

# AGENDA

## HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 27, 2007  
HUNTINGTON BEACH CIVIC CENTER  
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

### CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*

### AGENDA APPROVAL

- A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE
- B. STUDY SESSION ITEMS:
  - B-1. CITYWIDE AND HOLLY SEACLIFF SPECIFIC PLAN AFFORDABLE HOUSING REQUIREMENTS – Rami Talleh
- C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland
- D. PLANNING COMMISSION COMMITTEE REPORTS
- E. PUBLIC COMMENTS – Regarding Project Review or Study Session portions of Meeting

Anyone wishing to speak on Project Review or Study Session items during PUBLIC COMMENTS may do so by filling out a Request To Speak form and giving it to the Secretary. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)
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- F. PLANNING COMMISSION COMMENTS

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

**CALL PLANNING COMMISSION MEETING TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** *Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*

**AGENDA APPROVAL**

**A. ORAL COMMUNICATIONS**

Anyone wishing to speak during ORAL COMMUNICATIONS must fill out and submit a form to speak. The Planning Commission can take no action on this date, unless the item is agendized. Any one wishing to speak on items not on tonight’s agenda, a closed public hearing item, or on non-public hearing items may do so during ORAL COMMUNICATIONS. Please note comments on closed public hearing items will not be part of the permanent entitlement record. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, NO DONATING OF TIME TO OTHERS)

**B. PUBLIC HEARING ITEMS**

Anyone wishing to speak during an open PUBLIC HEARING must fill out and submit a form to speak. The public may address the Planning Commission only during the open PUBLIC HEARING items or during ORAL COMMUNICATIONS. Please review the agenda to determine whether the PUBLIC HEARING item is open or closed. If the PUBLIC HEARING on an item is closed, you will not be permitted to speak during that portion of the agenda and may wish to address your concerns during the ORAL COMMUNICATIONS portion of the agenda. Speakers on items scheduled for PUBLIC HEARING will be invited to speak during the public hearing. (4 MINUTES PER PERSON, WITH A MAXIMUM TIME DONATION OF 8 MINUTES, FOR A TOTAL OF 12 MINUTES PER SPEAKER)

**PROCEDURE:** Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

**B-1. CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL).**

**Applicant:** Phil Burtis. **Request:** To permit a K-8 school for up to 229 students, pre-school for up to 100 students, day care (before/after-school) for up to 150 children, church services for up to 168 people, Sunday school for up to 100 children, infant/toddler care for up to 20 children and the addition of four 24 ft. by 60 ft. modular classroom buildings at an existing closed school site. **Location:** 5172 McFadden Ave (south side of McFadden Ave., east of Bolsa Chica St.). **Project Planner:** Ron Santos

**STAFF RECOMMENDATION:** Motion to: “Approve Conditional Use Permit No. 06-26 with findings and suggested conditions of approval.”

**B-2. ENTITLEMENT PLAN AMENDMENT NO. 06-05 (TUSCANY DEVELOPMENT AFFORDABLE HOUSING MODIFICATION – AMENDMENT TO TENTATIVE TRACT MAP NO. 16740). Applicant: Michael C. Adams. Request: To amend Condition of Approval No. 3(a) which requires that five on-site for-sale units be made available to moderate income families for a period of 60 years. The proposed amendment is to require that the project comply with the affordable housing requirements of the Holly Seacliff Specific Plan (HSSP) and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and delete specific references to the number of units, type of units (for-sale or rental), and the affordability levels. Location: 19150 Gothard St. (East side of Gothard St., south of Garfield Ave.). Project Planner: Rami Talleh**

**STAFF RECOMMENDATION:** Motion to: “Deny Entitlement Plan Amendment No. 06-05 with finding for denial.”

**C. CONSENT CALENDAR - NONE**

**D. NON-PUBLIC HEARING ITEMS - NONE**

**E. PLANNING ITEMS**

**E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**

**E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**

**E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**

**F. PLANNING COMMISSION ITEMS**

**F-1. PLANNING COMMISSION REQUEST ITEMS – NONE**

**F-2. PLANNING COMMISSION COMMENTS**

**Commissioner Shier-Burnett -**

**Commissioner Speaker -**

**Vice Chairperson Livengood -**

**Chairperson Scandura -**

**Commissioner Horgan –**

**Commissioner Dwyer -**

**Commissioner Farley -**

**ADJOURNMENT:**

**Adjourn to the next regularly scheduled meeting of March 13, 2007.**

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission is final unless an appeal is filed to the City Clerk by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property or Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. The appeal shall be submitted to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action.

Copies of staff reports and/or written materials on each agenda item are on file in the Planning Department, for inspection by the public. A copy of the agenda packet is also available at the Central Library (7111 Talbert Avenue).

**VIDEO TAPES OF MEETINGS AVAILABLE FOR PUBLIC CHECK OUT AT THE CENTRAL LIBRARY, AND FOR DUPLICATION SERVICES IN THE CITY CLERK'S OFFICE.**

## HUNTINGTON BEACH PLANNING COMMISSION

### Public Hearing Procedures

This statement has been prepared to provide a better understanding of the procedures for public hearings before the Planning Commission.

Regular meetings of the Planning Commission are held on the second and fourth Tuesdays of each month beginning at 5:15 p.m. in Room B-8 for a study session and then at 7:00 PM in the Council Chambers. Adjourned meetings, special meetings, and Study Sessions may be scheduled at other times.

Planning Commission proceedings are governed by the Planning Commission By-Laws, Robert's Rules of Order and the Brown Act. The following is the typical sequence of events on public hearing items:

- A. The Chairperson shall announce the item and if the public hearing is open or closed.
- B. The Planning Commission shall disclose any discussions, conversations, etc., with applicants, applicant's representatives or property owners.
- C. The staff report is presented.
- D. Questions by the Planning Commission concerning the staff report may be answered at this time.
- E. The public hearing is opened by the Chairperson.
- F. The applicant or appellant is given an opportunity to address the Commission. Time is not limited but left to the Chairperson's discretion.
- G. Public Comments: Staff will call all speakers by name. Please proceed to the podium. Individuals favoring and opposing the proposal are given an opportunity to address the Commission (up to four (4) minutes), or may choose to donate their time to another speaker if the "Request to Speak" form is filled out and given to the Secretary. A speaker who addresses the Commission on behalf of individuals who donate time are allowed a maximum of 12 minutes. Individuals who donate time must be present when the item is being discussed. Please state your name before addressing the Commission.
- H. The Commission may ask questions of speakers addressing the Commission.
- I. The public hearing is closed.
- J. The Commission will deliberate the matter at this time.
- K. The Commission then acts on the matter by continuing, approving, conditionally approving, or denying the petition.

The Planning Commission receives a staff report packet on the Tuesday preceding the meeting, allowing time to review each case and make further investigations in the field prior to the scheduled meeting.

Staff reports are available in the Planning Department, the Central Library and on the City's website ([www.surfcity-hb.org](http://www.surfcity-hb.org)) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Ron Santos, Associate Planner *RS*  
**DATE:** February 27, 2007

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-26 (GRACE LUTHERAN CHURCH/SCHOOL)**

**APPLICANT:** Phil Burtis, 17451 Duello Lane, Huntington Beach, CA 92647

**PROPERTY**

**OWNER:** Ocean View School District, c/o Scott Stark, 17200 Pinehurst Lane, Huntington Beach, CA 92647

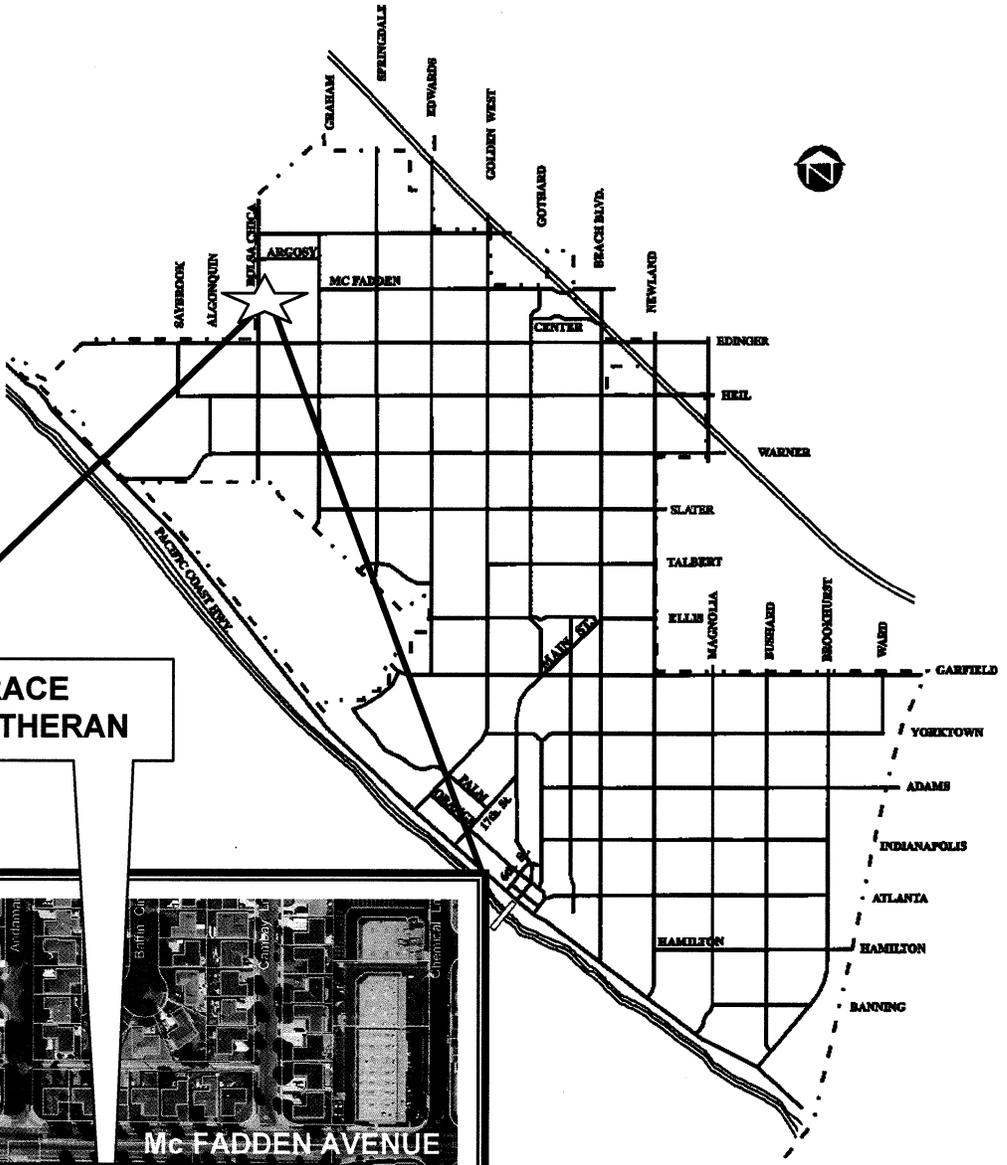
**LOCATION:** 5172 Mc Fadden Avenue (south side of Mc Fadden Ave., east of Bolsa Chica St.)

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**STATEMENT OF ISSUE:**

- ◆ Conditional Use Permit No. 06-26 request:
  - To establish a private school, child care, and religious assembly use at a former public school site (Robinwood School).
  - Addition of four portable classroom buildings.
  
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 06-26 with modifications based upon the following:
  - The project will not generate adverse impacts.
  - Approval of the requested conditional use permit provides for the establishment of educational, religious, and child care uses that serve the surrounding community.
  - The project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes.
  - The proposed use is consistent with the prior historical use of the site.
  
- ◆ Staff's Suggested Modifications:  
Conditional Use Permit No. 06-26
  - Proposed portable classroom buildings shall be painted to match the existing classroom buildings.
  - Proposed portable classroom buildings shall be fitted with skirts.
  - A semi-permanent landscape planter a minimum of three feet in width shall be installed, in lieu of proposed temporary planter boxes, along the north and east sides of the easterly-most portable classroom building, adjacent to the parking lot.

**GRACE  
LUTHERAN**



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 06-26**  
**(GRACE LUTHERAN CHURCH/SCHOOL – 5172 Mc FADDEN AVENUE)**

**RECOMMENDATION:**

Motion to:

“Approve Conditional Use Permit No. 06-26 with findings and suggested conditions of approval (Attachment Nos. 1 and 2).”

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

A. “Deny Conditional Use Permit No. 06-26 with findings for denial.”

B. “Continue Conditional Use Permit No. 06-26 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Conditional Use Permit No. 06-26 represents a request for the following:

To permit the following uses at a former public school site (Robinwood School), pursuant to Section 214.06, PS District: Land Use Controls, Public and Semipublic Uses, Private Schools, Day Care General and Religious Assembly:

- K-8 School for up to 229 students;
- Pre-School for up to 100 students;
- Day Care (before/after-school) for up to 150 children;
- Religious Assembly with Sunday morning worship services for up to 168 people;
- Sunday School (during worship) for up to 100 children; and
- Infant/Toddler Care for up to 20 children.

In addition, the applicant is requesting approval to install four 24 ft. by 60 ft. portable classroom buildings on site. Each of the portable buildings contains two classrooms. No other site improvements are proposed.

Proposed school hours are 8:15 a.m. to 2:45 p.m., from September through mid-June. Church services would be provided on Sunday only, 9:30 a.m. to approximately 11:00 a.m. Daycare services would be provided 6:30 a.m. to 6:00 p.m., Monday through Friday. In addition, the school plans three to four parent-teacher nights per year (7:00 p.m. to 8:00 p.m.), two to three open house events per year (9:00 a.m. to 2:00 p.m.) and three to four plays or special events per year (6:00 p.m. to 8:00 p.m.).

Grace Lutheran previously operated a school at Haven View School and is proposing to relocate their operations from that site. The applicant has indicated that, because Robinwood School is completely fenced and has a multi-use/cafeteria room, the site is better suited to accommodate their use. The multi-use room (Building #8 on the site plan) will be used for church services as well as school assemblies. The other existing buildings on the site include six classroom buildings and an administrative building. The site also provides grass play fields and a pre-school play yard.

**Background:**

According to the Ocean View School District, Robinwood School was originally constructed to accommodate 600 students. The public school closed in 1980 and was subsequently occupied by Coastline Community College from 1992 to January 2006. Grace Lutheran is now occupying the site, in advance of their required entitlements. The City has not received complaints regarding their current operations and code enforcement action has been stayed pending completion of the entitlement processing.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property:	P(RL) (Public – Residential Low Density Underlying Designation)	PS (Public-Semipublic)	Closed Public School Site (formerly Robinwood School)
North of Subject Property (across Mc Fadden):	RL-7 (Residential Low Density – Max. 7 units/acre)	RL (Residential Low Density)	Single-Family Residential
East of Subject Property:	I-F2-d (Industrial – 0.5 max. Floor Area Ratio – Design Overlay)	IL (Industrial Limited)	Industrial
South of Subject Property:	RL-7	RL	Single-Family Residential
West of Subject Property:	RL-7	RL	Single-Family Residential

**General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is P(RL) (Public – Residential Low Density Underlying Designation). The proposed project is consistent with this designation and the goals and objectives of the City’s General Plan as follows:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

Policy LU13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

**B. Public Facilities and Public Services Element**

Policy PF 4.3.1: Continue to encourage the operation of public services, such as elderly or child day care, at “closed” school sites

Policy PF 4.3.2: Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Approval of the requested conditional use permit furthers the General Plan Objectives and Policies identified above by providing for the establishment of educational, religious, and child care uses that serve the surrounding neighborhoods. In addition, the project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes, including child day care.

**Zoning Compliance:**

The proposed project is located in the PS (Public-Semipublic) zone. The proposed change from the prior/historical public school use of the project site to a private school, child care, and religious assembly use renders the property subject to current City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requirements.

The existing site is non-conforming to certain HBZSO development standards: specifically parking lot drive aisle widths, parking lot landscaping, fencing adjacent to residential properties and landscaping along the street frontage. However, the degree of non-conformance is minimal.

With respect to the parking areas, the HBZSO provides for existing non-conforming parking areas that were approved at a reduced dimension to remain (HBZSO Sec. 231.26(F)). In addition, the Fire Department has determined that the existing site conditions provide adequate access for emergency services.

The HBZSO requires six foot tall block wall fencing at the residential property line to the west (in replacement of existing chain-link fencing along three parcels), and a ten foot landscape setback along Mc Fadden Avenue (adjacent to the westerly driveway). These code requirements are identified in a list previously provided to the applicant and is attached (Attachment No. 5) for informational purposes only.

The following table identifies parking requirements for the proposed land uses, pursuant to Section 231.04 – Off-Street Parking and Loading Spaces Required, of the HBZSO. The table indicates that a 30 space parking surplus would be provided on site.

LAND USE	REQUIRED PARKING RATIO	PROJECT REQ'T
Religious Assembly:	1 space per 35 sq. ft. of assembly area	3,060 sq. ft. = 88 spaces*
Elementary School:	1.5 spaces per classroom	20 classrooms = 30 spaces
Pre-School:	1 space per staff, plus 1 per classroom	14 staff/6 classrooms = 20 spaces
Day Care:	1 space per staff, plus 1 per classroom	2 staff/ 9 classrooms = 11 spaces
<b>TOTAL:</b>	<b>PROPOSED: 118 spaces</b>	<b>REQUIRED: 88 spaces*</b>

\* Total required parking is based on the use generating the greatest concurrent parking demand.

**Urban Design Guidelines Conformance:**

The Urban Design Guidelines do not address school sites or include recommendations applicable to the proposed portable classroom buildings.

**Environmental Status:**

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:**

The Design Review Board (DRB) reviewed the project on February 8, 2007 and recommended the following modifications:

- a. The portable classroom buildings shall be painted to match the existing classroom buildings.
- b. The portable classroom buildings shall be fitted with skirts.
- c. A semi-permanent landscape planter a minimum of three feet in width shall be installed in lieu of temporary planter boxes proposed along the north and east sides of the easterly most portable classroom building, adjacent to the parking lot.

Staff concurs with the DRB and has incorporated their recommendations into the Suggested Conditions of Approval (Attachment No. 1).

**Other Departments Concerns and Requirements:**

The Departments of Building and Safety, Community Services, Fire, Police and Public Works have reviewed the proposed project and identified applicable code requirements (Attachment No. 5). The Police Department also recommends the following conditions of approval (Attachment No. 2):

- The existing driveway is not clearly marked as a main entrance. Use clear signage and a pavement treatment at the driveway entrances, thus clearly designating the property as semi-private space.
- Building number eight, the multi-purpose room, should have windows facing the driveway/parking and office area. This would allow users of this room to passively observe the entrance and parking area.
- The multi-purpose room and the backs of the preschool classrooms create a walkway between them. There are limited surveillance opportunities into this walkway, which make it vulnerable for undesirable activity. The preschool buildings should have windows on the north side of the buildings as well as the south.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on February 15, 2007 and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties.

The applicant also held a community meeting at the project site on February 12, 2007. Invitations were mailed to property owners and tenants within a 500 foot radius of the project site, members of the City Council and Planning Commission. The meeting was attended by three members of the public. The attendees asked few questions of the applicant and did not indicate opposition to the proposed project.

As of February 20, 2007, no communication supporting or opposing the request has been received.

**Application Processing Dates:**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
Conditional Use Permit: January 23, 2007	March 26, 2007

**ANALYSIS:**

**Land Use Compatibility**

The project presents minimal planning issues because the proposed use of the site is consistent with the historical use, with the exception of the added church functions and the minor expansion represented by the four modular buildings. The conditional use permit will be compatible with surrounding uses because the proposed school and church represents a neighborhood-serving, institutional use which supports the needs of the community.

**Traffic**

The applicant submitted a traffic study prepared by RK Engineering Group, Inc., which analyzed the project's potential traffic and parking impacts, including those associated with the proposed Sunday church services. The study concludes that the project will not generate significant impacts, but includes the following recommendations to improve operations at the site:

- The school/church shall encourage carpooling by providing incentives to parents of school children (e.g., discounts, gifts, etc.). A program to encourage carpooling shall be developed and submitted to the Planning Department for review and approval prior to installation of the portable classroom buildings.
- The school/church shall explore opportunities to provide van/bus transportation options for students.
- All staff shall be required to park in the easterly parking lot.
- Drop-off/pick-up times for pre-school students and K-8 students shall be staggered by a minimum of 30 minutes respectively. Parents of school children and the Planning Department shall be provided written notice of the drop-off/pick-up schedules and procedures..
- The paved area at the southeast corner of the site shall be made available for overflow parking purposes as necessary for all school/church special events occurring on site.

The above recommendations represent sound operating practices for the type of use proposed and are consistent with requirements imposed on similar projects approved by the City, including the Huntington Christian School at 9700 Levee Drive. Moreover, staff has observed that the drop-off/pick-up events as they are currently occurring at the site (parents park in the drive aisle of the westerly parking lot while waiting for their child) impede circulation in the parking lot and represents a less than ideal condition. Accordingly, staff recommends that the suggestions from the traffic study described above be made conditions of approval.

At the February 15, 2007 Planning Commission study session on this item, the Planning Commission requested that staff address the following issues as part of this report:

**Parking for Planned Special Events**

The applicant's project narrative indicates that the school intends to hold several special events throughout the year, including plays/shows for up to 250 people. In addition, the American Youth Soccer Organization (AYSO) uses the grass play fields on the site via prior arrangement with the school district.

The Planning Commission requested that staff analyze the adequacy of on-site parking to accommodate these events. As noted above, the project site provides 118 parking spaces. The resulting ratio of persons to parking spaces during these special events is 2.1; meaning that if the average occupancy of vehicles parking at the site for the special event is a minimum of 2.1 people, adequate parking would provided. Because the attendees at such events may be assumed to consist primarily of children and their parent(s)/family members, a 2.1 to 1 occupant/vehicle ratio should be considered a conservative estimate. Therefore, staff anticipates that adequate parking will be available.

Notwithstanding, the project site includes a paved blacktop area, south of the easterly parking lot which could be used to accommodate any overflow parking needs. The applicant's project narrative indicates that the school/church intends to utilize this space for parking as necessary; and as noted above, staff recommends that this be made a condition of approval. On-street parking is also available along Mc Fadden Avenue in front of the project site.

With respect to parking needed to accommodate AYSO's use of the site, the applicant's narrative states that AYSO is provided keys to the gate at the easterly parking lot. Use of this parking lot will provide for their long-standing and continued use of the school fields.

**Parking for Robinwood Park**

The City's agreement with the Oceanview School District for use of a separately fenced portion of the site (2 acres) as a public park does not include provision for off-street parking. Moreover, staff does not believe that there is a nexus between the proposed use of the existing school site and public parking for use of Robinwood Park. Notwithstanding, Robinwood is a neighborhood park generally serving the surrounding residents. Available on-street parking is ordinarily adequate to support public use of the park. It should also be noted that there are numerous parks throughout the City of comparable size and larger which provide no off-street public parking (e.g., Lake Park – 5 acres; Manning Park – 2.5 acres, Langenbeck Park – 18 acres).

**Fence Along Easterly Property Line**

The Planning Commission requested that staff report on the condition of the block wall located along the project site's easterly property line. Staff has confirmed that the wall is in a state of disrepair. However, the applicant has advised that the wall is not located on school property. The City has active code enforcement cases regarding the wall, based on prior complaints, but has had difficulty in gaining compliance – in part, because of the numerous industrial property owners involved. The school district has erected a chain-link fence adjacent to the block wall to ensure the safety of the school children.

Staff recommends approval of the request based on findings that the proposed use is compatible with surrounding properties, will not generate detrimental impacts and furthers the goals and policies of the General Plan, as outlined in this report.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – Conditional Use Permit No. 06-26
2. Suggested Conditions of Approval – Police Department memo dated December 20, 2006
3. Site Plan, Floor Plans and Elevations received and dated January 12, 2007
4. Project Narrative received and dated February 15, 2007
5. Code Requirements Dated February 1, 2007 (for informational purposes only)

SH:HF:RS:cs

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 06-26**

#### **SUGGESTED 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 15301, Class 1 of the CEQA Guidelines, which states that the operation of existing facilities and structures involving negligible additions and expansion of use are exempt from further environmental review.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:**

1. Conditional Use Permit No. 06-26 for the establishment, maintenance and operation of a K-8 School for up to 229 students; pre-school for up to 100 students; day care (before/after-school) for up to 150 children; church with Sunday morning worship services for up to 168 people; Sunday school (during worship) for up to 100 children; infant/toddler care for up to 20 children and four 24 ft. by 60 ft. portable classroom buildings on site 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 proposed project represents use of existing facilities designed and intended for the primary use proposed (school). The proposed church use and additional classrooms represent only a minor expansion of the prior/historical use of the site. In addition, a traffic study has been prepared by a licensed professional traffic engineer and reviewed by City staff. The study concludes that no significant traffic impacts will result and adequate parking is provided on site to ensure no detrimental impacts to surrounding properties.
2. The conditional use permit will be compatible with surrounding uses because the proposed school, child care and church represent neighborhood-serving, institutional uses which support the needs of the community. The proposed uses will occupy existing facilities with a long standing presence in the community.
3. The proposed church/child care/school use 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 (HBZSO). The HBZSO permits private schools, child care and religious assembly uses in the PS zoning district with approval of a conditional use permit by the Planning Commission. No variances are proposed and the project will be required to provide additional landscaping within the front setback and block wall fencing along the residential property line, as necessary for compliance with current HBZSO development standards.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of P(RL) (Public – Residential Low Density Underlying Designation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational and services uses that support resident needs within residential neighborhoods.

Objective LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental administrative, public safety, human service, cultural, educational, infrastructure, religious, and other uses that support the needs of existing and future residents and businesses.

Policy LU 13.1.1: Allow for the continuation of existing public and private institutional, cultural, educational and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1

Policy LU 13.1.2: Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the city review and approval.

Policy LU 13.1.6: Encourage surplus schools and other public properties to be made available first for other public purposes, such as parks, open space, adult or child care, and secondarily for reuse for private purposes and/or other land uses and development.

B. Public Facilities and Public Services Element

Policy PF 4.3.1: Continue to encourage the operation of public services, such as elderly or child day care, at “closed” school sites

Policy PF 4.3.2: Investigate the feasibility of permitting and/or providing child or elderly day care services at public and private institutional facilities, such as churches, temples, other religious buildings, hospitals and schools.

Approval of the requested conditional use permit furthers the General Plan Objectives and Policies identified above by providing for the establishment of educational, religious, and child care uses that serve the surrounding neighborhoods. In addition, the project provides for the adaptive re-use of existing institutional facilities (a closed school site) for semi-public purposes, including child day care.

## **SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 06-26:**

1. The site plan, floor plans, and elevations received and dated January 12, 2007 shall be the conceptually approved design with the following modifications:
  - a. The portable classroom buildings shall be painted to match the existing classroom buildings. **(DRB)**
  - b. The portable classroom buildings shall be fitted with skirts. **(DRB)**
  - c. A semi-permanent landscape planter a minimum of three feet in width shall be installed in lieu of temporary planter boxes proposed along the north and east sides of the easterly most portable classroom building, adjacent to the parking lot. **(DRB)**
2. The use shall comply with the following:
  - a. Only the uses described in the narrative received and dated February 15, 2007 shall be permitted.
  - b. The school/church shall encourage carpooling by providing incentives to parents of school children (e.g., discounts, gifts, etc.). A program to encourage carpooling shall be developed and submitted to the Planning Department for review and approval prior to installation of the portable classroom buildings.
  - c. The school/church shall explore opportunities to provide van/bus transportation options for students.
  - d. All staff shall be required to park in the easterly parking lot.
  - e. Drop-off/ pick-up times for pre-school students and K-8 students shall be staggered by a minimum of 30 minutes respectively. Parents of school children and the Planning Department shall be provided written notice of the drop-off/ pick-up schedules and procedures.
  - f. The paved area at the southeast corner of the site shall be made available for overflow parking purposes as necessary for all school/church special events occurring on site.

## **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.

# POLICE DEPARTMENT

## SUGGESTED CONDITIONS OF APPROVAL

### CONDITIONAL USE PERMIT NO. 06-26

c/o Starling Thomas Concepts  
Jan Thomas  
PO Box 2201  
Mission Viejo, CA 92690-0201  
(949) 348-8186

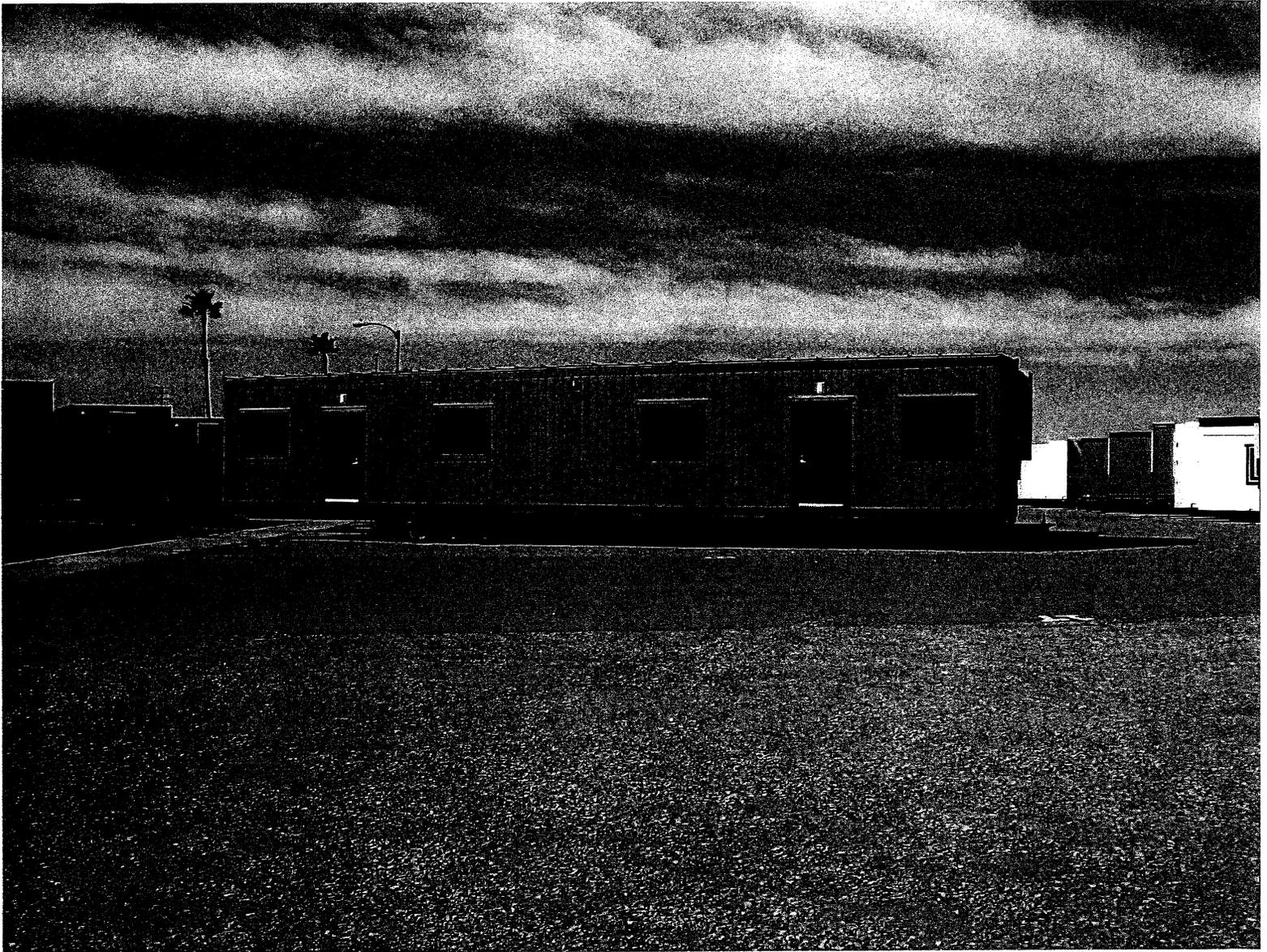
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DATE: December 20, 2006  
PROJECT: Grace Lutheran Church and School  
LOCATION OF PROJECT: 5172 McFadden Ave.  
STC REFERENCE NUMBER: STC06-112

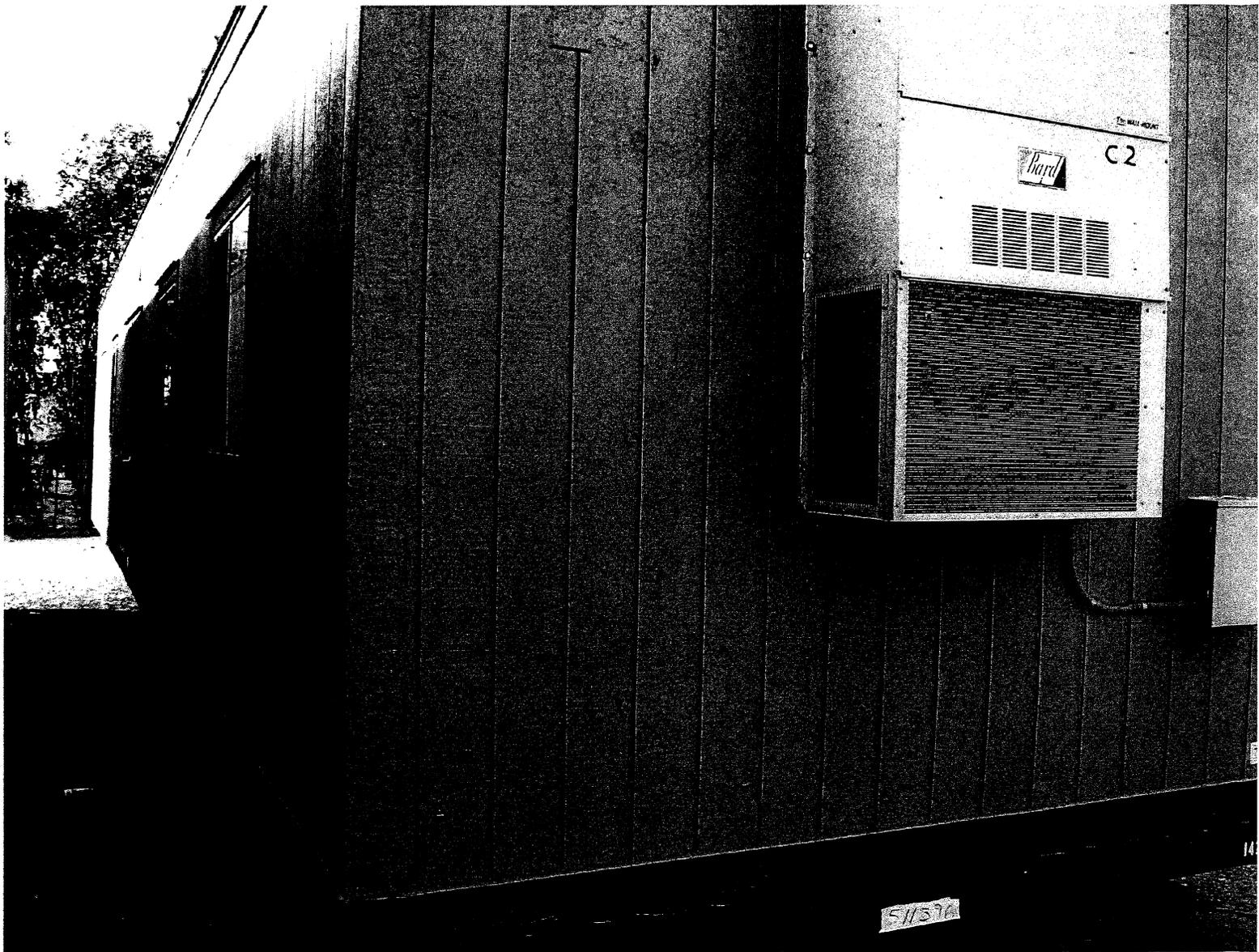
1. The existing driveway is not clearly marked as a main entrance. Use clear signage and a pavement treatment at the driveway entrances, thus clearly designating the property as semi-private space.
2. Building number eight, the multi-purpose room, should have windows facing the driveway/parking and office area. This would allow users of this room to passively observe the entrance and parking area.
3. The multi-purpose room and the backs of the preschool classrooms create a walkway between them. There are limited surveillance opportunities into this walkway, which make it vulnerable for undesirable activity. The preschool buildings should have windows on the north side of the buildings as well as the south.













**PROPERTY OWNER:**

Ocean View School District  
17200 Pinehurst Lane  
Huntington Beach, CA 92647

**PROPERTY LEASEE:**

Grace Lutheran Church  
6931 Edinger Avenue  
Huntington Beach, CA 92647

**LOCATION:**

5172 McFadden Street  
Huntington Beach, CA 92647

**BACKGROUND:**

Grace Lutheran Church has operated an Elementary, Junior High School, and Preschool at the Haven View School site owned by the Ocean View School District for 10 years. This usage was approved under CUP 95-40. In 2005, the School District indicated that the Robinwood School site was coming available and that Grace might prefer that site. The Robinwood site is totally fenced and had a multiuse cafeteria/room, which were not available at the Haven View site. Following the public bidding process, Grace was awarded a five year lease for the Robinwood site. Grace then returned the Haven View site to the Ocean View School District. Prior to being occupied by Grace, Robinwood was occupied by Coastline Community College, who subleased the multiuse room to a church.

**CONDITIONAL USE PERMIT USAGES:**

The following CUP approval is requested for the program at the Robinwood School site.

1. Elementary & Junior High School for up to 229 students
2. Preschool for up to 100 students
3. Before and after school day care for up to 150 students from 6:30 A.M. to 6:00 P.M., for grade school students Monday through Friday (12 month program)
4. Sunday morning worship for 168 people
5. Sunday school during worship for up to 100 children

City of Huntington Beach

FEB 15 2007

ATTACHMENT NO. 4.1

245 FISCHER AVENUE, SUITE B-2, COSTA MESA, CALIFORNIA 92626

T: 714.556.5774 • F: 714.556.1572 • W: IRWIN-PANCAKE.COM

***AYSO SOCCER PROGRAM:***

The playgrounds have been improved by the City of Huntington Beach as part of an agreement between AYSO and the Ocean View School District for use of the grass area and parking. Grace will honor that agreement. Grace has been in joint usage with AYSO at the Haven View site. AYSO has a key to the east parking lot for their usage.

***PUBLIC PARK:***

The existing public park at the front of the site shall remain. The School and Church operations shall not interfere with the park. The public will have access to unused parking adjacent to the park.

***ADJACENT PROPERTY USE:***

North, West and South – Single Family Residential Homes  
East – Industrial

***POPULATION SERVED:***

Families of residents of Robinwood and Huntington Beach

***HAZARDOUS WASTE AND SUBSTANCE:***

This site is not located within a Hazardous Waste and Substance Site.

***SPECIAL EVENT PARKING:***

If necessary will be provided on the paved playground area.

***EAST PROPERTY LINE FENCE:***

The precast concrete fence that is in disrepair is not on the school property. Ocean View School District has requested that the owners repair their fence. No repair work has been completed. Ocean View School District has installed a 3' chain link fence to protect students from the wall.

  
Carl Irwin, AIA C4525

The following information is provided for the Grace School activities at the Robinwood school site at 5172 McFadden.

1 School operating dates:

- o The school operates roughly from September through mid-June yearly
- o Rec club is additionally available June through August

1 School weekday operating hours are 8:15 AM until 2:45 PM with additional items of:

- |                                |                 |              |
|--------------------------------|-----------------|--------------|
| o Rec club opens before school | 6:30 – 7:45 AM  | 25 students  |
| o Band starts before school    | 7:00 – 7:15 AM  | 35 students  |
| o After school pickup          | 2:45 – 3:15 PM  | 200 students |
| o After school sports          | 3:00 – 5:00 PM  | 50 students  |
| o Morning recess               | 9:30 – 10:30 AM | (3x20 min)   |
| o Lunch Period 1               | 11:30– 12:30 PM |              |
| o Lunch Period 2               | 12:00 – 1:00 PM |              |

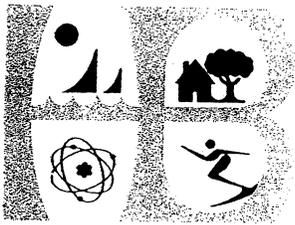
2 Non-School functions:

- |  |                   |            |
|--|-------------------|------------|
| o Parent-teacher nights (3 - 4 per year) | 7:00 – 8:00 PM    | 40 people  |
| o Open houses (2 – 3 per year)           | 9:00 AM – 2:00 PM | 150 people |
| o Plays/shows/events (3-4 per year)      | 6:00 – 8:00 PM    | 250 people |

City of Huntington Beach

RECEIVED FEB 15 2006

ATTACHMENT NO. 4.3



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540

February 1, 2007

Phil Burtis  
17451 Duello Lane  
Huntington Beach, CA 92647

**SUBJECT: CONDITIONAL USE PERMIT NO. 06-026 (GRACE LUTHERAN CHURCH/  
SCHOOL) – PROJECT IMPLEMENTATION CODE REQUIREMENTS  
5172 Mc FADDEN AVENUE, HUNTINGTON BEACH**

Dear Mr. Burtis:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable City policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This preliminary list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project changes or if site conditions change, the list may also change.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at (714) 536-5561 and/or the respective source department (contact person below).

Sincerely,

RON SANTOS  
Associate Planner

Enclosure

cc: Gerald Caraig, Building and Safety Department – 714-374-1575  
Lee Caldwell, Fire Department – 714-536-5564  
Herb Fauland, Principal Planner  
Steve Bogart, Public Works – 714-536-5580  
Jason Kelley, Planning Department  
Ocean View School District c/o Scott Stark  
17200 Pinehurst Lane  
Huntington Beach, CA 92647

ATTACHMENT NO. 5.0



**CITY OF HUNTINGTON BEACH**  
**DEPARTMENT OF BUILDING & SAFETY**

**INTER-DEPARTMENT COMMUNICATION**

TO: APPLICANT  
VIA: EMAIL 12-11-06  
(PDF)

**From:** Eric Haghani                      **Extension:** 1589  
**To:** Ron Santos                              **Dated:** 12/6/06

**Project Location:** 5172 McFadden  
**Comments for:** Grace Lutheran Church/School

**Application No.:** 2006-0157                      **File No.:**

The following are comments to the file (petition) identified above. This list is not a plan check correction list. General information is provided to help facilitate the development by giving you up front information on building code issues, City policies, and other codes or laws as they apply to your project. Please review the comments below before you submit for plan check.

If you incorporated the information below, you must next submit for plan check of structural and building code requirements. You may obtain all required forms and information for plan check review and permit applications on the 3<sup>rd</sup> floor of City Hall.

The approval of plans and specifications does not permit the violation of any section of the Building Code, or other local ordinance or state law.

Please include the following issues in the design of your project to reduce plan check corrections and improve turn around time.

**I. Special Conditions:**

The following items need to be made apart of the Conditions of Approval for this project for plan check submittal documents:

- None

**II. Code Issues:**

1. Plans are incomplete.
2. Prior to the issuance of the building permit, the plans and building permit application shall specify the groups of occupancy, types of construction, floor area's square footage, along with all other relevant information.
3. Plan submittal documents must include "Conditions of Approval".

City of Huntington Beach

4. Certificate of Occupancy required for this project.
5. Contact Fire Department for possible Methane Barrier requirements.
6. Plans must be prepared and stamped and wet signed by a California licensed Architect and/or Engineer.

**Change of Use (Church Assembly Space):**

7. Any alterations to the interior will require a building permit. New certificate of occupancy must be included in plan check and inspection of interior alterations or repairs is required.
8. Provide an occupant load analysis on the plans and provide an exit plan to show all exit aisles and cross aisles used for exiting.
9. Any Sanctuary/Platform area must have side exits and each must accommodate 1/3 the total occupant load with the main exit to accommodate 1/2 the total occupant load.
10. Panic type hardware shall be utilized for all portions of the building serving the A and E occupancies.
11. Show path of travel from accessible parking stalls to assembly area.
12. When the total construction cost of alterations, structural repairs, or additions over the last three years (including the proposed work) does not exceed a valuation threshold of \$113,586 based on the construction index, access path of travel improvements and sanitary facilities, etc. shall be provided to the extent that the cost of providing access is at least 20% of the total cost of construction cost. (CBC Section 1134B.2.1, Exception 1)
13. If project does not meet the General Exemption provisions of (CBC Section 1134B.2.1), plans and details shall show full compliance with all applicable accessibility provisions of the CBC Chapter 11B.

**Portable Classrooms:**

14. Please clarify the Occupancy Group of the Portable Classrooms.
15. Provide on the plans required wall and opening protection and fire resistance of wall and parapet due to location on property. See California Building Code © Section 503 and Table 5-A.
16. Portable Classrooms shall be approved by the State of California for the intended use, and the official seal of approval shall be affixed to the coaches.
17. The Portable Classrooms shall be accessible to the physically disabled and toilet facilities shall be provided on the site for the occupants of the coaches.
18. Provide complete details and specifications for the access ramp.
19. Tie-down anchors designed by a licensed civil or structural engineer shall be installed to resist wind or seismic overturning. Plans for the installation of anchors shall be provided.

**Re-striping of Existing Parking Area:**

20. Provide a parking analysis and provide disabled parking stalls per Table 11B-6 & provide complete details.



## **HUNTINGTON BEACH FIRE DEPT.**

### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** JANUARY 12, 2007

**PROJECT NAME:** GRACE LUTHERAN CHURCH/SCHOOL

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 2006-026

**PROJECT LOCATION:** 5172 Mc FADDEN AVENUE, HUNTINGTON BEACH, CA

**PLANNER:** RON SANTOS, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 536-5271/ rsantos@surfcity-hb.org

**PLAN REVIEWER-FIRE:** LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST

**TELEPHONE/E-MAIL:** (714) 536-5531/ lcaldwell@surfcity-hb.org

**PROJECT DESCRIPTION:** TO PERMIT A K-8 SCHOOL FOR UP TO 229 STUDENTS; PRE-SCHOOL FOR UP TO 100 STUDENTS; DAY CARE (BEFORE/AFTER-SCHOOL) FOR UP TO 150 CHILDREN; CHURCH SERVICES FOR UP TO 168 PEOPLE; SUNDAY SCHOOL FOR UP TO 100 CHILDREN; INFANT/TODDLER CARE FOR UP TO 20 CHILDREN; THE ADDITION OF FOUR PORTABLE CLASSROOM BUILDINGS AT AN EXISTING CLOSED SCHOOL SITE AND MINOR MODIFICATIONS TO THE FIRE LANES.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 12, 2007. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

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#### **1. THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMITS:**

- a. Existing Fire Access Roads shall be maintained in compliance with City Specification # 401, Minimum Standards for Fire Apparatus Access. Reference compliance with City Specification # 401 in the plan notes. **(FD)**
- b. Existing Fire Lanes shall be posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. Reference compliance with City Specification # 415 in the plan notes. **(FD)**
- c. Existing school Fire Alarm System should be extended to provide coverage to the new modular buildings. Reference compliance in the plan notes. **(FD)**
- d. Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of

the building. Extinguishers are required to be serviced or replaced annually. Reference compliance with City Specification # 424 in the plan notes. **(FD)**

- e. GIS Mapping Information shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Final site plot plan shall be submitted in digital format via CD rom. Reference compliance with GIS Mapping Information in the plan notes. **(FD)**
- f. All Fire Department requirements shall be noted on the Building Department plans. **(FD)**

**2. THE STRUCTURE(S) CANNOT BE OCCUPIED, THE FINAL BUILDING PERMIT(S) CANNOT BE APPROVED, AND UTILITIES CANNOT BE RELEASED UNTIL THE FOLLOWING HAS BEEN COMPLETED:**

- a. Fire Access Roads maintained in compliance with City Specification # 401, Minimum Standards for Fire Apparatus Access. **(FD)**
- b. Fire Lanes posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. **(FD)**
- c. Existing school Fire Alarm System extended to provide coverage to the new modular buildings. **(FD)**
- d. Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. **(FD)**
- e. GIS Mapping Information provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. **(FD)**

**3. THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

**4. OTHER:**

- a. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants. The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

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Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

5<sup>th</sup> floor of City Hall  
2000 Main Street  
Huntington Beach, CA 92648  
(714) 536-5411

or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



## **HUNTINGTON BEACH PLANNING DEPT.**

### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** FEBRUARY 1, 2007

**PROJECT NAME:** GRACE LUTHERAN CHURCH/SCHOOL

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 06-26

**PROJECT LOCATION:** 5172 Mc FADDEN AVENUE, HUNTINGTON BEACH

**PLAN REVIEWER:** RON SANTOS, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 536-5271/ rsantos@surfcity-hb.org

**PROJECT DESCRIPTION:** TO PERMIT A K-8 SCHOOL FOR UP TO 229 STUDENTS; PRE-SCHOOL FOR UP TO 100 STUDENTS; DAY CARE (BEFORE/AFTER-SCHOOL) FOR UP TO 150 CHILDREN; CHURCH SERVICES FOR UP TO 168 PEOPLE; SUNDAY SCHOOL FOR UP TO 100 CHILDREN; INFANT/TODDLER CARE FOR UP TO 20 CHILDREN; AND ADDITION OF FOUR PORTABLE CLASSROOM BUILDINGS AT AN EXISTING CLOSED SCHOOL SITE.

---

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 12, 2007. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications.
  - a. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking*.
  - b. A ten-foot wide landscape planter shall be provided along the Mc Fadden Avenue street frontage on the east side of the westerly driveway (HBZSO 214.08(F)). Said landscaping shall displace one existing parking space.
  - c. A solid masonry or concrete wall at least six feet in height shall be constructed along the westerly property line, adjoining existing residential parcels, except where such a wall currently exists. (HBZSO 214.08(I))
2. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified by the Departments of Building & Safety, Fire and Public Works 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. An application for address assignment for the four proposed portable classrooms along with the processing fee (currently \$253) shall be submitted to the Planning Department for addressing purposes.
3. 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 Planning 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.
4. 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.
5. Conditional Use Permit No. 06-26 shall not become effective until the ten calendar day appeal period from the date of Planning Commission approval of the entitlements has elapsed.
6. Conditional Use Permit No. 06-26 shall become null and void unless exercised within one year 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 Planning Department a minimum 30 days prior to the expiration date.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-26 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$43.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.



## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** FEBRUARY 8, 2007

**PROJECT NAME:** GRACE LUTHERAN CHURCH/SCHOOL

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 06-26  
PLANNING APPLICATION NO. 2006-0157

**DATE OF PLANS:** JANUARY 9, 2007

**PROJECT LOCATION:** 5172 Mc FADDEN AVENUE, HUNTINGTON BEACH

**PLANNER:** RON SANTOS, ASSOCIATE PLANNER

**PLAN REVIEWER:** STEVE BOGART, ASSOCIATE CIVIL ENGINEER

**TELEPHONE/E-MAIL:** 714-374-1692 / [SBogart@surfcity-hb.org](mailto:SBogart@surfcity-hb.org)

**PROJECT DESCRIPTION:** TO PERMIT A K-8 SCHOOL FOR UP TO 229 STUDENTS; PRE-SCHOOL FOR UP TO 100 STUDENTS; DAY CARE (BEFORE/AFTER-SCHOOL) FOR UP TO 150 CHILDREN; CHURCH SERVICES FOR UP TO 168 PEOPLE; SUNDAY SCHOOL FOR UP TO 100 CHILDREN; INFANT/TODDLER CARE FOR UP TO 20 CHILDREN; AND ADDITION OF FOUR PORTABLE CLASSROOM BUILDINGS AT AN EXISTING CLOSED SCHOOL SITE.

This memo shall replace and supersede the previous memo dated August 4, 2006.

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The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping), American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), Orange County Drainage Area Management Plan (DAMP) and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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#### **THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

1. The Traffic Impact Analysis shall be submitted for review and approval (General Plan , I-CE 4). All comments provided for the analysis (dated October 26, 2006) shall be addressed. In addition, the following requirements shall also be incorporated prior to approval of the Traffic Impact Analysis:
  - A. If restriping of the existing parking lot affects vehicle stacking in the driveway, it shall be addressed in the analysis.

- B. The current site plan shall be forwarded to the Traffic Consultant so that it may be incorporated into the analysis and coordination of any stacking issues may be addressed.
2. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit Issuance. The current rate of \$151 per net new added daily trip is adjusted annually. This project will be assessed a traffic impact fee based on the projected addition trips from the Traffic Impact Analysis. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:**

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 14.36.020)
2. The existing domestic water service and meter currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water meter, appurtenances, meter box and/or vault, meter by-pass pipeline and backflow protection device shall be upgraded to conform to the current Water Division Standards. (ZSO 255.04E)
3. A separate backflow protection device shall be installed per Water Division Standards for irrigation water service. (Resolution 5921 and Title 17)
4. The property owner shall be required to remove and re-connect portions of the existing on-site water system to establish appropriate meter protection between the meter and backflow protection device. This shall require all interconnections between the existing meter and backflow protection device to be eliminated. (Resolution 5921 and Title 17)
5. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the attached Public Works Fee Schedule adopted by City Council Resolution 2006-47. (ZSO 240.06/ZSO 250.16)



City of Huntington Beach Planning Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, Acting Director of Planning  
**BY:** Rami Talleh, Associate Planner *RT*  
**DATE:** February 27, 2007

**SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 06-05 (TUSCANY DEVELOPMENT AFFORDABLE HOUSING MODIFICATION – AMENDMENT TO TENTATIVE TRACT MAP NO. 16740)**

**APPLICANT:** Michael C. Adams, 21190 Beach Blvd. Huntington Beach, CA 92648

**PROPERTY**

**OWNER:** Richard P. Kelter, 18281 Gothard Street, Suite 201, Huntington Beach, CA 92648

**LOCATION:** 19150 Gothard St. (East side of Gothard St. south of Garfield Ave.)

---

**STATEMENT OF ISSUE:**

- ◆ Entitlement Plan Amendment No. 06-05 request:
  - To amend Condition of Approval No. 3(a) of Tentative Tract Map (TTM) No. 16740, which requires that five on-site for-sale units be made available to moderate income families for a period of 60 years.
  - The proposed amendment is to require that the project comply with the affordable housing requirements of the Holly Seacliff Specific Plan (HSSP) and Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and delete specific references to the number of units, type of units (for-sale or rental), location, and the affordability levels.
- ◆ Staff's Recommendation:

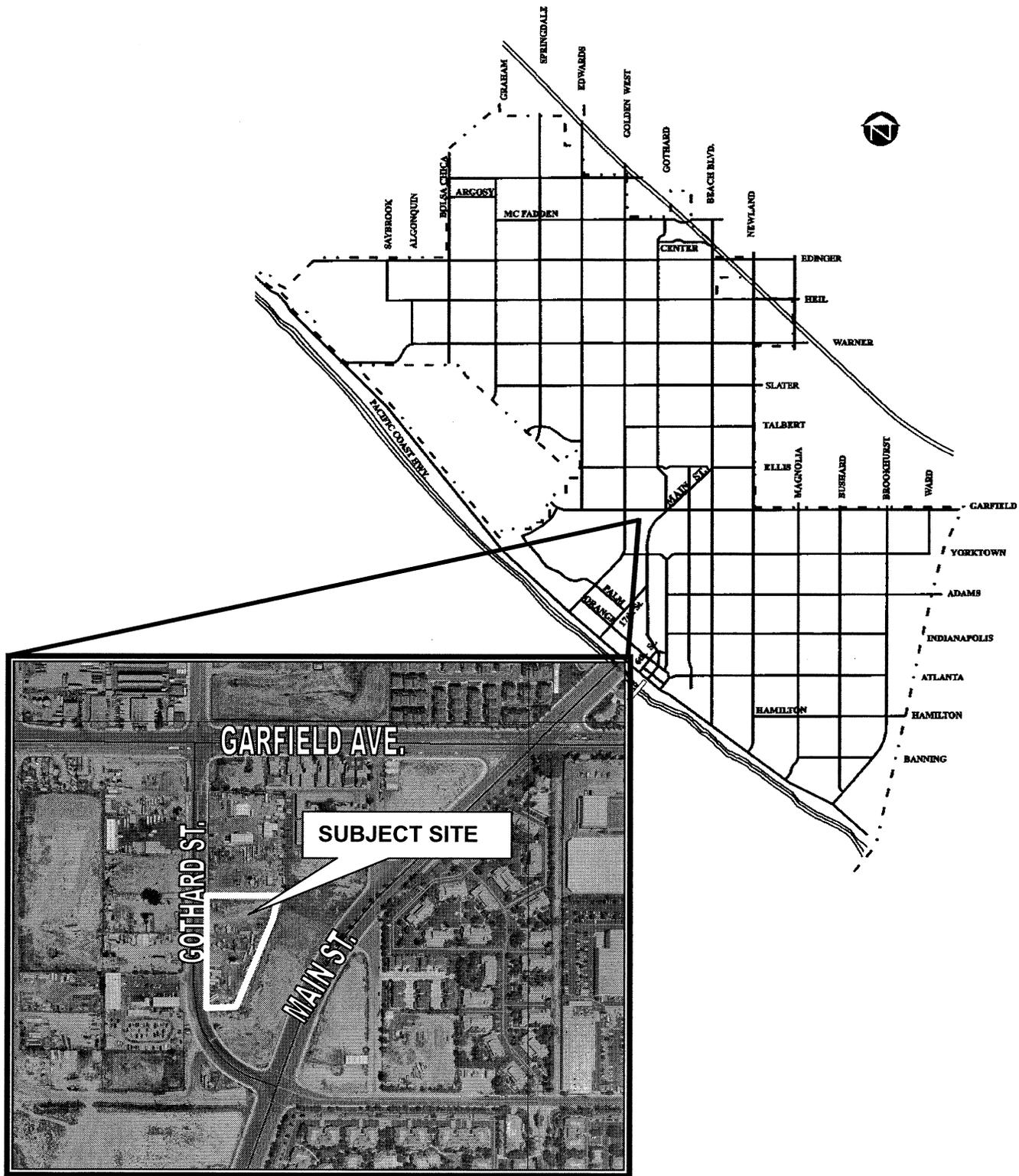
Deny Entitlement Plan Amendment No. 06-05 based upon the following:

  - The proposed modification does not comply with the provisions of the HBZSO.

**RECOMMENDATION:**

Motion to:

“Deny Entitlement Plan Amendment No. 06-05 with finding for denial (Attachment No. 1).”



**VICINITY MAP**  
**ENTITLEMENT PLAN AMENDMENT NO. 06-05**  
**(TUSCANY DEVELOPMENT AFFORDABLE HOUSING MODIFICATION**  
**19150 GOTHARD STREET)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Approve Entitlement Plan Amendment No. 06-05 as modified by staff with findings and suggested modified condition of approval.”
- B. “Continue Entitlement Plan Amendment No. 06-05 and direct staff accordingly.”

**PROJECT PROPOSAL:**

Entitlement Plan Amendment No. 06-05 represents a request to amend Condition of Approval No. 3(a) of TTM No. 16740 pursuant to Section 251.18, Amendments to Approved or Conditionally Approved Tentative Map, of the HBZSO. Condition No. 3(a) requires that five on-site for-sale units be made available to moderate income families and was written to reflect a draft Affordable Housing Program submitted by the applicant. The applicant requests to amend the condition of approval by deleting any reference to the draft Affordable Housing Program; thus, providing the applicant with flexibility to explore other means of complying with the affordable housing requirements of the Holly Seacliff Specific Plan.

Condition of Approval No. 3(a) states:

The draft Affordable Housing Program received and dated July 13, 2005 identifying five on-site units for-sale as affordable (based upon minimum 15% of the total 28 units proposed for the site), as amended by the conditions below, shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder’s Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:

- i. A detailed description of the type, size and location of the five affordable housing for-sale units on-site. There shall be five units with three bedrooms. The for-sale units shall be dispersed throughout the project (one affordable unit per building).
- ii. There shall be five units affordable to moderate-income households (income level up to 120% of Orange County median). The Orange County median income is adjusted for appropriate household size.
- iii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant’s reasonable progress towards attainment of completion of the affordable units.

The applicant proposes to amend Condition No. 3(a) to the following:

An Affordable Housing Agreement in accord with Section III (C)(12) of the Holly Seacliff Specific Plan (HSSP) and Section 230.26 of the Huntington Beach and Zoning Ordinance (HBZSO) shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the final building permits for the tract.

The proposed modification to Condition No. 3(a) will grant the applicant freedom to explore other methods of complying with the affordable housing requirements during construction of the project. The applicant expects to determine the method of complying with the affordable housing requirement and submit an affordable housing agreement for acceptance by the City Council prior to final building permits for the tract. The applicant's exploration includes but is not limited to the following:

- For-rent units provided on-site;
- For-rent units provided off-site within the HSSP area; and
- For-sale units provided off-site within the HSSP area.

One option explored by the applicant is outlined in a letter dated January 31, 2007 (Attachment No. 2). In the letter the applicant considers providing four units for rent either within the project or elsewhere within the specific plan area to moderate income families earning up to 120% of the Orange County median Income. The applicant also considers paying an in lieu fee for a fraction of the fifth required affordable housing unit.

**Background:**

On March 1, 1999, the City Council amended the Affordable Housing Plan (AHP) for Seacliff Partners properties (Attachment No. 4), which covered almost all of the Holly Seacliff residential area (448 of the total 565 acres in Holly Seacliff). The amendment to the AHP allowed rental units at low and very low income levels in addition to for-sale units at moderate income levels to further the goals of the City's Housing Element.

On August 23, 2005, the Planning Commission approved Tentative Tract Map No. 16740 and Conditional Use Permit No. 04-42 for the consolidation of two parcels of land totaling approximately 1.9 acres into one lot for purposes of constructing 28 attached condominium units. On October 2, 2006, the City Council approved Final Map No. 16740 and an affordable housing agreement restricting the sale of five units on-site to moderate income households for a period of 60 years. Subsequently, Building Permits were issued and construction commenced. To date, construction of the project is in the framing stage.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RM-15-d-sp (Residential Medium Density – max. 15 Units per Acre – Design Overlay – Specific Plan Overlay)	SP9-RM (Holly Seacliff Specific Plan – Residential Medium Density)	Multi-Family Residential (under construction)
North of Subject Property:	RM-15-d-sp	SP9-RM	Vacant
East and South of Subject Property:	RM-15-d-sp	SP9-RM	Multi-Family Residential
West of Subject Property (across Gothard Street):	I-F2-d-sp (Industrial – max. 0.50 Floor Area Ratio – Design Overlay – Specific Plan Overlay)	SP9-I (Holly Seacliff Specific Plan – Industrial)	Outdoor Storage/Oil operations

**General Plan Conformance:** Not applicable.

**Zoning Compliance:**

This project is located in the HSSP and complies with the requirements of that zone. However, the proposed modification to Condition No. 3(a) of TTM 16740 does not comply with the provisions of the HBZSO. The HBZSO requires that the condition of approval must specify the number of affordable units provided and the income level of each unit as it relates to the Orange County median income.

**Urban Design Guidelines Conformance:** Not applicable.

**Environmental Status:**

The proposed project is exempt pursuant to Section 15061, subdivision (b)(3) of the California Environmental Quality Act (CEQA) which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Coastal Status:** Not applicable.

**Redevelopment Status:** Not applicable.

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:** Not Applicable

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on February 15, 2007, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of February 20, 2007, one letter opposing the request has been received.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

**MANDATORY PROCESSING DATE(S):**

Entitlement Plan Amendment: January 31, 2007

April 2, 2007

**ANALYSIS:**

The primary issue regarding the proposed amendment is the replacement of a condition which specifies that five on-site for-sale units be made available to moderate income families with a more flexible version that allows the applicant to implement other methods of complying with the affordable housing requirements at undetermined affordability levels.

Section III(C)(12) of the HSSP (Attachment No. 5) requires that a developer submit an affordable housing plan in accordance with the City's adopted Housing Element. The affordable housing plan shall provide for affordable housing on-site or off-site within the specific plan area and provide a minimum of 15% of the total number of units available for sale to moderate income households earning up to 120% of the Orange County median income. Alternatively, according to the Affordable Housing Plan (AHP) for the Holly Seacliff area approved by the City in 1999, units may be provided for rent to very low or low income households earning up to 80% of the Orange County median income.

Section 230.26(E)(1) of the HBZSO (Attachment No. 6) provides additional provisions for any project that requires affordable units. The HBZSO requires that conditions of approval must specify the number of affordable units provided and the income level of each unit as it relates to the Orange County median income.

Staff does not support the requested amendment to TTM No. 16740 because the proposed modification to Condition No. 3(a) does not comply with the requirements of the HBZSO. Therefore, the applicant's request is not listed as an alternative action to be taken by the Planning Commission. The modified condition does not specify the number of affordable units nor does it identify the income level of each unit as required by the HBZSO. Without stipulating the income level in the condition of approval, the applicant could negotiate a wider range in the level of affordability (very low, low, median, and/or moderate income levels).

### **Staff's Alternative Recommendation**

Should the Planning Commission not support staff's recommendation to deny the request, staff proposes an alternative recommendation to modify Condition No. 3(a) to the following:

An Affordable Housing Agreement identifying five on-site or off-site units within the HSSP for-sale or rent as affordable (based upon minimum 15% of the total 28 units proposed for the site) shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with the HSSP and HBZSO Section 230.26 and include:

- i. There shall be five for-rent units affordable to very low or low-income households (income level up to 80% of Orange County median) or five for-sale units affordable to moderate-income households (income level up to 120% of Orange County median) or a combination of for-sale and for rent units. The Orange County median income is adjusted for appropriate household size.
- ii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

The alternative recommendation builds into the condition flexibility which the applicant desires. However, the condition limits the affordability requirements for for-sale units to moderate income levels and for-rent units to very low and low income levels consistent with the requirements of the HSSP and approved AHP of the Holly Seacliff area. The applicant does not concur with staff's alternative recommendation.

### **ATTACHMENTS:**

1. Suggested Finding for Denial
2. Narratives dated February 6, 2007 and January 31, 2007
3. Planning Commission Notice of Action Dated August 24, 2005 (TTM No. 16740 and CUP No. 04-42)
4. Request for Council Action dated March 1, 1999 (Holly Seacliff Affordable Housing Plan Amendment)
5. Section III(C)(12) (Affordable Housing) of the Holly Seacliff Specific Plan (HSSP)
6. Section 230.26 (Affordable Housing) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO)
7. Letters in Opposition and/or Support

SH:HF:RR:RT:cs

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDING FOR DENIAL**

#### **ENTITLEMENT PLAN AMENDMENT NO. 06-05**

#### **SUGGESTED FINDING FOR DENIAL - ENTITLEMENT PLAN AMENDMENT NO. 06-05:**

The proposed Entitlement Plan Amendment No. 06-05 to amend Condition of Approval No. 3(a) of TTM No. 16740 which requires that five on-site for-sale units be made available to moderate income families by deleting specific references to the number of units, type of units (for-sale or rental), location, and the affordability will not comply with Section 230.26 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO requires that conditions of approval must specify the number of affordable units provided and the income level of each unit as it relates to the Orange County median income.

**ENTITLEMENT PLAN AMENDMENT NARRATIVE (2/6/2007)**

Tentative Tract Map No. 16740  
Conditional Use Permit No. 04•42

**FEB 06 2007**

**LOCATION:** 19150 Gothard Street. Southeast of Garfield Avenue and Gothard Street (Crystal).

**AMENDED REQUEST:** To amend the Conditions of Approval as follows:  
Omit Condition of Approval #3 for Tentative Tract Map No. 16740 and add a new Condition of Approval 3c to the Conditional Use Permit No. 04•42. Proposed text as follows:

**An Affordable Housing Agreement in accord with Section III (C)(1) of the Holly Seacliff Specific Plan (HSSP) and Section 230.26 of the Huntington Beach and Zoning Ordinance (HBZSO) shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the final building permits for the tract.**

**ZONING AND GENERAL PLAN:** The property is zoned Holly-Seacliff Specific Plan and designated (RM) Medium Density Residential. The General Plan, designation for the site is Residential Medium Density-15-SP

**SITE HISTORY:** This site is currently vacant and used for outdoor storage.

**PROJECT DESCRIPTION:** This project consists of 28 condominium units. Plan types are as follows:

<u>Plan</u>	<u>Sq. Ft</u>	<u>Bedrooms</u>	<u>Number of Units</u>
One	1,541	Three	Fourteen
Two	1,468	Three	Fourteen

**SURROUNDING USES:** The property is located within a medium density residential area. The surrounding uses are :  
North-Industrial (Outdoor storage)  
East-Medium Density Residential (Condominiums)  
West-Industrial (Auto Repair)  
South-Medium Density Residential (Apartments)

ENVIRONMENTAL  
STATUS:

There are no significant environmental impacts associated with this project. The project site is not within a known hazardous waste and substance site. Please refer to Environmental Assessment No. 04-11.

LAND USE  
COMPATABILITY:

The proposed project will be compatible with existing development in the surrounding area. The units are similar in density, size, height and setback to the adjacent residential developments. The site will be graded to slope toward Gothard Street, and will be compatible with surrounding elevations. The project will comply with the City's residential infill ordinance by providing a residential product type that is more compatible with the adjacent development.

AFFORDABLE HOUSING:

The project intends to comply with the City's affordable housing requirement through an Affordable Housing Agreement in compliance with the City's adopted regulations at the time of first building permit. The affordable housing requirement shall be based on fifteen (15) percent of the total project, for a total of five (5) units, consistent with the Holly-Seacliff Specific Plan.

# MICHAEL C. ADAMS ASSOCIATES

City of Huntington Beach  
JAN 31 2007

January 31, 2007

Scott Hess, Planning Director  
Planning Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, VCA 92648

Re: Tentative Tract Map No. 16740, Conditional Use Permit No. 04-42,  
Variance 04-10 and Environmental Assessment No 04-1 (Tuscany Development )

Dear Scott:

Attached is a request to amend the Affordable Housing Agreement for Conditional Use Permit No. 04-42 (19150 Gothard Street) proposed by Tuscany Development.

The Affordable Housing requirement for the project is 4.2 units (15% of 28 total units). We are proposing that four affordable units be offered as moderate rate affordable rental units. The rental units may be located either within the project or elsewhere within the Holly Seacliff Specific Plan Area. The amended Affordable Housing Agreement will be acted upon prior to first occupancy of the market rate units. We propose that the .2 unit remaining requirement be satisfied through an in-lieu fee payment, as suggested by the City's consultant Keyser Marston Associates.

In addition, we understand that the City is considering the development of an in-lieu affordable housing fee based on unit and project size. If an affordable housing fee per square foot or per unit proposal does occur than we would like the option of participating in such a program. An up-front payment option will increase the value of the proposed development project and provide the City with the necessary revenues to expand alternative affordable housing options.

Sincerely,

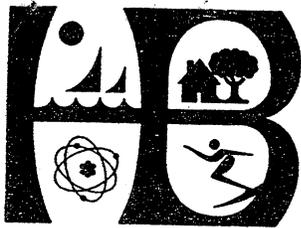
  
Mike Adams

cc: Dick Kelter

P.O. Box 382, Huntington Beach, CA 92648-0382  
(714) 376-3060

e-mail: [AdamsAssoc@socal.rr.com](mailto:AdamsAssoc@socal.rr.com)

ATTACHMENT NO. 2.3



## Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

### NOTICE OF ACTION

August 24, 2005

Michael C. Adams  
21190 Beach Blvd.  
Huntington Beach, CA 92648

**SUBJECT: TENTATIVE TRACT MAP NO. 16740/CONDITIONAL USE PERMIT NO. 04-42 (KELTER RESIDENTIAL DEVELOPMENT)**

**APPLICANT:** Michael C. Adams, 21190 Beach Blvd. Huntington Beach, CA 92648

**PROPERTY OWNER:** Richard P. Kelter, 518 Oceanhill Dr., Huntington Beach, CA 92648

**LOCATION:** 19150 Gothard St. (East side of Gothard St. south of Garfield Ave.)

**DATE OF ACTION:** August 23, 2005

On Tuesday, August 23, 2005, the City of Huntington Beach Planning Commission took action on your application and **approved** your request. Attached to this letter are the findings and modified conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application.

The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision to the City Council shall file a written notice of appeal to the City Clerk within ten (10) working days of the date of the Planning Commission's action. In your case, the last day for filing an appeal on the approval of the Conditional Use Permit and paying the filing fee is **Friday, September 2, 2005**. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Five Hundred Sixty-Eight Dollars (\$1,568.00) if the appeal is filed by a single family dwelling property owner appealing the

**ATTACHMENT NO. 3.1**

decision on his own property or Two Thousand Three Hundred Thirty-Five Dollars (\$2,335.00) if the appeal is filed by any other party.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that tentative tract map applications and concurrently approved entitlements become null and void one (1) year after final approval, unless actual construction has started.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions, please contact Rami Talleh, Assistant Planner at (714) 374-1682, or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Acting Secretary  
Planning Commission

By:

  
Herb Fauland, Principal Planner

SH:HF:RT:rl

Attachment

**FINDINGS AND CONDITIONS OF APPROVAL**

**TENTATIVE TRACT MAP NO. 16740/  
CONDITIONAL USE PERMIT NO. 04-42**

**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 15182 of the CEQA Guidelines because the City has prepared an environmental impact report for the Holly Seacliff Specific Plan after January 1, 1980, therefore no environmental impact report or negative declaration is needed for a residential project undertaken pursuant to and conformance to the specific plan.

**FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16740:**

1. Tentative Tract Map No. 16740 for the consolidation of two parcels totaling approximately 1.90 acres (82,624 sq. ft.) into one lot for condominium purposes is consistent with the General Plan Land Use Element designation of Medium Density Residential on the subject property, or any applicable specific plan, or other applicable provisions of this Code. The proposed residential subdivision for the development of 28 townhome units is permitted in the Medium Density Residential (RM) designation of the Holly Seacliff Specific Plan (HSSP).
2. The site is physically suitable for the type and density of development. The project density of 14.7 dwelling units per acre is compatible with the density of the surrounding developments. Furthermore the proposed development complies with the development standards of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and the HSSP.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project will comply with all mitigation measures identified in Environmental Impact Report No. 89-1.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-42:**

1. Conditional Use Permit No. 05-21 for the construction of 28 two-story townhomes within seven buildings consisting of four units each 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 proposed site layout and design of the project properly adapts the proposed structures to streets driveways, and other adjacent structures and uses in a harmonious manner. The proposed development is designed in a manner consistent with development anticipated by the Holly Seacliff Specific Plan and the immediate area. Furthermore, the additional unit will not result in any adverse environmental impacts. The project will provide affordable housing to a segment of the population, which has limited available housing options at rates, which are affordable at the moderate-income level.

2. The conditional use permit will be compatible with surrounding uses because the proposed residential use is consistent and complementary to existing uses in the vicinity. The project design is similar to the residential project located to the north and south of the subject site and is in keeping with the multi-family neighborhood. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 89-1 and code provisions will ensure that the project will be compatible with other area developments.
3. The proposed 28-unit townhome subdivision will comply with the provisions of the base district and other applicable provisions in the Holly Seacliff Specific Plan and any specific condition required for the proposed use in the district in which it would be located. The proposed residential units meet all code provisions, including setbacks, density, open space, and parking.
4. 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 Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volume.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have separate patios surrounding each entry area. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette will comply with the community theme guidelines of the Holly Seacliff Specific Plan and will ensure landscape continuity along Gothard Street.

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

LU 9.5 Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low and moderate-income families.

The project will provide five, three-bedroom units, which shall be made affordable to moderate-income households. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

HE 3.1: Facilitate the development of housing for low and moderate-income households, which are compatible with and complements adjacent uses and is located in close proximity to public and commercial services.

HE 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 28 additional units. The type of units will include 23 market-rate units and five affordable units. The development is located in close proximity to existing commercial services located at the northwest corner of Main Street and Yorktown Avenue and the southwest corner of Goldenwest Street and Garfield Avenue.

Policies UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The subject site is located within the HSSP, which provides Community Theme Guidelines intended to promote individual neighborhood identities and promote the interrelationships between complementary land uses and community open space features. The dwelling units are oriented parallel to streets. The applicant proposes a 15 feet wide landscaped planter along Gothard Street consistent with the landscaping requirements of the HSSP and providing the neighborhood identity and interrelationship of the area.

**CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16740:**

1. The Tentative Tract Map No. 16740 for the consolidation of two parcels totaling approximately 1.90 acres (82,624 sq. ft.) into one lot for condominium purposes received and dated July 13, 2005 shall be the approved layout.
2. Prior to submittal of the tract map to the Public Works Department for processing and approval, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney, at least 90 days before City Council action on the final map. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
3. The following conditions shall be completed prior to recordation of the Final Map:
  - a. The draft Affordable Housing Program received and dated July 13, 2005 identifying five on-site units for-sale as affordable (based upon minimum 15% of the total 28 units proposed for the site), as amended by the conditions below, shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:
    - i. A detailed description of the type, size and location of the five affordable housing for-sale units on-site. There shall be five units with three bedrooms. The for-sale units shall be dispersed throughout the project (one affordable unit per building).
    - ii. There shall be five units affordable to moderate-income households (income level up to 120% of Orange County median). The Orange County median income is adjusted for appropriate household size.
    - iii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

4. A privately maintained lighting system, consistent with City standards, shall be constructed along the private driveways in this subdivision. A photometric analysis shall be provided which demonstrates that such lighting will not negatively impact the existing or future residences to the north, south and west.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-42:**

1. The site plan, floor plans, and elevations received and dated July 13, 2005, shall be the conceptually approved design with the following modifications:
  - a. The landscaped median located within the main entrance to the site shall be removed and relocated to either the north side of the drive aisle or the south adjacent to the sidewalk.
  - b. A minimum three-foot wide landscaped planter shall be provided along the westerly side of Unit No. 8 between the building wall and abutting drive aisle.
  - c. Walkways shall be extended to the open parking spaces located between Bldg. E, F and G.
  - d. Grass-crete or turf-block shall be provided in front of the crash gate within the first 15 feet of the property along Gothard Street. Final Design of the emergency Fire Department exit shall be reviewed and approved by the Planning Department and Fire Department.
  - e. In addition to the pilasters the proposed split face block wall located along Gothard Street shall incorporate a minimum 18-inch high raised planter for at least 10 ft. at 50 ft. maximum intervals.
2. The 15 ft. wide landscaped planter along Gothard Street shall be planted with 36-inch box evergreen trees (such as broadleaf evergreens) which will be maintained by the Home Owners Association to effectively screen the residences from existing industrial uses to the west. Tree maintenance shall be in accord with the International Society of Arborists (ISA) standards; "topping" is not permitted. Screening shall be from the top of the wall to the highest point of the tree without "topping" the tree. The tree-planting pattern shall be consistent with the planting pattern for the Bel Air (south of Ernest Avenue) and Bonanni subdivisions for a consistent pattern along Gothard Street.
3. Prior to submittal for building permits, the following shall be completed:
  - a. Submit a copy of the revised site plan, floor plans, elevations, and color schemes pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
  - b. Zoning entitlement conditions of approval and applicable 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.
4. Tentative Tract Map No. 16740 and Conditional Use Permit No. 04-42 shall comply with all applicable mitigation measures of FEIR No. 89-1.

**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.

MAR 23 1999

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1179

ZELESKY-PLANNING  
BROEREN-PLANNING

DEPARTMENT OF PLANNING Council/Agency Meeting Held: <u>3/1/99</u>		Ho 430.50	
Deferred/Continued to: _____		<i>Janelle Case</i>	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied <u>SEE BELOW</u>		DEPUTY City Clerk's Signature	
Council Meeting Date: March 1, 1999		Department ID Number: CD99-12	

**CITY OF HUNTINGTON BEACH 1999**  
**REQUEST FOR ACTION**

DEPARTMENT OF PLANNING

**SUBMITTED TO:** HONORABLE MAYOR AND CITY COUNCIL MEMBERS

**SUBMITTED BY:** RAY SILVER, City Administrator *by Julie Fall*

**PREPARED BY:** HOWARD ZELESKY, Planning Director *Howard Zelesky*

**SUBJECT:** APPROVE HOLLY SEACLIFF AFFORDABLE HOUSING PLAN AMENDMENT NO. 1

RECEIVED  
CITY CLERK  
CITY OF  
HUNTINGTON BEACH, CA  
FEB 19 P 3:03

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:**

Transmitted for your consideration is a request by PLC Land Company to amend the Holly Seacliff Affordable Housing Plan to allow rental units at the Median income level to meet affordable housing goals. The Affordable Housing Plan currently allows for Moderate income level (120 percent of County Median income) for-sale units only. No change is proposed to the for-sale unit provisions. The Planning Commission denied the request and is recommending denial (Recommended Action - A) because the cost of rental units at Median income limits are comparable to market rents and would not be "affordable." Staff is recommending approval with modifications to limit the rents to Low and Very Low income levels (Recommended Action - B) because the allowance of affordable rental units is consistent with City goals and policies.

**Funding Source:** Not applicable.

**Recommended Action:**

**A. PLANNING COMMISSION RECOMMENDATION:**

Motion to:

"Deny Holly Seacliff Affordable Housing Plan Amendment No. 1."

*APPROVED 5-2 (Julien, GAROFALO No)*

*(BASICALLY APPROVED DENIAL OF PLANNING COMMISSION RECOMMENDATIONS)*

*REFER TO HOWARD ZELESKY*

**ATTACHMENT NO. 4.1**

# REQUEST FOR ACTION

MEETING DATE: March 1, 1999

DEPARTMENT ID NUMBER: CD99-12

Planning Commission Action on July 28, 1998:

THE MOTION MADE BY BIDDLE, SECONDED BY KERINS, TO DENY HOLLY SEACLIFF AFFORDABLE HOUSING PLAN AMENDMENT NO. 1 CARRIED BY THE FOLLOWING VOTE:

AYES: CHAPMAN, BIDDLE, INGLEE, KERINS, TILLOTSON, SPEAKER  
NOES: NONE  
ABSENT: LIVENGOOD  
ABSTAIN: NONE

## MOTION PASSED

### B. STAFF RECOMMENDATION:

Motion to:

"Approve Holly Seacliff Affordable Housing Plan Amendment No. 1 with modifications (Attachment No. 1)." *to the Request For Council Action dated 3/1/99*  
*APPROVED 7-0 (This basically also denied it)*

Alternative Action(s): *REFER TO HOWARD ZELEFSKY.*

The City Council may make the following alternative motion(s):

1. "(Applicant's Request) Approve Holly Seacliff Affordable Housing Plan Amendment No. 1 (ATTACHMENT NO 2)."
2. "Continue Holly Seacliff Affordable Housing Plan Amendment No. 1 and direct staff accordingly."

### Analysis:

#### A. PROJECT PROPOSAL:

Applicant: PLC Land Company, 23 Corporate Plaza, Ste. 250, Newport Beach, CA 92660

Location: Holly Seacliff Specific Plan area

PLC's request is to amend the Holly Seacliff Affordable Housing Plan (Attachment No. 2) as follows:

- Page 1 - Eliminate the words "for sale" and add the word median to the second paragraph.
- Page 5 - Eliminate the reference to moderate income households in section 1 and add reference to median income rental units.

## REQUEST FOR ACTION

MEETING DATE: March 1, 1999

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The purpose of the amendment request is to allow rental units to meet affordable housing goals in addition to the for-sale units currently required by the Affordable Housing Plan. PLC has requested that the rental units be available at Median income levels in lieu of the Moderate income levels allowed for the for-sale units.

### B. BACKGROUND

The Holly Seacliff Specific Plan (HSSP) requires that 15 percent of the units built within the Specific Plan area be restricted to Moderate income households for a period of 30 years. The HSSP allows such units to be for-sale or rental. It requires that each developer submit an "affordable housing plan" for City approval (Attachment No. 3).

In 1994, the City Council approved an Affordable Housing Plan (AHP) for Seacliff Partners properties which covered almost all of the Holly Seacliff residential area (448 of the total 565 acres in Holly Seacliff). These properties were acquired by PLC and MS Vickers II, LLC in May 1996. Notwithstanding the allowance of rental units in the HSSP, the AHP specifies that all of its affordable units be for-sale.

### C. PLANNING COMMISSION MEETING AND RECOMMENDATION:

The Planning Commission considered this item on July 28, 1998. The Planning Commission expressed concern that rental units at Median income levels would not be more affordable than market rate units. The Planning Commission voted unanimously to deny the applicant's request.

### D. STAFF ANALYSIS AND RECOMMENDATION:

Staff concurs with the Planning Commission that the applicant's request would not result in "affordable" rental units. However, staff recommends that the City Council approve the use of rental units with the requirement that the units be restricted to the Low and Very Low income levels. Staff's recommendation is based on two factors: 1) the current HSSP and 2) rent data.

#### *Current HSSP*

The proposed amendment to allow rental units to meet affordable goals is consistent with the general provisions of the HSSP which allow for affordable rental housing (Attachment No. 3). The HSSP also states that Low or Very Low income projects (for households earning less than 80 percent of the Median) may request "subsidies" which would improve the economic feasibility of a project. These subsidies include: 1) direct financial assistance, 2) reduction in fees and/or exactions, and 3) deviations from specific development standards. The use of these provisions would be evaluated on a project-by-project basis by City staff. However, the possibility of one or more of these subsidies may reduce any

# REQUEST FOR ACTION

**MEETING DATE:** March 1, 1999

**DEPARTMENT ID NUMBER:** CD99-12

perceived economic burden associated with staff's recommendation for Low and Very Low rental units.

*Rent Data*

A comparison of rents for a three bedroom unit (family of four) is provided in the table below for staff's recommendation and the applicant's request. Maximum monthly rent figures are provided for two categories of development: projects assisted with public monies (e.g. redevelopment) and privately funded (i.e. no public assistance) development. The publicly assisted category is included because a developer could request an agreement with the City's Redevelopment Agency pursuant to the HSSP or seek financial assistance from another public source for an affordable housing project. If the City were to approve such an arrangement, the maximum allowable rents would be more restricted. There is no requirement that a developer use redevelopment funds or any other public assistance to develop an "affordable" project. For these "Privately-Funded" projects, the potential maximum affordable rents are significantly higher.

### RENTAL COMPARISONS FOR THREE BEDROOM UNIT/FAMILY OF FOUR

	Staff Recommendation (Half of Each Income Category)		PLC's Request	Average Market Rate
<b>Income Level</b>	<b>Very Low</b> (50% of Median)	<b>Low</b> (80% of Median)	<b>Median</b>	<i>na</i>
<b>Maximum Annual Income</b>	\$32,900	\$45,300	\$65,800	
<b>Maximum Monthly Rent</b>				
Privately-Funded Project	\$916	\$1,277	\$1,875	\$1,145 – 1,209
Publicly-Assisted Project	775	939	1,565	

The applicant's request would allow a three bedroom unit to rent for approximately \$1,500 to \$1,900 per month and qualify as affordable. Alternatively, staff's recommendation would yield affordable three bedroom units at approximately \$800 to \$1,300 monthly rent levels. For comparison purposes, the average fair market rent for a three bedroom unit in Huntington Beach in 1998 was estimated at \$1,193 by HUD. REALFACTS, a service which provides information for rental complexes of 100 units or more, reports that of June 1998 average rents for three bedroom units were \$1,145 and \$1,209 depending on bathroom count.

The data show that PLC's proposal would allow "affordable" rents that exceed current market averages. A Low income project without public assistance could also be rented at a level greater than average rents in the city. Based on this data, staff believes that its

# REQUEST FOR ACTION

MEETING DATE: March 1, 1999

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recommendation for half of the units to be rented at Very Low income rents and half at Low income would provide a reasonable affordable housing alternative that does not represent an economic burden for a developer.

Staff recommends the mix of Very Low and Low income rental units because it furthers the goals of the City's Housing Element, is consistent with City requirements in other parts of the city, and would provide greater flexibility in meeting the City's housing objectives. Should the City Council not support the restriction of Low and Very Low income levels for rental units, staff does not recommend any change to the Affordable Housing Plan. Staff believes that if a developer chooses to build an apartment project which will rent at market levels (i.e. Median levels), the City should not then credit that developer for meeting affordable housing goals.

### Environmental Status:

The proposed project is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act which states that a project shall be exempt if it does not have the potential for causing a significant effect on the environment. Moreover, the subject site is covered by Environmental Impact Report No. 89-1 which was certified by the City Council on January 8, 1990. Section 2.5.1 of Development Agreement No. 90-1 for the Holly Seacliff area states: "City agrees that no subsequent or supplemental environmental impact report shall be required for any development approval unless the anticipated environmental impacts to any proposed project exceeds the level of impact indicated in Final Environmental Impact Report No. 89-1."

### Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Holly Seacliff Affordable Housing Plan (Staff Recommendation)
	2.	Holly Seacliff Affordable Housing Plan (Applicant's Request)
	3.	Holly Seacliff Specific Plan Affordable Housing Section
	4.	Planning Commission Report dated July 28, 1998

- b. Membership shall be mandatory for each buyer and any successive buyer.
- c. The open space restrictions shall be permanent.
- d. Provisions to prohibit parking upon other than approved and developed parking spaces shall be written into the covenants, conditions and restrictions for each project.
- e. If the development is constructed in increments or phases which require one or more final maps, reciprocal covenants, conditions, or restrictions, reciprocal management and maintenance agreements shall be established which will cause a merging of increments as they are completed, and embody one homeowners' association with common areas for the total development.

12. Affordable Housing

All developers of residential projects shall be required to submit an affordable housing plan in conjunction with any subdivision in accordance with the City's adopted Housing Element. An affordable housing plan shall provide for on-site affordable housing within the Holly-Seacliff Specific Plan. The contents of the affordable housing plan shall include the following:

- a. Fifteen (15) percent of the total units proposed shall be for households earning less than 120% of the Orange County Median Income.
- b. A detailed description of the type, size, location and phasing of the units being built.
- c. The estimated applicable sales price and rental rate of the units.
- d. Residential projects for households earning less than 80% of the Orange County Median Income may request a subsidy by one or more of the following:
  - 1. Direct financial assistance.
  - 2. Reduction in fees and/or exactions.
  - 3. Deviations from specific development standards of the Holly-Seacliff Specific Plan.

Exception: An In-Lieu Fee may be applied on small projects.

Parcels one (1) acre in size or less may pay a fee established by the City Council in lieu of providing on-site affordable housing units.

Tree wells adjacent to landscape parkways on the street side of curb is encouraged, however shall not encroach into the min. 24 foot wide drive aisle. Also see Chapter 232 Landscaping

**230.26 Affordable Housing** (3687-12/04)

A. Purpose.

1. The purpose and intent of this Chapter is to implement the goals, objectives and policies of the City's Housing Element. It is intended to encourage very low, low- and median income housing, which is integrated, compatible with and complements adjacent uses, and is located in close proximity to public and commercial services. (3687-12/04)
2. The affordable housing program is one tool the City utilizes to meet its commitment to provide housing affordable to all economic sectors, and to meet its regional fair-share requirements for construction of affordable housing. (3687-12/04)

B. Applicability. This section shall apply to new residential projects three (3) or more units in size. (3687-12/04)

1. A minimum of ten (10) percent of all new residential construction shall be affordable housing units. (3687-12/04)
2. Rental units included in the project shall be made available to very low or low-income households based on the Orange County Median Income, adjusted for appropriate family size, as published by the United States Department of Housing and Urban Development or established by the State of California, pursuant to Health and Safety Code Section 50093, or a successor statute. (3687-12/04)
3. For sale units included in the project shall be made available to very low, low or median income level households based on the Orange County Median Income, adjusted for appropriate family size, as published by the United States Department of Housing and Urban Development or established by the State of California, pursuant to Health and Safety Code Section 50093, or a successor statute. (3687-12/04)
4. Developers of residential projects consisting of nine or fewer units may elect to pay a fee in lieu of providing the units on-site to fulfill the requirement of the Section, unless the affordable housing requirement is outlined as part of a specific plan project. (3687-12/04)
5. Developers of residential projects may elect to provide the affordable units at an off-site location pursuant to subsection B unless otherwise outlined as part of a specific plan project. If affordable units are off-site, they must be under the full control of the applicant, or other approved party. (3687-12/04)

6. New residential projects shall include construction of an entirely new project or new units added to an existing project. For purposes of determining the required number of affordable housing units, only new units shall be counted. (3687-12/04)

C. Fees in Lieu of Construction.

1. Fees paid to fulfill the requirements of this Section shall be placed in the City's Affordable Housing Trust Fund, the use of which is governed by subsection E. (3687-12/04)
2. The amount of the in-lieu fees shall be calculated using the fee schedule established annually by resolution of the City Council. (3687-12/04)
3. One hundred (100) percent of the fees required by this Section shall be paid prior to issuance of a building permit. (3687-12/04)
4. Fees paid as a result of new residential projects shall be based upon the total number and size of the new residential units which are to be constructed. (3687-12/04)

D. Off-Site Construction of Affordable Units. Except as may be required by the California Coastal Act and/or the California Government Code Section 65590 or a successor statute, developers may provide the required affordable housing off-site, at one or several sites, within the City of Huntington Beach. (3687-12/04)

1. Off-site projects may be new construction or major physical rehabilitation, equal to more than one-third the value of the existing improvement, excluding land value, of existing non-restricted units conditioned upon being restricted to long-term affordability. "At Risk" units identified in the Housing Element or mobile homes may be used to satisfy this requirement. (3687-12/04)
2. All affordable off-site housing shall be constructed or rehabilitated prior to or concurrently with the primary project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units. (3687-12/04)

E. Miscellaneous Provisions.

1. The conditions of approval for any project that requires affordable units shall specify the following items: (3687-12/04)
  - (a) The density bonus being provided pursuant to Section 230.14, if any; (3687-12/04)
  - (b) The number of affordable units; (3687-12/04)
  - (c) The number of units at each income level as related to Orange County Median Income; and (3687-12/04)

- (d) A list of any other incentives offered by the City. (3687-12/04)
2. An Affordable Housing Agreement outlining all aspects of the affordable housing provisions shall be executed between the applicant and the City and recorded with the Orange County Recorder's Office prior to issuance of the first building permit. (3687-12/04)
  3. The Agreement shall specify an affordability term of not less than sixty (60) years. (3687-12/04)
  4. In a project requiring an in-lieu fee, the applicant shall execute and record an Agreement to pay an Affordable Housing In-Lieu Fee. (3687-12/04)
  5. All affordable on-site units in a project shall be constructed concurrently with or prior to the construction of the primary project units unless otherwise approved through a phasing plan. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units. (3687-12/04)
  6. All affordable units shall be reasonably dispersed throughout the project unless otherwise designed through a master plan, shall contain on average the same number of bedrooms as the market rate units in the project, and shall be comparable with the market rate units in terms of exterior appearance, materials and finished quality. (3687-12/04)
  7. Affordable Housing Trust Funds shall be used for projects which have a minimum of fifty (50) percent of the dwelling units affordable to very low- and low-income households, with at least twenty (20) percent of the units available to very low-income households. Concurrent with establishing the annual fee schedule pursuant to subsection C, the City Council shall by resolution set forth the permitted uses of Affordable Housing Trust Funds. All units that obtain Affordable Housing Trust Funds shall maintain the affordability of the units for a minimum of sixty (60) years. The funds may, at the discretion of the City Council, be used for pre-development costs, land or air rights acquisition, rehabilitation, land write downs, administrative costs, gap financing, or to lower the interest rate of construction loans or permanent financing. (3687-12/04)
  8. New affordable units shall be occupied in the following manner: (3687-12/04)
    - (a) If residential rental units are being demolished and the existing tenant(s) meets the eligibility requirements, he/she shall be given the right of first refusal to occupy the affordable unit(s); or (3687-12/04)
    - (b) If there are no qualified tenants, or if the qualified tenant(s) chooses not to exercise the right of first refusal, or if no demolition of residential rental units occurs, then qualified households or buyers will be selected. (3687-12/04)

F. Price of Affordable Units. Affordable units shall be sold or rented at prices affordable to very low, low- or median-income households pursuant to terms of the Affordable Housing Agreement. (3687-12/04)

~~230.28 (Reserved)~~

~~230.30 (Reserved)~~

Non-Residential Districts

~~230.32 Service Stations~~

The following supplemental development standards shall apply to the Service Station use classification.

- A. Minimum parcel size. 22,500 square feet.
- B. Minimum frontage. 150 feet and located at the intersection of arterial highways.
- C. Site Layout. Conditions of approval of a conditional use permit may impose restrictions on outdoor storage and display and location of pump islands, canopies and service bay openings and require buffering, screening, lighting, or planting areas necessary to avoid adverse impacts on properties in the surrounding area.
- D. Design standards.
  1. In reviewing proposals, emphasis shall be placed on quality design of building materials and landscape features. Service stations shall be designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the general neighborhood.
  2. The location, number, and design of driveways as well as on and off-site traffic circulation impacts shall be analyzed.
  3. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. A maximum of 3 service bays shall be permitted per site, none of which shall face a public right-of-way.
  4. Lighting shall be of low profile design, indirect or diffused, and shall create no negative impact on surrounding uses.
  5. A minimum 10 percent of the site shall be landscaped. Landscaping plans shall conform to all applicable provisions of Chapter 232 as well as conform to the following requirements:
    - a. A 3 foot-wide planter (inside dimension) along interior property lines shall be provided, except at vehicular circulation openings. Additional landscaping may be required to screen service bays from surrounding properties.
    - b. A 600 square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets.
    - c. A total of 70 square feet of planting area shall be located adjacent to and on the street side of the main building.

Item 55 A-2

City of Huntington Beach 2-11-07  
FEB 11 2007

TO PLANNING CHAIR  
JOHN SCANDURA  
AND PLANNING COMMISSIONERS  
FROM STEVE STAFFORD

I FIND REQUEST HIGHLY UNUSUAL  
DUE TO THE TIMING AND NATURE  
OF REQUEST THE PERMITS HAVE ALREADY  
BEEN PULLED CONSTRUCTION IN THE  
FRAMING AND ROUGH ELECTRICAL  
& ROUGH PLUMBING  
THIS WAS A REQUIREMENT FOR  
ISSUANCE OF PERMITS AND  
RECORDED AT THE ORANGE COUNTY  
RECORDERS OFFICE IT WOULD QUESTION

ATTACHMENT NO. 71

WEATHER IT IS ILLEGAL AT THIS  
LATE IN CONSTRUCTION AND THE  
FACT THAT PERMITS HAVE BEEN ISSUED  
I DO NOT THINK THE PERMITS WOULD  
BE VALID AND NOR WOULD THE RECORDED  
DOCUMENT AT THE COUNTY RECORDERS OFFICE  
BE VALID IT IS MY BELIEF THAT  
IT WOULD BE ILLEGAL TO GRANT  
THIS AMENDMENT TO THIS TRACT  
CUP 04-42

THIS IS A BAD PRECEDENT TO  
REVISE AND AMEND CUPS THIS LATE  
AND PROBABLY ILLEGAL

SIN CERY STEVE STAFFORD  
CELL 714 553 9262