

## MINUTES

### HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, NOVEMBER 12, 2019

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:00 P.M. - COUNCIL CHAMBERS

#### CALL PLANNING COMMISSION STUDY SESSION TO ORDER

*P P P P P P P*  
ROLL CALL: *Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic*

#### AGENDA APPROVAL

A MOTION WAS MADE BY MANDIC, SECONDED BY RAY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF NOVEMBER 12, 2019, BY THE FOLLOWING VOTE:

AYES: Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### MOTION APPROVED

#### PROJECT REVIEW (FUTURE AGENDA ITEMS)

19-1055 GENERAL PLAN AMENDMENT NO. 19-002, ZONING MAP AMENDMENT NO. 19-002, LOCAL COASTAL PROGRAM AMENDMENT NO. 19-001, AND MITIGATED NEGATIVE DECLARATION NO. 19-004 (PARK AVENUE REZONE)\

##### REQUEST:

To introduce the proposed general plan, zoning map, and local coastal program amendments and environmental analysis for the proposed change in land use designations from Open-Space Water Recreation to Low Density Residential.

##### LOCATION:

16926 Park Ave., 92649 (terminus of Park Ave. in Huntington Harbour)

Ricky Ramos, Senior Planner, gave the staff presentation for the proposed project.

There was a brief discussion regarding the following items: the potential for approval by the California Coastal Commission, the width of the easement, the

required width for emergency access, the potential for density bonus, and the potential for sea level rise impacts.

**STUDY SESSION ITEMS - NONE**

**PUBLIC COMMENTS**

Mike Adams, applicant, spoke in support of Item No. 19-1055, citing the previous entitlement denials and the property owner's hope to salvage some use from the property.

Mike Van Voorhis, resident, spoke regarding Item No. 19-1055, stating that while there will still be issues with the proposed project and Coastal Commission approvals, the removal of the public marina option would be supported by neighboring residents.

**AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)**

Jane James, Planning Manager, reported on the Late Communication items for the public hearing portion of the meeting.

Commissioner Mandic asked staff to provide the commission, at a later date, an update on new state development laws regarding building units.

**5:17 P.M. – RECESS FOR DINNER**

**6:00 P.M. – COUNCIL CHAMBERS**

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE** – Led by Commissioner Scandura

*P P P P P P P*  
**ROLL CALL:** *Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic*

**AGENDA APPROVAL**

**A MOTION WAS MADE BY GRANT, SECONDED BY PERKINS, TO APPROVE THE PLANNING COMMISSION AGENDA OF NOVEMBER 12, 2019, BY THE FOLLOWING VOTE:**

**AYES:** Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**MOTION APPROVED**

**PUBLIC COMMENTS - NONE**

**PUBLIC HEARING ITEMS**

**19-1017 ZONING MAP AMENDMENT NO. 18-002/ TENTATIVE TRACT MAP NO. 19-028/CONDITIONAL USE PERMIT NO. 18-041 (UTICA TOWNHOMES)**

**REQUEST:**

To amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) to construct a three-unit, three-story, for-sale condominium development with a height that exceeds 25 feet. The project includes the subdivision of an approximately 9,000 sq. ft. lot for condominium purposes.

**LOCATION:**

712 Utica Avenue, 92648 (south side of Utica Ave., between Florida St. and Beach Blvd.)

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 - New Construction or Conversion of Small Structures.
- B) Recommend approval of Zoning Map Amendment 18-002 with findings (Attachment No. 1) by approving draft City Council Ordinance No. 4191 and forward to the City Council, and approve Conditional Use Permit No. 18-041, and Tentative Tract Map No. 19-028 with findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Scandura spoke with staff and visited the site.
- Commissioner Ray visited the site.
- Vice-Chair Grant visited the site.
- Chair Garcia had no disclosures.
- Commissioner Kalmick visited the site.
- Commissioner Perkins visited the site.
- Commissioner Mandic had no disclosures.

Jessica Bui, Associate Planner, gave the staff presentation on the proposed project.

There was discussion on the following items: open space requirements, privacy impacts, and shadowing impacts.

**THE PUBLIC HEARING WAS OPENED.**

Mark Tran, designer, spoke in support of Item No. 19-1017, stating that it would enhance the neighborhood.

Michelle Taite, resident, spoke in opposition to Item No. 19-1017, citing concerns with height, privacy, and property values.

**WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

There was a discussion on the following items: setback requirements, building height, window alignment, shadowing, driveway layout, and privacy impacts.

**A MOTION WAS MADE BY KALMICK, SECONDED BY SCANDURA, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA AND RECOMMEND APPROVAL OF ZONING MAP AMENDMENT 18-002 WITH FINDINGS BY APPROVING DRAFT CITY COUNCIL ORDINANCE NO. 4191 AND FORWARD TO THE CITY COUNCIL, AND APPROVE CONDITIONAL USE PERMIT NO. 18-041, AND TENTATIVE TRACT MAP NO. 19-028 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL REQUIRING ANALYSIS TO OFFSET WINDOW AND BALCONY ALIGNMENT FROM ADJACENT PROPERTIES, AND REQUIRING TWO FEET OF LATTICE ALONG THE WALL.**

**A SUBSTITUTE MOTION WAS MADE BY COMMISSIONER MANDIC, TO CONTINUE ZONING MAP AMENDMENT NO. 18-002/ TENTATIVE TRACT MAP NO. 19-028/CONDITIONAL USE PERMIT NO. 18-041 TO THE NOVEMBER 26, 2020, PLANNING COMMISSION MEETING.**

**SUBSTITUTE MOTION WAS NOT SECONDED.**

**A MOTION WAS MADE BY KALMICK, SECONDED BY SCANDURA, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA AND RECOMMEND APPROVAL OF ZONING MAP AMENDMENT 18-002 WITH FINDINGS BY APPROVING DRAFT CITY COUNCIL ORDINANCE NO. 4191 AND FORWARD TO THE CITY COUNCIL, AND APPROVE CONDITIONAL USE PERMIT NO. 18-041, AND TENTATIVE TRACT MAP NO. 19-028 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL REQUIRING ANALYSIS TO OFFSET WINDOW AND BALCONY ALIGNMENT FROM ADJACENT PROPERTIES, AND REQUIRING TWO FEET OF LATTICE ALONG THE WALL, BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic</b>
<b>NOES:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**MOTION APPROVED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 of the CEQA Guidelines because the project is located in an urbanized area and involves the construction of three, multi-family residential units.

**FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 18-002:**

Zoning Map Amendment No. 18-002 to rezone the 9,000 sq. ft. lot from CG (Commercial General) to RM (Residential Medium Density) is consistent with the goals, objectives, and land use policies of the General Plan as identified below. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include medium density residential uses to the north, south, and west. The project will be constructed in an urbanized area where there will be appropriate infrastructure and services available to support the proposed development. The proposed zoning map amendment would be consistent with the following General Plan goals, objectives and policies:

**A. Land Use Element**

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure 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.

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.

Goal LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The project is consistent with the land use designation of RM (Medium Density) because the project request includes a zoning map amendment to amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) with a maximum density of 15 units per acre. The zoning map amendment will also bring the zoning designation into consistency with the General Plan land use designation. Furthermore, the new construction of three-unit townhomes will continue the land use pattern of multi-family residential uses in the surrounding area and assist in meeting the overall housing needs of the community. The project supports infill development, as the project is located on an underutilized lot with a dated and distressed commercial building that will be demolished with the construction of the proposed three-unit townhome project. In addition, the proposed three units are attached and are compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and west of the site. Lastly, the attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community.

**B. Housing Element**

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: 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 4.3 Efficient Development Processing: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.

The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be dedicated as an affordable unit or to pay an in-lieu fee. The applicant will be paying an in-lieu fee for 0.3 of a unit, which will be used toward affordable housing needs in the community. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of three, three-story, attached townhome units that are similar to the surrounding multi-family residential units and provides a diversified mix of housing types for the different needs of the community.

2. Zoning Map Amendment No. 18-002 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.
3. A community need is demonstrated for the change proposed. The changes would expand the opportunities for housing and address the needs of a growing population.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for a compatible multi-family residential land use. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

#### **FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 19-028:**

1. Tentative Tract Map No. 19-028 for a one lot subdivision of an approximately 9,000 sq. ft. lot for condominium purposes to construct three attached multi-family residences is consistent with the goals, policies, and objectives of the General Plan Land Use Element that govern subdivision and residential development. The project, with conditions of approval, complies with the requirements of the proposed RM (Residential Medium Density) in regards to

access, height, setbacks, and parking. In addition, a condition of approval will ensure the project complies with minimum open space requirements.

2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The proposed subdivision will result in a density of fifteen units per acre. The proposed density meets the maximum density of fifteen units per acre of RM (Residential Medium Density) land use designation for which the project is proposing to be designated. The proposed density would be consistent with the surrounding neighborhood. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously used as a commercial use. The site does not contain any significant habitat for wildlife or fish. Design features of the project as well as compliance with the provisions of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site.
3. 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. 18-041:**

1. Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet 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 the new structure is designed to comply with all current applicable development standards in the RM (Residential Medium Density) zoning designation which is consistent with the surrounding neighborhood. The conditions of approval will ensure the project will comply with building setbacks, minimum onsite parking, open space, and height. The proposed development is compatible with the surrounding uses in that other structures of similar height and mass exist in the adjacent area. The varied rooflines and wall articulation provide visual interest and help to reduce the mass of the building.
2. The granting of Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of RM on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

##### **A. Land Use Element**

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure 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.

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.

Goal LU-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The project is consistent with the land use designation of RM (Medium Density) because the project request includes a zoning map amendment to amend the zoning designation from CG (Commercial General) to RM (Residential Medium Density) with a maximum density of 15 units per acre. The zoning map amendment will also bring the zoning designation into consistency with the General Plan land use designation. Furthermore, the new construction of three-unit townhomes will continue the land use pattern of multi-family residential uses in the surrounding area and assist in meeting the overall housing needs of the community. The project supports infill development, as the project is located on an underutilized lot with a dated and distressed commercial building that will be demolished with the construction of the proposed three-unit townhome project. In addition, the proposed three units are attached and are compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and west of the site. Lastly, the attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community.

## B. Housing Element

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: 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 4.3 Efficient Development Processing: Explore continued improvements to the entitlement process to streamline and coordinate the processing of permits, design review and environmental clearance.



The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be dedicated as an affordable unit or to pay an in-lieu fee. The applicant will be paying an in-lieu fee for 0.3 of a unit, which will be used toward affordable housing needs in the community. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of three, three-story, attached townhome units that are similar to the surrounding multi-family residential units and provides a diversified mix of housing types for the different needs of the community.

3. Conditional Use Permit No. 18-041 for the development of an attached three-unit, three-story condominium with a height that exceeds 25 feet will comply with the provisions of the proposed RM (Residential Medium Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because the new structure is designed to comply with all applicable development standards including building setbacks, minimum onsite parking, and height. Furthermore, as conditioned, the project will be required to provide the minimum code required private and common open space.

**CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19-028:**

1. The Tentative Tract Map No. 19-028 received and dated October 21, 2019 shall be the approved layout.
2. The final map for Tentative Tract Map No. 19-028 shall not be approved by the City Council until Zoning Map Amendment No. 18-002 is approved and in effect.
3. At least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
  - i. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, maintenance of walls, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.
  - ii. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).
  - iii. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law and the LIP.
  - iv. Appropriate language shall be included to restrict 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.
  - v. Appropriate language shall be included to restrict 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. Towing of vehicles violating the parking restrictions shall be included.
4. Comply with all applicable Conditional Use Permit No. 18-041 conditions of approval.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-041:**

1. The site plan, floor plans, and elevations received and dated October 21, 2019 shall be the conceptually approved design with the following modifications:
  - a. Minimum open space shall be provided in accordance with Huntington Beach Zoning and Subdivision Ordinance Section 210.06; including minimum dimensions for private and common open space and the minimum private open space required per unit.
  - b. Balconies shall not align with windows and shall not be oriented toward the rear yard of the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
  - c. Provide elevation plans showing all new windows on the east elevation of the first floor to be offset from the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
  - d. The site plan shall note a six-foot high block with a two-foot lattice extension on the wall will separate the project from the one-story, single-family residence directly east of the subject site (718 Utica Avenue).
2. Prior to the issuance of building permits, in-lieu fees for affordable housing shall be paid in full to the Community Development Department.
3. Green building strategies shall be incorporated into the construction of the residential units that meet all mandatory measures of the State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards. Incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
4. 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 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
5. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - b. Submit three (3) copies of the site plan and the processing fee to the Community Development Department for addressing purposes after street name approval by the Fire Department.
6. 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.
7. Conditional Use Permit No. 18-041 shall become null and void unless exercised within two years of the date of the final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
8. The development services departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Directors of Community Development and Public Works 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.
9. 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.

**19-1051 ZONING TEXT AMENDMENT NO. 19-002 (HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE UPDATE)**

**REQUEST:**

To amend seven chapters of the HBZSO for overall maintenance pertaining to vehicle storage, parking structures, residential infill requirements, and moving/relocating structures. The seven chapters to be amended are Chapter 203 (Definitions), Chapter 204 (Use Classifications), Chapter 210 (Residential Districts), Chapter 211 (Commercial Districts), Chapter 212 (Industrial Districts), Chapter 230 - Section 230.22 (Residential Infill Lot Development) and Section 230.74 (Outdoor Facilities), and Chapter 231 (Off-Street Parking and Loading Provisions).

**LOCATION:**

Citywide

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Finds and determines that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA (Attachment No. 1).
- B) Recommend approval of Zoning Text Amendment No. 19-002 with findings (Attachment No. 1) by approving draft City Council Ordinances No. 4193 - 4199 and forward to the City Council for consideration.

The Commission made the following disclosures:

- Commissioner Scandura was present for the previous public hearing on the RT zone change.
- Commissioner Ray had no disclosures.
- Vice-Chair Grant had no disclosures.
- Chair Garcia had no disclosures.
- Commissioner Kalmick had no disclosures.
- Commissioner Perkins had no disclosures.

**COMMISSIONER MANDIC RECUSED HERSELF FROM ITEM NO. 19-1051 DUE TO OWNING A BUSINESS IN THE AFFECTED AREA AND LEFT THE ROOM.**

Nicolle Aube, Associate Planner, gave the staff presentation and overview of the proposed project.

There was discussion on the following topics: setbacks on public property, screening and landscape requirements, definition of tandem parking and parking lifts.

**THE PUBLIC HEARING WAS OPENED.**

**WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

There was discussion on the proposed design requirements, the entitlement processing in different zones, and the notification requirements.

**A MOTION WAS MADE BY SCANDURA, TO FIND THE PROJECT EXEMPT FROM CEQA AND MODIFY ZONING TEXT AMENDMENT NO. 19-002 TO REQUIRE ALL VEHICLE STORAGE USE CATEGORIES TO BE SUBJECT TO A CONDITIONAL USE PERMIT BY THE PLANNING COMMISSION.**

**THE MOTION WAS NOT SECONDED.**

**A MOTION WAS MADE BY KALMICK, SECONDED BY PERKINS, TO FIND THE PROJECT EXEMPT FROM CEQA AND RECOMMEND APPROVAL OF ZONING TEXT AMENDMENT NO. 19-002 WITH FINDINGS BY APPROVING DRAFT CITY COUNCIL ORDINANCES NO. 4193 - 4199 AND FORWARD TO THE CITY COUNCIL FOR CONSIDERATION, BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>Ray, Grant, Kalmick, Perkins</b>
<b>NOES:</b>	<b>Scandura</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Mandic</b>

**MOTION APPROVED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements CEQA because the request is a minor amendment to the zoning ordinance that does not change the development standards intensity or density.

**FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 19-002:**

1. Zoning Text Amendment (ZTA) No. 19-002 to amend Chapter 203 (Definitions), Chapter 204 (Use Classifications), Chapter 210 (Residential Districts), Chapter 211 (Commercial Districts), Chapter 212 (Industrial Districts), Chapter 230 - Section 230.22 (Residential Infill Lot Development) and Section 230.74 (Outdoor Facilities), and Chapter 231 (Off-Street Parking and Loading Provisions) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to reorganize certain entitlement applications, codify existing policies, and clarify sections of the code is consistent with the objectives, policies, general land uses and programs specified in the General Plan including:

Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): 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.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Policy LU-2 (E): 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-4 (D): Ensure that single-family residences are of compatible proportion scale and character to surrounding neighborhoods.

The ZTA will allow the City to process new development and land use applications in a more effective and efficient manner which will encourage a variety of commercial uses, goods, and services to meet market needs and capture sales tax revenues. The proposed amendments would decrease processing time for applicants by updating review processes, provide clarity, reflect market conditions within the City, and ultimately improve customer service.

2. In the case of a general land use provision, ZTA No. 19-002 is compatible with the uses authorized in, and the standards prescribed for the zoning district for which it is proposed because it primarily revises the processing of entitlements and clarifies various sections of the HBZSO. The few uses that have been added or clarified will not change the character of the base zoning district and the uses authorized therein.
3. A community need is demonstrated for the changes proposed because there is a constant community desire to improve customer service with decreased processing time and ensure the HBZSO is clear, current, and consistently adapting to market trends.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because ZTA No. 19-002 ensures the HBZSO is clear, current, consistently adapting to market trends, and reflective of the City's ongoing effort to improve customer service.

#### **COMMISSIONER MANDIC RETURNED TO THE ROOM.**

#### **19-1090 COASTAL DEVELOPMENT PERMIT NO. 19-001/CONDITIONAL USE PERMIT NO. 19-001 (3RD STREET COMMERCIAL BUILDING) (CONTINUED FROM THE OCTOBER 22, 2019 MEETING WITH THE PUBLIC HEARING OPEN)**

##### **REQUEST:**

**To construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top**

**deck on an 8,475 sq. ft. vacant lot. The project includes one level of parking at the ground floor with 34 percent of the required parking in a vertical tandem configuration (car lifts) and one level of subterranean parking accessed by a car elevator and a valet parking service.**

**LOCATION:**

**321 3rd Street, 92648 (north side of 3rd St. between Orange Ave. and Olive Ave.)**

**RECOMMENDED ACTION:**

That the Planning Commission take the following actions:

- A) Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15182 of the CEQA Guidelines and Government Code 65457 and approve Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 with suggested findings and conditions of approval. (Attachment No. 1).
- B) Continue the public hearing for Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 and direct staff to return with findings for denial.
- C) Continue the public hearing for Coastal Development Permit No. 19-001 and Conditional Use Permit No. 19-001 and direct staff accordingly.

The Commission made the following disclosures:

- Commissioner Scandura visited the site, and spoke with Bob Bolen, Keith Bohr, the post office supervisor, the applicant, and staff.
- Commissioner Ray visited the site and spoke with a neighboring business owner.
- Vice-Chair Grant spoke with Bob Bolen, Keith Bohr, and staff, visited the site, and attended the Design Review Board meeting.
- Chair Garcia had no disclosures.
- Commissioner Kalmick visited the sites and spoke with the applicant.
- Commissioner Perkins visited the site and spoke with Keith Bohr.

**COMMISSIONER MANDIC RECUSED HERSELF FROM ITEM NO. 19-1090, DUE TO DOING BUSINESS IN THE AREA DIRECTLY ADJACENT TO THE PROJECT AND LEFT THE ROOM.**

Jessica Bui, Associate Planner, gave a staff presentation and overview of the proposed project.

There was discussion regarding the parking management plan, the traffic analysis, the current parking for adjacent businesses, the abandoned oil wells onsite, potential for changing alley access, the required alley dedication, and the parking plan for when the lift is out of operation.

**THE PUBLIC HEARING WAS OPENED.**

Jeff Bergsma, applicant, spoke in support of Item No. 19-1090, stating that the request meets the parking requirements and does not require a variance. He briefly reviewed the onsite parking difficulties.

Richard Raskin, Parking Concepts, spoke in support of Item No. 19-1090, and reviewed the car elevator process.

Bill Collins, employee of property owners, spoke in support of Item No. 19-1090, and made himself available for questions.

Brian Cleugh, resident, spoke in opposition to Item No. 19-1090, citing concerns with the parking and the size of the visitor serving commercial part of the project.

Regina Harris, employee of the property owner, spoke in support of Item No. 19-1090, and made herself available for questions.

Robert McMahon, adjacent business owner, spoke in opposition to Item No. 19-1090, citing concerns with parking and traffic impacts. He noted the alley is used regularly and cannot support queuing.

Maribel Avila, Avila's El Ranchito, spoke in opposition to Item No. 19-1090, , citing concerns with traffic impacts along the alley from potential queueing.

Bob Bolen, adjacent business owner, spoke in opposition to to Item No. 19-1090, citing concerns with traffic and parking impacts, car queueing, and the potential for use of the property as a drug or alcohol recovery facility.

Keith Bohr, applicant, spoke in support of Item No. 19-1090, stating that the proposed project will meet code for uses and parking. He sated that the proposed use is the best allowed use for the site and that they would provide a backup parking plan for when the elevator is out of use.

**WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.**

There was lengthy discussion regarding usage of the alleyway, delivery parking outside of the loading zone, the allowed uses onsite, the parking management plan, valet staffing requirements, the operation of the car elevator, the shared parking program in the downtown area, the car queueing impacts, the potential for requiring a detailed parking management plan for when the elevator is out of use, and the prohibition of alcohol and recovery facilities at that project site.

**A MOTION WAS MADE BY KALMICK, SECONDED BY GRANT, TO FIND THE PROPOSED PROJECT EXEMPT FROM CEQA AND APPROVE COASTAL DEVELOPMENT PERMIT NO. 19-001 AND CONDITIONAL USE PERMIT NO. 19-001 WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL REMOVING THE REQUIREMENT FOR PUBLIC ART ON GROUND FLOOR, AND AN EMPLOYEE STAGGERED START TIME PLAN TO BE INCLUDED IN THE PARKING MANAGEMENT PLAN, BY THE FOLLOWING VOTE:**

**AYES: Scandura, Ray, Grant, Garcia, Kalmick, Perkins**  
**NOES: None**  
**ABSENT: None**



**ABSTAIN: Mandic**

**MOTION APPROVED**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The proposed project is covered by the 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 construct approximately 19,660 sq. ft. building with 1,660 sq. ft. of retail on the ground floor, 18,000 sq. ft. of office above, and a roof top deck on a 8,475 sq. ft. vacant lot 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. 08-1) 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 – COASTAL DEVELOPMENT PERMIT NO. 19-001:**

4. Coastal Development Permit No. 19-001 to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot conforms with the General Plan, including the Local Coastal Program because it is consistent with Coastal Element C 1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction of a new commercial building is located on a site that is contiguous to existing commercial buildings.
5. The request for Coastal Development Permit No. 19-001 to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project complies with the minimum onsite parking, upper story setbacks, setbacks, building height, and all other zoning requirements.
6. At the time of occupancy, the proposed request to Coastal Development Permit No. 19-001 to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot can be provided with infrastructure in a manner that is consistent with Local Coastal Program in that the subdivided lot will allow for the construction of a commercial building on a site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

The proposed request to Coastal Development Permit No. 19-001 to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the proposed development will not impede public access, recreation, or views to coastal resources.

#### **FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 19-001:**

1. Conditional Use Permit No. 19-001 for the development to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot and includes one level of parking at the ground floor with 34 percent of the required parking in a vertical tandem configuration (car lifts) and one level of subterranean parking accessed by a car elevator and a valet parking service 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, will be designed on a pedestrian scale and character, and will meet the goals and policies of the General Plan. Additionally, the proposed retail and office 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 upper story setbacks on the third and fourth floors, the project will be consistent in massing and scale to adjacent commercial and 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 taking vehicular access from the rear public alley, hence minimizing the visibility of the parking garage entrance. The project complies with retail and office parking requirements and proposes a valet service to operate the proposed mechanical vehicle lifts and car elevator in order to make the required parking spaces accessible at all times.
2. The granting of Conditional Use Permit No. 19-001 for the development to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot and includes one level of parking at the ground floor with 34 percent of the required parking in a vertical tandem configuration (car lifts) and one level of subterranean parking accessed by a car elevator and a valet parking service 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.

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-2B: Ensure that new renovated structures and building architecture and site design are context-sensitive, creative, complementary to the city's beach culture, and compatible with surrounding development and public spaces.

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-7B: Use street trees, signage, landscaping, street furniture, public art, and other aesthetic elements to enhance the appearance and identify the subareas, neighborhoods, corridors, nodes, and public spaces.

Policy LU-8B: Encourage development of underused parcels with a mix of uses and unique architecture.

Policy LU-8D: Reinforce the unique Downtown character and visual distinctions, architecture, and streetscape.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy 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.

Policy LU-11B: Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13A: Encourage the expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

## B. Circulation Element

Goal CIRC-2D: Allow for shared parking and other creative parking arrangements that optimize available parking areas, and support and collaborate with property owners to manage the available parking supply. Identify rideshare service opportunities that could reduce parking demand, where feasible.

The four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot is coordinated and ensures the land use pattern is consistent with the overall goals and needs of the community because the project is compatible with the surrounding area in terms of land use, building scale and character. The proposed project also enhances the visual image of Huntington Beach and the Downtown area because the project proposes a public art component within the public open space area and a contemporary architectural design aligns with the character of the neighborhood and the distinct Surf City identity. In addition, the proposed project will be constructed on a vacant lot, which will promote infill development and encourage a new business to locate within the Downtown area. Furthermore, the project will provide a variety of commercial uses, services, and provide job opportunities for residents and the regional area. Lastly, the project proposes a parking management plan that includes a valet service to manage the use of mechanical vehicle lifts and a car elevator that allows cars to be lowered into a subterranean parking area. The parking management plan and the use of mechanical vehicle lifts and a car elevator offers a creative parking arrangement while meeting the Downtown Specific Plan's required number of parking spaces.

3. Conditional Use Permit No. 19-001 for the development to construct a four-story building with approximately 1,660 sq. ft. of retail on the ground floor and 18,000 sq. ft. of office above with an accessible roof top deck on an 8,475 sq. ft. vacant lot and includes one level of parking at the ground floor with 34 percent of the required parking in a vertical tandem configuration (car lifts) and one level of subterranean parking accessed by a car elevator and a valet parking service 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, upper story setbacks, building height, public open space, and parking. The project complies with retail and office parking requirements and proposes 34 percent of the required parking in a vertical tandem configuration (car lifts) which is allowed with the approval of a conditional use permit.

**CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-001/  
CONDITIONAL USE PERMIT NO. 19-001:**

1. The site plan, floor plans, and elevations received and dated October 14, 2019 shall be the conceptually approved design with the following modifications:
  - a. Ground floor public open space shall include landscaping, decorative lighting, and seating amenities.
  - b. Second floor public open space shall provide seating amenities and landscaping.
  - c. Remove any proposed awnings or canopies that will project over the property line.
  - d. Identify the location and copy of ground floor signage directing the public to the available second floor public open space area.
  - e. Remove the steel channel across the elevator shaft. The entire elevator shaft shall be brick only.

- f. Prior to the issuance of a building permit, the applicant shall provide the Community Development Department with an updated colors and material board for the smooth stucco, brick color, grout color, and railings as recommended by the Design Review Board. Revised materials and colors shall be reflected on plans.
2. Prior to the issuance of a building permit:
  - a. An application for a Lot Line Adjustment to adjust the underlying lot lines to result in one lot must be approved by the City and recorded with the County Clerk Recorder's Office.
  - b. The proposed public art shall be submitted to the Community Development Department for review by the Design Review Board and approved by the Community Development Director.
3. The use shall comply with the following:
  - a. The approved use is for ground floor visitor serving commercial uses and a corporate office headquarters on the upper levels. Any proposed change to the approved uses requires review and approval by the Community Development Department to ensure provision of code required parking spaces.
  - b. The corporate office headquarter use shall not include drug abuse or alcohol recovery or treatment centers in any form. Drug abuse centers, general residential alcohol recovery centers, or general residential care or treatment facilities, which may include drop-in or 24-hour residential and/or nonmedical services in a group setting to adults who are recovering from drug and alcohol misuse who need guidance, counseling, or other alcohol or drug recovery services are not permitted. Additionally, any drug abuse or alcohol recovery programs which include daytime stays for prolonged periods of time or meals provided during the course of the client's stay are not permitted.
  - c. All business operations for the office and retail use shall occur entirely indoors unless approval is obtained by the Community Development Department.
4. The parking management plan (PMP) dated August 2, 2019 shall be the conceptually approved plan with the following modifications:
  - a. The PMP shall be updated to state the valet service shall be made available during all business hours of both the visitor serving commercial and the corporate office headquarters. The valet service shall permanently operate in accordance with the revised parking management plan.
  - b. The floor plans in the PMP shall be replaced with the plans dated October 14, 2019.
  - c. A detailed plan (as described in Condition of Approval No. 5) approved by the Community Development Department that specifies staggered start time of employees shall be included.
5. A detailed plan that demonstrates the staggered start time of employees shall be submitted for the review and approval by the Community Development Department. The plan shall

include but is not limited to the day and time for each staggered shift and the number of employees per shift.

6. The valet service shall have two attendants on the ground floor and two attendants on the subterranean level during peak hours of operation for both the office and retail use.
7. At least one valet attendant shall be onsite during all operating hours and until the last vehicle is retrieved.
8. A wired communication system approved by the Fire Department shall be installed within both levels of parking and maintained at all times. Radios used for the valet service operations shall also include approved radio coverage for emergency responders within the building based upon existing coverage levels of the public safety communication systems.
9. The business operator for the office use shall stagger the start time of employees so that multiple employees do not arrive at the same time to ensure queueing does not occur within the public alley.
10. If there is a change in occupancy, a new parking management and valet attendant plan shall be submitted for review and approval by the Community Development Director prior to the issuance of a Certificate of Occupancy.
11. Queueing within the public alley shall not occur at any time.
12. Idling of delivery trucks, loading, and unloading shall occur within designated Downtown loading areas on public streets. Deliveries shall be scheduled to occur during non-peak hours of arrival or departure times to ensure traffic impacts are minimized. Delivery vehicles shall not block the public alley.
13. Prior to the issuance of a building permit, a covenant regarding maintenance of the mechanical parking system to ensure both the vehicle lifts and the vehicle elevator are maintained in operable condition at all times shall be submitted to the Community Development Department and the City Attorney's Office for review and approval with the following information included:
  - a. The covenant shall reference the approved parking management plan dated August 2, 2019. The parking management plan shall be an addendum to the covenant.
  - b. An onsite generator with sufficient capacity to store and retrieve cars for a minimum of three days shall be provided.
  - c. The mechanical lifts and car elevator shall provide a manual override capability to access or remove cars in the event of a power outage.
  - d. In the event the parking system is inoperable, the operator shall notify the Community Development Department within 24-hours and identify implementation of alternative parking strategies.
  - e. A plan shall be included that addresses the location (e.g., partial onsite, offsite, shared parking agreement, etc.) of where vehicles can park in the event the parking system is inoperable for more than three days. The plan shall be reviewed and approved by the Community Development Director prior to recordation of the covenant. If the parking system cannot be operable within five

days, the operator shall submit evidence that the parking issues are actively being resolved on a more permanent basis and the operator shall continue to work with the Community Development Department until the parking system is operable.

- f. If the building is sold, transferred, or leased, prior to issuance of a new certificate of occupancy, the new occupant or property owner shall submit an updated parking management plan for review and approval by the Community Development Director.
  - g. The covenant shall be recorded with the Orange County Recorder's Office prior to issuance of the first Certificate of Occupancy.
- 14. Roof access shall be controlled for the use of employees only during regular business hours (and no later than 10:00 PM). Posting of rules on the roof top area shall include acceptable activities, behaviors, and roof hours. **(PD)**
- 15. Surveillance cameras must be installed throughout the building including inside and outside the elevator, both levels of parking, storage room, and roof top area. Cameras must record 24 hours per day and signs must be posted stating there is electronic surveillance. **(PD)**
- 16. A Duel Knox Box shall be installed to allow the Fire Department and Police Department access into the parking garage. **(PD)**
- 17. Lighting in the storage room within the subterranean level shall be motion-sensor only. **(PD)**
- 18. A security window shall be installed on the storage room door for visibility into the room prior to entering. **(PD)**
- 19. Storage room door shall open outward with emergency hardware installed for quick exit. **(PD)**
- 20. Prior to submittal of building permits, the following shall be completed: zoning entitlement numbers, conditions of approval and code requirements 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.
- 21. 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.
- 22. CDP 19-001 and CUP 19-001 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
- 23. The Development Services Departments and divisions (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.

### **OTHER REQUIREMENTS**

1. 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.
2. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be 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.
3. 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>).

### **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.

### **CONSENT CALENDAR - NONE**

### **NON-PUBLIC HEARING ITEMS - NONE**



**PLANNING ITEMS**

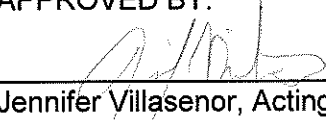
Jane James, Planning Manager, reported on the items from the previous and upcoming City Council Meetings and for the next Planning Commission Meeting.

**PLANNING COMMISSION ITEMS**

Commissioner Scandura complimented his fellow commissioners on their ability to work together.

**ADJOURNMENT:** Adjourned at 9:12 PM to the next regularly scheduled meeting of Tuesday, December 10, 2019.

APPROVED BY:

  
\_\_\_\_\_  
Jennifer Villaseñor, Acting Secretary

  
\_\_\_\_\_  
Alan Ray, Chairperson