  
CONDITIONAL USE PERMIT NO. 16-035  
COASTAL DEVELOPMENT PERMIT NO. 16-018  
DEVELOPMENT AGREEMENT NO. 16-001  
ENVIRONMENTAL ASSESSMENT NO. 16-003

**DATE OF PLANS:** JANUARY 17, 2017

**PROJECT LOCATION:** 17202 BOLSA CHICA STREET (EAST SIDE OF BOLSA CHICA STREET, SOUTH OF LOS PATOS AVENUE)

**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**PLAN REVIEWER:** KHOA DUONG, P.E

**TELEPHONE/E-MAIL:** (714) 872-6123 / KHOA@CSGENGR.COM

**PROJECT DESCRIPTION:** THE PROJECT CONSISTS OF THE FOLLOWING ENTITLEMENTS:

1. GENERAL PLAN AMENDMENT: TO AMEND THE EXISTING LAND USE DESIGNATION FROM OPEN SPACE-PARK (OS-P) TO RESIDENTIAL MEDIUM DENSITY-MAX 15 DWELLING UNITS PER ACRE (RM-15) FOR THE WESTERN HALF OF A FIVE-ACRE SITE;
2. ZONING MAP AMENDMENT: TO AMEND THE EXISTING ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURE-COASTAL ZONE (RA-CZ) TO SPECIFIC PLAN-COASTAL ZONE (SP-CZ);
3. ZONING TEXT AMENDMENT: TO ESTABLISH THE WINDWARD SPECIFIC PLAN FOR THE DEVELOPMENT OF FIVE ACRES OF UNDEVELOPED LAND AND 0.3 ACRE CITY-OWNED PARCEL;
4. LOCAL COASTAL PROGRAM AMENDMENT: TO AMEND MAPS AND TEXT TO REFLECT THE PROPOSED LAND USE AND ZONING DESIGNATIONS;
5. TENTATIVE TRACT MAP: TO SUBDIVIDE THE PROPERTY INTO ONE NUMBERED LOT (RESIDENTIAL DEVELOPMENT) AND ONE LETTERED LOT (OPEN SPACE AREA);
6. CONDITIONAL USE PERMIT: A) TO PERMIT THE CONSTRUCTION OF A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT

- SITE; B) TO DEVELOP ON A SITE WITH GRADE DIFFERENTIAL OF THREE FEET OR GREATER;
7. COASTAL DEVELOPMENT PERMIT: TO CONSTRUCT A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE IN THE COASTAL ZONE;
  8. DEVELOPMENT AGREEMENT: TO ENSURE THE OPEN SPACE PROGRAM FOR THE DEVELOPMENT (GOODELL AND WINDWARD); AND
  9. ENVIRONMENTAL ASSESSMENT: TO ANALYZE THE POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT AND LEGISLATIVE AMENDMENTS

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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**REQUIREMENT:**

1. Development Impact Fees will be required for new construction.
2. Submit separate plans for all disciplines; Building 3 sets, MEP 2 sets each. Landscape plan is a separate submittal for irrigation and plants only. No accessory structures or flat work will be reviewed on the landscape plans. All site work for accessibility will be reviewed and inspected based on the approved architectural plans. All accessory and minor accessory structures including site MEP will be on separate permits.

**I. CODE REQUIREMENTS BASED ON PLANS & DRAWINGS SUBMITTED:**

0. Project shall comply with the current state building codes adopted by the city at the time of permit application submittal. Currently they are 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Electrical Code, 2016 California Energy Code, 2016 California Green Building Standards Code, and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
1. Provide Project Data –
  - Type of building construction
  - Occupancy groups
  - Floor area for each unit
  - Building area for each building
  - Building with fire sprinkler system
2. Check the required light, ventilation and egress window.
3. With one exit serving the third floor/roof deck, please check the distance of travel.
4. Plans and calculations must be stamped and wet signed by architect/civil engineer licensed by State of California.

5. Energy calculations and structural calculations are required.
6. Soil report is required.
7. Recreation Facility must comply with Chapter 11A for private use; or Chapter 11B for public use.
  - a. Pool must be accessible to disabled persons.
  - b. Restrooms and shower must be accessible to disabled persons.
8. Review and provide compliance with Title 17 of the City of Huntington Beach Municipal Code, Building and Construction. This document can be found online on the city's website.
9. For projects that will include multiple licensed professions in multiple disciplines, i.e. Architect and professional engineers for specific disciplines, a Design Professional in Responsible Charge will be requested per the 2013 CBC, Section 107.3.4.
10. In addition to all of the code requirements of the 2013 California Green Building Standards Code, specifically address Construction Waste Management per Sections 4.408.2, 4.408.3, 4.408.4, 5.408.1.1, 5.408.1.2, and 5.408.1.3 and Building Maintenance and Operation, Section 5.410. Prior to the issuance of a building permit the permittee will be required to describe how they will comply with the sections described above. Prior to Building Final Approval, the city will require a Waste Diversion Report per Sections 4.408.5 and 5.408.1.4.
11. The City of Huntington Beach has adopted the 2013 California Green Building Standards Code, including Sections 4.106.4.1 for Electric Vehicle (EV) Charging for New Construction.

## **II. COMMENTS:**

0. Planning and Building Department encourage the use of pre-submittal building plan check meetings.
1. Separate Building, Mechanical, Electrical and Plumbing Permits will be required for all exterior accessory elements of the project, including but not limited to: fireplaces, fountains, sculptures, light poles, walls and fences over 42" high, retaining walls over 2' high, detached trellises/patio covers, gas piping, water service, backflow anti-siphon, electrical, meter pedestals/electrical panels, swimming pools, storage racks for industrial/commercial projects. It will be the design professional in charge, responsibility to coordinate and submit the documents for the work described above.
2. Provide on all plan submittals for building, mechanical, electrical and plumbing permits, the Conditions of Approval and Code Requirements that are associated with the project through the entitlement process. If there is a WQMP, it is required to be attached to the plumbing plans for plan check.



## **CITY OF HUNTINGTON BEACH**

### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** JANUARY 23, 2017

**PROJECT NAME:** WINDWARD RESIDENTIAL DEVELOPMENT

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 16-169

**ENTITLEMENTS:** GENERAL PLAN AMENDMENT NO. 16-002  
ZONING MAP AMENDMENT NO. 16-003  
ZONING TEXT AMENDMENT NO. 16-004  
LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002  
TENTATIVE TRACT MAP NO. 18060  
CONDITIONAL USE PERMIT NO. 16-035  
COASTAL DEVELOPMENT PERMIT NO. 16-018  
DEVELOPMENT AGREEMENT NO. 16-001  
ENVIRONMENTAL ASSESSMENT NO. 16-003

**DATE OF PLANS/STUDY:** JANUARY 17, 2017

**PROJECT LOCATION:** 17202 BOLSA CHICA STREET (EAST SIDE OF BOLSA CHICA STREET, SOUTH OF LOS PATOS AVENUE)

**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**PLAN REVIEWER:** DAVID DOMINGUEZ, COMMUNITY SERVICES MANAGER

**TELEPHONE/E-MAIL:** (714) 374-5309/ [ddominguez@surfcity-hb.org](mailto:ddominguez@surfcity-hb.org)

**PROJECT DESCRIPTION:** THE PROJECT CONSISTS OF THE FOLLOWING ENTITLEMENTS:

1. GENERAL PLAN AMENDMENT: TO AMEND THE EXISTING LAND USE DESIGNATION FROM OPEN SPACE-PARK (OS-P) TO RESIDENTIAL MEDIUM DENSITY-MAX 15 DWELLING UNITS PER ACRE (RM-15) FOR THE WESTERN HALF OF A FIVE-ACRE SITE;
2. ZONING MAP AMENDMENT: TO AMEND THE EXISTING ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURE-COASTAL ZONE (RA-CZ) TO SPECIFIC PLAN-COASTAL ZONE (SP-CZ);
3. ZONING TEXT AMENDMENT: TO ESTABLISH THE WINDWARD SPECIFIC PLAN FOR THE DEVELOPMENT OF FIVE ACRES OF UNDEVELOPED LAND AND 0.3 ACRE CITY-OWNED PARCEL;
4. LOCAL COASTAL PROGRAM AMENDMENT: TO AMEND MAPS AND TEXT TO REFLECT THE PROPOSED LAND USE AND ZONING DESIGNATIONS;
5. TENTATIVE TRACT MAP: TO SUBDIVIDE THE PROPERTY INTO ONE NUMBERED LOT (RESIDENTIAL DEVELOPMENT) AND ONE LETTERED LOT (OPEN SPACE AREA);
6. CONDITIONAL USE PERMIT: A) TO PERMIT THE CONSTRUCTION OF A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE; B) TO DEVELOP ON A SITE WITH GRADE DIFFERENTIAL OF THREE FEET OR GREATER;
7. COASTAL DEVELOPMENT PERMIT: TO CONSTRUCT A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE IN THE COASTAL ZONE;

8. DEVELOPMENT AGREEMENT: TO ENSURE THE OPEN SPACE PROGRAM FOR THE DEVELOPMENT (GOODELL AND WINDWARD); AND
9. ENVIRONMENTAL ASSESSMENT: TO ANALYZE THE POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT AND LEGISLATIVE AMENDMENTS

---

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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The project shall be subject to the appropriate park fees per Chapter 254.08 of the Zoning Code.



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JANUARY 25<sup>TH</sup>, 2017

**PROJECT NAME:** WINDWARD RESIDENTIAL DEVELOPMENT

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 2016-169

**ENTITLEMENTS:** GENERAL PLAN AMENDMENT NO. 16-002  
ZONING MAP AMENDMENT NO. 16-003  
ZONING TEXT AMENDMENT NO. 16-004  
LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002  
TENTATIVE TRACT MAP NO. 18060  
CONDITIONAL USE PERMIT NO. 16-035  
COASTAL DEVELOPMENT PERMIT NO. 16-018  
DEVELOPMENT AGREEMENT NO. 16-001  
ENVIRONMENTAL ASSESSMENT NO. 16-003

**PROJECT LOCATION:** 17202 BOLSA CHICA STREET (EAST SIDE OF BOLSA CHICA STREET, SOUTH OF LOS PATOS AVENUE)

**PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**PLAN REVIEWER-FIRE:** JAMES BROWN, FIRE PROTECTION ANALYST

**TELEPHONE/E-MAIL:** (714) 374-5344/ jbrown@surfcity-hb.org

**PROJECT DESCRIPTION:** THE PROJECT CONSISTS OF THE FOLLOWING ENTITLEMENTS:

1. GENERAL PLAN AMENDMENT: TO AMEND THE EXISTING LAND USE DESIGNATION FROM OPEN SPACE-PARK (OS-P) TO RESIDENTIAL MEDIUM DENSITY-MAX 15 DWELLING UNITS PER ACRE (RM-15) FOR THE WESTERN HALF OF A FIVE-ACRE SITE;
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3. ZONING TEXT AMENDMENT: TO ESTABLISH THE WINDWARD SPECIFIC PLAN FOR THE DEVELOPMENT OF FIVE ACRES OF UNDEVELOPED LAND AND 0.3 ACRE CITY-OWNED PARCEL;
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Dept. of Planning & Building

7. COASTAL DEVELOPMENT PERMIT: TO CONSTRUCT A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE IN THE COASTAL ZONE;
8. DEVELOPMENT AGREEMENT: TO ENSURE THE OPEN SPACE PROGRAM FOR THE DEVELOPMENT (GOODELL AND WINDWARD); AND
9. ENVIRONMENTAL ASSESSMENT: TO ANALYZE THE POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT AND LEGISLATIVE AMENDMENTS

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated JANUARY 17<sup>TH</sup>, 2017. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. The review comments below are not to be construed as being all inclusive. **The project is required to comply with all of the adopted Building, Fire, and Municipal Codes in effect at the time of grading and building plan submittal for permit issuance.** If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANALYST.

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**PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

**The following items shall be completed prior to precise grading plan or building plan approval.**

### **Fire Master Plan**

A separate Fire Master Plan is required for submittal to the HBFD. It shall be a site plan reflecting all the following fire department related items:

- Fire hydrant locations, public and private.
- FDC locations.
- Dimensions from FDC's to hydrants.
- DCDA locations.
- Fire sprinkler riser locations and location of system serving.
- FACP locations.
- Knox box and knox switch locations.



- Gate locations, and opticoms if required.
- Fire lane locations, dimensions, lengths, turning radii at corners and circles/cul-de-sacs.
- Fire lane signage and striping.
- Property dimensions or accurate scale.
- Building locations and heights.
- Building addresses and suite addresses. (FD)

## **Environmental**

**The following items shall be completed prior to rough or precise grading plan approval.**

### **Environmental - Elevated levels of methane or other soil gases in the area. (No well)**

***Methane Mitigation Requirements.*** Due to the proposed location of construction, which is very close to two abandoned oil wells and a former industrial dump site, soil gas testing for methane gas is required. A methane sample plan shall be submitted to the fire department for review and approval, prior to the commencement of sampling.

If methane gas is discovered in the soil, the following City Specification would be applicable and the grading, building, and methane plans must reference that a sub-slab methane barrier and vent system will be installed per City Specification # 429, *Methane District Building Permit Requirements* prior to plan approval. Additional methane mitigation measures may be required by the fire department.

Methane safety measures per *City Specification # 429, Methane District Building Permit Requirements* shall be detailed on a separate sheet titled "METHANE PLAN" and two copies submitted to the Fire Department for review and approval. (FD)

***City Specification # 431-92 Soil Clean-Up Standards testing is required.*** Based on site characteristics, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I, II, or III Site Audit, soil testing conforming to City Specification # 431-92 Soil Clean-Up Standards is required.

All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards prior to the issuance of a building permit. Building plans shall reference that "All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards" in the plan notes.

***"Soil Testing".***

- A soil testing plan conforming to *City Specification #431-92 Soil Clean-Up Standards* shall be submitted and approved by the Fire Department.
- All soils shall conform to *City Specification #431-92 Soil Clean-Up Standards*, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit.
- Reference that all soils, whether native or imported, shall be in compliance with *City Specification #431-92 Soil Clean-Up Standards* in the plan notes. **(FD)**

***Discovery of soil contamination/pipelines***, etc., must be reported to the Fire Department immediately and an approved remedial work plan submitted. **(FD)**

***Remediation Action Plan.*** If soil contamination is identified, the applicant must provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. Upon remediation action plan approval, a rough grading permit may be issued. **(FD)**

***Imported Soil Plan.*** All imported soil shall meet *City Specification #431-92, Soil Cleanup Standards*. An "Imported Soil Work Plan" must be submitted to the Fire Department for review and approval prior to importing any soil from off site. Once approved, the soil source can be sampled per the approved work plan, then results sent to the HBFD for review. No rough grade will be approved prior to the actual soil source approval. Multiple soil sources required separate sampling as per the approved work plan, with no soil being imported until each source has been verified to meet the CS #431-92 requirements. **(FD)**

## **Fire Hydrants and Water Systems**

**The following items shall be completed prior to issuance of a certificate of occupancy.**

***Public Fire Hydrants*** are required. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrant and service mains shall meet all applicable Public Works water division standards and requirements. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments for connection to street main, piping, hydrant types and hydrant locations. For Fire Department approval, there will need to be new hydrants spaced no greater than 500 feet apart on all public streets adjacent to the site. **(FD)**

***Private Fire Hydrants*** are required. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrants and service mains, including fire department connections, shall meet NFPA 13 and 24, 2013 Edition, California Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Private fire hydrants shall not be pressurized by Fire Department Connections to the sprinkler system. The system design shall ensure that recirculation of

pressurized water from the hydrant, thru the FDC and back through the sprinkler system supply to the hydrant does not occur. Maximum allowed velocity of fire flow in supply piping is 12 fps, and minimum hydrant spacing no greater than 500 apart is required. The maintenance of private fire hydrants is the responsibility of the owner or facility association. Shop drawings shall be submitted to and approved by the Fire Department. For Fire Department approval, portray the fire hydrants and reference compliance with City Specification #407 Fire Hydrant Installation Standards in the plan notes. (FD)

***NOTE: Hydrant spacing of 500 feet is acceptable for a two family (duplex) building up to 5,000 square feet. The concept plans are not clear as to the total square footage, but if a building exceeds 5,000 square feet, then hydrant spacing of 300 feet is required.***

***On-Site Fire Service Piping (FSP)*** Application for permit from the HBFD shall be made for on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work. (FD)

***Private Fire Service Connection to the Public Water Supply*** - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. (FD)

## **Fire Suppression Systems**

**The following items shall be completed prior to issuance of a certificate of occupancy.**

### **Fire Protection Systems**

***Automatic Fire Sprinklers*** are required. NFPA13d Automatic fire sprinkler systems are required per the California Fire Code and California Residential Code for new single and two family homes (R-3).

Separate plans (two sets) shall be submitted to the Fire Department for permits and approval.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the California Fire Code, NFPA 13d, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the building plan notes. (FD)

## **Fire Apparatus Access**

**The following items shall be completed prior to rough or precise grading plan approval.**

***Fire Access Roads*** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

***Fire Access Road Turns and Corners*** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

***Fire Lanes***, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

***Secured Vehicle Entry Gates*** shall utilize a combination "Strobe-Activated Switch" and "Knox Manual Key Switch" if automated, or a knox lock if manual. They must comply with *City Specification # 403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance with *City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. (FD)

## **Addressing and Street Names**

**The following items shall be completed prior to issuance of a certificate of occupancy.**

**Structure or Building Address Assignments.** The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. (FD)

**Residential Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front and rear of the structure and shall be a minimum of ten inches (10") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. (FD)

**New Street Names** shall be in compliance with City Specification #409, Street Naming and Address Assignment Process – Public or Private. Street name proposal must be provided to the HBFD, designed and submitted in conformance with the requirements of City Specification #409. The HBFD will review the proposed street names in coordination with the HBPD and Planning Division. Per HB City Council Resolution #2390, the HBFD will give the final street name approval. (FD)

## GIS Mapping Information

- a. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:

- Site plot plan showing the building footprint.
- Specify the type of use for the building
- Location of electrical, gas, water, sprinkler system shut-offs.
- Fire Sprinkler Connections (FDC) if any.
- Knox Access locations for doors, gates, and vehicle access.
- Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release ) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.

In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

**THE FOLLOWING SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 33, Fire Safety During Construction And Demolition. **(FD)**

**OTHER:**

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants: The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

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Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5<sup>th</sup> floor

Huntington Beach, CA 92648

or through the City's website at

**[http://www.huntingtonbeachca.gov/government/departments/Fire/fire\\_prevention\\_code\\_enforcement/fire\\_dept\\_city\\_specifications.cfm](http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm)**

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



## CITY OF HUNTINGTON BEACH PLANNING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** FEBRUARY 15, 2017

**PROJECT NAME:** WINDWARD RESIDENTIAL DEVELOPMENT

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 16-169

**ENTITLEMENTS:** GENERAL PLAN AMENDMENT NO. 16-002  
ZONING MAP AMENDMENT NO. 16-003  
ZONING TEXT AMENDMENT NO. 16-004  
LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002  
TENTATIVE TRACT MAP NO. 18060  
CONDITIONAL USE PERMIT NO. 16-035  
COASTAL DEVELOPMENT PERMIT NO. 16-018  
DEVELOPMENT AGREEMENT NO. 16-001  
ENVIRONMENTAL ASSESSMENT NO. 16-003

**DATE OF PLANS:** JANUARY 17, 2017

**PROJECT LOCATION:** 17202 BOLSA CHICA STREET (EAST SIDE OF BOLSA CHICA STREET, SOUTH OF LOS PATOS AVENUE)

**PLAN REVIEWER:** TESS NGUYEN, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org

**PROJECT DESCRIPTION:** THE PROJECT CONSISTS OF THE FOLLOWING ENTITLEMENTS:

1. GENERAL PLAN AMENDMENT: TO AMEND THE EXISTING LAND USE DESIGNATION FROM OPEN SPACE-PARK (OS-P) TO RESIDENTIAL MEDIUM DENSITY-MAX 15 DWELLING UNITS PER ACRE (RM-15) FOR THE WESTERN HALF OF A FIVE-ACRE SITE;
2. ZONING MAP AMENDMENT: TO AMEND THE EXISTING ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURE-COASTAL ZONE (RA-CZ) TO SPECIFIC PLAN-COASTAL ZONE (SP-CZ);
3. ZONING TEXT AMENDMENT: TO ESTABLISH THE WINDWARD SPECIFIC PLAN FOR THE DEVELOPMENT OF FIVE ACRES OF UNDEVELOPED LAND AND 0.3 ACRE CITY-OWNED PARCEL;
4. LOCAL COASTAL PROGRAM AMENDMENT: TO AMEND MAPS AND TEXT TO REFLECT THE PROPOSED LAND USE AND ZONING DESIGNATIONS;
5. TENTATIVE TRACT MAP: TO SUBDIVIDE THE PROPERTY INTO ONE NUMBERED LOT (RESIDENTIAL DEVELOPMENT) AND ONE LETTERED LOT (OPEN SPACE AREA);
6. CONDITIONAL USE PERMIT: A) TO PERMIT THE CONSTRUCTION OF A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE; B) TO DEVELOP ON A SITE WITH GRADE DIFFERENTIAL OF THREE FEET OR GREATER;

7. COASTAL DEVELOPMENT PERMIT: TO CONSTRUCT A 36-TOWNHOME DEVELOPMENT ON A 2.5 ACRE VACANT SITE IN THE COASTAL ZONE;
8. DEVELOPMENT AGREEMENT: TO ENSURE THE OPEN SPACE PROGRAM FOR THE DEVELOPMENT (GOODELL AND WINDWARD); AND
9. ENVIRONMENTAL ASSESSMENT: TO ANALYZE THE POTENTIAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROPOSED PROJECT AND LEGISLATIVE AMENDMENTS

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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#### **TENTATIVE TRACT MAP NO. 18060:**

1. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
  - a. An Affordable Housing Agreement in accord with Section 230.26 of the ZSO. **(HBZSO Section 230.26)**
  - b. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Community Development Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. In addition, the CC&Rs shall specify the requirements and restrictions of HBZSO Section 221.10 relating to domestic animal, pest management, and lighting. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
  - c. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council. **(Department of Community Development Fee Schedule)**
  - d. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. **(City of Huntington Beach Community Development Department Fee Schedule)**
2. Prior to submittal for building permits, the following shall be completed:
  - a. A minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Community Development Department. **(City Specification No. 409)**
3. The following conditions shall be completed prior to issuance of a grading permit:
  - a. The final map shall be recorded with the County of Orange. **(HBZSO Section 253.22)**



4. The following conditions shall be completed prior to issuance of Building Permits:
  - a. A Mitigation Monitoring Fee for a Mitigated Negative Declaration shall be paid to the Community Development Department pursuant to the fee schedule adopted by resolution of the City Council. (***City of Huntington Beach Community Development Department Fee Schedule***)
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. 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 8:00 PM. Such activities are prohibited Sundays and Federal holidays. (**HBMC 8.40.090**)
6. The Departments of Community Development, Public Works and Fire shall be responsible for ensuring compliance with all conditions of approval herein as noted after each condition. The Community Development Director and Public Works Director shall be notified in writing if any changes to parcel/tract map are proposed during the plan check process. Permits shall not be issued until the Community Development Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. 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 HBZSO. (**HBZSO Section 241.10**)
7. Tentative Tract Map No. 18060 shall not become effective until the ten calendar day appeal period has elapsed from Planning Commission. (**HBZSO Section 251.12**)
8. Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, and Coastal Development Permit No. 16-018 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 Director of Community Development pursuant to a written request submitted to the Community Development Department a minimum 60 days prior to the expiration date. (**HBZSO Section 251.14 and 251.16**)
9. The subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. (**City Charter, Article V**)
10. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. (**HBMC 8.40.090**)
11. The applicant shall submit a check in the amount of \$2,266.25 for the posting of a Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Community Development Department within two (2) days of the Planning Commission's action. (**California Code Section 15094**)
12. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Community Development and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. (**HBZSO Section 232.04**)

**CONDITIONAL USE PERMIT NO. 16-035/COASTAL DEVELOPMENT PERMIT NO. 16-018:**

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
  - a. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**
  - b. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s). **(HBZSO Section 230.76)**
  - c. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**
2. Prior to issuance of grading permits, the following shall be completed:
  - a. Prior to submittal of a landscape plan, the applicant shall provide a Consulting Arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution No. 4545)**
  - b. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Community Development Department for review and approval. **(HBZSO Section 232.04)**
  - c. The Landscape Plan shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water-use plants, and plants primarily native to coastal Orange County of local stock. **(HBZSO Section 221.10)**
  - d. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent. **(CEQA Categorical Exemption Section 15304)**
  - e. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. **(HBZSO Section 232.04.D)**
  - f. Standard landscape code requirements apply. **(HBZSO Chapter 232)**
  - g. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. **(HBZSO Section 232.04.B)**

- h. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. **(HBZSO Section 232.06.A)**
  - i. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(Resolution 4545)**
3. Prior to submittal for building permits, the following shall be completed:
- a. A minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Community Development Department. **(City Specification No. 409)**
4. Prior to issuance of building permits, the following shall be completed:
- a. A Mitigation Monitoring Fee for the Mitigated Negative Declaration shall be paid to the Community Development Department pursuant to the fee schedule adopted by resolution of the City Council. **(City of Huntington Beach Community Development Department Fee Schedule)**
  - b. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. **(City of Huntington Beach Community Development Department Fee Schedule)**
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. **(Resolution No. 4545)**
  - b. 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 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
6. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. All new residential development shall pay a park fee, pursuant to the provisions of HBZSO Section 254.08. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. **(HBZSO Section 254.08)**
  - b. Signage shall be reviewed and approved under separate permits. **(HBZSO Chapter 233)**

- c. Complete all improvements as shown on the approved grading, landscape and improvement plans. **(HBMC 17.05)**
  - d. All trees shall be maintained or planted in accordance to the requirements of Chapter 232. **(HBZSO Chapter 232)**
  - e. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. **(HBZSO Section 232.04.D)**
  - f. The provisions of the Water Efficient Landscape Requirements shall be implemented. **(HBMC 14.52)**
  - g. Domestic Animal Control Plan shall be prepared that details methods to be used to prevent pets from entering any resource protection areas, including, but not limited to appropriate fencing and barrier plantings. **(HBZSO Section 221.10)**
  - h. Pest Management Plan shall be prepared that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides, and herbicides in outdoor areas, except necessary vector control conducted by the City or county. **(HBZSO Section 221.10)**
  - i. Protective fencing or barriers shall be installed and maintained between the resource protection areas and areas developed for homes or recreational use for the purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas; however, public access to designated passive recreational use areas shall be provided. Visual impacts created from any walls or barriers adjacent to open space conservation and passive recreational use areas shall be minimized through measures such as open fencing/wall design, landscape screening, use of undulating or off-set wall features, etc. Walls, fences, gates and boundary treatments shall use wood, wrought iron, frosted or partially-frosted glass or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or plexiglass shall not be installed unless appliqués (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency are also used. **(HBZSO Section 221.10)**
  - j. Public accessways, public use areas, and trails shall have signs identifying the public access and public use areas. **(HBZSO Section 221.12)**
7. The Development Services Departments (Community Development, Fire, 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. **(HBZSO Section 241.18)**
8. Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Tentative Tract Map No. 18060 shall not become effective until General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004, and Local Coastal Program

Amendment No. 16-002 have been approved by the City Council and certified by the California Coastal Commission, and are in effect. **(HBZSO Section 247.16)**

9. Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Tentative Tract Map No. 18060 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
10. Conditional Use Permit No. 16-035, Coastal Program Amendment No. 16-002, Tentative Tract Map No. 18060 shall become null and void unless exercised within two (2) years of the date of final approval, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or as modified by a condition of approval. An extension of time may be granted by the Director of Community Development pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
11. The Planning Commission reserves the right to revoke Conditional Use Permit No. 16-035, Coastal Development Permit No. 16-018, and Tentative Tract Map No. 18060 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
12. The project shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
13. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
14. The applicant shall submit a check in the amount of \$2,266.25 for the posting of a Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Community Development Department within two (2) days of the Planning Commission's action. **(California Code Section 15094)**
15. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Community Development, and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO Section 232.04)**

# ***Crime Prevention Through Environmental Design***



## **CITY OF HUNTINGTON BEACH POLICE DEPARTMENT**

### **CPTED DEVELOPMENT REVIEW**

**DATE:** February 7, 2017  
**PROJECT NAME:** Windward Residential  
**ASSIGNED PLANNER:** Tess Nguyen  
**REQUEST:** Residential medium density – max 15 dwelling units per acre.  
**LOCATION:** 17202 Bolsa Chica Street  
**PLAN REVIEWER:** Jan Thomas, CPTED Consultant - HBPD  
**TELEPHONE/E-MAIL:** (949) 290-1604/jckthomas@cox.net

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements, which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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#### **Concern:**

Each of the two entrances ("A" Street, and "D" Street) pose the possibility of a collision between a motorist entering the property, and a person backing their vehicle out of their garage or adjacent parking stall.

#### **Recommend:**

The crosswalk shows enhanced paving at the entrance to each of these streets ("A" and "D" Streets). Extend that enhanced paving to include the entire area between the two crosswalks on each of those streets. The enhanced paving marks a distinct demarcation between the public street from which they enter, and the private street ("A" or "D" Street), thus reminding motorists to slow and watch for pedestrians and vehicles.

Concern:

The backyard retaining wall that separates the Windward Open Space from the residences, allows a foothold for someone wanting to climb over the backyard fence, into the backyard of the residences.

Recommend:

It is understood that retaining walls are likely a necessary structural requirement, however, be aware this is a risk. Possibly install motion sensor lighting near the backyards.

Also, keep landscaping low in the Windward Open Space of each resident's backyard.



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** FEBRUARY 14, 2017

**PROJECT NAME:** WINDWARD RESIDENTIAL DEVELOPMENT

**ENTITLEMENTS:** CDP 16-18, CUP 16-35, GPA 16-02, ZMA 16-03, ZTA 16-04, LCPA 16-02, TTM 18060, DA 16-01, EA 16-03

**PLNG APPLICATION NO:** 2016-0169

**DATE OF PLANS:** JANUARY 17, 2017

**PROJECT LOCATION:** 17202 BOLSA CHICA STREET (EAST SIDE OF BOLSA CHICA STREET, SOUTH OF LOS PATOS AVENUE)

**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER

**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER *SB*

**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)

**PROJECT DESCRIPTION:** TO REVIEW THE PROPOSED DEVELOPMENT OF 36 TOWNHOMES, OPEN SPACE AREA, AND ESTABLISHMENT OF THE WINDWARD SPECIFIC PLAN.

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The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

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#### **THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF A FINAL TRACT MAP UNLESS OTHERWISE STATED:**

1. The Final Tract Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Tract Map.
2. The Final Tract Map shall be consistent with the approved Tentative Tract map. (ZSO 253.14)



3. The following dedications to the City of Huntington Beach shall be shown on the Final Tract Map. (ZSO 230.084A & 253.10K)
  - a. Dedication along the Bolsa Chica Street frontage providing a thirty-three foot (33') wide public right-of-way from street centerline. (GP CE, ZSO 230.84)
4. Documentation, including closure calculations, shall be provided to establish the boundary lines of the tract.
5. A reproducible Mylar copy and a print of the recorded final tract map shall be submitted to the Department of Public Works at the time of recordation.
6. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item:
  - a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
  - b. Provide a digital-graphics file of said map to the County of Orange.
7. Provide a digital-graphics file of said map to the City per the following design criteria:
  - a. Design Specification:
    - i. Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
    - ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
    - iii. Digital data shall have units in US FEET.
    - iv. A separate drawing file shall be submitted for each individual sheet.
    - v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
    - vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
  - b. File Format and Media Specification:
    - i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
      - AutoCAD (version 2000, release 4) drawing file: \_\_\_\_\_.DWG
      - Drawing Interchange file: \_\_\_\_\_.DXF
    - ii. Shall be in compliance with the following media type:
      - CD Recordable (CD-R) 650 Megabytes
8. All improvement securities (Faithful Performance, Labor and Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney, if it is desired to record the Final Tract Map or obtain building permits before completion of the required improvements.
9. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney.

10. If the Final Tract Map is recorded before the required improvements are completed, a Subdivision Agreement and accompanying bonds may be submitted for construction in accordance with the provisions of the Subdivision Map Act. (SMA)
11. A drainage fee for the subject development shall be paid at the rate applicable prior to recordation of the Final Tract Map. The current rate of \$13,880 per gross acre is subject to periodic adjustments. The developed portion of this project consists of 2.50 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$34,700. Per provisions of the City Municipal Code, this onetime fee shall be paid for all subdivisions or development of land. (MC 14.48)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A GRADING PERMIT:**

1. A Legal Description and Plat of the dedications to City to be prepared by a licensed surveyor or registered Civil Engineer authorized to practice land surveying and submitted to Public Works for review and approval. The dedication shall be recorded prior to issuance of a grading permit.
2. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)
  - a. Dedication along the Bolsa Chica Street frontage providing a thirty-three foot (33') wide public right-of-way from street centerline. (GP CE, ZSO 230.84)
3. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. Installation of curb, gutter, sidewalk and landscape parkway along the Bolsa Chica Street frontage per Public Works Standards. (ZSO 230.84)
  - b. Drive approaches to the proposed private streets shall be ADA compliant. (ADA, ZSO 230.84)
  - c. Installation of two (2) decorative street lights on the project frontage matching the existing decorative street lighting along Bolsa Chica Street. (ZSO 230.84)
  - d. Relocation of existing decorative street lighting along the project frontage as necessary to accommodate the off-site frontage improvements. (ZSO 230.84)
  - e. The proposed new private sewer main (within the private streets) shall be constructed per City Standards and shall connect to the existing main in Bolsa Chica Street. (ZSO 230.84)
  - f. A new domestic master water service and meter for Lot 1 shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84) (MC 14.08.020)
  - g. Where common landscape areas for Lot 1 are maintained by a Homeowner's Association, a separate master irrigation water service and meter shall be installed per Water Division Standards. (ZSO 232)
  - h. A separate irrigation water service and meter for Lot A shall be installed per Water Division Standards. (ZSO 232) (MC 14.52)
  - i. A separate irrigation water service and meter shall be installed per Water Division Standards for the landscaping existing along the property frontage on Bolsa Chica Street located within the public right of way. (ZSO 232) (MC 14.52)

- j. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation and fire water services, and shall be screened from view. (Resolution 5921 and State of California Administrative Code, Title 17)
  - k. The fire sprinkler system that is required by the Fire Department for the proposed development shall have a separate dedicated fire service line installed per Water Division Standards. (ZSO 230.84)
  - l. Any on-site fire hydrants that are required by the Fire Department to serve the proposed development shall be private fire hydrants that are served by a private fire service line. The private fire water line shall be separated from the public water main in Bolsa Chica Street by construction of a double check detector assembly. The double check detector assembly shall be constructed per the City of Huntington Beach Standard Plan No. 618, and shall be sized to provide adequate fire flow protection for the private on-site fire hydrants. The double check detector assembly shall be located within landscape planter area or other area and screened from view by landscaping or other method as approved by the Department of Public Works. The on-going maintenance of the backflow device, private fire water service and private fire hydrants shall be the responsibility of the development owner(s). (Resolution 5921, State of California Administrative Code, Title 17)
4. The developer shall submit for approval by the Fire Department and Water Division, a hydraulic water analysis to ensure that fire service connection from the point of connection to the City's water main to the backflow protection device satisfies Water Division standard requirements.
  5. A Hydrology and Hydraulics Report shall be submitted for Public Works review and approval (10, 25, and 100-year storms shall be analyzed). The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The Hydrology and Hydraulic Report shall include, but not be limited to facilities sizing, limits of attenuation, downstream impacts and other related design features. Runoff shall be limited to existing 25-year flows, which must be established in the hydrology study. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the developer shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm as determined by the hydrology study. As an option, the developer may choose to explore low-flow design alternatives, onsite attenuation or detention, or upgrade the City's storm water system to accommodate the impacts of the new development, at no cost to the City. (ZSO 230.84)
  6. A sewer study shall be prepared and submitted to the Public Works Dept. for review and approval. A fourteen (14)-day or longer flow test data shall be included in the study. The location and number of monitoring test sites shall be determined by the Public Works Department. The sanitary sewer system shall be designed and constructed to serve the development, including any offsite improvements necessary to accommodate any increased flow associated with the project. (ZSO 230.84/MC 14.36.010)
  7. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State of California Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the

Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP)

8. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues.
9. The project WQMP shall include the following:
  - a. Low Impact Development.
  - b. Discusses regional or watershed programs (if applicable).
  - c. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
  - d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
  - e. Incorporates Treatment Control BMPs as defined in the DAMP.
  - f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
  - i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
  - j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
    - i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
    - ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
  - k. The applicant shall return one CD media to Public Works for the project record file.
10. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
11. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains

into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)

12. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
13. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
14. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
15. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING  
GRADING OPERATIONS:**

16. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
17. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
18. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
19. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
20. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
21. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
22. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
23. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
24. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)

25. Wind barriers shall be installed along the perimeter of the site. (DAMP)
26. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

27. A Precise Grading Permit shall be issued. (MC 17.05)
28. The applicable Orange County Sanitation District Capital Facility Capacity Charge shall be paid to the City Department of Public Works. (Ordinance OCSD-40)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL  
INSPECTION OR OCCUPANCY:**

29. Complete all improvements as shown on the approved grading and improvement plans. (MC 17.05)
30. All existing and new utilities shall be undergrounded. (MC 17.64)
31. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf). (ZSO 240.06/ZSO 250.16)
32. Traffic Impact Fees for the project shall be paid prior to occupancy at the rate in effect at that time. The current rate for the proposed project is \$1,364.01/unit. (MC 17.65)
33. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
  - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.

## ZONING CONFORMANCE MATRIX

DEVELOPMENT STANDARDS	WINDWARD SPECIFIC PLAN	PROPOSED PROJECT
minimum site area	2.5 acres	2.5 acres
minimum setbacks front (Bolsa Chica Street) side (open space lot) rear (open space lot)  upper story setbacks	15 ft. 9 ft. 13 ft.  no setback required from the first floor for second or third floor	15 ft. 9 ft. (south), 9.7 ft. (north) 13.7 ft.  no setback
minimum distance between buildings	10 ft.	10.17 ft.
maximum building height   exceptions to building height limits  roof deck trellises	35 ft. 3 stories  10 ft. max above height limit (roof equipment, including elevators)  up to a maximum of 10 ft. above roof deck floor and meet the following criteria: –5 ft. minimum setback from edge of roof or adjacent unit –not exceed 150 sq. ft. in area –open on three sides –lattice design only	34.25 ft. 3 stories  4.5 ft. above 34.25 ft. (elevator)  not proposed at this time—owner could add later
maximum lot coverage	50%	29%
minimum open space private open space (3 bedroom unit)  common open space	300 sq. ft. (roof deck, ground floor open space, private balconies)  3,800 sq. ft. (swimming pool, bbq area, picnic area, seating area)	minimum 829 sq. ft. of private open space  3,800 sq. ft. (swimming pool, bbq area, picnic area, seating area)
off-street parking 3 or more bedrooms	2 enclosed spaces per unit  1 unenclosed guest space per unit	72 enclosed spaces (2 spaces per unit) 37 unenclosed spaces (1 spaces per unit)

## LITIGATION SETTLEMENT AGREEMENT

This Litigation Settlement Agreement ("Settlement Agreement") is entered into this 19th day of APRIL 2016, by and between:

City of Huntington Beach, a California charter city ("City");

Bolsa Chica Land Trust, a non-profit organization ("BCLT"); and

Signal Landmark, a California corporation ("Signal"),

by and through their respective authorized representatives, signing below. Each of the above-listed parties is referred to individually herein as a "Party" and all are collectively referred to herein as the "Parties."

### RECITALS

- A. WHEREAS, on July 6, 2010, the City approved a recirculated Mitigated Negative Declaration and development entitlement permits for a 22-unit housing development on an approximately 4.9 acre property on the Bolsa Chica Mesa (the "Ridge Property"), owned by Signal and proposed for development by Hearthside Homes, and referred to as the "The Ridge" project;
- B. WHEREAS, on August 11, 2010, BCLT filed a Petition for Writ of Mandate with the Orange County Superior Court against the City naming Hearthside Homes as a real party interest, alleging that the City's approval of The Ridge project violated the California Environmental Quality Act ("CEQA") and the California Coastal Act (Orange County Superior Court Case No. 30-2010-00398306) (hereafter, "the Lawsuit");
- C. WHEREAS, on April 7, 2011, the Orange County Superior Court signed an order granting the stipulation executed by the City, BCLT and Signal to stay the CEQA litigation and associated deadlines until the California Coastal Commission completed its review and rendered a decision on the Ridge project;
- D. WHEREAS, at the June 12, 2014 Coastal Commission meeting, Signal/Hearthside Homes and the City agreed to withdraw the City's application for entitlements from the California Coastal Commission;
- E. WHEREAS, following the City's withdrawal of its Coastal Commission application for entitlements on The Ridge project, the Parties agreed to enter settlement discussions;
- F. WHEREAS, BCLT, the City and Signal desire to settle the Lawsuit;
- G. WHEREAS, in addition to settling the lawsuit, BCLT, Signal and City through this Settlement Agreement desire to identify their intentions regarding the approximately 6.2 acres that lie immediately south of the Ridge Property owned by the Donald Goodell Family Trust ("Goodell Property");



- H. WHEREAS, Signal has agreed that one of two scenarios shall occur: (1) the conveyance through purchase by a third-party public agency or nonprofit organization of the Goodell Property and the Ridge Property totaling 11 acres for the sole purpose of open space conservation, or (2) the dedication and conveyance of 8.5 acres which would include the entirety of the Goodell Property and half of the Ridge Property for the sole purpose of open space conservation, with a proposed 2.5 acre residential development on the remaining portion of the Ridge Property. Under either scenario, the City shall work with the landowners to review the General Plan and zoning designation for the entire 11 acre site and propose for designation, if deemed desirable, appropriate land use and zoning designations to reflect said conveyance; and
- I. WHEREAS, Signal has dedicated in fee to the City a strip of property immediately north of the Ridge Property for park purposes pursuant to Grant Deed Instrument No. 20000104631 recorded on February 28, 2000.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **Recitals.** The above Recitals form a material part of this Agreement, are true and correct, and are incorporated herein by this reference and made a part hereof.

2. **Definitions.**

a. "Effective Date" means the date this Agreement is fully executed by the Parties. The date of execution by the last party to sign this Agreement shall be entered on page 1 of this Agreement and shall be known as the Effective Date.

b. "Goodell Property" means the approximately 6.2-acre property (APN 110-016-18) owned by the Donald Goodell Family Trust. Signal has entered into an option agreement with the Donald Goodell Family Trust to purchase the Goodell Property.

c. "Ridge Property" means the approximately 4.9-acre property (APN 110-016-35) owned by Signal and located in the City of Huntington Beach at the intersection of Los Patos and Bolsa Chica Street.

3. **BCLT's Dismissal of the Lawsuit.** Not more than five (5) days after the Effective Date of this Settlement Agreement (as that term is defined above), BCLT shall file a Request for Dismissal with the Orange County Superior Court, requesting that the Court dismiss the Lawsuit in its entirety as to all of the causes of action in the Lawsuit and as to all of the parties in the Lawsuit with prejudice. Upon receipt of a conformed copy of the Request for Dismissal from the Court, BCLT's counsel shall provide a copy of the same to the City and Signal. The City is not responsible for the payment of any attorney's fees or costs to any other Party to this Settlement Agreement regarding the Lawsuit, this Settlement Agreement or the transactions contemplated by this Settlement Agreement. Each Party shall bear its own costs.

4. **City General Plan and Zoning.** BCLT and Signal have separately entered into an agreement whereby BCLT would not oppose Signal's submission of an application to the City to obtain residential development entitlements for a 2.5 acre portion of the Ridge Property ("Development Alternative Application"). Signal's Development Alternative Application will include a request for a General Plan Amendment to designate approximately 2.5 acres of the Ridge Property for residential uses and will restrict the remaining acreage of the Ridge Property for open space and conservation uses through a deed restriction, irrevocable offer of dedication or other similar instrument. Before or concurrently with the City's final action on Signal's Development Alternative Application and permits, the City shall rescind all of the prior land use approvals that the City has granted to Signal regarding The Ridge project prior to the effective date of this Settlement Agreement. Until such time as these approvals are rescinded by the City, Signal agrees that it shall not seek any development permits for the Ridge Property in reliance on the General Plan and zoning that were adopted in connection with The Ridge project prior to the effective date of this Settlement Agreement.

5. **Notices.** All notices required or permitted by this Settlement Agreement or applicable law shall be in writing and may be delivered in person (by hand or by courier) or may be sent by certified, or registered mail or U.S. Postal Service Express Mail, with postage prepaid, or by email together with U.S. Mail, and shall be deemed sufficiently given if served in a manner specified in this Section 5. The addresses noted below shall be that party's address for delivery or mailing of notices. Any Party may by written notice to all other Parties specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, two (2) days after the postmark thereon. Any notice delivered by U.S. Postal Service Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery of the same to the Postal Service or courier. Any notice transmitted by email together with U.S. Mail shall be deemed delivered two (2) days after the postmark thereon. If notice is received after 5:00 p.m. in the time zone in which the Party is located or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

The following addresses shall be used for any and all notices:

For BCLT:

Kim Kolpin, Executive Director  
Bolsa Chica Land Trust  
5200 Warner Ave #108  
Huntington Beach, CA 92649  
kim@bclandtrust.org

For City:

Office of the City Attorney  
City of Huntington Beach  
2000 Main Street, 4th Floor  
Huntington Beach, CA 92648

michael.gates@surfcity-hb.org  
jfujii@surfcity-hb.org

For Signal:

Ed Mountford, Vice President  
Signal Landmark  
27271 Las Ramblas, Suite 100  
Mission Viejo, CA 926912  
emountford@woodbridgepacific.com

Any Party may change the address to which notices or other communications are to be given under this Settlement Agreement by sending a notice of the change to the other Parties at their last address to have been designated under this Settlement Agreement.

6. **Amendments.** No provisions of this Settlement Agreement may be amended or modified in any manner whatsoever except by an agreement in writing duly authorized by representatives of the Parties.

7. **Successors.** The terms, covenants, and conditions of this Settlement Agreement shall be binding upon and shall inure to the benefit of the successors and assignees of the respective Parties.

8. **Assignment.** The Parties may assign any or all of their respective rights under this Settlement Agreement, only with the written consent of the other Parties.

9. **Governing Law.** This Settlement Agreement and all documents provided for herein and the rights and obligations of the parties hereto shall be governed in all respects, including validity, interpretation and effect, by the laws of the State of California (without giving effect to any choice of law principles).

10. **Exhibits and Headings.** Any exhibits to the Settlement Agreement are fully incorporated into and are an integral part of this Settlement Agreement. The subject headings of the sections of this Settlement Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of the provisions herein.

11. **Mutual Drafting.** The Parties hereto acknowledge that they have in good faith mutually participated in the negotiation of this Settlement Agreement and that each has been represented by legal counsel of its own choice throughout the negotiation process. Each Party agrees that: (a) it has reviewed and revised this Settlement Agreement, which shall be deemed to have been equally drafted by each of the Parties, and accordingly, the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting Party shall not be employed in the interpretation of this Settlement Agreement; (b) it knowingly and voluntarily agrees to all of the terms, conditions, and covenants set forth herein and intends to be legally bound by them; (c) the provisions of this Settlement Agreement have been fully negotiated by and among the Parties; and (d) the provisions of this Settlement Agreement shall be construed in accordance with the fair meaning of the language set forth in this Agreement.

12. **Dispute Resolution.** If the Parties disagree as to the interpretation of this Settlement Agreement and are unable to reach a resolution after meeting and conferring in good faith, the Parties shall participate in a formal mediation process with a professional mediator in an effort to resolve the outstanding dispute. The mediator shall be selected by mutual agreement of the Parties. The Parties shall schedule a mediation conference within 60 days of selection of a mediator, if feasible. The Parties shall bear their own costs and fees and shall split the mediator's fees in connection with such mediation. In the event that the Parties remain in dispute with regard to the interpretation of this Settlement Agreement following the completion of such mediation, any party may seek to enforce the Agreement.

13. **No Attorney's Fees.** Should any Party hereto institute any legal action or proceeding to enforce any provision of this Settlement Agreement or for damages or specific performance by reason of any alleged breach of any provision of this Settlement Agreement, the prevailing Party shall not be entitled to receive from the losing Party any of its costs and expenses, including, without limitation, reasonable attorney's fees, court costs, and disbursements actually and reasonably incurred in connection with the proceeding, such that each Party shall be responsible for its/his/her own attorney's fees and costs.

14. **Entire Agreement.** This Settlement Agreement constitutes and contains the entire agreement and understanding among the Parties with respect to the matters contained herein. Unless otherwise expressly stated herein, this Settlement Agreement supersedes and replaces all prior negotiations and all agreements, proposed or otherwise whether written or oral, concerning the subject matter.

15. **Effect of Settlement Agreement.** The Parties agree that there has been no determination of the merits of any claims or defenses in the Lawsuit, and this Settlement Agreement shall not be used by any Party in any proceeding other than a proceeding to enforce the terms of this Settlement Agreement.

16. **Counterparts.** This Settlement Agreement may be signed by the Parties in different counterparts, which together shall constitute one agreement, even though all Parties may not have signed the same counterpart.

17. **Severability.** If any term or provision of this Settlement Agreement is, to any extent, held invalid or unenforceable, the remainder of this Settlement Agreement shall not be affected.

18. **Representation by Counsel.** The Parties acknowledge that they have been represented in this transaction by legal counsel and that they are fully informed as to the terms, conditions and covenants of this Settlement Agreement and the exhibits hereto.

19. **Time.** Time is of the essence of this Settlement Agreement.

20. **Warranty of Authority.** The persons whose signature is affixed hereto in a representative capacity represent and warrant that: (a) he/she/it is authorized to execute this Settlement Agreement on behalf of and to bind each party on whose behalf his/her/its signature

is affixed; and (b) the provisions and execution of this Settlement Agreement have been validly approved and ratified by each such Party.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as of the date of their signature below. The date of the last signature below is the "Effective Date".

**BOLSA CHICA LAND TRUST**

By: Jennifer A. Thomas  
Title: President Bolsa Chica Land Trust  
Date: April, 20, 2016

**CITY OF HUNTINGTON BEACH**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**SIGNAL LANDMARK**

By: Edul G. Luth  
Title: SR. VICE PRESIDENT  
Date: APRIL 19, 2016

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is affixed; and (b) the provisions and execution of this Settlement Agreement have been validly approved and ratified by each such Party.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement as of the date of their signature below. The date of the last signature below is the "Effective Date".

**BOLSA CHICA LAND TRUST**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF HUNTINGTON BEACH**

By:  \_\_\_\_\_

Title: City Attorney

Date: 04/18/2016

**SIGNAL LANDMARK**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

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# **SUBDIVISION COMMITTEE MINUTES**

April 25, 2017  
**Lower Level, Room B-8**  
4:00 P.M.

Subdivision Committee Planning Commissioners Present:

- Bill Crowe, Planning Commission Representative
- John Scandura, Planning Commission Representative
- Pat Garcia, Planning Commission Representative

Subdivision Committee Staff Members Present:

- Jane James, Community Development
- Steve Bogart, Public Works
- Bill Reardon, Fire

Staff Present:

- Tess Nguyen, Project Planner

Applicant Present:

- Ed Mountford, Signal Landmark
- Vicky Ito, Stantec (Engineer)

**TENTATIVE TRACT MAP NO. 18060 (WINDWARD RESIDENTIAL DEVELOPMENT)**

APPLICANT/

SUBDIVIDER: Ed Mountford, Signal Landmark, 27271 Las Ramblas, Suite 100, Mission Viejo, CA 92691

ENGINEER: Vicky Ito, Stantec, 38 Technology Drive, Suite 100, Irvine, CA 92618

REQUEST: To subdivide an approximately 5-acre lot into one numbered lot and one lettered lot. The numbered lot is for the development of 36 for-sale townhome dwelling units and associated infrastructure. The lettered lot is for passive open space.

**MEETING:**

Meeting was called to order.

Tess Nguyen, project planner, gave a brief overview of the project.

## **SUBDIVISION COMMITTEE MEMBER COMMENTS:**

Committee Member Scandura asked questions regarding the following: soil gas testing for the site, cultural resources at the site, consultation with California Native American tribes, dedication of passive open space, location and use of the City-owned property, location and use of Shea property to the east of the project site, maintenance of landscaping and trails of the Windward and Goodell sites, annexation of Goodell property, and timing of the public hearing for the project.

Committee Member Crowe asked questions regarding the following: soil testing for the site, entering and exiting traffic from the site and the need for a left-turn pocket, preservation of mature trees onsite, availability of street parking along Bolsa Chica Street, vesting tentative map, and dedication of passive open space. He also suggested a change to suggested condition of approval #5 to add the Special District to the list of agencies.

### **Public Works Comments:**

Committee Member Bogart identified the dedication are incorporated into the plans.

### **Fire Department Comments:**

Committee Member Reardon indicated that code requirements are standard for the project.

### **Community Development Comments:**

Committee Member James inquired about the following: requirement of park in-lieu fees and development impact fees for the project, inclusion of the domestic animal control plan, pesticide management plan, and street lighting plan in the CC&Rs for the project, final approval of the tentative tract map in relation to other legislative entitlements, role of the Coastal Commission in project approval, and requirement of fire sprinklers for residential units.

### **Developer Comments:**

The applicant answered questions from the committee.

**A MOTION WAS MADE BY COMMITTEE MEMBER SCANDURA, SECONDED BY COMMITTEE MEMBER CROWE, TO RECOMMEND APPROVAL OF THE TENTATIVE TRACT MAP NO. 18060 WITH THE FOLLOWING SUGGESTED CONDITIONS AND FORWARD TO THE PLANNING COMMISSION. (6-0).**

## **RECOMMENDED CONDITIONS:**

### **SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 18060:**

1. The Tentative Tract Map No. 18060 received and dated January 17, 2017, shall be the approved layout except as amended per the conditions stated herein.
2. The final map for Tentative Tract Map No. 18060 shall not be approved by the City Council until General Plan Amendment No. 16-002, Zoning Map Amendment No. 16-003, Zoning Text Amendment No. 16-004 are approved and in effect, and Local Coastal Program Amendment



No. 16-002 has been approved by the California Coastal Commission for the Implementation Plan.

3. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within resource protection areas.
4. A Domestic Animal Control Plan shall be prepared that details methods to be used to prevent pets from entering any resource protection areas, including but not limited to, appropriate fencing and barrier plantings.
5. A Pesticide Management Plan shall be prepared that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides and herbicides in outdoor areas, except Vector Control conducted by the City, County, or Special District.
6. Protective fencing or barriers shall be installed and maintained between the resource protection areas and areas developed for homes or recreational use for the purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas. Visual impacts created from any walls or barriers adjacent to open space conservation and passive recreational use areas shall be minimized through measures such as open fencing/wall design, landscape screening, use of undulating or off-set wall features, etc.
7. 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 Planning and Building Department.
8. 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.
9. Comply with all applicable Conditional Use Permit No. 16-035 and Coastal Development Permit No. 16-018 conditions of approval.
10. Comply with all mitigation measures adopted for the project in conjunction with MND No. 16-003.