



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

June 10, 2015

Huntington Beach City School District
ATTN: Jon Archibald, Assistant Superintendent
20451 Cramer Lane
Huntington Beach, CA 92646

SUBJECT: GENERAL PLAN AMENDMENT NO. 12-002/ ZONING MAP AMENDMENT NO. 12-001/ CONDITIONAL USE PERMIT NO. 12-039/ TENTATIVE TRACT MAP NO. 17801/ MITIGATED NEGATIVE DECLARATION NO. 12-008/ VARIANCE NO. 2015-001 (LEBARD PARK AND RESIDENTIAL PROJECT)

APPLICANT: Huntington Beach City School District, 20451 Cramer Lane, Huntington Beach, CA 92646

PROPERTY OWNER: Huntington Beach City School District

City of Huntington Beach, 2000 Main Street, Huntington Beach CA 92648

REQUEST: **GPA:** To amend the existing land use designation for the LeBard Elementary School portion of the project site from Public (Residential Low Density) (P(RL)) to Residential Low Density – 7 units per acre (RL-7) on 3.2 acres and Open Space – Park (OS-P) on 6.5 acres where the sports fields are currently developed. **ZMA:** To amend the existing zoning designation for the LeBard Elementary School portion of the project site from Public-Semipublic (PS) to Residential Low Density (RL) on 3.2 acres and Open Space – Parks and Recreation (OS-PR) on 6.5 acres. **CUP:** To expand the surface parking lot at LeBard Park and to provide water quality and accessibility upgrades within the expanded park area. A CUP is also required to allow the development of the proposed 15-lot subdivision on a site with a grade differential greater than three feet. **TTM:** To subdivide the closed LeBard school site into an approximately 6.5-acre parcel, which would be acquired by the City, and the remaining 3.2 acres would be subdivided for development of a 15-unit single-family planned unit development (PUD) and associated infrastructure. The residential lots would be sold to a private home builder for construction of the homes in the future. **MND:** To analyze the potential environmental impacts associated with the project. **VAR:** To provide a four-foot-wide landscape planter along a portion of the parking lot adjacent to Warwick Drive in lieu of the required 10 feet.

LOCATION: 20451 & 20461 Cramer Lane, Huntington Beach, CA 92648 (LeBard Park and LeBard closed school)

DATE OF ACTION: June 9, 2015

On Tuesday, June 9, 2015, the Huntington Beach Planning Commission took action on your application, and approved Mitigated Negative Declaration No. 12-008 with findings and forwarded its recommendation to the City Council, approved General Plan Amendment No. 12-002 by approving the draft City Council Resolution and forwarded its recommendation to the City Council, approved Zoning Map Amendment No. 12-001 with findings for approval by approving the draft City Council Ordinance and forwarded its recommendation to the City Council, approved Tentative Tract Map No. 17801 with findings for and suggested conditions of approval, approved Conditional Use Permit No. 12-039 with findings and modified conditions of approval, and approved Variance No. 15-001 with findings and conditions of approval. Please see the attachment list for the applicable documents for each application.

The MND, GPA and ZMA applications will now be forwarded to the City Council for final review and action at a noticed public hearing. You will be notified of the upcoming City Council meeting when it is scheduled.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission on the TTM, CUP, and VAR becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Seven Hundred Sixty-Three Dollars (\$1,763.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Three Eighty-Three Dollars (\$3,383.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is **June 19, 2015 at 5:00 PM.**

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, or at an alternative time specified as a condition of approval, unless actual construction has started.

"Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020."

June 9, 2015

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If you have any questions, please contact Jennifer Villaseñor, the project planner, at JVillaseñor@surfcity-hb.org or (714) 374-1661 or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary
Planning Commission

By:



Jane James, Planning Manager

SH:JJ:JV:kd

Attachments: 1. Findings and Conditions for Approval - MND No. 12-008, ZMA No. 12-001, TTM No. 17801, CUP No. 12-039 and VAR No. 15-001
2. GPA No. 12-002 Draft City Council Resolution
3. ZMA No. 12-001 Draft Ordinance

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Scott Hess, Director of Planning and Building
Bill Reardon, Division Chief/Fire Marshal
Paul D'Alessandro, Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Inspection Manager
Jennifer Villaseñor, Acting Planning Manager
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 12-008/ ZONING MAP AMENDMENT NO. 12-001/TENTATIVE TRACT MAP NO. 17801/ CONDITIONAL USE PERMIT NO. 12-039/ VARIANCE NO. 15-001

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO.12-008 :

1. Mitigated Negative Declaration No. 12-008 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 30 days. Comments received during the comment period were considered by the Planning Commission prior to action on the project.
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 impacts to air quality, aesthetics, geology/soils, hydrology/water quality, biological resources, hazards and hazardous materials, cultural resources, and mandatory findings of significance. Air quality mitigation measures would ensure that established emissions thresholds are not exceeded through sequencing of construction phases. The proposed aesthetics mitigation measures ensure that the proposed homes would be designed in accordance with the City's adopted urban design guidelines and that exterior lighting proposed in association with the homes would not impact adjacent properties. In addition, the aesthetics mitigation measures require existing healthy, mature trees to be replaced at a 2:1 ratio. The proposed biological resources mitigation measures would ensure that existing trees to remain in place and nesting birds in the project area are protected during site development and result in a less than significant impact. The mitigation measures also specify procedures for the protection of cultural, archeological and paleontological resources during the development of the project. The mitigation measures would ensure that impacts would be less than significant in the unlikely event these resources are discovered during grading and construction activities. Geology/soils mitigation measures would incorporate measures with site preparation and fill placement and compaction requirements in order to mitigate impacts to liquefaction and unstable soils at the project site. The mitigation measures also require compliance with NPDES through preparation of a SWPPP to minimize soil erosion during construction. The hazards and hazardous materials mitigation measures require that a soils survey be prepared for the project site to ensure that any potential hazardous materials do not remain on site and require testing and remediation, if necessary, for asbestos and lead prior to demolition of the existing building. Hydrology/water quality and utilities mitigation measures ensure that vegetated swales and a bioretention basin are utilized to ensure water quality is in compliance with all applicable permits, plans and ordinances.
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, conditions of approval and the recommended mitigation measures.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 12-001:

1. Zoning Map Amendment No. 12-001 to rezone the approximately 10-acre closed LeBard school site from Public-Semipublic (PS) to Residential Low Density (RL) and Open Space – Park and Recreation (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. 12-002, 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 uses to the north, south, and west and park uses to the east (LeBard Park). As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development.

A. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act.

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

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

Policy LU 13.1.7: The type, intensity and density for reuse and/or development of surplus school sites shall be determined by the following:

- a. compatibility with the type and character of adjacent uses;
- c. the land use designations and policies for surrounding properties as defined by this plan;
- e. working with residents of surrounding neighborhoods in the formulation of a reuse plan;

Goal LU 14: Preserve the City's open spaces.

Objective LU 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

B. Housing Element

Policy H 2.4: Utilize surplus school and park sites for residential use where appropriate and consistent with the City's General Plan.

C. Recreation and Community Services Element

Objective 4.1: Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

The project will result in redevelopment of closed school site with a single-family residential PUD, which contributes new product to the City's housing stock, while preserving existing recreational sports fields. The 6.5-acre area is developed with six sports fields, which would be acquired by the City and added to the City's overall parkland inventory. The project would provide new and upgraded amenities within the existing LeBard park and sports fields area consisting of a new restroom and concession building, ADA-compliant walkways, and drainage features. The project includes an affordable housing provision as required by existing City requirements, thereby assisting to achieve the City's overall housing goals. Proposed improvements in conjunction with the residential subdivision include a new public street designed to the City's street standards and associated infrastructure. The proposed change of General Plan land use and zoning designations for a portion of the site to RL is consistent with the surrounding single-family residential neighborhoods. The proposed General Plan and zoning amendments for the sports fields area to OS-P and OS-PR, respectively, is the appropriate designation for newly acquired parkland.

Design of the residential units would be subject to the City's design guidelines and residential infill ordinance requirements to ensure that the design of the proposed homes is compatible with the surrounding residences and sensitive to the privacy of adjacent homes. The project will be conditioned to have increased rear setbacks of a minimum 20 feet (twice the minimum distance of ten feet permitted within the RL zoning district) to minimize potential privacy intrusions onto existing residences.

2. Zoning Map Amendment No. 12-001 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. The changes would expand the opportunities for housing and preserve existing sports fields to address the existing and future community's needs.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible residential land uses and 6.5 acres of City parkland. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and represents an appropriate transition of a closed school site.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17801:

1. Tentative Tract Map No. 17801 is consistent with the requirements of the Open Space Parks and Recreation (OS-PR) and Residential Low Density (RL) zoning districts 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 are permissible with development of a PUD pursuant to the Huntington Beach Zoning and Subdivision Ordinance. The proposed subdivision is consistent with goals, policies and objectives of the General Plan Land Use Element and the designations of Residential Low Density and Open Space – Park, as proposed on the subject property, or other applicable provisions of this code.

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 approximately five units per acre, which is within the allowable density of seven units per acre of the Residential Low Density land use designation for which the project is proposing to be designated. The proposed density would be consistent 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 an elementary school and is currently used as an administration building for the school district. The project site is surrounded by residential development and paved roads. The site does not contain significant biological resources.
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 easements and will not affect any existing easements. The project will provide a new parcel that would be acquired by the City for public park use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-039:

1. Conditional Use Permit No. 12-039 for the development of 15 single-family residential units and associated infrastructure and site improvements on a site with an approximately three-foot grade differential 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 transition a closed school site with proposed single-family residential uses similar to those existing uses in the vicinity. It will result in less than significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project is located on an existing developed closed school site and increased minimum setbacks will provide for a good transition to the existing residential neighborhood with adequate setback buffers from abutting single-family residences.
2. The conditional use permit will be compatible with surrounding residential uses in terms of lot size, design, setbacks, onsite parking, and allowable building height. The residential homes would be required to comply with the City's adopted urban design guidelines, which would ensure compatible 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. The project would comply with the development standards of the RL district in terms of minimum onsite parking, height, setbacks, and lot coverage. Variations to lot width are permitted 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 goals, objectives, and policies of the General Plan:

A. Land Use Element

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act.

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

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

Policy LU 13.1.7: The type, intensity and density for reuse and/or development of surplus school sites shall be determined by the following:

- a. compatibility with the type and character of adjacent uses;
- c. the land use designations and policies for surrounding properties as defined by this plan;
- e. working with residents of surrounding neighborhoods in the formulation of a reuse plan;

Goal LU 14: Preserve the City's open spaces.

Objective LU 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

B. Housing Element

Policy H 2.4: Utilize surplus school and park sites for residential use where appropriate and consistent with the City's General Plan.

C. Recreation and Community Services Element

Objective 4.1: Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

The project will result in redevelopment of closed school site with a single-family residential PUD, which contributes new product to the City's housing stock, while preserving existing recreational sports fields. The 6.5-acre area is developed with six sports fields, which would be acquired by the City and added to the City's overall parkland inventory. The project would provide new and upgraded amenities within the existing LeBard park and sports fields area consisting of a new restroom and concession building, ADA-compliant walkways, and drainage features. The project includes an affordable housing provision as required by existing City requirements, thereby assisting to achieve the City's overall housing goals. Proposed improvements in conjunction with the residential subdivision include a new public street designed to the City's street

standards and associated infrastructure. The proposed change of General Plan land use and zoning designations for a portion of the site to RL is consistent with the surrounding single-family residential neighborhoods. The proposed General Plan and zoning amendments for the sports fields area to OS-P and OS-PR, respectively, is the appropriate designation for newly acquired parkland.

Design of the residential units would be subject to the City's design guidelines and residential infill ordinance requirements to ensure that the design of the proposed homes is compatible with the surrounding residences and sensitive to the privacy of adjacent homes. The project will be conditioned to have increased rear setbacks of a minimum 20 feet (twice the minimum distance of ten feet permitted within the RL zoning district) to minimize potential privacy intrusions onto existing residences.

FINDINGS FOR APPROVAL - VARIANCE NO. 15-001:

1. The granting of Variance No. 15-001 to permit a four-foot-wide landscape planter along a portion of the parking lot adjacent to Warwick Drive in lieu of the required 10 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The current parking lot at LeBard Park does not have perimeter landscaping and the existing sidewalk along the street is not separated by a landscaped parkway. The proposed project would incorporate both of these features and bring the park into greater compliance with existing codes. Similar to many of the City's existing parks that were originally built with the original surrounding subdivision, the park is surrounded by single-family residential uses with limited parking designed to code requirements that are no longer in effect. The variance is required to make improvements to the parking lot and park while maintaining the current amenities and providing for minimal disruption to the public's use of the park.
2. Because of special circumstances applicable to the subject property, including size, location and surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The site is constrained by existing amenities within the park. The area for improvements to the parking lot and park that would provide landscaped parkways, new sidewalks and ADA-compliant walkways is limited due to the location of existing tennis courts and passive recreation area in the park so that they would not be affected by the proposed improvements. Under current zoning regulations, the parking lot requires a 10-foot perimeter landscaped area. The park was established with the original subdivision in the 1960s with no perimeter landscaping and minimal planter areas throughout the parking lot. The continuation of the park use is permitted and the area for improvements is limited by the existing amenities in the park. Compliance with the 10-foot perimeter landscaping area would result in impacts on the existing park amenities and disruption of those amenities to the public.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Benefits of the project include improvements that would enhance the aesthetics, safety and accessibility of the existing parking lot and LeBard Park. The variance would allow for these improvements to occur without affecting existing amenities within the park (i.e. – existing tennis courts and passive recreational area) that serve the public.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The variance is applicable to a portion

of the parking lot along Warwick Drive. Due to existing improvements within LeBard Park, the variance is necessary to achieve upgrades within the park such as ADA-compliant walkways and improvements such as adjacent sidewalks and landscaped parkways that are consistent with the surrounding neighborhood. The reduction in the perimeter parking lot landscaping will enhance pedestrian safety as it allows for a landscaped parkway adjacent to the street to buffer the sidewalk where none currently exists. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Open Space – Park on the subject property because it would allow for improvements to be constructed that would enhance the overall aesthetics, safety and accessibility of the existing parking lot and LeBard Park.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The future residential developer shall comply with the Huntington Beach Urban Design Guidelines and building code requirements to ensure that the 15 single-family residential units are architecturally consistent with the surrounding residential land uses. **(MM Aes-1)**
2. The Applicant shall obtain a permit associated with the City's Tree Ordinance 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 existing mature healthy trees to be removed at a minimum of 2:1 ratio with 36-inch box, shade tree or other species 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. **(MM Aes-2)**
3. All lighting associated with the single-family residential development, including any proposed street lighting, shall comply with all applicable City lighting standards to minimize light spill caused by these new light sources. For example, all exterior lighting shall be directed onto walkways and/or driveways within the development and away from adjacent properties. **(MM Aes-3)**
4. Construction phases shall occur sequentially to ensure that construction emissions are not compounded to exceed the maximum daily emission thresholds due to overlapping construction phases. **(MM Air-1)**
5. Prior to ground disturbance, the applicant shall provide the City of Huntington Beach proof that a certified biologist has been retained to determine if nesting birds are present within the project footprint or within a 250-foot buffer around the site. If nesting birds are present, construction activity shall be avoided in the area until nesting activity is complete (generally February 1 to August 31), as determined by the biologist. If ground or vegetation disturbance would occur between February and August, a preconstruction nesting bird survey shall be conducted seven days prior to any ground or vegetation disturbance. Any active nests identified shall have a buffer area established within a 100-foot radius (200 feet for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the biologist determines that the young have fledged. Construction activity may occur within the buffer area at the discretion of the biological monitor. **(MM Bio-1)**
6. If the conservation of the existing trees in place is determined to be the preferable option to importing nursery trees for transplantation, then the following measures shall be undertaken to ensure the protection of the tree's roots systems and foliage canopies:
 - Tree protection zones shall extend to the trees drip lines or a minimum of 6 feet out from the trunks whichever is greatest

- Tree protection zones shall be fenced with durable chain link fencing during the construction operations period to prevent encroachments. The fence(s) shall be held in place with galvanized fence posts that are set into the soil without footings. The fenced tree protection zones shall prohibit access from the construction side of the trees.
 - Maintained free of soil importation or exportation, storage of materials, trenching, and vehicular or construction traffic during the operations period.
 - Top-dressed with 2 inches of coarse organic mulch during the construction period. The area within 2 feet of the trunks shall remain free of the accumulation of mulch.
 - The trees shall be maintained using current practices including irrigation, fertilization, and pruning throughout the construction period.
 - The protection zones shall be maintained free of encroachment. Encroachment shall only be undertaken after consultation with the project arborist in advance to consider the use of alternate or specialized construction methodologies intended to limit potential impact to any affected trees.
 - Shall only be encroached within the root zones beneath the canopy drip lines using pneumatic excavation equipment (Air-spade) or hand tools. All woody roots that are encountered in such excavation operations within the drip lines should be cut using sharp pruning tools and shall not be ripped, torn, or otherwise frayed or damaged, using sharp pruning implements or saws. **(MM Bio-2)**
7. The following mitigation monitoring program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project area. This program shall include, but not be limited to, the following actions:
- Prior to the issuance of a grading permit, the future developer shall provide written verification to the City that a qualified archaeologist who meets or exceeds the Secretary of Interior Standards as an archaeologist and is a Registered Professional Archaeologist has been retained to implement the monitoring program. The retained archaeologist shall have experience identifying artifacts, features, and shell midden sites in Orange County. This verification shall be presented in a letter from the project archaeologist to the lead agency. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
 - The qualified archaeologist shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
 - The qualified archaeologist shall prepare a Cultural Resources Construction Monitoring Protocol document, which shall outline all procedures and authorities for the monitoring project; protocols for a Worker Education Training seminar designed to educate construction workers on archaeological field methods and protocols; and trainings on the penalties for collecting archaeological items.
 - In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The qualified archaeologist shall assess, record and either collect or protect the find until such a time that the find can be subjected to Phase II test excavations, if necessary.
 - The results of the cultural resources monitoring program shall be summarized in a Cultural Resources Construction Monitoring Report. The report shall document the field and analysis results and interpret the artifact and research data within the research context and shall be submitted to the satisfaction of the City prior to the issuance of any

building permits. The report would include California Department of Parks and Recreation (DPR) Primary and Archaeological Site forms. **(MM Cul-1)**

8. The project applicant shall ensure that during excavation a qualified paleontological monitor is present to observe excavation in areas identified as likely to contain paleontological resources. Based upon this review, areas of concern include undisturbed older Quaternary deposits. Paleontological monitors should be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced or eliminated if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources, or if the parameters of the proposed project will not impact potentially fossiliferous units. This decision is at the discretion of the qualified paleontological monitor. If the monitoring program results in positive findings, then refer to MM Cul-3 through MM Cul-5. **(MM Cul-2)**
9. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources. **(MM Cul-3)**
10. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontological storage. These procedures are also essential steps in effective paleontological mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontological resources is not complete until such curation into an established museum repository has been fully completed and documented. **(MM Cul-4)**
11. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources. **(MM Cul-5)**
12. If human remains are encountered during construction, the find would be handled in accordance with California Health and Safety Code Section 7050.5, which states that no further disturbances shall occur until the County Coroner has made a determination of origin and disposition pursuant to California 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 will 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 within 24 hours of notification, and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. **(MM Cul-6)**
13. Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the NMG Geotechnical, Inc. Preliminary Geotechnical Exploration and Design Parameters Report (2014) are incorporated into the proposed project during construction. The following recommendations shall be documented on the project grading plans:
 - The estimated remedial removals for the site shall be on the order of 5 feet deep to fully remove the soft and loose artificial fill and weathered alluvium in order to reduce future settlement potential.

- The removal bottoms shall be reviewed and approved by the geotechnical consultant prior to fill placement.
 - Upon completion of the remedial removals, the approved removal bottoms shall be scarified a minimum of 6 inches, except when soft, wet soils are encountered. The removal bottoms and fill materials shall be compacted to at least 90 percent of maximum dry density, as determined by ASTM Test Method D1557.
 - Fill materials shall be placed in loose lifts no thicker than 6 inches and shall be relatively free of deleterious material.
 - The moisture content of new compacted fill soils shall be placed at above the optimum moisture content within the compactable moisture range. Appropriate equipment support or other measures (e.g., mixing, stockpiling, drying) may be needed to achieve the uniform and correct moisture content for placement of the fill. **(MM Geo-1)**
14. In accordance with the NPDES Construction General Permit, the project applicant shall prepare a project-specific SWPPP to minimize soil erosion, which would implement best management practices (BMPs), such as but not limited to the following:
- Minimizing Disturbed Areas. Clearing of lands is limited to that which will be actively under construction in the near term, new land disturbance during the rainy season is minimized, and disturbance to sensitive areas or areas that would not be affected by construction is minimized.
 - Stabilizing Disturbed Areas. Temporary stabilization of disturbed soils is provided whenever active construction is not occurring on a portion of the project site, and permanent stabilization is provided by finish grading and permanent landscaping.
 - Protecting Slopes and Channels. Outside of the approved grading plan area, disturbance of natural channels is avoided, slopes and crossings are stabilized, and increases in runoff velocity caused by the project are managed to avoid erosion to slopes and channels.
 - Controlling the Site Perimeter. Upstream runoff is diverted around or safely conveyed through the project site and is kept free of excessive sediment and other constituents.
 - Controlling Internal Erosion. Sediment-laden waters from disturbed, active areas within the project site are detained. **(MM Geo-2)**
15. Prior to issuance of a grading permit, the project applicant shall have a soils survey conducted for the proposed project site to determine if any agricultural chemicals (herbicides, insecticides, pesticides and metals) remain at the project site from past agricultural use. The applicant shall implement the mitigation recommendations in the soils report. **(MM Haz-1)**
16. Prior to any site redevelopment, the project applicant shall have a Certified Lead Inspector/Assessor, as defined in California Code of Regulations (CCR) Title 17, Section 35005, assess onsite buildings for the presence of lead-based paint. The applicant shall implement the mitigation recommended in the assessment. **(MM Haz-2)**
17. Prior to any site redevelopment, the project applicant shall have a California Certified Asbestos Consultant assess on-site buildings for the presence of asbestos-containing materials. The applicant shall implement the mitigation recommended in the assessment. **(MM Haz-3)**
18. In compliance with the WQMP for the LeBard Elementary School site, a detention basin and a flow-based vegetated swale shall be incorporated into the design of the proposed project and shown in the Final Tentative Tract Map. All design parameters outlined in the WQMP

shall be implemented in the design and construction of the detention basin and flow-based vegetated swale. All operational requirements, such as inspections and maintenance activities, established in the WQMP for LeBard Elementary School Site shall be implemented during the operational phase of the proposed project. (MM Hydro-1/Utilities)

19. In compliance with the WQMP for the LeBard Park site, a flow-based vegetated swale and a volume-based bioretention basin shall be incorporated into the design of the proposed project and shown in the Final Tentative Tract Map. All design parameters outlined in the WQMP shall be implemented in the design and construction of the flow-based vegetated swale and volume-based bioretention basin. All operational requirements, such as inspections and maintenance activities, established in the WQMP for LeBard Elementary School Site shall be implemented during the operational phase of the proposed project. (MM Hydro-2/Utilities)

CONDITIONS OF APPROVAL – TENTATIVE TRACT NO. 17801:

1. The Tentative Tract Map No. 17801 received and dated January 21, 2015, shall be the approved layout except as modified per the conditions herein:
 - a. Turning radii for the parking lot access off Warwick Drive shall be designed to comply with the minimum requirements of City Specification No. 401 – Minimum Standards for Fire Apparatus Access. **(FD)**
 - b. Fire hydrants shall be shown on the project plans and installed and in service before combustible construction begins. Hydrant location and spacing shall be shown on the plans in accordance with City Specification No. 407 – Fire Hydrant Installation Standards. **(FD)**
 - c. Identify a 20-foot setback restriction for Lots 1 through 6 on the tentative tract map per condition No. 6 a.iv.3.
 - d. The parking lot expansion area (from the eastern boundary of the existing parking lot to the SCE right of way) shall be eliminated from the project plans.
2. The final map for Tentative Tract Map No. 17801 shall not be approved by the City Council until General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 are approved and in effect.
3. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
4. Prior to issuance of a grading permit, the required Precise Grading Plan shall include the following:
 - a. The proposed water quality/detention basin within Lot A of the subject TTM No. 17801 shall be designed and constructed as useable parkland for public park use.

- b. All design parameters and dimensions for all proposed storm water quality and/or detention features (including any engineered and/or biofiltration media) shall be shown on the PGP.
 - c. The Final Hydrology and Hydraulics Report shall be prepared to accurately model the limits and function of the proposed water quality and/or detention basins with respect to all volume and capacity requirements for detention, infiltration, duration of detention and limits of useable parkland.
 - d. The Final Water Quality Management Plan shall conform to the final designed and modeled stormwater system, including detention **(PW)**
- 5. Prior to issuance of Building Permits, an Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning and Building Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract.
- 6. Prior to recordation of the final map:
 - a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Departments of Planning and Building, 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 (Lots B & C and parkways along 'A' Street), irrigation, drainage facilities, water quality BMP's, and private service utilities.
 - ii. The Homeowner's Association (HOA) shall execute a Landscape Maintenance Agreement with the City that the HOA shall be responsible for the continuing maintenance and liability of all landscaping, irrigation, water quality and drainage features associated with the proposed water quality basin (adjacent to the City Park and indicated as Lot "A" on Tentative Tract Map 17801). The agreement shall describe all aspects of maintenance such as removal of trash, debris and silt buildup, removal and replacement of dead/damaged lawn (and any other plantings) resulting from the operation of the basin and any other aspects of maintenance that are warranted by the improvements. The agreement shall state that the HOA shall be responsible for all costs associated with maintenance, repair, replacement, liability, and fees imposed by the City. The Landscape Maintenance Agreement shall be referenced in the CC&R's.
 - iii. 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 during park use hours.
 - iv. Provide for disclosures to all potential buyers in the purchase and sale agreement that:
 - 1. The buyer is aware that they are purchasing a home adjacent to sports/baseball fields and may be subject to errant/fly balls on their property.

2. On-street parking on 'A' Street shall remain available for general use by the public.
3. Lots abutting single-family homes on Crailet Drive (Lots 1 through 6) shall maintain 20-foot rear yard setbacks.
7. Comply with all mitigation measures adopted for the project in conjunction with MND No. 12-008.
8. Comply with all applicable Conditional Use Permit No. 12-039 and Variance No. 2015-001 conditions of approval.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-039/ VARIANCE NO. 15-001 :

1. The project plans received and dated January 21, 2015, 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. If located on a future 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. Turning radii for the parking lot access off Warwick Drive shall be designed to comply with the minimum requirements of City Specification No. 401 – Minimum Standards for Fire Apparatus Access. **(FD)**
 - c. Fire hydrants shall be shown on the project plans and installed and in service before combustible construction begins. Hydrant location and spacing shall be shown on the plans in accordance with City Specification No. 407 – Fire Hydrant Installation Standards. **(FD)**
 - d. The proposed foot bridge connecting the tot lot area within LeBard Park to the sports fields shall be redesigned to include a handrail. The railing shall meet all applicable requirements of the California Building Code and shall be subject to review and approval by the Planning and Building and Community Services Departments.
 - e. A minimum of one parking on-street parking space shall be provided per lot.
 - f. Lots 6, 10 and 11 shall provide one additional driveway parking space in addition to the code required driveway spaces. The additional driveway space may be tandem (i.e. – behind) the code required driveway spaces.
 - g. The parking lot expansion area (from the eastern boundary of the existing parking lot to the SCE right of way) shall be eliminated from the project plans.
2. Conditional Use Permit No. 12-039 and Variance No. 15-001 shall not become effective until General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 are approved by the City Council and in effect.

3. 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>).
4. Prior to issuance of grading permits, the following shall be completed:
 - 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 Planning and Building Department.
 - b. Blockwall/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 Planning and Building Department. Double walls along the existing homes on Crailet Drive 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 a six (6') foot tall wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. The two-inch gap shall be filled with foam and capped or another alternative subject to approval by the Planning and Building Department. 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.
 - c. A fencing/netting plan shall be submitted to the Planning and Building and Community Services Departments for review and approval. The fencing/netting plan shall be prepared by a qualified sports fencing/netting company and include backstop modifications and/or netting at heights appropriate to ensure adequate protection of the new homes from errant/fly balls based on the configuration of the sports fields.
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 site plan and the processing fee to the Planning and Building 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).
 - d. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning and Building Department.
 - e. The final design of the 15 homes shall be reviewed by the Design Review Board for conformance to the Urban Design Guidelines and HBZSO.
6. Prior to issuance of building permits, the following shall be completed:
- a. An interim parking and building materials storage plan shall be submitted to the Planning 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.
 - b. General Plan Amendment No. 12-002 and Zoning Map Amendment No. 12-001 shall be approved by the City Council and in effect.
7. 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. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning and Building Department.
 - b. 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.
 - c. A new storage/restroom/concession building shall be constructed per the location on the project plans, dated January 21, 2015. **(Public Benefit)**
 - d. All improvements (relocation of bleachers and bullpens, ADA-compliant walkways, parking lot improvements, drainage improvements, water quality/detention basin with passive park amenities) within LeBard Park and the sports fields shall be completed. **(Public Benefit)**
8. Conditional Use Permit No. 12-039 and Variance No. 15-001 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 Planning and Building Department a minimum 30 days prior to the expiration date.
9. The development services departments (Planning and Building, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building 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.

10. 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.