



CITY OF HUNTINGTON BEACH

INTERDEPARTMENTAL COMMUNICATION

OFFICE OF BUSINESS DEVELOPMENT

TO: Oliver Chi, City Manager

FROM: Ursula Luna-Reynosa, Director of Community Development *SL*

DATE: August 3, 2020

SUBJECT: Late Communication for Council Meeting Item #17 – Approve and authorize execution of a License Agreement between the City of Huntington Beach and OC405 Partners JV for temporary worker parking for the I-405 Improvement Project

Replace page 1 of the agreement with the following page which is attached. The material change is the issuance date of the temporary use permit from April 7th, 2020 to May 19, 2020, the official approval date of the application.

In Exhibit B: Please replace the document entitled “City of Westminster Planning Division – Temporary Use/Event Permit Application” with the attached following document:

- 1.) Temporary Use Permit (Case No. 2020-064). OCTA’s I-405 Temporary parking employees’ personal vehicles at APN #142-311

LICENSE AGREEMENT BY AND
BETWEEN THE CITY OF HUNTINGTON
BEACH AND OC405 PARTNERS JV
FOR TEMPORARY USE OF CITY PROPERTY

This License Agreement is made and entered into by and between the CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California hereinafter referred to as "CITY," and OC405 PARTNERS JV, a California Joint Venture Partnership, hereafter referred to as "LICENSEE."

WHEREAS, LICENSEE has applied to CITY for permission to use CITY-owned property, described as follows:

APN 142-311-34-Northeast corner of McFadden Ave. and Gothard St., depicted in the map, attached hereto and incorporated herein by reference as Exhibit "A" (the "Property") in the City of Westminster for the purposes of vehicular storage; and CITY desires to allow such use as necessary for the purposes stated above in connection with the OC405 Partners JV project; and

The proposed use of the Property is permitted per the City of Westminster's Temporary Use Permit dated May 19, 2020, attached hereto and incorporated herein by reference as Exhibit "B".

NOW, THEREFORE, in consideration of the promises and agreements hereinafter made and exchanged, the parties covenant and agree as follows:

1. PERMISSION. Permission is hereby given to LICENSEE to enter upon and use the Property for the purpose described above.
2. TERM. The term of this License shall be for a period of thirty two (32) months or until January 1, 2023 upon execution by the CITY.
3. RENT. In consideration of this License, the LICENSEE shall pay five hundred dollars (\$500.00) per month in rent. Rent shall be paid in advance of the 1st day of each month, and becomes delinquent on the 10th day of each month. Rent shall be paid to the City of Huntington Beach and can be mailed to: P.O. Box 711, Huntington Beach, CA 92648-0711.

In addition to Rent, LICENSEE shall pay to the entities entitled thereto all taxes, assessments, insurance premiums, maintenance charges and any other charges, costs and expenses against the Property which may be contemplated under any provision of this License.



City of Westminster

8200 Westminster Boulevard, Westminster, CA 92683 714.898.3311
www.westminster-ca.gov

May 19, 2020

Attn: Daniel Guzman
OC 405 PARTNERS JV
3100 W Lake Center Dr.
Santa Ana, CA 92704

TRI TA
Mayor

KIMBERLY HO
Vice Mayor

SERGIO CONTRERAS
Council Member

TAI DO
Council Member

CHI CHARLIE NGUYEN
Council Member

SHERRY JOHNSON
Interim City Manager

Subject: Temporary Use Permit (Case No. 2020-064), OCTA's I-405 Temporary parking employees' personal vehicles at APN #: 142-311-34.

Dear Mr. Guzman:

Your application requesting approval of a temporary employee's parking for OCTA's I-405 improvement project at APN 142-311-34 running from May 19, 2020 to December 31, 2020 has been **approved** subject to compliance with the following conditions of approval:

Description of Temporary Use:

- Temporary parking of employees' vehicle on a 1.16 acre site.
- The hours of operation from 7:00 am to 5:00 pm, daily for the duration of the permit.
- No equipment, other than employee vehicles shall be stored onsite.
- A privacy screen shall be installed along the perimeter of the site subject of the approval of the Planning Division.
- Safety signs will be installed per OSHA and City Standards.
- A maximum of 30 employees' vehicles may be parked onsite.

Conditions of Approval:

1. The subject property shall be developed for the use and in the manner requested and shall be in substantial conformity with the plans as reviewed by the approving body unless revised or modified by the approving body.

2. This permit is limited to allowing employees parking for those employees associated with OCTA's I-405 improvement project running from May 19, 2020 to December 31, 2020.
3. The hours of operation in which vehicles may be parked onsite are from 7:00 am to 05:00 pm, daily and only during the duration of the permit. This TUP will terminate at midnight, December 31, 2020 and any subsequent TUP application for the same use will be based upon the performance of this TUP. Any subsequent TUP application for the same use shall be submitted to the Planning Division no later than November 16, 2020.
4. Any type of retail sales or used merchandise are prohibited. No construction/contracting equipment shall be parked or stored at this site. Only personal employee vehicles related to the construction yard across the street shall parked on this site (Sedans/Pickup Trucks).
5. In order to mitigate the visual impact of the site to the general public in the vicinity, the subject parcel shall install a six foot high chain link fence with a durable green screen along the site perimeter. In the event that vehicles stored onsite can be viewed from outside the site, the applicant shall replace the green screen, subject to the review and approval of the Planning Division.
6. Access to the site shall be allowed only during the daytime business hours between 7:00 am to 05:00 pm, daily.

PUBLIC HEALTH, SAFETY AND WELFARE

7. The use shall comply with all federal, state and local laws; including but not limited to fire safety requirements from the Orange County Fire Authority, and environmental health safety requirement from the Orange County Health Care Agency. Violation or conviction of any of those laws in connection with the use will be cause for revocation of this permit. In addition, the operator is responsible for ensuring all necessary permits from these agencies are obtained.
8. Fire department access roads shall remain unobstructed at all times. Do not block and/or cover fire hydrants and fire department connections.
9. Portable signs, such as "A" frame signs, are prohibited in the City. Approval to use such signs must be obtained from the Engineering and Planning Division. Directional signs utilized for traffic must be approved by the City's Public Works Engineering Department at (714) 548-3462.
10. No driveways or access to other properties shall be blocked off by this use.
11. The site shall be left clean and free of debris at the end of each day of the use and restored to pre-operating conditions.

12. In order to prevent NPDES issues applicant shall implement Best Management Practices (BMP) for pollution prevention, including, but not limited to:

- Erosion and Sediment Control:
 - Street Sweeping
 - Drain Inlet Protection
 - Temporary Fiber Rolls
- Tracking Control:
 - Street Sweeping
 - Temporary Construction Entrance (gravel base, filter fabric, and track-out plate)
- Perimeter Control
 - Silt fence, fiber roll, or gravel bag berm, depending upon field conditions.
- Dust Control
 - Twice per day ground watering (spraying/misting) at a minimum.
- Site Inspection, maintenance, and recordkeeping.

13. Per Public Works Department requirements the instructions provided in the attached file (Stabilized Construction Entrance/Exit) shall be followed regarding the BMPs.

14. The BMPs shall be inspected by Building Division as a regular construction site.

PUBLIC NUISANCE

15. OC405 Partners is responsible for immediately notifying the Police Department of disturbances or crimes occurring at this site.

16. No additional noise outside of current regular daytime traffic is expected at this site. Any noise resulting from the operation of the premises shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other property in the area or to the welfare of the occupants thereof. In the event that any verified complaints are made to the Planning Manager, Building Official, Code Enforcement Manager or to any City department, the applicant shall immediately meet with City staff to discuss mitigation measures. Should such measures fail to alleviate the problem, then the matter may be treated as a nuisance warranting the initiation of revocation proceedings.

17. The applicant shall obtain a banner permit and install a banner sign, visible from McFadden Avenue (with the permit obtained from the City), that provides a phone number and email address where complaints can be sent regarding use of the site.

18. If complaints regarding the site are received, the applicant shall meet with the City to address such complaints and the City may either amend the temporary use permit or

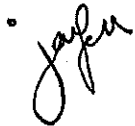
cancel the temporary use permit. Any amendment or cancellation of the temporary use permit shall be provided to the applicant in writing.

INDEMNIFICATION CLAUSE

The applicant agree to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of case no. 2020-064. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of case no. 2020-064, and/or any environmental determination, the applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Westminster's elected officials, appointed officials, officers, and employees. The "applicant" includes the property owner.

If you have questions, please contact me at zranjbar@westminster-ca.gov or at (714) 548-3493. If I am not available, feel free to contact Alice Tieu, Assistant Planner, at ATieu@westminster-ca.gov.

Sincerely,



Zharfa Ranjbar
Planning Technician



Steven Ratkay, AICP
Planning Manager

Attachment:
Stabilized Construction Entrance/Exit instruction