

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 20-002/ ZONING MAP AMENDMENT NO. 20-002/ TENTATIVE TRACT MAP NO. 19136/ CONDITIONAL USE PERMIT NO. 20-024

SUGGESTED FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 20-002:

1. Mitigated Negative Declaration No. 20-002 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 twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on Mitigated Negative Declaration No. 20-002, General Plan Amendment No. 20-002, Zoning Map Amendment No. 20-002, Tentative Tract Map No. 19136, and Conditional Use Permit No. 20-024.
2. Mitigation measures, incorporated into the Mitigation, Monitoring, and Reporting Program avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. No significant impacts are anticipated with implementation of mitigation measures in the areas of biological resources, cultural resources, geology, noise, transportation, and tribal cultural resources.
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 reduced to less than significant through the project design, regulatory requirements, and mitigation measures.

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 20-002:

1. Zoning Map Amendment (ZMA) No. 20-002 to change the zoning on an approximately 13.9 gross acre parcel from PS (Public-Semipublic) to RL (Residential Low Density) is consistent with the goals and policies of the General Plan as identified below.

A. Land Use Element

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

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

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

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

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

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

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

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

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

Goal LU-6 - Neighborhood school sites adapt over time to meet the changing needs of the community.

The ZMA will implement the land use designation proposed with General Plan Amendment No. 20-002. It will enable redevelopment of the closed school site into a single-family residential development that is compatible with the character of the neighborhood and meets the changing needs of the community. The proposed residential plans include three architectural styles that are in keeping with the proportion, scale, and character of the neighborhood and consistent with the development standards in the HBZSO. The project provides enhanced landscaping areas along street side yards, street corners, and mid-block. The project will maintain open space resources by improving Gisler Park as a community benefit in association with the request for reduced lot size and width.

B. Housing Element

Policy 1.1 – Preserve the character, scale and quality of established residential neighborhoods.

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

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

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

The project is located on a surplus publicly owned land that is appropriate for residential use. The project is required to meet the City's affordable housing requirement equivalent to 10 percent of the proposed dwelling units. The project is proposed as a PUD, which allows for reduced lot size and width with the provision that the developer provides mutual community benefits for the enjoyment of the residents and the public. As such, flexibility with the development standards such as reduced lot size and width provides a mechanism to accommodate additional housing.

2. The ZMA would only change the land use designation of the subject property rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.
3. A community need is demonstrated for the change proposed because it will allow a surplus school site to be redeveloped into a residential development that is consistent with the character of the area and will add to the housing stock.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the proposed zoning will implement the land use designation proposed with General Plan Amendment No. 20-002 and is compatible with the surrounding neighborhood.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 19136:

1. Tentative Tract Map (TTM) No. 19136 for the subdivision of an approximately 13.9 gross acre site into 85 single family residential numbered lots and 15 lettered lots for private streets, open space, and landscaping is consistent with the General Plan Land Use Element designation of Residential Low Density on the subject property, or any applicable specific plan, or other applicable provisions of this Code which permit the residential tract. The project is proposed as a Planned Unit Development (PUD) and includes residential lots with reduced size and width. The proposed residential lots average 4,952 square feet and 50 feet wide, in lieu of minimum 6,000 square feet and 60 feet wide required in the RL zone. The lot sizes range from 4,661 to 9,241 square feet with the most common lot size at 4,750 square feet (50 by 95 feet). Project density is 6.23 dwelling units per net acre, consistent with the proposed RL designation, which permits up to 7 units per acre. In accordance with Huntington Beach Zoning Subdivision Ordinance (HBZSO) Section 210.12 (Planned Unit Development Supplemental Standards and Provisions), the project is providing mutual community benefits for the new residents as well as the general public that exceed the minimum infrastructure improvements required for the project itself.
2. The site is physically suitable for the type and density of development because it is located in a residential neighborhood with similar residential development under the same Residential Low Density General Plan land use and zoning designations. The site's size, shape, and topography are conducive to the development of a new residential development that conforms to the General Plan, HBZSO, and other city requirements and is in keeping with the character of the surrounding neighborhood.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site has been previously developed as a school. The site does not contain any significant fish or wildlife habitat. Project design features, compliance with regulatory requirements, and mitigation measures will ensure that the subdivision will not cause serious health problems or substantial environmental damage.
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 streets, sidewalk, and utility easements to serve the new development. The existing pedestrian access shown as Lot B that was dedicated in fee to the City on Tract Map 6893 will no longer be needed for access to the school but will be retained by the City in the interim until vacated in the future.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-024:

1. Conditional Use Permit No. 20-024 for the establishment and maintenance of retaining walls over 2 feet tall topped with a 6 foot tall wall/fence along the western corners of the project site on 4 lots (Lots 14, 15, 25, and L) adjacent to Gisler Park and a couple of existing residences and 1 location on the northeast corner of the development along the side of Lot 78 will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because they are found on only about 5 lots and will be screened by common area landscaping or Gisler Park to soften their appearance. The tallest retaining wall is 4.4 feet topped with a 6-foot wall and located on the northwest corner of the project site behind 5 feet of common area landscaping that the applicant intends to convey to the abutting property owners. The proposed grading plan minimizes pad elevations and retaining walls as much as possible while still allowing the site to function and drain properly.
2. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Low Density on the subject property. Retaining walls over 2 feet tall topped with a 6 foot tall wall/fence is a common occurrence with new subdivisions. In addition, it is consistent with the following goals and policies of the General Plan by enabling the redevelopment of the closed school site into a single-family residential development that conforms to the Residential Low Density General Plan designation, is compatible with the character of the neighborhood, and meets the changing needs of the community.

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

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

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

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

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

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

Goal LU-6 - Neighborhood school sites adapt over time to meet the changing needs of the community.

3. The proposed conditional use permit 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 because retaining walls over 2 feet tall topped with a 6 foot tall wall/fence are permitted with the approval of a conditional use permit.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19136:

1. The Tentative Tract Map No. 19136 received and dated July 14, 2021 shall be the approved layout.
2. The site plan, floor plans, elevations, landscaping plan, fencing plan, and colors/materials board received and dated July 14 and Aug. 27, 2021 shall be the conceptually approved design with the following modifications subject to the approval of planning staff **(DRB)**:
 - a. Revise the Plan 1C front and rear elevations to provide a more symmetrical roofline.
 - b. Provide four-sided architecture by adding architectural features to the rear and side elevations including architectural trim on all windows, accent materials on the front elevations shall wrap around the side elevations more, and adding one more architectural feature to the rear elevations.
 - c. The Plan 2c covered front entry shall comply with the required 15-foot front setback **(HBZSO Section 210.06)**.
 - d. Revise porches to open concept with corner columns.
 - e. Provide rafter tails on Adobe Ranch architectural elevations.
3. The final map for Tentative Tract Map No. 19136 shall not be approved by the City Council until General Plan Amendment No. 20-002 and Zoning Map Amendment No. 20-002 are approved and in effect.

4. At least 90 days before City Council action on the final map, Covenants, Conditions and Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works Department, and the City Attorney's office for review and approval. The CC&Rs shall provide for maintenance, repair, and replacement by a Homeowner's Association (HOA) of all common area improvements, including but not limited to, on-site private streets and sidewalks, private storm drain system and appurtenances, including all pumps; landscaping and irrigation improvements; private sewer systems and appurtenances, including all pumps and lift stations; Best Management Practices (BMPs) as per the approved Water Quality Management Plan (WQMP).
5. The following conditions shall be completed prior to issuance of a grading permit:
 - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 1,000-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 **(CD)**.
 - b. Reconstruct the two (2) driveways on Strathmoor Lane serving the Gisler Park public parking lot per Standard Plan No. 209 **(PW)**.
 - c. Reconstruct the Gisler Park public parking lot with a minimum of new 2" asphalt grind and overlay per City standards and specifications **(PW)**.
 - d. Due to high groundwater conditions, the proposed storm drain system shall be constructed with water-tight joints to address inflow/infiltration into the pipe **(PW)**.
 - e. Reconstruct the entire width of Effingham Drive from Strathmoor Lane to Brookhurst Street with a minimum of new 2" asphalt grind and overlay per City standards and specifications **(PW)**.
 - f. Repair any existing public improvements in the surrounding neighborhood (Tract 5841, 6068, 6893) damaged by construction and/or hauling activities to the satisfaction of the City inspector **(PW)**.
6. Prior to submittal for building permits:
 - a. Submit three (3) copies of the site plan and the processing fee to the Community Development Department for addressing purposes after street name approval by the Fire Department.
 - b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.

- d. 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.
 - e. Submit a copy of the revised plans pursuant to Condition No. 2 for review and approval and inclusion in the entitlement file to the Community Development Department.
7. The following shall be completed prior to issuance of building permits:
- a. The applicant's \$250,000 contribution for overhead lighting fixtures at a Huntington Beach City School District (HBCSD) property to provide lighted fields to be utilized by a non-profit group(s) providing recreational opportunities shall be deposited in an account by the Community Development Department to be retained until the HBCSD is ready to apply the money towards the field lighting project. If the money is not applied towards the field lighting project within two years of City Council approval of the project, the City shall have the right to use the money for another community benefit at its sole discretion **(Community Benefit)**.
 - 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.
8. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with

construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 7:00 PM. Such activities are prohibited Sundays and Federal holidays.

9. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released for the first residential unit until the following have been completed:
 - a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development 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. All Gisler Park improvements proposed as the project's community benefits in the project narrative dated August 27, 2021 and project entitlement plans dated July 14, and August 27, 2021 shall be permitted and constructed **(Community Benefit)**.
10. Comply with all mitigation measures adopted for the project in conjunction with Mitigated Negative Declaration No. 20-002.
11. Upon the recordation of the final map, the completion of the project's new perimeter wall and no later than final building permit approval for the first residential unit (not model homes), the applicant will convey Lot O to the adjacent property owner located at 21122 Inferno Lane (APN: 149-313-01) and Lot N to the adjacent property owner located at 9562 Volante Drive (APN: 149-302-01). The applicant will deliver both lettered lots to the adjacent owners with the existing wall removed, side yard walls/fence extensions to the new perimeter wall, and provide landscaping in the 15 foot front yard areas within the conveyed lots adjacent to the public right-of-way. All work will be in coordination with the adjacent property owners and subject to review by Planning Division staff.
12. Incorporating 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/green-building-guidelines-rating>).
13. The development services departments (Building & Safety, Fire, Planning 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. Final map review and 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.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 20-024:

1. The conceptual grading plan, sections, community wall plan and elevations dated July 14, 2021 shall be the conceptually approved design with the following modifications subject to the approval of planning staff **(DRB)**:
 - a. Vinyl private yard fencing shall be 6 feet tall.
 - b. Add at least two design features (enhanced landscaping on city parking lot, pilasters, change in plane, raised planter, view fencing) to the tract wall segments along street side yards and facing the city parking lot in compliance with the Urban Design Guidelines (Chapter 2, Section C.10). The tract wall segments along Gisler Park and facing B Street shall incorporate pilasters at minimum every 100 feet.
2. Conditional Use Permit No. 20-024 shall not become effective until General Plan Amendment No. 20-002 and Zoning Map Amendment No. 20-002 are approved by City Council and in effect.
3. Prior to issuance of grading permits, 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. Evidence of communication between the parties shall be submitted. If coordination between property owners cannot be accomplished, the applicant shall construct the project walls located entirely within the subject property and with a two (2) inch maximum separation from the property line. The plans shall include some mechanism to close and secure any gaps between walls. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Plans shall depict any removal of walls on private residential property and construction of new common walls and sidewalls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
4. The following shall be completed prior to submittal for building permits:
 - 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 a copy of the revised community wall plan and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Community Development Department.
5. Conditional Use Permit No. 20-024 shall become null and void unless exercised within two years of the date of the final approval of such extension of time as may be granted by the

Director pursuant to a written request submitted to the Community Development Department a minimum of 30 days prior to the expiration date.

6. The development services departments (Building & Safety, Fire, Planning 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.
7. 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.