

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)



CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 5/21/2018

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Fred A. Wilson, City Manager

PREPARED BY: Jane James, Interim Director of Community Development

SUBJECT: Approve Mitigated Negative Declaration No. 16-003; adopt Resolution No. 2017-20 approving General Plan Amendment No. 16-002; approve for introduction Ordinance No. 4134 approving Zoning Map Amendment No. 16-003; adopt Resolution No. 2017-19 approving Zoning Text Amendment No. 16-004; adopt Resolution No. 2017-18 approving Local Coastal Program Amendment No. 16-002; and, approve for introduction Ordinance No. 4135 approving Development Agreement No. 16-001–Windward Residential and Open Space

Statement of Issue:

Transmitted for your consideration is Mitigated Negative Declaration (MND) No. 16-003, General Plan Amendment (GPA) No. 16-002, Zoning Map Amendment (ZMA) No. 16-003, Zoning Text Amendment (ZTA) No. 16-004, Local Coastal Program Amendment (LCPA) No. 16-002, and Development Agreement (DA) No. 16-001 for a 5.0 acre site at 17202 Bolsa Chica Street, located at the southeast corner of Bolsa Chica Street and Los Patos Avenue. GPA No. 16-002 is a request by Signal Landmark to amend the General Plan land use designation from Open Space–Park to Residential Medium Density for the western half (2.5 acres) of the 5-acre Windward site. ZMA No. 16-003 is a request to amend the zoning designation from Residential Agriculture – Coastal Zone Overlay to Specific Plan – Coastal Zone Overlay. ZTA No. 16-004 is a request to establish the Windward Specific Plan for the development of the residential townhome project and dedication of open space. LCPA No. 16-002 is a request to amend the certified Land Use Plan from Open Space – Park to Residential Medium Density for the western half (2.5 acres) of the site and to reflect the Zoning Map and Text Amendments. DA No. 16-001 is a request 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 governmental agency or a qualified non-profit organization. MND No. 16-003 is a request to analyze the potential environmental impacts associated with the proposed legislative amendments. The Planning Commission and staff are recommending approval of the proposed legislative amendments and development agreement with suggested findings.

Financial Impact: Not applicable.

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)

Recommended Action:

A.PLANNING COMMISSION AND STAFF RECOMMENDATION:

Motion to:

A) Approve Mitigated Negative Declaration No. 16-003 with findings of approval (Attachment No. 1); and,

B) Approve General Plan Amendment No. 16-002 by adopting City Council Resolution No. 2017-20, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 16-002." (Attachment No. 2); and,

C) Approve Zoning Map Amendment No. 16-003 with findings for approval (Attachment No. 1) and approve for introduction Ordinance No. 4134, "An Ordinance of the City of Huntington Beach Amending District Map 33 (Sectional Map 28-5-11) of the Huntington Beach Zoning and Subdivision Ordinance to Rezone the Real Property Generally Located Southeast of the Intersection of Bolsa Chica Street and Los Patos Avenue from Residential Agriculture–Coastal Zone Overlay (RA-CZ) to Specific Plan–Coastal Zone Overlay (SP-CZ) (Zoning Map Amendment No. 16-003)." (Attachment No. 3); and,

D) Approve Zoning Text Amendment No. 16-004 with findings for approval (Attachment No. 1) and adopt City Council Resolution No. 2017-19, "A Resolution of the City Council of the City of Huntington Beach, Adopting Zoning Text Amendment No. 16-004 by Creating the Windward Specific Plan (SP-16) to Apply to Real Property Southeast of the Intersection of Bolsa Chica Street and Los Patos Avenue." (Attachment No. 4); and,

E) Approve Local Coastal Program Amendment No. 16-002 with findings for approval (Attachment No. 1) and adopt City Council Resolution No. 2017-18, "A Resolution of the City Council of the City of Huntington Beach, California, Adopting Local Coastal Program Amendment No. 16-002 to Amend the Local Coastal Program Land Use Plan and Implementing Ordinances to Amend Zone 2 – Land Use Plan and Accompanying Text of the City's Coastal Element for the Real Property Generally Located Southeast of the Intersection of Bolsa Chica Street and Los Patos Avenue and to Reflect Zoning Text Amendment No. 16-004 and Zoning Map Amendment No. 16-003 and Requesting Certification by the California Coastal Commission." (Attachment No. 5); and,

F) Approve Development Agreement No. 16-001 with findings for approval (Attachment No. 1) and approve for introduction Ordinance No. 4135, "An Ordinance of the City of Huntington Beach Adopting a Development Agreement By and Between the City of Huntington Beach and Signal Landmark (Developer) (Development Agreement No. 16-001)." (Attachment No. 6)

Alternative Action(s):

The City Council may make the following alternative motion(s):

1. 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, and Development Agreement No. 16-001 with findings for denial.
2. 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

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent) Program Amendment No. 16-002, and Development Agreement No. 16-001 and direct staff accordingly.

Analysis:

A. PROJECT PROPOSAL:

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)

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 for the following, pursuant to Chapter 247, Amendments, of the HBZSO:

- A. Amend the certified Local Coastal Program Land Use Plan to: 1) amend from Open Space – Park (OS–P) to Residential Medium Density (RM) for the western half (2.5 acres) of the site; and 2) add Figure C-6b and amend the text and figure to designate the area as Sub-Area 4M on the Community District and Subarea Schedule (Table C-2 and Figure C-10).
- B. Amend the Implementation Plan to reflect Zoning Map Amendment No. 16-003 and Zoning Text Amendment No. 16-004.

If approved by the City, LCPA No. 16-002 will require certification (approval) by the California Coastal Commission.

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 pursuant to Chapter 240, Environmental Review, of the HBZSO and the California Environmental Quality Act (CEQA).

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)
The proposed MND, GPA, ZMA, ZTA, LCPA, and DA are requested to allow Signal Landmark to redesignate approximately 5-acre site for open space and residential uses. It should be noted that the proposed project also included Tentative Tract Map No. 18060, Conditional Use Permit No. 16-035, and Coastal Development Permit No. 16-018 to permit the subdivision and construction of 36 townhomes units on approximately 2.5 acres of the western portion of the Windward site. The Planning Commission approved the Tentative Tract Map and Conditional Use Permit at their meeting on June 27, 2017. The Coastal Development Permit was continued to a date uncertain until after a Local Coastal Program Amendment for the project is certified by the California Coastal Commission. No appeals of the Planning Commission's action on the entitlements were filed within the 10-day appeal period that ended on July 7, 2017. These entitlements were conditioned so they do not become effective until the GPA, ZMA, ZTA, and LCPA have been approved and in effect.

Project Description

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 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.

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 the undeveloped 30-foot wide City-owned parcel immediately north of the 5-acre Windward 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 (Attachment No. 12). 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.

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)

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 on 2.5 acres 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.

B. 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 over the entire 5 acres. 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.

Acquisition Alternative

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 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 had an initial 18-month period with extensions granted by Signal Landmark in which to raise funds to purchase both properties. The purchase price will be determined by an independent third party appraisal.

Development Alternative

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)
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.

C. PLANNING COMMISSION MEETING AND RECOMMENDATION:

On June 27, 2017, the Planning Commission held a public hearing on the five land use amendments as well as the entitlements for the proposed development to permit 36 townhomes on the western 2.5 acres of the Windward site. Staff gave a presentation and overview of the proposed project and answered any questions from the Planning Commission. The applicant gave testimony in support of the proposed amendments and overall project. In addition, eight residents spoke in opposition of the project during the public hearing. The Planning Commission recommended approval of the five land use amendments to the City Council and approved the entitlements for the overall project with findings and conditions of approval. The staff analysis of the overall project is detailed in the Planning Commission staff report dated June 27, 2017 (Attachment No. 13).

Planning Commission Action on June 27, 2017:

THE MOTION MADE BY SCANDURA, SECONDED BY MANDIC, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 16-003 AND FORWARD TO THE CITY COUNCIL, APPROVE GENERAL PLAN AMENDMENT NO. 16-002 AND FORWARD TO THE CITY COUNCIL, APPROVE ZONING MAP AMENDMENT NO. 16-003 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, APPROVE ZONING TEXT AMENDMENT NO. 16-004 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 16-002 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, APPROVE DEVELOPMENT AGREEMENT NO. 16-001 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, TENTATIVE TRACT MAP NO. 18060 WITH FINDINGS, CONDITIONAL USE PERMIT NO. 16-035 WITH FINDINGS, AND CONTINUE COASTAL DEVELOPMENT PERMIT NO. 16-018 TO A DATE UNCERTAIN CARRIED BY THE FOLLOWING VOTE:

AYES: CROWE, GARCIA, GRANT, MANDIC, SCANDURA
NOES: RAY
ABSTAIN: KALMICK
ABSENT: NONE

MOTION PASSED

Legislative amendments are normally forwarded to the City Council for review right after the Planning Commission action. After City Council action, legislative amendments that need California Coastal Commission review would be forwarded for review, where it could take a number of years to process. In this instance, the City had an opportunity to work with the California Coastal Commission and address all their concerns prior to City Council action so that once the City submits the legislative amendments to the Coastal Commission it will be a faster process and potentially no modifications would need to be brought back to the City Council.

Since the Planning Commission meeting in June 2017, the draft Windward Specific Plan and Development Agreement have been revised and reformatted to include changes requested by the

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent) California Coastal Commission (Attachment No. 8 and Attachment No. 9). These changes do not change the project approved by the Planning Commission.

D. STAFF ANALYSIS AND RECOMMENDATION

General Plan Amendment

The proposed General Plan land use designation for the western half of the project site (2.5 acres) is Residential Medium Density, which allows for multi-family residential developments at a maximum density of 15 dwelling units per acre. The amendment to the land use designation is consistent with the existing density and uses in the vicinity of the project site. The subject site is surrounded by a combination of single-family and multi-family residential uses. The proposed land use designation will continue existing designations presently located within the surrounding area.

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.

The proposed land use designation and project will be consistent with the goals, policies, and objectives of the Land Use, Coastal, Urban Design, Recreation and Community Services, and Environmental Resources/Conservation Elements of the General Plan. The proposed RM-15 designation is sensitive to the existing character of the surrounding residential neighborhoods by providing a land use that is compatible and harmonious with the surrounding development. The proposed project will not conflict with the identified goals, policies, and objectives contained in the General Plan and with implementation of identified mitigation measures will not have significant impacts on the environment. The proposed project will protect and enhance coastal resources, promote public access opportunities, and balance development with facility needs. In addition, the proposed project will preserve approximately 8.7 acres of open space and therefore protect public coastal views and expand passive recreational opportunities within the Bolsa Chica area. The proposed project will protect and preserve significant habitats of plant and wildlife species if they are determined to be present on the project site. Staff and the Planning Commission recommend approval of the General Plan Land Use designation amendment request to Residential Medium Density.

Zoning Map Amendment

The proposed zoning designation for the subject site is Residential Medium Density. This designation permits multi-family residential land uses at a maximum density of 15 dwelling units per

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent) acre. 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.

Staff believes the medium density residential designation is the appropriate zoning for the site. The zoning designation provides a continuation of existing zoning designations in the vicinity and is compatible with the adjacent residential uses. The proposed zoning designation will permit development that continues a cluster design of attached buildings, compatible density and building height development pattern of existing surrounding residential uses. Staff and the Planning Commission recommend approval of the Zoning Map amendment to Residential Medium Density.

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. A complete analysis of the proposed Windward Specific Plan development standards in comparison with the medium density residential development standards of the HBZSO is found in the attached Planning Commission staff report dated June 27, 2017 (Attachment No. 13).

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. Staff and the Planning Commission recommend approval of the Windward Specific Plan.

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)
Since the Planning Commission meeting in June 2017, the draft Windward Specific Plan has been revised and reformatted to include new sections requested by the California Coastal Commission. These changes incorporate some of the Coastal Act-related conditions of approval from the Conditional Use Permit. In addition, the modifications strengthen the assurances that the Goodell property and the eastern half of the Windward site will be preserved for open space purposes and provide greater clarification on the timing of such dedication. The revised sections are highlighted in red color font (Attachment No. 8).

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. Staff and the Planning Commission recommend approval of the Local Coastal Program amendment request to Residential Medium Density.

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. 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

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent) organization. Staff supports the approval of the Development Agreement due to the benefits to the City.

The development agreement specifies the payment of required development fees, including \$1,800,000 in affordable housing in-lieu fees for the proposed project. Since the development agreement contains the in-lieu fees, there would be no need for a separate approval just for the affordable housing in-lieu fees.

Since the Planning Commission meeting in June 2017, the draft Development Agreement has been revised and reformatted to be consistent with the draft Windward Specific Plan. The revised sections are highlighted in red color font (Attachment No. 9).

Environmental Status:

Draft Mitigated Negative Declaration (MND) No. 16-003 (Attachment No. 10) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environmental Quality Act (CEQA). The draft MND concludes that the project would result in environmental impacts that are less than significant or less than significant with mitigation incorporated. Draft MND No. 16-003 was made available for a 30-day public review and comment period from March 9, 2017 to April 10, 2017. The City received 11 comment letters on the MND and all comments as well as responses to comments are provided as Attachment No. 11 to this report.

On June 27, 2017, the Planning Commission approved MND No. 16-003 and recommended adoption to the City Council. Prior to any action on the project, it is necessary for the City Council to review and act on Mitigated Negative Declaration No. 16-003. Staff in its initial study of the project is recommending that MND be approved with findings and mitigation measures.

Strategic Plan Goal:

Improve quality of life

Attachment(s):

1. Suggested Findings for Approval – 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, Development Agreement No. 16-001
2. City Council Resolution No. 2017-20 for General Plan Amendment No. 16-002
3. City Council Ordinance No. 4134 for Zoning Map Amendment No. 16-003
4. City Council Resolution No. 2017-19 for Zoning Text Amendment No. 16-004
5. City Council Resolution No. 2017-18 for Local Coastal Program Amendment No. 16-002
6. City Council Ordinance No. 4135 for Development Agreement No. 16-001
7. Map of surrounding development and resources
8. Draft Windward Specific Plan, redline version reflecting changes made since June 27, 2017 Planning Commission meeting
9. Draft Development Agreement, redline version reflecting changes made since June 27, 2017 Planning Commission meeting
10. Draft Mitigated Negative Declaration No. 16-003
11. Draft Mitigated Negative Declaration No. 16-003 – Response to Comments
12. Open Space / Passive Park Concept Plan
13. Planning Commission Staff Report dated June 27, 2017

5/21/18 Approved for Introduction as amended 4-1-2 (Hardy-No; Peterson, Semeta-Absent)

14. Site Plans, Floor Plans, and Elevations dated January 17, 2017 and March 24, 2017 – FOR
REFERENCE ONLY
15. Planning Commission Notice of Action Letter dated June 28, 2017
16. PowerPoint Presentation – Windward Residential and Open Space

