



Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

January 24, 2018

Peter Zehnder
HB Main L.P.
124 Tustin Ave., Ste. 200
Newport Beach, CA 92663

SUBJECT: TENTATIVE TRACT MAP NO. 18068/ CONDITIONAL USE PERMIT NO. 17-008/ COASTAL DEVELOPMENT PERMIT NO. 17-003/ SPECIAL PERMIT NO. 17-001(MAIN STREET MIXED USE)

**APPLICANT/
PROPERTY**

OWNER: Peter Zehnder, HB Main L.P., 124 Tustin Ave., Ste. 200, Newport Beach, CA 92663

REQUEST: **TTM:** a subdivision map to consolidate six parcels into a 0.42 acre parcel for condominium purposes. The map includes right-of-way dedication along Main Street and a portion of the public alley between Main Street and Lake Street; **CUP/CDP:** to permit 1) the construction of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), six on-site commercial parking spaces, and a one-level subterranean parking structure consisting of 40 residential parking spaces on a 0.42 acre site and 2) to participate in the parking in-lieu fee program for nine commercial parking spaces; and **SP:** to permit a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft.

LOCATION: 414-424 Main Street (east side of Main St., between Orange Ave. and Pecan Ave.)

**COASTAL
STATUS:** NON- APPEALABLE

**DATE OF
ACTION:** January 23, 2018

On Tuesday, January 23, 2018 the Huntington Beach Planning Commission took action on your application, and your application was **approved with findings and modified conditions of approval**. Attached to this letter are the findings and conditions of approval.

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.

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 unless an appeal is filed to the City Council. 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. The appeal shall be submitted to the City Clerk within ten (10) working days of the date of the Planning Commission's action. There is no fee for the appeal of a Coastal Development Permit to the California Coastal Commission.

In your case, the last day for filing an appeal and paying the filing fee is **Friday, February 2, 2018, at 5:00 PM.**

This project is in the non-appealable portion of the coastal zone. Action taken by the Planning Commission may be appealed directly to the Coastal Commission only if Title 14, Section 13573 of the California Administrative Code is applicable. Section 13573(a)(3) states that an appeal may be filed directly with the Coastal Commission if the appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this article. If the above condition exists, an aggrieved person may file an appeal within ten (10) working days, pursuant to Section 30603 of the Public Resources Code, in writing to:

South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
Attn: Teresa Henry
(562) 590-5071

The Coastal Commission review period will commence after the City appeal period has ended and no appeals have been filed. Applicants will be notified by the Coastal Commission as to the date of the conclusion of the Coastal Commission review. Applicants are advised not to begin construction prior to that date.

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 to 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 regarding this Notice of Action letter or the processing of your application, please contact Joanna Cortez, the project planner, at (714) 374-1547 or via email at Joanna.Cortez@surfcity-hb.org, or the Community Development Department at (714) 536-5271.

Sincerely,

Jane James, Secretary
Planning Commission

By:



Jane James, Acting Director of Community Development

JJ:JC:kd

Attachment: Findings and Conditions of Approval – TTM 18068/ CUP 17-008/ CDP 17-003/ SP 17-001

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Jane James, Acting Director of Community Development
Bill Reardon, Division Chief/Fire Marshal
Paul D'Alessandro, Assistant City Attorney
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Building Manager
Joanna Cortez, Acting Associate Planner
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 18068
CONDITIONAL USE PERMIT NO. 17-008
COASTAL DEVELOPMENT PERMIT NO. 17-003
SPECIAL PERMIT NO. 17-001

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission determines that the proposed project is covered by Downtown Specific Plan Final Environmental Impact Report No. 08-1, which was adopted by the City of Huntington Beach on January 19, 2010. The request to consolidate six parcels into an approximately 0.42 net acre lot for condominium purposes and development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), one-level subterranean parking structure; request to participate in the parking in-lieu fee program for nine commercial parking spaces; and request to permit a 2.52 ft. average setback on the third floor in lieu of a minimum average setback of 10 ft. is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-1. The project is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines, which states that when an Environmental Impact Report (EIR) has been prepared for a specific plan, there is no need to prepare an EIR or Mitigated Negative Declaration (MND) for projects in conformity with that specific plan. The project is consistent with the Downtown Specific Plan. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the previously certified Program EIR for the Downtown Specific Plan project (EIR No. 08-01) and the project is conditioned to comply with all applicable EIR No. 08-1 mitigation measures. In light of the whole record, none of the circumstances described under Section 15162 of CEQA Guidelines are present; and therefore, no EIR or MND is required.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 18068:

1. Tentative Tract Map No. 18068 to consolidate six parcels into an approximately 0.42 net acre lot for condominium purposes is consistent with the requirements of the Downtown Specific Plan. The proposed subdivision is also consistent with the General Plan Land Use Element designation of Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre, 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 size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 47 units per acre, which is below the allowable density of 50 units per acre of the Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre land use designation. The proposed density would be compatible with surrounding mixed-use 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 project site is surrounded by residential and commercial development as well as paved roads. It is geographically isolated from any natural open space in the vicinity and 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.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-008:

1. Conditional Use Permit No. 17-008 for the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), one-level subterranean parking structure; and request to participate in the parking in-lieu fee program for nine commercial parking spaces, 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 improve the existing underutilized parcel of land with a development consistent with the General Plan land use and zoning designations. The project is located in the downtown core area (District 1), which promotes visitor-serving commercial developments. The project has been evaluated for compatibility with the surrounding neighborhood and will be designed on a pedestrian scale and character, will meet the goals and policies of the General Plan. Additionally, the proposed mixed-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. Due to additional setbacks throughout the site, the project will be consistent in massing and scale to adjacent commercial and residential uses, many of which are up to three stories tall. 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 taking vehicular access from the rear public alley, hence minimizing the visibility of subterranean parking garage entrance and ground level parking spaces from the street. The project complies with residential parking requirements and partially complies with commercial parking requirements and is therefore requesting to pay parking in-lieu fees for the nine commercial parking spaces that are deficient, as allowed by the DTSP subject to approval by Conditional Use Permit. Although it does not fulfill the project's on-site parking requirement, the applicant is replacing two parallel on-street parking spaces fronting the site, along Main Street, with nine angled on-street parking spaces. The addition of the on-street parking directly in front the development will provide additional parking for commercial visitors.
2. Conditional Use Permit No. 17-008 for the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), one-level subterranean parking structure; and request to participate in the parking in-lieu fee program for nine commercial parking spaces, will be compatible with surrounding uses in terms of setbacks, private and public open space, building height, and landscaping. The subject site is entirely surrounded by similar commercial and residential uses to the north, west, and south with residential to the east. The proposed building will be compatible with existing development at similar heights and massing and incorporate a more contemporary architectural theme in the area that includes flat roofs, tower elements, large window glazing systems, and metal awnings, providing visual interest and a quality design to the streetscape. Wall offsets on the building facade and decorative features to reduce the massing of the building combined

with decorative paving at the site entry will create visual interest from the frontage along Main Street. The project is designed to be compatible with the Downtown Design Guidelines.

3. Conditional Use Permit No. 17-008 for the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), one-level subterranean parking structure; and request to participate in the parking in-lieu fee program for nine commercial parking spaces, complies with all provisions of the Downtown 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 setbacks, private and public open space, building height, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project. The project complies with residential parking requirements and partially complies with commercial parking requirements and is therefore requesting to pay parking in-lieu fees for the nine commercial parking spaces that are deficient, as allowed by the DTSP subject to approval by Conditional Use Permit. Although it does not fulfill the project's on-site parking requirement, the applicant is replacing two parallel on-street parking spaces fronting the site, along Main Street, and with nine angled on-street parking spaces. The addition of the on-street parking directly in front the development will provide additional parking for commercial visitors.
4. The granting of Conditional Use Permit No. 17-008 for the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), one-level subterranean parking structure; and request to participate in the parking in-lieu fee program for nine commercial parking spaces, will not adversely affect the General Plan. It is consistent with the General Plan Land Use Map designation on the subject property is M-sp (30-50 du/ac) (Mixed-Use - Specific Plan Overlay – 30-50 dwelling units/acre) and the zoning designation is SP5-CZ-District 1 (Downtown Specific Plan – Coastal Zone Overlay – Downtown Core). The proposed project will implement both the General Plan and specific plan designations of the site. The proposed project is consistent with the intent of these designations, and the goals and policies of the City's General Plan as follows:

A. Land Use Element

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

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

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

Goal LU-7: Neighborhoods, corridors, and community subareas are well designed, and buildings, enhanced streets, and public spaces contribute to a strong sense of place.

Policies LU-7A

Preserve unique neighborhoods, corridors, and subareas, and continue to use specific plans to distinguish districts and neighborhoods by character and appearance.

Policies LU-7B

Use street trees, signage, landscaping, street furniture, public art, and other aesthetic elements to enhance the appearance and identity of subareas, neighborhoods, corridors, nodes, and public spaces.

Goal LU-11:

Commercial land uses provide goods and services to meet regional and local needs.

Policies LU-11A:

Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed project is consistent with the land use designation which allows for mixed-use at the subject site. The proposed architectural style and site layout of the mixed-use project is consistent with the proportion, scale, and character of the existing development in the area, which also includes similar mixed-use projects. The development will improve an underutilized site and the condominium units will provide an opportunity for ownership.

The proposed project will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional commercial uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities and will not impact the subject site and surrounding area. The design of the project as approved by the Design Review Board promotes the development of a commercial building that conveys a high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The project's open space incorporates enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines.

B. 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 6.1:

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

The project consists of 20 condominium units, which adds to the City's housing stock. The development request as proposed is consistent with the intent of the policies within the Housing Element because it will add to the City's housing stock and create new opportunities for purchase in the Downtown area. The project is required to pay affordable housing in-lieu fees which will go towards the provision of housing for lower to moderate income households. As such, the project will contribute to the City's overall housing goals. Furthermore, green building practices for the construction are proposed such as construction waste diverted from landfill, drought tolerant planting, and high-efficiency irrigation system. The units will also include energy efficient windows, energy efficient roof, and high efficacy lighting.

A. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project would incorporate visitor-serving commercial uses on the ground floor and residential uses on the upper floor. The mix of uses complements the urban downtown environment by integrating commercial services for the subject and nearby residential uses. The project site is located near established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 17-003:

1. Coastal Development Permit No. 17-003 for the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), and one-level subterranean parking structure conforms to the General Plan, including the Local Coastal Program. The proposed project would continue to provide commercial and residential uses in an established, urban, downtown core area and will serve surrounding uses in the vicinity. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The proposed project would develop visitor-serving commercial uses in the City's downtown core area near other established points of attraction, including the Huntington Beach Municipal Pier; and is intended to reinforce the vicinity as a major visitor-serving district.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed project, the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), and one-level subterranean parking structure, as conditioned, complies with applicable development regulations, including setbacks, private and public open space, building height, and landscaping. It is also consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.
3. At the time of occupancy, the proposed development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), and one-level subterranean parking structure can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, and sidewalks.

4. The development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), and one-level subterranean parking structure conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project will not impede public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 17-001:

1. The granting of Special Permit No. 17-001 (pursuant to Section 4.1.02 of the DTSP) in conjunction with: Tentative Tract Map No. 18086 to subdivide an approximately 0.42 net acre lot for condominium purposes and Conditional Use Permit No. 17-008/ Coastal Development Permit No. 17-003 to permit the development of a four-story mixed-use project consisting of 5,000 sq. ft. of retail, 20 residential units (condos), six on-site commercial parking spaces, a one-level subterranean parking structure; and to participate in the parking in-lieu fee program for nine commercial parking spaces, is for a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft.

This Special Permit results in a greater benefit from the project and will promote a better living environment because it allows for a larger common open space in the form of a deck on the fourth floor that is partially open to the sky. Additionally, due to the bend on Main Street and the fact that the south west portion of the building is setback, the project provides a larger than required public open space that is open to the sky. This also allows residents to maximize their views on their decks.

2. The granting of Special Permit No. 17-001 to allow a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft. for a will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the fact that the proposed building is designed to contrast with the surrounding buildings by providing a more contemporary architectural theme that includes flat roofs, tower elements, large window glazing systems, and metal awnings. The building incorporates architectural and design principles to orient the building to the pedestrian environment with primarily glass facade to provide the "human scale" element that separates the first floor from second floor. Building volumes are articulated with variation in wall plane to reduce building massing and provide a larger public open space. The building facades incorporate a variety of building materials to provide visual interest, including smooth stucco, wood siding, concrete veneer, and glass tiles that enhance the paseo. Although the project is requesting a deviation for upper story setback requirements along the third floor, it ` balancing the setback deficiency on the third floor along the front.
3. The granting of Special Permit No. 17-001 to allow a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft. will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. Even though the project is requesting a deviation for upper story setback requirements along the third floor, it provides significant setbacks and offsets along the rear and the south side yard setback balancing the setback deficiency along the front. The request will result in a project that has less building mass, more

building articulation, and increased common and public open space. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials

4. The granting of Special Permit No. 17-001 to allow a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft. will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The special permit would allow for a mixed-use project with unique and quality architecture that includes a more contemporary architectural theme consisting of flat roofs, tower elements, large window glazing systems, and metal awnings. The building incorporates architectural and design principles to orient the building to the pedestrian environment with primarily glass facade to provide the "human scale" element that separates the first floor from second floor. Building volumes are articulated with variation in wall plane to reduce building massing and provide a larger public open space. The building facades incorporate a variety of building materials to provide visual interest, including smooth stucco, wood siding, concrete veneer, and glass tiles that enhance the paseo. In order to comply with the upper story requirement along the third floor, the building would lose many of its unique architectural features along the front of the building in order to come closer to the street, thereby, reducing the public and common open space and resulting in a flatter design with no articulation.
5. The granting of Special Permit No. 17-001 to allow a 2.52 ft. average setback on the third floor, along Main Street, in lieu of a minimum average setback of 10 ft. will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act as well as comply with State and Federal Law.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 18068:

1. The Tentative Tract Map No. 18068 received and dated July 7, 2017, shall be the approved layout except as amended per the conditions stated herein.
2. 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, and common landscape and parking areas by the Homeowners' Association, as well as a parking management plan to ensure the ongoing control of availability of on-site residential guest parking and commercial parking including but not limited to: restricting subterranean garage and tandem spaces to not 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 parking spaces; and towing of any vehicles violating the restrictions within the CC&Rs. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
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, the applicant shall satisfy the minimum ten percent Inclusionary Affordable Housing requirement by either providing the units on site via an approved Affordable Housing Agreement or paying the applicable in-lieu fee.
5. Comply with all applicable Conditional Use Permit No. 17-008, Coastal Development No. 17-003, and Special Permit No. 17-001 conditions of approval.
6. Comply with all mitigation measures adopted for the project in conjunction with EIR No. 08-1.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 17-008/ COASTAL DEVELOPMENT NO. 17-003/ SPECIAL PERMIT NO. 17-001:

1. The site plan, floor plan, and elevations received and dated November 06, 2017, shall be the conceptually approved design with the following modification: Window alignment shall be avoided to preserve the privacy between the residences within the project and the single family dwellings to the east. If windows need to align, the windows shall be opaque glass or a similar material.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval, EIR No. 08-1 mitigation measures, and Code Requirements letter dated January 17, 2018 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.
 - c. The property owner shall submit a draft In-Lieu Parking Fee Participation Agreement to the Office of Business Development. The Agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder. **(City Council Resolution Nos. 6720 and 6721).**
3. Prior to issuance of a grading permit, the following shall be completed: If tie-backs or other method of horizontal anchoring systems is proposed for construction of any temporary and/or permanent earth retaining structure that would encroach within the public right-of-way, it shall meet the "Subterranean Development" section of the DTSP Section 3.2.11. **(PW)**
4. Prior to issuance of building permits, the following shall be completed:
 - a. Contact the United States Postal Service for approval of mailbox location(s).

- b. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
 - c. A public art element, approved by the Design Review Board, Community Development Director, and the Cultural Services Supervisor, shall be depicted on the plans. Public art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
 - d. The Developer shall provide a Landscape Maintenance License Agreement to address the continuing maintenance and liability for all landscaping, irrigation, furniture and hardscape along the Main Street and alley Rights-of-Way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees. **(PW)**
5. 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.
 - e. The applicant shall install a dual Knox-Box on the property to allow access to police officers and firefighters. **(PD)**
 - f. In order to address visibility and safety within the subterranean garage, the interior of the garage shall be painted white to reflect light. Additional lighting shall be placed in every corner and the area between the vehicles along with surveillance cameras. **(PD)**
 - g. A copy of the recorded In-Lieu Parking Fee Participation Agreement and proof of full payment or first installment payment to the City Treasurer shall be submitted to the Community Development Department.

6. Comply with all applicable mitigation measure contained in Environmental Impact Report No. 08-01 for the Downtown Specific Plan.
7. Signage shall be reviewed under separate permits and applicable processing.
8. 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.
9. Conditional Use Permit No. 17-008, Coastal Development Permit No. 17-003, and Special Permit No. 17-001 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 Division a minimum 30 days prior to the expiration date.
10. The Development Services Departments (Community Development, Fire, 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.

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.