

AGENDA

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 10, 2007
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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

AGENDA APPROVAL

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. **CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI-THE STRAND) 155 FIFTH STREET, UNIT 183, 92648 - Rami Talleh**

A-2. **FLOOD MANAGEMENT PLAN ANNUAL REVIEW – Ricky Ramos**

B. STUDY SESSION ITEMS

B-1. **PLANNING COMMISSION GOALS 2007 – COMMITTEE ASSIGNMENTS**

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – Herb Fauland

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. **GREEN BUILDINGS COMMITTEE – ENVIRONMENTAL BOARD MEETING**

E. PUBLIC COMMENTS – Regarding Project Review and 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) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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, Shaw, Dwyer, Farley*

AGENDA APPROVAL

WELCOME NEWLY APPOINTED PLANNING COMMISSIONER JOE SHAW

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 agendaized. 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. 07-017 \(SHARKEEZ DANCING\)](#). **Applicant:** Michael C. Adams Associates. **Request:** To permit dancing in conjunction with previously approved entertainment within an existing 2,625 sq. ft. restaurant. The request includes a proposal to address the requirement for one additional parking space by limiting use of previously approved outdoor dining area within the public right-of-way to customer queuing when dancing occurs. **Location:** 211 Main Street, 92648 (Northwest side of Main Street, between Olive Ave and Walnut Ave). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Continue Conditional Use Permit No. 07-017 to the July 24, 2007 Planning Commission meeting with the Public Hearing Open."

B-2. [APPEAL OF DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002 \(AOUIZERAT\)](#)

PROPERTY: **Applicant:** Margaret Van Herk. **Appellant:** City Council Member Keith Bohr. **Request:** To adopt a planned sign program for a mixed use building that will allow for the installation of wall signs on a building wall not adjacent to a business suite. **Location:** 526 Main Street, 92648 (east side of Main St., between 6th St. and Acacia Ave.) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 with suggested findings and conditions of approval."

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 Shaw -
Commissioner Dwyer -
Commissioner Farley -

ADJOURNMENT: Adjourn to the next regularly scheduled meeting of July 24, 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).

DVD'S OF MEETINGS ARE 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) anytime on Wednesday preceding the Tuesday Planning Commission meeting.



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rami Talleh, Associate Planner *RJ*
DATE: July 10, 2007

SUBJECT: **CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI)**

LOCATION: 155 Fifth Street, Unit 183, 92648 (The Strand – Downtown)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Conditional Use Permit No. 07-021 represents a request to allow the establishment, maintenance, and operation of an approximately 5,313 sq. ft. restaurant with on-site sales and consumption of alcohol.

The restaurant will employ approximately 50 people, with shifts averaging 20-25 employees. The hours of operation for the restaurant are proposed between 11:00 am and 11:00 pm daily for food service. The hours of operation for alcohol service are proposed between 11:00 am and 1:00 am daily (Attachment No. 4)

The subject site is located within The Strand, a mixed use development consisting of commercial uses and a hotel currently under construction. The Strand consists of a total of six buildings located on the east and west sides of Fifth Street between Pacific Coast Highway (PCH) and Walnut Avenue. The subject site is located within Building F at the northeast corner of PCH and Sixth Street. The restaurant's store front and main entrance face PCH. The main dining and bar area will be located at the front of the unit along PCH. The kitchen will be located at the rear of the unit. Loading spaces to serve the restaurant will be provided at the rear of the building along a service road. Access to the loading spaces is provided via a corridor leading from the rear of the unit directly to the loading spaces.

The project will involve minor exterior modifications to the building elevations approved for The Strand. The modifications include bi-folding window openings, wood painted panels, and stone veneer.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------|
| Subject Property: | MV-F12-sp-pd (Mixed Use Vertical – 3.0 Max. Floor Area Ratio/ 35 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay) | Downtown Specific Plan District 3/Coastal Zone | Mixed Use Development under construction |
| North of Subject Property (across Walnut): | MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Specific Plan Overlay – Pedestrian Overlay) | Downtown Specific Plan District 5/Coastal Zone | Retail/Restaurant/ Parking Structure |
| East of Subject Property (across alley): | MV-F12-sp-pd | Downtown Specific Plan District 3/Coastal Zone | Retail, Office, and Restaurants |
| South of Subject Property: (across PCH) | OS-S (Open Space – Shore) | Downtown Specific Plan District 10/Coastal Zone | Pier/Beach |
| West of Subject Property (across Sixth St.): | MV-F8-d-sp (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – Design Overlay – Specific Plan Overlay), RH-30-d-sp (Residential High Density – 30 Dwelling Units per Acre – Design Overlay – Specific Plan Overlay) | Downtown Specific Plan Districts 1 and 2/Coastal Zone | Retail/coffee Shop and Residential |

The City approved Tentative Tract Map No. 16406, Conditional Use Permit No. 99-45 with Special Permits No. 02-06, and Coastal Development Permit No. 99-16 on October 21, 2002 (Attachment No. 5) to construct approximately 106,000 square feet of commercial space, a 152-room hotel consisting of approximately 120,170 square feet, and a 405 space subterranean parking structure. The approved uses within the commercial space are listed below. Restaurant uses are allowed with approval of a conditional use permit by the Planning Commission.

| APPROVED USES | APPROXIMATE SQUARE FOOTAGE |
|----------------------|-----------------------------------|
| Retail | 32,000 |
| Restaurants | 40,000 |
| Offices | 34,000 |
| Total Commercial | 106,000 |

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

June 21, 2007

MANDATORY PROCESSING DATE(S):

August 20, 2007

Conditional Use Permit No. 07-021 was filed on May 22, 2007 and deemed complete June 21, 2007. The application is tentatively scheduled for public hearing before the Planning Commission on July 24, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations to existing or approved structures are exempt from further environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The project is located in the Huntington Beach Redevelopment Project, Main-Pier Subarea. The Departments of Building & Safety, Fire, Public Works, and Planning have reviewed the application and identified applicable code requirements (Attachment No. 3). The Police Department and Economic Development Department have expressed concerns with the proposed hours of operation for the alcohol services extending approximately two hours beyond the hours proposed for food service (Attachment Nos. 6 and 7). As a result, the applicant has verbally expressed willingness to modify the proposed hours of operation for food services to coincide with that of the alcohol service.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

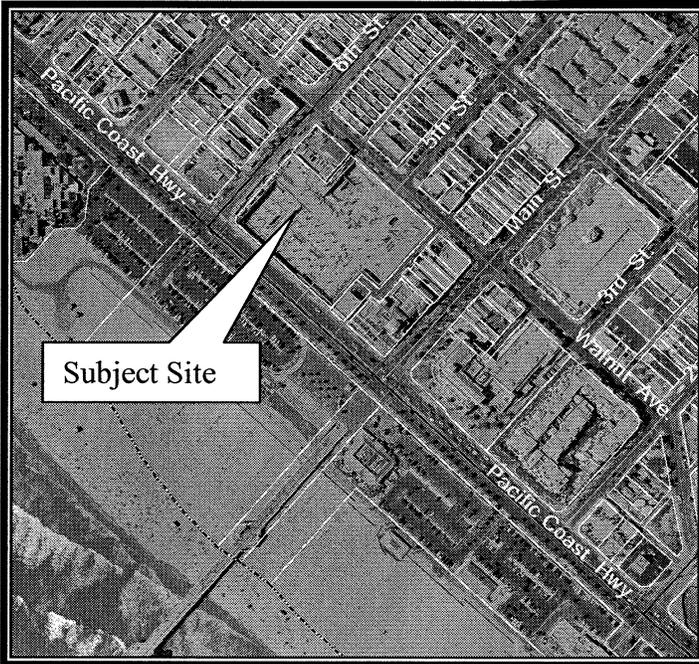
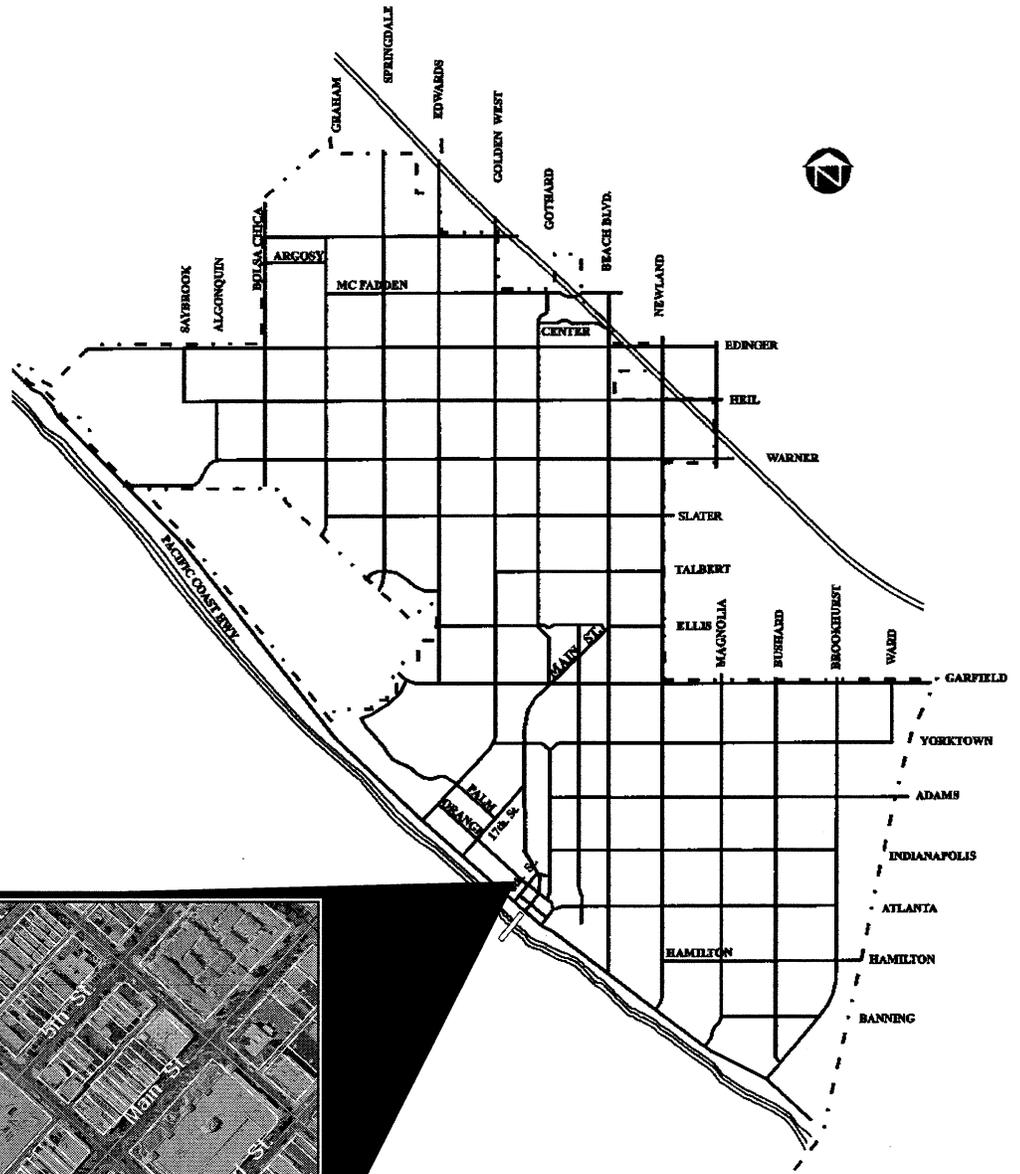
There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issues with the proposed restaurant with alcohol service are land use compatibility and parking. Of the total 106,000 sq. ft. of commercial space approved for The Strand, 40,000 sq. ft. may be devoted to restaurant uses. The proposed restaurant is well below the maximum square footage allotted for restaurant space within The Strand. No other restaurants are proposed at this time. Therefore, adequate parking for the proposed restaurant will be provided within the subterranean parking lot. In addition, the proposed use is consistent with scope and intent of the development approved by the city.

ATTACHMENTS:

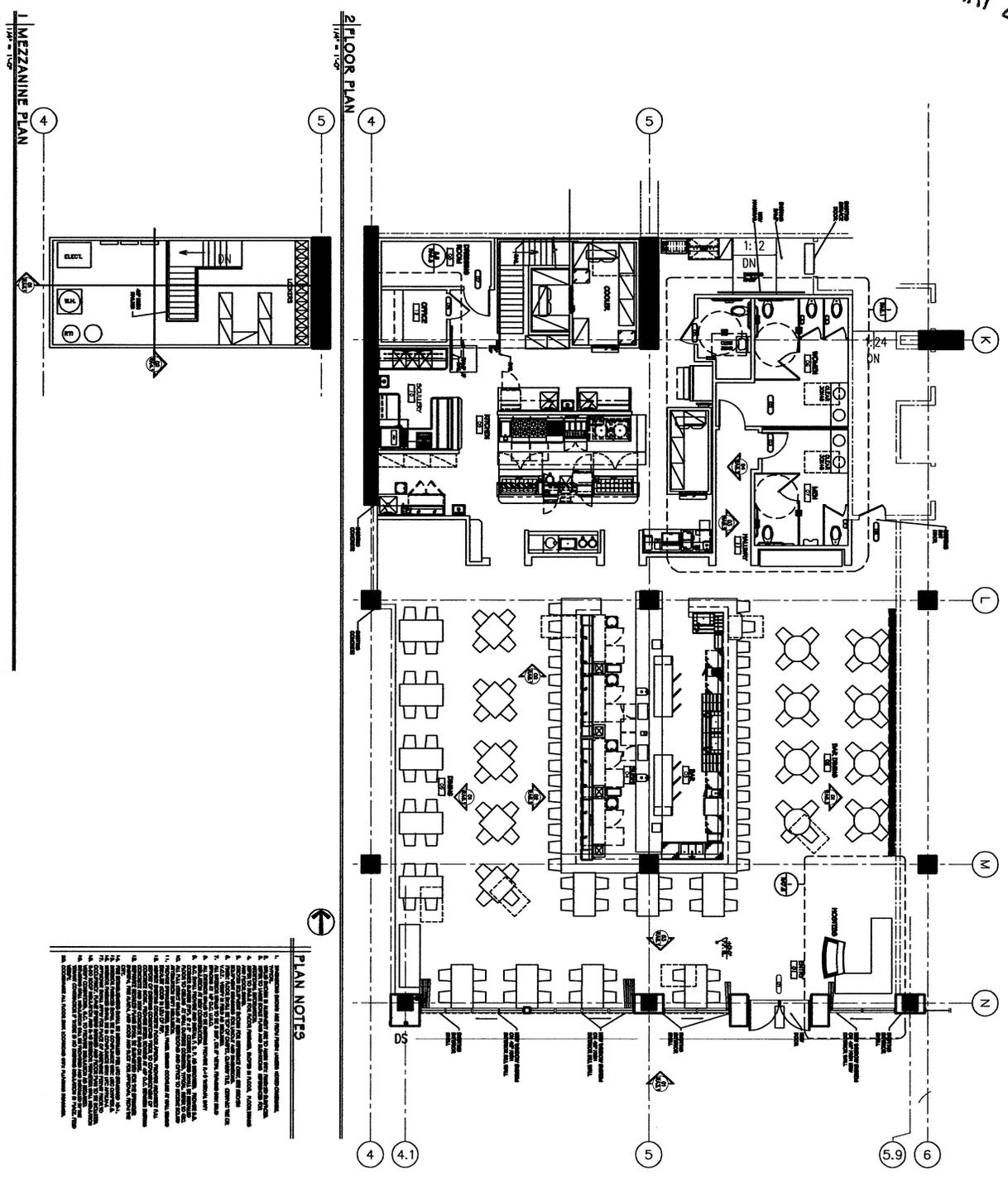
1. Vicinity Map
2. Site plan, floor plans, and building elevations received and dated May 22, 2007
3. Code Requirements Letter dated June 27, 2007 (for informational purposes only)
4. Project Narrative dated May 22, 2007
5. City Council Notice of Action Dated October 21, 2002 (TTM No. 16406, CDP No. 99-16, and CUP No. 99-45)
6. Economic Development Department Comments Dated June 25, 2007
7. Police Department Comments dated June 27, 2007



Subject Site

VICINITY MAP
CONDITIONAL USE PERMIT NO. 07-021
(RA SUSHI – 155 FIFTH STREET, UNIT 183)

ATTACHMENT NO. 11



PLAN NOTES

1. REFER TO ALL NOTES ON SHEETS RA-1.0 THROUGH RA-1.10.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HUNTINGTON BEACH, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ELECTRICAL CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA MECHANICAL CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA SAFETY CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA LABOR CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA HEALTH CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE PREVENTION CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE ALARM CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE EXTINGUISHING CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE ESCAPE CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
16. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE RISK MANAGEMENT CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
17. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE INVESTIGATION CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
18. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE PREVENTION AND INVESTIGATION CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE ESCAPE AND EXITS CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
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25. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE EXTINGUISHING AND INVESTIGATION AND RISK MANAGEMENT AND INVESTIGATION AND ESCAPE AND EXITS CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
26. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE RISK MANAGEMENT AND INVESTIGATION AND ESCAPE AND EXITS AND EXTINGUISHING AND INVESTIGATION AND RISK MANAGEMENT AND INVESTIGATION CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.
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30. ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA FIRE RISK MANAGEMENT AND INVESTIGATION AND ESCAPE AND EXITS AND EXTINGUISHING AND INVESTIGATION AND RISK MANAGEMENT AND INVESTIGATION AND ESCAPE AND EXITS AND EXTINGUISHING AND INVESTIGATION AND RISK MANAGEMENT AND INVESTIGATION CODE, 2006 EDITION, AND ALL APPLICABLE AMENDMENTS.

150 5th STREET
HUNTINGTON BEACH, CA
92648
0706

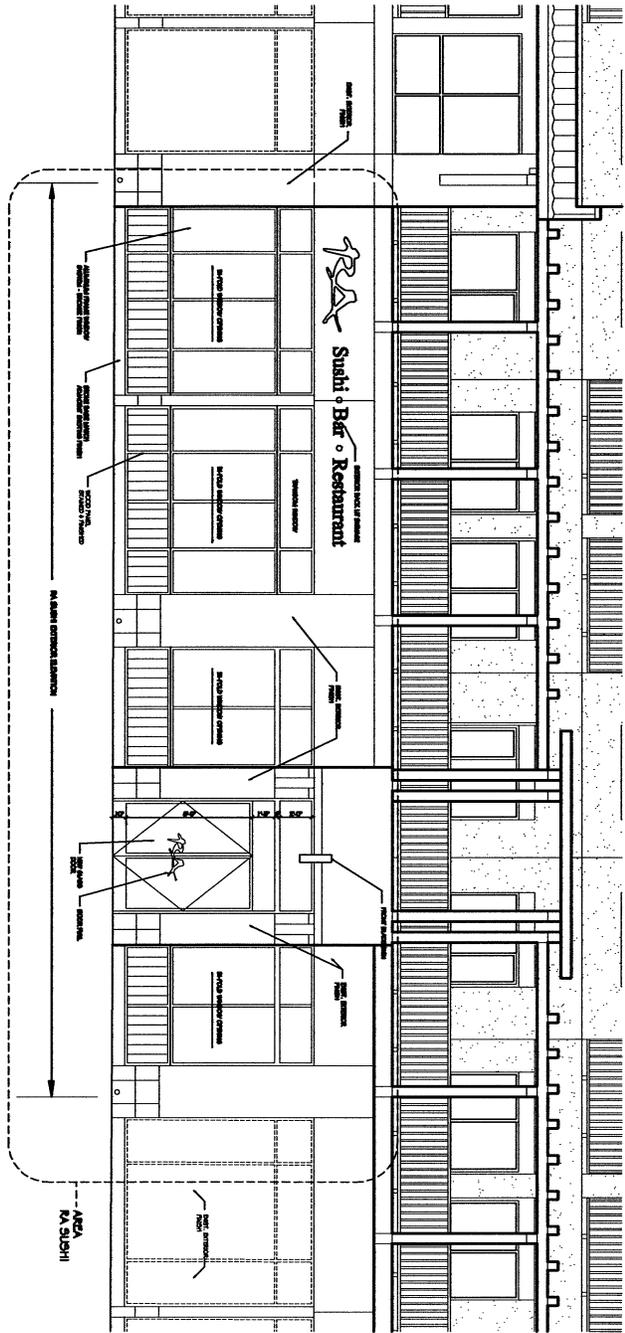
RA 1.0
FLOOR PLAN

RA Sushi

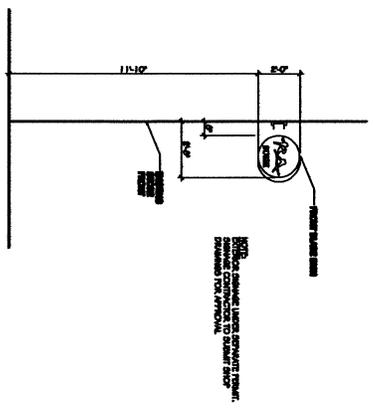
150 5TH STREET, HUNTINGTON BEACH, CA

RA
MAY 22 2007

Huntington Beach
MAY 22 2007



2 | RA SUSHI EXTERIOR ELEVATION
150' @ 1/8" = 1' = 0"



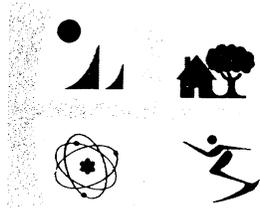
1 | RA BLADE SIGN ELEVATION
150' @ 1/8" = 1' = 0"

150' @ 1/8" = 1' = 0"

RA3.1
EXTERIOR
ELEVATIONS

RA Sushi
150 5TH STREET, HUNTINGTON BEACH, CA

RA SUSHI RESTAURANT
SIGN ELEVATION



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

JUNE 27, 2007

Valentina Allen
Kerr Project Services
4655 Cass Street, Suite 200
San Diego, CA 92109

**SUBJECT: CONDITIONAL USE PERMIT NO. 07-021 (155 FIFTH STREET, UNIT 183)
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Ms. Allen,

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 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 Department. Please note that if the design of your project or 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 714-374-1682 and/or the respective source department (contact person below).

Sincerely,

Rami Talleh,
Associate Planner

Enclosures

cc: Gerald Caraig, Building and Safety Department – 714-374-1575
Lee Caldwell, Fire Department – 714-536-5564
Steve Bogart, Public Works – 714-536-5580
Herb Fauland, Principal Planner
Jason Kelley, Planning Department
CIM/Huntington, LLC, 6922 Hollywood Blvd., Los Angeles, CA 90028
Project File

G:\Talleh\2007\Staff Review\15631 Industry\15631 Code Requirements.doc

ATTACHMENT NO. 3.1



CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 13, 2007
PROJECT NAME: RA SUSHI
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2007-021
PROJECT LOCATION: 155 5TH STREET, HUNTINGTON BEACH, CA 92648
PLANNER: RAMI TALLEH, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1682/ RTALLEH@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RESTAURANT WITH ONSITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated May 22, 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 (Zoning Administrator/ 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.

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
 - a. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
 - b. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).
 - c. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.

- a. Prior to submittal for building permits, Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of 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. The Planning Director ensures that all requirements herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.
- c. 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.
- d. Conditional Use Permit No. 2007-021 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
- e. Conditional Use Permit No. 2007-021 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.
- f. The Planning Commission reserves the right to revoke Conditional Use Permit No. 2007-021 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.
- g. 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, except as noted herein.
- h. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
- i. The applicant shall submit a check in the amount of \$50.00 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.
- j. 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.
- k. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permits for this specific use is reviewed and approved.

BUILDING AND SAFETY DEPARTMENT



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: May 31, 2007
PROJECT NAME: RA SUSHI
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2007-021
PROJECT LOCATION: 155 5TH STREET, HUNTINGTON BEACH
PROJECT PLANNER: RAMI TALLEH, ASSOCIATE PLANNER
PLAN REVIEWER: Daniel Lee, Plan Check Engineer
TELEPHONE/E-MAIL: (714) 536-5679 / dalee@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RESTAURANT WITH ONSITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated May 22, 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. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES:

GENERAL:

1. Plans submitted after January 2008 shall comply with the 2006 IBC as amended by the State of California.
2. Plan submittal documents must include "Conditions of Approval".
3. A Certificate of Occupancy application is required for this project.
4. Project to comply with the 2001 CBC, 2001 CMC, 2001 CPC, 2004 CEC, 2005 CA Energy Code, and the HBMC.

5. 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.
6. Fire sprinkler will be required when the total area exceeds 5000 SF.
7. Plans must be prepared and stamped and wet signed by a California licensed Architect and /or Engineer.
8. Electrical permit and inspections will be required for electrical work and generator or temporary power pole installations.
9. Provide building permit application and completed drawing(s) for architectural and structural information and required documents for plan review. All un-permitted work must conform to the new code adopted by the City of Huntington Beach.
10. Structural plans, details, etc. are required as necessary.

INFORMATION ON PLANS:

11. Occupancy classification of all areas needs to be stated.
12. Note on the Plans:
 - a. *“Interior improvement designers must refer to original plans to comply with original assumptions of the building shell.”*
 - b. *“This project must comply with Huntington Beach Security Ordinance Code.”*

ARCHITECTURAL (GENERAL):

13. Identify and differentiate existing walls to be removed, existing walls to remain, new walls, bearing walls, non-bearing partitions and rated walls (CBC Sec. 106.3.3).
14. Provide complete interior partition wall details. Include the gauge, ICBO approval numbers (for metal frame partitions), and all top and bottom attachment details.
15. Show type of fire resistive construction type and the occupancy group classification of the building for each area. Indicate occupant loads using occupant load factors of the CBC Table 10-A.
16. Drawings shall clearly show Occupancy classification of all areas. Rooms with 50 or more must be classified as assembly A-3.
 - a. Provide an occupant load analysis on the plans and provide an exit plan.
 - b. Provide exit signs readily visible to clearly indicate the direction of egress travel. Exit signs shall be properly illuminated [1003.2.8.2, 1003.2.8.4].

ACCESSIBILITY STANDARDS:

17. 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)
18. 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.
19. All areas of newly designed or newly constructed buildings and facilities shall be made accessible to persons with disabilities as required. California Building Code © T24 Sec. 1101B.1.
20. Vertical access may be required. *To avoid the necessity of an elevator, lockers shall be provided on the main floor, also.*
21. All existing buildings and facilities, when alterations, structural repairs or additions are made to such buildings or facilities, shall comply with all provision of Division 1, New Buildings. The access requirements shall apply only to the area of specific alteration, structural repair or addition and shall include those areas listed under California Building Code © Section 1134B.1 & .2

RESTAURANTS:

22. Verify the size of the referenced area. An automatic sprinkler system shall be installed in rooms used by the occupants for the consumption of alcoholic beverages and unseparated accessory uses where the total area of such unseparated rooms and assembly uses exceeds 5,000 square feet. [CBC 904.2.3.1]
23. On your drawings show Occupancy classification of all areas needs to be stated. Rooms with 50 or more must be classified as assembly A-3. Use 15 SF per occupant for dining areas; use 7 SF per occupant for waiting areas.

SPECIFIC MISC.:

24. Fire alarms per Section 303.9 are required.
25. There is no 'A2' occupancy in your restaurant.
26. Maximum slope of any ramp is 1:12. Handrails are required on both sides of ramp per 1133B.5.5.
27. Check bathroom turning radius that encroaches under the sink.
28. Note employee countertop heights (34" max.).
29. Exterior entrance door maximum force to operate is 5 pounds per 1133B.2.5.

FEES:

30. For budgeting purposes, the attached chart may be used to estimate the cost of construction fees based on the project valuation. The cost of construction permits required for other departments and trades are not included. Applicability of these project specific fees will be determined by the appropriate agencies upon review of the project.

Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.

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ESTIMATED PERMIT FEES

| THE FOLLOWING FEES DO NOT INCLUDE ENTITLEMENT PROCESSING FEES AND TRAFFIC IMPACT FEES | | |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Microfilm/Scanning of Plans | Each sheet of permitted drawings | \$3.78 |
| Scanned Permits | Each Permit issued | \$0.98 |
| STATE OF CALIFORNIA TAX (SMIP) | | |
| Residential | Up to \$5,000 valuation – Fee amount is fixed | \$0.50 |
| | Over \$5,000 valuation – Fee amount is valuation x rate | \$0.0001 |
| Commercial/Industrial | Up to \$2,381 Valuation – Fee amount is fixed | \$0.50 |
| | Over \$2,381 Valuation – Fee amount is valuation x rate | \$0.00021 |
| HUNTINGTON BEACH LIBRARY (714) 960-8836 | | |
| Residential: Library Enrichment | Applied to all new development and additions which increase existing sq. ft. by over 50% | \$0.15/sq.ft. |
| Commercial: Library Enrichment | Applied to all new development and additions – Rate per sq. ft. | \$0.15/sq.ft. |
| Residential: Library Development | Applied to all new development and additions which increase existing sq. ft. by over 50% (including garage area) – Rate per sq. ft. | \$0.44/sq.ft. |
| Commercial/Industrial: Library Development | Applied to all new development and additions – Rate per sq. ft. | \$0.04/sq.ft. |
| HB SCHOOL DISTRICT (714) 536-7521 x250 (Payable directly to HBSD) | | |
| Residential: School District | Applied to new residential development and additions of 500 sq. ft. or more (excluding garage area) – Rate per sq. ft. | \$2.63/sq.ft. |
| Commercial: School District | Applied to all new development and additions – Rate per sq. ft. | \$0.42/sq.ft. |
| HB PARK & RECREATION | | |
| Residential | Applied to all new development and additions – Rate per sq. ft. | \$0.86/sq.ft. |
| Commercial/Industrial | Applied to all new development and additions – Rate per sq. ft. | \$0.23/sq.ft. |

(G:Building/forms/counter/developer fee breakdown)



FEES: The chart below may be used to estimate the cost of construction fees based on the project valuation but does not include fees required for other departments and trades. Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.

| Project valuation | Bldg. Plan ⁽⁴⁾ Review Fee | Planning ⁽⁴⁾ Review Fee | Inspection Fee | Processing ⁽⁴⁾ Fee | Sub-Total |
|-------------------|--------------------------------------|------------------------------------|----------------|-------------------------------|-----------|
| \$5,000.00 | \$84 | \$78 | \$110 | \$29 | \$301 |
| \$10,000.00 | \$127 | \$117 | \$166 | \$29 | \$439 |
| \$20,000.00 | \$212 | \$195 | \$279 | \$29 | \$715 |
| \$30,000.00 | \$286 | \$263 | \$376 | \$29 | \$954 |
| \$40,000.00 | \$348 | \$320 | \$457 | \$29 | \$1,154 |
| \$50,000.00 | \$409 | \$377 | \$538 | \$29 | \$1,353 |
| \$60,000.00 | \$452 | \$416 | \$594 | \$29 | \$1,491 |
| \$70,000.00 | \$495 | \$456 | \$650 | \$29 | \$1,630 |
| \$80,000.00 | \$537 | \$495 | \$706 | \$29 | \$1,767 |
| \$90,000.00 | \$580 | \$534 | \$762 | \$29 | \$1,905 |
| \$100,000.00 | \$623 | \$574 | \$819 | \$29 | \$2,045 |
| \$110,000.00 | \$657 | \$605 | \$863 | \$29 | \$2,154 |
| \$120,000.00 | \$691 | \$636 | \$908 | \$29 | \$2,264 |
| \$130,000.00 | \$725 | \$668 | \$953 | \$29 | \$2,375 |
| \$140,000.00 | \$759 | \$699 | \$998 | \$29 | \$2,485 |
| \$150,000.00 | \$793 | \$730 | \$1,043 | \$29 | \$2,595 |
| \$160,000.00 | \$827 | \$762 | \$1,087 | \$29 | \$2,705 |
| \$170,000.00 | \$861 | \$793 | \$1,132 | \$29 | \$2,815 |
| \$180,000.00 | \$895 | \$824 | \$1,177 | \$29 | \$2,925 |
| \$190,000.00 | \$929 | \$856 | \$1,222 | \$29 | \$3,036 |
| \$200,000.00 | \$963 | \$887 | \$1,267 | \$29 | \$3,146 |
| \$250,000.00 | \$1,133 | \$1,044 | \$1,491 | \$29 | \$3,697 |
| \$300,000.00 | \$1,304 | \$1,201 | \$1,715 | \$29 | \$4,249 |
| \$350,000.00 | \$1,474 | \$1,357 | \$1,939 | \$29 | \$4,799 |
| \$400,000.00 | \$1,644 | \$1,514 | \$2,163 | \$29 | \$5,350 |
| \$450,000.00 | \$1,814 | \$1,671 | \$2,387 | \$29 | \$5,901 |
| \$500,000.00 | \$1,984 | \$1,828 | \$2,611 | \$29 | \$6,452 |
| \$550,000.00 | \$2,129 | \$1,961 | \$2,801 | \$29 | \$6,920 |
| \$600,000.00 | \$2,274 | \$2,095 | \$2,992 | \$29 | \$7,390 |
| \$650,000.00 | \$2,419 | \$2,228 | \$3,182 | \$29 | \$7,858 |
| \$700,000.00 | \$2,564 | \$2,361 | \$3,373 | \$29 | \$8,327 |
| \$750,000.00 | \$2,708 | \$2,495 | \$3,563 | \$29 | \$8,795 |
| \$800,000.00 | \$2,853 | \$2,628 | \$3,754 | \$29 | \$9,264 |
| \$850,000.00 | \$2,998 | \$2,761 | \$3,944 | \$29 | \$9,732 |
| \$900,000.00 | \$3,143 | \$2,895 | \$4,135 | \$29 | \$10,202 |
| \$950,000.00 | \$3,288 | \$3,028 | \$4,325 | \$29 | \$10,670 |
| \$1,000,000.00 | \$3,432 | \$3,161 | \$4,516 | \$29 | \$11,138 |
| \$1,250,000.00 | \$3,988 | \$3,673 | \$5,247 | \$29 | \$12,937 |
| \$1,500,000.00 | \$4,545 | \$4,186 | \$5,979 | \$29 | \$14,739 |
| \$1,750,000.00 | \$5,101 | \$4,699 | \$6,712 | \$29 | \$16,541 |
| \$2,000,000.00 | \$5,658 | \$5,211 | \$7,444 | \$29 | \$18,342 |

- NOTE: 1. Fees are effective dated 1/20/2006. For latest fees obtain the "Building Permit Fee" schedule.
 2. A 4.1% Automation Fee will be added to all fees listed pursuant to Resolution 2005-75.
 3. See attached handout for additional fees such as Library Development, Park Development, etc
 4. These fees are payable at plan submittal..
 5. Additional fees for Mechanical, Plumbing, Electrical, Fire, PW, Sanitation may apply

(G:Building/forms/counter/developer fee breakdown)



HUNTINGTON BEACH FIRE DEPT. PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 13, 2007
PROJECT NAME: RA SUSHI (THE STRAND)
ENTITLEMENTS: PLANNING APPLICATION NO. 2007-107, CUP NO. 2007-021
PROJECT LOCATION: 155 FIFTH STREET, HUNTINGTON BEACH, CA
PLANNER: RAMI TALLEH, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1682/ rtalleh@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 THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RESTAURANT WITH ONSITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated May 25, 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.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

- a. No Fire comments this section. (FD)

THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO ISSUANCE OF BUILDING PERMITS:

- a. **Automatic Fire Sprinklers** are required. Automatic fire sprinkler system required for buildings over 5000 square feet. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes. Modification, Additions, or Deletions to an existing automatic fire sprinkler system or fire alarm system shall require that separate plans (three sets) shall be submitted to the Building Department for permits and Fire Department approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with City Specification # 420 - Automatic Fire Sprinkler Systems in the plan notes. (FD)

- b. **Trash Dumpsters** or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved fire sprinkler system. HBFC 1103.2.2 For Fire Department approval, reference and demonstrate compliance with HBFC 1103.2.2 (FD)
- c. **Food Preparation Fire Protection System** required. Plans (three sets) shall be submitted to the Building Department as separate plans for permits and Fire Department approval. Reference compliance with City Specification # 412 - *Protection of Commercial Cooking Operations* 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. For Fire Department approval, reference and demonstrate compliance with City Specification #424 – *Portable Fire Extinguishers* on the plans. (FD)
- e. **Combustible Decorative Materials** – Combustible decorative materials used in Group A Occupancies shall be flame resistant. All decorative materials including curtains, drapes, hangings, Christmas trees, and any other combustible decorative materials must be flame retardant, and no such material may block or conceal any exit door, exit lights, fire alarm, hose cabinet or fire extinguisher. This also includes cardboard, canvas, plastic partitions or walls sometimes used for haunted houses or similar events. All of the above and similar fire retardant materials must have a sewn in or affixed label or documentation. California Fire Code 1103.3.3 (FD)
- f. **Main Secured Building Entries** shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the plan notes. (FD)
- g. **Gate and Barrier Latches.** Gates and barriers shall be openable without the use of a key or any special knowledge or effort. Gates and barriers in a means of egress shall not be locked, chained, bolted, barred, latched or otherwise rendered unopenable at times when the building or area served by the means of egress is occupied. Gates and Barriers installed across a means of egress shall swing in the direction of travel when required by the Building Code for exit doors. Reference UBC 1003.3.2.1 - Latch Hardware and UFC 1207.4 - Latch Hardware and UBC 1003.3.2.2 – Gate Requirements and UFC 1208.4 – Direction of Swing on the plan notes. (FD)
- h. **Cold Storage Rooms** shall be openable without the use of a key or any special knowledge or effort. Gates and barriers in a means of egress shall not be locked, chained, bolted, barred, latched or otherwise rendered unopenable at times when the building or area served by the means of egress is occupied. Cold Storage Rooms will be openable from the inside without special knowledge or key. Reference compliance with UBC 1003.3.2.1 - Latch Hardware and UFC 1207.4 - Latch Hardware on the plan notes. (FD)

- i. **Exit Signs and Exit Path Markings** will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)
- j. **Posting of Room Occupancy** is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per HBFC sec. 2501.16.1. (FD)
- k. **Egress Illumination/Emergency Exit Lighting** with emergency back-up power is required. Provide means of egress illumination per HBFC 1211.1 and UBC 1003.2.9. (FD)
- l. **Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front door in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. (FD)
- m. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:
 - Site plot plan showing the building footprint.
 - Specify the type of use for the building
 - Location of electrical, gas, water, sprinkler system shut-offs.
 - Fire Sprinkler Connections (FDC) if any.
 - Knox Access locations for doors, gates, and vehicle access.
 - Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
 - Shall be in accordance with County of Orange Ordinance 3809.
 - File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
 - Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
 - Separate drawing file for each individual sheet.
 - In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.
 - Reference compliance with *GIS Mapping Information* in the building plan notes. (FD)
- n. All Fire Department requirements shall be noted on the Building Department plans. (FD)

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. **Automatic Fire Sprinklers** are installed in compliance with City Specification # 420 - Automatic Fire Sprinkler Systems. (FD)
- b. **Trash Dumpsters** or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved fire sprinkler system. (FD)
- c. **Food Preparation Fire Protection System** provided in compliance with City Specification # 412 - Protection of Commercial Cooking Operations. (FD)
- d. **Fire Extinguishers** installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. (FD)
- e. **Combustible Decorative Materials** – Combustible decorative materials used in Group A Occupancies are flame resistant. Fire retardant materials must have a sewn in or affixed label or documentation. California Fire Code 1103.3.3 (FD)
- f. **Main Secured Building Entries** utilize a KNOX[®] Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. (FD)
- g. **Gate and Barrier Latches.** Gates and barriers openable without the use of a key or any special knowledge or effort. (FD)
- h. **Cold Storage Rooms** shall be openable without the use of a key or any special knowledge or effort. (FD)
- i. **Exit Signs and Exit Path Markings** provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. (FD)
- j. **Room Occupancy Posted** in a conspicuous place near the main exit per HBFC sec. 2501.16.1. (FD)
- k. **Egress Illumination/Emergency Exit Lighting** with emergency back-up power is provided per HBFC 1211.1 and UBC 1003.2.9. (FD)
- l. **Building Address Numbers** are installed in compliance with City Specification #428, Premise Identification. (FD)
- m. **GIS Mapping Information** shall be provided to the Fire Department. (FD)

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)**

OTHER:

- a. Discovery of additional 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)**

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648
or through the City's website at **www.surfcity-hb.org**

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



CITY OF HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: June 13, 2007
PROJECT NAME: RA SUSHI
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2007-021
PLANNING APPLICATION 2007-0107
DATE OF PLANS: MAY 22, 2007
PROJECT LOCATION: 155 5TH STREET, HUNTINGTON BEACH, CA 92648
PLANNER: RAMI TALLEH, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1682/ RTALLEH@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RESTAURANT WITH ONSITE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. 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) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the 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.

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

1. An Encroachment Permit is required for all work within Caltrans' right-of-way.

City of Huntington Beach

JUN 14 2007

ATTACHMENT NO. 315

City of Huntington Beach
MAY 22 2007

Statement of Operations

**RA Sushi
The Strand
Huntington Beach, Ca**

The subject property is the located at 155 5th St. in The Strand, Downtown Huntington Beach. The RA Sushi project will be located in freestanding building F, a two story building with frontage on Pacific Coast Highway. The 5,313 square foot first floor space will house RA Sushi with retail use on the second floor and underground parking below. To the north is a restaurant and retail use bordered by Walnut Ave. To the east and to the south there are service alleys adjoining both existing and proposed restaurants, and the new development along Pacific Coast Highway. To the west are Fifth St. and other structures in "The Strand" development including a proposed hotel.

RA Sushi is a full service restaurant specializing in Sushi and other Pacific Rim specialties.

The restaurant is 5,313 sq. ft. The dining area will hold 130 seats.

The restaurant will employ a total of approximately 50 persons, with a shift averaging 20-25 employees.

Standard hours of operation are 11am to 11pm daily for food service with bar service generally until 1am (varies with Jurisdiction).

ATTACHMENT NO. 4.1

FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 16406/CONDITIONAL USE PERMIT NO. 99-45 WITH SPECIAL PERMITS NO. 02-06/COASTAL DEVELOPMENT PERMIT NO. 99-16

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16406:

1. Tentative Tract Map No. 16406 for the consolidation of existing parcels into a one-lot subdivision for condominium purposes and the right of way dedications along Pacific Coast Highway and 6th Street; the vacation of the alleys on Block 105 for private access easements with reciprocal access; the vacation of a portion of the alley on Block 104 and alley dedications with reciprocal access; and the dedication and reservation of 5th Street for a 65 ft. wide public access easement including a 24 ft. wide reciprocal easement for vehicular purposes is consistent with the General Plan Land Use Element designation of Mixed Use Vertical - 3.0 Floor Area Ratio - Specific Plan Overlay - Pedestrian Overlay on the subject property because the subdivision will provide a consolidated development consistent with the design concept envisioned by the Downtown Specific Plan and General Plan and will provide the necessary public improvement to complete the Main-Pier Phase II development.
2. The site is physically suitable for the type and density of development. The 2.97-acre project site provides the necessary area for development by consolidating multiple parcels consistent with the intensity and density of District #3, Visitor-Serving Commercial, of the Downtown Specific Plan, The General Plan Land Use designation, and with the implementation of mitigation measures is suitable for development.
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. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
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 tentative map provides all the necessary easements and access requirements of the City for the public and provides the necessary public improvements. The improvements include dedications, curbs, gutters, sidewalks, streets, alleys, and easements with reciprocal access between properties to adequately serve the site and adjacent properties.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 99-45:

1. Conditional Use Permit No. 99-45 to construct approximately 106,075 square feet of commercial space and a 152-room hotel consisting of approximately 120,170 square feet; to allow 5.9% (24 spaces) of the total 405 parking stalls within the two-level subterranean public parking structure to be compact in size; and to permit valet service, parking entrance gates, attendant booths and collector of fees within the subterranean public parking garage will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will provide adequate public open space

and open air commercial amenities, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan. In addition, the provision of compact parking spaces and a valet parking plan provides an efficient use of the parking structure, maximizes the total number of parking spaces and provides a quick and easy parking alternative to customers of the site.

2. The conditional use permit will be compatible with surrounding uses because the project is designed with a contemporary Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and with the conditions of approval imposed the project will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project as conditioned, incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown. The project will provide public improvements to make the project compatible with other adjacent public improvements required of downtown development to provide a consistent streetscape for the two-block project area.
3. The proposed request to construct approximately 106,075 square feet of commercial space and a 152-room hotel consisting of approximately 120,170 square feet; to allow 5.9% (24 spaces) of the total 405 parking stalls within the two-level subterranean public parking structure to be compact in size; and to permit valet service, parking entrance gates, attendant booths and collection of fees within the subterranean public parking garage 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. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
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 MV-F12-sp-pd (Mixed Use Vertical – 3.0 FAR – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Policy LU 1.1.2: Promote development in accordance with the Economic Development Element.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 4.1.1: Require adherence to or consideration of the policies prescribed for Design and Development in the Huntington Beach General Plan, as appropriate.

Policy LU 4.1.2: Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access and parking.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the American's with Disabilities Act.

Policy LU 5.1.1: Require that development protect environmental resources by consideration of the policies and standards contained in the Environmental Resources/Conservation Element of the General Plan and Federal (NEPA) and State (CEQA) regulations.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources, scale and character.

Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development "Overlay" Schedule, as appropriate.

Policy LU 7.1.5: Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for City's neighborhoods, corridors, and centers.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the appropriate principles.

The retail, restaurant, office, and hotel uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, much of which is currently vacant, and provides additional destination uses that would attract and complement retail and restaurant uses. In addition, the proposed project would help the City to achieve its goal of creating an 18-hour Downtown, with visitors and residents remaining downtown in the evening for shopping, dining, and entertainment.

FINDINGS FOR APPROVAL – SPECIAL PERMITS NO. 02-06:

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 99-45 for the following:
 - a. Encroach into the minimum ground floor setback along Pacific Coast Highway (0 ft. in lieu of 15 ft.)
 - b. Encroach into the minimum ground floor setback along Sixth Street (6.5 ft. in lieu of 15 ft.)
 - c. Encroach into the minimum ground floor setback along and Walnut Avenue (5 ft. in lieu of 15 ft.)
 - d. Encroach into the minimum upper story setbacks along Pacific Coast Highway 9 ft./average 11 ft. 4 in. in lieu of min. 15 ft./average 25 ft.)
 - e. Exceed the maximum building height with hotel (49.5 ft. in lieu of 45 ft.) and the architectural tower feature (70 ft. in lieu of 55 ft.)
 - f. Reduce the view corridor on Fifth Street (65 ft. in lieu of 80 ft.)

These Special Permits result in a greater benefit from the project and will promote a better living environment because the design of the project provides a consistent development pattern along PCH, provides the necessary and consistent sidewalk width for the types of pedestrians level activities at PCH, Sixth, and Walnut, and promotes the pedestrian scale envisioned by the "Village Concept" of the DTSP. In addition, the project provides an architectural style that provides a distinctive break between the two lower floors and the two upper floors by the use of upper story setbacks, the provision of varied roofline treatments, the use of quality colors and materials and including building heights and a tower that is compatible with the surroundings and provides a focal element encouraged by the Design Guidelines. Finally, the project will not diminish any existing coastal views for the pedestrian at the street level, and it will enhance future views by providing 2nd level terrace views of the beach, ocean and pier. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown core.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the use of appropriate site planning by placing buildings in a relationship to the street and pedestrian, the use of contemporary Mediterranean architecture, the incorporation of compatible upper story setbacks, the use of proper building heights, the provision of a tower as a focal element, and the design of 5th Street that enhances public views.
3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will provide adequate public open space, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan. In addition, the provision of compact parking spaces and a valet parking plan provides an efficient use of the parking structure, maximizes the total number of parking spaces and provides a quick and easy parking alternative to customers of the site.
4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The proposed project is physically suitable for the site, it consolidates multiple parcels for an adequate mixed-use development site, provides parking consistent with the Downtown Parking Master Plan, is consistent with the type and intensities of proposed uses, complies with the Downtown Specific Plan, is consistent with the Downtown Design Guidelines, and provides consistent public improvements to complete the Main-Pier Phase II development envisioned for the two-block area of downtown.
5. The granting of Special Permits will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the following Coastal Element goals, objectives, and policies:

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

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

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

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

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

Reducing the ultimate right of way of 5th Street from 80 to 65 ft. will not diminish any views or view corridors currently provided by the existing right of way. The proposed cross section of 5th Street will continue to preserve existing views while enhancing future views with the design of the project. The project proposes all the amenities of a typical downtown street section and also includes design features of upper story setbacks for the buildings that front the street. The incorporation of all the design features will provide the views for the pedestrian at the street level. In addition, the 2nd level terrace adjacent to the hotel provides an enhanced view of the beach, ocean and pier. The proposed special permits in conjunction with Conditional Use Permit No. 99-45, Coastal development Permit No. 99-16, Tentative Tract Map No. 16406, and the incorporation of and implementation of adopted conditions of approval and the Mitigation Monitoring and Reporting Program of Final EIR No. 01-02 will comply with State and Federal Law.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 99-16:

1. Coastal Development Permit No. 99-16 for the development project, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program by implementation of the following Coastal Element goals, objectives, and policies:

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

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

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

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

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The proposed project would develop a mix of commercial uses on parcels contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Additionally, the proposed project would develop visitor-serving commercial uses in the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established, and include uses generally similar to those proposed by the project, with the exception of a hotel, which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for any special permits approved concurrently. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project as conditioned and with the implementation of all mitigation measure will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessar

public improvements such as dedications, curb, gutters, sidewalks, streets, alleys, easements and reciprocal access between properties to adequately serve the site and adjacent properties.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all existing and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, Downtown Specific Plan, and Downtown Parking Master Plan.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16406:

1. The tentative tract map received and dated August 5, 2002 shall be the approved layout with the following modifications:
 - a. The tentative map shall be revised to accurately reflect the redesigned project as conditioned by Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16.
 - b. The service drive entrance and easement at 6th Street shall be designed to provide two-way traffic to the eastern edge of the reciprocal entrance point to the Helme-Worthy site.
 - c. The existing driveway entrance to the Helme-Worthy site on Sixth Street shall be closed and replaced with curb, gutter and sidewalk.
 - d. Remove the proposed water lines as shown on the tentative map: 12-inch in Fifth Street, 8-inch in alleys parallel to Pacific Coast Highway, 6-inch in alley east of Lots 22, 24, 26 and 28 of Block 105. (PW)
 - e. The following water lines are minimum requirements to meet the project's demands: (PW)
 - 1) Approximately 450 LF of 8-inch water pipeline in Walnut Avenue (between Sixth Street and Main Street).
 - 2) Approximately 900 LF of 12-inch water pipeline in Sixth Street (between Olive Avenue and Pacific Coast Highway).
 - f. The 20-foot wide reciprocal access drive for Lot 22 of Block 105 shall be taken from the truck access drive adjacent to the southerly boundary of Lot 22 of Block 105 and through the setback area and relocate the 24-foot wide service driveway to conform to the new design. Requirements for sight distance and turning movements shall be employed in the design of the access. (PW)
 - g. The Fifth Street public access easement shall be 65-feet in width. (PW)
 - h. The subject property shall enter into irrevocable reciprocal access easement(s) between the subject site and adjacent properties and shall be noted on the map and required to all affected and adjoining parcels from the private access easements. The location and width of the reciprocal driveway easement and all easements shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making all necessary improvements to implement the reciprocal easements/driveway.

2. Prior to submittal of the tract map to the Public Works Department for processing and approval, the following shall be required:
- a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. 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. The CC&Rs shall include the following: (PW)
 - i. Provide for operation, maintenance and replacement of all common area landscaping, irrigation, drainage facilities, public and reciprocal access easements (Fifth Street, alley, parking, driveway, truck access, sidewalk, and street lighting) and open space. (PW)
 - ii. Implementation, inspection, maintenance, periodic upgrade and monitoring of the approved Water Quality Management Plan (WQMP). The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law. (PW)
 - iii. Maintenance, repair and replacement of structures, facilities and utilities within the parking structure as defined by the agreement for operation and use of the parking structure by the City. (PW)
 - iv. Provisions for the implementation, management, operation and maintenance of the valet parking and access program. (PW)
 - v. Prohibit the blocking or screening of fire hydrants located in the public right-of-way, easements or within the property. (PW)
 - vi. Implementation, maintenance and monitoring of the approved Water Quality Management Plan (WQMP). The WQMP shall be included in the CC&Rs as an attachment or addendum for conformance with NPDES requirements. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law. (PW)
3. The following conditions shall be completed prior to recordation of the final map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. (PW)
- a. All vehicular access rights to Fifth and Sixth Streets, Walnut Avenue and the public alleys shall be released and relinquished to the City of Huntington Beach except at locations approved by the Planning Commission. (PW)
 - b. All vehicular access rights to Pacific Coast Highway shall be released and relinquished to the State of California, except at the intersection of Fifth Street and Pacific Coast Highway. (PW)
 - c. The rough grading plan and improvement plans shall be submitted to the Department of Public Works for review. The engineer shall submit cost estimates for determining bond amounts. (PW)
 - d. A detailed soils analysis shall be prepared by a Licensed Civil Engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, retaining walls, streets, and utilities. (PW)

ATTACHMENT NO. 5.8

- e. A sewer study for on and off-site facilities shall be prepared by a Licensed Civil Engineer for review and approval by the Public Works Department. (PW)
- f. Prior to first plan check submittal, the applicant shall submit a hydraulic computer water model analysis (on H₂O Net) for this project, pursuant to City of Huntington Beach requirements. (The applicant shall coordinate this effort with the Water Division prior to beginning this endeavor.) The analysis shall consider the impacts and mitigation, if necessary, to the existing water services off of the 8-inch water pipeline in the alley west of Main Street, which shall be maintained. If the analysis shows that project demands cannot be met with the City's current water infrastructure system, the developer shall be required to upgrade the City's system to meet the demands and/or otherwise mitigate the impacts of the project at no cost to the City. (PW)
- g. Final hydrology and hydraulic studies for both on and off-site facilities shall be submitted for Public Works review and approval. On-site drainage shall not be directed to adjacent properties, but shall be handled by a Public Works approved method. Runoff from the site shall be restricted as directed by the Department of PW to minimize impacts to downstream facilities. (PW)
- h. The following shall be dedicated to the City of Huntington Beach:
 - i. The domestic water system and appurtenances as shown on the improvement plans for this tract. Easement widths shall conform with the City of Huntington Beach Standard Plan No. 300.
 - ii. The sanitary sewer system and appurtenances as shown on the improvement plans for this tract.
 - iii. Five feet along entire Pacific Coast Highway frontage.
 - iv. 2.5-feet along the entire Sixth Street frontage.
 - v. 4.5-feet of additional alley right-of-way along the easterly property line west of Main Street and south of Walnut Avenue.
- i. Fifth Street shall be quitclaimed by the Redevelopment Agency. An easement of 65-feet in width shall be conveyed by the Developer to the City of Huntington Beach for drainage, utility, pedestrian and vehicular access purposes. Quitclaim and the grant of easement must occur at the same time to maintain full use of Fifth Street without interruption of existing uses and activities. (PW)
- j. Vacation and abandonment of portions of alley rights-of-way in Block 105. (PW)
- k. 20-foot wide reciprocal access for Lot 22 of Block 105 shall be taken from the truck access drive adjacent to the south boundary of Lot 22 of Block 105. Requirements for sight distance and turning movements shall be observed in the design of the access. (PW)
- l. All street lighting, excluding Fifth Street, shall be conveyed to Southern California Edison Co. for maintenance and operation. (PW)
- m. A reproducible mylar copy and a print of the recorded tract map shall be submitted to the Department of Public Works at the time of recordation. (PW)
- n. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item: (PW)
 - i. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.

- ii. Provide a digital-graphics file of said map to the County of Orange.
 - o. Provide a digital-graphics file of said map to the City per the following design criteria: (PW)
 - i. Design Specification:
 - 1) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
 - 2) Digital data shall have double precision accuracy (up to fifteen significant digits).
 - 3) Digital data shall have units in US FEET.
 - 4) A separate drawing file shall be submitted for each individual sheet.
 - 5) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
 - 6) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
 - ii. File Format and Media Specification:
 - 1) Shall be in compliance with the following file format:
 - AutoCAD (version 13 or later) drawing file: ____DWG
 - 2) Shall be in compliance with the following media type:
 - CD Recordable (CD-R) 650 Megabytes
- p. The developer shall provide a Maintenance and License Agreement for maintenance of all public improvements within the public right-of-way for ~~Fifth and~~ Sixth Streets, Walnut Avenue and Pacific Coast Highway. (PW)
- q. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (PW)
- r. All improvement securities (Faithful Performance, Labor & Material and Monumentation Bonds) and Subdivision Agreement shall be posted with the Department of Public Works and approved as to form by the City Attorney. (PW)
- s. All Public Works fees shall be paid. (PW)

INFORMATION ON SPECIFIC CODE REQUIREMENTS - TENTATIVE TRACT MAP NO. 16406:

1. Tentative Tract No. 16406 shall not become effective until the ten-calendar day appeal period has elapsed.
2. Tentative Map No. 16406 and Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall become null and void unless exercised within two (2) years of the date of final approval which is October 4, 2004. An extension of time may be granted by the Planning Director pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
3. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.

ATTACHMENT NO. 5.10

4. All applicable fees shall be paid from the Building, Public Works, and Fire Departments fees prior to map recordation. (PW)
5. The final map shall be recorded with the County of Orange.
6. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director, Public Works Director, and Fire Chief shall be notified in writing if any changes to the approved tract map conditions of approval are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director, Public Works Director, and Fire Chief have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 99-45 WITH SPECIAL PERMIT NO. 02-06, COASTAL DEVELOPMENT PERMIT NO. 99-16:

1. The site plan, floor plans and elevations received and dated August 5, 2002 shall be the conceptually approved layout with the following modifications:
 - a. The plans shall incorporate a 20-foot setback from the property line between the Helme-Worthy project property and Building F/G of the proposed project. The plan shall also include, where Building F/G adjoins the Helme-Worthy buildings along the southern property line, a 10-15-foot average upper-level setback for the third and fourth floors to create a distinct separation between the new and older buildings. (MM 3.3-3) The 20 ft. setback shall be fully landscaped with turf and trees except at the 20 ft. reciprocal access point.
 - b. The service drive shall be enclosed adjacent the southerly property line of the Helme-Worthy site with compatible materials, except at the 20 ft. reciprocal access point, and shall have an attached trellis with vine landscaping treatment.
 - c. A 20 ft. reciprocal access drive shall be provided from the service drive to the Helme-Worthy site. The service drive shall be designed for two-way traffic to the eastern edge of the reciprocal access drive.
 - d. The 7.5 ft. vacated to the Helme-Worthy site shall be designed to provide a landscaped planter with an 8 ft. high wall along the easterly property line adjacent to the 15 ft. one-way easement at Walnut Ave. The landscaped planter and wall shall be constructed along the entire length of the eastern edge and designed to comply with any necessary vision clearance and setbacks requirements from Walnut Ave.
 - e. An 8 ft. high wall shall be constructed along the entire southerly property line of the Helme-Worthy site. The design shall comply with any necessary vision clearance and setbacks requirements from Sixth Street and the point of intersection at the easement.
 - f. Incorporate a minimum three ft. ground floor setback for all portions of first floor buildings (A & D) abutting alleys. Setbacks above the ground floor may cantilever to a zero ft. (0 ft.) setback.
 - g. Incorporate an additional 2.5 ft. setback for buildings (A, D, E) fronting 5th Street to provide additional sidewalk space for outdoor dining (minimum 10 ft. width) and public open space

purposes. The upper levels shall maintain their setbacks and terraces to maintain the integrity of the architectural upper level design.

- h. The hotel (Bldg. G) square footage shall be reduced or additional parking shall be provided to reflect compliance with the Block A Existing and Proposed Development table in the Kaku Associates study dated September 27, 2000.
- i. The two-level subterranean public parking structure, ramps, and all required parking spaces and striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. The applicant shall analyze to the satisfaction of the Public Works Department that the proposed parking lot access and loading configuration will operate satisfactorily. The close proximity of the service drive and the parking garage access must be separated. **(PW -Code Requirement)**
- j. Depict all utility apparatus and cabinets, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in any setback and shall be screened from view. No above ground utility cabinets of any kind shall be located in any sidewalk or block pedestrian access **(Code Requirement)**
- k. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing screening must be submitted for review and approval with the application for building permit(s). **(Code Requirement)**
- l. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
- m. The maximum separation between building wall and property line shall not exceed two (2) inches. Buildings designed to be located near to property line(s) must have their exterior wall adjacent to the property line(s) designed for 2" maximum out of plane displacement resulting from prescribed lateral forces specified by the Uniform Building Code. Maintenance agreement may be required for any zero lot line construction.
- n. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations. The lighting for the tower shall be within the tower element and shall not spill onto adjacent properties.
- o. The driveway entrances shall have textured and colored pavement (behind sidewalk on private property) for a depth of 8 ft.
- p. The public access drive from Sixth Street to Walnut Avenue shall include adequate access and turning room for disposal collection vehicles, including 55-foot to pickup and drop-off containers

on a straight shot, a minimum turning diameter of 86-feet and total height for lift operations and clearance. (MM 3.8-3)

- q. Building C of the proposed project shall incorporate ground level and second story design features of the Ocean View Promenade Structure and, to the extent feasible, of the building containing El Don Liquors. These features shall include, but not be limited to, windows, textures, and roofing and lighting materials. Prior to issuance of a grading permit, the revised project design concept shall be review by the City Design Review Board for architectural and scale compatibility with the El Don Liquors structure. (MM 3.3-2)
 - r. To the extent feasible, the Applicant shall use non-reflective facade treatments, such as matte paint or glass coatings. (MM 3.1-2)
 - s. The new buildings within the project site shall use light-colored roof materials to reflect heat and reduce energy demand and associated emissions. (MM 3.2-9)
2. Prior to issuance of demolition permits, the following shall be completed:
- a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
 - f. A truck hauling and routing plan for all trucks involved in asbestos removal and demolition of the existing structures shall be submitted to the Department of Public Works and approved by the Director of Public Works.
 - g. The applicant shall disclose the method of demolition on the demolition permit application for review and approval by the Building and Safety Director.
 - h. Pursuant to Section 65590 of the California Government Code, the applicant shall submit a plan for replacement of any existing residential units occupied by persons and families of low or moderate income that are converted or demolished as a result of this project for review and approval by the Planning Department.

3. The following conditions shall be completed prior to issuance of a grading permit:
- a. Separate plans for demolition and removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations, rough grading, and precise grading, shall be prepared by a Licensed Civil Engineer, and be submitted to the Public Works Department for review and approval. **(PW)**
 - b. The grading plan prepared for the proposed project shall contain the recommendations included in the Preliminary Geotechnical Investigation for Blocks 104/105, City of Huntington Beach Redevelopment, Westerly of Pacific Coast Highway and Main Street, City of Huntington Beach, California prepared by Leighton and Associates, dated May 22, 2000. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, seismic design features, excavation stability and shoring requirements, lateral earth pressure, foundation design, concrete slabs and pavements, cement type and corrosion measures, surface drainage, trench backfill, plan review, and geotechnical observation and testing of earthwork operations. **(MM 3.4-1)**
 - c. The final grading and foundation plans shall be reviewed by the project geotechnical consultant and the City of Huntington Beach Public Works Department to verify that the preliminary recommendations provided in this report are applicable. **(MM 3.4-2)**
 - d. Southern California Edison, Verizon, The Gas Company and Time Warner shall be contacted to remove their facilities from the existing alleys. The utilities shall be undergrounded. Utilities in the alley serving Lots 22, 24, 26 and 28 of Block 105 shall be reconfigured/relocated. **(PW)**
 - e. Street Improvement Plans, per City of Huntington Beach standards, for Fifth and Sixth Streets and Walnut Avenue shall be prepared by a Licensed Civil Engineer, and submitted to the Public Works Department for review and approval. The following improvements shall be shown on the plans: **(PW)**
 - f. Fifth Street improvement plans shall be in accordance with the tentative tract map, these conditions of approval and approved Parking Access and Valet Parking plans. The plan shall include a minimum 24-foot wide roadway for public access and 9-foot wide valet turnout areas. The curb return radius at Fifth Street at Pacific Coast Highway and Fifth Street at Walnut Avenue shall be 35-feet. Curb returns shall have ADA compliant access ramps. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Additional modifications may be required to gain Caltrans approval for improvements at Pacific Coast Highway. **(PW)**
 - g. Removal of curb, gutter, sidewalk, paving and base aggregate as required along Fifth Street frontage. Replace with new curb, gutter, sidewalk and paving structural section. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
 - h. Remove and replace the existing alley drive approach in Fifth Street with an ADA compliant alley driveway approach. Improvements shall also match the Abdelmuti/Ocean View Promenade project. **(PW)**
 - i. Remove and replace curb, gutter, sidewalk, driveways, alley driveway and half-street paving along the Sixth Street frontage. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Curbs shall be painted red to prohibit parking as directed by the Transportation Manager. **(PW)**
 - j. Remove the existing driveway on Sixth Street, located on Lot 22 and replace with curb, gutter and sidewalk. Remove and replace half street paving on Sixth Street and Walnut Avenue adjacent to Lots 22, 24, 26, and 28. The southeast corner of Sixth Street and Walnut Avenue shall be ADA compliant with an access map. **(PW)**

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- k. The curb return radius at Sixth Street at Pacific Coast Highway and Sixth Street at Walnut Avenue shall be 35-feet. Curb returns shall have ADA compliant access ramps. Additional modifications may be required to gain Caltrans approval for improvements at Pacific Coast Highway. (PW)
- l. A new catch basin and lateral on Sixth Street at Pacific Coast Highway sized to intercept the 100-year storm event. The existing catch basin and lateral on Main Street between Walnut Avenue and Pacific Coast Highway shall be removed and a new manhole installed. (PW)
- m. Portions of Sixth Street adjacent to driveways and intersections between Pacific Coast Highway and Walnut Avenue shall be red curbed as directed by the Transportation Manager. (PW)
- n. Remove and replace curb, gutter, sidewalk and half-street paving along the Walnut Avenue frontage. Improvements shall also match the Abdelmuti/Ocean View Promenade project. (PW)
- o. The intersection of Fifth Street and Walnut Avenue shall be redesigned to eliminate the existing corner cross drains. (PW)
- p. Curb returns at Fifth Street and Walnut Avenue and Sixth Street and Walnut Avenue shall have ADA compliant access ramps. (PW)
- q. Remove and replace the two existing alley approaches on Walnut Avenue with ADA compliant alley driveways approaches. Improvements shall also match the Abdelmuti/Ocean View Promenade project. (PW)
- r. Pavement for half-width of existing alley including the center concrete v-gutter, plus pavement for 4.5-feet of additional alley dedication along the easterly property line and the southerly property line between Pacific Coast Highway and Walnut Avenue, easterly of Fifth Street. (PW)
- s. The truck access driveway entry off Sixth Street shall be a minimum of 24-feet in width, with an ADA compliant driveway approach and able to accommodate outbound vehicles from Lot 22 of Block 105. The Transportation Manager shall approve the width of the reciprocal access driveway, upon submittal of truck turning templates for the driveway. The width of the drive aisle shall also accommodate egress traffic from Lot 22 of Block 105 and eastbound trucks. (PW)
- t. Remove curb, gutter, sidewalk and all driveways along the Pacific Coast Highway frontage including the El Don Liquor site (lots 7, 8, and a portion of 9, block 104) and replace with curb, gutter and sidewalk. Improvements shall also match the Abdelmuti/Ocean View Promenade project. Newly constructed curbs shall be painted red. If necessary, Pacific Coast Highway shall be repaved per Caltrans requirements. Plans shall be per Caltrans standards and submitted concurrently to the City and Caltrans for approval. (PW)
- u. A separate signing and striping plan for Fifth and Sixth Streets and Walnut Avenue, shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to Public Works Department for review and approval. The plans shall address the truck access in Block 105 for one-way traffic along the easterly boundary of Lots 22, 24, 26, and 28 of Block 105. The plans shall be prepared according to the Signing and Striping Plan Preparation Guidelines. A separate signing and striping plan for Pacific Coast Highway per Caltrans standards and submitted concurrently to the City and Caltrans for approval. The plans shall incorporate appropriate provisions as required to gain any necessary Caltrans approvals. (PW)
- v. Street lighting plans for all streets adjacent to the project, shall be prepared by a Licensed Civil or Electrical Engineer, and be submitted to Public Works Department for review and approval. Lighting shall be per the Downtown Specific Plan, and the City of Huntington Beach guidelines. Street lighting calculations shall be provided to support the design. (PW)

- w. Street lighting on Fifth Street shall be removed completely from Walnut Avenue to Pacific Coast Highway. (PW)
- x. New street lighting for Fifth Street shall be operated and maintained by the Developer as provided in the CC&Rs. (PW)
- y. New street lighting for Sixth Street and Walnut Avenue shall be owned and operated by Southern California Edison. (PW)
- z. New street lighting for Pacific Coast Highway shall be owned and operated by Southern California Edison and shall be prepared to Caltrans standards. (PW)
- aa. Depict sewer mains, manholes and laterals existing and proposed on plan and profile sheets. All sewer improvements proposed within Caltrans right-of-way will be subject to their review and approval. Sewer mains shall be within public easements. The sewer plan shall address grease traps and accessibility for pumping and maintenance. (PW)
- bb. New sewer and water mains in the alleys behind Lot 22 of Block 105 alley east of the project. (PW)
- cc. Separate, new domestic meter(s) and service(s) sized to meet the minimum requirements set by the California Plumbing Code shall serve the proposed development. The service laterals shall be a minimum of two-inches in size. The development shall be master-metered to the fullest extent possible. The quantity of public water meters shall be minimized. Sub-metering with private water meters is allowed. (PW)
- dd. Fire service(s) shall be separate from the domestic service and sized to meet the minimum requirements set by the Uniform Fire Code, and shall include an appropriate backflow protection device. (PW)
- ee. Separate backflow protection devices shall be installed, per Water Division standards for domestic water service, irrigation and fire water services. (PW)
- ff. The public water system and appurtenance shall be located within the public right-of-way or within a public easement dedicated to the City. (PW)
- gg. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). Any rare species of trees identified on-site shall be preserved to the greatest extent possible. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (PW)
- hh. The existing public water pipelines located within the proposed project area shall be removed per Water Division standards. The existing water services to the buildings for these lines shall be maintained. The pipelines to be relocated include the following: (PW)
 - i. Approximately 500 LF of 6-inch pipeline located in the alley approximately 150 feet north of and parallel with Pacific Coast Highway.
 - ii. Approximately 200 LF of 12-inch pipeline in Fifth Street.
 - iii. Approximately 250 LF of 8-inch/4-inch pipeline located in the alley approximately 150 feet west of and parallel with Fifth Street.

- ii. Signal modification plan for the intersection of Pacific Coast Highway and Sixth Street, as needed to accommodate corner improvements (new curb ramp, sidewalk, utility relocations, etc.). **(PW)**
- jj. All existing utilities including sewer and water shall be relocated to adjacent perimeter streets from alleys being vacated and abandoned and from Fifth Street between Pacific Coast Highway and Walnut Avenue. **(PW)**
- kk. If there are any existing water services (including fire hydrants) outside of the limits of the proposed construction, that will be impacted by the water pipeline removals as stated above; it shall be the responsibility of the applicant to coordinate and effect the relocation of these services to the proposed new water pipelines. **(PW)**
- ll. Approximately 450 LF of 8-inch pipeline in Walnut Avenue, (between Sixth Street and Main Street). **(PW)**
- mm. Approximately 900 LF of 12-inch water pipeline in Sixth Street, (between Olive Avenue and Pacific Coast Highway). **(PW)**
- nn. New fire hydrants on Pacific Coast Highway, if required by the Fire Department, shall connect to the existing 12-inch water pipeline in Pacific Coast Highway. Alternatively, the applicant may construct a new 12-inch water line (approximately 450 LF) in Pacific Coast Highway between Fifth and Sixth Streets and shall be constructed per Water Division standards (i.e., water pipeline shall NOT be constructed underneath the sidewalk and shall be a looped water system) to serve the fire hydrants.
- oo. A traffic control plan for all work within the City right-of-way and Caltrans right-of-way shall be submitted to the Public Works Department for review and approval. The City's plans shall be prepared according to the Traffic Control Plan Preparation Guidelines. Plans for Pacific Coast Highway shall be per Caltrans requirements and subject to their review and approval. **(PW)**
- pp. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect, shall be submitted to the Public Works Department for review and approval by the Park, Tree and Landscape Division. Irrigation demands shall also be submitted to ensure proper sizing of irrigation services. The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. Any existing mature trees that must be removed shall be replaced at a two to one ratio (2:1) with minimum 36 inch box trees and shall be incorporated into the project's landscape plan. The landscape irrigation system shall be designed and constructed to include a separate water line for the use of reclaimed water subject to Water Department approval.

A consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(PW-Code Requirement)**
- qq. Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Catch basins shall be grated and not have side openings. **(PW)**

- rr. To the greatest extent feasible, low flow urban runoff from the project shall be directed to a gross pollutant removal device. The developer shall incorporate Best Management Practices conforming to the requirements at the time of construction.
- ss. Gross pollutant removal devices (CDS or equivalent) for the removal of debris, sediment, oil and water separation, etc., shall be installed as part of the treatment train for the main line systems. Access to these devices for maintenance shall be provided and included within an easement to the City.
- tt. A SWPPP shall be prepared and updated as needed during the course of construction to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMPs) and other City requirements to eliminate polluted runoff until all construction work for the project is completed. The SWPPP shall include treatment and disposal of all de-watering operation flows, and for nuisance flows during construction.
- uu. A WQMP shall be prepared, maintained and updated as needed to satisfy the requirements of the adopted NPDES program. The plan shall incorporate water quality measures for all improved or unimproved phases of the project. All structural BMPs shall be sized to infiltrate, filter, or treat the 85-percentile 24-hour storm event or the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inches per hour. The WQMP shall include an extensive Association education program, including information booklets and packages for each business owner, and periodic information programs to keep owners current with WQMP practices and requirements.
- vv. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site, and shall also identify wind barriers around remediation equipment. (PW)
- ww. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, City contact (Sudi Shoja (714) 536-5517) regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. (PW)
- xx. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (PW)
- yy. A truck-staging plan shall be prepared and submitted to Public Works for approval. Staging of trucks on the streets on the perimeter of the site or within the downtown area will not be permitted. Appropriate truck staging areas shall be identified to minimize impacts to vehicle circulation, area residents and businesses. Truck staging areas identified on Pacific Coast

Highway shall be coordinated with Caltrans including obtaining any appropriate encroachment permits. (PW)

zz. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (PW)

aaa. The project developer(s) shall implement all rules and regulations by the Governing Board of the SCAQMD that are applicable to the development of the Project (such as Rule 402 – Nuisance and Rule 403 – Fugitive Dust) and that are in effect at the time of development. The following measures are currently recommended to implement Rule 403 – Fugitive Dust. These measure have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation. (MM 3.2-2)

bbb. The parking meters surrounding the project shall be removed and returned to the Beach Services Division. The cost of relocating any on-street parking meters and re-striping of on-street parking spaces shall be the sole responsibility of the applicant. All re-striping and parking meter relocation shall be subject to review and approval of the Public Works Department. (PW)

ccc. The project developer(s) shall develop and implement a construction management plan, as approved by the City of Huntington Beach, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the City of Huntington Beach: (MM 3.2-1)

i. Configure construction parking to minimize traffic interference.

ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).

iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.

iv. Consolidate truck deliveries when possible.

v. Maintain equipment and vehicle engines in good condition and in proper time as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.

vi. Use methanol- or butane-powered on-site mobile equipment instead of gasoline to the extent available and at competitive prices.

ddd. Provide a Fire Department approved Remedial Action Plan (RAP) based on requirements found in City of Huntington Beach Soil Cleanup Standard, City Specification #431-92. (FD)

eee. From the Division of Oil, Gas & Geothermal Resources (DOGGR) provide a Permit to Conduct Well Operations for all onsite active/abandoned oil wells (714) 816-6847. (FD)

fff. From the DOGGR, provide proof of a DOGGR Site Plan Review application. (FD)

ggg. Obtain a Huntington Beach Fire Department Permit to Abandon Oil Well and follow the requirements of City Specification #422, Oil Well Abandonment Process. (FD)

hhh. Installation and/or removal of underground flammable or combustible liquid storage tanks (UST) require the applicant to first obtain an approved Orange County Environmental Health Care UST permit as a prerequisite in obtaining a Huntington Beach Fire Department UST permit. (FD)

iii. Vapor extraction treatment areas may require conformance to City Specification #431, Gas Fired Appliances. (FD)

- ix. All unpaved parking or staging areas, or unpaved road surfaces shall be watered three times daily or have chemical soil stabilizers applied according to manufacturers' specifications.
 - x. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets.
 - xi. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads and used to wash off trucks and any equipment leaving the site each trip.
 - xii. Streets adjacent to the project site shall be swept at the end of the day if visible soil material is carried over to adjacent roads.
 - xiii. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.
 - xiv. Wind barriers shall be installed along the perimeter of the site.
 - xv. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding area.
 - xvi. The SWPPP, Erosion control and dewatering plans shall be revised and updated as necessary through the phases of the project. Copies of the current plans shall be maintained on-site for review by City or State inspectors. (PW)
- b. The project contractor(s) shall implement, but not be limited to, the following best management practices: (MM 3.6-1)
- i. Outdoor construction work on the project shall be limited to the hours of 7:00 A.M. to 8:00 P.M. on weekdays and Saturdays. No construction activities shall occur on Sundays or federal holidays.
 - ii. All construction equipment with a high noise generating potential, including all equipment powered by internal combustion engines, shall be muffled or controlled.
 - iii. All stationary noise generating equipment, such as compressors, shall be located as far as possible from existing houses.
 - iv. Machinery, including motors, shall be turned off when not in use.
 - v. Mobile equipment shall not be allowed to run idle near existing residences.
 - vi. Neighbors within 200 feet of major construction areas shall be notified of the construction schedule in writing prior to construction; the project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; and a telephone number for the noise disturbance coordinator shall be posted conspicuously at the construction site fence and included on the notification sent to neighbors adjacent to the site.
- c. Monitor during grading and excavation for archaeological and paleontological resources: (MM 3.3-1)
- i. The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during demolition, grading, trenching, and other excavation on the project site. Additionally, prior to project construction, construction personnel will be informed of the need to stop work on the project site until a qualified paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to

protect or scientifically remove the find. Construction personnel will also be informed of the requirement that unauthorized collection of cultural resources is prohibited.

- ii. If archaeological or paleontological resources are discovered during earth moving activities, all construction activities on the project site shall cease until the archaeologist/paleontologist evaluates the significance of the resource: in the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation. The archaeologist or paleontologist shall complete a report of the excavations and finding, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the Applicant shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, the California Coastal Commission, and the City of Huntington Beach.
- iii. In the event of the discover on the project site of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find will halt immediately and the area of the find will be protected. If a qualified archaeologist is present, he/she will determine whether the bone is human. If the archaeologist determines that the bone is human, or in the absence of an archaeologist, the Applicant immediately will notify the City Planning Department and the Orange County Coroner of the find and comply with the provisions of P.R.C. of §5097 with respect to Native American involvement, burial treatment, and reburial.

5. Prior to submittal for building permits, the following shall be completed:

- a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Planning Department for inclusion in the entitlement file.
- b. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- c. Submit for review a final parking access and valet parking program to the Departments of Planning, Public Works, and Police. The plan shall encourage the use of the 1st. level for public parking. The program shall be approved prior to final building permits or certificate of occupancy, whichever occurs first. (PW)
- d. The applicant shall provide a dedicated trash enclosure for the Helme-Worthy property on their site across from the eastern edge of the historical site in conformance with city requirements.
- e. The applicant shall relocate the utilities for the Helme-Worthy property at the eastern edge of the historical site in conformance with city requirements.
- f. Names of streets shall be submitted to and approved by the Huntington Beach Fire Department in accordance with Fire Dept. City Specification No. 409. (FD)
- g. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Department for addressing purposes. (FD)

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- h. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. **(Code Requirement)**
 - i. All venting and mechanical systems for any restaurants shall be designed and constructed to minimize potential odor impacts to the hotel and surrounding residential homes. Any external venting or mechanical equipment not screened to the satisfaction of the City shall be subject to review and approval by the Design Review Board prior to submittal of building permits.
 - j. A detailed soils analysis shall be prepared by a Licensed Soils Engineer and submitted with the building permit application. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations regarding: grading, foundations, retaining walls, streets, utilities, and chemical and fill properties of underground items including buried pipe and concrete and the protection thereof. **(BD)**
 - k. All Fire Department requirements shall be noted on the building plans. **(FD)**
6. Prior to issuance of building permits, the following shall be completed:
- a. A Grading Permit shall be issued. **(PW)**
 - b. A Mitigation Monitoring Fee of 10% of the environmental impact report cost shall be paid to the Planning Department.
 - c. A Downtown Specific Plan (SP-5) fee for new construction in the Downtown Specific Plan area shall be paid to the Planning Department.
 - d. The City Council approved Final Map shall be recorded with the County of Orange. **(PW)**
 - e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. **(PW)**
 - f. The applicant shall demonstrate the provision of two inbound lanes and one outbound lane for the proposed subterranean parking structure. **(MM 3.9-2)**
 - g. Delivery vehicles shall be restricted to vehicles the size of or smaller than a medium or small semi-trailer with a length of 50-feet. **(MM 3.9-3)**
 - h. The applicant shall submit a parking management plan, consistent with the Downtown Parking Master Plan, for review and approval by the City Planning Department. **(MM 3.9-4)**
 - i. The Applicant shall submit a Solid Waste Management Plan to the City Environmental Services Division, Public Works Department, and recycling coordinator. This plan shall discuss how the project will implement source reduction and recycling methods in compliance with existing City programs. Additionally, this plan shall include how the project will address the construction demolition-generated waste from the site. These methods shall include, but shall not be limited to: **(MM 3.8-4)**
 - i. Emphasize deconstruction and diversion planning rather than demolition.
 - ii. Provision of recycling bins for glass, aluminum, and plastic for visitors and employees of the proposed project.
 - iii. Provision of recycling bins for glass, aluminum, plastic, wood, steel, and concrete for construction workers during construction phases.

- iv. Bins for cardboard recycling during construction.
- v. Scrap wood recycling during construction.
- vi. Green waste recycling of landscape materials.
- j. The Applicant shall demonstrate that the project includes adequate access for emergency vehicles, automatic fire sprinkler systems, automatic fire alarms, properly sized elevators, and 24-hour security shall be provided. **(MM 3.8-1)**
- k. The Applicant shall consult the Huntington Beach Police Department regarding the provision of adequate Crime Prevention Design measures, and shall incorporate the Department's recommendations into the plan **(MM 3.8-2)**. The subterranean parking structure shall be reviewed for adequate lighting, location and directional signing, use of colors, and use of crime prevention design.
- l. The Final Map shall be accepted by the City Council, recorded with the Orange County Recorder and a copy filed with the Planning Department. **(Code Requirement)**
- m. Final design elevations of grading shall not vary from elevations shown on the tentative map (preliminary grading plan) by more than one (1) foot. **(PW)**
- n. For Fire Department approval, applicant must submit a site plan showing all onsite abandoned oil wells accurately located and identified by well name and API number, plus identify and detail all methane safety measures per City Specification #429, Methane District Building Permit Requirements. **(FD)**
- o. All onsite oil well abandonments must be Fire Department approved per City Specification #429, Methane District Building Permit Requirements, and all abandoned oil well document/inspection fees must be paid. **(FD)**
- p. For Fire Department approval, submit a Fire Protection Plan in compliance with City Specification 426. **(FD)**
- q. Fire access roads shall be provided in compliance with City Specification #401. Include the Circulation Plan and dimensions of all access roads. **(FD)**
- r. Fire hydrants must be installed before combustible construction begins. Shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. Indicate hydrant locations and fire department connections. Your project requires a minimum of () hydrants. **(FD)**
- s. An automatic fire sprinkler system shall be installed throughout. For Fire Department approval, plans shall be submitted to Building as separate plans for permits. **(FD)**
- t. Class III wet standpipe systems shall be utilized. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- u. Class I, Division 2 electrical installation shall be utilized. **(FD)**
- v. A subterranean air handling system will be required. **(FD)**

- w. A fire alarm system in compliance with Huntington Beach Fire Code is required. (FD)
- x. For Fire Department approval, shop drawings shall be submitted to Building as separate plans for permits. The system shall provide the following: (FD)
- Manual pulls, horns & strobes
 - Water flow, valve tamper and trouble detection
 - 24-hour supervision
- y. For Fire Department approval, food preparation fire protection systems plans shall be submitted to Building as separate plans for permits. (FD)
- z. New street or access road names must be approved by the Fire Department. Please refer to City Specification #409. (FD)
- aa. The subject property shall enter into irrevocable reciprocal driveway and access easement(s) between the subject site and adjacent (*southerly, easterly, northerly, westerly*) properties. The location and width of the reciprocal driveway easement and all easements shall be reviewed and approved by the Planning Department and Public Works Department. The subject property owner shall be responsible for making all necessary improvements to implement the reciprocal easements/driveway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. (Code Requirement)
- bb. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. Customer and employee access to all adjacent properties and businesses shall be maintained and provided to the greatest extent possible during all construction phases. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
- cc. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file.
- dd. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be reviewed and approved by the Design Review Board prior to the issuance of the first sign permit. The program shall include signs directing the general public to the public open space on the second level terrace. The signs shall also be located at the terrace level indicating that the terrace is for public open space purposes.
- ee. The applicant shall plan to identify a location within the city for the replacement of low and moderate income unit(s) displaced by the project. Said plan shall comply with Section 33413.5 of the California Community Development Law. The displaced unit(s) must be replaced within four years of approval of this conditional use permit. The replacement unit(s) must remain available at an affordable housing cost of low and moderate income persons for the duration of the

redevelopment plan. The plan shall be approved prior to the first certificate of occupancy request for the project.

- ff. The applicant shall contact the property owner(s) of the residential units across Sixth Street from the entrance/exit to the subterranean parking structure to attempt to mitigate the car headlights impacting the residential units. To the greatest extent possible, the applicant shall work with the property owner(s) to develop a plan in conformance with the DTSP for landscaping and/or any other means to screen the lighting impacts of vehicles leaving the parking structure. The plan shall be submitted to the Planning Department for review and approval. In the event no plan is acceptable to the property owner(s), the applicant shall seek written confirmation from the property owner(s) and submit the letter to the Planning Department.
- gg. The Design Review Board shall review and approve the following:

- 1) Final elevation and site layout details on colors, materials, design, and architectural concepts upon Planning Commission action. In comparison to the conceptually approved architecture and layout of the site plan, floor plans, building elevations, colors and materials received and dated January 9, 2002, supplemental plans and information dated March 4, 2002, and onion skin drawings presented at the June 13, 2002 Design Review Board meeting.

- 2) A public art element shall be integrated and be in a publicly accessible place within the proposed project. Public art shall include art of:

- Artistic excellence and innovation,
- Appropriate to the design of the project,
- Reflective of the community's cultural identity, (ecology, history, society).

The public art element shall be reviewed and approved by the Design Review Board, the Community Development Director, and the Cultural Services Division Manager prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final inspection.

- 3) The landscape and public improvement plans shall be reviewed for approval. The public improvements are required to be consistent with the Oceanview Promenade site.

- 4) The subterranean parking structure shall be reviewed for crime prevention design and incorporation of the improvements identified in condition #6 k.

7. 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. Complete all improvements as shown on the Grading and Improvement plans. (PW)
- b. The applicant shall restripe the eastbound approach to provide a second eastbound turn lane at the Brookhurst Street/Pacific Coast Highway intersection, subject to review and approval by the City's Public Works Department. (MM 3.9-1)
- c. The applicant shall develop an on-site signage program to clearly identify parking opportunities, to direct vehicles to the subterranean parking structure, and to guide patrons to pedestrian access points and elevators within the project. (MM 3.9-6)

ATTACHMENT NO. 5.26

- d. The applicant shall provide a Landscape License Agreement for maintenance of all landscaping within the public rights-of-way. **(PW)**
- e. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- f. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- g. All agreements, CC&Rs, covenants and transfers shall be reviewed, executed and completed. **(PW)**
- h. Condominium plans in conformance with the requirements of the Department of Real Estate and other appropriate agencies shall be submitted for review and approval by the City. All airspace and structures to be owned shall be delineated with bearings and distances for all ownerships described, and shall show relationships to property lines and adjacent ownerships and structures. **(PW)**
- i. If the applicant intends to have outdoor dining affecting the public right-of-way, Public Works Department will need to review a plan with the proposal.
- j. Existing street tree(s) to be inspected by the City of Huntington Beach, Park, Trees and Landscape Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. **(PW)**
- k. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. **(PW)**
- l. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. **(PW)**
- m. Automatic sprinkler systems shall be installed throughout. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. **(FD)**
- n. Address numbers shall be installed on structures to comply with Fire Dept. City Specification 428. **(FD)**
- o. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads. Fire lanes will be designated and posted to comply with Fire Dept. City Specification No. 415. **(FD)**
- p. The project will comply with all provisions of the Huntington Beach Fire Code and Fire Dept. City Specification Nos. 422 and 431 for the abandonment of oil wells and site restoration. **(FD)**
- q. The project will comply will all provisions of Huntington Beach Municipal Code Title 17.04.085 and Fire Dept. City Specification No. 429 for new construction within the methane gas overlay districts. **(FD)**

- r. Security gates shall be designed to comply with City Specification #403. (FD)
- s. All project pool areas must have a KNOX access installed on the entry gates. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411. (FD)
- t. Fire extinguishers shall be installed and located in areas to comply with HBFC standards found in City Specification #424. (FD)
- u. Address numbers shall be installed to comply with City Specification # 428. (FD)
- v. Exit signs and exit path markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Low level exit signs will be included. (FD)
- w. Service roads and fire access lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415. If fire lane violations occur and the services of the Fire Department are required, the applicant will be liable for expenses incurred. (FD)
- x. Solar or low-emission water heaters shall be installed in all new buildings within the project site to reduce energy demand and associated emissions. (MM 3.2-3)
- y. Built-in energy-efficient appliances shall be provided in all new buildings within the project site to reduce energy demand and associated emissions. (MM 3.2-4)
- z. Air conditioners installed in all new buildings within the project site shall be energy-efficient and shall have automated controls to reduce energy demand and associated emissions. (MM 3.2-5)
- aa. Double-glass-paned windows shall be installed in new buildings within the redevelopment area to reduce energy demand and associated emissions. (MM 3.2-6)
- bb. Lighting installed in new buildings within the project site shall be energy-efficient and shall have automated controls to reduce energy demand and associated emissions. (MM 3.2-7)
- cc. The new buildings within the project site shall exceed Title 24 wall and attic insulation requirements by at least 5 percent to reduce energy demand and associated emissions. (MM 3.2-8)
- dd. The proposed project shall include flatwork design and structural BMPs to isolate contamination from the disposal bins and direct any runoff from the disposal area into a sanitary drain with a trash separator, an oil and grease separator, and/or other filtration system as required to meet water quality standards. (MM 3.4-3)
- ee. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department. (PL)
- ff. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

ATTACHMENT NO. 5.28

8. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. All applicable requirements of Condition of Approval No. 3A, i-xvi shall apply during this phase of activity. In addition the following shall apply:
 - i. Comply with the "Water Quality Management Plan" requirements. **(PW)**
 - ii. Truck idling shall be prohibited for periods longer than 10 minutes.
 - iii. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - iv. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - v. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. **(PW)**
 - vi. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - vii. Discontinue operation during second stage smog alerts.
 - viii. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - ix. Compliance with all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(Code Requirement)**
 - b. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**
 - c. Fire hydrants must be installed before combustible construction begins. Prior to installation, shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. **(Fire Dept. City Specification 407) (FD)**
 - d. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Public Works Department.
 - e. The property owner is responsible for all required clean up of off-site dirt, pavement damage and/or restriping of the public rights-of-way as determined by the Public Works Department.
 - f. An Encroachment Permit is required for all work within the City's right-of-way.
 - g. An Encroachment Permit is required for all work within Caltran's right-of-way.
 - h. 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.

- i. Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. 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 Huntington Beach Zoning and Subdivision Ordinance.

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall not become effective until the ten calendar day appeal period has elapsed or until the ten working day appeal period has elapsed for the coastal development permit. Because the project is located in the appealable area of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
2. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall become null and void unless exercised within two years (Tentative Tract Map No. 16406) of the date of final approval which is October 4, 2004 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.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
6. Traffic Impact Fees shall be paid at the time of final inspection or issuance of a Certificate of Occupancy. (PW)
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
9. 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.

10. An encroachment permit shall be required for all work within the right-of-way. (PW)
11. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.
12. Outdoor dining is not permitted unless a conditional use permit for this specific use is reviewed and approved.
13. Any restaurant use (greater than 12 seats) shall require the review and approval of a conditional use permit by the Planning Commission.
14. Any outdoor dining use shall require review and approval of a conditional use permit by the Zoning Administrator. All outdoor dining shall be located adjacent to the buildings and the restaurant uses they serve and shall be provided with a metal enclosure.
15. Any proposed alcohol sales shall require the review and approval of a conditional use permit by the Planning Commission.
16. Any proposed live entertainment shall require review and approval of a conditional use permit by the Planning Commission.
17. Any proposed temporary outdoor events for 5th Street shall obtain all necessary City permits in compliance with the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance. A street closure plan shall be submitted to the Department's of Police, Fire, Public Works and Planning for review and approval prior to the closure of 5th Street as part of any event that requires the temporary closure of the street.
18. During ongoing operations of the project, the applicant shall provide valet and/or remote parking for special events and activities, and during peak summer season. (MM 3.9-5)
19. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination 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.
20. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
21. The Applicant shall use minimum light levels required for safety, and exterior lights shall be directed downwards and away from surrounding uses, onto the project site. (MM 3.1-1)
22. All applicable Public Works fees shall be paid. (PW)
23. All existing and new utilities shall be undergrounded. (PW)
24. Traffic impact fees shall be paid at a rate of \$123 per net new added daily trip. (PW)

25. All parking along the frontage of Sixth Street and Walnut Avenue may be required to be accommodated on-site to accommodate future street configurations as determined necessary by the Planning Director and Public Works Director. (PW)
26. The Mitigation Measures from Huntington Beach Redevelopment Project EIR No. 96-2 shall apply and are referenced in the Mitigation Monitoring and Reporting Program.



CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION
Economic Development Department

City of Huntington Beach

TO: Rami Talleh, Associate Planner

JUN 25 2007

FROM: Paul Da Veiga, Project Manager

DATE: June 23, 2007

SUBJECT: Conditional Use Permit No. 07-21 for alcohol sales at 155 5th Street (RA Sushi)

The Economic Development Department has reviewed the proposal and generally supports the request for alcohol sales at the subject site provided that it is in conjunction with food service. Staff recommends that food service is provided until one half hour prior to closing.

As part of the upcoming Downtown Specific Plan update, the number of alcohol related establishments in the downtown will be analyzed to determine if there is an appropriate mix of uses between restaurant, retail, office and residential uses to ensure the future success of the Downtown and to further the Strategic Plan goal of transforming the City's economy into a destination economy. The Economic Development Department will support this request for alcohol service provided that it is in conjunction with a bonafide eating establishment.

If you have any questions, please call me at x5544.

ATTACHMENT NO. 6.1



CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

TO: Rami Talleh
Planning Department

FROM: Kenneth W. Small
Chief of Police

SUBJECT: RA Sushi Conditional Use Permit (C.U.P. No. 2007-021)

DATE: June 26, 2007

RA Sushi is in a unique position in that it will be one of the first occupants of The Strand development. This restaurant will be facing Pacific Coast Highway and Huntington City Beach, where it will be clearly visible to residents, tourist, and people passing through our city.

After reviewing the contents of the application for RA Sushi's Conditional Use Permit and Planning Application, it appears that the plans sufficiently address many issues including safety and security. The only concern I have is the amount of noise that will be created when the kitchen ceases food service operations and the location becomes more of a bar-like setting.

For an on-sale alcohol permit, the California Department of Alcoholic Beverage Control requires that the licensee have regular food service between 11:00am and 2:00pm, and also between 6:00pm and 9:00pm, at least five days a week. After these hours, a licensed establishment may serve alcoholic beverages without regular food services. In the Statement of Operations provided by RA Sushi, the restaurant indicates that they will generally cease food services at 11:00pm and end bar services around 1:00am. To prevent an increase in noise after the food service ceases, I request that a condition be placed in the Conditional Use Permit that the establishment is required to have full meal services until one hour before the regular posted closing time. The only exceptions may be special events, during which they will need approval from the Huntington Beach Police Department.

The plans also indicate that the front windows, facing Pacific Coast Highway, will be capable of sliding open. To prevent unnecessary noise that may disturb the peace of neighboring residents, I would recommend that the front windows remain closed after 7:00 PM. This will also assist in maintaining a peaceful ambient noise level in this mixed-use development.

If you have any question, please feel free to contact Detective Brian Smith at X5994.

City of Huntington Beach

JUN 27 2007

ATTACHMENT NO. 7.1



City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ricky Ramos, Associate Planner *RR*
DATE: July 10, 2007
SUBJECT: 2006-2007 FLOOD MANAGEMENT PLAN ANNUAL REVIEW
LOCATION: Citywide

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The Flood Management Plan Annual Review represents a request to review the progress made over the past 12 months (July 2006 to June 2007) in implementing the recommended activities in the Flood Management Plan (FMP).

The FMP was approved by the City Council in September 2000 following a recommendation of approval by the Planning Commission. The purpose of the FMP is to identify potential flood hazards and activities to mitigate flood damage. Section 8 (Recommendation) of the FMP contains activities to reduce or mitigate flood damage. A matrix outlining the various activities, responsible departments, and status of each activity is included as Attachment No. 1.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

Not applicable.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: Not applicable
MANDATORY PROCESSING DATE(S): October 1, 2007

The request is tentatively scheduled for consideration by the Planning Commission on July 24, 2007 and by the City Council on September 4, 2007. Following city review the report must be submitted to FEMA (Federal Emergency Management Agency) by October 1 of each year as part of the annual re-certification. Failure to adhere to this deadline will jeopardize the city's participation in the flood insurance program.

This is the seventh annual review of the FMP. The Planning Commission, City Council, and FEMA have accepted each past annual review as adequate and complete. The annual review and associated activities maintain the city's good standing with FEMA.

CEQA ANALYSIS/REVIEW

The annual review is categorically exempt pursuant to Section 15306, Class 6 of the California Environmental Quality Act, which states that information collection which does not result in major disturbance to an environmental resource is exempt from any environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

Updates received to date from all responsible departments have been noted in Attachment No. 1.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

A floodplain brochure containing flood protection information is sent out annually to over 15,000 owners and occupants of property located in a flood zone. In addition, flood protection information is also published annually in the Sands. No public meetings have been held regarding this item. No comments or concerns from the public have been received to date.

PLANNING ISSUES

The Flood Management Plan Annual Review provides an update on the progress made over the past 12 months in implementing the recommended activities in the FMP. Attachment No. 1 to this report is a matrix which outlines the various activities identified in the FMP, responsible departments, and current status of each activity. The Planning Commission's role is to review the report for adequacy and completeness and to forward a recommendation to the City Council. Staff believes that the annual review demonstrates that the City continues to actively pursue implementation of the FMP.

ATTACHMENT: 2006-2007 Annual Review Matrix

Updates since the last annual review are shown as follows:
 Staff updates - bold and underlined
 (July 10, 2007)

ATTACHMENT NO. 1

July 1, 2006 – June 30, 2007 ANNUAL REVIEW Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| EH4 - Flooding | 8.1.1 - Continue to enforce and update floodplain regulations when revised by the Federal government | X | | | | | | | | | Ongoing | Floodplain ordinance continues to be enforced including submittal of flood certificates for all new or substantially improved structures within the floodplain. No new or revised regulations. |
| | 8.1.2 - Protect public facilities from flooding | | X | | | | | | | | Ongoing | The Public Works Department has an ongoing commitment to protect public facilities with all their resources. |
| | 8.1.3 - Assist managers and owners of critical facilities as listed in Section 5.4.3 to develop flood protection plans | | | X | | | | | | | Ongoing | No assistance requested to date from critical facilities. In 2005-06 the City worked with the school districts and Fountain Valley in preparing a Hazard Mitigation Plan which includes a flood component. |
| | 8.1.4 - Encourage floodproofing and retrofitting property/structures to prevent substantial flood damage and provide technical information | X | | X | X | | | | | | Ongoing | Planning and Building staff continue to provide floodproofing and technical information to the public. |
| | 8.1.5 - Continue to update, distribute, and provide flood protection information and materials | X | | X | | X | | | | | Ongoing | Up-to-date flood protection materials received from FEMA and the State Office of Emergency Services are available at city hall and on the internet. Emergency Operations Center (EOC) staff continues flood preparedness education throughout the year to neighborhoods, schools, and businesses and through the City's CERT program. |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | | |
|------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services | |
| | | | | | | | | | | | | Floodplain brochure mailed to over 15,000 property owners fall of 2006. Flood protection information is also published annually in the Sands. Library maintains flood related reference materials. | |
| | 8.1.6 - Maintain adequate flood insurance on public structures | | | | | | | X | | | | Ongoing | City maintains \$45,000,000 earth-quake/flood insurance coverage. |
| | 8.1.7 - Provide floodplain information to property and business owners, realtors, and prospective buyers and encourage flood insurance | X | | | | | | | | | | Ongoing | Letter sent to lenders, realtors and insurance agents advising that flood zone information is available from Planning Dept. Planning Dept. responds annually to 5,000+ flood zone inquiries. |
| | 8.1.8 – Maintain close liaison with nearby cities and with County, State, and Federal agencies | X | X | | | | | | X | | | Ongoing | The City has an ongoing relationship with the cities of Westminster and Fountain Valley street/engineering divisions as well as County, State and Federal agencies. Administration and Public Works staff work through League of Cities City Managers and the Orange County Council of Governments in pursuing common goals in the area of flood control. |
| | 8.1.9 – Continue to participate in the National Flood Insurance Program and Community Rating System | X | | | | | | | X | | | Ongoing | Annual CRS verification due October 1, 2007; presently City is rated Class 7 which allows flood insurance to HB property owners and residents with a reduction up to 15% on the premium. City continues to implement all FEMA design regulations on new development and substantial improvements. |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| | 8.1.10 – Continue to implement the City's emergency operation procedures as outlined in the City's Emergency Management Plan, in particular, the Flood Warning and Evacuation procedures | | | X | | | | | | | Ongoing | The EOC and Police Watch Commander constantly monitor the weather and any flood or storm threat. They are prepared to issue warnings whenever needed. The City has updated and the City Council has approved the new Emergency Operations Plan which describes alerting and warning and evacuation procedures. In 2005 the City received the StormReady designation from the National Weather Service. <u>In 2007 the City received TsunamiReady designation from the National Weather Service.</u> |
| | 8.1.11 - Continue to utilize citizen volunteers, e.g., CERT and RACES | | | X | | | | | | | Ongoing | The CERT program has 560 graduates and RACES has 75 trained and equipped communications volunteers ready to respond. This includes a CERT Sandbag Team complete with dispatchers, sandbaggers and a hotline phone number. |
| | 8.1.12 - Continue to provide a sandbag program | | X | | | | | | | | Ongoing | Sandbag filling machine is on a scheduled service program. Sand is stockpiled in the Corporation Yard year round and available to public during possible flooding events. The Fire Department's CERT volunteers have a trained Sandbag Team ready to sandbag for elderly and disabled residents when called upon. |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | | |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|--------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services | |
| | 8.1.13 – Encourage the State to modify the roadway profile of Pacific Coast Highway between Warner Avenue and Goldenwest Street to prevent street closure due to flooding | X | X | | | | | | X | | | Ongoing | Elevating of PCH where it crosses the inlet as part of the Bolsa Chica restoration reduces the chances for PCH to flood near inlet. The other unmodified portions of PCH will continue to be subject to flooding. The City continues to lobby the State to address this issue. |
| U3 - Storm Drainage | 8.2.1 - Upgrade the City's flood control system (storm drains, catch basins, pump stations, and channels) to current FEMA standards (100-year flood) and concentrate on the repetitive flood areas first | | X | | | | | | | | | October 2020 | <u>Construction to begin on storm drain projects in the consolidated redevelopment area in FY 06/07. Design and property acquisition to begin for Heil Pump Station rebuild in FY 06/07.</u> The City continues to place funding for storm water infrastructure on its federal funding agenda. The City also continues to evaluate needed flood control improvements citywide. |
| | 8.2.2 - Quarterly the City Council shall lobby the County to correct, upgrade, and maintain the County's flood control system to current FEMA standards (100-year flood) | | | | | | | | | X | | By January 2001 and quarterly thereafter | City Council works on this goal through direct contact with our County Supervisor. Improvements to the Huntington Beach and Talbert channels in southeast HB have been completed with the exception of the Huntington Beach channel section from Indianapolis to Adams which is anticipated to be completed fall 2007. Upon completion of that last segment the County will finalize its application for a map amendment. FEMA determination anticipated to take at least one to two years. |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| | 8.2.3 - Evaluate existing street conditions for replacement and/or installation of facilities to allow proper conveyance of storm flows to the city's flood control systems | X | | | | | | | | | January 2010 | <u>Newland Street widening project will include new storm drain to alleviate area flooding.</u> Other streets will be considered as part of 8.2.5. |
| | 8.2.4 - Maintain the City's flood control system and continue biannual inspection and cleaning of City's flood control system | X | | | | | | | | | Ongoing | Public Works implements a regularly scheduled maintenance program for the City's drainage system. At a minimum, all City-owned flood control channels are inspected twice a year and cleaned if needed. At a minimum, all catch basins are inspected yearly and cleaned if needed. |
| | 8.2.5 – Update the City's Master Plan of Drainage to evaluate the effectiveness of the City's flood control system | X | | | | | | | | | 2005 | Master Plan of Drainage (MPD) Update was completed in FY 04/05. |
| | 8.2.6 - Lobby the federal, state and county governments to study, pursue and expand the wetlands from Beach Blvd. to Brookhurst St. for floodwater mitigation | X | X | | | | | | X | | Ongoing | In addition to direct City contact with our county, state, and federal legislators, the City utilizes lobbyists at the state and federal levels to help in securing funding for this purpose. The City also actively supports the successful efforts of the HB Wetlands Conservancy in soliciting state money to acquire and restore wetlands between Newland St. and the Santa Ana River. In addition to an 8-acre Caltrans sand dune property along PCH that has been previously acquired, the HB Wetlands Conservancy anticipates acquiring a 17-acre UC Riverside property near |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| | 8.2.7 - Evaluate and upgrade open areas, e.g., Meadowlark Golf Course, Central Park, Good Shepherd Cemetery to eliminate offsite drainage and subsequent impact to private property. | | X | | | | | | | | Ongoing | Good Shepherd Cemetery has been conditioned to construct on-site detention and drainage facilities to replace the removal of the existing drainage swales. <u>The hydrology/hydraulic study for Good Shepherd is currently under review. Upon approval of the study and grading plan, construction will begin. There is no construction date yet.</u> |
| | 8.2.8 - Continue to support reconstruction of deteriorating seawalls | X | | | | | | | | | Ongoing | Planning staff continues to prepare CEQA documentation for seawall repair as requested by applicants. |
| | 8.2.9 - Pursue funding from County, State and Federal agencies | | X | | | | | X | | | Ongoing | The City continues to seek Federal funding to improve flood control infrastructure. In 2005-06 the City in conjunction with Fountain Valley and the school districts prepared a Hazard Mitigation Plan to allow these jurisdictions to be eligible for pre-disaster mitigation grants. |
| | 8.2.10 - Develop and support new funding sources to help accomplish drainage goals | | X | | | | | X | | | Ongoing | In addition to the efforts of lobbyists, the city supports legislation that will achieve this goal. |
| | 8.2.11 - Continue to participate in County watershed studies and programs | | X | | | | | | | | Ongoing | See 8.1.8 |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|---------------|-----------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| EH5 - Tsunami | 8.3.1 - Update the Tsunami Emergency Operation plan, Operations Plan 2, as needed | | | X | | | | | | | Ongoing | <u>A Tsunami Incident Action Plan was completed in 2007 and EOC and Public Safety Managers have been trained on the plan. A countywide Tsunami Exercise was conducted in March 2006.</u> |
| | 8.3.2 - Continue to provide tsunami warning to the community | | | X | | | | | | | Ongoing | The Police Watch Commander (alerting point for the city) and the EOC are prepared to issue tsunami warnings. This capability has been expanded to include weather radios in the Watch Commander, Battalion Chief, Marine Safety and EOC Offices and to enhance our electronic email warning systems. <u>In 2007 the Fire Department upgraded and automated its warning sirens which are located at seven fire stations. The Police Department has a contract with a reverse 9-1-1 type telephone warning system called American Emergency Notification (AEN).</u> |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|-----------------------------|-----------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| | 8.3.3 - Educate the public regarding the potential threat of a tsunami | | | X | | | | | | | Ongoing | At outreach seminars the EOC provides the public with information on a tsunami threat and what residents should do if a tsunami warning is issued. In addition a Hazard Analysis was completed for schools identifying which should prepare for tsunamis. A Hazard Mitigation Plan was developed and one of the six hazards included is tsunami. The City Council, State OES, and FEMA have approved the plan. A Tsunami Education Campaign was started in 2007 sending 21,000 letters to residents in the tsunami area. Booths are set up monthly to hand out tsunami and flood preparedness info to the public. |
| ERC2 - Biological Resources | 8.4.1 - Implement best management practice plans and National Pollution Discharge Elimination Plans | X | X | | | | | | | | Ongoing | As applicable, zoning entitlements include a condition of approval requiring NPDES plans to be submitted to and approved by Public Works prior to issuance of building permits and/or grading permits. Staff is continuously developing and implementing Best Management Practices where appropriate for both new and existing development as well as city owned properties. |
| | 8.4.2 - Investigate and install in-line wetlands in drainage courses wherever feasible | | X | | | | | | | | Ongoing | Several potential areas have been identified in the City. Staff is working with County, Army Corps, Orange County Water District, Fish and Wildlife, Fish and Game, Water Board, and |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services |
| | | | | | | | | | | | | environmental non-profit organizations to evaluate feasibility and funding. Partial funding has been obtained from the State for Talbert Lake diversion project <u>phase I and II, and the Irby Park urban runoff treatment project.</u> |
| | 8.4.3 - Prohibit filling of wetlands except as allowed by the General Plan | X | | | | | | | | | Ongoing | Filling of the Waterfront residential wetland parcel at Beach and Pacific Coast Highway was prohibited as part of the development project. The wetland parcel is owned by the Redevelopment Agency and has a conservation easement in place. |
| | 8.4.4 – Encourage the State to maintain the coastal dunes adjacent to the Bolsa Chica wetlands and in the Huntington Beach wetlands to better protect the areas from storm surges | | | | | | | | | X | Ongoing | Community Services Dept. will be reviewing this activity to determine what can be done to further implement it. |
| | 8.4.5 – Continue the Coastal Conservation District zoning on the wetlands | X | | | | | | | | | Ongoing | There was no change to Coastal Conservation District zoning on wetlands. |
| EH2 - Erosion | 8.5.1 – Establish building setbacks from all slopes including mesa and bluff edges | X | | | | | | | | | 2010 | Zoning Text Amendment to be pursued. |
| | 8.5.2 – Participate in the bluff (between Goldenwest and Seapoint Streets) erosion study and implement recommendations | | X | | | | | | | | Ongoing | Army Corps of Engineers completed feasibility study in December 2004 and concluded that they would not pursue the project. |
| LU14 - Open Space | 8.6.1 - Limit construction in existing open space areas only to necessary structures such as | X | | | | | | | | | Ongoing | Only beach activity support structures were constructed on south beach area |

July 1, 2006 – June 30, 2007 ANNUAL REVIEW
Flood Management Plan Recommended Activities

| Goal | Activity | Responsible Department | | | | | | | | Schedule | Status | | |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------|------|----------|---------|-------------------------|----------------|--------------|----------|--------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Planning | Public Works | Fire | Building | Library | Administrative Services | Administration | City Council | | | Community Services | |
| | restrooms, picnic shelters | | | | | | | | | | | | between Huntington and First St. |
| | 8.6.2 – Evaluate the possibility of the City purchasing surplus school sites to allow playfields to remain as open areas and provide for floodwater retention areas | | | | | | | | | X | | | Quarterly meetings are held between the school districts and City to discuss use of school properties. In 2005 the City purchased 6 acres at Wardlow School and 2.6 acres at Lamb School from the Fountain Valley School District. |
| HCR1 - Historical Resources | 8.7.1 - Encourage property owners to floodproof historical structures | X | | | | | | | | | | Ongoing | Letters sent June 2004. Addition to St. Bonaventure received Letter of Map Revision Based on Fill removing the structure from the flood zone. |
| | 8.7.2 - Encourage property owners of historical structures to maintain adequate flood insurance | X | | | | | | | | | | Ongoing | Letters sent June 2004. Property owners have not changed since the letter was sent in 2004. |



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ron Santos, Associate Planner 
DATE: July 10, 2007

SUBJECT: CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING)

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

PROPERTY

OWNER: Richard Harlow, 211-B Main St., Huntington Beach, CA 92648

LOCATION: 211 Main St., 92648 (northwest side of Main St., between Olive Ave. and Walnut Ave.)

STATEMENT OF ISSUE:

The applicant is requesting that Conditional Use Permit No. 07-017 be continued to the July 24, 2007 Planning Commission meeting. The continuance is requested in order to allow the applicant time to re-view information from the Police Department and address other issues raised by the Planning Commission at the June 26, 2007 study session, prior to action being taken on the application.

RECOMMENDATION:

Motion to:

“Continue Conditional Use Permit No. 07-017 to the July 24, 2007 Planning Commission meeting with the public hearing open.”

ATTACHMENT:

Applicant's continuance request, received and dated June 28, 2007

MICHAEL C. ADAMS ASSOCIATES

June 27, 2007

Ron Santos
Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Conditional Use Permit No. 2007-017
Sharkeez Sports Bar and Grill, 211 Main Street

Dear Mr. Santos:

Sharkeez owners respectfully request a continuance of the July 10, 2007 Planning Commission public hearing date to their next meeting scheduled for July 24, 2007. This will allow us an opportunity to review the information from the Police Department and address other concerns raised by the Planning Commission. The fee for the continuance is enclosed.

If you need any additional information, please call me at (714) 374-5678.

Sincerely,



Mike Adams
Michael C. Adams Associates

cc: Jordan Cressman, Sharkeez
Dick Harlow, property owner

City of Huntington Beach

JUN 28 2007



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Jill Arabe, Planning Aide *JA*
DATE: July 10, 2007

SUBJECT: APPEAL OF DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002 (AOUIZERAT PROPERTY)

APPLICANT: Margaret Van Herk, 9121 Atlanta Avenue #537, Huntington Beach, CA 92646

APPELLANT: Keith Bohr, Council Member

PROPERTY

OWNER: Gilles Aouizerat, 17912 Gothard Street, Huntington Beach, CA 92647

LOCATION: 526 Main Street, 92648 (east side of Main St., between 6th St. and Acacia Ave.)

STATEMENT OF ISSUE:

- ◆ Design Review No. 07-010 and Planned Sign Program No. 07-002 request:
 - To install three business identification channel letter wall signs on the residential portion of a two-story mixed use building within the Downtown Specific Plan.

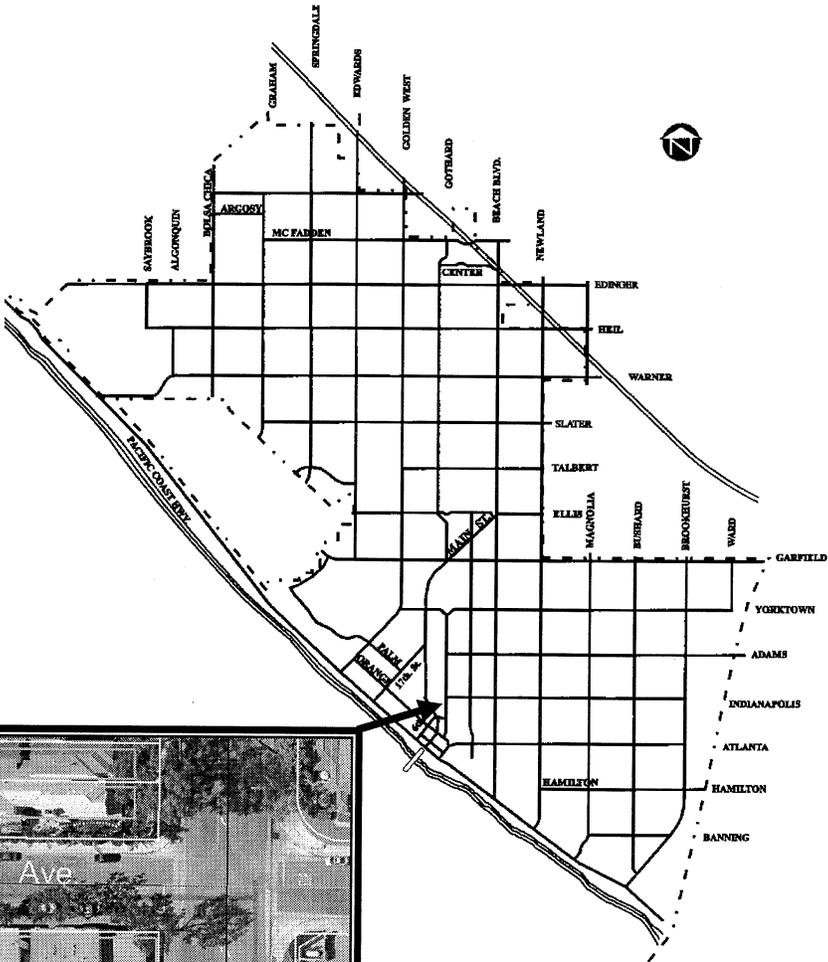
- ◆ Appeal of Design Review Board's approval of the above entitlements:
 - Concern over the location of the wall signs on the second-story above the residential windows instead of the ground floor retail windows; and
 - Concern regarding the size and materials of the wall signs as they relate to the building.

- ◆ Staff's Recommendation:

Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 based upon the following:

 - The proposed signs are compatible with and complement the design of the building.
 - The proposed signs would help identify and promote the businesses in the building without being obtrusive to the residents on the second floor.
 - The proposed planned sign program is consistent with the General Plan, the Downtown Specific Plan, Design Guidelines, and HBZSO.

**PROJECT
SITE**



VICINITY MAP
DESIGN REVIEW NO. 07-010
PLANNED SIGN PROGRAM NO. 07-002
(AOUIZERAT PROPERTY - 526 Main Street)

RECOMMENDATION:

Motion to:

“Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 with suggested findings and conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Approve Design Review No. 07-010 and Planned Sign Program No. 07-002 with suggested findings and conditions of approval.” (*Applicant’s request*)
- B. “Deny Design Review No. 07-010 and Planned Sign Program No. 07-002 with findings for denial.”
- C. “Continue Design Review No. 07-010 and Planned Sign Program No. 07-002 and direct staff accordingly.”

PROJECT PROPOSAL:

Design Review (DR) No. 07-010 represents a request to review signs proposed for a mixed use building located within the Downtown Specific Plan pursuant to Section 233.04.E.2 of the HBZSO.

Planned Sign Program (PSP) No. 07-002 represents a request to adopt a planned sign program, pursuant to Section 233.04.B.7 of the HBZSO that will allow for the installation of wall signs on a building wall not adjacent to a business suite for a mixed use building consisting of two commercial units and four residential units.

The commercial units are located on the first floor with one unit along Main Street and another located in the rear of the building along the alley. The residential units are located on the second floor. The planned sign program approved by the Design Review Board (DRB) would allow for two non-illuminated channel letter wall signs on the second floor of the building facing west toward Main Street, one for each of the commercial units, and one sign on the second floor facing south toward a parking lot for the commercial unit in the rear. The front and rear commercial units are occupied by Pacific Stone Design and HB Skin Spa, respectively.

Background:

The two-story building was previously occupied by a liquor store on the first floor and four residential units on the second floor. Signage for the commercial unit consisted of cabinet signs occupying wall space on the upper level. In October 2004, the DRB approved a façade remodel for the building. In 2005, interior improvements divided the first floor into two separate units with the additional tenant to occupy the rear of the building.

Appeal:

The DRB's approval of DR No. 07-010 and PSP No. 07-002 was appealed to the Planning Commission by City Council Member Keith Bohr for reasons stated in an appeal letter dated June 4, 2007 (Attachment No. 8). The reasons for the appeal are listed below:

- ◆ Concern over the location of the wall signs which are on the second-story level above the residential windows instead of the ground floor retail windows; and
- ◆ Concern regarding the size and materials of the wall signs as they relate to the building.

ISSUES:

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

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------|
| Subject Property | M-F11/25-sp-pd (Mixed Use – 2.0 max. Floor Area Ratio – 25 du/ac max. – Specific Plan Overlay – Pedestrian Overlay) | SP5 – CZ (Downtown Specific Plan – District 6: Mixed Use – Coastal Zone) | Mixed Use (Retail/Residential) |
| North of the Subject Property | M-F11/25-sp-pd | SP5 – CZ | Art Center |
| South of the Subject Property | M-F11/25-sp-pd | SP5– CZ | Restaurant |
| West of the Subject Property (across Main St) | P (Public) | SP5– CZ | Library |
| East of the Subject Property | M-F11/25-sp-pd | SP5– CZ | Mixed Use (Retail/Residential) |

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is mixed use. 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 15.2: Promote the establishment of commercial and mixed-use districts characterized by high levels of pedestrian activity.

Mixed use developments are permitted in the downtown area for purposes of encouraging pedestrian activity. The proposed signage complements the remodeled building and assists pedestrians to locate businesses within the diverse downtown environment.

B. Urban Design Element

Policy UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district.

The proposed signage will help promote business and therefore encourage pedestrian-oriented commercial activity further north along Main Street.

Zoning Compliance:

This project is located in SP5 (Downtown Specific Plan). The proposed signs comply with applicable requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and the Downtown Specific Plan. The HBZSO permits wall signs on a building wall not adjacent to a business suite through the adoption of a planned sign program.

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter Five, Downtown/Main Street Commercial. The planned sign program complies with the downtown sign criteria in design, compatibility, and size standards. The signs effectively communicate their message, advertising businesses on-site and visually drawing attention to the overall project design. The colors match the building exterior with dark letters visually set against the light background. The typefaces are subject to landlord and City approval as determined appropriate for the business and building. The signs complement the building in rhythm, scale, and proportion. The business identification signs comply with sign standards for maximum number and sign area. The placement of signs above the second-story windows is appropriate given the unique building façade and first floor layout. Non-illuminated signs are not intrusive to the residents on the second-story level.

Environmental Status:

The proposed project is categorically exempt pursuant to Section 15311, Class 11 of the California Environmental Quality Act which states that construction or placement of on-premise signs accessory to existing facilities is exempt from further environmental review.

Coastal Status:

The request is exempt from coastal development permit requirements, pursuant to Section 245.10(E.1) – Categorical Exclusions.

Redevelopment Status:

The project is located within the Main-Pier Redevelopment Project Area. The Economic Development Department reviewed the proposal and has no comments.

Design Review Board:

On May 10, 2007, the DRB reviewed the applicant's request to adopt a planned sign program that will allow for ground floor commercial tenants to install signage on the second floor of a mixed use building. Planned sign programs allow for flexibility in sign location, design, and size. The applicant explained that the unique building layout does not give street frontage to the rear commercial unit. In addition, first floor signs were difficult and ineffective for this building because of the lack of space on the first floor for channel letter wall signs. The applicant asserted that the proposed location of the wall signs on the second floor was the only alternative.

The applicant's original signage specifications (Attachment No. 3) propose:

- ◆ Three illuminated or non-illuminated channel letter wall signs on the second floor of the building.
- ◆ The total sign area of both signs, for Unit 101 and 102, being 49.5 square feet on the west wall facing Main Street which exceeds what is allowed by code.
- ◆ A second wall sign on the south wall for Unit 102 to match the primary sign facing Main Street.

In addition to outlining revisions to the signs to comply with code, staff presented design concerns with the proposed second floor signage to the DRB, citing the possibility of being obtrusive to the residents.

Staff recommended alternatives (Attachment No. 4):

- ◆ Two first floor signs facing Main Street with total sign area not to exceed 40 square feet to comply with code.
- ◆ Under canopy sign for Unit 101.
- ◆ Blade sign perpendicular to south wall for Unit 102.

These recommendations were not satisfactory to the applicant. The applicant's reasons included the inability to see an under canopy sign beneath the façade inset of the front unit, and trees and cars blocking the view of the signs (Attachment No. 5). The DRB took a straw vote (2-1) to allow non-illuminated second floor wall signs, but continued the application to the next DRB meeting for revisions to incorporate code requirements.

On May 24, 2007, staff summarized the project and previous action from the prior DRB meeting. Staff presented the changes to the originally proposed planned sign program to address previous DRB recommendations. The applicant agreed with the revisions. DRB approved the planned sign program with a 3-2 vote.

The approved planned sign program (Attachment No. 6) proposes:

- ◆ Three non-illuminated channel letter wall signs on the second floor of the building.
- ◆ Sign area of both signs not to exceed 40 square feet total on west wall facing Main Street.
- ◆ Maximum sign area of 14 square feet on south wall facing parking lot.
- ◆ Length of each sign not to exceed 70% of designated area.
- ◆ Maximum letter/logo height of 28 inches.
- ◆ Colors to be black, brown, or business logo colors, subject to landlord and City approval.

To date, there have been no comments from the public regarding this request.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

No comments were received from the Economic Development Department.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on Thursday, June 28, 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 July 3, 2007, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

April 25, 2007

MANDATORY PROCESSING DATE(S):

June 24, 2007

DR No. 07-010 and PSP No. 07-002 were filed on March 30, 2007, and deemed complete on April 25, 2007. The DRB approved the request on May 24, 2007 in compliance with mandatory processing times.

ANALYSIS:

The primary issues regarding the proposed planned sign program are sign compatibility and design. Additionally, City Council Member Bohr cites concerns with the location of the wall signs on the second story and the size and materials of the wall signs in relation to the building.

Sign Compatibility and Design

The planned sign program as approved by the DRB allows for flexibility in sign location given the building façade and floor plan limitations, while still maintaining visual compatibility. The wall signs on the second floor façade of the building are compatible with the existing improvements on the site because they are non-illuminated, consistent with applicable code requirements and design guidelines, do not block building architectural elements, and promote the businesses on-site. The signs would be complementary in size, color, and materials with the building. The dark colors of the channel letter faces work effectively with the light stucco color of the building façade. The sign areas comply with code requirements, but provide ample space for signs to be consistent in proportion and scale to the building façade.

Appeal

The Design Review Board's approval of DR No. 07-010 and PSP No. 07-002 was appealed by City Council Member Bohr. An analysis of the appeal issues is outlined below:

- ◆ *Concern over the location of the wall signs which are on the second-story level above the residential windows instead of the ground floor retail windows.*

The building façade does not provide sufficient room for effective wall signs on the first floor. The first floor fascia height is only 12 inches high. An under canopy sign may not be as visible due to its location inset of the façade. The rear unit also needs visibility because of its location which lacks street frontage. A planned sign program allows for wall signs to be installed on a building wall not adjacent to a business suite when there are special circumstances as is the case with the subject site. The wall area above the second floor windows provides adequate space for wall signs that would attract customers to the site. To maintain compatibility with the residential units, signs were limited by the DRB to non-illuminated.

- ◆ *Concern regarding the size and materials of the wall signs as they relate to the building.*

The planned sign program is in compliance with code requirements and design guidelines. The sign criteria have addressed proportionality and compatibility in relation to the building. Consistent with code, sign areas are limited to 70% of the maximum designated width and 75% of the fascia height. The total sign area is 40 square feet along Main Street and 14 square feet along the south wall in compliance with code. The proposed typeface and colors are deemed appropriate by the landlord, the DRB, and staff and work effectively with the remodeled facade.

Summary

Staff recommends approval of Design Review No. 07-010 and Planned Sign Program No. 07-002 for the following reasons:

- The proposed signs are compatible with and complement the design of the building.
- The proposed signs would help identify and promote the businesses in the building without being obtrusive to the residents on the second floor.
- The proposed planned sign program is consistent with the General Plan, the Downtown Specific Plan, Design Guidelines, and HBZSO.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – DR No. 07-010/PSP No. 07-002
2. Picture of old façade and signage dated March 12, 2004
3. Applicant's originally proposed signage specifications dated March 30, 2007
4. Alternative staff recommendations dated May 10, 2007
5. Photographs of project
6. Planned Sign Program dated May 24, 2007
7. Design Review Board Notice of Action – DR 07-010/ PSP 07-002 dated May 24, 2007
8. Council Member Bohr appeal letter dated June 4, 2007

SH:HF:RR:JA:sh

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

DESIGN REVIEW NO. 07-010

PLANNED SIGN PROGRAM NO. 07-002

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 15311, Class 11 of the CEQA Guidelines, because the construction or placement of on-premise signs accessory to existing facilities is exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

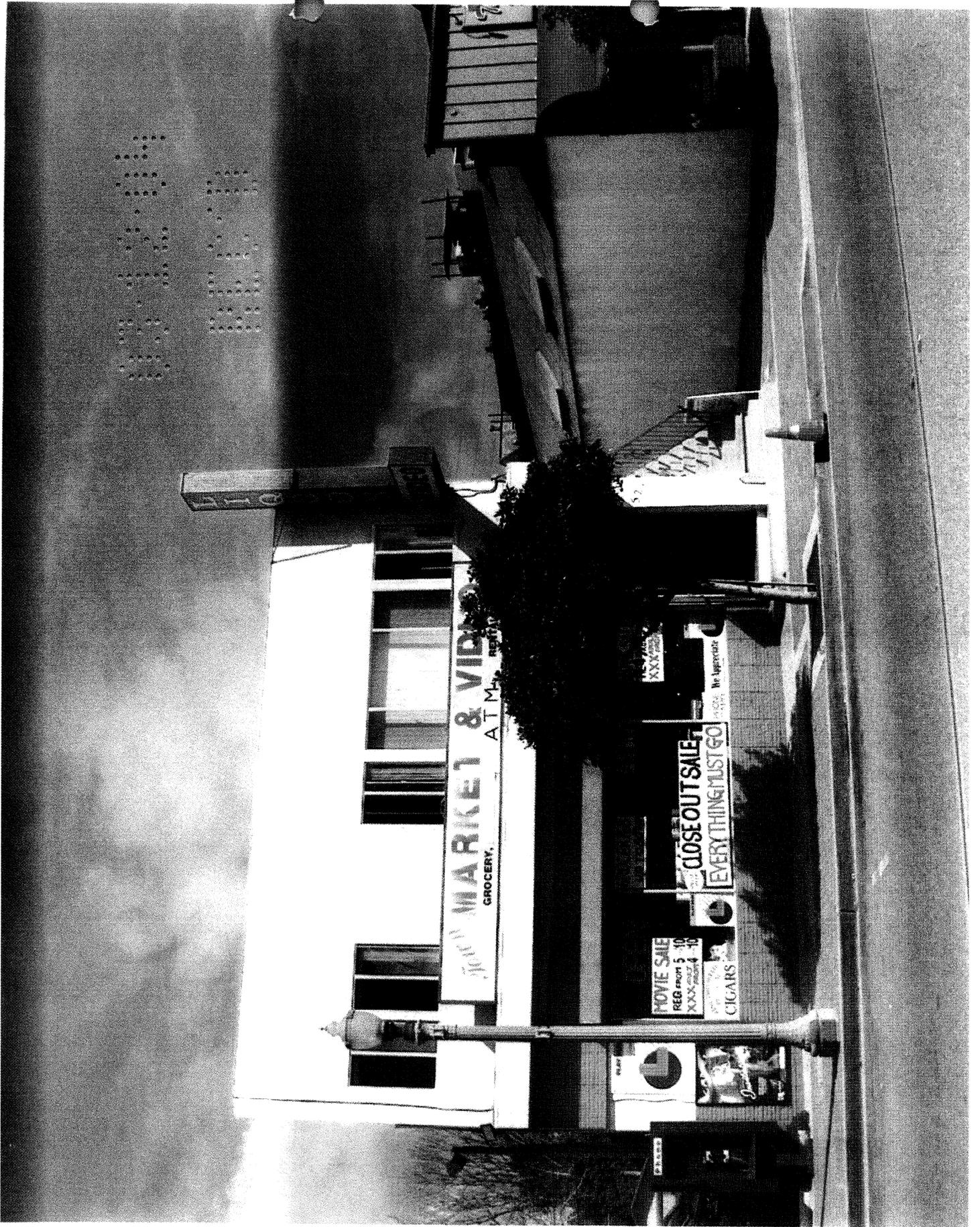
1. The proposed signs are compatible with the style or character of existing improvements on the site and are well-related to each other, reflecting a common theme and design style. The unique design of the building façade and floor plan necessitates the placement of wall signs on the second floor for business identification. The size of the signs is proportional to the building and in compliance with code requirements. The colors and materials of the proposed signs are compatible with the light color of the building. Non-illuminated signs will not be obtrusive to the residents. The proposed planned sign program is consistent with the General Plan, the Downtown Specific Plan, Design Guidelines, and HBZSO.

SUGGESTED CONDITION OF APPROVAL – DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002:

1. The Planned Sign Program dated May 24, 2007 and maintained in entitlement folder DR 07-010 / PSP 07-002 shall be the conceptually approved criteria.

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.



PICTURE OF OLD FACADE AND SIGNAGE

APPLICANT'S ORIGINAL PROPOSAL

SIGNAGE SPECIFICATIONS

1. Tenant signs shall be internally illuminated channel letter with halo lighting, or non-illuminated. There shall be no 'box' signs.
2. Channel lettering for all signs will be of similar letter size and font style.
3. Only the first letter of each word and/or initials shall be capitalized. All other letters will be lower case.
4. The total building wall sign area on the western most wall facing Main Street is 36 feet. Units 101 and 102 will share the signage area as follows:
 - a. Unit 101 will have use of 24 feet of the northern most signage area. Signage will not occupy the first 12" of either side of its sign area.
 - b. Unit 102 will have use of 12 feet of the southern most signage area. Signage will not occupy the first 6" of either side of its sign area.
5. The total building sign area on the southern most wall is 10 linear feet. Unit 102 may have a sign matching the primary sign on this wall.
6. The total square footage for the signage on the front of the building shall not exceed 1.0 square foot of sign for every lineal foot of leased frontage or specified sign area per this plan. The total lineal frontage for this property is 50 feet. The square footage maximum for each sign shall be:
 - a. Unit 101 – sign square footage maximum will be 33.0 square feet
 - b. Unit 102 – sign square footage maximum will be 16.5 square feet
7. The faces shall be a minimum of 1/8" acrylic or polycarbonate plastic, copper, brass or polished stainless steel,. Colors shall be in black, brown or in the business logo colors, also subject to the city's and Landlord's approval.
8. All illumination to be powered by 30 milliamp transformers.
9. All Manufacturing shall be U.L. approved and labeled.
10. All installations shall be done to the National Electrical Code specifications and City requirements if illuminated.
11. All signs shall comply with the 526 Main Street Sign Criteria, the City of Huntington Beach Sign Ordinance and are subject to the Landlord's and city approval prior to installation.

City of Huntington Beach

MAY 10 2007

50'-0"

36'-0"

24'-0"

12'-0"

3'-2 1/2"

24'-11"

13'6"

526

OPEN

28" SIGN

40"

39"

Main Street Elevation

-ALTERNATIVE * 1

City of Huntington Beach

MAY 10 2007

50'-0"

36'-0"

24'-0"

12'-0"

3'-2 1/2"

24'-11"

16'-0"

5'-2"

5'-0"

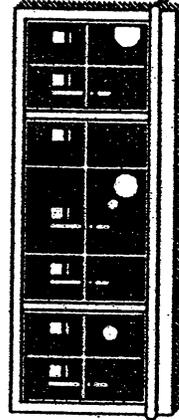
16"

sign

sign

3'-0"

OPEN



Main Street Elevation

- ALTERNATIVE # 2 -

City of Huntington Beach

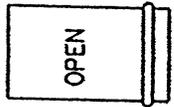
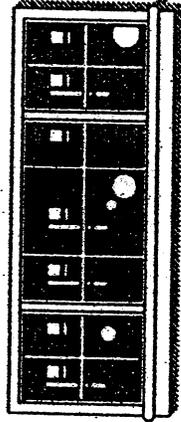
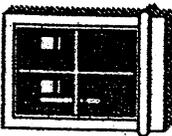
MAY 10 2007

50'-0"

36'-0"

24'-0"

12'-0"



16'0"

5'26"

24'-11"

3'-2 1/2"

16"

5'6"

5'6"

2'6"

8'0"

6'0"

5'6"

5'6"

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5'6"

5'6"

5'6"

5'6"

5'6"

5'6"

5'6"

Main Street Elevation

ALTERNATIVE # 3

City of Huntington Beach

MAY 10 2007

50'-0"

36'-0"

24'-0"

12'-0"

3'-2 1/2"

24'-11"

12'-0"

526

OPEN

Floor and Tile Company, Inc.

HB
SKIN
SPA

2'-6"

8'-9"

4'-0"

6'-0"

Main Street Elevation

- ALTERNATIVE # 4 -





SUBJECT SITE ↘



↙ SUBJECT SITE



SIGN CRITERIA
526 Main Street
Huntington Beach, CA

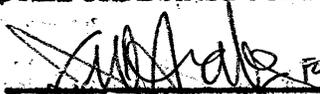
PLANNED SIGN PROGRAM 07-002

526 Main Street, Inc.
526 Main Street
Huntington Beach, CA 92648
714-969-1516

MAY 24 2007

CONDITIONALLY APPROVED

CONCEPTUAL SITE PLAN
THIS REPRESENTS A CONCEPTUAL SITE PLAN ONLY
IT IS NOT A PRECISE SITE PLAN APPROVAL AND
DOES NOT NECESSARILY REFLECT CONFORMANCE
TO ALL ORDINANCE CODE REQUIREMENT


DESIGN REVIEW BOARD
SECRETARY

FOR: 5/24/07
DATE

ATTACHMENT NO. 6.1

Narrative

This property is located in the heart of Main Street. It consists of two ground level retail spaces and four residential apartments on the second floor. The retail space has been divided into approximately 2500 square feet to be used as a Flooring Design Center and 1200 square feet as a Skin Spa. Both businesses are open seven days a week with business hours from 9:00 AM to 8:00 PM.

We are requesting a sign plan similar to the one that was approved at our other commercial property located at 438 Main Street. We would like the Planned Sign Program to provide the present and future tenants with as many options as possible in regard to size, font, colors, lighting, etc.

Hopefully you will find our application complete.

I can be reached at 714 969-1516.



Margaret Van Herk
M&H Property Services
9121 Atlanta Avenue #537
Huntington Beach, CA 92646

CONDITIONALLY APPROVED

MAY 24 2007

INTRODUCTION:

1. The intent of the sign criteria is to provide the guidelines necessary to achieve a visually coordinated, balanced and appealing signage environment.
2. Compliance to this Sign Criteria shall be strictly enforced and unauthorized, illegal and/or nonconforming signs shall be removed by the Tenant or designated Sign Company at their expense upon the demand by the Landlord upon notification from the City.
3. Each Tenant must comply with the Landlord's Sign Criteria and must not conflict in any way with the City of Huntington Beach Sign Ordinance Code.
4. Each Tenant or designated Sign Company shall submit three colored copies of proposed sign plans showing size, location, layout, color, lettering / type style, and/or graphics to the Landlord or his agent for approval.
5. After Landlord or designated management company representative approval, the Tenant or designated Sign Company shall then submit three sets of fully dimensioned plans drawn to scale and bearing Landlord or management designee stamp or signature of approval to the City of Huntington Beach for approval. Landlord's written approval is required prior to submittal of a sign request to the City.
6. The tenant or designated Sign Company must obtain the proper permits from the City of Huntington Beach prior to installation.
7. The Tenant shall be financially responsible for their sign, including manufacturing, installation, labor, materials and maintenance and for costs of City permits.
8. Modifications of signage beyond what is approved in this plan sign program require an amendment to this plan.

CONDITIONALLY APPROVED

MAY 24 2007

SIGNAGE SPECIFICATIONS

1. Tenant signs shall be non-illuminated channel letters on the second floor of the Main Street elevation and south wall elevation. There shall be no 'box' signs.
2. Channel lettering for all signs will be of similar letter size and font style.
3. The total Main Street building frontage is 36 linear feet. Units 101 and 102 shall locate signs as designated by Exhibit "A".
4. The south building wall is 10 linear feet. Unit 102 may locate a sign, matching the primary sign, on this wall as designated by Exhibit "B". The maximum square footage for this sign shall be 14 square feet.
5. The total square footage for the signage on the front of the building shall not exceed 1.1 square foot per lineal foot of building frontage. The maximum sign area is 40 square feet. The maximum square footage for each sign shall be:
 - a. Unit 101 – sign square footage of 26 square feet
 - b. Unit 102 – sign square footage of 14 square feet
6. Letter or Logo Height Maximum: 28 inches
7. Maximum sign area length (Main Street elevation):
 - a. Unit 101 – 70% of designated wall width, or 17 feet
 - b. Unit 102 – 70% of designated wall width, or 8 feet
8. Maximum sign area length (south wall elevation):
 - a. Unit 102 – 70% of designated wall width, or 7 feet
9. The faces shall be a minimum of 1/8" acrylic or polycarbonate plastic, copper, brass, or polished stainless steel. Colors shall be in black, brown or in the business logo colors, also subject to the City's and Landlord's approval.
10. All Manufacturing shall be U.L. approved and labeled.
11. All signs shall comply with the 526 Main Street Sign Criteria, the City of Huntington Beach Sign Ordinance and are subject to the Landlord's and City approval prior to installation.

CONDITIONALLY APPROVED

MAY 24 2007

INSTALLATION REQUIREMENTS

1. Contractors installing signs are to be State Registered Contractors in good standing and are to have a current City Business License.
2. Any damage to the building or property that is caused by the Tenant or their contractor will be repaired by the Tenant or their contractor at their expense.
3. Contractor will be required to have \$1,000,000 (one million dollars) in insurance. Contractor shall deliver Certificate of Insurance to the Landlord prior to any construction as evidence of compliance with said requirement. Renewal Certificates shall be delivered to Landlord prior to the expiration date.

CONDITIONALLY APPROVED

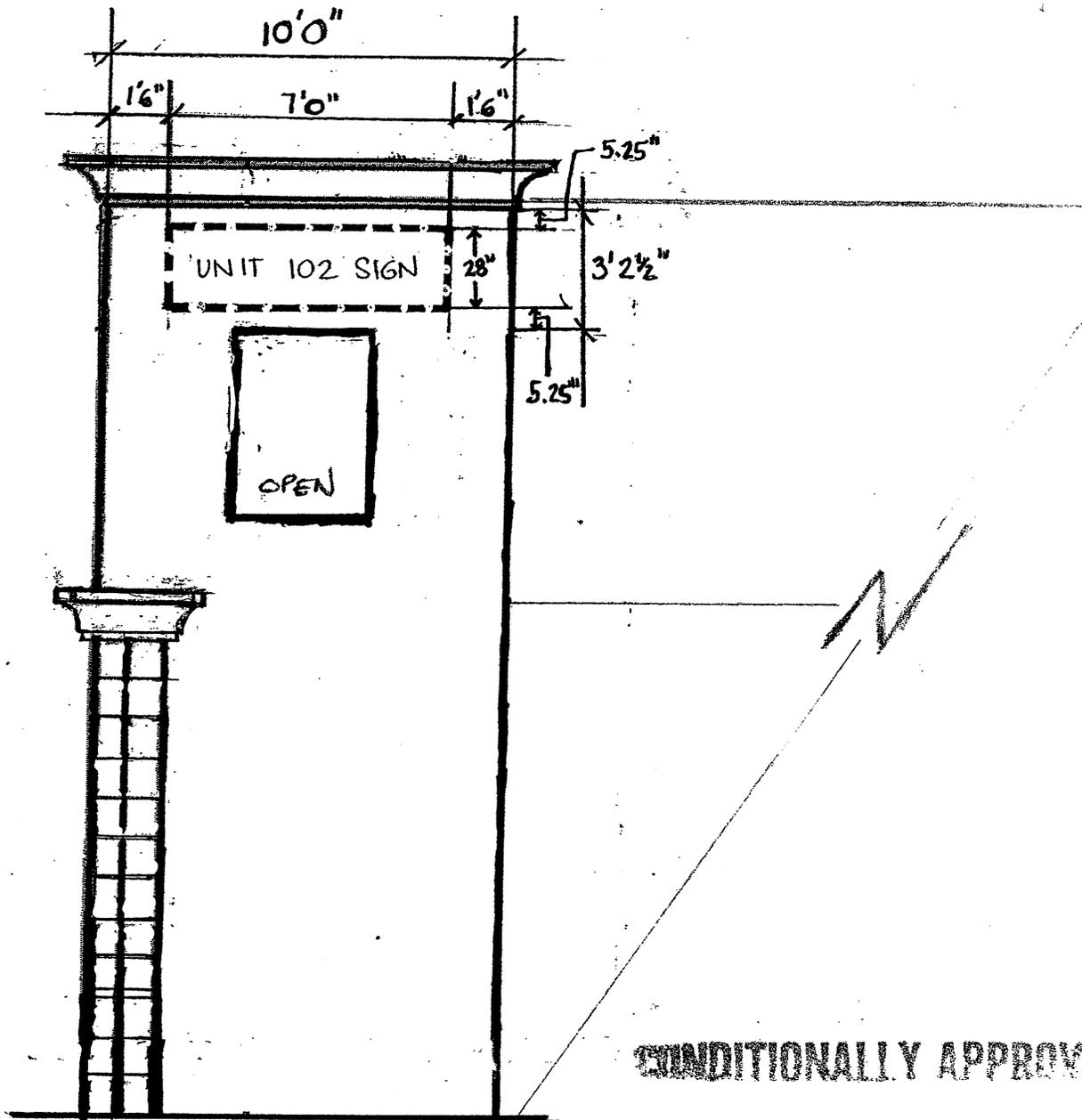
MAY 24 2007

PROHIBITED SIGNS:

1. Flashing, moving, pulsating, or intermittently lighted signs, including searchlights.
2. Signs which conflict with any traffic control device due to color, working, design, location, or illumination, or conflicts with the safe and efficient flow of traffic, both vehicular and pedestrian.
3. Animals or human beings live or simulated utilized as signs.
4. Loudspeakers or signs that emit sound, odor or visible matter.
5. Mechanical movement signs.
6. Roof signs or projecting signs.
7. Banners, kites, flags, pennants, or balloons, except if permitted as temporary signs pursuant to the city of Huntington Beach Sign Ordinance. Tenant shall obtain city approval before display of these devices.
8. Signs which constitute a nuisance or hazard due to their intensity of light.
9. Signs which no longer identify a bona fide business, conducted on the premises. Such signs shall be removed by the owner of the sign within ten days of the business closing date.

CONDITIONALLY APPROVED

MAY 24 2007

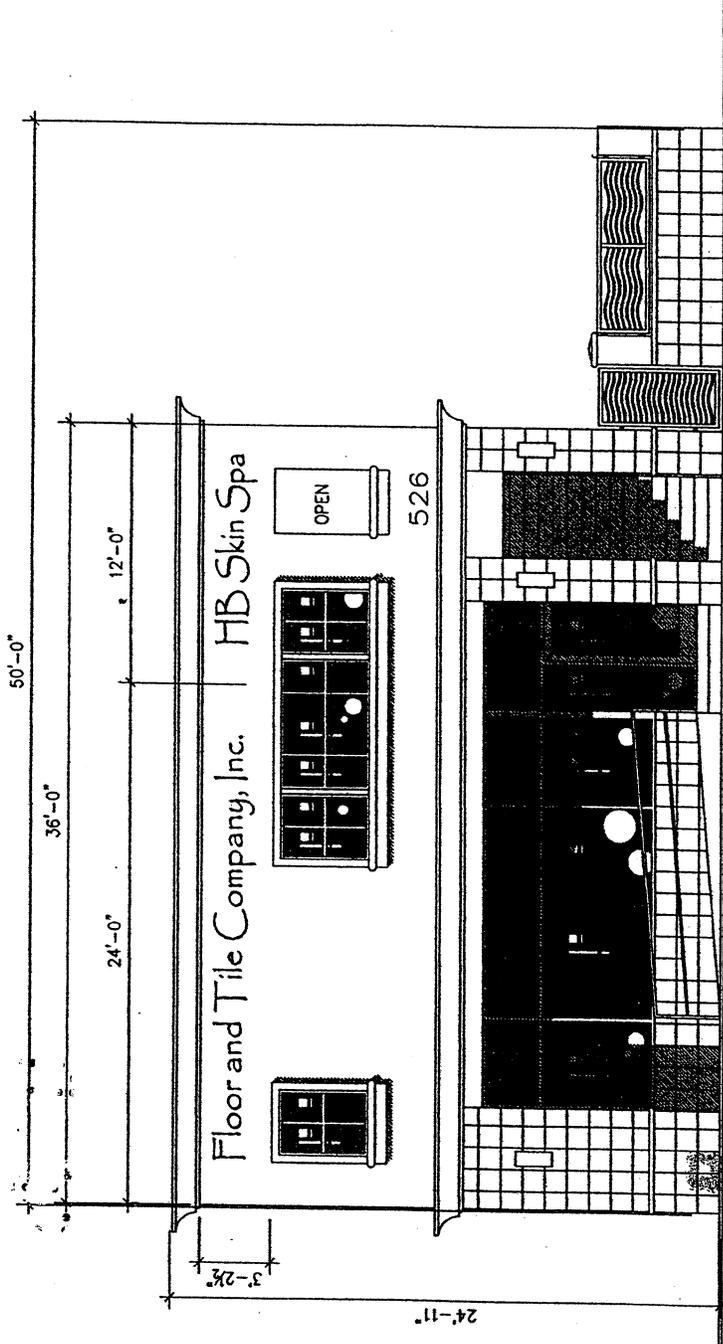


CONDITIONALLY APPROVE

MAY 24 2007

SOUTH WALL ELEVATION
SCALE: 1' = 1/4"

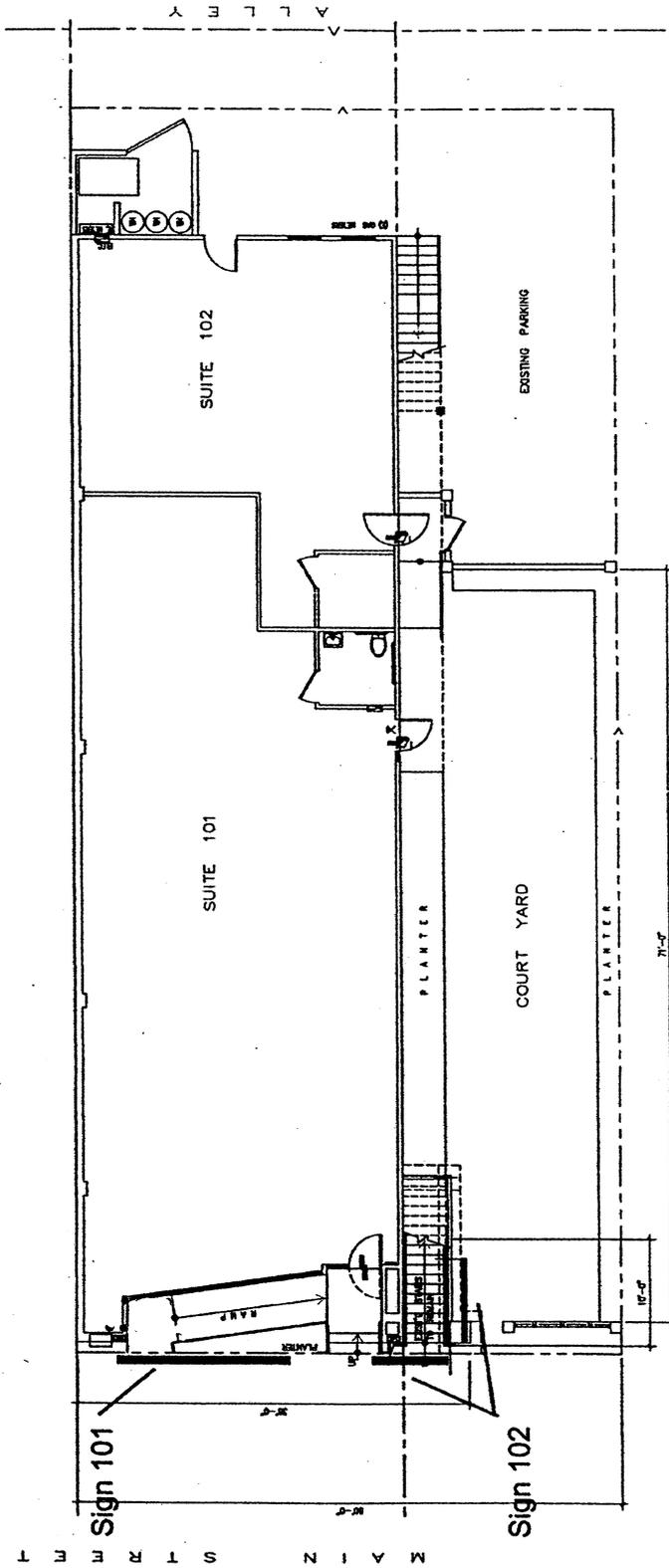
EXHIBIT "B"



Main Street Elevation

CONDITIONALLY APPROVED

MAY 24 2007



526 Main Street Site Plan

CONDITIONALLY APPROVED

MAY 24 2007



CONDITIONALLY APPROVED
MAY 24 2007



CONDITIONALLY APPROVED

MAY 24 2007



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

DESIGN REVIEW BOARD

Phone 536-5271
Fax 374-1540
374-1648

NOTICE OF ACTION

May 29, 2007

Margaret Van Herk
9121 Atlanta Ave. #537
Huntington Beach, CA 92646

APPLICATION: DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002 (AOUIZERAT PROPERTY)

APPLICANT: Margaret Van Herk, 9121 Atlanta Ave. #537, Huntington Beach, CA 92646

PROPERTY OWNER: Gilles Aouizerat, 17912 Gothard St., Huntington Beach, CA 92647

REQUEST: Review planned sign program for a 2-unit commercial/residential mixed-use building

LOCATION: 526 Main St. (east side of Main St., between Acacia Ave & 6th St.)

DATE OF ACTION: May 24, 2007

The Design Review Board of the City of Huntington Beach approved your application on May 24, 2007. Attached to this letter are the conditions of approval for your application.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Design Review Board becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten calendar days of the date of the Design Review Board's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. A filing fee shall also accompany the notice of appeal. The appeal fee is \$1,287 for a single-family dwelling property owner appealing the decision on his/her own property. The appeal fee is \$1,569 for all other appeals. In your case, the last day for filing an appeal and paying the filing fee is June 4, 2007.

Please be advised that the Design Review Board reviews the conceptual plan as a basic request for entitlement. The action taken by the Design Review Board does not presume issuance of building permits. Provisions of the Huntington Beach Zoning and Subdivision

ATTACHMENT NO. 7.1

Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started. 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 of your building permit application and the completion of your project. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements. Please note that there may be additional requirements prior to commencement of the project.

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

If you have any questions, please contact Jill Arabe, Planning Aide at (714) 374-5357.

Sincerely,



Ron Santos, Secretary
Design Review Board

RS:JA:jc

ATTACHMENT:

1. Conditions of Approval – DR No. 07-010 / PSP 07-002

- c: Honorable Mayor and City Council
Chair and Planning Commission
Paul Emery, Deputy City Administrator
Scott Hess, Director of Planning
Herb Fauland, Acting Planning Manager
Jacques Pelletier, Division Chief
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Gilles Auizerat, 17912 Gothard St., Huntington Beach, CA 92647
Project File

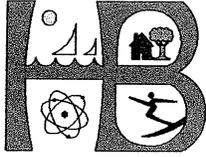
ATTACHMENT NO. 1

CONDITIONS OF APPROVAL - DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002

1. The Planned Sign Program dated May 24, 2007 and maintained in entitlement folder DR 07-010 / PSP 07-002 shall be the conceptually approved criteria (see attached).

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 defense thereof.



CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: John Scandura, Planning Commission Chair
From: Keith Bohr, City Council Member *KB by Sml*
Date: June 4, 2007
Subject: ***APPEAL OF DESIGN REVIEW NO. 07-010/ PLANNED SIGN PROGRAM NO. 07-002 (AOUIZERAT PROPERTY – 526 Main St.)***

I am hereby appealing the Design Review Board's May 24, 2007, approval of Design Review No. 07-010/ Planned Sign Program No. 07-002 for exterior wall signage designed for an existing two-story commercial/ residential mixed-use building located at 526 Main Street.

The grounds for my appeal are:

1. Concern over the location of the wall signs which are on the second-story level above the residential windows instead of the ground floor retail windows; and
2. Concern regarding the size and materials of the wall signs as they relate to the building.

Pursuant to Section 248.18 of the HBZSO, the Planning Commission shall hear an appeal from the Design Review Board.

KB:SH

xc: Planning Commissioners
Penelope Culbreth - Graft, City Administrator
Paul Emery, Deputy City Administrator
Herb Fauland, Acting Planning Manager
Jill Arabe, Planning Aide