

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 16-002

ZONING MAP AMENDMENT NO. 16-002

TENTATIVE TRACT MAP NO. 18147

CONDITIONAL USE PERMIT NO. 16-031

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 16-002:

1. Mitigated Negative Declaration No. 16-002 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines because it was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration No. 16-002, General Plan Amendment No.16-001, Zoning Map Amendment No. 16-002, Tentative Tract Map No.18147, and Conditional Use Permit No. 16-031. The project initially was proposed with 51 dwelling units and a 1.15-acre public park. Subsequent to the public comment period on the draft MND, and in response to comments received from the public on the draft MND, the project was revised to reduce the proposed number of units to 51 detached single-family dwelling units. The reduction in units was a result of an increase in the proposed park area from 1.15-acre to 1.30-acre to ensure that there would be no reduction in actual park acreage when compared to the existing park. As analyzed in the draft MND, all impacts based on the 51-unit project are anticipated to be less than significant or reduced to a less than significant level with incorporation of mitigation measures. As such, the revised project is also anticipated to result in less than significant impacts or less than significant with incorporation of mitigation measures. In addition, the changes to the project do not require recirculation of the draft MND in accordance with Section 15073.5 of CEQA, as the changes do not affect the level of significance of any potential impacts, the mitigation measures do not need to be revised, and the project changes do not result in new mitigation measures.
2. Mitigation measures, incorporated into the attached conditions of approval, 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 potentially significant impacts to aesthetics, biological resources, cultural resources, tribal cultural resources, and mandatory findings of significance. The proposed aesthetics mitigation measure will require the applicant to provide an updated arborist report documenting all existing trees to be removed including trees within the existing Franklin Park area, the closed school site, and within the parkway; and to replace removed mature trees at a minimum 2:1 ratio. The proposed biological resources mitigation measure will require the applicant to provide an updated arborist report and a landscape plan prepared by a qualified landscape architect to identify tree species that will provide suitable roosting habitat for the Monarch butterfly. The second mitigation measure for biological resources will require the applicant to not start construction during the bird nesting season (February 1 to August 31); and if it cannot be avoided, a certified and qualified biologist shall conduct a pre-construction nesting bird survey prior to the removal of trees and shrubs with specific protocols if nests are found. The proposed mitigation measures for cultural resources and tribal cultural resources require the applicant to obtain services of a qualified Native American Monitor during construction related ground disturbance activities for the purpose to monitor and maintain daily logs of the activities, locations, soil, and any cultural materials identified. If any resources are found, the Native American Monitor will coordinate with the Tribe and landowner regarding treatment and curation of found resources. Furthermore, to mitigate impacts to cultural resources, any discoveries of human skeletal material shall be immediately reported to the County Coroner and the Native American Monitor

shall immediately divert work at a minimum of 50 ft. and place an exclusionary zone around the burial. As such, with incorporation and implementation of the above-described mitigation measures, potentially significant impacts would be reduced to a less than significant level.

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. 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. 16-002:

1. Zoning Map Amendment No. 16-002 to rezone the 8.75-acre project site from Public-Semipublic (PS) to Residential Low Density (RL) and Open Space-Parks and Recreation Subdistrict (OS-PR) is consistent with the goals, objectives, and land use policies of the General Plan as identified below. The proposed change is also consistent with General Plan Amendment No. 16-001, 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 uses to the north, east, west, and south. As discussed in the mitigated negative declaration for this project, there will be appropriate infrastructure and services available to support the proposed development. The proposed zoning map amendment would be consistent with the following General Plan goals, objectives and policies:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A: Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1B: Ensure new development supports the protection and maintenance of environmental and open spaces resources.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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

The project is consistent with the land use designation of RL (Low Density Residential) as the single-family dwelling project meets the maximum density allowed in the RL designation of seven dwelling units per acre. The proposed project will maintain environmental and open space resources by dedicating 1.30-acres of a public park and the installation of park improvements. Furthermore, the project is an infill development, as the closed school site will be demolished to develop single-family residences, which meets the policies of the General Plan to reuse sites that are underutilized. Lastly, the project is complementary to the adjacent single-family residences and is compatible in proportion, scale, and character. The proposed project site is entirely surrounded by one- and two-story single-family residences. The proposed architectural design of the new homes will complement the existing homes by providing a mix of one- and two-story dwellings, building setbacks, and architectural styles that are compatible with the surrounding neighborhood and is consistent with the development standards in the HBZSO.

Policy LU-2D: Maintain and protect residential neighborhoods by avoiding encroachment of incompatible land uses.

Policy LU-2E: Intensify the use and strengthen the role of public art, architecture, landscaping, site design, and development patterns to enhance the visual image of Huntington Beach.

The proposed detached, single-family residential project will maintain the residential neighborhood and enhance the visual image of the community. The proposed General Plan land use designation and zoning designation of RL (Low Density Residential) is consistent with the adjoining properties. Each proposed detached single-family residence will meet the development standards such as landscaping, setbacks, building height, and lot coverage to ensure consistency with the surrounding dwellings. The proposed project provides for enhanced landscaping on each lot, parkways, and within the public park. Furthermore, as conditioned, a public art component shall be installed and maintained by the HOA.

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

Policy LU-4D: Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The character of the existing single-family neighborhood is preserved as the proposed project consists of 51 detached single-family homes designed as a PUD, with a mix of one- and two-story homes. Housing plans offer three- and four-bedroom homes with different floor plans to meet the needs of existing and future residents. The floor area for the new homes range from 2,291 sq. ft. to 3,224 sq. ft. and the maximum building height for a two-story dwelling is 27 ft. and 7 in., which is consistent with the surrounding neighborhood in scale and proportion.

B. Housing Element

Policy 2.4 Surplus Public Land: Utilize surplus publicly owned land for residential use where appropriate and consistent with the City's General Plan.

The project is located on publicly owned land which is occupied by a closed school site and is a surplus property as the school was closed due to under enrollment in 1994. The project will result in the development of a single-family residential use and is consistent with the goals and policies of the Land Use Element and the Housing Element of the General Plan.

Policy 3.4 Public/Private Partnerships: Explore collaborative partnerships with non-profit organizations, developers, the business community and governmental agencies in the provision of affordable housing.

The project is required to provide ten percent of the dwelling units (5.1 units) to be affordable. The developer proposes to provide one on-site unit to be affordable and provide funding for four off-site affordable units. The remaining fractional 0.1 unit will be satisfied via an in-lieu fee. The proposed off-site units will involve a collaborative partnership with the developer, the City and local non-profit organizations to provide the affordable units at an off-site location.

Goal 4: Reduce potential governmental constraints to housing production and affordability.

The project is designed as a PUD, which allows for reduced lot widths and lot sizes with the provision that the developer provides mutual public benefits for the enjoyment of the residents and the public. As such, flexibility with the development standards such as reduced lot widths and lot sizes provides for a mechanism to accommodate additional housing as well as affordable units.

C. Public Services and Infrastructure

Policy PSI-2E: Ensure that new development and reuse projects and existing land uses promote fire safety.

The proposed project meets the California Fire Codes and the Huntington Beach Fire Department requirements by providing for acceptable street widths and turning radii for proper access and maneuvering of fire apparatus. The development will also provide for fire hydrants spaced at 300 ft. where the standard is 500 ft. As conditioned, RV parking is restricted on the private streets to further ensure fire safety and access is maintained. Each single-family dwelling is required to provide a fire sprinkler system, which further promotes fire safety for the community.

D. Environmental Resources and Conservation

Policy ERC-1A: Maintain or exceed the current park per capital ratio of 5.0 acres per 1,000 persons, including the beach in the calculations.

A 1.30-acre park (excluding sidewalk, parkway, and one-half of Sands Drive) is owned by the Westminster School District and occupies the existing site. The proposed project would result in the removal of the existing park and the construction of a new 1.30-acre park. The minimum park requirements of five acres per 1,000 residents would not be affected by the new park as the current conditions provide for 5.4 acres per 1,000 residents, which exceeds the minimum standards. Furthermore, the proposed project would continue to provide for a neighborhood park with park improvements in the area for continued usage by Huntington Beach residents.

2. Zoning Map Amendment No. 16-002 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.
3. A community need is demonstrated for the change proposed because the changes expand the opportunities for housing and address the needs of a growing population.
4. Adoption of Zoning Map Amendment No. 16-002 will be in conformity with public convenience, general welfare and good zoning practice because the zoning map amendment provides for a compatible single-family residential land use and a 1.30-acre park. The zoning map amendment results 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 - TENTATIVE MAP NO. 18147:

1. Tentative Tract Map No. 18147 for the subdivision of approximately 8.75 acres of land into 51 numbered lots for the purpose of constructing 51 detached single-family residences and five lettered

lots for streets, utilities, water quality basin, and a public park is consistent with the requirements of the RL zoning district with exceptions that are proposed as part of the Planned Unit Development (PUD) design for the project. These exceptions include deviations to minimum lot width and size and are permissible with development of a PUD pursuant to Huntington Beach and Subdivision Ordinance (HBZSO). The proposed subdivision is consistent with goals, policies, and objectives of the General Plan Land Use Element that govern new subdivisions and residential development.

2. The site is physically suitable for the type and density of development in that 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 seven units per acre, which meets the maximum density of seven units per acre in the Low Density Residential (RL) land use designation. The proposed density would be consistent with the surrounding neighborhood.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site has been previously used as the James W. Franklin Elementary School. The site does not contain any significant habitat for wildlife or fish. Design features of the project as well as compliance with the provisions of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site. The project will comply with all mitigation measures identified in the mitigated negative declaration.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary street, sidewalk, and utility easements to serve the new subdivision. The existing pedestrian easement, or Lot A, provided access from the adjacent Tract 4364 to the school site when it was an operating school. The pedestrian access is now gated and will no longer be necessary. The project is conditioned to require the developer to complete a General Street Vacation, vacating the existing pedestrian easement to the adjacent residential property owners.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-031:

1. Conditional Use Permit No. 16-031 for the development of a 51 single-family residential subdivision proposed as a Planned Unit Development (PUD) with varying lot sizes (min. 3,870 square feet, max. 5,835 square feet) and associated infrastructure and site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because as conditioned, the project will result in less than significant impacts related to traffic, noise, lighting, aesthetics, and privacy of adjacent residences. The project will have greater rear yard setbacks to protect privacy impacts onto existing residences located to the east and south of the subject site. The project will provide mutual public benefits for the residents of the project and the general public. The mutual public benefits include the dedication of a 1.30-acre public park (exceeds 0.77-acre park dedication requirement) located at the northeast corner of the subject property with park improvements, a \$250,000 monetary contribution for the Navy right-of-way trail improvements or other park and recreational facilities within the vicinity, provision of public art, and to allow the public to utilize the private streets for parking to access the public park. Based upon the conditions of approval and mitigation measures, the proposed project will not result in significant impacts onto adjacent properties.
2. Conditional Use Permit No. 16-031 for the development of a 51 single-family residential subdivision proposed as a Planned Unit Development (PUD) with varying lot sizes (min. 3,870 square feet, max.

5,835 square feet) and associated infrastructure and site improvements will be compatible with surrounding single-family residential because the project complies with setbacks, onsite parking, lot coverage, and allowable building height. The project includes one- and two-story homes that are compatible with surrounding developments in terms of building's architectural design and scale. Increased rear setbacks will be provided for those lots located adjacent to existing homes. Enhanced landscaping will be provided throughout the development. The proposed detached single-family residential subdivision/development will be compatible with the surrounding single-family residential uses in terms of density, layout and overall design.

3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Variations to lot size and width are permitted with a conditional use permit as part of a Planned Unit Development.
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 Low Density. In addition, it is consistent with the following policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1A: Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1B: Ensure new development supports the protection and maintenance of environmental and open spaces resources.

Policy LU-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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

The proposed project is consistent with the goals and needs of the community. The project is consistent with the land use designation of RL (Low Density Residential) as the project proposed is for the use of single-family dwellings and meets the maximum density allowed in the RL designation of seven dwelling units per acre. The proposed project will maintain environmental and open space resources by dedicating 1.30-acres of a public park and the installation of park improvements. Furthermore, the project is an infill development, as the closed school site will be demolished to develop single-family residences, which meets the policies of the General Plan to reuse sites that are underutilized. Lastly, the project is complementary to the adjacent single-family residences and is compatible in proportion, scale, and character. The proposed project site is entirely surrounded by one- and two-story single-family residences. The proposed architectural design of the new homes will complement the existing homes by providing a mix of one- and two-story dwellings, building setbacks, and architectural styles that are compatible with the surrounding neighborhood and is consistent with the development standards in the HBZSO.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The applicant shall provide an updated arborist report documenting all existing trees to be removed including all trees within the existing Franklin Park area, within the closed school site, and within the parkway. Said report shall identify the size and health of the existing trees. Prior to any tree removal, the applicant shall obtain a permit from the Public Works Department for any proposed activity that may disturb existing trees on the project site. A landscape plan demonstrating compliance with current code requirements and the replacement of any existing mature healthy trees to be removed at a minimum 2:1 ratio with 36-inch box that is equivalent in species type as required by the Parks, Tree, and Landscape Division shall be submitted to the Public Works Department prior to issuance of a permit to remove and/or plant trees. To the extent feasible, trees removed from the existing Franklin Park area shall be replaced within the proposed 1.30-acre park area at a 2:1 ratio. The landscape architect shall recommend tree species that would provide suitable roosting habitat for the Monarch butterfly. **(AES-1 and BIO-1 Mitigation Measure)**
2. To avoid potential impacts to nesting birds, trees and shrubs on the site should not be removed during the nesting season (typically February 1 to August 31). If construction during the nesting season cannot be avoided, the applicant shall provide the City of Huntington Beach proof that a certified and qualified biologist has been retained prior to ground disturbance. Said biologist shall conduct a pre-construction nesting bird survey to search the trees and shrubs on-site for nests prior to their removal (generally within five days). If no nests are found, no further mitigation would be necessary. If a nest is found, it will be avoided/protected with a suitable buffer area until nesting activity has ended (e.g., the young fledged). The diameter of the buffer area will be determined by the biologist, based on the species (some birds are more tolerant than others) and the location of the nest relative to existing off-site and on-site disturbances and conditions. Buffer areas for active nests can range from less than 100 feet and up to 500 feet, but certain construction activities may be allowed within the buffer area at the discretion of the biologist. The buffer area shall be flagged by a qualified biologist and construction personnel shall be instructed to avoid the area until the nest is inactive. **(BIO-2 Mitigation Measure)**
3. During construction-related ground disturbance activities, the project Applicant will be required to obtain the services of a qualified Native American Monitor(s). Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians-Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, weed abatement, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the Tribal Representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Native American Monitor(s) will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification (Hazwoper is needed only if the site has hazardous concerns). In addition, the monitor(s) will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

Archaeological and Native American monitoring and excavation during construction projects shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Tribal Cultural Resources in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified. **(CR-1 and TCR-1 Mitigation Measure)**

4. All archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and Native Monitor. If the resources are Native American in origin, the Tribe shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. If a resource is determined by the Qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or has a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes. **(CR-2 and TCR-2 Mitigation Measure)**
5. Human remains are defined as any physical remains of a human being. The term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of associated cultural resources (Funerary objects) with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Native American Graves Protection and Repatriation Act (NAGPRA) guidance specifically states that federal agencies will consult with organizations on whose aboriginal lands the remains and cultural items might be discovered, who are reasonably known to have a cultural relationship to the human remains and other cultural items. Therefore, for this project site, it is appropriate to consult with the Gabrieleno Band of Mission Indians – Kizh Nation as recommended by the NAHC.

Prior to the start of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Any discoveries of human skeletal material shall be immediately reported to the County Coroner. The monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor will then notify the Qualified Archaeologist and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24 hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches.

Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The project applicant shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities are to be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

If the coroner determines the remains represent a historic non-Native American burial, the burial shall be treated in the same manner of respect with agreement of the coroner. Reburial will be in an appropriate setting. If the coroner determines the remains to be modern, the coroner will take custody of the remains. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. **(CR-3 and TCR- 3 Mitigation Measure)**

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 18147:

1. The Tentative Tract Map No. 18147 received and dated July 30, 2018 shall be the approved layout except with the following modifications:
 - a. The width of the on-site private street on Lot A shall be 38 ft.
 - b. The width of the landscaped areas (parkways) on Lot A between the curb and sidewalk shall be 5 feet.
 - c. The existing pedestrian access easement (shown as Lot A on Tract Map 4364) southeast of the subject site, that occurs between Lots 11, 12 and 13 of said Tract Map, shall be addressed by the developer of this project by coordinating with the adjacent residential property owners. If it is to be vacated, a complete General Street Vacation shall be processed by the developer through the Department of Public Works. All costs to effectuate the disposition or vacation of this pedestrian easement, including costs to improve adjacent private property walls and yards shall be borne by the developer.
2. A 1.30-acre portion of land (Lot E) located at the northeast portion of the project site will be dedicated to the City for park purposes. **(Public Benefit)**
3. The final map for Tentative Tract Map No. 18147 shall not be approved by the City Council until General Plan Amendment No. 16-001 and Zoning Map Amendment No. 16-002 are approved and in effect.
4. At least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
 - i. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.
 - ii. Provide for maintenance, repair and replacement by a HOA of on-site private streets, landscaped parkways and sidewalks.
 - iii. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).

- iv. Incorporate a Fire Master Plan that provides a strategic plan for overall fire protection within the project with general guidelines outlining the creation and maintenance of fire access roadways, access walkways to and around buildings, and hydrant quantity and placement as required by the California Fire and Building Codes (CFC and CBC).
 - v. Prohibit the blocking or screening of fire hydrants or fire service facilities located in public right-of-way or onsite.
 - vi. Provide funding sources for implementation, monitoring and maintenance of water quality treatment train BMP's and appurtenances per the approved Water Quality Management Plan (WQMP). The approved WQMP shall be incorporated into the CC&R's by reference, and shall be updated as required by local, state or federal law or regulation and the City of Huntington Beach Local Implementation Plan (LIP).
 - vii. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law and the LIP.
 - viii. Provide for maintenance of landscaping along Hammon Lane between the sidewalk and the block walls on Lots 1, 31, 32, 51, and D.
 - ix. Appropriate language shall be placed into the project CC&Rs specifically allowing and guaranteeing the ongoing ability of the general public to utilize on-street parking within the development. **(Public Benefit)**
 - x. Appropriate language shall be incorporated into the project CC&Rs to require the maintenance, repair and replacement by a HOA for the public art.
 - xi. Appropriate language shall be incorporated into the project CC&Rs restricting on-street parking for recreational vehicles. **(FD)**
5. 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. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to an eight (8') foot tall wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. The plans shall include some mechanism to close and secure any gaps. 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. Plans shall depict any removal of walls on private residential property and construction of new common walls and sidewalks, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
6. The following condition shall be completed prior to issuance of a Grading Permit:
- a. 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. **(PW)**
7. The following conditions shall be completed prior to issuance of Building Permits:
- a. The draft Affordable Housing Program identifying funding for four (4) off-site units for-rent as affordable; one (1) on-site, three bedroom home as moderate income for sale; and payment of a fractional in-lieu fee for 0.1 units (based upon minimum 10 percent of the total 51 units proposed

for the site), as amended by the conditions below, shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Office of Business Development for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:

- i. A detailed description of the type, size location and rehabilitation for each of the four (4) proposed off-site affordable rental units and one (1) proposed on-site for-sale unit. The City will identify a four (4) unit complex with two bedrooms each, and one (1) on-site, for-sale unit with three bedrooms. The remaining fractional unit shall be met by payment of an in-lieu fee for 0.1 units. The off-site units, which will be rehabilitated, will be under the full control of the applicant or other approved party.
- ii. The four off-site for-rent units shall be for very-low or extremely low income households and the one on-site for-sale unit shall be for moderate income household.
- iii. The agreement shall specify an affordability term of not less than 55 years for rental housing or 45 years for ownership housing. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The four (4) affordable off-site units and one (1) affordable on-site unit shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

- b. The two hundred fifty thousand dollars (\$250,000) contribution for the Navy right-of-way or other park and recreation improvements shall be submitted to the Public Works Department and shall be deposited in an account by the Public Works Department to be retained until the funds are applied to the costs of improvements to the Navy right-of-way. In the event the Navy right-of-way improvement becomes infeasible, the funds shall be applied to other park and recreation facilities in the vicinity. **(Public Benefit)**

8. Comply with all applicable Conditional Use Permit No. 16-031 conditions of approval.
9. Comply with all mitigation measures adopted for the project in conjunction with Mitigated Negative Declaration No. 16-002.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-031:

1. The site plan, floor plans, and elevations received and dated July 30, 2018 shall be the conceptually approved design with the following modifications:
 - a. Depict 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 on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - b. Incorporate a 25 ft. by 25 ft. visibility triangle on all corner lots. **(HBZSO 230.88)**

2. Green building strategies shall be incorporated into the construction of the residential units that meet all mandatory measures of the State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards. Incorporation of 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/index.cfm?fuseaction=guidelines>).
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
4. 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 site plan and the processing fee to the Community Development Department for addressing purposes after street name approval by the Fire Department.
 - c. Contact the United States Postal Service for approval of mailbox location(s).
5. Prior to issuance of building permits, the following shall be completed:
 - a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Community Development Department; and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Community Development Department for inclusion in the entitlement file.
 - b. 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.

- c. A Fire Master Plan shall be submitted and approved by the Fire Department. The Fire Master Plan shall include but is not limited to the following:

- i. Building locations, height and stories, addresses, and construction type;
- ii. Property dimensions or accurate scale;
- iii. Fire hydrant locations, public and private;
- iv. FDC locations;
- v. Fire sprinkler riser locations and location of system serving;
- vi. FACP locations;
- vii. Knox box and knox switch locations;
- viii. Gate locations, and opticoms if required;
- ix. Fire lane locations, dimensions, lengths, turning radii at corners and circles/cul-dee-sacs;
- x. Fire lane signage and striping. **(FD)**
- xi. A list of Alternative Materials and Methods (per the 2010 C.F.C. Section 104.9) of compliance to the road width requirements. The items the developer shall provide for the Fire Department include, but are not limited to the following:
 1. Reduced hydrant spacing (increased water availability) provided at strategic locations approved by the Fire Department to accommodate Fire Department Operations;
 2. Red curbing (additional red curbing beyond what's required in the Fire Department's City Specifications) to prevent parking near hydrants;
 3. Signage at development entrances identifying the Fire Road locations, red curb areas, hydrant locations;
 4. Increased Fire Protection System standards (i.e. Bell provided on each side of homes, instead of just one side, that will activate upon fire sprinkler water flow); and
 5. Restrictions shall be incorporated into the development's CC&R's restricting on street parking for recreational vehicles. **(FD)**

- d. A public art element shall be reviewed and approved by the Design Review Board prior to issuance of any building permit for the project. The public art shall be in place at the subject site prior to final building inspection. The public art element shall be integrated and be in a location that is visible to the public within the Sea Dance residential project. Public art shall incorporate the following:

- i. Artistic excellence and innovation;
- ii. Appropriate to the design of the project; and
- iii. Indicative of the community's cultural identity (ecology, history, society).

- e. All existing and new utilities shall be undergrounded. **(PW)**

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. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
- b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
- c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- d. Development and completion of the improvements for the 1.15-acre park located at the northeast corner of the subject property. The park improvements shall include landscaping, irrigation, lighting, playground equipment, picnic tables, trash receptacles, and a public art component.
(Public Benefit)

7. Conditional Use Permit No. 16-031 shall become null and void unless exercised within two years of the date of the final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
8. The development services departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Directors of Community Development and Public Works 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.
9. 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.

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.