



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

December 13, 2017

Moses Kim
MLC Holdings
1401 Dove Street #640
Newport Beach, CA 93660

SUBJECT: TENTATIVE TRACT MAP NO. 18106/ CONDITIONAL USE PERMIT NO. 17-010 (GOTHARD TOWNHOMES)

APPLICANT: Moses Kim, MLC Holdings, 1401 Dove Street #640, Newport Beach, CA 93660

PROPERTY OWNER: Linda Stadel, 3456 Plumeria Place, Costa Mesa, CA 92626

REQUEST: **TTM:** To subdivide an approximately 1.28 net acre lot into one numbered lot for condominium purposes. **CUP:** To develop 21 attached condominium units which includes a request for a density bonus of two additional units in addition to the 19 base units with a concession for patio walls at 42 inches high within the setback in lieu of the requirement to exceed 42 inches high and be located outside the setback and three waivers of development standards: 1) reduced front yard setback of 5 ft. in lieu of minimum 15 ft.; 2) relief from an average 10 ft. third story setback above the second story; and 3) a 10 ft. separation for 3-story buildings in lieu of a minimum 20 ft.

LOCATION: 19100 Gothard Street, 92648 (east side of Gothard St. and south of Garfield Ave.)

DATE OF ACTION: December 12, 2017

On Tuesday, December 12, 2017, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission 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, Eight Hundred Sixty-Five Dollars (\$1,865.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Three Thousand, Five Hundred

Fifty-Two Dollars (\$3,552.00) 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 **December 22, 2017 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."

If you have any questions, please contact Jessica Bui, the project planner, at jessica.bui@surfcity-hb.org or (714) 374-5317 or the Community Development Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, AICP, Secretary
Planning Commission

By:



Jane James, Planning Manager

SH:JJ:JB:kdc

Attachment: Finding and Conditions of Approval – TTM No. 18106 and CUP No. 17-010

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Scott Hess, Director of Community Development
Bill Reardon, Division Chief/Fire Marshal
Mike Vigliotta, Chief Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Building Manager
Jessica Bui, Assistant Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 18106 **CONDITIONAL USE PERMIT NO. 17-010**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project is covered by Holly-Seacliff Specific Plan Final Environmental Impact Report No. 89-1, which was adopted by the City of Huntington Beach on January 8, 1990. The proposed one-lot subdivision on an approximately 1.28 net acre site and construction of 21 for-sale townhome condominium units with a density bonus request, along with associated open space and infrastructure is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 89-1. Staff has reviewed the proposed project for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 18106:

1. Tentative Tract Map No. 18106 the subdivision of an approximately 1.28 net lot into one numbered lot for residential development for 21 townhome units is consistent with the General Plan Land Use Element designation of Residential Medium Density – Specific Plan Overlay (RM-sp) and the requirements of the Holly-Seacliff Specific Plan. The proposed subdivision is consistent with the goals, policies, and objectives of the General Plan Land Use Element that govern new subdivisions and residential development. These goals and policies call for a range of housing types to be available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.
2. The site is physically suitable for the type and density of development. The size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 16.4 units per acre, which is allowed in accordance with State Density Bonus Law and as part of the request for this property designated Residential Medium Density land use designation. The proposed density would be compatible with surrounding multi-family developments. The project site is able to accommodate public services and provides for adequate onsite circulation and drainage.
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 is vacant with oil drilling operations and is adjacent to existing multi-family residential uses. The site does not contain significant habitat for wildlife or fish. The project site is surrounded by residential development, vacant property, and light industrial uses and paved roads. The site does not contain any natural open space or any significant biological resources. The proposed project complies with the provisions of the Holly-Seacliff Specific Plan and the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of existing resources adjacent to the project site.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-010:

1. Conditional Use Permit No. 17-010 for the development of 21 attached for-sale townhome units and associated infrastructure and site improvements, including a density bonus request of two units, with one concession and three waivers of development standards 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 provide three units for families or households of Moderate Income for a period of 45 years. The project will improve the existing underutilized parcel of land with a development consistent with the General Plan land use and zoning designations. The proposed residential use is similar to those existing uses in the vicinity. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project will be consistent in massing and scale to adjacent residential uses. Proposed improvements include enhanced landscaping, decorative paving, and quality architectural design throughout the site. Furthermore, the layout of the site improves the visual surroundings by providing efficient drive aisles for vehicular access, and minimizing the visibility of parking garages and parking spaces from the street.
2. Conditional Use Permit No. 17-010 for the development of 21 attached for-sale townhome units and associated infrastructure and site improvements, including a density bonus request of two units with one concession and three waivers of development standards will be compatible with surrounding residential uses in terms of landscaping, opens pace, parking, lot coverage, and allowable building height. The subject site is entirely surrounded by multi-family residential uses to the north, east, and south. To the west of the site, across Gothard Street are industrial uses; however, one of the two buildings along Gothard is setback 30 ft. from the property line and the second building is setback 15 ft. which provides a substantial buffer from the industrial uses. The proposed design is composed of a Spanish style consisting of stucco exterior, an earth tone color palette, tile roof, metal and tile accents, varied wall offsets and rooflines, and decorative balcony railings and is architecturally compatible with the adjacent residential developments. Enhanced landscaping along the street front and decorative paving at the site entry will create visual interest and improve the aesthetics of the street front from public right-of-way. The project includes two- and three-story buildings that are compatible with surrounding developments and proportionally relate to the overall mass and scale of the neighborhood.
3. Conditional Use Permit No. 17-010 for the development of 21 attached for-sale townhome units and associated infrastructure and site improvements, including a density bonus request of two units with one concession and three waivers of development standards complies with all provisions of the Holly-Seacliff Specific Plan and applicable provisions in Titles 20 through 25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the development standards in terms of private and common open space, building height, and lot coverage. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.
4. The granting of Conditional Use Permit No. 17-010 for the development of 21 attached for-sale townhome units and associated infrastructure and site improvements, including a

density bonus request of two units, with one concession and three waivers of development standards will not adversely affect the General Plan. It is consistent with the intent of General Plan Land Use Element designation of Residential Medium Density. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

A. Land Use Element

Objective LU 1.1: Provide for the timing of residential, commercial, and industrial development coincident with the availability of adequate market demand to ensure economic vitality.

Objective LU 8.1: Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

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

Objective LU 9.3: Provide for the development of new residential subdivisions and projects that incorporate a diversity of uses and are configured to establish a distinct sense of neighborhood and identity.

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

The proposed project will improve an underutilized and partially vacant property by allowing the development of residential uses within close proximity to compatible uses. The residential project will implement the residential land use category appropriate for the site's General Plan land use designation and establish a development consistent with the size, scale, mass and pattern of existing development in the area. The surrounding residential uses will benefit with the introduction of newly constructed housing in the neighborhood as the existing temporary structures on site will be removed. The development will provide new housing stock in the area and will potentially attract first-time homebuyers by providing an expanded opportunity for ownership in the area.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

The project will enhance the character of the neighborhood and improve property values. The proposed buildings will be compatible with existing development at similar heights and massing and incorporate a traditional architectural palette into the area, providing interest and high-quality design to the streetscape. Common open space within the project combined with enhanced landscaping will create visual interest from the frontages along Gothard Street and Garfield Avenue. Garages and open parking spaces are primarily

located facing away from the street frontages. A decorative paving treatment frames the drive aisle entry to the site and creates visual interest for the access into the site.

C. Housing Element

Policy 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 3.2: Utilize the City's Inclusionary Housing Ordinance as a tool to integrate affordable units within market rate developments. Continue to prioritize the construction of affordable units on-site, with provision of units off-site or payment of an in-lieu housing fee as a less preferred alternative.

Policy 3.3: Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance, with funding priority to projects that include extremely low income units. Proactively seek out new models and approaches in the provision of affordable housing.

Policy 4.1: Support the use of density bonuses and other incentives, such as fee deferrals/waivers and parking reductions, to offset or reduce the costs of developing affordable housing while ensuring that potential impacts are addressed.

Policy 6.1: Implement the City's Green Building Program to ensure new development is energy and water efficient.

The project consists of 21 residential units, which contributes to the City's housing stock. The project includes a request for a density bonus for two additional units, with one concession and three waivers of development standards in exchange for affordable housing as allowed by State Law and the HBZSO. As part of the request for a density bonus, the applicant is entering into a Density Bonus and Affordable Housing Agreement with the City to establish three of the 21 units as affordable units for persons/families of Moderate Income for a period of 45 years. The development request as proposed is consistent with the intent of the policies identified above. As such, the project will contribute to the City's overall housing goals. Additionally, sustainable features and construction practices will be incorporated in the project including energy-efficient lighting, water efficient plumbing fixtures and recycling of construction waste.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 18106:

1. The Tentative Tract Map No. 18106 to subdivide an approximately 1.28 net acre lot for condominium purposes, received and dated August 31, 2017, shall be the approved layout.
2. Pursuant to section 230.14 of the HBZSO, Tentative Tract Map No.18106 and Conditional Use Permit No. 17-010 shall not be deemed approved until an Affordable Housing Agreement has been approved by the City Council.
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 Community Development Department.

4. Prior to issuance of Building Permits, an Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Community Development for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.14 and include, but not be limited to, the following items:
 - a) The duration of the affordability and the number of the affordable units;
 - b) The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;
 - c) The method in which vacancies will be marketed and filled;
 - d) A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project; and
 - e) Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.
5. Prior to submittal of the final tract and at least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Community Development Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls, common landscape areas by the Homeowners' Association, and notification to all potential buyers and renters of the effects resulting from on-site and off-site oil production activities and other adjacent industrial uses including the frequency and locations of maintenance and service operations, noise levels, and potential odors. The CC&Rs shall also include a parking management plan to ensure the ongoing control of availability of on-site parking including but not limited to: the implementation of a parking permit system, restricting garages to be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests; no boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any open parking spaces; and towing of any vehicles violating the restrictions within the CC&Rs. The CC&Rs shall also include disclosure to homebuyers that the property is adjacent to and in the vicinity of industrial sites. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
6. 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. 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.

7. Comply with all applicable mitigation measures contained in Environmental Impact Report No. 89-1 for the Holly-Seacliff Specific Plan.
8. Tentative Tract Map No. 18106 shall become null and void unless exercised within two years of the date of final approval by the City Council, or such extension of time, as granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
9. Comply with all applicable Conditional Use Permit No. 17-010 conditions of approval.
10. 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>).
11. The development services departments (Community Development Department, Fire Department, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-010:

1. The site plans, floor plans, and elevations received and dated November 13, 2017, shall be the conceptually approved design with the following modification: overhead storage racks must be installed within the garage and shall not obstruct the standing of two vehicles and required fire sprinklers.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, EIR No. 89-1 mitigation measures, and Code Requirements letter dated November 30, 2017 shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

- b. Submit three (3) copies of the approved site plan and the processing fee to the Community Development Department for addressing of the new units.
3. Prior to issuance of building permits, the following shall be completed:
 - a. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Community Development Department. Double walls shall be avoided to the greatest extent feasible. 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. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
 - b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. 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. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
5. Signage shall be reviewed under separate permits and applicable processing.
6. 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.
7. Conditional Use Permit No. 17-010 shall become null and void unless exercised within one year of the date of final approval by the City Council, or such extension of time, as granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

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.