AGENDA
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 14, 2007

HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET
HUNTINGTON BEACH, CALIFORNIA 92648

HUNTINGTON BEACH

CHAIR JOHN SCANDURA

VICE-CHAIR TOM LIVENGOOD
COMMISSIONER BLAIR FARLEY
COMMISSIONER FRED SPEAKER
COMMISSIONER JOE SHAW
COMMISSIONER DEVIN DWYER
COMMISSIONER ELIZABETH SHIER-BURNETT

DIRECTOR OF PLANNING, SCOTT HESS, AICP
LEGAL COUNSEL, LEONIE MULVIHILL
PRINCIPAL PLANNER, HERB FAULAND

THE 7:00 PM PORTION OF THE MEETING IS TELEVISED LIVE ON CABLE TV CHANNEL 3. VIDEO TAPES OF MEETINGS ARE AVAILABLE FOR PUBLIC CHECKOUT AT THE CENTRAL LIBRARY. COPIES OF STAFF REPORTS AND/OR WRITTEN MATERIALS ON EACH AGENDA ITEM ARE ON FILE IN THE PLANNING DEPARTMENT, THE CENTRAL LIBRARY AND ON THE CITY'S WEBSITE (WWW.SURFCITY-HB.ORG) FOR PUBLIC INSPECTION. ANY PERSON HAVING QUESTIONS ON ANY AGENDA ITEM MAY CALL THE PLANNING DEPARTMENT TO MAKE AN INQUIRY CONCERNING THE NATURE OF THE AGENDA ITEM AT (714) 536-5271.

Planning Commission Agenda Information Sheet

The following is a brief explanation of the Planning Commission Agenda Structure:

AGENDA APPROVAL The Planning Commission will announce if any closed public hearing items will be re-opened and may wish to change the order of the items on the agenda.

ORAL COMMUNICATION (FILL OUT REQUEST TO SPEAK FORM) Anyone wishing to address the Planning Commission, only on items not on tonight's agenda, must fill out and mark the appropriate box and submit a form to speak prior to Oral Communication. Please be advised that testimony provided on Public Hearing items during Oral Communications are not part of the permanent entitlement record. The speaking forms are available at the lower entrance to the Council Chambers. Give the form to the Secretary. Staff will call all speakers by name. There is a four-minute time limit per speaker. Time may not be donated to another. All proceedings are recorded. No action can be taken by the Planning Commission on these communications on this date, unless agendized.

PUBLIC HEARING ITEMS (FILL OUT REQUEST TO SPEAK FORM) Public hearings allow citizens the opportunity to speak in favor or against specific items. More detailed information on public hearings may be found on the page attached to the back of this agenda. Complete the form by marking the appropriate box and indicating the hearing item you wish to provide testimony on. Please note if the public hearing items have been closed or are still open for testimony. The agenda and staff report will indicate if the public hearing is open or closed. The Planning Commission at their discretion may re-open a closed public hearing and the Commission will make the announcement during Agenda Approval. The speaking forms are available at the lower entrance to the Council Chambers. Give the form to the Secretary. Staff will call all speakers by name. There is a four-minute time limit per speaker. Individuals may choose to donate their 4 minutes of time to another speaker, and the maximum time donation limit is 8 minutes (2 individuals), for a total of 12 minutes per speaker. Individuals who donate time must be present when the item is being discussed. All proceedings are recorded. If you have documents to distribute, there should be enough copies for all Planning Commissioners, staff, and the public. The documents become part of the public record and will not be returned.

CONSENT CALENDAR Consent Calendar items are considered routine items that normally do not require separate consideration. The Planning Commission may make one motion for approval of all items listed under the CONSENT CALENDAR.

NON-PUBLIC HEARING ITEMS These items are considered by the Planning Commission separately and require separate motions. These transactions are considered administerial and public testimony is not heard.

PLANNING COMMISSION ITEMS / INQUIRIES Items of business or concern are presented by Planning Commissioners and discussed with staff. Informational updates and reports are made by Commissioners who serve as liaisons to various committees.

PLANNING ITEMS Updates and reports from the Planning Director for the information of the Planning Commission and the public.

Adjournment

AGENDA

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 14, 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. 06-035/VARIANCE NO. 07-001/ MITIGATED NEGATIVE DECLARATION NO. 06-008 (FIRST CHRISTIAN CHURCH REMODEL/EXPANSION) 1207 Main Street, 92648 – Ron Santos

A-2. VARIANCE NO. 07-007 (APPEAL - TINKER CARPORT ADDITION) 6465 Marigayle Circle, 92648 – Andrew Gonzales

B. STUDY SESSION ITEMS - NONE

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

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. GREEN BUILDINGS PLANNING COMMISSION COMMITTEE – Commissioner Shier- Burnett

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

A. ORAL COMMUNICATIONS

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

B. PUBLIC HEARING ITEMS:

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

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

B-1. CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI – CONTINUED FROM JULY 24, 2007 WITH PUBLIC HEARING TO BE OPENED): Applicant: Valentina Allen, Kerr Project Services **Request:** To permit the establishment, maintenance and operation of a restaurant with on-site sale and consumption of alcoholic beverages. **Location:** 155 5th Street, Unit 183, 92648 (north side of Pacific Coast Highway, between 5th St. and 6th St. – The Strand) **Project Planner: Rami Talleh**

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 07-021 with findings and conditions of approval (Attachment No. 1)."

B-2. ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES): Applicant: City of Huntington Beach **Request:** To amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to delete all references to medical marijuana dispensaries. **Location:** Industrial Districts Citywide **Project Planner: Ricky Ramos**

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 07-003 with findings (Attachment No. 1) and forward to the City Council for adoption."

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED APRIL 24, 2007

C-2. PLANNING COMMISSION MINUTES DATED MAY 22, 2007

C-2. PLANNING COMMISSION MINUTES DATED JUNE 26, 2007

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 07-002 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007/08): Applicant: City of Huntington Beach **Request**: Evaluate Capital Improvement Program for Fiscal Year 2007/08 for compliance with the General Plan. **Location:** Citywide **Project Planner: Rosemary Medel**

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1616, approving General Plan Conformance No. 07-002."

D-2. 2006-2007 FLOOD MANAGEMENT PLAN ANNUAL REVIEW: Applicant: City of Huntington Beach **Request:** Annual review of Flood Management Plan to demonstrate that the City is actively pursuing its implementation. **Location:** Citywide **Project Planner: Ricky Ramos**

STAFF RECOMMENDATION: Motion to: "Accept the Flood Management Plan annual review as adequate and complete and forward to the City Council for their review."

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 August 28, 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: Ron Santos, Associate Planner RS
DATE: August 14, 2007

SUBJECT: **CONDITIONAL USE PERMIT NO. 06-035/ VARIANCE NO. 07-001/ MITIGATED NEGATIVE DECLARATION NO. 06-008 (FIRST CHRISTIAN CHURCH REMODEL/ EXPANSION)**

LOCATON: 1207 Main Street, 92648 (southeast corner of Adams Avenue and 17th Street)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Conditional Use Permit No. 06-035 is a request to permit the expansion and remodel of an existing church complex, including the following:

a. Demolition of four existing buildings (Church School, Children's Ministry, Youth Ministry, and Small Chapel), and the Large Chapel's existing restroom facilities;

b. Removal of the existing modular structures currently used for adult Sunday School classes;

c. Construction of three new buildings (Children's Building, Multipurpose Building, Administrative/ Café/ Bookstore Building);

d. Renovation of existing A-Frame Chapel;

e. Expansion and renovation of the worship center's nursery and bathroom facilities;

f. Landscape/hardscape improvements designed to create high quality outdoor gathering places, improve pedestrian circulation, and make the church campus more functional and welcoming to church members and visitors alike;

g. Re-striping of existing parking lot in order to increase its capacity and improve circulation; and

h. Construction of a three-level parking structure on a portion of the site (the southwest corner), currently utilized for at-grade parking.

Variance No. 07-001 is a request to allow joint use parking (298 spaces) located at a distance in excess of 250 feet from the project site (at Huntington Beach High School) during the construction phase.

Mitigated Negative Declaration No. 06-008 analyzes the potential environmental impacts associated with implementation of the proposed project.

The various proposed buildings vary in height from 35 ft. to 42 ft., measured to the peak of the roof or, where applicable, to the top of architectural tower features. A steeple and cross are proposed as an addition to the existing 42 ft. tall chapel building with a height of 96 ft. All buildings comply with the 50 ft. height limit applicable in the PS zone, with the exception of the steeple and cross which may be exempted from the 50 ft. height limit with conditional use permit approval.

In addition, the applicant is requesting approval of joint use parking to allow shared use of 47 parking spaces existing at Smith Elementary School, located adjacent and to the south of the project site, and 298 parking spaces at Huntington Beach High School (HBHS), to meet the church's peak use parking requirements. The parking spaces at HBHS are proposed for use only until the proposed on-site parking garage is completed.

Other details concerning the project, including proposed building floor areas, hours of operation, parking tabulations, construction sequencing and a list of planned weekly events are included in the project narrative (Attachment No. 3).

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	P(RL) (Public – Residential Low Density Underlying Designation)	PS (Public- Semipublic)	Religious Assembly/ Pre-School
North (across 17th St.)	OS-P (Open Space – Park)	OS-PR (Open Space – Parks and Recreation Subdistrict)	Worthy Community Park, Huntington Beach High School
Northeast (across Adams Ave.), East (across Main St.)	RL-7 (Residential Low Density – 7 units/acre)	RL (Residential Low Density)	Single-Family Residential
West (across 17th St.)	RL-7	RL	Multi-Family Residential
South	P(RL)	PS, RL	Smith Elementary School, Single-Family Residential

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

August 6, 2007

MANDATORY PROCESSING DATE(S):

Mitigated Negative Declaration: Feb. 1, 2008 (180 days)

Conditional Use Permit/Variance: Within 60 days from Negative Declaration Approval

Conditional Use Permit No. 06-035/ Variance No. 07-001/ Mitigated Negative Declaration No. 06-008 were filed on June 16, 2006, and deemed complete August 6, 2007. The application is tentatively scheduled for public hearing before the Planning Commission on August 28, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is covered by Mitigated Negative Declaration (MND) No. 06-008. The document was initially made available for public review and comment for 20 days, followed by a 20-day extension. It was subsequently amended to reflect minor revisions to the proposed project and recirculated for an additional 20-day public review and comment period. MND No. 06-008 concludes that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance. Mitigation measures pertaining to Hydrology/ Water Quality and Noise have been identified. In addition, the applicant is proposing to limit the combined total capacity of the assembly areas in order to ensure no significant traffic related impacts. The Mitigated Negative Declaration is supported by a phase 1 environmental site assessment, traffic, noise, geotechnical and air quality studies. The City received 43 comment letters (as of August 7, 2007) (representing 27 properties) concerning Draft Mitigated Negative Declaration No. 06-008. The comments letters express concerns regarding a variety of issues including, the proposed parking structure, noise, traffic, aesthetics and overall project compatibility with the surrounding neighborhood. A response to comments is being prepared by staff and will be included with the public hearing staff report.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Building & Safety, Fire, Planning, Police and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 4).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

The applicant held two community meetings (August 3, 2006 and June 18, 2007) with public notice provided by mail to property owners within a 500 radius of the project site. Attendees generally spoke in opposition to the project and expressed concerns principally concerning the proposed parking structure.

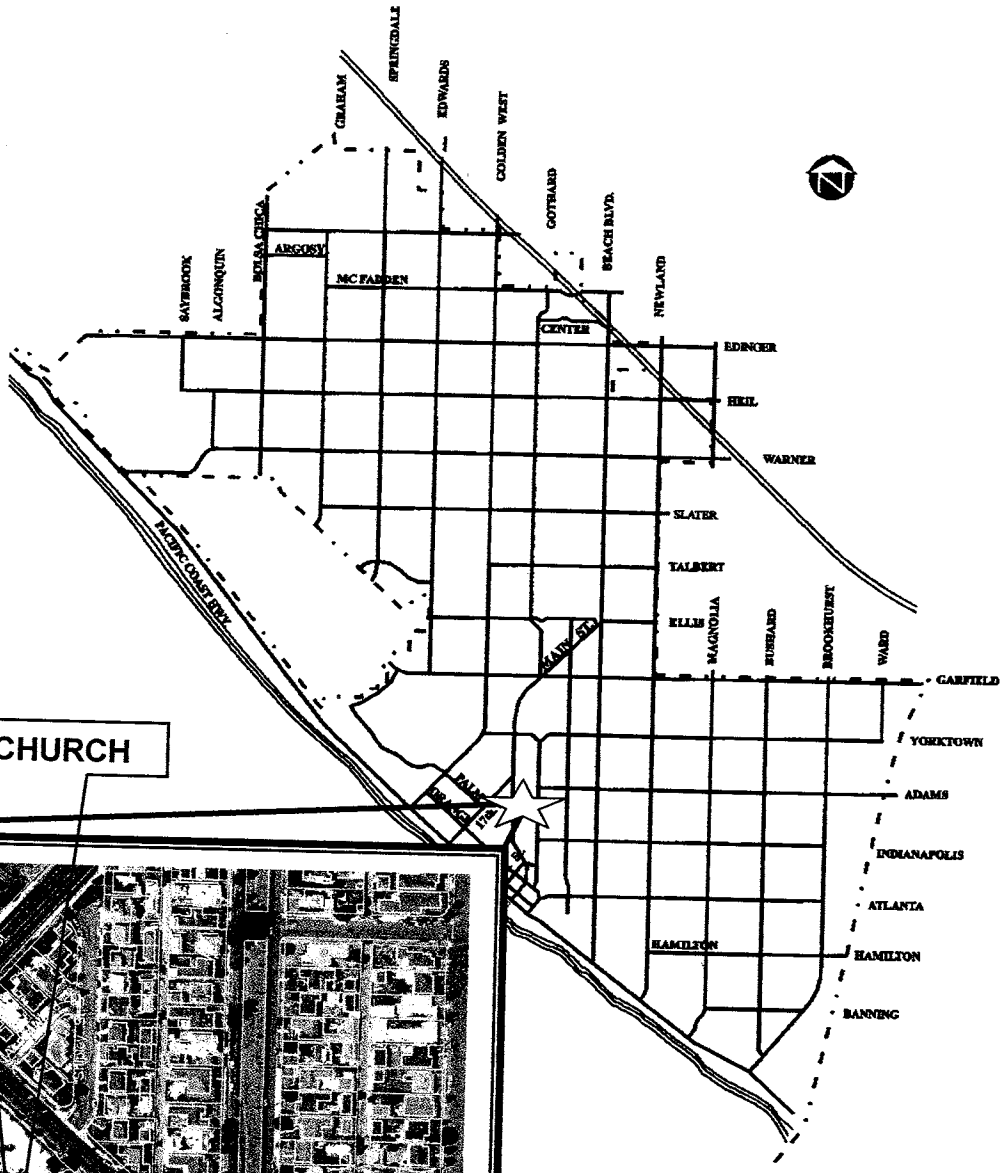
The project was reviewed by the Design Review Board (DRB) on January 25, 2007 and May 10, 2007. The DRB unanimously recommended approval of the project as proposed.

PLANNING ISSUES

The primary issues to consider in conjunction with this request are the compatibility of the proposed project with surrounding land uses and parking; including the request for joint use parking, the variance to the joint use parking standards, and the proposal to construct a three-level parking structure.

ATTACHMENTS:

1. Vicinity Map
2. Project Plans received and dated June 28, 2007 and June 29, 2007
3. Project Narrative received and dated July 10, 2007
4. Code Requirements Letter dated August 6, 2007 (for information only)
5. Draft Mitigated Negative Declaration No. 06-008
6. Public Comment Letters concerning Draft Mitigated Negative Declaration No. 06-008



VICINITY MAP

CONDITIONAL USE PERMIT NO. 06-035/ VARIANCE NO. 07-001/
MITIGATED NEGATIVE DECLARATION NO. 06-008
(FIRST CHRISTIAN CHURCH – 1207 MAIN ST.)

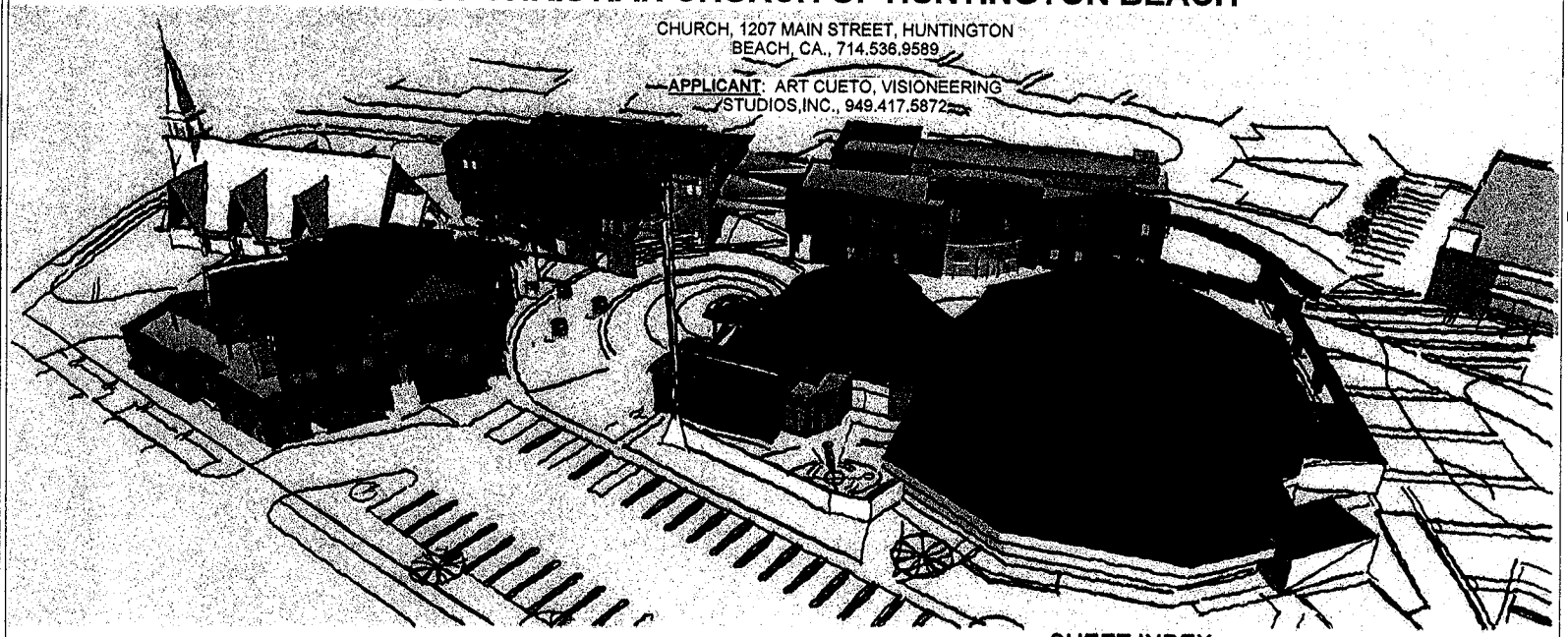
ATTACHMENT NO. 1

RECEIVED JUN 2 8 2007

1ST CHRISTIAN CHURCH OF HUNTINGTON BEACH

CHURCH, 1207 MAIN STREET, HUNTINGTON BEACH, CA., 714.536.9589

APPLICANT: ART CUETO, VISIONEERING STUDIOS,INC., 949.417.5872



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B2 KIDS BUILDING- 2ND FLOOR
B3 KIDS BUILDING- NORTH/ WEST ELEVATIONS
B4 KIDS BUILDING- SOUTH/ EAST ELEVATIONS

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C4 MULTI-PURPOSE BUILDING- SOUTH/ WEST ELEVATIONS

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G1 PARKING STRUCTURE LEVELS 0/1 and 2/3
G2 PARKING STRUCTURE LEVELS 4/5
G3 PARKING STRUCTURE ELEVATIONS

First Christian Church of Huntington Beach
Zoning Conformance Matrix

Abbreviated Development Standards	Fd	Project	Notes
Minimum Lot Area (sf)		7,0	
Minimum Lot Width (ft)	100	330	
Minimum Setbacks (ft)			
Front	10	10	Landscaping provided along 17th Street, Adams Avenue, and Main Street.
(B) Double frontage lots shall provide front yards on each frontage.			
C 50-foot setback required along Beach Boulevard, Edinger Avenue, and SR-39, or a 25-foot setback when area is completely landscaped.			Non-Applicable.
(H) 40% of building surface may be located at minimum setback line along major or primary streets if additional landscaping is provided.			
Side	10	10	
(D) A 10 ft setback is required along property line abutting with an R District. Structures within 45 ft of district boundary shall not exceed 18 ft in height.			Required setbacks maintained in addition to adjoining single-family residences on San Nicolas Circle.
1st stry Side	10	10	Required setbacks maintained on all street frontages.
Rear	10	10	
(D) A 10 ft setback is required along property line abutting with an R District. Structures within 45 ft of district boundary shall not exceed 18 ft in height.			Required setbacks maintained in addition to adjoining single-family residences on San Nicolas Circle.
Maximum Height of Structure (ft)	50		All new buildings are less than the 50-foot maximum height requirement. The proposed tower is 84-feet tall.
(D) A 10 ft setback is required along property line abutting with an R District. Structures within 45 ft of district boundary shall not exceed 18 ft in height.			
(B) Huntington Beach Zoning Code Sections 230.70 and 230.72 specify measurements of building heights and exceptions to height limits.			All building heights are measured as per city standards.
Maximum Floor Area Ratio, F.A.R.	1.0		
Minimum Site Landscaping (%)	8		Present landscaping is in excess of the 8% city requirement.

First Christian Church of Huntington Beach
Zoning Conformance Matrix

Abbreviated Development Standards	Fd	Project	Notes
P-O A 10-foot landscaped strip shall be provided along all street frontages, except for necessary driveways and walkways.			Parkway all 10-foot landscaped strip provided along all street frontages.
Chapter 232 - Landscape Requirements			All requirements governing landscaping will be complied with.
Building Design Standards			
(L) Front or sidewall surface of a building shall be no longer than 100 feet without a break, recess, or offset.			Building designs contain required breaks, recesses, and/or offsets.
(H) 40% of building surface may be located at minimum setback line along major or primary streets if additional landscaping is provided.			All building designs comply with this standard.
Fences and Walls			
(3a) Section 230.96 - Fencing and Yards			All fences and walls will comply with Section 230.96.
(I) A solid masonry wall of at least 6 feet in height shall adjoin the line of an adjoining zone or lesser residential use.			The existing masonry wall will be maintained along the adjoining single-family residences on San Nicolas Circle.
Off-Street Parking/Loading			
(j) Off-Street Parking and Loading Requirements. 1 spaces per 3 fixed seats.			ACCHB's worship center has a fixed seating capacity of 875 - resulting in a required 292 parking spaces. Estimated Phase 1 worship capacity will be 420 persons.
Outdoor Facilities			
Sec 230.73 - Outdoor Dining			All requirements governing outdoor facilities will be complied with.
(E) Sec. 230.44 - Recycling Requirements			All recycling facilities are not included in this project's scope.
(E) Sec. 230.80 - Antennae			All requirements governing the installation of antennas will be complied with.
Screening of Mechanical Equipment - Sec. 230.74			All requirements governing the screening of mechanical equipment will be complied with.
Refuse Storage Areas - Sec. 230.75			All requirements governing the screening and location of refuse storage areas will be complied with.
Underground Utilities - Ch. 17.64			
Performance Standards - Sec. 230.92			This project will comply with all applicable measurement standards and approvals.
Hazardous Materials Standards - Ch. 17.6			None identified.
Signs - Ch. 233			All requirements governing permitted signs will be complied with.

VISIONEERING studios
www.VisioneeringStudios.com
Phone | Fax | Email | Address

1207 Main Street, Huntington Beach

1st CHRISTIAN CHURCH

ENTITLEMENT PACKAGE

DATE 08.07.06

PROJECT CODE 104-03

COVERSHEET

Sheet No. 1

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ATTACHMENT NO. 2.1

1st CHRISTIAN CHURCH

1207 Main Street, Huntington Beach

VISION NEERING studios

ENTITLEMENT PACKAGE

DATE 08.07.06

PROJECT CODE 104-03

PROPOSED SITE PLAN

Sheet No. 2

ATTACHMENT NO. 2.2

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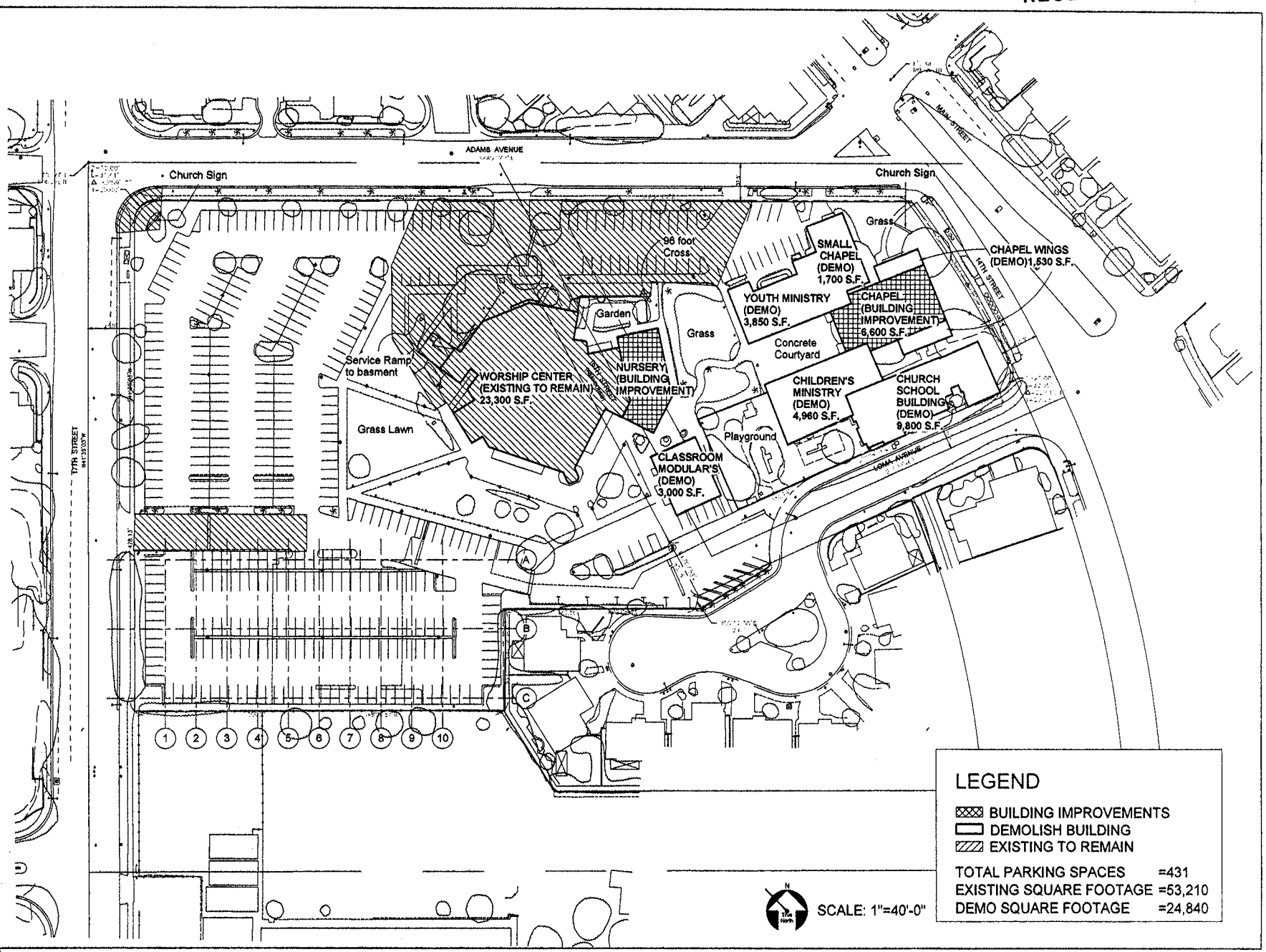


VISIONEERING studios

1207 Main Street, Huntington Beach

ENTITLEMENT PACKAGE

DATE 08.07.06

PROJECT CODE 104-03

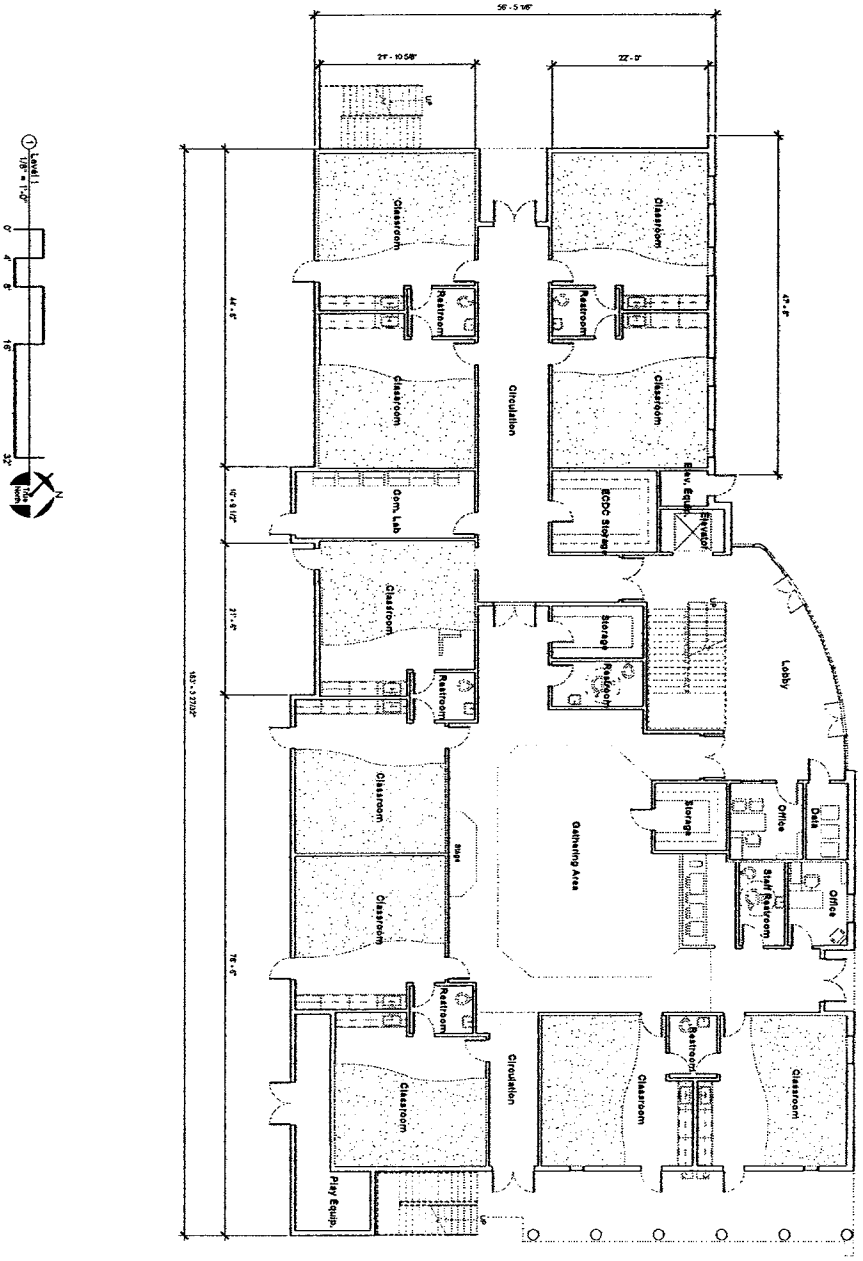
1st CHRISTIAN CHURCH

Existing Site Plan with Demolition Notes

Sheet No. 3

ATTACHMENT NO. 2.3

ATTACHMENT NO. 2.4



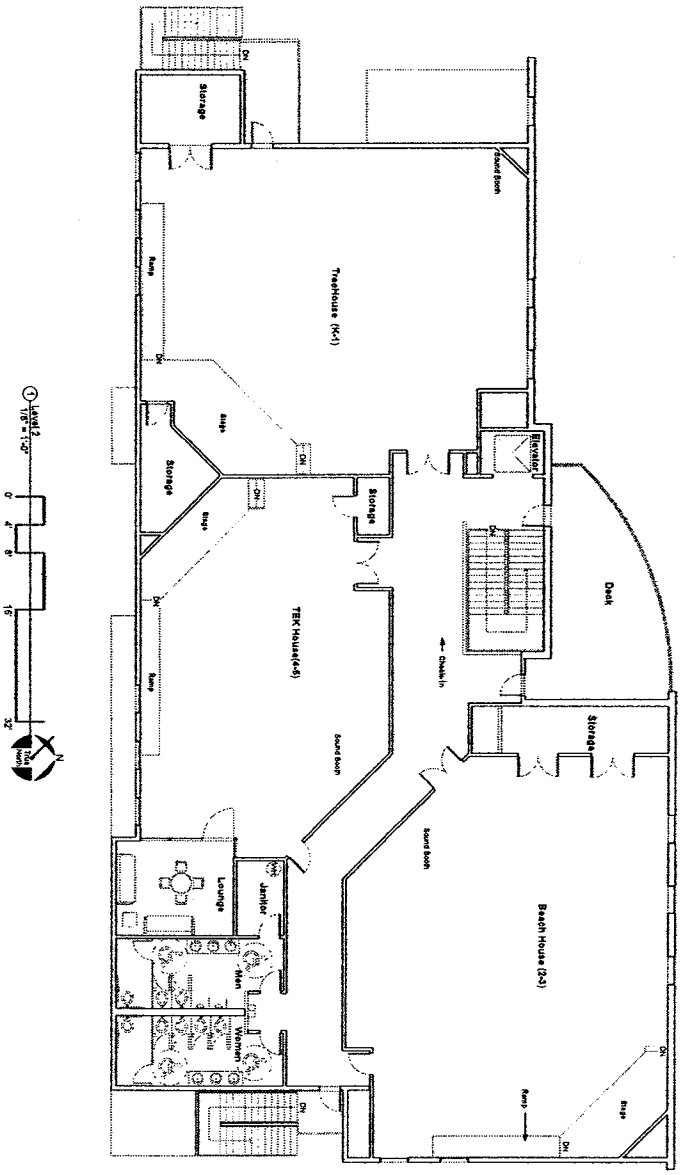
First Christian Church

1207 Main Street, Huntington Beach

Sheet No.	Sheet Name	Project Code	Date	
B1	Kids Building- 1st Floor	104-03	06.15.06	ENTITLEMENT PACKAGE

VISIONEERING studios
www.VisioneeringStudios.com
5 Peters Canyon Road Ste 350
Irvine, CA 92623

ATTACHMENT NO. 2.5



First Christian Church

1207 Main Street, Huntington Beach

Sheet No.		PROJECT CODE	DATE	
B2	Kids Building- 2nd Floor	104-03	06.15.06	ENTITLEMENT PACKAGE

VISIONEERING studios
www.VisioneeringStudios.com
5 Peters Canyon Road Ste 320
Irvine, CA 92623

These drawings and designs are and shall remain the property of Visioneering Studios and the architect whether the project for which they are made is executed or not. The drawings and designs are not to be used in whole or part, in any form or manner whatsoever, by any person, firm or corporation for any purpose whatsoever without the written permission of Visioneering Studios. Visual contact with these plans shall constitute agreement with the aforesaid restrictions and shall be construed as a contract with the architect. Prints of these drawings will be furnished upon execution of a standard agreement between owner and architect.

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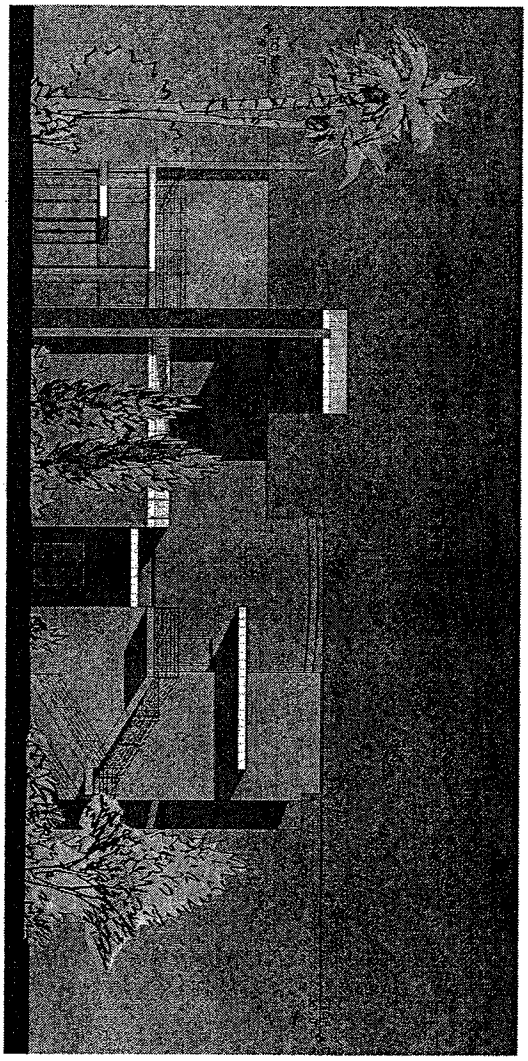
ATTACHMENT NO. 2.6



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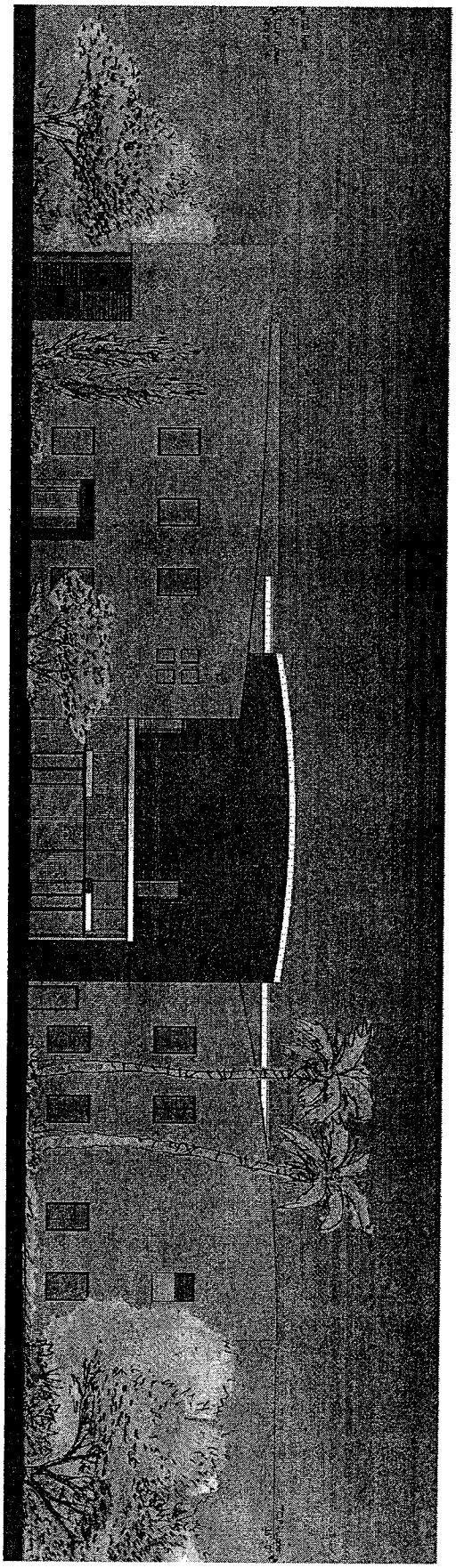

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First Christian Church

1207 Main Street, Huntington Beach

Sheet No.		PROJECT CODE	DATE	
B3	Kids Building- Elev.- North/ West	104-03	06.15.06	ENTITLEMENT PACKAGE

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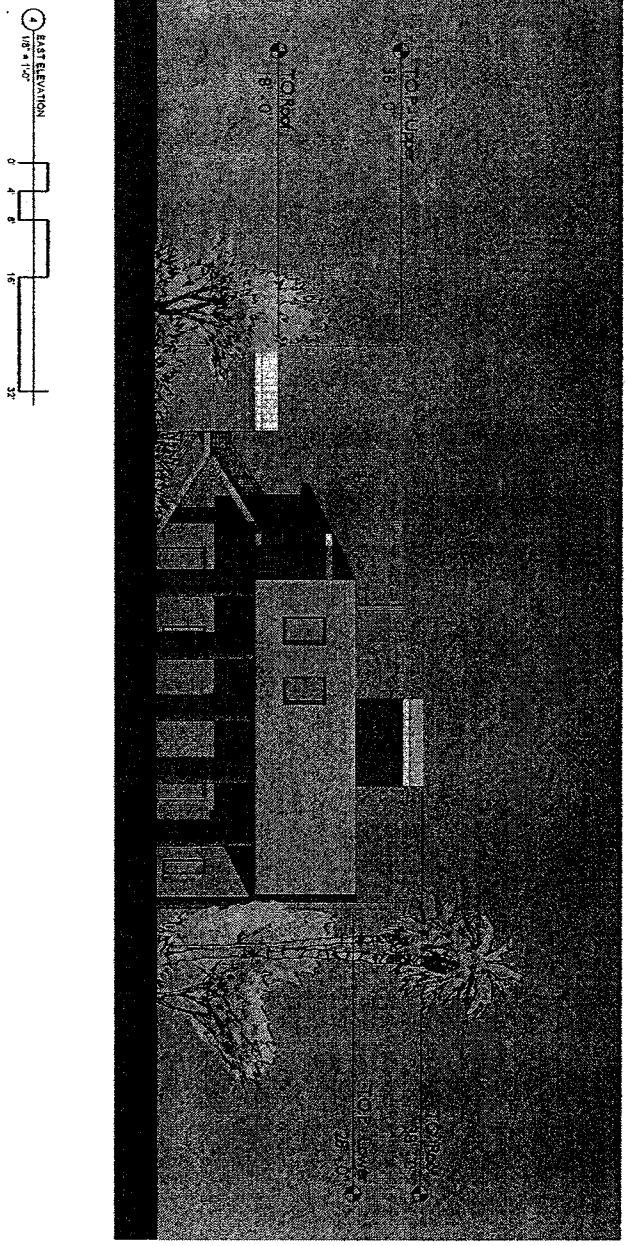

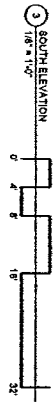

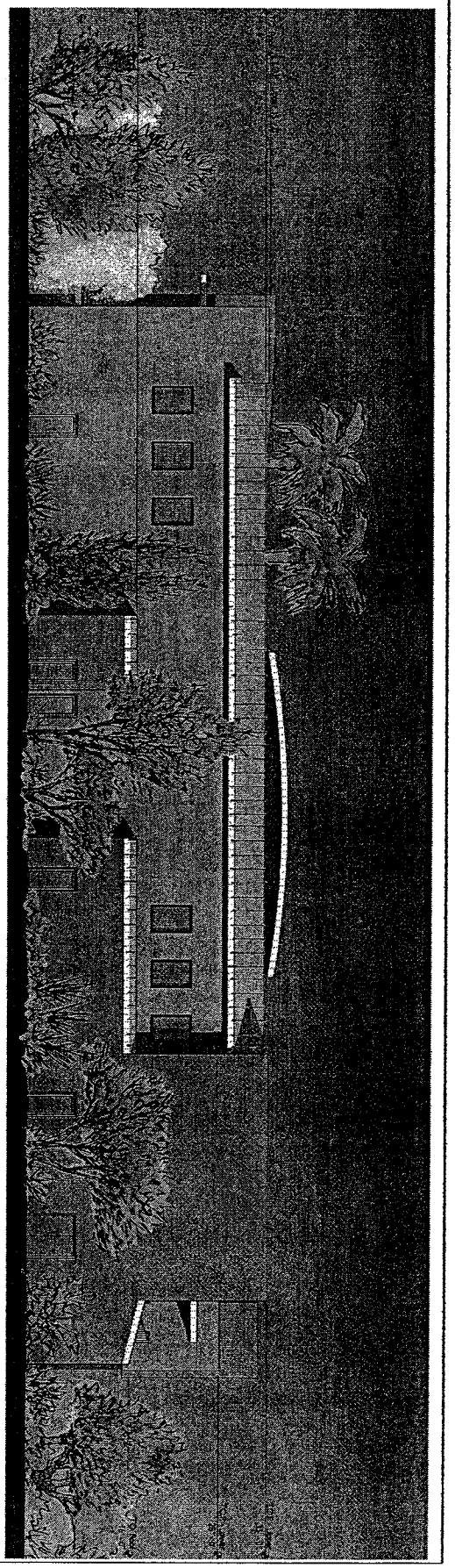

First Christian Church

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Sheet No.	Sheet Name	Project Code	Date
B4	Kids Building- Elev.- South/ East	104-03	06.15.06

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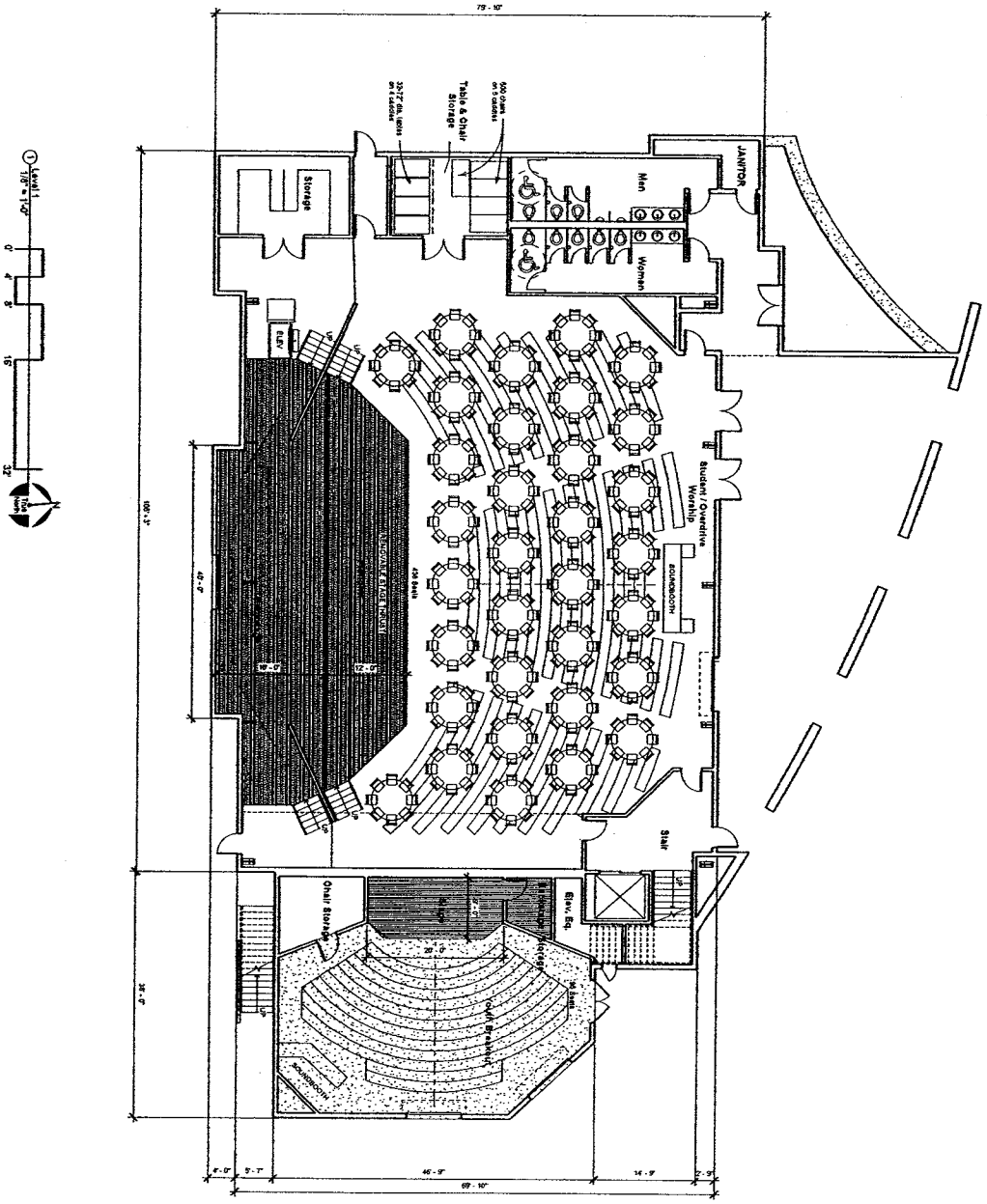

FIRST CHRISTIAN CHURCH

1207 MAIN STREET, HUNTINGTON BEACH

Sheet No.		PROJECT CODE	DATE
C1	Multi-Purpose - 1st Floor	104-03	06.15.06

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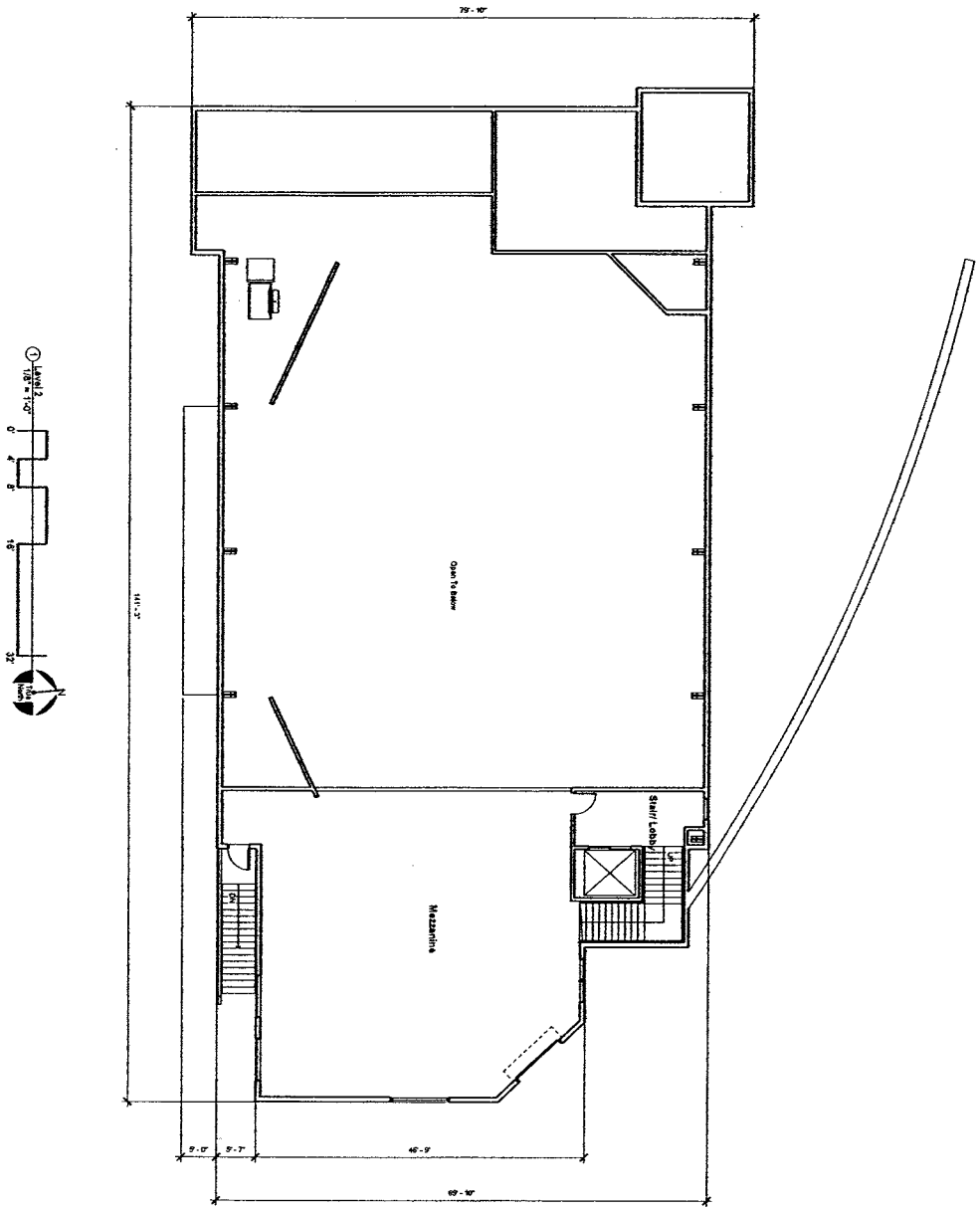

FIRST CHRISTIAN CHURCH

1207 MAIN STREET, HUNTINGTON BEACH

Sheet No.		PROJECT CODE	DATE	
C2	Multi-Purpose - 2nd Floor	104-03	06.15.06	ENTITLEMENT PACKAGE

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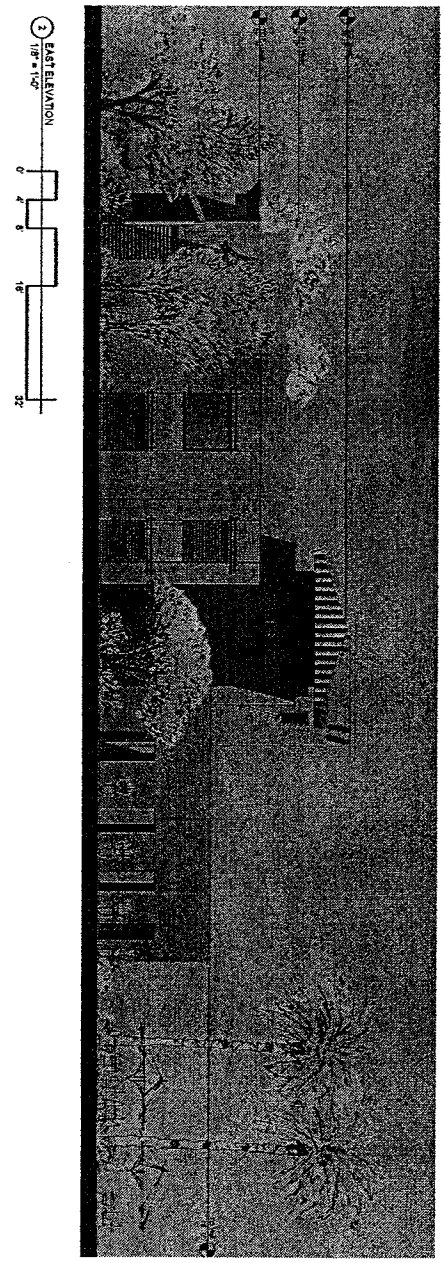

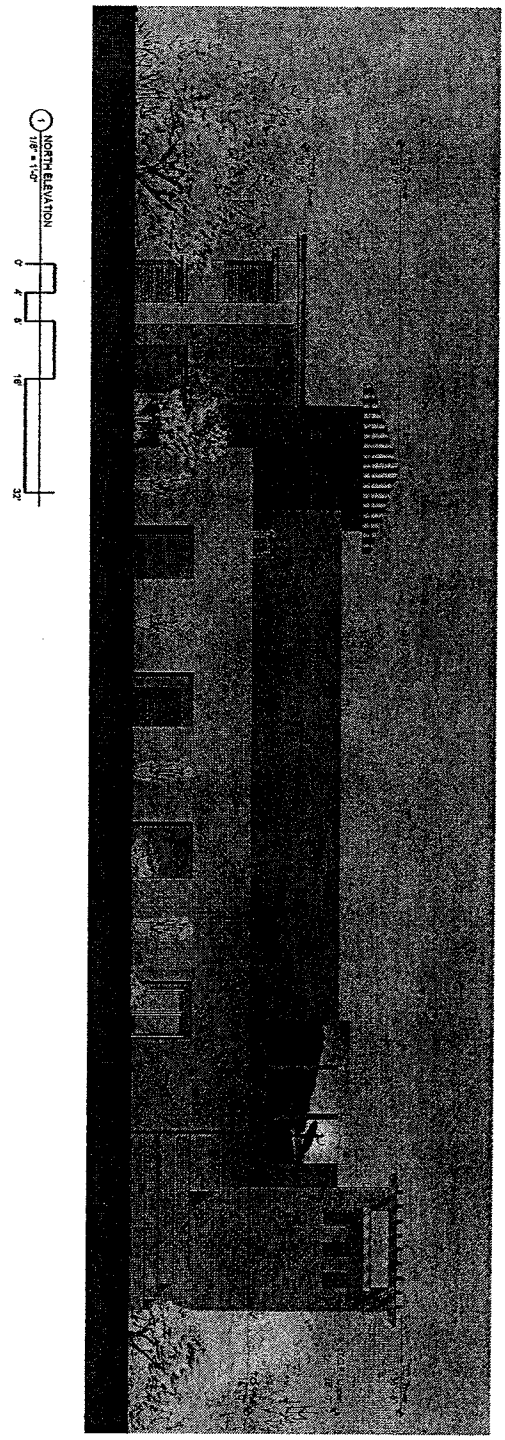

FIRST CHRISTIAN CHURCH

1207 MAIN STREET, HUNTINGTON BEACH

Sheet No.		Project Code	Date	
C3	Multi-Purpose - North & East Elevations	104-03	06.15.06	ENTITLEMENT PACKAGE

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ATTACHMENT NO. 2-11

4 WEST ELEVATION
1/8" = 1'-0"

3 SOUTH ELEVATION
1/8" = 1'-0"

FIRST CHRISTIAN CHURCH

1207 MAIN STREET, HUNTINGTON BEACH

Sheet No.		PROJECT CODE	DATE	
C4	Mult-Purpose - South & West Elevations	104-03	06.15.06	ENTITLEMENT PACKAGE

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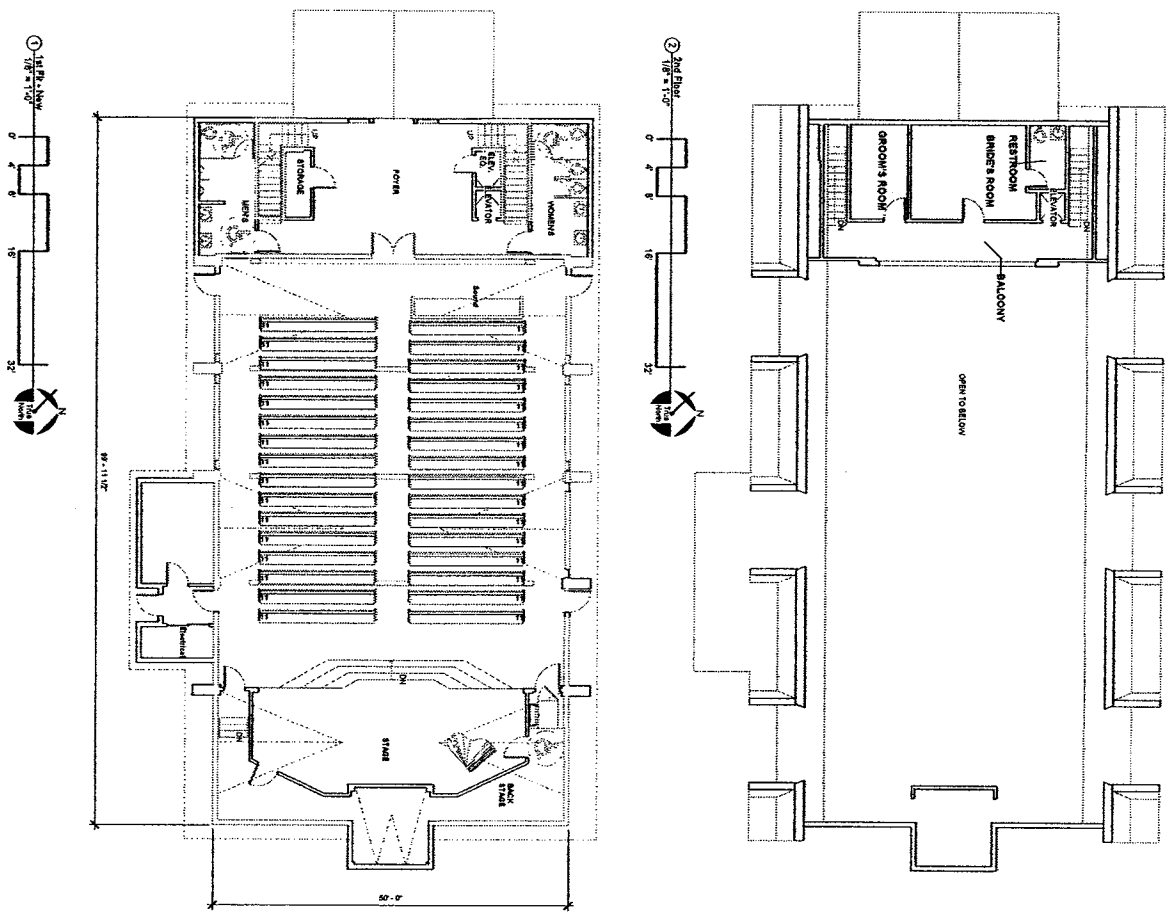

First Christian Church

1207 Main St., Huntington Beach

Sheet No.		Project Code	Date	
D1	Chapel- Floor Plans	104-03	06.15.06	ENTITLEMENT PACKAGE

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PROJECT CODE 104-03

Chapel- Elev.- North/ East

Sheet No. D2

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ENTITLEMENT PACKAGE

DATE 06.15.06

PROJECT CODE 104-03

Chapel- South & East Elevations

Sheet No. D3

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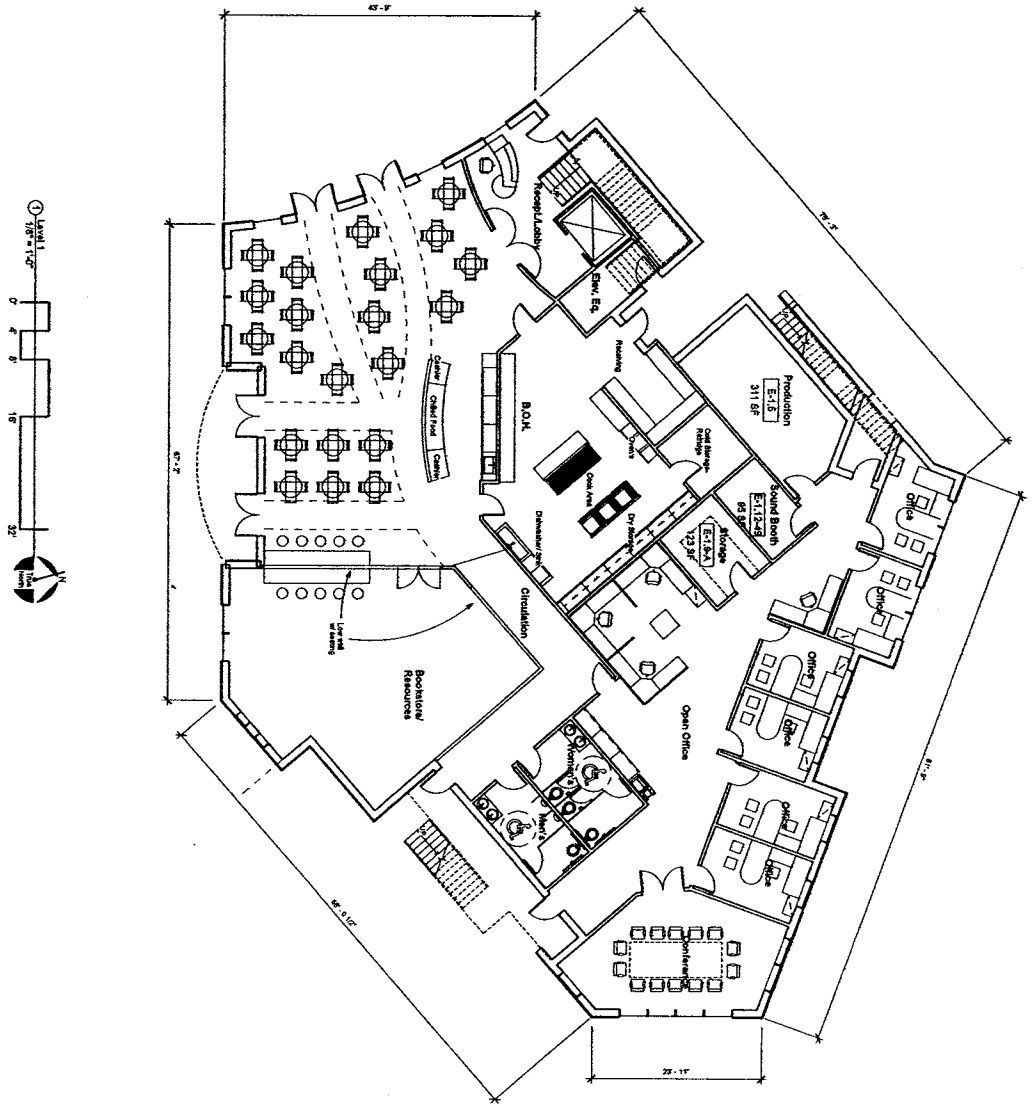
ATTACHMENT NO. 2.15



FIRST CHRISTIAN CHURCH				1207 Main St., Huntington Beach	VISIONEERING studios
E1 (Sheet No.)	Cafe/ Admin.- 1st Floor	PROJECT CODE 104-03	DATE 06.15.06	ENTITLEMENT PACKAGE	www.VisioneeringStudios.com 5 Peter's Canyon Road Ste 330 Irvine, CA 92603

ATTACHMENT NO. 2.16

FIRST CHRISTIAN CHURCH

1207 Main St., Huntington Beach

Sheet No. E2

Cafe/ Admin.- 2nd Floor

PROJECT CODE 104-03

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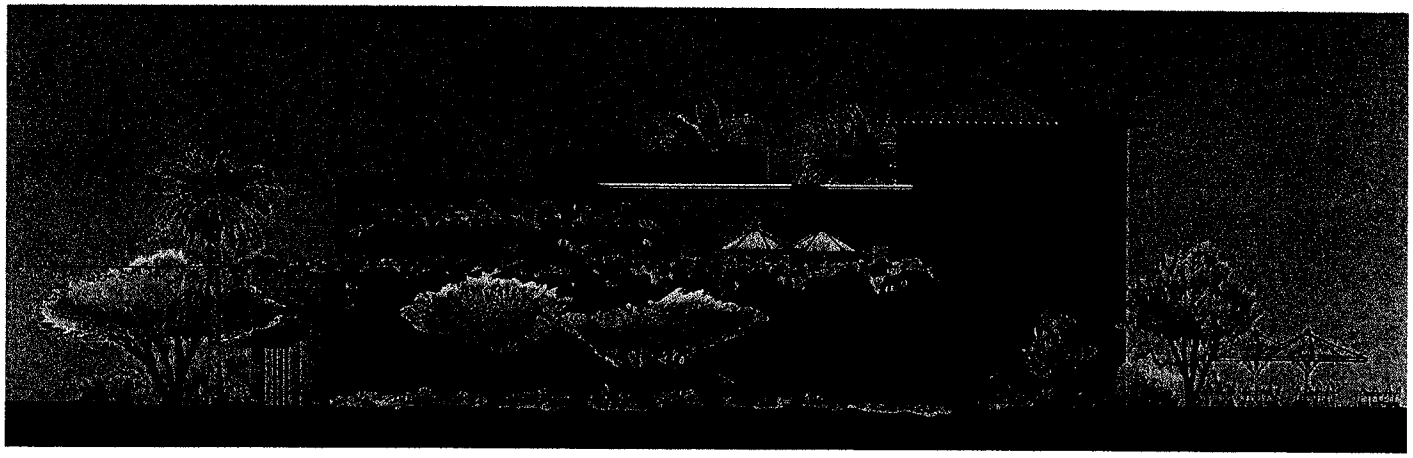

3 NORTH ELEVATION
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0' 4' 8' 16' 32'

2 WEST ELEVATION
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FIRST CHRISTIAN CHURCH

1207 Main St., Huntington Beach

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DATE
06.15.06

PROJECT CODE
104-03

Cafe/ Admin.- North and West Elevations

Sheet No.
E3

ATTACHMENT NO. 2.18

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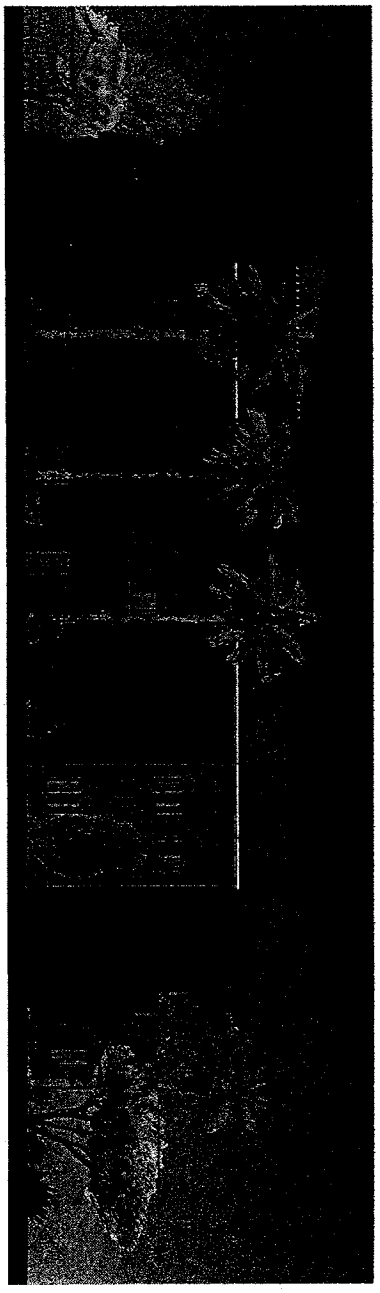

FIRST CHRISTIAN CHURCH 1207 Main St., Huntington Beach

E4 Sheet No.

Cafe/ Admin.- South Elevation

PROJECT CODE 104-03

DATE 06.15.06

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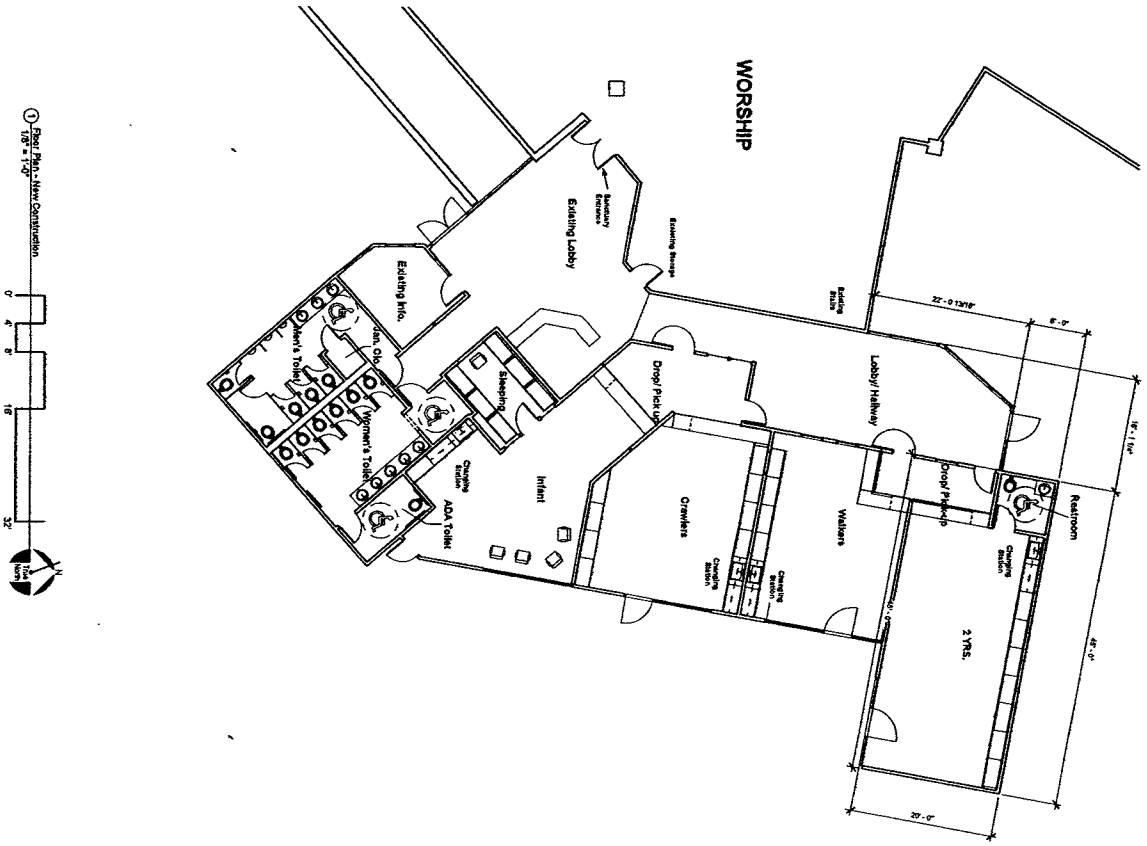

First Christian Church

1207 Main St., Huntington Beach

Sheet No. F1

Nursery- Floorplan

PROJECT CODE 104-03

DATE 06.15.06

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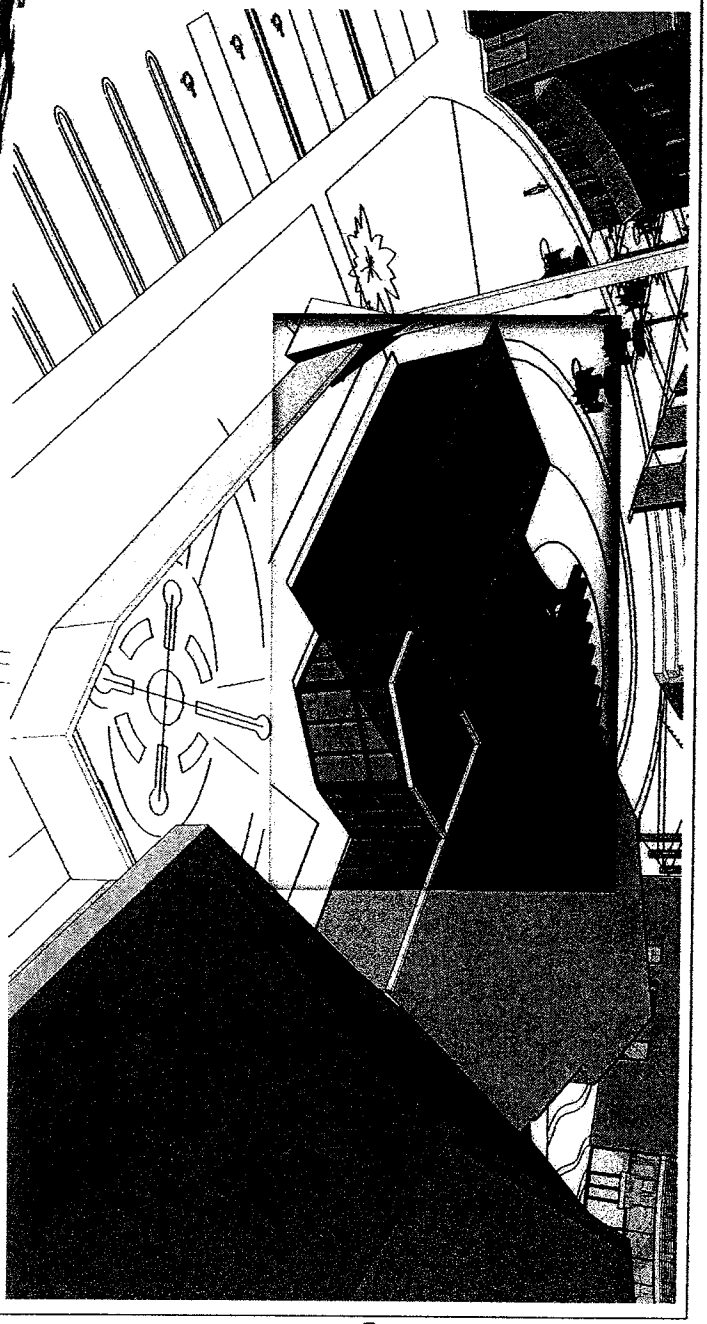
2 SOUTH ELEVATION



1 NORTH ELEVATION

First Christian Church

1207 Main St., Huntington Beach

Sheet No.		PROJECT CODE	DATE	
F-2	Perspective Elevations	104-03	06.29.07	Nursery Schematic Package

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1207 Main Street, Huntington Beach

Parking Structure Levels 1 and 2

Sheet No. **G1**

DATE 06.27.2007

PROJECT CODE 104-03

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ATTACHMENT NO. 2.21

ATTACHMENT NO. 2.22

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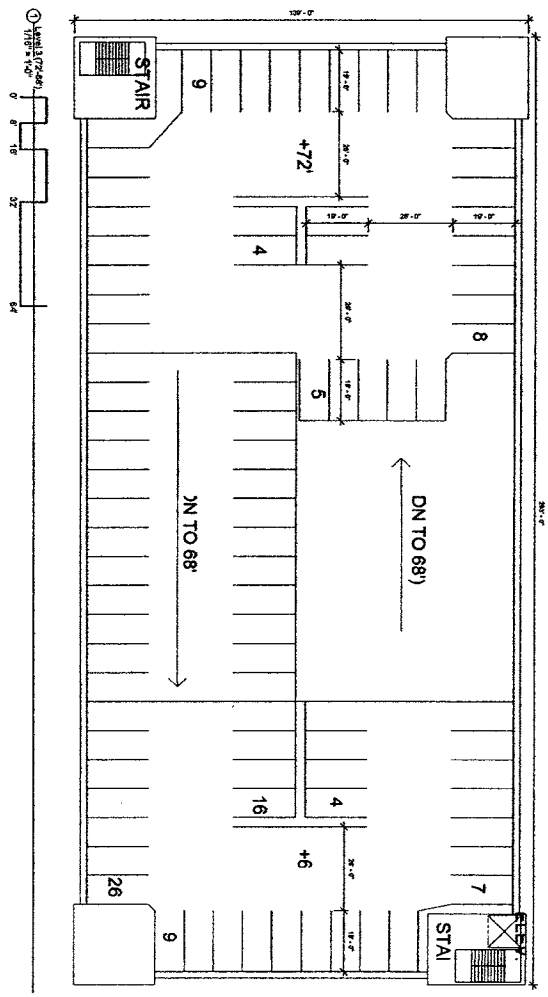

First Christian Church

1207 Main Street, Huntington Beach

G2 Sheet No.

Parking Structure Level 3

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DATE 06.27.2007

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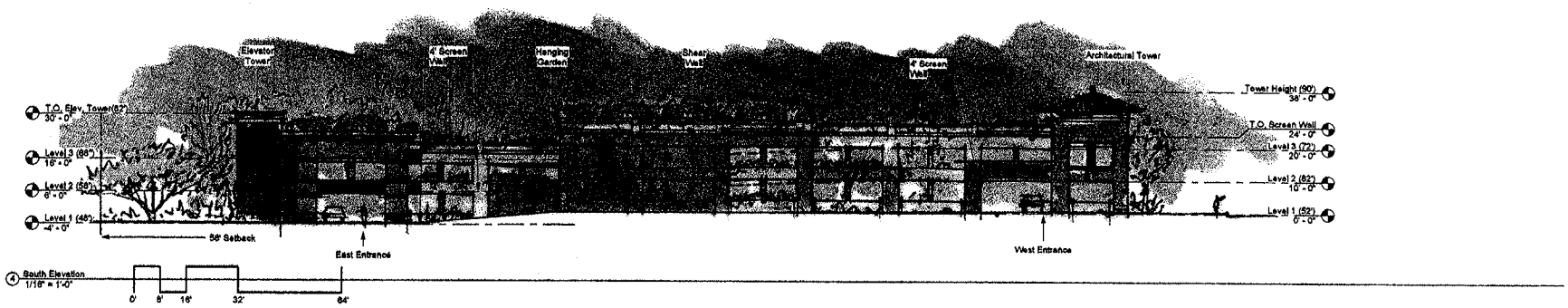

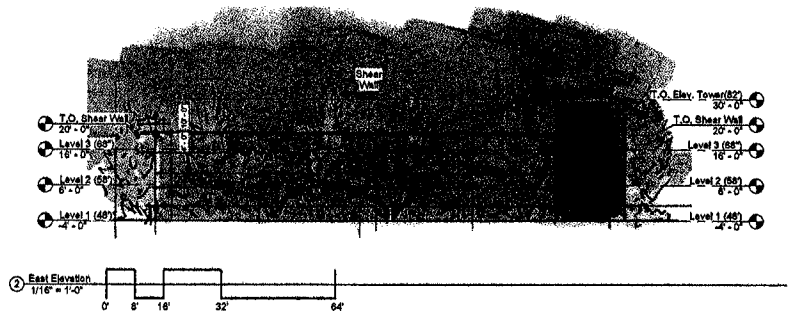

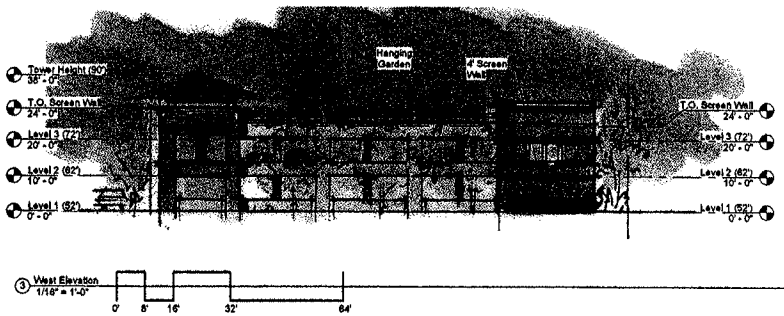

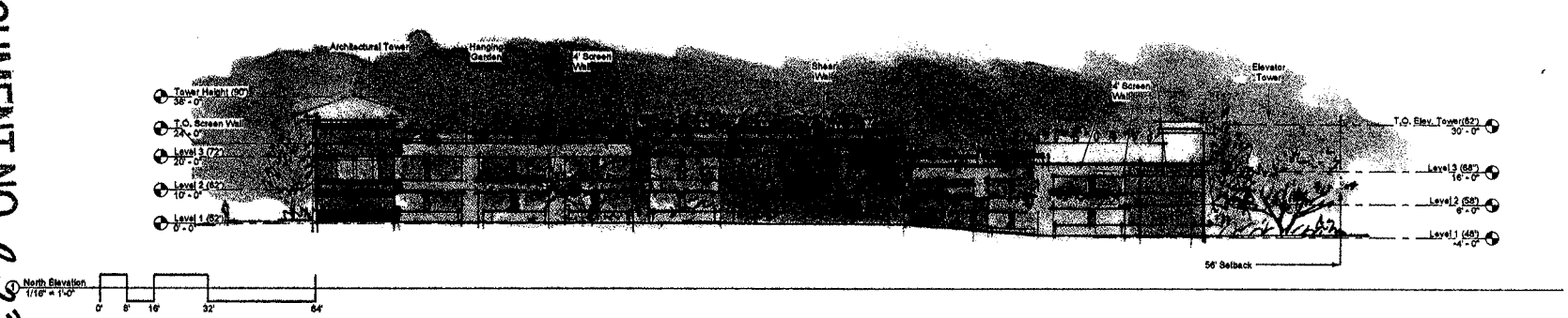

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First Christian Church

Parking Structure Elevations

Sheet No. G3

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First Christian Church of Huntington Beach
Conditional Use Permit Application – Revised Project Narrative
Revised – July 10, 2007

Existing Conditions
First Christian Church, Huntington Beach (FCCHB) is located at 1207 Main Street. It occupies a 7.5 acres campus consisting of seven (7) existing buildings and 431 on-site parking spaces.

The proposed master plan of improvements consists of the following:

1. Demolition of four existing buildings (Church School, Children's Ministry, Youth Ministry, and Small Chapel), and the Large Chapel's existing restroom facilities.
2. Removal of the existing modular structures currently used for adult Sunday School classes.
3. Construction of three new buildings (Children's Building, Multipurpose Building, Administrative/Café Building)
4. Renovation of existing A-Framed Chapel
5. Renovation and expansion of the worship center's nursery and bathroom facilities
6. Landscape/Hardscape Improvements designed to create high quality outdoor gathering places, improve pedestrian circulation, and make the church campus more functional and welcoming to church members and visitors alike.
7. Re striping of existing parking lot in order to increase its capacity and improve circulation.
8. Construction of a multi-level parking structure.

Proposed Use
Table A describes the new buildings and modifications of existing buildings contained within the Master Plan scope. Attachment A shows how the church's existing activities will be housed within the new and existing buildings upon the project's completion.

Table A
First Christian Church, Huntington Beach - Master Plan Scope

Building	Status	Size (sf)	Planned Use/Improvement
A Worship Center	Existing	25,500	No change to existing seating capacity. The worship center will not be modified as part of this project scope.
B Children's Building	Planned	17,411	Children's Sunday School (preschool – 6th grade), and midweek preschool.
C Multi-Purpose	Planned	10,268	Flexible meeting space for Jr. High and High School groups and other large groups/ functions.
D Chapel	Existing	5,717	Remodel existing A-Framed structure into a traditional chapel suitable for classic worship services, weddings and funerals.

ATTACHMENT NO. 3.1

E	Administrative, Café	Planned	13,621	Church administrative offices, café, kitchen, church resource center.
F	Nursery Expansion	Planned	4,252*	Expanded existing nursery and restroom facilities in the worship center. Improvements include a combination of new construction and remodeling of existing facilities.
G	Parking Structure	Planned	299 spaces (Estimated)	Above ground parking structure to accommodate peak parking requirements for concurrent worship services in existing worship center and replacement venues.

***Note:** Nursery Expansion square footage includes 1,027 sf of new construction and remodel of 3,180 sf of existing nursery and restroom space in the Worship Center.

The project will include a series of outdoor public space and landscaping improvements in addition to the items listed in Table A. The completed campus will include a new pedestrian walkway, or "Village Gateway" from Main Street where the existing Small Chapel is located. A Chapel Garden will be located at the site of the existing Classroom Building and allow for direct pedestrian access into the campus from 14th Street. A new "Tidal Court" will serve as the main gathering area for before and after church functions and will be open to the public. The court will be located between the existing Worship Center, Multipurpose Building, A-Frame Chapel, and Administration/Café Building. The court will include chairs and tables to support the café and hardscape improvements suitable for informal gatherings. The "Wave Walk" will serve as the main pedestrian connection between the church's parking lot and the new and existing buildings. These outdoor areas will be enhanced by the use of decorative paving, landscaping (including native drought-tolerant plant materials), and signage.

The church will not hold regularly scheduled outdoor gatherings on its campus, nor will the Tidal Court function as an amphitheater. Additionally, the church will not have outdoor amplified music.

Project Sequencing

The construction of the new buildings is scheduled to begin in fall 2007. The construction is anticipated to last between 18 to 24 months. The project will be built in the following sequence:

1. Remove existing modular buildings
2. Construct new Children's Building
3. Demolish existing Church School Building
4. Construct new Multipurpose Building and Nursery Expansion
5. Demolish existing Youth Building and Small Chapel
6. Renovation of A-Frame Chapel
7. Construct new Administration/Café Building
8. Construct Parking Structure

ATTACHMENT NO. 3.2

Parking

The church's parking demand is based on the assumption that it will stage three concurrent worship services in separate venues (Existing Worship Center, Renovated A-frame Chapel, and Multipurpose/Overdrive Building) upon the project's completion. The concurrent services will generate a parking demand of 555 parking spaces as per city code. This demand will be met through a combination of on-site and shared use spaces during the project construction phase and upon project completion as allowed by the City of Huntington Beach Zoning Ordinance 231.06.

Shared Parking

The church has entered into shared use agreements with both Smith Elementary School and Huntington Beach High School for the use of their respective parking lots. Each lot's location, capacity, and distance from the church are listed in Table B and shown in Attachment B.

Table B
Shared Parking Lots

Off Site Lot	Capacity	Distance from Church (Feet)
Smith Elementary School	47	220
Huntington Beach High School	298	570

Both off-site lots will be used during the project construction phase to meet the church's required parking capacity. A Variance Request has been filed with the city for the use of the Huntington Beach High School lot since it exceeds the city's 250 foot requirements for shared use parking. The church will operate shuttles between the High School lot and its campus in order to mitigate the distance between the two. The church is intends to continue to use the Smith Elementary School lot after the project's completion to meet a portion of its parking demand.

Table C shows how the church intends to meet its parking requirement both before and after the completion of the parking structure. The parking structure will be located on a portion of the church's existing surface parking lot. The number of surface parking spaces will decrease as a result of the structure.

Table C
Final Parking Supply

Parking Lot	Parking Capacity	
	Without Parking Structure	With Parking Structure
FCCHB Surface Parking	404	234
FCCHB Structured Parking		299
Smith Elementary School	47	47
Huntington Beach High School	298	
Total	**749**	**580**

ATTACHMENT NO. 3.3

The peak parking period for the church and the two school lots are compatible in that the lots are not in use during Sunday mornings. As a result, the joint use of the lots by the church and the schools will not result in any operational conflicts. Evidence of the agreements will be files with the appropriate city and county offices as required by the Huntington Beach Zoning Ordinance 231.06.0.

The parking structure's design will meet all requirements dealing with height, setbacks, and screening of parked cars. The parking structure's perimeter will be landscaped to screen the structure from adjacent streets and neighboring land uses. It will be secured when not in use to prevent unauthorized use or activities.

Trip Generation

A trip generation analysis prepared for this project estimates that the new facilities will generate a total of 283 new trips on Sundays of which 60 inbound and 55 outbound trips will take place during the Sunday morning peak hour. This estimate was developed for the project using the Institute of Traffic Engineers (ITE) Trip Generation Manual (7th Edition) and was based on a total Sunday attendance of 1,655. This number is less that the total occupancy for the three venues in which concurrent worship services will take place on Sunday mornings (existing Worship Center, Renovated A-Frame Chapel, and Multipurpose Building). The church agreed to reduce its maximum Sunday attendance in order to achieve a reduced number of automobile trips during the Sunday peak period. The reduced attendance figures agreed upon by the church are listed in Attachment C.

Hours of Operation

FCCHB holds three weekly worship services (Saturday 6:00 pm, and Sunday 9:00 and 10:30 am) and operates a 200-student preschool during the week. The church has an average weekly attendance (three services) of 2,300, and has 25 fulltime employees. The church's administrative office hours are 8:30 am to 5:00 pm, Monday through Friday, and the preschool meets from 9:00 am to 2:00 pm, Monday through Friday (September through June). The church plans to operate the new café/book store between the hours of 7:00 am to 9:00 pm Monday to Saturday, and from 8:00 am to 7:00 pm on Sundays. Weddings and related activities, along with other special events held at the church will end by 10:00 pm.

A more detailed list of weekly church activities is contained in Attachment D.

Special events like weddings and funerals will typically take place in the renovated chapel. As many as one wedding per week and one funeral per month may take place in this venue. Both weddings and funerals may take place on any day of the week with the exception of Sundays. Most weddings will be scheduled for Saturdays. Any wedding and funeral with projected attendances in excess of 350 people will take place in the Worship Center, although these events are uncommon and may occur on a sporadic basis.

Reasons for Initiating Application

The church's existing Youth, Classroom, and Small Chapel are both functionally and economically obsolete. They do not meet the church's current or future ministry needs, and the cost of retrofitting these buildings is approximately the same as constructing new ones in order for them to meet current building codes. The project will upgrade the quality of the church's meeting, kitchen, and resource facilities; consolidate the office space for the church's administration; and improve the campus' overall aesthetic in order to make it a more inviting and community-serving facility.

Neighboring Land Uses

FCCHB is located within a portion of the City of Huntington Beach dominated by residential land uses. Single family homes are located across 17th Street, Adams Avenue, Main Street, and Loma Avenue. Worthy Park is located directly north of the intersection of Adams Avenue and 17th Street from the project site. Agness L. Smith Elementary School, and a private home is located adjacent to and south of the project site.

Population Served

HBCC is the largest Protestant church within the city of Huntington Beach. It has a full compliment of adult, youth, and children ministry programs along with operating an accredited preschool program. The church's attendees reside within Huntington Beach and neighboring cities of Fountain Valley, Westminster, Costa Mesa, and Seal Beach.

Hazardous Waste and Substance

A Phase I Environmental Assessment Report prepared on behalf of HBCC found the site to be free of any hazardous waste or substance. The report's executive summary is attached hereto.

ATTACHMENT NO. 35

Attachment C

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First Christian Church Huntington Beach

Worship Service Venue Occupancies

March 15, 2007

	Existing		Future			
			Maximum		Reduced*	
Worhship Service	*Venue*	*Occupancy*	*Venue*	*Occupancy*	*Venue*	*Occupancy*
Traditional	Worship Center	975	Worship Center	975	Worship Center	975
Overdrive	A-Frame Chapel	415	Multipurpose	438	Multipurpose	400
Classic	Small Chapel	80	A-Frame Chapel	350	A-Frame Chapel	280
	TOTAL	***1470***		***1763***		***1655***

Note:

** The total reduced occupancy is based on the existing number of Worship Center fixed seats and reduced Sunday morning peak period occupancies for both the future Multipurpose Building and renovated A-Frame Chapel. Reduced occupancies for the Multipurpose Building and Renovated Chapel are flexible provided that the total Reduced Occupancy does not exceed the 1655 limit.*

ATTACHMENT NO. 3.6

Attachment D

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First Christian Church, Huntington Beach
List of Weekly Events*
Revised - June 19, 2007

	Location		Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
Event/Activity	**Existing**	**Future**	**Event Time**	**Attendance**	**Event Time**	**Attendance**	**Event Time**	**Attendance**	**Event Time**	**Attendance**	**Event Time**	**Attendance**	**Event Time**	**Attendance**	**Event Time**	**Attendance**
Worship Services																
Traditional	Worship Center	Worship Center	9:00 am - 10:00 am	600											6:00 pm - 7:00 pm	270
			10:30 am- 11:30 am	710												
Overdrive (Contemporary)	A-Frame Chapel	Multipurpose Building	9:00 am - 10:00 am	61												
			10:30 am- 11:30 am	112												
Classic	Small Chapel	A-Frame Chapel	9:00 am - 10:00 am	28												
			10:30 am- 11:30 am	22												
Sunday School - Adults**	Worship Center (Meeting Hall)	Worship Center (Meeting Hall)	9:00 am - 10:00 am													
			10:30 am- 11:30 am													
Sunday School - Children (K-5)	Existing Childrens and Youth Buil	New Children's Building	9:00 am - 10:00 am	123											6:00 pm - 7:00 pm	28
			10:30 am- 11:30 am	192												
Small Groups - Men	Worship Center (Meeting Hall)	Worhsip Center (Meeting Hall)			6:00 am - 7:30 am	10	7:00 pm - 9:00 pm	10								
Small Groups - Women	Worship Center (Meeting Hall)	Worship Center (Meeting Hall)					9:00 am - 11:30 am	80	9:00 am - 11:30 am	80	9:00 am - 11:30 am	100				
	Worship Center (Meeting Hall)	Worship Center (Meeting Hall)					7:00 pm - 9:00 pm	100								
Small Groups - Adults	Worship Center (Meeting Hall)	Worship Center (Meeting Hall)							10:00 am - 11:30 am	10					9:00 am - 11:00 am	10
Team Meetings	Worship Center (Meeting Hall)	Worship Center (Meeting Hall)			7:00 pm - 8:00 pm	20	7:00 pm - 8:00 pm	20	7:00 pm - 8:00 pm	20						
Children's Ministries	Existing Children's Building	New Children's Building					7:00 pm - 8:30 pm	20			7:00 pm - 8:30 pm	40				
Jr. High Group	Youth Building	Multipurpose Building	9:00 am - 10:00 am	31							7:00 pm - 8:30 pm	60				
			10:30 am- 11:30 am	37												
High School Group	A-Frame Chapel	Multipurpose Building							7:00 pm - 8:30 pm	60						
Music Ministry - Rehearsal	Worship Center	Worship Center									7:15 pm - 8:30 pm	40				
Pre-School***	Existing Children's Building	New Children's Building			9:00 am - 2:00 pm	125	9:00 am - 2:00 pm	125	9:00 am - 2:00 pm	125	9:00 am - 2:00 pm	125	9:00 am - 2:00 pm	125		
Church Administrative Offices	Worship Center	Administration Building			8:30 am - 5:00 pm	25	8:30 am - 5:00 pm	25	8:30 am - 5:00 pm	25	8:30 am - 5:00 pm	25	8:30 am - 5:00 pm	25		
Special Events *****																
Funerals	Worship Center	A-Frame Chapel				350		350		350		350		350		350
Weddings	Worship Center	A-Frame Chapel				350		350		350		350		350		350
Total Daily Attendance				**1916**		**880**		**1080**		**1020**		**1090**		**850**		**1008**

Notes:

* Events schedule reflects a typical week during the months of September through June when the preschool is in session. The church's weekly average combined attendance for its three worship services is 2,300

** Attendance for Adult Sunday School is included in Worship Center attendance

*** The pre school has a total enrolment of 200 students, but not all students attend class every day. Attendance number reflects average daily attendance including 15 staff members

**** Women's Tuesday Evening Meetings are held on a monthly basis.

***** Special Events are not regularly scheduled events. They may take place any day of the week except Sundays. Activities associated with special events will conclude by 10:00 pm. Attendance figures listed on this table are for planning purposes only and do not reflect actual attendance figure

ATTACHMENT NO. 3-7

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

August 6, 2007

Art Cueto
Visioneering Studios
5 Peters Canyon Road
Irvine, CA 92606

SUBJECT: CONDITIONAL USE PERMIT NO. 06-035/ VARIANCE NO. 07-001/ MITIGATED NEGATIVE DECLARATION NO. 06-008 (FIRST CHRISTIAN CHURCH REMODEL/ EXPANSION)

1207 MAIN STREET, HUNTINGTON BEACH

Dear Mr. Cueto:

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 (HBSO) 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 Commission. Please note that if the design of your project or site conditions change, the list may also change.

The attached project implementation requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within 10 calendar days of the project approval pursuant to the HBZSO Sec. 248.24. The appeal fee is $494.00.

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

Sincerely,

RON SANTOS
Associate Planner

Enclosure

cc: First Christian Church, 1207 Main Street, Huntington Beach
Gerald Caraig, Building & Safety Dept. – 714-374-1575 (e-mail)
Lee Caldwell, Fire Dept. – 714-536-5564 (e-mail)
Herb Fauland, Principal Planner (e-mail)
Steve Bogart, Public Works – 714-536-5580 (e-mail)

(g:forms\planning\Code Requirements Letter - rev)

ATTACHMENT NO. 4-1

CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	AUGUST 6, 2007
PROJECT NAME:	FIRST CHRISTIAN CHURCH REMODEL/ EXPANSION
ENTITLEMENTS:	CONDITIONAL USE PERMIT NO. 06-035/ VARIANCE NO. 07-001/ MITIGATED NEGATIVE DECLARATION NO. 06-008
PROJECT LOCATION:	1207 MAIN STREET, HUNTINGTON BEACH
PLAN REVIEWER:	RON SANTOS, ASSOCIATE PLANNER
TELEPHONE/ E-MAIL:	(714) 536-5561/ rsantos@surfcity-hb.org
PROJECT DESCRIPTION:	RECONSTRUCTION AND EXPANSION OF AN EXISTING CHURCH COMPLEX, INCLUDING A NEW MULTI-LEVEL PARKING STRUCTURE.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 28, 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.

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
   a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
   b. 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.
   c. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of15 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).
   d. 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.
   e. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public

during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (HBZSO 231.18(C))

f. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking.*

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 SCAQMD, an asbestos survey shall be completed.

   c. The City of Huntington Beach shall receive written verification from the SCAQMD that the Notification procedures have been completed.

   d. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.

   e. All facets of the project related to historic preservation shall be reviewed and approved by the City of Huntington Beach. The applicant shall provide written notice of any proposed demolition to the Planning Department, for review by the City of Huntington Beach Historic Resources Board, a minimum of 45 days in advance of permit issuance. The HRB may relocate, fully document and/or preserve significant architectural elements. The applicant/property owner shall not incur any costs associated with moving or documenting the structure by the Board.

3. Prior to issuance of grading permits, the following shall be completed:

   a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street/alley from the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.

   b. Blockwall/ fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be submitted to the Planning Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.

4. 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.

5. Prior to issuance of building permits, the following shall be completed:

a. Joint use parking shall require a Joint Use Parking Agreement between property owners to be recorded prior to issuance of permits or occupancy. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Planning Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

b. 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. 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 Public Works Department.

c. A Mitigation Monitoring Fee shall be paid to the Planning Department. *(This fee pertains to projects with a negative declaration or an EIR. The current fee is $285 for negative declarations and mitigated negative declarations).*

d. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).

6. During demolition, grading, site development, and/or construction, the following shall be adhered to:

   a. Construction equipment shall be maintained in peak operating condition to reduce emissions.

   b. Use low sulfur (0.5%) fuel by weight for construction equipment.

   c. Truck idling shall be prohibited for periods longer than 10 minutes.

   d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.

   e. Discontinue operation during second stage smog alerts.

   f. Clearly visible signs shall be posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

   g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.

7. New 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. All improvements shall be completed in accordance with approved plans, except as provided for by conditions of approval.

   b. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

   c. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.

8. Only the uses described in the project narrative received and dated July 10, 2007 shall be permitted, except as modified pursuant to Conditional Use Permit No. 06-035. Special/temporary/parking lot events shall be subject to approval of a Temporary Activity Permit or Temporary Use Permit.

9. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

10. 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.

11. Conditional Use Permit No. 06-035/ Variance No. 07-001 shall not become effective until the ten calendar day appeal period from the final approval of the entitlements has elapsed.

12. Conditional Use Permit No. 06-035/ Variance No. 07-001 shall become null and void unless exercised (by commencement of construction) 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.

13. The Planning Commission reserves the right to revoke Conditional Use Permit No. 06-035/ Variance No. 07-001 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.

14. 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.

15. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.

16. The applicant shall submit a check in the amount of $50.00 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 Department of Planning within two (2) days of the Planning Commission's approval of entitlement(s).

17. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO and approved plans. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for applicable Code requirements. Substantial changes may require approval by the Planning Commission.

18. 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.

ATTACHMENT NO. 4.5

HUNTINGTON BEACH FIRE DEPT.

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	FEBRUARY 23, 2007
PROJECT NAME:	FIRST CHRISTIAN CHURCH
ENTITLEMENTS:	PLANNING APPLICATION NO. 06-035
PROJECT LOCATION:	1207 MAIN STREET, HUNTINGTON BEACH, CA
PLANNER:	RON SANTOS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 536-5271/ rsantos@surfcity-hb.org
PLAN REVIEWER-FIRE:	LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL:	(714) 536-5531/ lcaldwell@surfcity-hb.org
PROJECT DESCRIPTION:	REVIEW OF PHASE I REPORT FOR PROPOSED CONSTRUCTION.

The following is a partial list of code requirements deemed applicable to the proposed project based on the Phase 1 document received by the Fire Department and dated May 18, 2006. 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:

1. The submitted Phase I Report confirms that oil production historically occurred on this site and that abandoned oil wells are located within 100 feet of the footprint of the proposed structure.

   The project shall comply will all provisions of City Specification No. 422 – *OIL WELL ABANDONMENT PROCESS*, City Specification No. 429 - *METHANE SAFETY MEASURES* for new construction within the methane gas overlay districts, and City Specification No. 431-92 *SOIL CLEAN-UP STANDARDS* . **(FD)**

   Following are the Huntington Beach Fire Department Methane District Requirements based off of the Phase I findings:

   a. ***California Division of Oil, Gas & Geothermal Resources "Construction Site Plan Review"* is required for this project.** The applicant must submit a request for a construction site review to the California Division of Oil, Gas & Geothermal Resources (DOGGR - 714-816-6847) Submitted requests shall identify the well name(s), well API number(s), and the location of the abandoned oil well(s) in question.

ATTACHMENT NO. 4.6

The Fire Department must receive a completed Construction *Site Plan Review* from DOGGR as a condition of approval. Grading and building plans shall reference submittal of a request for a DOGGR *Site Plan Review* in the plan notes.

DOGGR will require that you submit the following information:

- Three (3) copies of your construction site plan including your street location and the nearest cross street.
- One copy of the County Assessor's Parcel map, with the Assessor Parcel number illustrating your lot.
- A completed "Construction Site Plan Review Application" form. Make sure to include your city or county plan checker's name, phone number and email address. Applications may be submitted by fax or email; however, in some cases, fax or email may not be acceptable. Contact the Project Engineer to determine if fax or email applications can be accepted.

NOTE:
Wells identified in the Construction Site Review not meeting current DOGGR requirements may require re-abandonment:

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

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

b. "***OIL WELL HISTORY DISPOSITION REPORT***" **is required**. The applicant must submit an "*OIL WELL HISTORY DISPOSITION REPORT*", compiled by a California licensed third-party petroleum engineer or geologist, to the Fire Department – Development Section per *City Specification # 429, section 3.2.* Current Well History Review fee is $395.00 per well, due at the time of submittal. **(FD)**

c. ***"CITY CONSULTANT - OIL WELL HISTORY REVIEW"*** **is required**. The city consultant reviews the submitted *OIL WELL HISTORY DISPOSITION* REPORT for completeness, well integrity, and makes safety measure recommendations to the Fire Department. (see *City Specification # 429, section 3.3)* **(FD)**

d. ***"SOIL CONTAMINATION TESTING"*** **is required**. Based on site characteristics, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I, II, or III Site Audit, soil testing is required. Soil testing plan must be approved by the Fire Department. (See *City Specification # 429, section 3.4* and *City Specification #431-92 Soil Clean-Up Standards).*

Soil testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit.

For Fire Department approval, all grading plans and building plans must reference that all soils shall be in compliance with City Specification #431-92 Soil Clean-Up Standards, in the plan notes. **(FD)**

e. ***"REMEDIATION ACTION PLAN"*** If soil contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard.* Upon remediation action plan approval, a rough grading permit may be issued. **(FD)**

f. ***"METHANE SAFETY MEASURES" are required*** per *City Specification # 429, Methane District Building Permit Requirements.* For Fire Department approval of grading and building plans, reference that project will be in compliance with *City Specification # 429* in the plan notes. *See section 2a below.* **(FD)**

g. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**

OTHER:

a. ***"Asbestos Survey and Remediation Action Plan (RAP) is required"***. Prior to any building demolition, a comprehensive survey and appropriate asbestos remediation action plan (RAP) shall be developed and submitted to the Fire Department for review and approval. All clean-up will be completed prior to building demolition plan approval.

Excerpt from the Phase I, page 17:

"Based on the date of construction (1957 and 1982) there is the potential that asbestos-containing materials (ACM) was used in construction materials. In addition, the Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1101 requires certain construction materials to be presumed to contain asbestos, for purposes of this regulation. All thermal system insulation (TSI), surfacing material, and asphalt/vinyl flooring that are present in a building constructed prior to 1981 and have not been appropriately tested are presumed asbestos containing materials." **(FD)**

b. The Fire Department review of this project and subsequent plans 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)**

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

a. ***"METHANE SAFETY MEASURES" are required.*** *City Specification # 429, Methane District Building Permit Requirements.*

Methane safety measures shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval. Reference compliance with *City Specification #429* in the building plan notes.

Requirements include:

- **Abandoned Well Gas Test.**
- **Well Vent System.**
- **Methane Barrier and Sub-Slab Collection System.**
- **Methane Detection/Alarm System**

For Fire Department approval of building plans, reference compliance with *City Specification #429* in the plan notes. **(FD)**

b. ***"Asbestos Survey and Remediation Action Plan (RAP) required".*** Prior to any building demolition, a comprehensive survey and appropriate asbestos remediation action plan (RAP) shall be developed and submitted to the Fire Department for review and approval.

c. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(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.

S:\Prevention\1-Development\CUP's\Main 1207 Phase I for First Christian Church CUP# 06-035.doc

ATTACHMENT NO. 4.9

HUNTINGTON BEACH FIRE DEPARTMENT
DEVELOPMENT PLAN REVIEW

DESCRIPTION:	First Christian Church	**GRID #:**	431/3814
ADDRESS:	1207 Main		
PLAN CHECK #:	Planning Application # 2006-0150 – Second Submittal		
DATE:	7-13-2006, 9-19-2006		
PLANNER:	Ron Santos	**EXT #:**	5561
REVIEWER:	Lee Caldwell	**EXT #:**	5531

The items listed below indicate Huntington Beach Fire Department (HBFD) development condition of approval requirements. Compliance is required prior to building permit issuance and all applicable items must meet Huntington Beach Municipal Code (HBMC), Huntington Beach Fire Code (HBFC), and/or Uniform Building Code (UBC) standards.

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

1. Three abandoned oil wells are located on the project property, within 100 feet of the footprint of the proposed structures. The project shall comply will all provisions of City Specification No. 422 – Oil Well Abandonment Process and City Specification No. 429 - METHANE SAFETY MEASURES for new construction within the methane gas overlay districts. A methane barrier and sub-slab collection system is required. Reference compliance with *City Specifications # 422 and # 429* in the grading and building plan notes. **(FD)**

2. "Soil Testing" is required. Based on site characteristics, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I,II, or III Site Audit, soil testing is required. Soil testing plan must be approved by the Fire Department. (See City Specification # 429, section 3.4 and City Specification # 431-92 Soil Clean-Up Standards). **(FD)**

3. Soil "Remediation Action Plan" If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach City Specification # 431-92, Soil Cleanup Standard. **(FD)**

4. Proof of Soil Compliance or Clean Up is required. All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit. **(FD)**

5. Discovery of additional contamination/pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly. **(FD)**

ATTACHMENT NO. 4.10

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

1. A Methane Barrier and Sub-Slab Collection System is required per City Specification No. 429 - METHANE SAFETY MEASURES. Methane safety measures shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval. Reference compliance with *City Specification #429* in the building plan notes. **(FD)**

2. Proof of Soil Compliance or Clean Up is required. All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit. **(FD)**

3. An automatic fire sprinkler system, in compliance with *City Specification #420 Automatic Fire Sprinklers and #430 Fire Alarm Systems,* shall be installed throughout. For Fire Department approval, plans (three sets) shall be submitted to the Building Department as separate plans for permits. **(FD)**

4. Fire Department Connection (FDC) to the automatic fire sprinkler system shall be located to the front of the building within 150 feet of a properly rated fire hydrant. Portray FDC location on the site plan. **(FD)**

5. Fire Hydrants must be portrayed on the site plan, and be installed/ in service before combustible construction begins. Shop drawings shall be submitted to the Public Works Department and approved by the Fire Department when additional hydrants are required. Indicate Fire Department sprinkler connections. Reference compliance in the plan notes. **(FD)**

6. Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. Reference compliance in the plan notes. **(FD)**

7. Fire Access Roads shall be provided and maintained in compliance with City Specification # 401, Minimum Standards for Fire Apparatus Access. Reference compliance with City Specification # 401 Minimum Standards for Fire Apparatus Access in the plan notes. **(FD)**

8. Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. Reference compliance with City Specification # 415 - Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties in the plan notes. **(FD)**

9. 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)**

10. Secured Vehicle Entries shall utilize KNOX® activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Reference compliance in the plan notes. **(FD)**

11. 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)

12. Decorative Materials shall be in conformance with HBFC sec. 1103.3.3 and shall be flame resistant. **(FD)**

13. 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)**

14. 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)**

15. 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, and shall swing in the direction of travel when required by the Building Code for exit doors. **(FD)**

16. Food Preparation Fire Protection System required for this project. 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)**

17. Cold storage rooms or walk-in freezers doors shall be openable without the use of a key or any special knowledge or effort. Doors 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. **(FD)**

18. Elevators shall be sized to accommodate an ambulance gurney. Minimum interior dimensions are 6 feet 8 inches (80") wide by 4 feet 3 inches (51") deep. Minimum door opening dimensions are 3 feet 6 inches (42") wide right or left side opening. Center opening doors require a 4 feet 6 inches (54") width. Reference compliance to these dimensions in the plan notes. **(FD)**

19. Address numbers shall be installed to comply with *City Specification #428, Premise Identification.* Number sets required on front the structure. **(FD)**

20. GIS Mapping Information shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. For specific requirements, contact the Huntington Beach Fire Department at (714) 536-5531. **(FD)**

21. All Fire Department requirements shall be noted on the Building Department plans. **(FD)**

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:

1. Automatic Fire Sprinkler System in-service per City Specification # 420 - Automatic Fire Sprinkler Systems. **(FD)**

2. Fire Access Roads shall be installed and maintained in compliance with City Specification # 401, Minimum Standards for Fire Apparatus Access. **(FD)**

3. Fire Lanes posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. **(FD)**

4. Fire Sprinkler System Controls access provided, utilizing a KNOX® Fire Department Access Key Box. **(FD)**

5. Food Preparation Fire Protection System provided. **(FD)**

6. Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. **(FD)**

7. Address Numbers installed to comply with City Specification #428, Premise Identification. Number sets are required on front and rear of the structure. **(FD)**

8. Decorative Materials shall be in conformance with HBFC sec. 1103.3.3 and shall be flame resistant. **(FD)**

9. Egress Illumination/Emergency Exit Lighting with emergency back-up power provide per HBFC 1211.1 and UBC 1003.2.9. **(FD)**

10. Exit Signs And Exit Path Markings provided in compliance with the Huntington Beach Fire Code section 1212.2 and Title 24 of the California Administrative Code. **(FD)**

11. Gates and barriers 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, and shall swing in the direction of travel when required by the Building Code for exit doors. **(FD)**

12. Cold storage rooms or walk-in freezers doors openable without the use of a key or any special knowledge or effort. Doors 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. **(FD)**

13. Elevators sized to accommodate an ambulance gurney per minimum interior dimension requirements. **(FD)**

14. GIS Mapping Information provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. **(FD)**

15. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and an approved work plan developed accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

1. 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:

1. 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)**

2. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

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CITY OF HUNTINGTON BEACH
BUILDING & SAFETY DEPT.

HUNTINGTON BEACH

INTER-DEPARTMENT COMMUNICATION

From: Daniel Lee Ext.: 5679 Date: 7/19/06

To: Ron Santos Project Location: 1207 Main Street

Re: 1st Christian Church of Huntington Beach

PETITION: _____ File No.: 2006-0150

The following are comments to the file (petition) identified above. This list is not a plan check correction list. General information is provided to help facilitate the development by giving you up front information on building code issues, City policies, and other codes or laws as they apply to your project. Please review the comments below before you submit for plan check. Allow 20 working days for first corrections.

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

M/E/P plan checking is a separate plan check process.

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

Note to Planner: Please remind applicant to attach a copy of this list to the Plan Check Submittal Documents to help expedite plan check response and reduce corrections.

Special Conditions:

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

- *A corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. Reproduce the recommendations of the report on the plans.*
- *A copy of the approved "Grading Plan" by Planning and Public Works must be attached to the approved sets of construction plans prior to issuance of building permits.*

Code Issues:

General:

1. Plan submittal documents must include "Conditions of Approval".

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2. Although the local Building Department has neither the responsibility nor the authority to enforce ADA regulations, the Architect or Designer is strongly advised to include such requirements in the building design.

3. Contact Fire Department for possible Methane Barrier requirements.

4. Plans must be prepared and stamped and wet signed by a California licensed Architect and Engineer.

5. The engineer of record shall make "Structural Observation" visits to the jobsite at significant construction stages and as specified per C.B.C. Section 1702. Include the stages on the plans.

6. All new areas must meet the energy standards of the State of California Building Code 2005 edition. Energy forms must be provided and reproduced on the plans. See California Building Code - 2001© section 310.11 for areas requiring heating.

7. Electrical permit and inspections will be required for electrical work and generator or temporary power pole installations.

8. Plumbing shall be per 2001 CPC. *Use Table 4-1 for minimum number of fixtures.*

9. Provide building permit application and completed drawing(s) for architectural and structural information and required documents for plan review.

Information on Plans:

10. Provide Building Code analysis on the plans (Title Sheet) to show compliance with California Building Code ©, 2001 edition for:

    10.1. Occupancy requirements (Chapter 3).

    10.2. Allowable Area (Chapter 5).

    10.3. Type of Construction.

11. Occupancy classification and occupant loads of all areas need to be stated on the plans.

12. Provide on the plans required wall and opening protection and fire resistance of wall and parapet due to location on property. See California Building Code © Section 503 and Table 5-A.

13. Clearly show distance to all property lines and centerline of streets.

14. Show clear distance to other buildings on the same property and overhangs.

15. Site plans must show final surface drainage elevations and finish floor elevation, building address, distance between buildings on the same property, easements, all required disabled access features and signage, etc.

16. Separate permits are required for signs, fences, retaining walls, trash enclosures, pole mounted yard lighting foundations, as applicable.

17. Direction of door swing shall be per 1003.3.1.5.

Note on the Plans:

18. Provide the following note on the plans:

    18.1. "This project must comply with Huntington Beach Security Ordinance Code."

19. All newly constructed buildings and facilities shall be made accessible to persons with disabilities as required. California Building Code © T24 Sec. 1101B.1 4.1.1(1)

20. Show on the plans access for the disabled is provided and meets current code. Required access features or facilities not meeting the current requirements must be upgraded. Provide a complete disabled access plan and list all required items and status of meeting current compliance standards.

Structural (General):

21. Structural calculations shall be prepared to comply with the California Building Code ©, 2001 edition.

22. Roof or floor mounted equipment weighing 400 pounds or more must be shown on the structural framing plans and must be include in the structural analysis and provide a design for anchorage to the building frame.

23. Submitted documents must be complete and deferred submittals are not acceptable. To avoid delay in plan check, submit calculations and drawings at first submittal.

    23.1. "Roof Truss" drawings and calculations when used must be submitted with plan check documents and must not be a deferred item.

    23.2. Stair and landing structural framing and design of railings and handrails must be included in the design drawings of the plans and must not be a deferred item.

    23.3. Storefront style framing or window walls must be included with the structural drawings at plan check submittal and must not be a deferred item.

Soils Report Requirements:

24. Reproduce the recommendations of the report on the plans.

25. Soils report required for this site and must include:

    25.1. Liquefaction analysis and recommendations

    25.2. Show distance to fault(s) and classify fault type and soil type used by the California Building Code © for seismic design

    25.3. Report for protection of buried pipe due to corrosion. Recommendations must provide specific method to install protective materials or devices

    25.4. Seismic parameters and allowable soil bearing

HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	**AUGUST 7, 2007**
PROJECT NAME:	**FIRST CHRISTIAN CHURCH**
ENTITLEMENTS:	**CUP 06-35 / EPA 06-03 / DRB 06-25** **PLANNING APPLICATION NO. 2006-0150**
DATE OF PLANS:	**JUNE 28, 2007**
PROJECT LOCATION:	**1207 MAIN STREET, HUNTINGTON BEACH**
PLANNER	**RON SANTOS, ASSOCIATE PLANNER**
TELEPHONE/E-MAIL:	**714-536-5561 / RSANTOS@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 CONSTRUCTION OF NEW BUILDINGS IN CONJUCTION WITH AN EXISTING CHURCH. THE PROJECT INCLUDES A NEW PARKING STRUCTURE, EXPANSION/ RENOVATION OF EXISTING CHURCH BUILDINGS, DEMOLITION OF EXISTING CHURCH BUILDINGS, AND REMOVAL OF EXISTING MODULAR BLDGS AND A REQUEST FOR JOINT USE PARKING PURSUANT TO HBZSO 231.06.**

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.

ATTACHMENT NO. 4.18

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

1. 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. (Resolution 4545)

   a. 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).

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

1. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan (ZSO 230.084A):

   a. A 13-foot radius right-of-way dedication for pedestrian access and public utilities at the intersection of Adams Avenue, Main Street and 14th Street per City of Huntington Beach Standard Plan 207.

2. A Legal Description and Plot Plan of the dedications to City to be prepared by a licensed surveyor or engineer and submitted to Public Works for review and approval.

3. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:

   a. Existing curb returns at the southwest corner of Main Street and Adams Avenue and at the northwest corner of Main Street and Loma Avenue and shall be removed and replaced with ADA compliant access ramps per the latest edition of Caltrans Standard Plan A88A. (ZSO 230.84, ADA)

   b. The existing ADA access ramp at the southeast corner of 17th Street and Adams Avenue shall be removed and replaced with an ADA compliant access ramp per the latest edition of Caltrans Standard Plan A88A. (ZSO 230.84, ADA)

   c. A new sewer lateral shall be installed connecting to the main in Adams Avenue or Loma Avenue. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)

   d. All existing non-conforming water appurtenances (including meter boxes and backflow protection devices) serving the development shall be upgraded to conform to the current Water Division Standards. (ZSO 255.04E)

   e. The existing domestic water services currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Water Inspector.

   f. Alternately, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inch in size. (ZSO 230.84)

ATTACHMENT NO. 4.19

g. The existing irrigation water service(s) currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service(s), all non-conforming water meters and backflow protection devices shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate irrigation water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards. The new irrigation water service shall be a minimum of 1-inch in size. (ZSO 232)

h. A separate irrigation water service and meter shall be installed per Water Division Standards. The water service shall be a minimum of 1-inch in size. (ZSO 232)

i. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation, and fire water services serving the new building(s). (Resolution 5921 and Title 17)

j. All existing domestic water facilities (including water services, meters, backflow protection devices, etc.) that are not utilized shall be abandoned and removed per Water Division Standards. (ZSO 255.04E)

k. If fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed. (ZSO 230.84)

l. The existing fire backflow protection device shall be removed and replaced with a backflow protection device that conforms to the current Water Division Standards. (ZSO 230.84)

4. A water utility easement shall be dedicated to and accepted by the City of Huntington Beach, covering the public water facilities and appurtenances located within the project site. The easement shall be a minimum total width of 10 feet clear (5 feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. Utilities Division personnel shall have access to public water facilities and appurtenances at all times. (ZSO 230.84)

5. The Property Owner(s) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach, for maintenance and control of the area within the public water pipeline easement, which shall address repair to any enhanced pavement, etc., if the public water pipelines and/or appurtenances require repair or maintenance. The Property Owner(s) shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any water pipeline. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29)

6. 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 Public Works and Planning Departments. (ZSO 232.04)

7. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)

8. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)

9. The 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. 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. (Resolution-4545)

10. A final hydrology and hydraulic study for the runoff from this project and its impact to the existing downstream storm drainage system shall be submitted to Public Works for review and approval. This project shall be responsible for mitigating the increased storm water runoff from this property based on the net difference between a pre-project condition and the proposed developed condition for 10, 25 and 100-year storms under current County and City criteria. Possible mitigation measures to manage increased storm water runoff may include on-site attenuation and/or construction of downstream drainage improvements per the adopted Public Works Department 2005 Drainage Study. The study and the proposed drainage improvements shall include on-site, privately maintained clarifiers or other devices to control the quality of run-off water from the development. (ZSO 230.84)

11. Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming to 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. (Drainage Area Management Plan DAMP)

    a. 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. (DAMP)

    b. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. (DAMP)

12. A Project WQMP shall be submitted to the Public Works Department for review and acceptance and shall include the following:

    a. Discusses regional or watershed programs (if applicable)

    b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas

    c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)

    d. Incorporates Treatment Control BMPs as defined in the DAMP

    e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs

ATTACHMENT NO. 4.21

f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs

g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs

h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs

i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be retuned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:

   i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).

   ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.

j. The applicant shall return one CD media to Public Works for the project record file.

13. The locations of Water Quality Treatment Control Best Management Practices (BMPs) shall be indicated on the Grading Plan consistent with the Project WQMP. The WQMP shall conform to the City of Huntington Beach Project Water Quality Management Plan Preparation Guidance Manual, dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.

14. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed. Connection of trash area drains into the storm drain system is prohibited. (DAMP)

15. A detailed soils and geological/seismic analysis shall be prepared by a registered engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, overexcavation, engineered fill, dewatering, settlement, protection of adjacent structures, chemical and fill properties, liquefaction, retaining walls, streets, and utilities. (MC 17.05.150)

16. 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. (MC 17.05.150/FD Spec. 431-92)

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

18. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. 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

ATTACHMENT NO. 4.22

compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, 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.

19. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. Existing street tree(s) to be inspected by the City 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. (Resolution 4545)
3. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards 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. (MC 17.05.210)
4. 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. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
5. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
6. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
7. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
8. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
9. 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. (DAMP)
10. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
11. Wind barriers shall be installed along the perimeter of the site. (DAMP)
12. 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 areas.
13. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

ATTACHMENT NO 4.23

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

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of $151 per net new added daily trip is adjusted annually. The rate is subject to an annual adjustment on December 1st. (MC 17.65)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT PERMIT:

1. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

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

1. Complete all improvements as shown on the approved grading and landscape plans. (MC 17.05)
2. 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. (ZSO 232.04D)
3. Applicant shall provide City with CD media TIFF images (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.
4. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
   a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
   b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
   c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
   d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
5. All new utilities shall be undergrounded. (MC 17.64)
6. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)
7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council Resolution 2006-47. (ZSO 240.06/ZSO 250.16)

ATTACHMENT NO. 4.24

ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
ENVIRONMENTAL ASSESSMENT NO. 06-008

1. PROJECT TITLE: **First Christian Church Expansion/ Remodel**

Entitlement(s): **Conditional Use Permit 2006-035**

2. LEAD AGENCY: City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Contact: Ron Santos, Associate Planner
Telephone No: (714) 536-55561

3. PROJECT LOCATION: 1207 Main Street, Huntington Beach (southeast corner of Adams Avenue and 17th Street)

4. PROJECT PROPONENT: Art Cueto – Visioneering Studios
5 Peters Canyon Rd.
Irvine, CA 92606
(949) 417-5872

GENERAL PLAN DESIGNATION: P(RL) (Public – Underlying Designation: Residential Low Density)

5. ZONING: PS (Public-Semipublic)

6. PROJECT DESCRIPTION:

The proposed project consists of the following:

a. Demolition of four existing buildings (Church School, Children's Ministry, Youth Ministry, and Small Chapel), and the Large Chapel's existing restroom facilities.

b. Removal of the existing modular structures currently used for adult Sunday School classes.

c. Construction of three new buildings (Children's Building, Multipurpose Building, Administrative/ Café Building).

d. Renovation of existing A-Frame Chapel.

e. Expansion and renovation of the worship center's nursery and bathroom facilities.

f. Landscape/hardscape improvements designed to create high quality outdoor gathering places, improve pedestrian circulation, and make the church campus more functional and welcoming to church members and visitors alike.

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h. Re-striping of existing parking lot in order to increase its capacity and improve circulation.

i. Construction of a multi-level parking structure on a portion of the site (the southwest corner), currently utilized for at-grade parking.

Table A describes the proposed buildings and planned modifications to existing buildings:

Table A – First Christian Church, Huntington Beach - Master Plan Scope

Building	*Status*	*Size (sf)*	*Planned Use/Improvement*
A. Worship Center	Existing	25,500	No change to existing seating capacity. The worship center will not be modified as part of this project scope.
B. Children's Building	Planned	17,411	Children's Sunday School (preschool – 6th grade), and midweek preschool. Preschool entrance will be relocated to be accessible via parking area instead of current access via Loma Avenue.
C. Multi-Purpose	Planned	10,268	Flexible meeting space for Jr. High and High School groups and other large groups/functions.
D. Chapel	Existing	5,717	Remodel existing A-Framed structure into a traditional chapel suitable for classic worship services, weddings and funerals.
E. Administrative, Café	Planned	13,621	Church administrative offices, full service kitchen, church resource center.
F. Nursery Expansion	Planned	4,252*	Expanded existing nursery and restroom facilities in the worship center. Improvements include a combination of new construction and remodeling of existing facilities.
	TOTAL:	76,769	
G. Parking Structure	Planned	299 spaces (Estimated)	Above ground parking structure to accommodate peak parking requirements for concurrent worship services in existing worship center and new venues.

***Note:** Nursery Expansion square footage includes 1,027 sf of new construction and remodel of 3,180 s.f. of existing nursery and restroom space in the Worship Center.

The proposed project will result in a net increase in assembly capacity of 293 seats, bringing the total number of seats to 1,763 seats during the peak Sunday Service times. However, attendance/ seating capacity for Sunday services would be limited to 1,655 persons based on the recommendation in the Trip Generation Study.

The project will include outdoor public space and landscaping improvements in addition to the items listed in Table A. The completed campus will include a new pedestrian walkway, or "Village Gateway" from Main Street where the existing Small Chapel is located. A Chapel Garden will be located at the site of the existing Classroom Building and allow for direct pedestrian access into the campus from 14th Street. A new "Tidal Court" will serve as the main gathering area for before and after church functions and will be open to the public. The court will be located between the existing Worship Center, Multipurpose Building, A-Frame Chapel, and Administration/Café Building. The court will include chairs and tables to support the café and hardscape improvements suitable for informal gatherings. The "Wave Walk" will serve as the main pedestrian connection between the church's parking lot and the new and existing buildings. These outdoor areas will be enhanced by the use of decorative paving, landscaping (including native drought-tolerant plant materials), and signage.

The church will not hold regularly scheduled outdoor gatherings on its campus, nor will the Tidal Court function as an amphitheater. Additionally, the church will not have any outdoor amplified sound system.

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Reasons for Initiating Application

FCCHB's existing facilities are functionally inadequate to meet its current and future ministry needs. The project will upgrade the quality of the church's meeting, kitchen, and resource facilities; consolidate the office space for the church's administration; and improve the campus' overall aesthetic in order to make it a more inviting and community-serving facility.

Project Sequencing

Construction of new buildings is tentatively scheduled to begin in summer of 2007. Construction will take place in the following sequence:

1. Remove existing modular buildings
2. Construct new Children's Building
3. Demolish existing Church School Building
4. Construct new Multipurpose Building and Nursery Expansion
5. Demolish existing Youth Building and Small Chapel
6. Construct new Administration/Café Building
7. Construct Parking Structure

The project's initial construction phase (new children's, nursery expansion, multipurpose, café/ administration, renovated chapel, and area improvements) is planned to last 18 months (1.5 years). The construction of the parking garage is anticipated to take an additional 12 months, for a total construction duration of 30 months (2.5 years).

Parking

The church's parking demand is based on the assumption that it will stage three concurrent worship services in separate venues (Existing Worship Center, Renovated A-frame Chapel, and Multipurpose/ Overdrive Building) upon the project's completion. The concurrent services will generate a parking demand of 555 parking spaces per city code. This demand will be met through a combination of on-site and off-site shared use spaces during the project construction phase and upon project completion as allowed by Section 231.06 – *Joint Use Parking* of the City of Huntington Beach Zoning Ordinance.

Shared Parking

The church has entered into shared use agreements with both Smith Elementary School and Huntington Beach High School for the use of the 47 space lot and the south lot respectively. Each lot's location, capacity, and distance from the church are listed in Table B.

Table B – Shared Parking Lots

Off Site Lot	Capacity	Distance from Church (Feet)
Smith Elementary School Smith/Dwyer Lot	47 124*	220
Huntington Beach High School	298 south lot 295 north lot*	570

*additional school parking – not proposed for use by FCCHB

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Both lots will be used during the project construction phase to meet the church's required parking requirements. The church plans to operate two shuttles between the church and Huntington Beach High School's south lot on Sunday mornings in order to minimize the walking distance between the lot and the church. The church plans to provide two 20-passenger commuter vans that will operate between the hours of 10:00 am and 12:00 noon. The church agrees to monitor the number of cars parked at the High School's southern lot on Sunday mornings during construction and the number of church attendees that use the shuttles, and adjust the shuttles' operations (operating hours and headways) accordingly. A Variance request has been filed for use of the Huntington Beach High School south lot since it exceeds the City's 250 foot maximum distance requirement for off-site/shared parking.

The church intends to continue to use the Smith Elementary School lot after the project's completion to meet a portion of its parking demand. Table C shows how the church intends to meet its parking requirement through the use of the Smith Elementary School lot.

Table C –Parking Supply

	Parking Capacity	
Parking Lot	Without Parking Structure	With Parking Structure
FCCHB Surface Parking	404	234
FCCHB Structured Parking		299
Smith Elementary School	47	47
Huntington Beach High School	298	
Total	**749**	**580**

Hours of Operation

First Christian Church of Huntington Beach (FCCHB) holds three weekly worship services (Saturday 6:00 pm, and Sunday 9:00 and 10:30 am) and operates a 200-student preschool during the week. The church has an average weekly attendance (three services) of 2,300, and has 25 full-time employees. The church's administrative office hours are 8:30 am to 5:00 pm, Monday through Friday, and the preschool meets from 9:00 am to 2:00 pm, Monday through Friday (September through June). The church plans to operate the new café/book store between the hours of 7:00 am to 9:00 pm Monday to Saturday, and from 8:00 am to 7:00 pm on Sundays. Weddings and related activities, along with other special events held at the church, will end by 10:00 pm. A more detailed list of weekly church activities is contained in Attachment 3.

Special events such as weddings and funerals will typically take place in the renovated chapel. As many as one wedding per week and one funeral per month may take place in this venue. Both weddings and funerals may take place on any day of the week with the exception of Sundays. Most weddings will be scheduled for Saturdays. Any wedding or funeral with projected attendances in excess of 350 people will take place in the Worship Center, though these events are uncommon and may occur on a sporadic basis.

7. SURROUNDING LAND USES AND SETTING:

The project site is surrounded primarily by residential land uses. Single-family homes are located to the northwest (across 17th Street), northeast (across Adams Avenue), and east (across Main Street) and south (across Loma Avenue). Worthy Park is located directly north of the project site at the intersection of Adams Avenue and 17th Street. The Agness L. Smith Elementary School, and single-family homes are located adjacent to and south of the project site. Huntington Beach High School is located approximately 570 feet north of the property, across 17th Street.

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8. **OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:** N/A

9. **OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED)** (i.e. permits, financing approval, or participating agreement): N/A

ATTACHMENT NO. 5-5

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

☐ Land Use / Planning	☐ Transportation / Traffic	☐ Public Services
☐ Population / Housing	☐ Biological Resources	☑ Utilities / Service Systems
☐ Geology / Soils	☐ Mineral Resources	☐ Aesthetics
☑ Hydrology / Water Quality	☐ Hazards and Hazardous Materials	☐ Cultural Resources
☐ Air Quality	☑ Noise	☐ Recreation
☐ Agriculture Resources	☐ Mandatory Findings of Significance	

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A MITIGATED NEGATIVE DECLARATION** will be prepared. ☑

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. ☐

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.** ☐

Signature: _____ Date: July 19, 2007

Ron Santos — Printed Name

Associate Planner — Title

ATTACHMENT NO. 5.6

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.

2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.

4. Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analyses," may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVIII at the end of the checklist.

6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVIII. Other sources used or individuals contacted have been cited in the respective discussions.

7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers' information, a list of applicable standard conditions identified in the discussions has been provided as Attachment No. 4.

ATTACHMENT NO. 5.7

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

I. LAND USE AND PLANNING. Would the project:

a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 4, 14) ☐ ☐ ☑ ☐

Discussion: The subject property is designated for public, quasi-public and institutional use(s) and development including but not limited to governmental, public utilities, schools, public parking lots, and religious assembly by the Huntington Beach General Plan and Huntington Beach Zoning & Subdivision Ordinance (HBZSO). The proposed religious assembly use is consistent with the Public and Public-Semipublic General Plan land use and zoning designations. In addition, the project complies with all but one of the applicable land use and development standards of the HBZSO, including minimum building setbacks, parking and landscape requirements and maximum building height.

Approval of Joint Use/off-site parking is requested, including a variance(s) to the 250 ft. maximum distance requirement for off-site parking in order to meet parking requirements. The applicant proposes to provide shuttle service between the project site and the off-site parking lots as means to mitigate the distance between the project site and the off-site parking lot. Because the off-site parking is needed only to meet parking requirements during the Church's peak demand, which coincides with church services, provision of shuttle service is anticipated to be a uniquely functional and effective means of mitigation. That is, since a significant proportion of church service attendees may be expected to regularly attend services and arrive and depart in mass at scheduled times, the church may effectively disseminate information regarding the availability of the shuttle service and operate the service efficiently. Accordingly, a less than significant impact associated with the granting of the requested variance is anticipated.

The project site is not within the boundaries of any specific plan nor located within the coastal zone.

b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 1, 2, 14) ☐ ☐ ☐ ☑

Discussion: The project is proposed in an urbanized area on a previously developed site. The project will not conflict with any habitat conservation plan or natural community conservation plan of the City of Huntington Beach, as there are no such plans adopted for the area.

c) Physically divide an established community? (Sources: 1, 4) ☐ ☐ ☐ ☑

Discussion: The proposed development will occur on a previously developed parcel with direct access to existing public streets. No public access ways through the subject property exist. No new roadways, road widening, rail lines, bridges or other off-site improvements with the potential to physically divide an established community are proposed or required.

II. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either ☐ ☐ ☑ ☐

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: 1, 4, 8)

Discussion: The project is not expected to induce significant population growth or affect official regional or local population projections. The proposed project does not involve the construction of housing. The project will provide for a minor expansion of an existing use serving a local population in a neighborhood which is largely built out. The church employs 25 people full-time and does not anticipate the need for additional employees. No increase in pre-school enrollment is proposed. Therefore, the demolition of the existing buildings and construction of the proposed buildings on the subject site will not induce substantial population growth in the area.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 1, 4) ☐ ☐ ☐ ☑

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:1, 4) ☐ ☐ ☐ ☑

Discussion: b) – c) The project site is currently developed for religious assembly uses. The proposed project provides for demolition of existing buildings and associated site improvements and construction of new structures and site improvements intended to accommodate the continued use of the site for religious assembly use. No residential uses or structures exist on the project site. Therefore, the proposed project will not displace existing housing or inhabitants.

III. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault ? (Sources: 6, 13, 15) ☐ ☐ ☑ ☐

Discussion: The site is not located within a designated Alquist-Priolo Earthquake Fault Zone. The surface traces of any active or potentially active faults are not known to pass directly through or project towards the site. The nearest active faults to the site are the Newport-Inglewood Fault, located approximately 1 km to the north, the Palos Verdes Fault, located approximately 17 km to the southwest, and the Whittier Fault, located approximately 31 km northeast of the site. Therefore, the potential for surface rupture due to faulting occurring beneath the site during the design life of the proposed development is considered low.

ii) Strong seismic ground shaking? (Sources: 1, 13, 15, 23) ☐ ☐ ☑ ☐

Discussion: The project site is located in a seismically active region of Southern California. Therefore, the site could be subjected to strong ground shaking in the event of an earthquake. Structures built in Huntington Beach are required to comply with standards set forth in the California Building Code (CBC) and standard City codes, policies and procedures which require submittal of a detailed soils analysis prepared by a Licensed

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Soils Engineer. The required soils analysis must 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; and a report prepared by an engineering geologist 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 must be submitted to the City for review prior to the issuance of building permits. Conformance with CBC requirements and standard City code requirements will ensure potential impacts from seismic ground shaking are less than significant.

iii) Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
iv) Landslides? (Sources: 1, 15)	☐	☐	☐	☑

Discussion: (iii – iv) The City of Huntington Beach General Plan Liquefaction Potential map designates the project site as an area of LOW POTENTIAL. In addition, based on the Seismic Hazard Zone Report 011 – Seismic Hazard Zone Report for the Seal Beach 7.5-minute Quadrangle, Los Angeles and Orange Counties, California (1998), the proposed development is not located within an area identified by the State of California as subject to the hazard of liquefaction or earthquake-induced landslides. Due to the lack of groundwater and the dense to very dense state of the on site granular materials within the depth of liquefaction significance, the potential for liquefaction and its adverse effects impacting the site is considered negligible. The Geotechnical Engineering Report concludes that no special design considerations for mitigation of liquefaction, liquefaction effects, or earthquake induced settlements are necessary.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 15)	☐	☐	☑	☐

Discussion: The project and vicinity are urbanized and have relatively flat topography. The project site has been previously graded and developed with structures, parking surfaces, walkways and landscaped areas. Although the proposed project has the potential to result in erosion of soils during construction activities, erosion will be minimized by compliance with standard City requirements for submittal of an erosion control plan prior to issuance of building permits, for review and approval by the Department of Public Works. Implementation of the proposed project would not require significant alteration of the existing topography of the project site. In the event that unstable soil conditions occur on the project site due to previous grading, excavation, or placement of fill materials, these conditions would be remedied pursuant to the recommendations in the required geotechnical study for the project site. Therefore, no significant impact is anticipated and no mitigation measures would be required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 15, 23)	☐	☐	☐	☑

Discussion: The City of Huntington Beach General Plan Potentially Unstable Slope Areas map indicates that the site is in an area of NO POTENTIAL slope instability. The project is proposed on a flat parcel of land and no slopes or other landforms susceptible to landslide exist in the vicinity of the property. Moreover, California Division of Mines and Geology has not mapped any earthquake-induced landslides at, or in the vicinity of, the site which would be indicative of the potential for slope instability at or in the vicinity of the site.

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1, 15) ☐ ☐ ☐ ☑

Discussion: The General Plan Expansive Soil Distribution Map designates the project site as LOW. In addition, observations and laboratory tests performed in conjunction with the project Geotechnical Engineering Report indicate that the near-surface on-site soils have a very low expansion potential. No impacts associated with expansive soil risks are anticipated.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources: 1, 15) ☐ ☐ ☐ ☑

Discussion: The City of Huntington Beach Public Works Department has determined that the public sewer system can accommodate the proposed development. No septic tanks or alternative waste water disposal systems are necessary.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 14, 23) ☐ ☐ ☑ ☐

Discussion: Water quality standards and waste discharge requirements will be addressed in the project design and development phase pursuant to a Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP), prepared by a Civil or Environmental Engineer in accordance with the National Pollution Discharge Elimination System (NPDES) regulations and approved by the City of Huntington Beach Department of Public Works. The SWPPP and WQMP will establish Best Management Practices (BMPs) for construction and post-construction operation of the facility, including source, site and treatment controls to be installed and maintained at the site. The WQMP and SWPPP are standard requirements for development in the City of Huntington Beach, and with implementation, will ensure compliance with water quality standards and water discharge requirements. Less than significant impacts would result.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: 1, 22, 23) ☐ ☐ ☑ ☐

Discussion: The Huntington Beach Public Works Department prepared a Master Plan for the City's water system in 2000. The Master Plan addresses water supply issues within the City and pertinent surrounding areas. The Public Works Department reviewed the project plans and did not identify any concerns regarding impacts to ground water supplies due to the nature of the proposed uses. The project would not result in an increase in water consumption not previously planned for in the Master Plan and therefore does not present a significant impact to water supplies. In addition, the project is subject to compliance with the City's Water Ordinance, including the Water Efficient Landscape Requirements, as well as Title 24 conservation measures such as low flow fixtures, which ensure water consumption is minimized. The estimated water demand for the proposed project can be accommodated by the City's water service capacity and does not represent a

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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

significant impact.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources 4, 14, 23) ☐ ☐ ☑ ☐

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner which would result in flooding on or off-site? (Sources: 4, 14, 23) ☐ ☐ ☑ ☐

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 4, 14, 23) ☐ ☑ ☐ ☐

Discussion: (c-e) The site currently drains via sheet flow to the northeast and enters a public storm drain system at the southwest corner of Main St. and Adams Ave. The proposed project will maintain this existing drainage pattern. No stream or rivers exist on the site or in the vicinity. The proposed project may increase in storm water run-off and impact downstream public storm drain facilities. The project would be required to mitigate these impacts by the following methods: (1) on-site attenuation of increased storm water flow and/or (2) construction of upsized storm drain facilities in Main Street per the City adopted 2005 Drainage Master Plan. However, preliminary studies indicate that the percentage of impervious surfaces on the site would slightly decrease, resulting in a reduction in run-off.

f) Otherwise substantially degrade water quality? ☐ ☐ ☑ ☐

Discussion: See discussion under Section IV(a).

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 4, 7) ☐ ☐ ☐ ☑

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 7) ☐ ☐ ☐ ☑

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 7) ☐ ☐ ☐ ☑

Discussion: (g – i) The proposed project consists of non-residential uses. No housing is proposed. The

ATTACHMENT NO. 5.12

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

subject site is designated as Flood Zone X on the Flood Insurance Rate Map (FIRM), which is not subject to flood-related development restrictions. The project site is not situated within the 100-year flood hazard area as mapped on the FIRM. In addition, the site is not in the immediate vicinity of a levee or a dam. Therefore, no impacts are anticipated.

j) Inundation by seiche, tsunami, or mudflow? (Sources: 1, 9, 15) ☐ ☐ ☑ ☐

k) Potentially impact stormwater runoff from construction activities? ☐ ☐ ☑ ☐
Discussion: See discussion under Section IV(a) and IV(e).

l) Potentially impact stormwater runoff from post-construction activities? ☐ ☐ ☑ ☐
Discussion: See discussion under Section IV(a) and IV(e).

m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?(Sources:23) ☐ ☐ ☐ ☑
Discussion: The proposed use does not include material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas. In accordance with standard City of Huntington Beach development requirements, hydrology and hydraulic studies for both on-site and off-site facilities, 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. Specific requirements and measures to be incorporated into the required studies and plans are identified in Attachment No. 4 – *Project Implementation Code Requirements*. Refer to response in Section IV(a) for further discussion.

n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? ☐ ☐ ☑ ☐
Discussion: See discussion under Section IV(a) and IV(e).

o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? ☐ ☐ ☑ ☐
Discussion: See discussion under Section IV(e).

p) Create or contribute significant increases in erosion of the project site or surrounding areas? ☐ ☐ ☐ ☑
Discussion: See discussion under Section III(b).

ATTACHMENT NO. 5.13

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. AIR QUALITY. The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:				
a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☑	☐
b) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑	☐
c) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☑
d) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 8, 16, 23)	☐	☐	☑	☐

Discussion: (a – e) Construction of the project may result in temporary air pollutant emissions from the following activities: the commute of workers to and from the project site; demolition of existing structures, grading activities including the transport of any necessary soil import and/or export, delivery and hauling of construction materials and supplies to and from the project site; fuel combustion by on-site construction equipment, and dust generating activities from soil disturbance. Construction will occur in phases over a 2½ year period. Environmental Audit, Inc., prepared an air quality analysis of the proposed project using the California Air Resources Board modeling program URBEMIS 2002. In order to analyze peak construction impacts, the analysis was performed on the largest phase (the initial phase) of the project to evaluate peak potential emissions from construction of the project. The study also identified the estimated maximum additional peak vehicle trips (60) as the only operational emissions increase of significance. The analysis concluded that the construction and operational emissions calculated for the proposed project are not expected to exceed the established SCAQMD emissions thresholds. Based on the submitted air quality study and with implementation of standard code requirements and conditions of approval, which include but are not limited to: frequent watering of the site to prevent dust movement, spreading of soil binders, installation of wind barriers along the perimeter of the site, street sweeping as necessary, washing trucks prior to leaving the site, use of low sulfur fuel, and discontinuing construction on days where there is a second stage smog alert, no significant impacts are anticipated. No objectionable odors are expected as a result of either construction or operation of the proposed project. Therefore, no further air quality analysis is required and the project is not expected to cause a significant impact to air quality.

VI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the	☐	☐	☑	☐

ATTACHMENT NO. 5.14

street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? (Sources: 1, 4, 9, 10, 17)

Discussion: Current seating capacity for the Sunday church services at the site is 1,470. The seating capacity in the sanctuary will remain unchanged at 975. The seating capacity in the A-Frame Chapel will be reduced by 65 seats, from 415 to 350. The Small Chapel (80 seats) will be demolished. Based strictly on floor area, the assembly capacity of the new Multi-purpose Building will be 438. The proposed project will result in a net increase in assembly capacity of 293 seats, bringing the total number of seats to 1,763 seats during the peak Sunday Service times.

Trip generation estimates have been prepared by Kimley-Horn and Associates, Inc., to estimate the net change in traffic that will result from the proposed renovation and expansion. Calculations were prepared for both existing and proposed conditions. The proposed project is estimated to generate 165 new daily trips on a typical weekday, with 13 trips in the morning peak hour and 11 trips in the evening peak hour. The project is estimated to generate 283 new trips on Sunday, with peak-hour new trip generation estimated at 60 inbound and 55 outbound.

On typical weekdays, traffic in the area of the proposed project generally operates with very little congestion and delay, with a couple of notable exceptions. During the school year, significant short-term congestion results at the intersections of Main Street/17th Street/Utica and 17th Street/Adams due to the short peaks from beginning of the school day and dismissal at Huntington Beach Union High School. These periods are relatively short and do not coincide with any of the program expansions associated with the proposed project. The intersection of Adams Avenue and 17th Street is ranked 10th (tied with 6 other locations) on the current traffic signal priority list for the City. The primary factor for consideration of a traffic signal at this location is the peak weekday traffic volume on the streets and the heavy peak traffic periods.

One activity at the project that is notable on a typical weekday and coincides with the peak high school activity is the preschool pick-up and drop-off activity on Loma Avenue, Main Street and 14th Street. The proposed project does not significantly alter the preschool activity. On Sundays, when greater regular peaks are expected from service activities, traffic on the area streets is relatively low with minimal congestion.

The City of Huntington Beach Public Works Department Traffic Division has reviewed the Kimley-Horn study and concluded that the project does not have the potential to result in significant adverse traffic impacts, provided attendance/ seating capacity for Sunday services is limited to 1,655 persons. First Christian Church has indicated that the planned capacity (as described above) exceeds the Church's expectations for growth in membership and therefore has agreed to limit attendance/capacity to the figure prescribed by the Public Works Department. The church will limit the total seating for Sunday worship services in order to assure compliance with the 1,655 limit agreed upon as part of the Trip Generation analysis. This will be achieved by reducing the number of portable seats provided in the multipurpose building for Sunday worship, or roping-off pews in the renovated chapel on Sunday mornings.

During construction there is the potential for increased congestion due to construction related activities. The Department of Public Works had identified standard development requirements, including submittal of a truck haul route if the import or export of material exceeds 5,000 cubic yards and traffic control plans prepared by a licensed Civil or Traffic Engineer, which will ensure potential impacts are less than significant.

To offset the loss of on-site parking during construction, remote parking with shuttle service is proposed through agreement with Huntington Beach Union High School District. Existing traffic conditions during the expected use periods on Sunday would not be significantly impacted by the use of this system. Shuttle traffic and any resulting pedestrian traffic can be easily accommodated using existing traffic control measures at area intersections. Accordingly, no significant traffic impacts are anticipated and no mitigation is required.

ATTACHMENT NO. 5.15

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: 1, 9, 10, 17)	☐	☐	☑	☐

Discussion: The project trip generation study evaluates potential individual and cumulative impacts of the proposed project and supports the conclusion that no significant adverse level of service impacts are expected. (See Section VI(a) for additional discussion).

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 11)	☐	☐	☐	☑

Discussion: Although the City is located within the Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos, the project site is not located within 2 miles of any known public or private airstrip. The proposed project does not propose any structures with heights that would interfere with existing airspace or flight patterns. No impact would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: 1, 4, 9, 17)	☐	☐	☐	☑

Discussion: The project site is currently developed and utilized consistent with the proposed use. No alterations of existing roadways or intersections, or change in use, is proposed or necessary. No impacts resulting from an increase in hazards or incompatible uses will occur.

e) Result in inadequate emergency access? (Sources: 1, 4)	☐	☐	☐	☑

Discussion: The proposed site plan has been reviewed by the Departments of Fire and Public Works for conformance with City requirements for emergency access. The project's proposed driveway access and on-site circulation has been found to be consistent with City standards for emergency access and circulation. No impacts are anticipated.

f) Result in inadequate parking capacity? (Sources: 2, 4)	☐	☐	☑	☐

ATTACHMENT NO. 5.16

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion: The project proposes to meet the City's parking requirements by providing a combination of on-site and off-site parking pursuant to the Joint Use Parking provisions of the Huntington Beach Zoning & Subdivision Ordinance. Joint Use Parking requires approval of a conditional use permit and that off-site parking be located within 250 feet of the project site. The church has entered into shared use agreements with Smith Elementary School and Huntington Beach High School for the use of 47 and 298 spaces on their respective parking lots. Smith School is located adjacent and to the south of the project site. HB High is located northeast of the project site approximately 570 feet. The applicant is proposing to use HB High only during the construction phase and is requesting a variance to the 250 foot distance limit. The church proposes to operate shuttles between the HB High parking lot and the project site to mitigate the distance between the two. The project requires a total of 555 parking spaces to comply with the applicable parking standards of the HBZSO and will provide a total of 580. No unique circumstances exist which would suggest that the minimum parking standards applicable to the project are inadequate. The HBZSO Section 231.06 – *Joint Use Parking,* requires that there be no conflict in the operating hours based on parking space requirements for the different uses and that the applicant submit evidence of an agreement for such joint use for review and approval by the City. The applicant has advised that there are no conflicts with use of the Smith and HB High parking lots on Sundays and the Community Services Department Field Allocation schedule indicates that no youth sports teams use their respective fields on Sunday. Accordingly, no significant parking related impacts are anticipated.

g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?(Sources: 1,2) ☐ ☐ ☑ ☐

Discussion: The project will provide bicycle racks on site, in accordance with the requirements of HBZSO Sec. 231.20 – *Bicycle Parking.* The project's contribution to traffic impacts is expected to be offset by the project's payment of its share of the traffic impact fees, which are utilized to fund area wide traffic improvements such as bus turnouts.

VII. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S, Fish and Wildlife Service? (Sources:1, 9) ☐ ☐ ☐ ☑

Discussion: The project site and all surrounding properties are currently developed with residential, public and commercial land uses, zoned accordingly. The project site does not support any unique, sensitive, or endangered species and is not shown in the General Plan as a generalized habitat area; therefore, no impacts to any habitat or wildlife area are anticipated.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 1, 9) ☐ ☐ ☐ ☑

Discussion: The project site is currently developed for use consistent with the proposed use. The project site does not contain any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. The

ATTACHMENT NO. 5.17

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

project will not result in any loss to endangered or sensitive animal or bird species and does not conflict with any habitat conservation plans.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 9, 15) ☐ ☐ ☐ ☑

Discussion: The project does not contain any wetlands; therefore, no impacts are anticipated.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: 1, 9) ☐ ☐ ☐ ☑

Discussion: The project area is surrounded developed property. The site does not support any fish or wildlife, is not within a wildlife corridor and will not interfere with the movement of any fish or wildlife species nor impede the use of native wildlife nursery sites.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 2, 9, 23) ☐ ☐ ☑ ☐

Discussion: The church currently has 104 trees on its campus. The current landscape plans identify a total of 101 trees. An estimated additional 35 trees will be planted adjacent to the planned parking structure to provide adequate screening of the structure to the neighboring residential community, Smith School, and 17th Street. These additional trees will result in an estimated total of 136 trees planted in the completed project. This will represent of 33 percent increase in the number of existing trees.

Submittal of an arborist's report is required which identifies trees on the site, describes the size and condition of each tree and the feasibility of retention or relocation of trees. Construction of the project will be subject to standard City requirements for the submittal of a landscape plan demonstrating compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a 2:1 ratio (or equivalent: e.g., upsizing of trees). No other significant biological resources exist on the site and no significant impacts will result.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 1, 9) ☐ ☐ ☐ ☑

Discussion: The project site is presently developed and does not support any unique or endangered plant or animal species and is not a part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; therefore, no impacts to any habitat or wildlife area are anticipated.

VIII. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the ☐ ☐ ☐ ☑

ATTACHMENT NO. 5.18

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

residents of the state? (Sources: 1, 9)
Discussion: The proposed development will not result in the loss of a known mineral resource. The project site is not designated as a known mineral resource recovery site in the General Plan. No impacts are anticipated.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: 1, 9) ☐ ☐ ☐ ☑
Discussion: The project site is not designated as an important mineral resource recovery site in the General Plan or any other land use plan. Development of the project is not anticipated to have any impact on any mineral resource recovery. No impacts to mineral resources are anticipated.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 5, 20) ☐ ☐ ☐ ☑
Discussion: The proposed religious assembly use will not involve the transport, use or disposal of hazardous materials. The facility will not provide on-site fuel dispensing, underground or outdoor storage of hazardous materials. No impacts regarding the disposal of hazardous materials are anticipated.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 20) ☐ ☐ ☑ ☐
Discussion: The submitted Phase 1 Report confirms that oil production historically occurred on the project site and that abandoned oil wells are located within 100 feet of the proposed structures. The project is subject to compliance with all provisions of City Specification No. 422 – *Oil Well Abandonment Process*. The City's standard development requirements also include submittal of soil sample data to show compliance with the *City of Huntington Beach Soil Cleanup Standard* (Specification No. 431-92), and submittal of a plan showing all abandoned oil wells within 100 feet of the property. In addition, California Division of Oil, Gas & Geothermal Resources *Construction Site Plan Review* is required for this project and submittal of an Oil Well History Disposition Report compiled by a California licensed third-party petroleum engineer or geologist. Demolition of the existing buildings is subject to asbestos removal requirements of the South Coast Air Quality Management District. Per standard City requirements, the applicant is required to submit an Asbestos Survey and Remediation Action Plan (RAP) to the Fire Department for review and approval. Standard City requirements as outlined above will ensure no significant hazards involving the release of hazardous materials will result.

c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 20) ☐ ☐ ☑ ☐
Discussion: The project site is located in the Methane District, as identified in the General Plan, and within a quarter mile distance of Smith Elementary School and Huntington Beach High School. The project is subject to standard conditions of approval which require compliance with all provisions of HBMC Section 17.04.085

ATTACHMENT NO. 5.19

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

and Fire Department City Specification 429, Methane Building Permit Requirements, which regulate site development as necessary to minimize potential methane emissions. No significant impact is anticipated.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 12) ☐ ☐ ☐ ☑

Discussion: The site is not listed on the State's Hazardous Waste and Substances Site List. No impacts are anticipated.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or pubic use airport, would the project result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☑

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 11) ☐ ☐ ☐ ☑

Discussion: e) – f) The project site is not located within an airport land use plan or within two miles of a public airport or private airstrip.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 11) ☐ ☐ ☐ ☑

Discussion: The project site is not a component of, nor will the project in any way interfere, with the City of Huntington Beach Emergency Operations Plan or any other adopted emergency response or evacuation plan.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1) ☐ ☐ ☐ ☑

Discussion: The project site is located in an urbanized area. No wildlands exist in the vicinity of the project site.

X. **NOISE.** Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☑ ☐ ☐

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ☐ ☐ ☑ ☐

c) A substantial permanent increase in ambient noise levels ☐ ☐ ☑ ☐

ATTACHMENT NO. 5.20

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 14, 19) ☐ ☑ ☐ ☐

Discussion: a) – d) The noise producing components of the project identified in a noise study prepared by Kimley-Horn and Associates are: project-generated vehicular traffic, construction/demolition, children's play areas, weddings, church services and day care, and the proposed parking structure. No outdoor amplified sound system will be provided. The trash enclosure will remain at its current location on the north side of the existing worship center. No other significant noise sources were identified. The study concludes that future exterior traffic noise levels would be in compliance with the City's Noise Ordinance and that construction noise will not represent a significant impact provided the contractor complies with the City's Noise Ordinance.

The study also concludes that noise generated in the children's play areas may exceed the City's noise limits and recommends a mitigation measure requiring construction of a 7-ft. tall noise barrier (masonry wall) along the southerly side of the children's play areas. The study concludes that no significant noise impacts would result with construction of the recommended noise barrier. The applicant has agreed to construct a 7 ft. tall wall as recommended. Accordingly, no significant impacts are anticipated.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 9, 11) ☐ ☐ ☐ ☑

Discussion: The City of Huntington Beach is included in the Planning Area for the Joint Forces Training Center in Los Alamitos. However, the site is located a considerable distance from the Training Center, such that the project would not be impacted by flight activity and noise generation from the Center. No impacts are anticipated.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 9, 11) ☐ ☐ ☐ ☑

Discussion: The project site is not located near any private airstrips. No impacts are anticipated.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection? ☐ ☐ ☑ ☐

b) Police Protection? (Sources: 1, 9) ☐ ☐ ☑ ☐

Discussion: a)-b) The proposed project has been reviewed by Huntington Beach Fire Department and Police Department staff. The project site is located one mile from the Lake Fire Station and approximately one-third of a mile from the Main Police Station. Estimated emergency first response times are within the 80 percent/ 5

ATTACHMENT NO. 5.21

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

minute response time objective established in the City's Growth Management Element. Estimated emergency first response times from the Police Main St. Station are also within acceptable service levels. The project can be adequately served by existing Fire and Police protection service levels. The proposed development is consistent with the applicable General Plan Land Use designation and maximum floor area ratio. Because the project site is currently developed, the proposed project represents only a minor expansion of the existing use, and the City already provides public services to the site, no significant impacts will result.

c) Schools? (Sources: 1, 9) ☐ ☐ ☑ ☐

Discussion: The proposed project will provide for the continued operation and minor expansion of a religious assembly use within a neighborhood that is largely built out, and for continued operation of an existing pre-school. No significant increase in the number of persons employed at the site is anticipated. Based on the negligible expansion proposed, no significant impacts are anticipated. Neither Smith Elementary nor Huntington Beach High School presently schedule athletic events on their fields on Sunday mornings nor does either school have regularly scheduled events on their campuses on Sunday mornings which would result in conflicts with the church's shared use of their parking lots.

d) Parks? (Sources: 1, 9) ☐ ☐ ☑ ☐

Discussion: The project will be subject to payment of the City's park fee, currently $0.23/sq. ft. Payment of the park fee is considered a fair share contribution towards the development of additional recreational facilities in the City and serves to offset any project impacts. The project will not provide housing or additional employment opportunities and consequently, will have a less than significant impact on the use of parks or other recreational facilities.

e) Other public facilities or governmental services? (Sources:1, 9) ☐ ☐ ☑ ☐

Discussion: The project has been reviewed by the various City Departments responsible for providing and administering public services and facilities, including Building and Safety, Community Services, Fire, Planning, Police and Public Works. No significant adverse impacts to public services are anticipated.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☑ ☐

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☑ ☐

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☑ ☐ ☐

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☐ ☐ ☑ ☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☑	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☑	☐
h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: 1, 4, 9)	☐	☐	☑	☐

Discussion: a)-h) The proposed project provides for the continuation and minor expansion (including replacement of existing buildings) of an existing use. The site currently drains via sheet flow to the northeast and enters a public storm drain system at the southeast corner of Main St. and Adams Ave. The proposed project will maintain this existing drainage pattern. No stream or rivers exist on the site or in the vicinity. The proposed project may increase the percentage of impervious surfaces on the site and therefore increase storm water run-off and impact downstream public storm drain facilities. The project would be required to mitigate these impacts by the following methods: (1) on-site attenuation of increased storm water flow and/or (2) construction of upsized storm drain facilities in Main Street per the City adopted 2005 Drainage Master Plan. However, preliminary studies indicate that the percentage of impervious surfaces on the site would slightly decrease, resulting in a reduction in run-off.

No increase in the number of people employed at the site, nor any other change in operations that would significantly increase the amount of wastewater or solid waste previously generated at the site, is planned or anticipated. The developer shall be required to submit a hydrology and hydraulic study for both on-site and off-site facilities and a project WQMP for review and approval by the Public Works Department. The studies and the proposed drainage improvements shall include on-site, privately maintained clarifiers or other devices to control the quality of run-off water from the development. All utility connections to the project site will be in accordance with applicable City standards. Solid waste collection service for the City of Huntington Beach is provided by Rainbow Disposal, under an exclusive long-term contract with the City. Collected solid waste is transported to a transfer station where the solid waste is sorted and processed through a Materials Recovery Facility where recyclable materials are removed. The remaining solid waste is transferred to the Frank R. Bowerman Landfill located in the City of Irvine. The landfill has a remaining capacity in excess of 30 years based on the present solid waste generation rates, and the project is not expected to generate a substantial amount of daily waste products in the long term nor as a result of construction. Accordingly, the project is not anticipated to noticeably impact the capacity of existing landfills that will serve the use. The project is subject to compliance with all federal, state, and local statutes and regulations related to solid waste and no exceptions to those standards are proposed. The 2000 City of Huntington Beach Water Master Plan analyzes demands and anticipated impacts of future developments based on the Land Use Element designations. The proposed project is consistent with the corresponding General Plan Land Use designation. No significant impacts are anticipated.

ATTACHMENT NO. 5.B

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista?(Sources:1) ☐ ☐ ☐ ☑

Discussion: The project site is not situated adjacent to or in the vicinity of any scenic vista designated by the City or the State. Consequently, no impacts are expected.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1) ☐ ☐ ☐ ☑

Discussion: The site is not adjacent to a state scenic highway, nor are there any significant trees, rock outcroppings, or historic buildings in the vicinity of the subject site. No impacts will result.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 4) ☐ ☐ ☑ ☐

Discussion: The proposed development will replace several building constructed in 1957 with new buildings featuring quality building materials and contemporary architecture. Proposed on-site landscaping is approximately double the minimum site percentage required by the HBZSO. Any healthy, mature trees to be removed must be replaced, in accordance with standard City requirements, on a two for one basis and provided in addition to current tree requirements. The project will introduce a three-level parking structure to the site, which is expected to have a less than significant impact since the predominate height of the parking structure will be 28 feet (including a hanging garden feature 4 feet in height, excepting an elevator tower and architectural tower a maximum of 38 feet in height. The predominate parking structure height approximates that of a two-story single-family dwelling and all portions of the structure are significantly below the 50 ft. height limit applicable in the zone. In addition, the parking structure will be surrounded by a tree-lined landscape planter on all sides and will be setback from the adjacent residential property by approximately 56 feet. The project substantially conforms with the City's Urban Design Guidelines and has been reviewed by the Design Review Board (DRB), which is charged with reviewing projects for consistency with community design standards and objectives and making recommendations to ensure the project features a high quality design, the use of quality building materials and compatibility with the surrounding neighborhood. The DRB recommended approval of the project, with conditions of approval to enhance the projects aesthetics. No significant impacts are anticipated.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 4) ☐ ☐ ☑ ☐

Discussion: The proposed project provides for redevelopment of a site which is presently developed. The proposed building and parking areas will be configured similar to the existing development. Lighting at the project site will be generally consistent with how the site has been lit for decades. A photometric plan for the proposed project indicates that the project will be in compliance with City codes requiring that lighting be shielded and directed to prevent glare and spillage onto adjacent residential properties. Proposed outdoor lighting includes 18 12-ft. tall light poles distributed throughout the parking areas. The proposed buildings feature minimal glazing or metallic exterior finishes and therefore are not expected to be a significant source of reflective glare. No significant impacts are anticipated.

ATTACHMENT NO. 5.24

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

XIV. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in δ15064.5? ☐ ☐ ☐ ☑

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to δ15064.5? ☐ ☐ ☐ ☑

c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? ☐ ☐ ☐ ☑

d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 9, 15) ☐ ☐ ☐ ☑

Discussion: a) – d) The project is not located in the vicinity of any known archeological, historic or other cultural resource. No impacts are anticipated.

XV. RECREATION. Would the project:

a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ☐ ☐ ☐ ☑

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ☐ ☐ ☑

c) Affect existing recreational opportunities? (Sources: 1, 4, 23) ☐ ☐ ☐ ☑

Discussion: a) – c) The project will not result in the loss of any existing recreational facilities or generate demand for additional facilities since the project does not provide housing or additional employment opportunities. No impacts to recreation are anticipated. Neither Smith Elementary School nor Huntington Beach High School presently schedule athletic events on their fields on Sunday mornings nor does either school have regularly scheduled events on their campuses on Sunday mornings which would result in conflicts with the church's shared use of their parking lots.

XVI. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

ATTACHMENT NO. 5.25

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 1)	☐	☐	☐	☑

Discussion: a) – c) The project site does not serve as farmland and is not identified as farmland on the City's Important Farmlands map. The project will not impact property that was used for agriculture in the past, nor could the subject site be potentially utilized for agricultural purposes in the future based on its current Public-Semipublic zoning designation and use. No impacts are anticipated.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1)	☐	☐	☐	☑

Discussion: The proposed project is not situated within or in the vicinity of a wildlife resource habitat. As analyzed in this initial study, the project is located in areas previously developed that do not support any unique, sensitive, or endangered species. No impacts to any habitat or wildlife area are anticipated.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1-23)	☐	☐	☐	☑

Discussion: The proposed project is consistent with the City of Huntington Beach General Plan designation for the subject property. No impacts beyond those anticipated in the General Plan PEIR – which considers the potential cumulative impacts of projects anticipated under the current General Plan Land Use designations, are expected. The project floor area ratio is lower than permitted under the P (Public-Semipublic) zoning designation. The project is proposed in a developed urbanized area with limited development potential. Consequently, no significant cumulative impact resulting from the proposed project when viewed in connection with probable future projects is anticipated.

ATTACHMENT NO. 5.26

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1-23)	☐	☑	☐	☐

Discussion: As discussed above in Sections I through XVI, mitigation of storm drain impacts will be required. Standard code requirements, and project revisions agreed to by the applicant relative to noise and traffic, will ensure other potential impacts are less than significant.

ATTACHMENT NO. 5.27

XVIII. EARLIER ANALYSIS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis:

Ref. #	Document Title	Available for Review at:
1	City of Huntington Beach General Plan	City of HB Planning Dept., Planning/Zoning Information Counter, 3rd Floor 2000 Main St. Huntington Beach
2	City of Huntington Beach Zoning and Subdivision Ordinance	"
3	Project Vicinity Map	See Attachment #1
4	Reduced Project Plans – received and dated June 28 and 29	See Attachment #2
5	Project Narrative – received and dated July 10	See Attachment #3
6	City of Hutington Beach Geotechnical Inputs Report	City of HB Planning Dept., Planning/Zoning Information Counter, 3rd Floor 2000 Main St. Huntington Beach
7	FEMA Flood Insurance Rate Map (February 18, 2004)	"
8	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	"
9	City of Huntington Beach CEQA Procedure Handbook	"
10	Trip Generation Handbook, 6th Edition, Institute of Traffic Engineers	"
11	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	"
12	Hazardous Waste and Substances Sites List	"
13	State Seismic Hazard Zones Map	"
14	City of Huntington Beach Municipal Code	"
15	Geotechnical Engineering Report (KFM Geoscience) – Jan. 24, 2007	"
16	Air Quality Analysis (Environmental Audit, Inc.) – March 19, 2007	"

17	Trip Generation Study (Kimley-Horn and Associates, Inc.) –March 7, 2007	"
18	not used	
19	Exterior Noise Analysis Report (Kimely-Horn and Associates, Inc.) Revised May 1, 2007	"
20	Phase 1 Environmental Site Assessment Report (LandAmerica Assessment Corporation) – January 24, 2007	"
21	not used	
22	Huntington Beach Water Master Plan	"
23	Project Implementation Code Requirements	Attachment No. 4

ATTACHMENT NO. 5.29

Attachment No. 4

SUGGESTED CONDITIONS OF APPROVAL/ PROJECT IMPLEMENTATION CODE REQUIREMENTS*

*applicable to potential environmental impacts

SUGGESTED CONDITIONS OF APPROVAL

1. Attendance/ seating capacity for Sunday services shall not exceed 1,655 persons.

PROJECT IMPLEMENTATION CODE REQUIREMENTS

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
   a. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of15 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).
   b. Energy saving lamps shall be used for all outdoor lighting. All outside lighting shall be directed to prevent "spillage" onto adjacent properties. The type and location of all exterior lighting shall be on the site plan and elevations.
   c. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking.*

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 City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
   d. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
   e. 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. 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). (Resolution 4545)

3. Prior to issuance of a grading permit, a Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The following improvements shall be shown on the plan:
   a. Curb, gutter and sidewalk along the Main Street and Adams Avenue frontages, per City Standard Plan Nos. 202 and 207. (ZSO 230.84)

ATTACHMENT NO. 5.30

b. Sidewalk along the 17th Street frontage, per City Standard Plan Nos. 202 and 207. (ZSO 230.84)

c. The existing driveway approaches on Adams Avenue shall be removed and replaced with an ADA compliant driveway approaches per City Standard Plan No. 209 or 211. (ZSO 230.84)

d. ADA compliant access ramps at the southwest corner of Main Street and Adams Avenue and at the northwest corner of Main Street and Loma Avenue per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)

e. A new sewer lateral shall be installed connecting to the main in Adams Avenue or Loma Avenue. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)

f. All existing non-conforming water appurtenances (including meter boxes and backflow protection devices) serving the development shall be upgraded to conform to the current Water Division Standards. (ZSO 255.04E)

g. The existing domestic water services currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Water Inspector.

h. Alternately, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). The new domestic water service shall be a minimum of 2-inch in size. (ZSO 230.84)

i. The existing irrigation water service(s) currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service(s), all non-conforming water meters and backflow protection devices shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate irrigation water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards. The new irrigation water service shall be a minimum of 1-inch in size. (ZSO 232)

j. A separate irrigation water service and meter shall be installed per Water Division Standards. The water service shall be a minimum of 1-inch in size. (ZSO 232)

k. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation, and fire water services serving the new building(s). (Resolution 5921 and Title 17)

l. All existing domestic water facilities (including water services, meters, backflow protection devices, etc.) that are not utilized shall be abandoned and removed per Water Division Standards. (ZSO 255.04E)

m. If fire sprinklers are required by the Fire Department for the proposed development, a separate dedicated fire service line shall be installed. (ZSO 230.84)

n. The existing fire backflow protection device shall be removed and replaced with a backflow protection device that conforms to the current Water Division Standards. (ZSO 230.84)

o. A water utility easement shall be dedicated to and accepted by the City of Huntington Beach, covering the public water facilities and appurtenances located within the project site. The easement shall be a minimum total width of 10 feet clear (5 feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. Utilities Division personnel shall have access to public water facilities and appurtenances at all times.

ATTACHMENT NO. 5.31

p. The Property Owner(s) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach, for maintenance and control of the area within the public water pipeline easement, which shall address repair to any enhanced pavement, etc., if the public water pipelines and/or appurtenances require repair or maintenance. The Property Owner(s) shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any water pipeline. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29)

q. 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 Public Works and Planning Departments. (ZSO 232.04)

r. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)

s. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)

t. The 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. 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. (Resolution-4545)

u. 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. (DAMP)

v. 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 (BMP's) 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. (DAMP)

w. The applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. (DAMP)

x. A Project WQMP shall be submitted to the Public Works Department for review and approval and shall include the following:

- Discusses regional or watershed programs (if applicable).
- Addresses Site Design BMP's (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
- Incorporates the applicable Routine Source Control BMP's as defined in the DAMP.
- Incorporates Treatment Control BMP's as defined in the DAMP.
- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMP's
- Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMP's

ATTACHMENT NO. 5.32

- Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMP's
- Includes an Operations and Maintenance (O&M) Plan for all structural BMP's
- Upon approval of the WQMP, three signed copies and an electronic copy on CD (.pdf or .doc format) shall be submitted to the Public Works Department.

y. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed. Connection of trash area drains into the storm drain system is prohibited. (DAMP)

z. A detailed soils and geological/seismic analysis shall be prepared by a registered engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, overexcavation, engineered fill, dewatering, settlement, protection of adjacent structures, chemical and fill properties, liquefaction, retaining walls, streets, and utilities. (MC 17.05.150)

aa. 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. (MC 17.05.150/FD Spec. 431-92)

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

cc. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. 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, 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.

dd. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading

4. Prior to issuance of an encroachment permit, Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

5. Prior to issuance of building permits, the following shall be completed:

   a. Joint use parking shall require a Joint Use Parking Agreement between property owners to be recorded prior to issuance of permits or occupancy. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Planning Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

ATTACHMENT NO. 5.33

b. 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. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.

c. A Mitigation Monitoring Fee shall be paid to the Planning Department. *(This fee pertains to projects with a negative declaration or an EIR. The current fee is $285 for negative declarations and mitigated negative declarations).*

d. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee.* The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).

e. A Precise Grading Permit shall be issued.

f. Traffic impact fees for non-residential developments shall be paid at a rate of $146 per net new added daily trip. The rate is subject to an annual adjustment on December 1st. (MC 17.65)

6. During demolition, grading, site development, and/or construction, the following shall be adhered to:

a. Construction equipment shall be maintained in peak operating condition to reduce emissions.

b. Use low sulfur (0.5%) fuel by weight for construction equipment.

c. Truck idling shall be prohibited for periods longer than 10 minutes.

d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.

e. Discontinue operation during second stage smog alerts.

f. Clearly visible signs shall be posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.

h. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards 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. (MC 17.05.210)

i. 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. (WE-1)

j. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)

k. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)

l. The construction disturbance area shall be kept as small as possible. (EC1)

m. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas.

ATTACHMENT NO. 5.34

n. 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.

o. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)

p. Wind barriers shall be installed along the perimeter of the site.

q. 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 areas.

r. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

7. New 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. 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.

b. Complete all improvements as shown on the approved grading, landscape plans. (MC 17.05)

c. Existing curb, gutter and sidewalk must be removed and replaced per City Standard Plan Nos. 202 and 207. Existing street tree(s) to be inspected by the City 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. (Resolution 4545)

d. 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. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)

e. Applicant shall provide City with CD media TIFF images (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.

f. Demonstrate that all structural Best Management Practices (BMP's) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.

g. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.

h. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the Project WQMP.

i. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.

ATTACHMENT NO. 5.35

Attachment No. 5
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
The proposed project may increase the percentage of impervious surfaces on the site and therefore is expected to increase storm water run-off and impact downstream public storm drain facilities.	1. The project shall provide: (1) on-site attenuation of increased storm water flow and/or (2) construction of upsized storm drain facilities in Main Street per the City adopted 2005 Drainage Master Plan.
Noise generated in the children's play areas may exceed the City's noise limits	2. A 7-ft. tall noise barrier (masonry wall) shall be constructed along the southerly side of the children's play areas.

ATTACHMENT NO. 5.36

1706 Shipley St.
Huntington Beach, CA 92648

July 27, 2007

Mr. Ron Santos
Associate Planner,
City of Huntington Beach Planning Department,
2000 Main St.
Huntington Beach, CA 92648

Dear Mr. Santos

This letter is regarding the modified plans for the First Christian Church (FCC) project at 1207 Main St. in Huntington Beach. There are still many areas of concern!

1. The architectural design theme, with the exception of the chapel, is more appropriate for a shopping mall than a neighborhood church and does not blend with the aesthetics of the surrounding neighborhoods.

2. A full kitchen café and a retail bookstore are still included. These are commercial in nature, are inappropriate for a residential neighborhood and must be a clear zoning violation.

3. The modified (slightly!) parking structure is still destined to be a major eyesore. It is sited on the highest elevation on the property and as such will have maximum negative impact on sightlines and aesthetics. In addition, the lighting that will be necessary for the structure does not appear to be covered in the plans. These issues, the concentration of traffic and the safety issues which accompany all parking structures (crime, drugs, teen hangouts) make this structure totally inappropriate for inclusion in a residential neighborhood! I seriously question your judgment that this structure would have no or minimal impact on the environment! The impact would be major and continuous!

I note that the parking structure is only required to accommodate the peak parking requirements for concurrent activities in the existing worship center and replacement venues. The varied nature of the venues would make it unlikely that all would be full to capacity at the same time. It would seem to be a simple accommodation for FCC to stagger services and venue scheduling (as other churches do) so that the existing surface parking and the arrangement with Smith school would continue to meet city requirements. This would have the added bonus of reducing peak traffic congestion and the accompanying noise and pollution.

Please give these comments your serious attention.

Respectfully,

Ronald R. Austin and M.L. Williams-Austin

City of Huntington Beach

AUG - 2 2007

ATTACHMENT NO. 6-1

1706 S ley St.
Huntington Beach, CA 92648

29 June, 2007

Mr. Ron Santos,
Associate Planner
City of Huntington Beach Planning Department,
2000 Main St,
Huntington Beach, CA 92648

JUN 29 2007

Dear Mr. Santos

This letter is an addendum to our letter of 8 June, 2007

I have reviewed the modified plans for the First Christian Church project at 1207 Main St. that you provided me yesterday. There are several areas of concern:

1. The architectural design theme, with the exception of the chapel, is not in keeping with the aesthetics of the surrounding neighborhood. It appears in general to be more appropriate for a shopping mall than a neighborhood church.

2. There are outdoor play areas that we were told would be removed.

3. A full kitchen café and a retail bookstore are still included. These are commercial in nature and would appear to be a clear zoning violation.

4. The parking structure is considerably higher than the value (24') that you used when you determined that it had no significant negative impact .The structure has towers of 32' and 40' and a shear wall of 28' in height. These heights, combined with the fact that the structure is sited on the highest elevation on the property give maximum negative impact on sightlines and aesthetics. These issues, the concentration of traffic and the safety problems which accompany all parking structures (crime, drugs, teen hangouts) make this structure totally inappropriate for inclusion in a residential neighborhood!

I note that the parking structure is only required to accommodate the peak parking requirements for concurrent services in the existing worship center and replacement venues. By the varied nature of the activities planned in the various venues, it would seem highly unlikely that they all would be full at the same time. Herein lies a simple solution to the parking issue. If the FCC would take steps (multiple services, staggered times for events etc), as many other churches have done, their current surface parking and arrangement with Smith school would provide more than adequate parking. This would cause no apparent problem for FCC the majority of the time and at most be a minor inconvenience on occasion. In addition, this would reduce the peak traffic problems and have the added bonus of saving the parisioners lot of money!

Thank you for giving these comments your attention.

Respectfully,

R R Austin M.L. Williams-Austin

Ronald R. Austin and M.L.Williams-Austin

ATTACHMENT NO. 6.2

1706 Shipley St.
Huntington Beach, CA 92648

8 June, 2007

Mr. Ron Santos
Associate Planner,
City of Huntington Beach Planning Department,
2000 Main St.,
Huntington Beach CA 92648

Dear Mr. Santos

This letter is to express our opposition to the proposed expansion by the First Christian Church at 1207 Main St., Huntington Beach.

We already suffer daily from excessive noise and traffic at that site due to trash collection, school activities and frequent other functions. The proposal for a major expansion and in particular, a multi-level parking structure in the midst of a residential area are very disturbing!

The planned expansion would change this facility further into a commercial enterprise, far removed from the concept of a neighborhood church!

Please be aware that we will take all possible steps to prevent this expansion from going forward as planned and destroying what ambiance and tranquility we have left in our neighborhood.

Respectfully,

R R Austin M L Williams-Austin

(Ronald R. Austin & M. L. Williams-Austin)

ATTACHMENT NO. 6.3

City of Huntington Beach

JUN 15 2007

John and Tracy Blackburn
1717 Aspenwood Lane
Huntington Beach, CA 92648

Ron Santos
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

June 12, 2007

Dear Mr. Santos

We recently received your letter regarding the proposal by First Christian Church to expand and reconstruct their existing church complex and the impact that it might have on our neighborhood.

We live on Aspenwood Lane, thus one of our biggest concerns is traffic and the related problems of congestion and noise. The intersections at 17th and Adams and Adams and Main Street are already at capacity during the morning and afternoon rush. I would like to invite members of the planning commission to try and exit our small street on to Adams Ave. between 8:00am and 8:45am on any weekday morning. I can tell you it is quite stressful if not borderline unsafe. Adams Ave., from 17th to Main, can barely handle the current traffic count. Think what a mess it will be with a three level parking structure and a 24/7 venue which the church is proposing.

As neighbors of the church we have no problem with a remodel and an expansion to accommodate more parishioners. It sounds like, however, that First Christian wants to expand traditional church activities to a 24/7 venue that goes beyond what our residential and low density zoning would permit. A three story parking structure cannot in anyway contribute to the aesthetics of a residential neighborhood. Additionally, the city needs to consider the safety and crime issues that are related to an open parking structure.

We hope that these concerns can be addressed by the city and that First Christian can be persuaded to scale back it's overly ambitious expansion plans.

Sincerely,

John Blackburn

Tracy Blackburn

ATTACHMENT NO. 6-4

Ron Santos, Associate Planner
City of Huntington Beach Planning Deparment
2000 Main Street
Huntington Beach, CA 92648

RE: Draft Mitigated Negative Declaration No. 06-008

We, Fred and Nancy Bloomfield, 19728 Seashore Circle, H.B., are writing to protest the construction of a parking structure on the First Christian Church property. A multi=level parking stucture is not an appropriate use of land located in a residential area. It will increase traffic on Seventeenth Street and increase the noise level of the area.

We hope the Planning Commission and the City Council will not allow this project to go forward.

Thank You,

Fred Bloomfield
Nancy Bloomfield

Nancy & Fred Bloomfield
19728 Seashore Circle HB

City of Huntington Beach

JUN 26 2007

ATTACHMENT NO. 6.5

John & Deborah Briers
7312 Veering Circle
Huntington Beach, CA 92648
(714) 536-2947

City of Huntington Beach

JUN 29 2007

June 27, 2007

Mr. Ron Santos
Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Re: First Christian Church Reconstruction and Expansion Project

Dear Mr. Santos,

Our home on Veering Circle is directly across from the parking lot at First Christian Church. Like many of our neighbors, we are concerned primarily about the expansion of this neighborhood church. Regardless of the zoning, FCC is sandwiched between single-family homes and schools and any expansion needs to recognize the limitations of their site.

My primary concern is traffic. With kids at Smith, Dwyer and Huntington Beach High School, my children and I walk across 17th multiple times on a daily basis (at Adams) and any increase in activity will impact a traffic situation that is already very dangerous. While I also intend to contact the HB Police Department, something needs to be done to improve pedestrian safety at this intersection. Cars barely stop at all, rushing to break between pedestrians, and pay little attention to the crosswalk. My six-year-old daughter and I have been almost hit several times crossing there because people are rushing and not paying any attention to people in the crosswalk.

The church's intended coffee and gift shop would bring additional car trips through that intersection at peak hours. Any expansion would further aggravate a dangerous situation.

I am relieved that the church has willingly agreed to scale back their plans with regard to the outdoor amphitheater and tower; however, a three-story parking structure has no place in a residential neighborhood. Especially when peak church hours coincide with times when the neighboring school parking lots are empty which would make a shared parking situation ideal.

I am also concerned that the overall architectural aesthetic is too commercial for our residential neighborhood. The surrounding homes and schools are primarily historical in nature and the church's plans show something modern and industrial. I have worked in the field of architecture for ten years and the proposed design for the church does not enhance the fabric of the community. Instead, it will detract from the special historic character that has evolved and makes this neighborhood such a wonderful place to live.

The concerned citizens in the surrounding homes appreciate the attention you are giving to this proposed project and recognize that FCC is making concessions. However, I implore you to further look at the traffic situation at 17th and Adams. Additionally, the materials and colors for the new church should be toned down to more appropriately reflect the neighborhood.

Sincerely,

Deborah Briers

Deborah Briers

ATTACHMENT NO. 6-6

Jon A. Rader and Phyllis Butland
19822 Waterview Lane
Huntington Beach, CA 92648
June 11, 2007

City of Huntington Beach

JUN 12 2007

Mr. Ron Santos
Associate Planner
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, CA 92648

Dear Mr. Santos,

We are residents of Beachwalk and our home backs up to 17th Street near the First Christian Church, and are responding to the City of Huntington Beach's letter to interested parties regarding the proposed expansion of the church. There are several aspects of the plans that are very troubling to us.

One problem is the three-level parking structure that will be placed on a raised elevation on the church property, immediately next to the elementary school. This structure must necessarily be unsightly, being placed in such a very prominent place. Efforts expressed in the proposal to use plantings to tone down the view of this concrete behemoth will be in vain. This parking structure **does not belong** in a residential neighborhood, where it can provide an attractive hideaway for homeless persons and teens, and possibly pose a safety threat to the elementary school.

For years our neighbors and we have been tolerant of the traffic, noise of the sound system, crowds, and smells of animals and idling vehicles before Christmas each year when the First Christian Church holds its Christmas pageant. Now, by studying the proposed expansion plan, it is clear that we will be contending with all but the animal smells year round. With the outdoor sound system playing to those in the proposed amphitheater and, necessarily, to all the neighbors for at least a mile around, we will be experiencing a great loss of quality of life.

On Page 23 of your impact report, item VIII Aesthetics, item c) you have judged as "Less Than Significant Impact" the item that the project will "Substantially degrade the existing visual character or quality of the site and its surroundings." We cannot agree with this finding. A three-story church building with a 96-foot cross, huge outside constructions planned, including a three-level parking structure on a hill, an outdoor amphitheater with an outdoor sound system will have a huge impact on the character of our residential neighborhood.

Please take these comments into account as you review the project.

Thank you.

Jon A. Rader and Phyllis Butland

ATTACHMENT NO. 67

Jon A. Rader and Phyllis Butland
19822 Waterview Lane
Huntington Beach, CA 92648
July 2, 2007

City of Huntington Beach
JUL 02 2007

Mr. Ron Santos
Associate Planner
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, CA 92648

Dear Mr. Santos,

This letter is in response to the City of Huntington Beach's notice to interested parties regarding the expansion/remodel plans of the First Christian Church of Huntington Beach. We have several new concerns in the light of the Church's revised plans, submitted on June 28th, and they follow below.

We oppose the parking structure planned by the FCC in our residential neighborhood. The Church's revised plans show that the parking structure is huge. It is 293 feet long by 139 feet wide. The front of the structure facing 17th Street will have an **architectural tower that is 40 feet high**. The back of the structure has a 32 feet high elevator tower.

In the aesthetics section of the environmental report for this project it said:
"The project will introduce a three-level parking structure to the site, which is expected to have a less than significant impact since ***the structure will have a maximum height of 24 feet***, (our italics) will be surrounded by a tree-lined landscape planter on all sides and will be setback from the adjacent residential property by approximately 40 feet."

The environmental report also said that no significant impacts in outdoor lighting are expected in this project. However, whatever lighting is employed will indeed necessarily, have an impact on homes nearby. It will essentially be a large, elevated, floodlit place to shine bright lights into our homes and bedrooms.

In addition to these issues of the parking structure, we are very disturbed about the plans for the so-called "café" listed in the expansion plan. The word "café" suggests that it would be a coffee-serving venue, perhaps with sandwiches and snacks on offer. In fact, this church "Café" will seat 80 people indoors and more outdoors, have a full commercial kitchen dedicated to it, be an open-to-the-public, for profit, all-day-until- 9:00 P.M., 7-days-a-week **restaurant**. It is a full-blown restaurant that does not belong in a residential neighborhood.

Our neighborhood will undoubtedly be subjected to the smells of cooking food from before the restaurant opens each day, until it closes at night. We live in a breezy neighborhood, where all Church neighbors will have times when the wind is blowing restaurant smells their way. How can it be argued that this Church in a residential neighborhood is zoned for a commercial, for profit, "café"?

Please take these questions and comments into account as you review the project.

Thank you,

Jon A. Rader and Phyllis Butland

ATTACHMENT NO. 6.8

June 25, 2007

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

SUBJECT: FIRST CHRISTIAN CHURCH PARKING STRUCTURE

My wife and I live at 812 San Nicolas Circle, which is the last house on the street that overlooks the parking lot of the First Christian Church. After reviewing the plans for the expansion/remodel, we have concerns regarding the parking structure. Our main concern is the height and size of such a large structure so close to the back of our house. Our balcony and all our back windows look out over this area and we worry that the parking structure will have a significantly negative impact on our view. (Of course, the noise generated from the structure is also a concern, but I'm hoping that your studies have already addressed this issue and determined that it will be acceptably low.)

In looking over the plans, it appears that the parking needs are calculated on a somewhat "worst case" scenario (heavy attendance at three concurrent services). It seems reasonable to assume that most weeks the parking demands would be lower. In fact, it may be that this "worst case" scenario might only occur rarely, if ever. This especially seems true considering that many church attendees will be parking on the many nearby streets as they do now. At the meeting held at the church on Monday, June 18, to discuss the expansion/remodel it appeared to be unanimous that nearby residents, including ourselves, would prefer church-goers park in front of our homes for a couple of hours on Sunday over a massive parking structure. If the church expects heavy attendance (e.g., Easter, Christmas, etc.), they could use the High School parking lot in conjunction with a shuttle (as they plan to use during construction).

It appears that the construction schedule calls for the parking structure to be built last after all of the other elements have been completed. In between these two phases seems to present an excellent opportunity to re-evaluate the parking situation before requiring the church to construct a large structure that seems to be opposed by many, if not all, nearby residents.

It will be quite frustrating to look at a massive parking structure every day that is empty 90% of the time, and rarely, if ever, fills up, realizing that we could have either eliminated or reduced the size of the structure with minimal adverse impacts.

Sincerely,

Dave Courdy
812 San Nicolas Circle
Huntington Beach, CA 92648

(562) 626-7849
(714) 536-1662 - evenings and weekends

Brian Haner and Michelle DiBenedetto
7322 Veering Circle
Huntington Beach, CA 92648
(714) 845-6725

City of Huntington Beach

JUN 12 2007

June 10, 2007

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

Subject: Re: Notice of Availability of a Draft Mitigated Negative Declaration for First Christian Church of Huntington Beach Expansion/Remodel

Ron:

We are writing in regards to the proposed expansion plans for First Christian Church of Huntington Beach. We feel that some consequences of these expansions have been overlooked. We live across 17th street from the church and feel that these expansions will have a negative effect on our neighborhood's quality of life. We are most concerned about the ill-suited parking structure and the excess traffic and noise.

The church is located in a residential community, in which a parking structure would be unsightly and out-of-place. Parking structures can often attract illegal and/or undesirable activities. We are not aware of any discussion about precautions being taken to ensure that our neighborhood continues to feel safe. The church is surrounded by schools, and the children's safety should be considered, also.

A parking structure would also mean an excess amount of cars that would lead to excess traffic and noise. As mentioned, the church is surrounded by schools. Between the church and the schools, the intersection of 17th and Adams is already heavily congested. The extra amount of cars the parking structure would allow for would only add to this congestion.

We understand the benefits of expansion to the city, but, as residents of Huntington Beach for 25 years, we believe we have a right to the peaceful neighborhood beach city we know and love. And we know the city would benefit in continuing to uphold this image. We implore you to seriously consider the negative impacts this expansion would have on the surrounding residential areas, their residents and the

cities image as a clean, serene city.

We would welcome the opportunity to discuss this matter further.

Sincerely,

Brian Haner and Michelle DiBenedetto

ATTACHMENT NO. 6.11

CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

June 7, 2007

Ms. Rosemary Medel, Associate Planner
City of Huntington Beach
2000 Main St
Huntington Beach, CA 92648

Re: Mitigated Negative Declaration (No. 06-008)

At our June 7, 2007 meeting the Environmental Board reviewed the Mitigated Negative Declaration No. 06-008 for the proposed First Christian Church project located at 1207 Main Street. The following are our comments, concerns and observations.

1. The Board requests that the City encourage the project developer to utilize green building standards and materials in the demolition, construction and renovation of the building and facilities.

2. The project developer is required to submit to the City a landscape plan that utilizes water conservation measures such as smart irrigation timers and a plant palette that includes drought tolerant and low water use plants.

3. The project developer submit to the City a parking lot plan design that minimizes dry season surface water runoff to the storm drain system by using grass swales or other capture and infiltration techniques.

4. The Board suggests that the City require the proposed covered parking structure surface drainage be plumbed to the sewer system per City and plumbing Code standards to eliminate possible runoff pollution when the garage is cleaned.

5. The Board requests that the City approve a parking structure location and design that is the least evasive to the surrounding community.

We appreciate the opportunity of commenting on this document. Please feel free to contact the Board with any questions.

Sincerely,

Craig Justice
Chair
H.B. Environmental Board

RECEIVED JUN 18 2007

ATTACHMENT NO. 6.12

City of Huntington Beach

JUL 02 2007
10:44AM

Howard Ross & Roz Essner
7321 Veering Circle
Huntington Beach, CA 92648
714-969-9343

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

July 1, 2007

Ron,

This letter is in response to City of Huntington Beach's notice to interested parties regarding the expansion/remodel plans of the First Christian Church (FCC) of Huntington Beach. This letter is an addendum to the letter we wrote on June 9'th to the City.

Since that initial letter was written, on June 28th FCC submitted a revised project narrative and plans to the City. Unfortunately, that did not give us that much time to review and comment on this revision by July 2nd. Even so, we spent time this past weekend looking at the revised material, and we have comments on several of the items FCC has proposed.

FCC plans to operate two new commercial ventures on their property. First, FCC plans to operate a café from the hours of 7am to 9pm, Monday through Saturday, and from 8am to 7pm on Sunday. The café has a full kitchen. The café is open to the public and has outdoor seating. Second, the Church plans to operate a new book store for the public. Hours of the book store were not mentioned in the plans. We object to FCC doing commercial ventures in a residential zone neighborhood. The potential noise generated by people using these public stores was not mentioned in the environmental study.

FCC still plans to expand their seating capacity to 1,763 seats, even though the HB Traffic Division has stated that using over 1,655 seats will result in a significant traffic impact to the area. FCC is allowed to pass traffic environmental impacts by saying they will limit seating to 1,655 persons. Why does the City find this to be acceptable? There is no way to enforce this limitation. FCC should reduce maximum seating to 1,655 in their plans or face an environmental impact report. Sts. Simon & Jude Catholic Church has over 4,600 registered families, a much larger congregation than FCC. They do not have a parking garage. Sts. Simon & Jude manage parking and traffic by having more services on Saturday evening and Sunday. Why can't FCC?

The proposed construction of a very large parking structure is still in the plans. Every neighbor we talk to finds that this parking structure will substantially degrade the existing visual character of the area. The new plans show that this parking structure will have a maximum height of 40 feet. This structure will be sitting on the highest point of land that the Church has. The aesthetic issues of the environmental study said that the structure would only have a maximum height of 24 feet. That statement is incorrect. We believe

that this huge parking structure will not be compatible with the surrounding neighborhood and will be impossible to hide with landscaping.

We are still seriously concerned about the proposed plan. We would welcome the opportunity to discuss this further with you and the appropriate parties.

Please take these comments into consideration in your review of these plans

Sincerely,

Howard Ross

Roz Essner

ATTACHMENT NO. 6.14

Howard Ross & Roz Essner
7321 Veering Circle
Huntington Beach, CA 92648
714-969-9343

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

June 9, 2007

Ron,

This letter is in response to City of Huntington Beach's notice to interested parties regarding the expansion/remodel plans of the First Christian Church of Huntington Beach. We have reviewed these proposed plans and have several concerns.

We were informed on June 8th by a neighbor that the documents for review are missing several key pages. Also, it now appears that the Church has plans for an outdoor amphitheater and a sound system in a central plaza area that was not stated on the plans that the Planning Department used to analyze this expansion/remodel for potential environmental impacts. Therefore, we are concerned that the analysis for environmental impacts of this expansion/remodel might be flawed. We have encountered the situation many times in which the Church has outdoor music concerts and other events on their parking lot, which can be quite loud. The Church did not mention this in any of the documents we reviewed. With the addition of the proposed outdoor amphitheater and the proposed three (3) story garage, we are concerned that there will now be space for more multiple and simultaneous outdoor events, creating serious noise issues for our residential neighborhood and preventing us from quiet enjoyment of our property. We don't believe these issues were addressed in the environmental impact study.

The plans we saw have a 96 foot cross to be built on the Church grounds. Such a tall structure does not fit into the residential area of 2 story and single story homes that surrounds the Church. A shorter cross would blend into the neighborhood in a kinder, gentler way.

The proposed construction of a very large parking structure (which allows for three levels of parking) is extremely hard to accept as an improvement to the area. It is difficult to understand why a parking garage for an additional 336 cars is permitted, as well as the re-striping of the existing parking lot to increase the Church's parking capacity, while at the same time the HB Public Works Traffic Division states that the Church needs to limit Sunday services to 1,655 persons so that they do not adversely impact traffic. Currently, the Church has maximum seating capacity of 1,470 and so, with this limitation the Church may only add an additional185 people. Again, why is this garage needed? We are concerned that this garage will allow the Church to use the existing parking area for large and loud outdoor events--something that this environmental study has not addressed. We are also concerned that an unlocked parking garage could attract criminal activity to the area, which is especially disconcerting since there's an elementary school adjacent to the proposed site of the parking garage.

ATTACHMENT NO. 6-15

We are seriously concerned about the proposed amphitheatre, 96 foot cross and the parking garage. We would welcome the opportunity to discuss this further with you and the appropriate parties.

Please take these comments into consideration in your review of these plans

Sincerely,

Howard Ross

Roz Essner

ATTACHMENT NO. 6-16

Loren Dale Felts
19662 Stern Lane
Huntington Beach, CA 92648
(714) 536-5716

City of Huntington Beach
JUL 24 2007

7/20/07

Ron Santos, Associate Planner
Planning Dept.
City of Huntington Beach
2000 Main St.
Huntington Beach, CA 92648

Subject: Comments on Recirculated Draft Mitigated Negative Declaration for First Christian Church Remodel Project.

Dear Sir:

I am pleased to have the opportunity to again provide comments on the Christian Church Remodel project during this public review period.

I am pleased to see many of the changes of the project plans that you have listed on the first page of your letter to "Interested Parties".

Comments:

1. OUTDOOR AMPLIFIED SOUND SYSTEM.
   a. I'm pleased you have added this restriction, hopefully eliminating extremely loud emanations that have occurred on previous occasions.
   b. Your note refers specifically to the "project". I hope this extends to the Church as a whole, and is not limited to just this "project".
   c. The sounds from their annual Nativity Drive Through have never been a problem. Providing they keep them at traditional levels, I would hope this requirement would not apply to that event.
   d. I'm not opposed to chimes or bells on Sunday mornings as a call to worshipers.

2. PARKING GARAGE.
   a. I'm sorry to see that the new Parking Garage is still in the plans.
   b. I expect it will be almost exclusively be for Sunday morning services, approximately 3 hours out of the whole week.
   c. I'll be looking at that thing every day as I go past there, and I think it is inappropriate for the neighborhood that it is in. Please look at the homes on Veering, Park, Loma and 14th to see how inappropriate a parking structure would be.

ATTACHMENT NO. 6-17

d. For 3 hours a week I think we could allow parking on 17th (Main to Palm), Smith School and Adams, Sunday Morning Only (Kids used the bike lanes at other times). If necessary, add in the parking for the ball diamonds on 17th, and the high school lot.
e. This is an expense that the Church need not bear if enough local parking is available for the short time that is required.

NOISE, PLAY AREA

a. I have never been bothered by the play area's noise. The wall may not be necessary, though I would defer to the folks on Loma who might be more strongly affected.

Yours truly,

Loren D. Felts

Loren D. Felts

ATTACHMENT NO. 6.18

Loren Dale Felts
19662 Stern Lane
Huntington Beach, CA 92648
(714) 536-5716

5/25/2008

Ron Santos, Associate Planner
City of Huntington Beach Planning Dept.
2000 Main St.
Huntington Beach, CA 92648

Subject: Comments on First Christian Church Remodel

Summary Comments:

1. Church is already out of character for it's neighborhood. I oppose any further increase in size and noise.
2. Most especially there should be no parking garage on the corner of Adams and 17th Street. If said parking garage is approved, it should be closer to the main buildings and should be masked by landscaping.
3. This church has already shown it's lack of concern for it's neighbors by it's violation of noise codes for outdoors "beach music" entertainment. No outdoor activities should exceed the noise codes relative to that which applies to any of the residences immediately around it.

Discussion

1. The church parking lot is already the ugliest thing on the corners of Adams and 17th Street. Two corners have nice houses (in fact the church is totally out character of the residences that nearly surround it); the third is the green fields associated with the High School. In no way should it become an even bigger eye sore.
2. The corner is the last place to put a parking garage, both for it's appearance and the fact that this corner has especially heavy student foot and auto traffic from the four schools in the neighborhood. High visibility around the corner should be a high priority for safety reasons. If such a garage is to be built, it could be well located more near the existing main buildings and masked to hide it's appearance.
3. Last summer this church sponsored an outdoor "Beach Boy" type of music that completely drowned out the neighborhood. A call to the police did little to get the levels reduced. I did talk via email to one church representative who said they planned on possibly doing it again. I sure hope not. Having beach type volume in this tight knit neighborhood is not appropriate.

Sincerely,

Loren D. Felts

City of Huntington Beach

MAY 25 2007

ATTACHMENT NO. 6.19

June 10, 2007

The Huntington Beach Planning Department:

I become aware of the planned additions to the Church property just across the street. I have lived in this home since 1980 and enjoy this rather ideal location and the surrounding area is still primarily residential.

The additional structures and increased square footage of some of the existing buildings, I believe will have a very negative impact on our area. This is still a mostly residential area and it seems to me that if this organization finds it necessary to increase their facilities to this degree, that they should consider locating a piece of land more suited for this size of a campus.

The loss of the "open space" is problem enough, but the garish colors that they propose are really in very poor taste. I doubt that all of the members of the church would condone the bright, tasteless hues that these buildings will be painted.

The traffic report is interesting, but I doubt that a multi level parking structure can do anything but contribute to a higher density in the traffic on our local streets..

I have viewed the church and it's surroundings and tried to imagine all the changes. I cannot help but believe the resulting structures will not enhance our area of our city.

Sincerely,

J.W. Gallagher
1718 Shipley
Huntington Beach, CA 92648

ATTACHMENT NO. 6.20

June 7, 2007

Mr. Ron Santos
Associate Planner
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, CA 92648

Dear Mr. Santos,

We recently received your letter regarding the proposal by First Christian Church to expand and reconstruct their existing church complex and the impact that it might have on our neighborhood.

We are residents of Shipley Street, directly across the street from the church. We moved here almost 10 years ago because the neighborhood offered us a quieter, more suburban feel than where we previously lived on the numbered streets. We are not opposed to progress, but we feel our neighborhood will be threatened by the extent of the proposed project.

I strongly disagree with your findings concerning the negative impact that such a project would generate. You mention 2 areas that are of concern to you, hydrology and noise. The most important of these issues is the noise. You only mention a children's play area, however, what about the noise from the increased traffic. It is our understanding that the church is trying to expand. That means lots more people and lots more traffic in already very busy intersections. Plans call for traffic to be routed along Adams Ave. and along Seventeenth St. Have you driven the Main St. / Adams intersection lately? It is already a very dangerous intersection that is unable to handle the existing traffic. It is nearly impossible to turn during peak school and church hours. It is also a problem exiting out of Shipley or Aspenwood. The lanes on Adams are designed poorly and thus already cause residents issues getting in and out of the development. Oncoming traffic cannot be seen until one has already pulled out in the lanes of traffic. I can't tell you how many times accidents have narrowly been avoided. Any increased traffic would be a huge problem.

The other noise issue that needs to be addressed, but has somehow managed to fly under the radar, is the noise that will be generated from the proposed outdoor amphitheater, outdoor café and outdoor sound system. It is my understanding that these are part of the project; however, the city does not mention these in their report.

Other major concerns are the aesthetic and safety issues that come with an obviously, out of place, commercial parking structure. There is no place in our neighborhood that a

multi level commercial parking structure would look good or even fit in. Such a structure would be a detriment to our neighborhood and city and only provide a place for kids and the homeless to hang out.

We are asking that the Planning Department, the City of Huntington Beach and First Christian Church, take into account the potential problems that this project will generate and reconsider the proposed project.

Sincerely,

Todd Gan

Deirdre and Todd Gan
1804 Shipley St.
Huntington Beach, CA 92648

ATTACHMENT NO. 6-22

Sander & Shirley Gelfand
1711 Shipley St.
Huntington Beach, CA 92648-2743

June 30, 2007

1:42pm
City of Huntington Beach
JUL 02 2007

Ron Santos, Associate Planner
City of Huntington Beach Planning Department
2000 Main St.
Huntington Beach, CA 92648

Re: Proposed expansion plans for First Christian Church of Huntington Beach, 1207 Main St., Huntington Beach, CA 92648

Dear Mr. Santos:

Eighteen years ago we purchased our home at 1711 Shipley St., Huntington Beach. As you are undoubtedly aware, our street intersects Adams Ave. directly across from the church. When we purchased our home we did so with the acceptance of the church's appearance. As it appeared then and as it is now, it's architecture, in our opinion, blends in with the neighborhood. Since then we have had a very compatible association with the church.

Now we are learning of plans by the church that will severely change it's appearance. As you may recall we were in your office looking at the church's plans. Subsequently we attended a meeting at the church on July 18 chaired by Pastor Bruce Templeton. At that meeting we were part of a lengthy interactive discussion. We, as well as our neighbors who attended the meeting, voiced objections to several issues regarding the church's plans. We are sure that by now you have received many letters about these issues.

ATTACHMENT NO. 6.23

The overall plans show a number of radical changes that, in our opinion, will change our residential neighborhood into a more commercialized environment. We feel this way because the parking structure itself will make our neighborhood look like a commercial area. We know of no other church in the city that has such a structure.

We feel that the church has other options to accommodate it's growth within the parameters of it's property:

1...to remodel in lieu of demolishing and re-building
2...to utilize remote parking via a variance
3...to modify the number of seats and schedule multiple services.

Any or all of these alternatives would certainly be less costly than the 4 million dollar parking structure. The same cost savings concepts certainly apply to the reference in Pastor Templeton's letter of June 25 to us that states, "If we apply for the variance at this stage of the game, we would have to start at square one with the planning process, pushing us back potentially a few more months, and frankly, we can not afford any more delays. Our building costs are rising with every delay."

It seems to us that the entire planning process jumped off to a fast start without considering the impact it would have on the neighborhood. It also seems odd that the plans submitted to the city show a completely conceived rendering without the financial means of completing the project as submitted.

What if the church completes the buildings and then is not able to raise the money to build the parking structure to comply with the city's parking regulations?

In your letter of June 13 entitled "Notice of Availability of a Draft Mitigated Negative Declaration for First Christian Church of Huntington Beach Expansion/Remodel", we feel that the "Significant environmental effects anticipated to result from the proposed project (15087(c)(4))" statement is incomplete. We think that the above stated concerns should be considered by the Department of Planning.

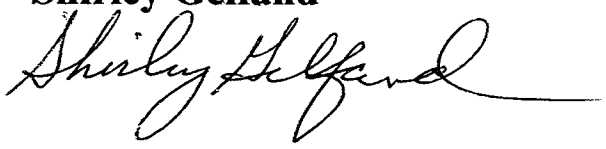
Another concern of ours is the "café". It is proposed to seat about 80 people, which is larger than many restaurants in the city. This plan also calls for outdoor seating for about 15 people. The "café" should be confined within the building and not have any outdoor seating, due to the noise factor. This also emphasizes our concerns that this plan will become more of a commercial project. The "café" should not be available to the public.

The planned expansion by the church will undoubtedly contribute to the traffic congestion and noise in the area. These factors will certainly be detrimental to our neighborhood.

Sincerely,

Sander Gelfand

Shirley Gelfand



ATTACHMENT NO. 6-25

DR. & MRS. SANDER (& SHIRLEY) GELFAND
1711 SHIPLEY ST.
HUNTINGTON BEACH, CA 92648-2743

MAY 29, 2007

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

Dear Mr. Santos:

We live directly across from the First Christian Church of Huntington Beach parking lot (across Adams between 17th St. & Main St.). We have lived here since 1989. We have never minded the church and the parking lot as they are presently arranged. The landscaping and layout of the church property presently blends well with the neighborhood.

However, we do not think a parking structure has any place in the middle of all the residences that surround the parking lot. We feel this would commercialize the neighborhood and lower our property values. It would also greatly increase the number of cars and cause additional traffic congestion.

Sincerely,

Sander Gelfand
Shirley Gelfand

City of Huntington Beach
MAY 29 2007

ATTACHMENT NO. 6-26

June 11, 2007

Mr. Ron Santos
Department of Planning
City of Huntington Beach
2000 Main Street
Huntington Beach, Ca 92648

Dear Mr. Santos,

This is my second letter to the Department of Planning regarding the expansion of the First Christian Church on Main Street.

The church project includes a parking structure and we are opposed to a parking structure in a residential neighborhood. I recognize that the church has had its zoning changed, nonetheless, the church sits smack in the middle of a residential area.

I have read the Environmental Impact Report and I have some remarks with regards to XIII Aesthetics. I understand that there is no scenic vista for the structure to interfere with, nor would the parking structure damage scenic resources; however, it will substantially degrade the existing visual character of the residential neighborhood where the structure is proposed. This would be a significant degradation of the character of the neighborhoods that make up this area.

Whenever any project of any kind anywhere is proposed these days an EIR is necessary. Having scanned the report I recognize that they are broad in scope. I think however, that one EIR format alone cannot be the sole criteria for every situation. Certainly, additional considerations as they arise case by case are taken into account by planning staffs everywhere. I think this case is one where further considerations than those outlined in the EIR would easily come to mind and into play.

Also, the twenty-four foot height of the proposed parking structure alone would have a negative visual impact on the street. On top of that, however, is the fact that it is proposed to be sitting AT THE TOP OF THE HILL on 17th thereby giving it even more prominence. No amount of trees and vines can camouflage the parking structure so it would fit into a residential neighborhood.

Surely, good sense alone argues against a parking structure in a residential neighborhood.

Thank you for listening,

Karen Gray David Gray

David and Karen Gray
1714 Shipley Street
Huntington Beach, CA 92648

714-960-3344
dgray@socal.rr.com

ATTACHMENT NO. 6-27

May 29, 2007

Dear Members of the Planning Department:

We are neighbors of the First Christian Church at the intersection of Main Street and Adams.

We have recently reviewed the plans for the church's expansion project and we were dismayed with regard to some of the proposed plans the church has in mind.

Specifically, we are very concerned about the parking structure on 17th Street and the proposed 3 story building to be facing on Adams Avenue.

The parking structure has no place in a residential area which this neighborhood certainly is. The structure will only be an eyesore and, equally disturbing, a place for vagrants and teenagers to hang out, make noise, race cars and be a general nuisance. The only parking structures I am aware of are in commercial and retail areas and not in residential neighborhoods such as ours. The argument that the structure will reduce side street parking is without merit in that no one ever parks in a parking structure if there is street parking available and as long as one space is available on my street the parishioners will find it and use it.

The proposed 3 story building—with a café, no less—is another building that will be out of place on the street. Large and looming and ungainly, again it is a structure out of step with the surrounding environment. The idea that they propose a café on that site is put forward without careful consideration on the church's part. Patrons will increase traffic in the area as well as produce extra noise as they enter and leave the café and gather in the parking lot. If, as I have heard, that the café is to be open until 11:00 p.m. then again this idea has not been thought through and will create noise late into the evening and be a further nuisance to us as neighbors. .

There are other proposals which I have heard about regarding an amphitheater, play area and wall structures that although I don't have a clear understanding of them, it seems that they will aggravate the noise problem rather than mitigate it.

We look forward to discussing this further with you.

Thank you,

Karen Gray David R Gray

Karen and David Gray
1714 Shipley Street
Huntington Beach, 92648

714-960-3344
dgray@socal.rr.com

RECEIVED MAY 31 2007

ATTACHMENT NO. 6.28

10:44AM
Huntington Beach
JUL 02 2007

7302 Veering Circle,
Huntington Beach,
CA 92648
714 536 1411
July 1, 2007.

Mr. Ron Santos, Associate Planner,
City of Huntington Beach Planning Department,
200 Main St Huntington Beach, CA 92648.

Dear Mr. Santos,

After careful perusal of all three documents furnished by your Department relating to the expansion/remodel of the First Christian Church at 1207 Main St Huntington Beach, we are very concerned and dismayed to think that such a commercialization could take place.

The property is not zoned for "an open to the public" café, which will do business seven days a week, six days for fourteen hours each day and Sundays eleven hours. This type of operation emulates a McDonalds business. Additionally, there is no mention of the business hours of the book store operation.

The placing of a huge parking structure on the property will diminish the property values of all the residential homes surrounding the church. Such a massive structure belongs in a commercial zone and not in a primarily residential neighborhood. While the documentation cites a maximum height of 24 feet, it stands to reason that it has to be much higher to accommodate three floors of vehicles.

We look forward to bringing the above issues before the Planning Commission when we are notified of its placement on the agenda.

Sincerely

Matthew and Kathleen Hunt

ATTACHMENT NO. 6.29

7302 Veering Circle,
Huntington Beach,
CA 92648
714-536-1411
June 7, 2007.

Mr. Ron Santos, Associate Planner,
City of Huntington Beach, Planning Department
200 Main St., Huntington Beach, CA 92648

Dear Mr. Santos,

In response to Draft Mitigation Negative Declaration #06-008, outlining a proposal by First Christian Church of Huntington Beach, 1207 Main Street, Huntington Beach, I wish to make the following comments:

The proposed parking structure is not in keeping with an upscale residential area. Such a structure is an aberration in a residential neighborhood and will foster crime and other negative activities.

The building expansion will have a negative impact on traffic and pollution in the immediate area.

The proposed construction, which is scheduled to last for several years, will cause serious noise and discomfort issues in the neighborhood, thereby negatively impacting home values.

We look forward to bringing above issues before the Planning Commission.

Matthew and Kathleen Hunt.

ATTACHMENT NO. 6.30

KYOKO KENT

June 24, 2007

City of Huntington Beach

JUN 26 2007

Mr. Ron Santos
Associates Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

RE: Letter dated 6/13/2007 referencing a Notice of Availability of a Draft Mitigated Negative Declaration for First Christian Church of Huntington Beach Expansion/Remodel

Dear Mr. Santos:

In reference to your letter regarding First Christian Church of Huntington Beach Expansion/Remodel I strongly OBJECT to the idea of their expansion plan. The following are my comments:

1. A multi-level parking structure does not belong in the middle of a residential area
2. An expansion can result in increased automobile traffic in a quiet neighborhood; increase in the noise level; an increase in crime due to dark & unlighted areas in the parking structure itself where they are located next to elementary school and middle school
3. These expansion is an eye sore to the neighborhood; if it is approved what would happen to the value of my property that is across from it
4. I moved into the neighborhood 15 years ago to get away from a city environment, which includes a multi-level parking structure and enormous expansions.....I realize that it's not the same as the expansions that are taking place at the PCH areas or the expansions that took place at the Bella Terra. THIS IS THE RESIDENTIAL AREA.

Please DO NOT allow change what makes Huntington Beach a most desirable place to live....which does not include multi-level parking structures and none-residential expansions.

Thank you,

Kyoko Kent

19734 Seashore Circle • Huntington Beach • California 92648 USA
Tel: (714) 960-8586 • Cell: (714) 785-1296 • Fax: (714) 969-7830 • Email: k2associates@verizon.net

ATTACHMENT NO. 6-31

7322 Waterside Ln.
Huntington Bch
92648

June 18, 2007

Dear Mr Santos,

Regarding the Draft Mitigation negative Declaration — We do not think that a multi-level parking structure should be built in our residential neighborhood.

Sincerely,
Richard and Jean Keisel

City of Huntington Beach

JUN 19 2007

ATTACHMENT NO. 6-32

May 30, 2007

City of Huntington Beach
JUN 01 2007

Mr. Ron Santos, Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Dear Mr. Santos:

This letter is in strong opposition to the proposed "Next Wave" project of the First Christian Church (FCC). I will address issues from the perspective of one neighboring family; however, these views will be shared by many. We also have the perspective of living in this house for 29 years.

The FCC has been our neighbor (and the families on Main Street) for all those years; and more. We have been understanding of each others privacy and compassionate with parking issues on Sunday (or Services for funerals, weddings and the annual Nativity program) or when we have had a party and needed more space. We did not oppose the growth to the new Sanctuary, yet, did oppose a proposed "Senior Living Complex" a number of years ago.

Now we come to the present.

Hidden in your letter of May 18 is a dramatic set of plans and growth that do not fit in a residential community. As you well know, the FCC borders homes on Main Street, Loma, 17th Street and Shipley. The Church also borders three schools; Agnes Smith Elementary, Dwyer Middle and Huntington Beach High School.

A review of the FCC "Next Wave" plans include a multi-story Pre-School and K-5 Children's Ministry, a substantial increased capacity in three buildings for Sunday Services, a Café / Coffee House, additional space for "Relevant" Outreach Programs, another multi-story building for a "Retail Bookstore", Centralized Staff Office Complex and now a multi-story parking structure.

This is NOT Garden Grove and the Crystal Cathedral! Examine that complex and look at the former neighborhoods surrounding that monstrosity. The next largest church in Huntington Beach is St. Simon and Jude with a congregation of 2500 – 3000, yet, they are on the corner of two "four lane" streets and there is no commercial endeavor.

We respect the right of the FCC to grow; however, this is going too far. As a Planning Department, you are coming to us (the surrounding residents) for comments on the Parking Structure, yet, why didn't you ask for comment when the original plans for the buildings were submitted? If permits have been issued, it doesn't seem like approved

ATTACHMENT NO. 6-33

protocol was followed. How can a "clear" commercial business (the bookstore and coffee house) be approved in an existing residential neighborhood?

If this project is allowed to progress as outlined on the FCC Website, crime will go up (especially with young people congregating in the parking structure), open views will be obscured, our property values will decrease and the parking problems WILL NOT be resolved because people will not want to proceed down 3 stories of parking versus just walking across the street.

Fortunately we do not have to look to far to see what a 3 story parking structure looks like; just go the corner of Beach Blvd. and Newman Ave. That's at a hospital and medical complex, not a residential neighborhood.

Sincerely,

S.D. Kluewer

Karen M. Kluewer

Stephen and Karen Kluewer
1710 Shipley Street
Huntington Beach, CA 92648
714-536-3433

ATTACHMENT NO. 6-34

June 12, 2007

Mr. Ron Santos, Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Re: Addendum to my letter, May 30, 2007 in opposition to the proposed growth of The First Christian Church

Mr. Santos:

A number of topics have come to light in the last few weeks regarding the proposed "New Wave" project of the First Christian Church (FCC) and I therefore feel compelled to submit additional comments:

1. The church has begun demolition of the existing structures and don't appear to have licenses and permits to build. Have the permits been granted without proper notification and impact studies?
2. The plans I was able to review, through the city, differ from those listed on the FCC website. Why are pages missing? Was this intentional?
3. The proposed Parking Structure, in addition to being an eyesore which does not conform to surrounding neighborhoods, is a potential safety hazard for young children who must pass-by (as a hiding place for potential predators) and for young people who will congregate with "skateboards" or just "hang-out". Are the church and/or city willing to accept any and all potential liability that may result from one incident?
4. Dating back to 1958 to 1961 the church (and city) was granted easements for the FCC School Variance to allow, in part, traffic to flow from Loma to 17th Street. What is the status of the easements today and in the future?
5. Where is an "independent" Environmental Impact Study? What about an independent traffic study and the impact on 17th and Adams?
6. With this project, where does the FCC cease to be a place of worship and become a "for profit" school, café and bookstore? The café and kitchen are in the plans. Are they going to prepare food for weddings and other social gatherings; and at a profit? Are they zoned for that? What about the Amphitheatre? Will its use be non-profit?

The church is a place of worship for many and I appreciate their desire to "modernize", however, to what extent? With the new plans, at what point do they cross the line and cease to be a church with expressed goals and objectives and become a profitable business in a zoned residential area?

City of Huntington Beach

JUN 13 2007

Respectfully,

Stephen Kluewer

ATTACHMENT NO. 6-35

June 9.2007

From: Kim L Le
7292 Veering circle,
Huntington Beach, Ca 92648
Tel: (714) 536-2688

To: Ron Santos
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: **First Christian Church Remodel/Expansion**

Dear Ron,

I have learned thru our neighborhood meeting on June 4, that the construction planned for the Christian Church on 17th and Adams is much more than the remodeling and renovating of the existing structures. A three story building, a multi level parking structure and an outdoor amphitheater within the existing land configuration are major additions that will no doubt transform this serene neighborhood church campus into an establishment that belongs to a full blown commercial zone. This massive proposed expansion would have very severe adverse effects on the quality of life in our community . Along with issues regarding increase noise, pollution and traffic, I also have serious concerns with the aesthetic effect and potential safety and crime issues brought on by an enclosed parking structure in such close proximity to a residential neighborhood and an elementary school. As a homeowner who resides across 17th street from the Church for more than 10 years, I also see that the proposed changes would negatively affect how well the Church has been blending into the surroundings and landscape of historic downtown Huntington Beach.

My concerns are shared by many residents in the neighborhood and we are in the process of collecting signature for a petition to oppose the expansion of this magnitude which I believe is unprecedented in any residential neighborhood of Huntington Beach.

I trust that the City planning process is a democratic one where the citizens that are most affected by any major changes to occur will have a say in their implementation.

Sincerely,

Kim L Le

ATTACHMENT NO. 6-36

Dick Losin
858 San Nicolas Circle
Huntington Beach, Ca.
~~92840~~ 92648
(714) 271-7727

19 June 2007

City of Huntington Beach
JUN 20 2007

Ron Santos, Associate Planner
City of Huntington Beach Planning Dept.
2000 Main Street
Huntington Beach, Ca 92648

Dear Ron Santos:

The parking is out of control now. I've been in 2 accidents in my circle – numerous near misses. I've had to go on 2 occassions to the church to get people to move from the front of my driveway so I could go to work. Dont park in the alley signs have routinely been ripped up. A neighbors informal sign directing parking to the church lot has disappeared. City traffic signs are torn up & missing in the circle. Traffic routing is all over the place as the directional arrows are

ATTACHMENT NO. 6-37

painted on the asphalt were never restored after resurfacing. I could go on & on. The church members just seem to be on a personal mission often ignoring the concerns of residents. The Pastor seems to be blissfully oblivious to this.

I've been told they are politically connected & receive special consideration. I don't know — but I do know the area never sees a traffic cop cracking down & directional signage & arrows once there are gone.

They need 3 ~~structures~~ parking structures now & 6 if they expand. Parking permits for our area, for residents — maybe. Walling in entrance & exit & having it go off of Adams and/or 17th probably would help.

It's a nice area, but let's get real about organized planning.

Sincerely,

ATTACHMENT NO. 6.38

July 2 2007

JUL 02 2007

City of Huntington Beach
2000 Main St.
Huntington Beach, Ca. 92648

Att: Department of Planning

To Ron Santos

I am very much opposed to the very large parking structure and commercial cafe planned by the 1st Christian Church at Adams & Main St (1207 Main Street.)

When I moved to the Stonewood Estates about 30 years ago, the large chapel was not in place at that time - We were told at the time that all would stay just about the same - However thru the years there have been many changes that have inconvenienced the neighbors in our area - Rally - a school at one time, parking is at a premium on our streets and the skate boarders at nights. I feel to commercialize a church in our neighborhood would bring much more traffic to our streets and not to mention cost

TO NAME A FEW →

ATTACHMENT NO. 6-39

City of Huntington Beach
JUN 01 2007

Alan McGowan
19741 Little Harbor Drive
Huntington Beach, CA 92648
(714) 960-2326

May 31, 2007

Mr. Ron Santos, Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92648

Dear Mr. Santos.

Thank you so much for sending the notification of the proposed parking structure at the First Christian Church.

I am very much in opposition to a parking structure in my neighborhood. ***This is a residential neighborhood.*** A concrete parking structure is something that might belong on Beach Blvd., not in a residential zone. I object very strongly to ***any*** expansion to that church—to the building itself and ***especially*** to the parking lot.

Allowing the expansion of parking would cause more traffic and congestion in the residential neighborhood which is already a nuisance dealing with the existing traffic congestion. As it is they fill the parking lot almost completely—twice—on Sunday in two shifts. They have something going on at the church on the average of four nights a week. Is this a church, a business, or a social club?

I'm against any more activity at the church. Normally I don't get involved in things of this nature but if there is to be any kind of public hearing, I would greatly appreciate being notified.

Thank you, Alan McGowan
Alan McGowan

ATTACHMENT NO. 640

July 30,2007

Ron Santos
Planning Department
City of Huntington Beach, Ca. 92648
200 Main Street
Huntington Beach, Ca. 92648

The purpose of this letter is to document our opposition to the proposed multi story parking structure being proposed by the First Christian Church. It' our position that a multi-level parking structure doesn't belong in the middle of a residential area.

We live at 7328 Waterside Drive, which is directly across 17th Street from the proposed multi level parking structure

1. When we wake up in the morning and look out our sliding glass door we'll be looking directly at the proposed parking structure.
2. When we walk out our front door we'll be looking directly at the proposed parking structure.
3. When we drive down our street we'll be looking directly at the proposed parking structure.
4. We are also concerned about the noise and gas fumes that will be generated, as well as the lack of visual privacy for homeowners.

We suggest the following alternatives:

1. Utilize the Huntington Beach High School parking space permanently on Sunday.
2. Schedule three services on Sunday.
3. Build under ground parking.

The remaining portion of the project will not have any permanent impact on us other than putting up with the noise, dirt and fumes for two years.

Robert V. Peterson Judith J. Peterson

Robert V. Peterson Judith J. Peterson
7328 Waterside Drive
Huntington Beach, Ca. 92648
714-960-6797

City of Huntington Beach
AUG - 2 2007

ATTACHMENT NO. 6-41

City of Huntington Beach

JUL 02 2007

Lawrence and Donna Ross
7301 Veering Circle
Huntington Beach, CA 92648
714-536-6068

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

July 1, 2007

Ron,

This letter is in response to the City of Huntington Beach's notice to interested parties regarding the expansion/remodel plans of the First Christian Church of Huntington Beach. We still have several concerns. We are writing this letter in follow up to the letter we wrote to you on June 7, 2007.

Since our letter of June 7th, the documents for review were updated to include several key pages that were missing in the original documents. Those new pages contain information on an outdoor amphitheater and a sound system that were to be built. The noise from these items was not addressed in the environmental noise study that was done on this project and these items appear to still be in their plans.

On June 18th First Christian Church held a meeting and invited interested parties to discuss their construction plans. Pastor Templeton said that the Church had decided to modify their building plans based on budget cuts and insurance concerns. The letters received by neighbors about their building plans were also of concern to them and he attempted to find common ground with a revised plan. The following changes were supposed to be made:

The large tower was pulled from the plans.
The outdoor amphitheater was no longer in the plans.
The pop jet fountains and the tide pools in the plaza area were also to be pulled.

Pastor Templeton stated to all in attendance at the June 18th meeting that the Church was going to submit these changes to the City the very next day. To my knowledge, that has yet to occur. We are now at the end of the comment period and we are not clear on what changes if any have been made to the churches original plans. If the above items have not been removed, then we still reserve concerns over those items, particularly the noise impact of outdoor events. We believe these items should be addressed in the environmental noise study.

Of greatest concern to us are the proposed parking structure and café that will be open "from 7 AM, into the late evening hours, possibly 10 PM. While the cafe idea may be appealing to their congregation, it concerns us that this plan is far to 'commercial' in nature to be placed in the middle of a residential area, without commercial zoning. The coffee will not be free of charge and certainly can not be associated as religious in

ATTACHMENT NO. 6-42

nature. If a church sells religious books to its members, that is a far different enterprise than opening a Starbucks. While the Pastor explained that the café would be inward facing, in their plaza area, it will be hard to argue that it will not have any impact on the surrounding area from additional traffic and noise from early morning to late evenings.

We also believe that the huge, commercial looking parking structure just does not fit within the surrounding neighborhood. It will be an aesthetic eyesore that no amount of landscape will be able to change. Surely there must be a way to compromise on the size of their plan to remove the need to build this structure. We encourage the city to work with the church to help meet their needs to replace their aging structures, without compromise to the need for quiet enjoyment of the surrounding neighborhoods.

We still strongly believe that these two items will have damaging effects on the quality of life in our neighborhood and object to their inclusion in the plan as proposed.

Sincerely,

Lawrence Ross

Donna Ross

ATTACHMENT NO. 6.43

Lawrence and Donna Ross
7301 Veering Circle
Huntington Beach, CA 92648
714-536-6068

Ron Santos
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

June 7, 2007

Ron,

This letter is in response to your notice to interested parties, regarding the notice of a draft Negative Declaration for First Christian Church of Huntington Beach expansion/remodel.

We reside in the single family neighborhood on Veering Circle, directly across 17th Street from the Church property. We have reviewed the proposed plans for the Church's expansion/remodel and have several concerns. Having resided in our current residence for over 10 years now, we have witnessed continuous traffic growth in the area and in particular, at the intersection of 17th and Adams, which is very near our home.

We are very concerned about the additional traffic, noise and pollution that will be generated by the expansion of the Church from its present configuration. We believe that this expansion could further erode the quality of life for our neighborhood, which is zoned Residential Low Density.

So far, the only potential significant impacts stated in your notice, pertain to water run off and noise from the children's play areas. With the added traffic, from multiple venues that the Church is proposing, through the increase in seating capacity, it is hard to imagine that this would not significantly impact the surrounding area.

With the thought of 100 to 200 additional cars, a total of 579 cars driving in and out of the area, it is hard to imagine how that could not result in any impact to the community. Again, the property in question, with the exception of the schools to the South, is surrounded by areas that are all zoned residential.

In addition, the proposed construction of a multi-level parking structure (which I understand will be three (3) levels of parking) is extremely difficult to accept as an improvement to the area. Again, this is a residential area, not commercial. This is where our families reside and the homeowners in the area are entitled to quiet enjoyment. In addition, while we are unfamiliar with any specific studies on the subject, we believe there may be safety issues that will impact the area as well, from such a structure.

Please take these comments into consideration for your Negative Declaration.
Sincerely,

Lawrence Ross Donna Ross

City of Huntington Beach

JUN 08 2007

ATTACHMENT NO. 6-44

Seth & Dianne Schiller
1726 Shipley Street
Huntington Beach, CA 92648
714-969-6822

Ron Santos
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

July 22, 2007

Ron,

This letter is in response to your notice to interested parties, regarding the notice of a draft Negative Declaration for First Christian Church of Huntington Beach expansion/remodel.

We reside in the single family neighborhood on Shipley Street, directly across Adams Street from the Church property. We have reviewed the proposed plans for the Church's expansion/remodel and have several concerns. Having resided in our current residence for over 6 years now, we have witnessed continuous traffic growth in the area and in particular, at the intersection of 17th and Adams, which is very near our home.

We are very concerned about the additional traffic, noise and pollution that will be generated by the expansion of the Church from its present configuration. We believe that this expansion could further erode the quality of life for our neighborhood, which is zoned Residential Low Density.

So far, the only potential significant impacts stated in your notice, pertain to water run off and noise from the children's play areas. With the added traffic, from multiple venues that the Church is proposing, through the increase in seating capacity, it is hard to imagine that this would not significantly impact the surrounding area.

With the thought of 100 to 200 additional cars, a total of 579 cars driving in and out of the area, it is hard to imagine how that could not result in any impact to the community. In addition, the proposed construction of a multi-level parking structure (which I understand will be three (3) levels of parking) is extremely difficult to accept as an improvement to the area and should not be approved. The church can get a permanent variance to park at the High school to solve any additional parking spaces that would be required for their memberships growth.

Parking structures are also proven to be magnates for crime. (see enclosed HB Police reports for city parking structures). The increase in crime would have a negative impact to our quite safe residential neighborhood. The property in question, with the exception of the schools to the South, is surrounded by areas that are all zoned residential.

This is where our families reside and the homeowners in the area are entitled to quiet enjoyment..

Please add these comments and concerns in your Negative Declaration.

Sincerely,

Seth & Dianne Schiller

City of Huntington Beach

JUL 24 2007

ATTACHMENT NO. 6.45

Parking Structure Crime Reports
January 2006 thru May 31 2007

	Case #	Offense	Date	Address	Location Comment
1	2006016083	BURGLARY - VEHICLE	08/27/2006	16085 SAINT CROIX CI	PARKING STRUCTURE
2	2006001817	BURGLARY - VEHICLE	01/29/2006	16912 SIMS ST	UNDERGROUND PARKING STRUCTURE
3	2006014534	BURGLARY - VEHICLE	8/4/2006	17011 BEACH BL	PARKING STRUCTURE
4	2006017379	BURGLARY - VEHICLE	9/14/2006	17011 BEACH BL	PARKING STRUCTURE - 3RD FLOOR
5	2007008617	LOST PROPERTY	05/13/2007	17011 BEACH BL	PARKING STRUCTURE
6	2006008742	VANDALISM	05/17/2006	17011 BEACH BL	PARKING STRUCTURE
7	2007008461	PETTY THEFT - FROM VEHICLE	5/11/2007	17071 BEACH BL	PARKING STRUCTURE
8	2006014307	BURGLARY - VEHICLE	08/01/2006	17091 BEACH BL	PARKING STRUCTURE
9	2007005907	BURGLARY - VEHICLE	04/01/2007	17091 BEACH BL	LOWER PARKING STRUCTURE
10	2006002034	VANDALISM	2/1/2006	17091 BEACH BL	5TH FLOOR PARKING STRUCTURE
11	2006013362	GRAND THEFT - FROM VEHICLE	07/20/2006	17151 CORBINA LN	SPACE 135 IN PARKING STRUCTURE
12	2006013367	VANDALISM	07/20/2006	17151 CORBINA LN	SPACE 141 IN UNERGROUND PARKING STRUCTURE
13	2006013386	BURGLARY - VEHICLE	07/20/2006	17172 ABALONE LN	PARKING STRUCTURE BELOW RESIDENCE
14	2006019344	INDECENT EXPOSURE	10/12/2006	17752 BEACH BL	PARKING STRUCTURE
15	2006018688	BURGLARY - VEHICLE	10/02/2006	18141 BEACH BL	LOWER PARKING STRUCTURE
16	2006012198	AGG ASSAULT - NO FIREARM	07/04/2006	200 MAIN ST	PARKING STRUCTURE STAIRWELL 1ST FLOOR
17	2007010197	AUTO THEFT	6/8/2007	200 MAIN ST	LOWER LEVEL PARKING STRUCTURE
18	2006000875	AUTO THEFT	01/15/2006	200 MAIN ST	PARKING STRUCTURE
19	2006009810	AUTO THEFT	06/01/2006	200 MAIN ST	PARKING STRUCTURE
20	2006001496	BATTERY	01/24/2006	200 MAIN ST	PARKING STRUCTURE
21	2006012509	BATTERY	07/09/2006	200 MAIN ST	PARKING STRUCTURE 2ND LEVEL
22	2007002733	BATTERY	02/11/2007	200 MAIN ST	PARKING STRUCTURE
23	2006006157	BATTERY	4/7/2006	200 MAIN ST	PARKING STRUCTURE
24	2006003465	BURGLARY - COMMERCIAL	02/23/2006	200 MAIN ST	NORTH ENTRANCE OF PARKING STRUCTURE
25	2007006270	BURGLARY - VEHICLE	4/7/2007	200 MAIN ST	PARKING STRUCTURE
26	2006009665	BURGLARY - VEHICLE	05/31/2006	200 MAIN ST	PARKING STRUCTURE
27	2006016989	BURGLARY - VEHICLE	09/08/2006	200 MAIN ST	PARKING STRUCTURE
28	2006023717	BURGLARY - VEHICLE	12/15/2006	200 MAIN ST	TOP LEVEL PARKING STRUCTURE
29	2006024094	BURGLARY - VEHICLE	12/20/2006	200 MAIN ST	2ND LEVEL PARKING STRUCTURE

*sorted by address, then offense

Parking Structure Crime Reports
January 2006 thru May 31 2007

30	2006024767	BURGLARY - VEHICLE	12/31/2006	200 MAIN ST	3RD LEVEL PARKING STRUCTURE
31	2007002438	BURGLARY - VEHICLE	02/07/2007	200 MAIN ST	PARKING STRUCTURE
32	2007006545	BURGLARY - VEHICLE	04/11/2007	200 MAIN ST	PARKING STRUCTURE 4TH FLOOR
33	2007008298	BURGLARY - VEHICLE	5/8/2007	200 MAIN ST	3RD LEVEL PARKING STRUCTURE
34	2007008300	BURGLARY - VEHICLE	05/08/2007	200 MAIN ST	PARKING STRUCTURE
35	2007008359	BURGLARY - VEHICLE	05/09/2007	200 MAIN ST	3RD LEVEL PARKING STRUCTURE
36	2007009368	BURGLARY - VEHICLE	05/25/2007	200 MAIN ST	PARKING STRUCTURE LEVEL 2
37	200601003	BURGLARY - VEHICLE	6/4/2006	200 MAIN ST	PARKING STRUCTURE
38	2006005846	BURGLARY - VEHICLE	4/1/2006	200 MAIN ST	PARKING STRUCTURE
39	2006018447	BURGLARY - VEHICLE	9/28/2006	200 MAIN ST	PARKING STRUCTURE
40	2006020326	BURGLARY - VEHICLE	10/26/2006	200 MAIN ST	PARKING STRUCTURE
41	2006004481	DISORDERLY CONDUCT: INTOXICATED	03/11/2006	200 MAIN ST	PARKING STRUCTURE
42	2006017064	DISORDERLY CONDUCT: INTOXICATED	09/09/2006	200 MAIN ST	PARKING STRUCTURE
43	2006024533	DISORDERLY CONDUCT: INTOXICATED	12/27/2006	200 MAIN ST	2ND LEVEL PARKING STRUCTURE
44	2006006546	DISORDERLY CONDUCT: SOLICIT LEWD ACT	04/07/2006	200 MAIN ST	PARKING STRUCTURE - 2ND
45	2007006639	DUI	4/13/2007	200 MAIN ST	1ST LEVEL PARKING STRUCTURE
46	2006006033	FOUND PROPERTY	04/04/2006	200 MAIN ST	PARKING STRUCTURE N/E STAIRWELL
47	2006016522	GRAND THEFT	9/1/2006	200 MAIN ST	PARKING STRUCTURE
48	2006024093	GRAND THEFT - FROM VEHICLE	12/20/2006	200 MAIN ST	PARKING STRUCTURE
49	2007003649	GRAND THEFT - FROM VEHICLE	02/26/2007	200 MAIN ST	PARKING STRUCTURE
50	2007000525	HIT AND RUN	01/08/2007	200 MAIN ST	PARKING STRUCTURE
51	2007002436	PETTY THEFT - FROM VEHICLE	2/7/2007	200 MAIN ST	PARKING STRUCTURE
52	2007002986	PLACING COMMERCIAL HANDBILLS ON VEHICLES	2/16/2007	200 MAIN ST	1ST LEVEL PARKING STRUCTURE
53	2007003649	PLACING COMMERCIAL HANDBILLS ON VEHICLES	3/16/2007	200 MAIN ST	PARKING STRUCTURE
54	2007006718	PLACING COMMERCIAL HANDBILLS ON VEHICLES	04/14/2007	200 MAIN ST	PARKING STRUCTURE
55	2006003697	POSSESS CONTROLLED SUBSTANCE	02/26/2006	200 MAIN ST	WEST SIDE OF PARKING STRUCTURE
56	2006007298	POSSESS CONTROLLED SUBSTANCE	04/24/2006	200 MAIN ST	3RD FLOOR PARKING STRUCTURE
57	2006002820	VANDALISM	02/13/2006	200 MAIN ST	PARKING STRUCTURE LEVEL G
58	2006007668	VANDALISM	04/29/2006	200 MAIN ST	TOP LEVEL PARKING STRUCTURE
59	2006018491	VANDALISM	09/30/2006	200 MAIN ST	PARKING STRUCTURE

*sorted by address, then offense

ATTACHMENT NO. 6-47

Parking Structure Crime Reports
January 2006 thru May 31 2007

90	2006009206	AUTO THEFT	5/24/2006	7777 EDINGER AV	PARKING STRUCTURE
91	2007003482	BURGLARY - VEHICLE	2/23/2007	7777 EDINGER AV	PARKING STRUCTURE 3RD FLOOR
92	2006019107	BURGLARY - VEHICLE	10/08/2006	7777 EDINGER AV	PARKING STRUCTURE
93	2007006601	BURGLARY - VEHICLE	04/12/2007	7777 EDINGER AV	PARKING STRUCTURE - 2ND
94	2007006609	BURGLARY - VEHICLE	04/12/2007	7777 EDINGER AV	4TH LEVEL PARKING STRUCTURE
95	2006009654	BURGLARY - VEHICLE	5/30/2006	7777 EDINGER AV	PARKING STRUCTURE
96	2006017472	BURGLARY - VEHICLE	9/15/2006	7777 EDINGER AV	PARKING STRUCTURE
97	2006002317	BURGLARY - VEHICLE	2/5/2006	7777 EDINGER AV	PARKING STRUCTURE
98	2006002999	BURGLARY - VEHICLE	2/15/2006	7777 EDINGER AV	PARKING STRUCTURE - 3RD FLOOR
99	2006003005	BURGLARY - VEHICLE	2/15/2006	7777 EDINGER AV	PARKING STRUCTURE - 3RD FLOOR
100	2006023250	DISORDERLY CONDUCT: SOLICIT LEWD ACT	12/08/2006	7777 EDINGER AV	PARKING STRUCTURE
101	2007001154	PETTY THEFT - FROM VEHICLE	01/18/2007	7777 EDINGER AV	PARKING STRUCTURE
102	2007003064	PETTY THEFT - FROM VEHICLE	02/16/2007	7777 EDINGER AV	4TH LEVEL PARKING STRUCTURE
103	2007009565	PETTY THEFT - FROM VEHICLE	05/28/2007	7777 EDINGER AV	PARKING STRUCTURE LEVEL 1
104	2006003856	RECOVERED STOLEN VEHICLE	3/1/2006	7777 EDINGER AV	PARKING STRUCTURE - 1ST FLOOR
105	2006004591	RECOVERED STOLEN VEHICLE	3/12/2006	7777 EDINGER AV	PARKING STRUCTURE
106	2006024263	VANDALISM	12/22/2006	7777 EDINGER AV	PARKING STRUCTURE
107	2006001389	ROBBERY	1/22/2006	7842 WARNER AV	PARKING STRUCTURE

ATTACHMENT NO. 6.48

*sorted by address, then offense

Ron Santos, Associate Planner
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, Ca. 92648

Greetings Mr. Santos;

I live on Shipley Street across from the First Christian Church located at Main / Adams and 17th Street. I am opposed to any expansion of the Churches facility. Especially building a multi-level parking lot.

They do not need a multilevel parking lot. The parking lot they have is never full except maybe one day a week, Sunday. The only other time their current lot gets full is on Easter and Christmas.

No matter what the design of the expansion or the parking structure they're planning it will alter the small town, neighborhood look and feel of this area. I also feel by building and locating an ugly multi-level parking structure so close to my home will lower my property value.

I will also be rallying my neighbors to stand up and oppose this Church expansion and parking facility. I'm sure I won't have too much difficulty getting them to agree that this proposed expansion in not needed and would adversely affect this neighborhood.

Respectfully,

Seth Schiller
1726 Shipley Street
Huntington Beach, Ca. 92648

City of Huntington Beach

MAY 25 2007

ATTACHMENT NO. 6.49

6-9-07

TO RON SANTOS

JUN 11 2007

FROM STEVE STAFFORD

RE CUP 2006-035
FIRST CHRISTIAN CHURCH EXPANSION
REMODEL

THIS DRAFT MITIGATED NEGATIVE DECLARATION HAS MANY PROBLEM

(1.) THE USE OF THE PARKING LOT ON THE SOUTH SIDE OF HUNTINGTON BEACH HIGH SCHOOL REQUIRES THE PERMISSION OF NOT ONLY THE HIGH SCHOOL BUT THE CITY OF HUNTINGTON BEACH, THE CRYSTAL ISLAND HOA, NONE OF THIS HAS BEEN DONE THE HIGH SCHOOL ON WEEKDAYS LOCK THE CENTER GATE LEAVING ONLY ESTATE GR THE ONLY ACCESS, THIS ACCORDING TO ATTACHMENT 3.4 INDICATES THE USE OF THE PARKING LOT DURING SCHOOL HOURS AND IN THE EVENING FIRST CHRISTIAN CHURCH WILL NEED TO GET INSURANCE TO INDEMNIFY THE CRYSTAL ISLAND HOA THE CITY OF HUNTINGTON BEACH ETC FOR LIABILITY REASONS DURING WEDDING

ATTACHMENT NO. 6-50

PARTYS WHEN PARKING OCCURS IN THE EVENING WHOS RESPONSIBLE FOR THE NOISE THAT OCCURS WHEN PEOPLE ARE LOITERING IN THE PARKING LOT LATE AT NIGHT THE STREET ESTATE CR IS A PRIVATE ST HOW WILL THE CHURCH GET TO THE SOUTH LOT HOW WILL THIS WORK WITHOUT PERMISSION FROM THE OTHER PARTYS MENTIONED

(2.) THE PARKING STRUCTURE ON THE SOUTH WEST CORNER WILL BE AN EYE SORE AND WHEN ITS BUILT WHAT SECURITY MEASURES WILL BE TALKED TO KEEP PEOPLE OUT OF THE STRUCTURE WHEN NOT IN USE I CAN SEE A PROBLEM WILL A STRUCTURE LIKE THAT LOITERING AT NIGHT AND IN THE DAY TIME AS IT IS THE SKATEBORDER HANG OUT IN THE AREA WHEN THEY SEE THIS IT WILL BE AN EASY PLACE TO HANG OUT UNLESS IT IS SECURED WITH THIS PARKING STRUCTURE WILL COME MORE PROBLEMS

3 I SEE A LOT OF NEGATIVE IMPACTS FROM THIS PROJECT THAT NOT EVEN BEEN

ATTACHMENT NO. 6-51

MITIGATED SEVERAL AREAS of RESEDENTS WILL BE IMPACTED, VEERING OR, CRYSTALISLAN BOARD WALK, RESEDENTS ON NORTH SIDE, SOUTH SIDE ALL WILL BE IMPACTED BY THIS PROJECT IN AN ADVERSE WAY

④ DEMOING WAS DONE WITHOUT PERMITS THE WEEKS of MAY 21ST TO MAY 31ST AND JUNE 4 - 8 WHEN I CALLED ON MAY 24TH THERE WERE NOT PERMITS NONE SHOULD HAVE BEEN ISSUED DUE TO THE THE FACT THAT THIS IS IN THE PUBLIC REVIEW PROCESS AND FOUND THAT PLANNING ISSUED TEMORARY PERMITS THIS AGAIN IS NOT THE WAY IT IS TO BE DONE PUBLIC WORKS WOULD NOT ISSUE PERMITS WHICH ARE REQUIRED FOR DEMO WORK AND STILL HAVE NOT THIS NEEDS TO BE LOOKED IN TO AS THIS LOOKS VERY BAD AND NOT RIGHT

SINCERLY STEVE STAFFORD

PHONE 714 553 9262
ADDRESS 19831 GSTATE CIR
HB 92648

ATTACHMENT NO. 6.52

Huntington Beach Planning Department
Attention: Ron Santos, Associate Planner
July 2, 2007

NOTE - I have not had time to adequately compile, edit, and proofread this document because of the short time allowed to respond to documents made available to the public on June 28. Since there is no guarantee the comment period will be restarted, I must file these comments today. I am sure there are errors that I could correct and will correct if I am allowed to submit comments after this date.

Comments on Draft Mitigated Negative Declaration No. 06-008.
These comments supplement my comments of June 11, 2007.

OBJECTIONS TO THE COMMENT PROCESS

At the outset I wish to raise new objections to the fairness of the comment process. The fairness of the initial comment period (May 24 through June 12) was compromised by a clerical error that omitted several critical pages from the attachments to the Draft Mitigated Negative Declaration (D-MND). While I appreciate the decision of the Planning Department to extend the original comment period to July 2, notice of this fact was not published until the June 28 issue of the Huntington Beach Independent (apparently because of an error on the part of the newspaper). Although residents did receive a letter extending the comment period, it was identical to the original notice except that the closing date was changed from June 12 to July 2. A person who had already reviewed the D-MND would have no reason to know that important additional documents had been made added to the copies at the Planning Department counter and at the Central Library after June 10.

On June 18 the First Christian Church held a meeting to discuss the plans with neighbors. At this meeting, Senior Pastor Bruce Templeton said he had read the public comments on file in the Planning Department. He said that in response to concerns expressed in the letters and to financial considerations, the church was modifying the plans and would delete several items from the proposal. He said that the revised plans would be submitted to the city on June 19. Over the next nine days I and some of my neighbors attempted to review the revised plans. I was told on June 19, 21, 25, and 27 by the Planning Department that no new plans had been submitted. On June 27th I was told that the City had received an e-mail from the church promising the plans would be submitted soon. I was first able to obtain these revised plans and a revised narrative on Thursday, June 28th. I suggested to Ron Santos that citizens could not be expected to comment by July 2 since most would not have an opportunity to review the plans or probably even have notice of the revisions. Mr. Santos could not comment since he had not had an opportunity to fully review the new plans, but he said the comment period probably would not be extended if the revisions consisted solely of deletions from the original plans. In fact, the new plans and revised narrative do not consist solely of deletions. They reveal new information shortly before the end of the comment period, leaving the public without adequate time to review the changes and file comments with the city. I had prior commitments this past weekend and am struggling to complete these

ATTACHMENT NO. 6.53

comments in time to file them today. If I had more time, I could have done more to support my objections to the D-MND.

The promises and representations made by the Church at the meeting with neighbors on June 18 probably induced some neighbors to refrain from commenting on the original plans and the D-MND. However, based on my review of the new plans and narrative and on a conversation with Mr. Dyson, project manager for the Church, I discovered that the revised plans and narrative made available on June 28 were in several respects inaccurate, misleading, incomplete, or contrary to statements made on behalf of the church at the neighborhood meeting on June 18. With respect to some of these items, Mr. Dyson admitted there were errors and represented that the Church planned to correct the errors by filing revisions with the city as quickly as their architects could respond. Though I appreciate his candor and willingness to correct good faith errors, this does not eliminate the unfairness and perhaps illegality of asking the public to comment on plans that have changed several times during the comment period and perhaps have not been finalized. I want to stress that these changes do not consist solely of deletions – they clarify and add to the original materials in a manner that compromises the public's ability to review and comment on the adequacy of the D-MND. More than that, the manner in which the comment period has developed probably makes it virtually impossible for the city planners to conclude that the project (elements of which still have not been accurately presented in the newly revised plans and narrative) has no potentially significant impact on the environment.

I spoke with Mary Beth Broeren on Friday, June 29, and expressed some of these concerns to her. She told me that it was too late to extend again the comment period which is due to expire Monday, July 2 because it would be impossible to give the public timely notice. However, she did recognize that there were problems with the process that needed to be reviewed. She told me she would raise these issues with her superiors in the Planning Department and recommend that they consider new notice and a new comment period. I would strongly urge that the Planning Department take such action now. I told Mr. Dyson that this was my position and suggested that it would seem to make more sense for all parties affected to remedy the problems at this stage than to continue to the Planning Commission or City Council and be faced with having to go back to this stage at a later time.

At the meeting with the neighbors on June 18, most of the neighbors in attendance and the church representatives expressed a willingness and desire to work together to allow the church to renovate their campus and accomplish their goals while respecting the community interest in preserving the nature and quality of the neighboring residential zones and avoiding unreasonable disruption for the 30 months of construction and the future decades of operation of the Next Wave of the Church's development. I hope that the neighbors will be given the opportunity to work with the Church to make suggestions that will balance these interests, and enable the Church to submit final plans the that city can fairly review for environmental impact before the neighbors are asked to comment again.

Summary of Additions and New information in Revised Narrative and Plans

These are some of the points in the revised narrative and plans (made available on June 28,

ATTACHMENT NO. 6.54

2007) that raise concerns regarding the completeness and accuracy of the existing Draft Mitigated Negative Declaration.

Revised Narrative
Page 2, item E. The bookstore is not in the narrative or general plans. Mr. Dyson told me this is going to be corrected.

Page 2 provides new information about the "Tidal Court" which I assume refers to the Tidal Plaza identified in the plans. This new information raises concerns about noise.

Page 3 states the number of spaces in the parking structure as 299, though the original narrative states the number as 129. This was apparently a correction of an error, but citizens might have been confused and not been aware of the actual size until this correction was made available on June 28.

Page 4 reveals for the first time the intended hours of operation of the café. No mention is made of the bookstore.

Revised Plans [page 3 is missing]
Page 1. The Tidal Plaza now more open to Adams Ave. than it was under the original plans. This is also true of the Little Squirts Court. This could affect noise on Adams.

Pages E3 and E4 were not included in the copies of the D-MND, even as corrected after June 11. I saw them for the first time on June 28. They show a 42-foot tower on the Café/Administration Building that even Mr. Dyson did not recall.

Page F2 still shows the large tower. Mr. Dyson says that this was an error and will be corrected.

G1 and G2 are diagrams of the parking structure that were not included in the D-MND. G3 consists of new drawings of the parking structure and show an architectural tower and an elevator tower we did not know of until June 28.

SPECIFIC OBJECTIONS TO FINDINGS IN DRAFT MITIGATED NEGATIVE DECLARATION

In addition to the objections I raised in my letter of June 11, I have several new matters to raise. I learned about these new matters from the revised plans and narrative made available on June 28, and from meetings and conversations with Associate Planner Ron Santos and representatives of the church. I discovered new information, misinformation, or gaps in information that lead me to question the findings of no potentially significant impact regarding several matters. I will discuss these matters, but first I must point at that at this point, the last day of the comment period, I still do not understand exactly what the church is proposing with respect to several important aspects of the project.

ATTACHMENT NO. 6.55

Issue of Deletions from Initial Proposal

Early in the meeting on June 18 with neighbors, Senior Pastor Bruce Templeton assured neighbors that several specific aspects of the plan to which neighbors objected were being deleted from the plans or were only mistakenly identified as in the plans in the first place. My notes of that meeting show these were large Tower, the Little Squirts Court, the Amphitheater, the outdoor sound system, and pop jet fountains. He told us the revisions would be submitted on June 19. The revised plans and narrative made available on June 28 did not fully correspond to these representations. Mr. Dyson, project manager of the church, responded to my request for clarification. These were the items we discussed.

Page F2 of the plans still shows the large tower, though it was deleted on other pages. Mr. Dyson said this was an error. The tower has been deleted and corrections will be submitted to the city.

Little Squirt's Playground

This is still in the plans. Mr. Dyson told me that there was no intention to delete this. He said that either I misunderstood or that someone misspoke. This element was not addressed in the D-MND and I raised this objection in my letter of June 11. This is a playground area. Two other playground areas were the only elements requiring noise mitigation in the D-MND. This aspect at least should be addressed in the D-MND. Mr. Dyson assured me that it would be screened in and only used on Sunday morning. If such a limit exists, shouldn't it be expressed in the plans or narrative and in the D-MND? If these limits are not required, this would heighten my concerns about its noise impact of this playground area. On Thursday, June 28, outdoor activity involving inflatable playground equipment, water fights, and noise continued all day. This occurred in the area where the Tidal Plaza will be. We could hear it, and outdoor music, from our house with the windows open. We do not have air conditions and should not have to keep windows closed in summer.

Amphitheater.

At a church meeting with the community about a year ago, I heard that the church planned to have an outdoor amphitheater. Page 2 of the original plans lists an amphitheater in the Tidal Plaza. Ron Santos told me he did not address this in the D-MND because it was not part of the project proposal. At the meeting with neighbors on June 18, Mr. Templeton said the amphitheater was deleted, and this is stated in the revised narrative. However, the revised narrative on page 1, item 6, says there will be landscaping and hardscaping "designed to create high quality outdoor gathering places." Page 2 of the revised narrative says the Tidal Court [Plaza?] will serve as the main gathering area and will be open to the public. It will include tables and chairs to support the café and hardscape improvements suitable for informal gatherings. Mr. Dyson told me this hardscape will include tiered seating. It seems like it modeled on the amphitheater at Bella Terra. I asked him what was the difference between this and an amphitheater. He told me an amphitheater has a sound system and scheduled events, and the Tidal Plaza will not have either of these. Nevertheless, I believe this aspect of the project cannot be ignored in the D-MND.

ATTACHMENT NO. 6.56

Sound System.

The D-MND does not address the issue of an outside sound system. Mr. Santos told me this was because none was proposed. However, the messages I have heard and seen are inconsistent. I recall Mr. Templeton saying at the meeting on June 18 that there would be no outdoor sound system. Someone else said there would be no outdoor amplified sound system. The new narrative says no outdoor amplified music. The church's noise study page 8, said: "There will be no outdoor amplified music; however there will be a localized speakers system that provide low volume background music." Reading these together, I am not satisfied there is no outdoor sound system as promised on June 18. Mr. Dyson told me there will be no outdoor speaker or sound system and that the narrative will be corrected. Until this is clarified, it should not be ignored in the D-MND, especially since the original plans upon which the D-MND was based indicated the tower would contain an amphitheater sound booth.

Café and Bookstore

I don't understand why a commercially operated café and bookstore open to the public in an area zoned P/PS does not violate the general plan and zoning laws of Huntington Beach. Even if allowed, mitigation should be required. Therefore the D-MND is inadequate regarding element I on page 7.

My neighbors and I have commented on our concerns relating to noise, odors, and traffic caused by these operations. Nowhere in the original D-MND were we given information relating to the capacity and hours of operation of these two activities. At the meeting on June 18 we were told that the café would seat 70-80 inside and 15-20 outside. It would operate from 7 a.m. to 9 p.m. seven days a week [this is changed slightly in the revised narrative]. There will be a full kitchen. The bookstore and café together were intended to create a welcoming environment for church members and the public comparable to a Barnes and Nobles and a Starbucks. I asked if the church would at least consider limiting the hours of outdoor dining. I was told this would be considered. For the first time the revised narrative provides some details regarding the hours, but not size, of the café. It ignores the bookstore. I was told that unless limits are imposed in the conditional use permit, there are no restrictions on the operation of the café or bookstore. This is not the document to address the conditions, but without any restrictions I don't see how the D-MND can declare there is no potentially significant impact.

I believe Mr. Santos said there was nothing in the proposal about outdoor dining. However, on another occasion he told me that if one has an approved school, that implies playing outside anywhere but a parking lot is permitted. Under that logic, if one has a café, is outdoor dining permitted anywhere but the parking lot?

Mr. Dyson said the bookstore was omitted by error, and the narrative will be corrected. I cannot comment because I have not seen the final narrative, but I wonder whether there will be limits on hours.

There is a receiving entrance for this building. Will delivery hours be limited? I believe they were for Target and Walmart. Why is this ignored in the D-MND?

Traffic is already congested in the late afternoon at Adams and Main. Has the traffic impact of these two commercial enterprises open to the public been addressed? I didn't see it in

ATTACHMENT NO. 6.57

the D-MND.

I just discovered on pages E3 and E4 [not made available before June 28] that there will be a 42-foot tower on this building. This raises concerns about aesthetics and how it fits in the neighborhood.

Another citizen has raised questions about odors from the full service kitchen. I saw nothing in the D-MND regarding this.

Even if allowed by the zoning laws and general plan, I would expect to see some mitigation required to protect nearby residences. I recall reading that the city imposed such requirements on Target, Walmart, and the Moulin Rouge restaurant. It seems obvious that noise, odors from the kitchen, parking (slamming doors, car alarms), and traffic generated by these uses create a potential significant impact on the neighborhood, even if mitigated. When I asked whether the church would consider limiting outdoor dining hours, I was told it would be considered. When I asked whether the limits would be incorporated in the request for the CUP, I did not get an answer. It is my understanding that mitigating measures must be in the negative declaration and means of enforcement must be considered before the potential impact can be disregarded. If allowed at all, these activities must be limited.

Mistake regarding parking structure. New diagram of parking structure.

The original narrative said the parking structure would hold 129 spaces and the new narrative says that it will hold 299. Mr. Templeton did not return my call because he is out of town, but Mr. Dyson, the project manager called me this morning. He said the first narrative was in error - the total parking spaces listed is only one more than before (580 compared to 579), but the number of spaces in the structure was erroneously reported as 129 in the first narrative -- it has always been intended to have 299 spaces.

I also discovered that the plans include pages G1 and G2 relating to the parking structure that I had never seen before. These pages were not even included in the corrected version of the plans made available on June 7. Page G3 shows an "architectural tower" as part of the parking structure.

In addition, it was revealed at this meeting that the plans are still incomplete with regard to several matters. Height, lighting, and hours of usage still have to be finalized. For example, it appears that it has not yet been determined what hours the parking structure would be in use, how it would be secured when closed, and what type of lighting will be used. Without knowing this, how can a negative declaration regarding noise, parking, and light be made?

Special Events

The revised narrative says on page 2 that there will be no regularly scheduled outdoor gatherings. On p.4, Hours of Operation, it says weddings, and related activities, along with other special events held at the church will end by 10 p.m. [Weddings and funerals any day of week except Sunday]. Attachment D estimates 350 attendance for planning purposes. This creates the potential for noise from events ending at 10 p.m. in residential neighborhood with people going to cars, slamming doors, etc. This narrative seems too vague to justify a finding of no potentially significant impact.

ATTACHMENT NO. 6.58

How often is occasional? I recently learned that the church should have been obtaining activity permits for special activities held in the parking lot, and is limited to four a year. I was told that apparently the church was not aware of this requirement. I also recently learned from Ron Santos, that this requirement only applies to use of the parking lot and it can be circumvented by the issuance of a conditional use permit allowing such activities. If the church specifies in its narrative occasional special events, have they just eliminated any restrictions on outside events? I don't know what the church is actually requesting or what limits remain. None of this is addressed in the D-MND. Based on the information provided, I do not see how the Planning Department can find no potentially significant impact, especially given the rigorous legal requirements for a negative declaration.

I am concerned about outdoor special events. In discussing this recently with Ron Santos, he said that outdoor play events, like one on June 28, would not require activity permit because it would be a natural activity of a campus with a school. It can take place anywhere on campus except parking lots. Then what is point of requiring sound walls only on the two designated play areas on the south side of the campus? Does this mean there is no limit to frequency, duration, or time of such activities? On June 28, there was even outdoor sound system. This cannot be ignored in negative declaration.

We were told at the meeting of June 18 with the church that all events end by 10 p.m., **unless neighbors are notified.** The revised narrative says events will end by 10 p.m., but it takes time for people to clear. What steps will the city require to assure that these promises are kept. I have evidence that activity has continued past ten, and at least once past midnight.

Are there any limits on frequency, duration, location, and time of these occasional special events? It seems there is a potential for significant impact of not limited or mitigated.

Prior Conditional Use Permits and Restrictions

After the church held community meeting last summer, I went to the Planning Dept. and looked at the existing CUPs. My memory is hazy, but I recall seeing several CUPs with some limits imposed by the city including, I believe, size of cross and signage, restrictions on simultaneous use. I discovered recently that the church's application was changed from one amending existing existing CUPs to a new CUP. Ron Santos told me on Thursday that this supersedes prior CUPs and accompanying limits. If true, shouldn't this have been discussed in the negative declaration?

Construction Noise

At the meeting with the church on June 18, I raised concerns about the long hours allowed for construction. I was told there are no plans to do construction on Saturdays, and that contractor would normally begin at 7a.m. and cease mid-afternoon. I asked if church would agree to these as limits in the CUP, and I was told it would be taken under consideration. Some mitigation is essential. How common are construction projects of this duration in a residential neighborhood?

David Treman
Shipley Street
Huntington Beach

ATTACHMENT NO. 659

City of Huntington Beach

Huntington Beach Planning Department
Attention: Ron Santos, Associate Planner
June 11, 2007

JUN 11 2007

SUMMARY

The length of this letter commenting on the Draft Mitigated Negative Declaration No. 06-008 [D-MND] is a result of the numerous problems with that declaration. Therefore I will summarize my basic points:

1. The process for public comment is deficient because critical information was omitted from the copies of the documents provided for public review at the Planning Department and the Central Library. I request that the documents be provided, the public be given notice, and the review period be restarted.

2. The D-MND fails to adequately identify or explain many potentially significant impacts. Other potential impacts are classified as less than significant without adequate information. Under the standards set forth in the D-MND (page 6 Item 3), "Potentially Significant Impact" is appropriate ... if the lead agency lacks information to make a finding of insignificance. I believe some impacts were classified less than significant based on an erroneous legal standard of review. Based on my conversations with Ron Santos and on the explanations he provides in the negative declaration, I believe in several cases he found less than significant impact because the proposal does not violate any laws. In my opinion, that is not the legally appropriate standard. For these reasons the D-MND is inadequate and unjustified because it is based on incomplete information from the applicant and insufficiently explained or justified by the planner. Since I believe an appropriate review would conclude there are one or more potentially significant impacts for which no remediation has been required, CEQA requires the preparation of an Environmental Impact Report.

PRELIMINARY COMMENTS

When I spoke to Herb Fauland on June 8, 2007, to request a new or extended comment period, he advised me to be prepared to submit my comments by the June 12 deadline in case my request was denied. I have prepared some comments, but I reserve the right to amend these comments in the event more time is granted and in the light of new information made available to the public.

The Comment Process

I have serious objections to the comment process and to the Associate Planner's manner of review and his conclusions. Due to errors, the documents available for public inspection are incomplete and therefore misleading. At least one page is not even available from the Planner's file. When one asks to review the materials relating to this document, they receive only Mr. Santos' notice of May 18, 2007, the 27 page Environmental Checklist form, and some attachments. Attachments 1 through 3 are missing the even pages. Attachments 4 and 5 are

ATTACHMENT NO. 6.60

missing entirely from the copy at the Central Library. Page 2 of attachment 4 is missing from both public copies and even from the original in the Planner's file. As of Friday, June 8, the page could not be located in the Planning Department. I do not know if there is more than one page to attachment 5. The D-MND refers to attachment 23,but that is not attached. If there is an attachment 23, are there attachments 6 through 22? These omissions also raise the question of whether the Design Review Board and the Environmental Assessment Committee had the complete D-MND when they approved it.

For these reasons I request the Public Comment period be restarted with new notice to the public.

Commenting on the Application for a Conditional Use Permit

I was told that objections to the application for a conditional use permit based on factors other than what are in the negative declaration do not have to be submitted during this comment period, and that there will be an opportunity to object to the CUP at a later time. However, the CUP was not available at the library or at the desk in the planning department. We won't even know of the staff's recommendations until 7 days before the hearing by the Planning Commission. The Church has had years to work out its position – I fear the neighbors will not have an adequate time to respond. It is my hope that the Planning Department staff will exercise its responsibility to take into consideration the harm to and interests of the city and the neighborhood. With two minimal exceptions (runoff and south side playgrounds), Mr. Santos does not appear to have done so yet.

Inadequate Review by the Planner in Preparing the D-MND

Based on the documents that are available and that I have seen, it appears that there are aspects of the Church's proposal that were totally ignored or overlooked by Mr. Santos. When I asked him why his assessment did not address certain aspects of the proposal, such as outdoor amphitheater, outdoor sound system, and outdoor dining, he asked me where I got that information. I said that I learned this as the meeting with Church officials and neighbors months ago. He said that he did not consider these because they were not part of the current proposal. I later learned that they were, and are revealed clearly in one of the documents missing from the publicly available versions [page 2 of the Plans, one of the even pages missing from attachment 2]. This alone demonstrates that the negative declaration is not based on the record and is therefor inadequate.

My reading of Mr. Santos' conclusions is that he appears to have based them on the conclusions of the consultants for the Church, and did not exercise his own independent judgment of the logical negative consequences of the Church's plans when he concluded, erroneously I believe, that almost none of the plan would result in potentially significant impacts. Also, from conversations with him, I believe he applied an erroneous standard – that compliance with city ordinances precludes a finding of potentially significant impact. He specifically argued that my objections of inadequate protection of the neighborhood amounted to nothing more than a disagreement with the scope of the city ordinances. This ignores the law and existing practice of going beyond the minimum protection of ordinances when granting a conditional use permit.

ATTACHMENT NO. 661

If the only conditions were compliance with existing ordinances, there would be no need for a conditional use permit process. People who violated the ordinances would be cited for the violations. I believe this erroneous standard resulted in erroneous conclusions. In fact there are more areas than one where he should have found a potentially significant impact. Therefore he should not have made a negative declaration and an Environmental Impact Report should be required.

In addition, according to the standards in the D-MND (page 6, item 3), if information is not adequate to eliminate the possibility of negative impact, a finding of probable impact is required. The Church's own reports concede lack of details and information making estimates of impact difficult or impossible. This is omitted from the Planner's explanations. This shows that the application of the Church is incomplete for purposes of a negative declaration. Further investigation of the potentially significant impacts and possible mitigation should be required before the Department proposes a negative impact declaration.

All of this suggests that a new declaration and review by the required persons, boards, and committees should be required, and that an EIR is probably also required by law.

In another conversation with Mr. Santos, he implied that objections need to be supported by reasons, but he was not in a position to detail what substantiation was required. My preliminary review of the law appears to indicate that it is sufficient that those commenting raise questions, and that the burden is on the applicant to show that there are no significant impacts. I will attempt to demonstrate in the following comments that the Church's own proposals and studies raise concerns that are not adequately addressed. I will also attempt to point out problems with Mr. Santos' finding and explanations. However, these comments are tentative and preliminary. Since I have not seen all relevant pages of the negative declaration and supporting documents, I cannot say with confidence that there are not other problems, nor can I say that the missing pages won't contain information negating my objections – but even if they do, this only demonstrates the problems with the existing public review process in this case.

Omissions from the D-MND

Before commenting on what is in Mr. Santos' review, I want to emphasize what is not in his report. In some ways the omissions are more significant than what is addressed for three reasons:

1. It demonstrates that the application is incomplete or the review is incomplete
2. It shows why there is at least one potentially significant impact that has not been refuted or mitigated, thereby requiring an EIR
3. The absence from the report shows that even if claims 1 and 2 are rejected, failure to identify these impacts and to explain a finding of no significant impact impairs the ability of the public to review and comment. It is much more difficult to comment on what is not in a report than what is in it.

ATTACHMENT NO. 6.62

DETAILED COMMENTS

NOISE

This is the area where I find the most obvious and serious deficiencies in the D-MND. At a meeting with neighbors, the Church gave a slide presentation of its plans. The plans included an outdoor amphitheater, outdoor dining, gathering areas, and I believe an outdoor sound system. Other than outdoor gathering areas, I saw none of these items mentioned in the negative declaration. I asked the planner why he had not addressed these issues. He responded that regardless of what was said at the meeting, these were not part of the Church's current proposal. I later returned to the Planning Department to seek information missing from the public document. I happened to see the plans for the Church on the counter. I asked another planner about these items. He said they should be in the plans if proposed. On page 2 of the plans I discovered the following (I am going to quote just a few descriptions from one of the missing pages of the plan, page 2):

Building Legend
E. ADMIN./CAFE Full service kitchen with indoor/outdoor seating; Church Offices.
G. TOWER Focal Feature; Shaded play/ Kiosk / Amphitheatre Sound Booth

Landscape/Hardscape Legend
1 VILLAGE GATEWAY Visual / Pedestrian "Front Porch uses: Cafe/Bookstore/Dining Terrace
2. CHAPEL GARDEN Frames Chapel / Terminal Vista; Wedding Garden/ Gazebo/bamboo Screening
3 TIDAL PLAZA Fellowship Plaza/Amphitheatre; Pop Jet Fountains: Embedded Sculptures, Tidal Focal
4 LITTLE SQUIRTS COURT Soft Play Children's Area visually accessible from Fellowship Plaza

8 CHILDREN'S OUTDOOR PLAY Age appropriate themed Outdoor Play zones.

My comments.
1. Sound System

The above features, all ignored in Mr. Santos' noise analysis except item 8 from the Landscape Legend, on their face raise potentially significant noise impacts. Mr. Santos' explanation to me of not considering them in his negative declaration is that they were not in the proposal. I told him I had heard about a sound system that was not amplified. He said there is no such thing. He said if it is a sound system, it is amplified. Subsequently I found the following in a copy of the Church's sound report given to me by a neighbor (I later discovered it was in Mr. Santos' file):

MISCELLANEOUS ACTIVITIES. "There will be no outdoor amplified music, however there would be a localized speakers system that provides low volume background music." Page 8.

ATTACHMENT NO. 6.63

How can this be ignored in the negative declaration? Doesn't it at least merit an explanation? I would not be aware of this if I relied solely on the D-MND, even when supplemented by Mr. Santos' oral representations. I live immediately north of the Church. Normal conversations at night are a nuisance unless I keep my windows closed (we do not have air conditioning). If the people outside can hear the music, I can hear the music.

The Church's noise study continues: "Although a detailed plan showing the location of the speakers is not available, the speakers will be calibrated to emit 70dBA or less at 3 feet from any speaker." Page 8. Since this is not in the proposal at all according to Mr. Santos, does this mean it is not permitted? Then what purpose is served by the sound control booth in the Tower? See Plans page 2, missing page 2 of attachment 2. Mr. Santos cites this study in his list of documents utilized. Doesn't he have a duty to explain potential negative impacts discussed in Church documents he utilized?

The Church's report says a detailed plan for the speakers is not available. That suggests the application is inadequate and the planner should not have issued a D-MND. And if the planner does act on the incomplete record, its own standards require that this be designed a potentially significant impact because of lack on information showing that it will not be one. At least it should have been considered under the cumulative effect category. Item XVII.b).

Finally, this portion of the Church's study concludes, "The resultant sound levels would be less than the 50dBA at any project property line and comply with the City's noise ordinance requirements." This again raises my fundamental objection that the fact no ordinances are violated does not rebut the potentially significant impact. If the standard for a conditional use permit was only that no laws are violated, there would be no need for the entire process. Normal code enforcement would be sufficient. Yet the Church's response is the same response I got from Mr. Santos repeatedly, leading me to infer that he and the Church's noise study both fail to meet the standard for a negative declaration.

2. *Item 4* [from the Landscape Legend of page 2 of the Plans] *LITTLE SQUIRTS COURT Soft Play Children's Area visually accessible from Fellowship Plaza.*

The "soft play area" is near the Tidal Plaza, containing "Pop Jet Fountains." Have you ever heard little squirts around water? It is not quiet. If the child play areas in Item 8 of the Landscape Legend required mitigation (the only mitigation required other than for water runoff), why is this play area totally ignored in the D-MND? Also, regarding the two other play areas noted in item 8, if noise to the south must be mitigated by a seven foot high sound wall, why not noise to the north? I cannot tell if there are any walls on the north side of the play area. At a minimum, this should have been explained in the negative declaration.

3. *Item 3* [from the Landscape Legend on page 2 of the plans] *outdoor amphitheater*

Other items listed above from page 2 of the plans so obviously raise the potential of noise impact, that the failure of Mr. Santos to address them is inexplicable unless his explanation is true: that he believed the Church's current plans do not propose an amphitheater, outdoor dining, or a sound system. The desk copy did show hardscape improvements designed to create high quality outdoor gathering places. I asked him about this and why he had not addressed it. He said this was not an amphitheater and did not have any more impact than the courtyard outside

ATTACHMENT NO. 664

city hall – people stop to talk when they leave a building. The two situations are not at all comparable in function, design, or location. Even if they were, it should have been noted as an explanation when he concluded that there was no potential significant impact. Why is no mitigation required for an outdoor amphitheater that may be used for unidentified events and perhaps has an outdoor sound system? If a child's playground requires mitigation by a seven foot soundwall, why is there no requirement of a soundwall in the gap between the Administion/Café building and the Tower. Unlike the playground areas, the amphitheater and outdoor dining mentioned next might be used at night.

4. *Item E* [from the Building Legend of page 2 of the plans]. *Café*

With regard to the café, Mr. Santos said there was no proposal for outdoor seating, contrary to what I later discovered on page 2 of the plans. Is that where the outdoor music will also be situated? I told him I had heard conflicting statements regarding when the café would close – 10 or 11 p.m. He told me that the Church said it would close at 10 p.m. This is too late for a residential neighborhood, and even if permitted it should have been disclosed and explained in the negative declaration. But worse, I do not even see any time limitation in the D-MND. Even in commercial areas, there are time limits.

5. *Parking Structure Noise*

Mr. Santos notes [D-MND page 20 item d), Discussion] that the parking structure is a noise source identified in the Church's noise study. He reports that the study concludes that future exterior traffic levels would be in compliance with the City's noise ordinance. He concludes the section with a finding of Potentially Significant Unless Mitigation Incorporated, but the only mitigation required in the noise portion of the study consists of a wall near two of the play areas. This implies that he had found that the parking lot does not have a potentially significant noise impact. Yet the Church noise report he relies on says the following: "Noise from parking structures typically consists of vehicles arriving and departing, vehicle movement within the parking structure, wheel squeal, car alarms, opening and closing of car doors, and peoples' voices. Quantification of parking structure noise is difficult to predict due to many variables." The Church's study concludes that design features will reduce parking structure noise to levels similar to the current condition. Nowhere does Mr. Santos discuss whether that level has a potentially significant impact. Car alarms are currently a disturbing factor. The other noises are in the words of the Church's own report, difficult to quantify. In addition I mention elsewhere in this letter other authorized and unauthorized uses of the parking lot that generate significant noise. There are no requirements that the Church control unauthorized use of the parking structure. The lack of information about these effects requires a finding of potentially significant impact.

6. *Other Activities*

Attachment 3-4 to the D-MND identifies many activities taking place on church property including the following evening activities: Sunday school, small group meeting, team meetings, youth meetings, and music rehearsals.

In addition the Church says the following about special events in footnote ***: Special

ATTACHMENT 665

Events are not regularly scheduled events. They may take place any day of the week except Sundays. Activities associated with special events conclude by 10:00 p.m." How can Mr. Santos find no significant noise impact based on this material attached to his negative declaration, and how can a negative declaration fails to include any of this in the explanation be considered adequate? One night around midnight I requested that the Church cease outdoor dismantling of a metal stage following one of these special events and received the reply, "We should be finished soon."

In addition, one activity starts as early as 6 a.m. The attachment also reports a total daily attendance of more than 1000 per day except Monday and Friday. Attachment 3-4.

These other activities are not specified with any detail (e.g., D-MND page 2 Table A, C - meeting space for other large groups/functions), therefore there is insufficient information to conclude that there is no significant negative impact. This shows that the application for the conditional use permit is incomplete for purposes of issuing a negative declaration. There already are numerous occasional activities in parking lot that cause noise (e.g., outdoor barbecues, nativity scene viewing, arrival and departure of buses, musical performances). These do not appear to have been considered even though they suggest the potential for significant impact alone or cumulated with other activities. There is no explanation of what additional occasional uses are planned other than weddings and funerals. Since the D-MND contains no restrictions, the lead agency lacks sufficient information to make a finding of no potentially significant impact.

There also are some occasional uses that are not authorized by the Church but which the Church has told me it cannot control – such as late night fireworks, auto racing, model car racing and model airplane flying, skateboarding, and playground activities. Though the Church is not proposing these activities, their existence impacts the total cumulative effect of the events the Church will sponsor.

7. Construction Noise

A negative declaration requires consideration of construction noise. D-MND p. 6 item 2. There are standard conditions imposed on construction by the city. However, I imagine that it is extremely unusual to see proposed a 30-month time period for construction in a residential neighborhood. Disruption of quiet enjoyment of one's home and neighborhood from 7 a.m. to 8 p.m. Monday through Saturday might be tolerable for a few days or weeks, but not for two and a half years! Meeting the requirements of city ordinances does not justify ignoring the impact. The city standards do not adequately mitigate the harm. CEQA might still allow the noise to occur, but at minimum in this situation it would seem to require an EIR. The Church's own noise study, 4.4 CONSTRUCTION/DEMOLITION p.7 says that "A construction phasing plan has not been developed at this time; therefore only a general estimate of construction noise levels can be provided." This shows that the proposal is incomplete and cannot provide the basis for finding no potential significant impact. It is not reassuring that the concluding sentence of this portion of the study states, "The construction contractor would be required to comply with the City's Municipal Code." I have called to complain on prior occasions about noise, and the response of the Church has been they cannot control when the contractor chooses to do work. If this does not need to be addressed under noise, then it should have at least been addressed under

ATTACHMENT NO. 6.66

public services, because it sounds like the responsibility is being shifted back to the city. This open-ended 30-month construction window obviously raises potentially significant noise impact unless mitigated, and merely requiring compliance with the City's noise ordinance is not an adequate response or even explanation.

Element X.b, addresses groundborne vibration or noise levels. Mr. Santos does not require any mitigation of construction noises. We have experienced disruptive vibration from previous construction work and see no mitigation measures being proposed to address that.

The Church's own noise study identifies the issue of traffic noise. Increasing traffic volume will increase the amount of traffic noise. The Church's study was only concerned with impact of traffic noise on the Church, not with the proposal's impact on the neighborhood resulting from increased traffic. Mr. Santos' report ignores the fact that some traffic is going to be redirected from Loma to Adams and to 17th Street. This needs to be addressed in the negative declaration. For more on this issue, see discussion of traffic impact, elsewhere in this letter.

8. Noise from trash collection and loading or delivery docks.

Rainbow currently picks up trash from a large metal bin three days a week from a ramp located outside the Worship Center just south of Adams. Pickup often occur around 7 a.m. This creates loud disruptive banging of metal and truck backup warning beeps. I complained to the Church about this at the neighborhood meeting. I was told by Church official they would consider relocating the trash pickup. I spoke to Ron Santos. He told me that not even the current location is shown on plans, though there are requirements that the location of trash storage bins be shown (see discussion of Hazardous Waste). Mr. Santos obtained for me a statement that there were no plans to relocate. His position seems to be that if it is not being changed, it can be ignored. However, a negative declaration requires consideration of cumulative impact. New plans without significant impact when added to existing noise can cumulatively cause a significant impact.

Building plans I recently discovered show that there will be a loading dock or delivery dock for the Café/Admin building. This is also ignored in the negative declaration, yet matters like this have resulted in mitigation requirements in other cases in this city. Therefore there should be a restriction on the Church before finding no potentially significant impact. At a minimum, there should be some explanation why no mitigation is required.

AESTHETICS

I believe that there were prior conditional use permits [CUPs] granted on this property with restrictions to mitigate aesthetic impact. This is ignored in the current D-MND. This raises a critical issue that is not addressed: does this CUP supersede limitations imposed by prior CUPs? I have not been able to get a clear answer to this question. Originally this application for a CUP was submitted as an amendment to the existing CUPs, and this is what I was told at the meeting the Church held for neighbors. At some point this application was changed to a new application. Why? Because an amendment would leave prior conditions unless expressly changed? Does this new process impliedly repeal all prior conditions? Either way, this merited discussion in the negative declaration and the public had a right to be informed. This omission is another demonstration that the finding of no potentially significant impact is not justified.

ATTACHMENT NO. 6.67

Since the aesthetic aspects have already been approved by the Design Review Board, this omission and others makes me wonder if the Board was aware of these omissions. Are there publicly available findings of the Design Review Board that members of the public can inspect?

The Church's proposal identifies several aspects as visual focal points, including the large tower. The reduced plans included in the public version of the D-MND are difficult to read, but it appears the Tower is 84 feet, and a sketch of the completed campus illustrates how it will serve as the focal point for the campus. These large structures and a parking structure totally out of place in a residential neighborhood will dominate the neighborhood vista. Very few parking structures exist in the entire city and to my knowledge are all part of a commercial development or partly commercial development in a commercial area (Plaza Almeria). This is not specifically addressed in the negative declaration.

Item XIII d. on page 23 addresses light or glare. It states that lighting will be similar to the existing site. What about the outdoor dining area and other gathering areas? These do not currently exist. Do the plans show where the lights will be? There is not sufficient information made public to justify a finding of no potentially significant impact.

TRAFFIC

Mr. Santos' discussion of traffic on page 14 of the D-MND specifically notes "one activity at the project that is notable" is the preschool pickup and drop off on Loma Avenue, Main Street, and 14th Street. He says the proposed project does not significantly alter the preschool activity. Besides ignoring this traffic as part of the cumulative impact of the project, he may be factually wrong. According to statements made to neighbors at the Church meeting, in order to address concerns of residents on Loma about traffic generated by drop off and pickup of children at the schools, this traffic will be redirected to Adams and 17th. The relocation is also noted in the D-MND page 2 table A item B. Santos appears to be unaware of it and totally fails to consider the impact on Adams and 17th Street.

One potential safety impact that I would like to specifically address is the speed and amount of traffic westbound from Main to 17th on Adams. Traffic exiting the alley between Main and Shipley or turning from Adams into the alley cannot be seen by westbound traffic on Adams because of a blind curve. This currently exists, but increase in traffic will exacerbate this problem. I specifically raised this concern at the Church meeting with neighbors and requested them to look into mitigation. It has been ignored.

Mr. Santos' explanation of the traffic impact assumes that various mitigation measures [e.g., limiting attendance below capacity, shuttle service] will be taken but does not check the box requiring mitigation. If the no impact or less than significant impact finding is based on mitigated activity, that should be a requirement of approval.

I question the conclusion there will be adequate parking based on the fact that Church staff members are currently instructed to park in residential streets to save places for church members on Sunday.

ATTACHMENT NO. 6.68

HAZARDOUS MATERIALS.

The D-MND page 18 says there are issues relating to capped oil wells and methane but that because of city policies, there is no potentially significant impact. As we saw on Bushard not too long ago, city policies don't always prevent accidents. I am not confident this conclusion justifies a negative declaration without mitigation.

PUBLIC SERVICES

As I mentioned regarding noise and the parking structure, security might be required to mitigate noise in the structure and the parking lot. There are no mitigation requirements. This might increase demand on police services since neighbors will have no recourse other than calling the police. This is not an efficient use of police resources. Some mitigation should be required for a finding of no potentially significant impact. In addition, some people have expressed public safety concerns regarding concealment of predators in the parking structure. Though we have heard rumors the Church will provide security, it is not a requirement in the D-MND. I can find no element in which to address this other than Public Services.

HYDROLOGY

This was one of the only two areas where Mr. Santos' notes that mitigation is required. However, I have concerns about whether the mitigation required is adequate. In 1997, an El Niño year (and I fear there will be more), the flow of runoff rainwater exceeded existing capacity along Shipley and Adams near the Church. I do not know if the City Planning Department took this into consideration in requiring mitigation. It might not be sufficient to handle the problem in extremely heavy rainfall. Though this area is not in a flood zone, danger of localized flooding due to heavy runoff and inadequate storm drains do not appear on a flood map. Anyone who goes by Adams and Lake on a day with even moderate rain can see that, just blocks from the Planning Department.

Item m on page 12 of the D-MND speaks of potential discharge of stormwater pollutants from areas of material storage (including waste handling and loading docks), yet when I asked Mr. Santos whether the Church was relocating their current waste storage and pickup area, he said it was no shown on any of the plans. How can he conclude there is no impact if he does not even know the location?

He also reports that the proposal does not include delivery areas or loading docks. Item m, page 12. I believe the plans for the Administrative/Café building do include a delivery area or loading dock, in which case he is factually wrong. Perhaps some of this is identified in the cited attachment 23, but it is not an attachment that was part of the document made available for public inspection.

AIR QUALITY

There are restrictions on construction for air quality purposes in the city's standard conditions. Has staff considered whether the parking structure or Café will have any impact on air quality? I did not see this in his explanation for his finding of less than significant impact. I also do not think he has explained why the very impacts he has identified are less than significant. Again he seems to suggest that absent a violation of the law (in this case SCAQMD

thresholds), there is no significant impact. Mere compliance with the law does not justify per se a finding of no potentially significant impact, and ignores the cumulative impact. He concludes that the standard construction limits on construction will prevent any potentially significant impact during construction, but no obligation is imposed on the Church to monitor the contractors, something they have refused to do in the past.

ELEMENT XVII, MANDATORY FINDINGS OF SIGNIFICANCE

The findings on items b and c are inadequate because of the inadequate review of the other elements.

CONCLUSION

The numerous issues ignored or inadequately addressed demonstrate that there was insufficient information to justify a finding of no potentially significant impact, or that the application was incomplete, or that Mr. Santos often applied a standard of review that only considered whether there would be violations of ordinances (a standard that is not sufficient for a Negative Declaration). Therefore the negative declaration should not be adopted and an Environmental Impact Report should be required. At least, the City should investigate the concerns I have raised and require revision of the plans to adequately mitigate the potentially significant impacts.

Submitted by David Treiman David Treiman
June 11, 2007.

ATTACHMENT NO. 670

Santos, Ron

From: Ron Troxell [Ron@troxellusa.com]
Sent: Tuesday, June 26, 2007 6:50 AM
To: Santos, Ron
Subject: HB Citizens For Reasonable Growth - Beachwalk Article & Meeting Next Week

Dear Ron,

Are these Comments made by David true? Please explain

Thanks

Ron Troxell

----- Original Message -----
From: David Treiman
To: Howard Ross ; michelle@syngates.com ; dbriers@gmpaarchitects.com ; pbutland@socal.rr.com ; tdooley@verizon.net ; ressner@socal.rr.com ; lloyd@hbrealestateservices.com ; toddg@stratisfinancial.com ; sanderg7@verizon.net ; dgray@socal.rr.com ; brosna5490@aol.com ; djimenezFamily@aol.com ; s-kluewer@sterling-medical.net ; connect.ll@verizon.net ; dicklobin@aol.com ; donnaross@att.net ; ss@spanishleadservices.com ; sellberg.law@verizon.net ; songjc@jointsynergy.com ; ron@troxellusa.com ; walt_john@allergan.com
Sent: Monday, June 25, 2007 9:31 PM
Subject: RE: HB Citizens For Reasonable Growth - Beachwalk Article & Meeting Next Week

I went to the Planning Department on June 19, 21, and again today (June 25). They still have not received revised plans or a revised narrative (the description of what the Church is now proposing). Ron Santos told me today that he has no idea of when the Church intends to submit these documents.

I am concerned that the Church has managed to make a fiasco of the comment period. The representations Bruce Templeton made to neighbors on June 18, that numerous aspects of the project had been deleted, diminished concerns many people had, and perhaps dissuaded them from making objections. However, I have not been able to see the revised plans, so I don't know what the Church is now actually going to propose. At the meeting on June 18 I asked Bruce Templeton if some of the oral representations regarding construction schedules and hours of operation of the cafe would be in the new proposal. The answer given at the meeting was that they would consider or discuss that. I have no idea what they decided.

If the Church does submit their new plans, there will be little time to review and comment on them by the July 2 deadline. If they do not revise the plans as promised, then people won't have time to object to that either. Ron Santos is unwilling to discuss whether the comment period will be restarted or extended to allow comment on new plans until he sees the new plans.

ATTACHMENT NO. 6-71

I am trying to pursue these concerns with the city and am waiting for a return phone call. I plan to submit new comments objecting to the way the comment period has been handled.

ATTACHMENT NO. 6-72

City of Huntington Beach

JUL 0 2 2007

Huntington Beach Planning Department
Attention: Ron Santos, Associate Planner
July 2, 2007

I am very concerned about the Tidal Plaza area in First Christians Church building plan. This area ,which includes a near by cafe and bookstore proposal, will also be a gathering and dining area from the hours of 7a.m. to 9 p,m,. This is an extremely long time for neighbors to be disturbed by noise and cars, The Tidal Plaza will also have a graduated step-type seating system to be used for programs and students. After hours this step seating area will be very attractive to local skateboarders. Skateboarders have already been a nuisance using the current trash truck ramp pickup area. Therefore, I think the Tidal Plaza area should definitely be required to have a sound wall and locking gate, so the neighbors to the north do not have to tolerate constant levels of noise. Also, any music or sound system would be inappropriate.

Lee Treiman
Shipley Street
Huntington Beach.

ATTACHMENT NO. 6.73

Santos, Ron

From: Ron Troxell [Ron@troxellusa.com]

Sent: Monday, June 11, 2007 7:45 AM

To: Dick Millar (Attorney)

Cc: Vincent; Steven T. Nanko; nga van; Todd Gan; Georgina Troxell; Kurt & Dana; Lustig, Patrick; Rick Davitt; Santos, Ron

Subject: HB Citizens for reasonable growth

First Christian Church **June 11th 2007**
New Building Center

Richard W. Millar, Jr.
Millar, Hodges & Bemis
1301 Dove Street, Suite 900
Newport Beach, California 92660
949-752-7722
Fax 949-752-6131

Dear Dick Millar,

Please see the letter below for your reference. It seems Ron Santos (City Employee) has accepted an incomplete declaration from FCC (First Christian Church).

Personally I think it a fair and legal request that Ron Santos require a complete declaration from FCC.

I faxed you a copy of the declaration in question last week. Please review and provide your opinion.

Thanks so much,

Ron Troxell
Crystal Island Estates

Thanks Ron Troxell

Subject: RE: HB Citizens for reasonable growth

I have been working on my letter for the Planning Commission with comments on the "Draft Mitigated Negative Declaration" due June 12. I have spent several days researching files at the Planning Department and asking questions. Today I learned that the versions of the declaration that is available for public inspection at the Planning Department and at the Central Library are missing several pages. These pages contain some information I consider critical. For that reason I spoke with the Principal Planner, Herb Fauland. I asked that the missing pages be made available to the public, that the public be given notice of these new documents, and that the comment period be extended. He plans to contact me on Monday to tell me the decision made to my request. However, since the answer is currently not known, I would urge everyone wishing to comment to make those comments by June 12. I assume that if the comment period is extended, you would be able to make additional comments later. Also, remember that if you have questions about the Declaration, the conditional

ATTACHMENT NO. 6.74

use permit, or the process, you should contact Ron Santos at 714 536-5561 or e-mail rsantos@surfcity-hb.org.

For those of you with the time and interest, I am including a few details about what I have learned and why I think it important that the comment period be extended.

When I attended the Church's neighborhood meeting many months ago, the presentation of plans included an outdoor amphitheater, sound system, and outdoor dining in a cental plaza. On June 7 I asked Ron Santos why his negative declaration did not address the noise potential of these outdoor activities. He told me the application from the church did not propose any of these uses. Last night I discovered that my copy of the draft declaration was missing page 2 of attachment 4. I called the Central Library and discovered their copy did not contain attachments 4 and 5 in their entirety. I went to the Planning Department today to get the missing page. I discovered neither their public copy nor the file copy used by Mr. Santos contained that page. Solely by coincidence the plans for the Church happened to be open on the counter. I asked another planner if there were plans for an amphitheater, sound system, or outdoor dining. He turned to page 2 of the plans (this is different that the page 2 I was seeking), and we discovered the church has proposed those uses. I told him I had been informed just yesterday that the negative declaration did not address those uses because they were not in the proposal. The planner I spoke to today said that this information should have been in the document made public. We checked -- it is not in the public version. The Principal Planner then discovered that several other pages were accidentally omitted from the public copies. This is why the public deserves new notice and an extended comment period. But I am concerned this also demonstrates that the initial staff review of the negative declaration and the review by the Environmental Assessment Committee that approved the staff review might be flawed.

I am going to quote just a few descriptions from one of the missing pages of the plan (page 2):

Building Legend
E. ADMIN./CAFE Full service kitchen with indoor/outdoor seating; Church Offices.
G. TOWER Focal Feature; Shaded play/ Kiosk / Amphitheatre Sound Booth

Landscape/Hardscape Legend
1 VILLAGE GATEWAY Visual / Pedestrian "Front Porch uses: Cafe/Bookstore/Dining Terrace
2. CHAPEL GARDEN Frames Chapel / Terminal Vista; Wedding Garden/ Gazebo/bamboo Screening
3 TIDAL PLAZA Fellowship Plaze/Amphitheatre; Pop Jet Fountains: Embedded Sculptures, Tidal Focal
4 LITTLE SQUIRTS COURT Soft Play Children's Area visually accessible from Fellowship Plaza

8 CHILDREN'S OUTDOOR PLAY Age appropriate themed Outdoor Play zones.

Item 8 was the only matter Ron Santos thought required noise mitigation (a

ATTACHMENT NO. 6.75

7-foot fence on the south side). His report did not find any other use required noise mitigation. His comments made to me indicated he was not even aware of several of these uses.

ATTACHMENT NO. 6.76

City of Huntington Beach

JUN 12 2007

June 11, 2007

The Huntington Beach Planning Department:

I have visited your office in order to review the planned additions to the Church property just across the street. I have lived in this home since 1978 and love the location and the surrounding area is still primarily residential.

The additional structures that are to be built and the increased square footage of some of the present ones presents a problem for me. This area is still a mostly residential area and it seems to me that if this organization finds it necessary to increase their facilities to this degree, that they should consider going "inland" and finding a piece of property more suited to this expansion.

The loss of the "open space" is problem enough, but the garish colors that they propose are really not acceptable. I rather doubt that even some of the members of the church would condone the bright tasteless hues that these buildings will be painted.

And regardless of the interesting traffic report, a multi level parking structure is bound to impact on our local traffic.

I have walked over to the property across the street and tried to imagine what the "finished product" would look like. And believe me I am quite discouraged with the thought of this change occurring.

Sincerely,
Betty Walker

Betty Walker
1705 Aspenwood Lane
Huntington Beach, CA 92648

ATTACHMENT NO. 6-77

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

AUG - 2 2007

July 31, 2007

Dear Mr. Santos,

I am writing to favor my support for all the remodeling plans by First Christian Church. I think the 50 year old property needs a nice modernization and I am in complete agreement with all the plans and support and the new upgrades planned by the church. I look forward to construction.

We bought our home back in 2003 as a new next-door neighbor to FCC. As a homeowner buying next to a large church I expected them to have many cars parked there on Sundays and special events. I expected people to gather there for their purpose, meeting, eat, drink coffee, sell books and make noise. I do not see any of their new plans differing from these expectations.

At our house we do hear the daily bells of Smith School, and all their daily PA announcements. We even hear on quite days the lifeguard's announcements from the pier. We also hear Disneyland's fireworks EVERY night starting at about 9:25 and ending at 9:43. Come to our home one night and listen. I do not expect Disneyland to shut down as they too have been there for 50 years and have improved the economy of Orange County.

The worse and LOUDEST noise of all is the HBPD's helicopters constantly flying over our house, at all hours of the night, flying very very low, making sleep wakening loud noise. I really want to call the police for the police "disturbing the peace" of the neighborhood at night.

Again I am in favor of all the plans of FCC including the additional parking, the coffee shop and bookstore, the nice esthetically appealing tower and the outside amphitheater with sound system.

Remember they have been there for 50 years and just want to improve their large piece of the neighborhood to make it nicer for all. I expect noise from the church on Sunday with parking and people gathering eating, reading, and talking. That is what I expected when I bought a home near a large church.

If you want to question building permits, how did Smith school just plop down ugly "temporary" class rooms on their property, with very ugly looking air conditioning units and exposed piping, with no permit?

Kind regards,

John Walt
828 14th Street
Huntington Beach CA 92648
(714) 969-2774

ATTACHMENT NO. 678

City of Huntington Beach Planning Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Andrew Gonzales, Assistant Planner AG
DATE: August 14, 2007

SUBJECT: **APPEAL OF ZONING ADMINISTRATOR'S DENIAL OF VARIANCE NO. 07-007 (TINKER CARPORT ADDITION)**

LOCATION: 6465 Marigayle Circle, 92648 (eastside of Edwards Street, south of Ellis Avenue)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

The item is an appeal filed by City Council Member Bohr of the Zoning Administrator's denial of Variance (VAR) No. 07-007 which represents a request to permit the construction of an approximately 424 sq. ft. carport with three posts at a three ft. side yard setback in lieu of the minimum required five ft. side yard setback.

The existing dwelling is sited on an irregularly shaped lot (i.e., flag lot) with developmental restrictions that prevent expansion within a substantial portion of the property. In addition, the site is located on a cul-de-sac with limited available street parking. The variance is a result of the encroachment of three (6"x6") structural posts for a proposed carport that will provide an area for additional onsite parking, thereby reducing the need to utilize street parking. The carport will remain open on three sides, with the posts positioned to provide sufficient vehicle clearance. Adequate separation between structures on the subject property and the adjacent lot to the east will otherwise be maintained.

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	RL-4.0-sp (Residential Low Density – Max. 4.0 du/ac – Specific Plan Overlay)	SP9 (Holly-Seacliff Specific Plan)	Single-Family Residential
South and East of Subject Property	RL-4.0-sp	SP9	Single-Family Residential
North and West of Subject Property	N/A (Unincorporated County of Orange)	N/A (Unincorporated County of Orange)	Harriet Weider Regional Park

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: June 18, 2007

MANDATORY PROCESSING DATE(S): August 14, 2007

Variance No. 07-007 was filed and deemed complete on June 18, 2007. The Zoning Administrator acted on the application on July 11, 2007, in compliance with mandatory processing. The application is tentatively scheduled for public hearing before the Planning Commission on August 28, 2007.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt, pursuant to Section 15305, Class 5 of the California Environmental Quality Act, which states that minor setback variances not resulting in the creation of any new parcel are exempt from further environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Public Works, Fire, and Building and Safety have reviewed the request and do not have any comments.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

Variance No. 07-007 was scheduled before the Zoning Administrator on July 11, 2007. The applicant was present at the meeting and expressed that the variance request was necessary to address the limited on street parking posed by the cul-de-sac. The applicant stated that the proposed onsite location was the most efficient due to developmental restrictions created by the site's unique lot configuration (i.e., flag lot) and topographical condition along the northerly and westerly property lines. In addition, the applicant presented an alternative design layout that maintained the same building height and setbacks as the previous design, with a modification of a solid open gable roof (Attachment 3) instead of a trellis roof element (Attachment 2). One other person spoke in favor of the variance request.

The property owner to the east of the subject site spoke in opposition to the request expressing that the property does not have any special circumstances that warrant the granting of a variance. No one else was present to speak on the item.

The Zoning Administrator did not concur with the applicant and expressed that the site has viable options to comply with code, and that the desire to provide a surplus of onsite parking was not a justifiable reason for the granting of the variance request. The Zoning Administrator summarized that since the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) does not require surplus parking to be covered or enclosed, that the variance request would be a grant of special privilege. Therefore, the Zoning Administrator denied Variance No. 07-007.

PLANNING ISSUES

The primary issue for the Planning Commission to consider in conjunction with this application is whether the subject property presents unique circumstances which justify approval of the variance request. The Planning Commission must also consider whether or not approval of the variance would constitute a grant of special privilege.

HBZSO Section 241.10(B) – Required Findings for Variances, states that the Planning Commission must make the following findings when granting a variance:

1. The granting of a variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

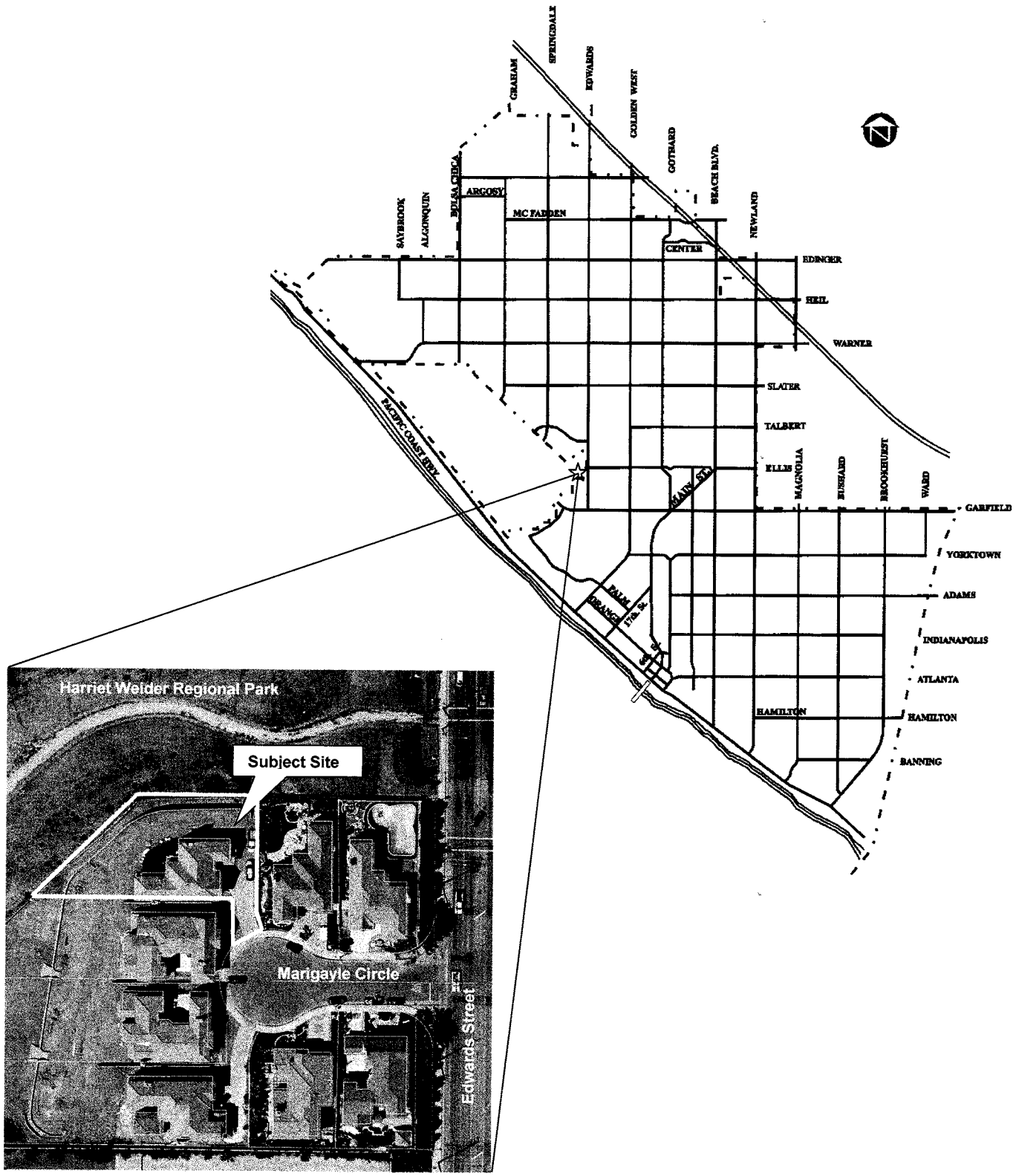
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

If the Planning Commission finds that there is no basis for each of the findings listed above, the application must be denied.

ATTACHMENTS:

1. Vicinity Map
2. Original Plan: Site plan, floor plans, and elevations received and dated June 18, 2007
3. Alternative Plan: Site plan, floor plans, and elevations received and dated July 11, 2007
4. Project narrative received and dated August 7, 2007.
5. Zoning Administrator Notice of Action – VAR No. 07-007 dated July 12, 2007
6. Council Member Bohr appeal letter dated July 23, 2007



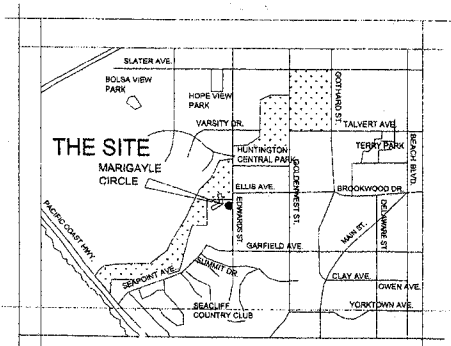
VICINITY MAP
VARIANCE NO. 07-007
(TINKER CARPORT ADDITION – 6465 MARIGAYLE CIRCLE)

ATTACHMENT NO. 1.1

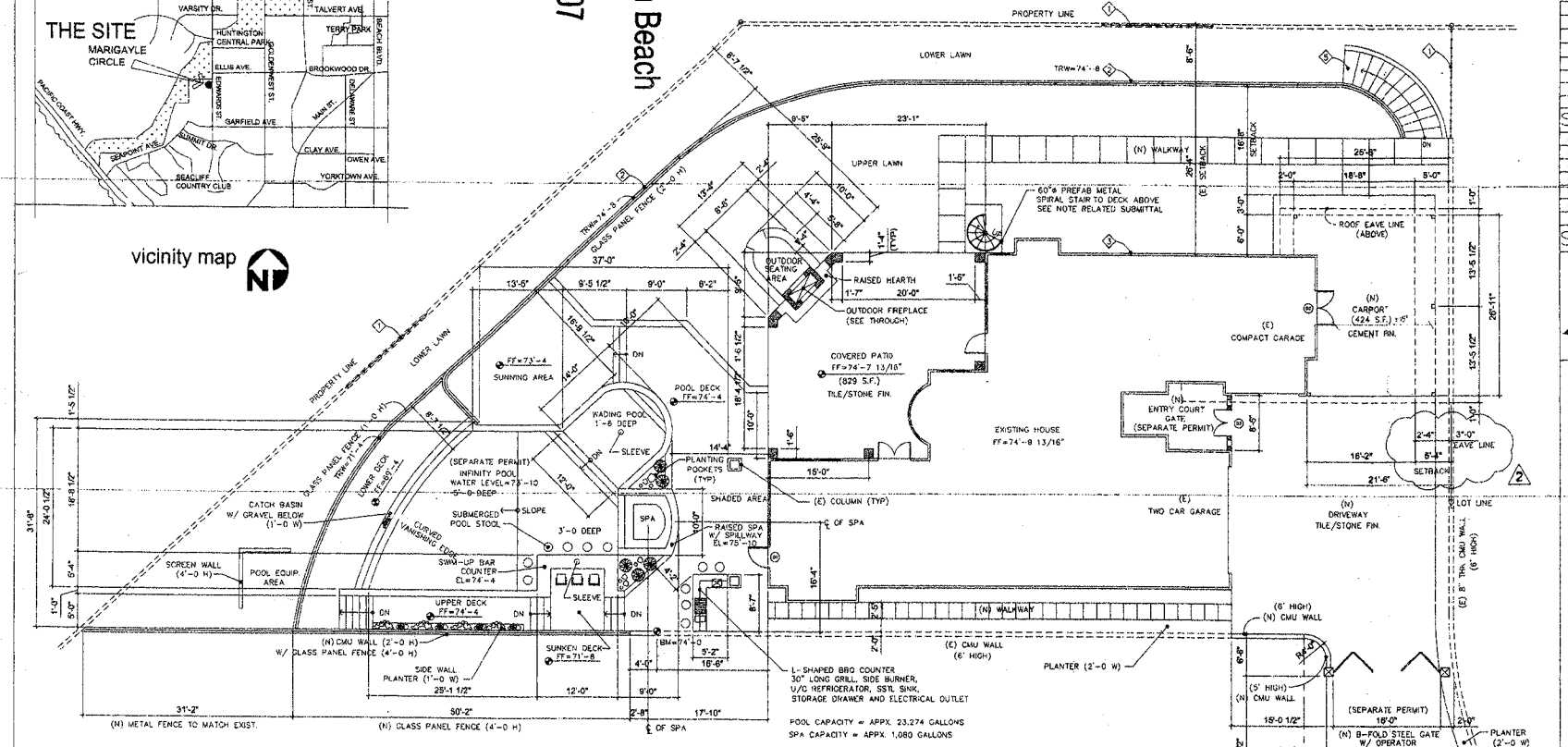
City of Huntington Beach

JUN 18 2007

ATTACHMENT NO. 2.1



vicinity map



site plan

SCALE: 1/8 = 1'-0"

ABBREVIATIONS

ABBREVIATION	DESCRIPTION
CONC	CONCRETE
DN	DOWN
FF	FINISH FLOOR
FG	FINISH GRADE
TRW	TOP OF RETAINING WALL
TYP	TYPICAL
(N)	NEW
(E)	EXISTING

SITE NOTES

1. EXISTING METAL FENCE
2. EXISTING RETAINING WALL
3. EXISTING LINE OF BUILDING FOOTPRINT
4. EXISTING SIDEWALK
5. EXISTING STEPS
6. EXISTING CMU WALL

SYMBOLS/LEGENDS

- DETAIL CALLOUT (DETAIL NO./SHEET NO.)
- (BUILDING SECTION CALLOUT (SECTION NO./SHEET NO.)

SCOPE OF WORK

1. SECOND FLOOR DECK:	535 SQ. FT.
2. PATIO COVER:	829 SQ. FT.
3. ROOF OVER PATIO W/ SKYLIGHT:	295 SQ. FT.
4. CARPORT:	424 SQ. FT.
5. ENCLOSED ROOF OVER (E) GARAGE:	872 SQ. FT.

RELATED SUBMITTALS & WORK

DEFERRED SUBMITTAL COMPONENTS:

1. PREFABRICATED METAL SPIRAL STAIR SYSTEMS - DESIGN/BUILD
2. POOL / SPA & RELATED MECHANICAL SYSTEMS - DESIGN/BUILD (UNDER SEPARATE PERMIT)

DESIGN/BUILD CONTRACTOR FOR DEFERRED SUBMITTAL COMPONENT SHALL BE RESPONSIBLE FOR OBTAINING EACH RESPECTIVE DEFERRED SUBMITTAL, APPROVAL AND BUILDING PERMIT BY THE CITY OF HUNTINGTON BEACH AND ANY AGENCIES HAVING JURISDICTION OVER THE WORK.

DESIGN & SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE STAMPED & SIGNED BY BY THE APPROPRIATELY LICENSE INDIVIDUAL RESPONSIBLE FOR THE DESIGN.

THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE DEPARTMENT OF BUILDING & SAFETY FOR CONSTRUCTION.

TABULATIONS

lot size	(00'-0 x 000'-0)	14,800 sq. ft.
existing floor area		
EXISTING FLOOR AREA		5,352 sq. ft.
new floor addition		
NEW COVERED FLOOR ADDITION		1,367 sq. ft.
TOTAL (EXISTING and NEW FLOOR AREA)		6,719 sq. ft.
LOT COVERAGE		
TOTAL NEW & EXISTING ÷ LOT SIZE x 100	Max. Lot Coverage Req'd (50 % of Lot)	45 %

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE 2002 EDITION OF THE LA COUNTY CALIFORNIA BUILDING CODE AND/OR LOCAL ORDINANCE.
2. THESE NOTES SHALL BE USED IN CONJUNCTION WITH THE PLANS AND ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE OR THE ENGINEER IN CHARGED.
3. CONTRACTOR MUST CHECK DIMENSIONS, FRAMING CONDITIONS, AND SITE CONDITIONS BEFORE STARTING WORK. OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES OR POSSIBLE DEFICIENCIES.
4. CONDITIONS NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED AS SPECIFIED IN TYPICAL DETAILS FOR THE RESPECTIVE MATERIALS.
5. ALL EXTERIOR DOORS & WINDOWS SHALL COMPLY WITH CITY OF HUNTINGTON BEACH SECURITY REQUIREMENTS.
6. ALL CONDITIONS NOTED AS EXISTING ARE BASED ON THE BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. THE CONTRACTOR IS TO VERIFY ALL CONDITIONS BEFORE STARTING WORK. SHOULD CONDITIONS ARISE WHICH ARE DIFFERENT FROM THOSE SHOWN ON THE DRAWINGS, THE OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY AND ADDITIONAL DRAWINGS BASED ON MORE ACCURATE INFORMATION WILL BE PREPARED.
7. THE DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. ALL BRACING, TEMPORARY SUPPORTS, SHORING, ETC. IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. OBSERVATION VISITS TO THE JOBSITE BY THE OWNER'S REPRESENTATIVE DO NOT INCLUDE INSPECTION OF CONSTRUCTION PROCEDURES. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION METHODS AND FOR SAFETY CONDITIONS AT THE WORKSITE. THESE VISITS SHALL NOT BE CONSTRUED AS CONTINUOUS AND DETAILED INSPECTIONS.

LEGAL DESCRIPTION

LOT NO. 3
HOUSING TRACT NO. 15690
MAP FILE BOOK # 835, PAGE 12 & 13

PROFESSIONAL ENGINEER
GIL SOLDIVILLO (PE)
GS ENGINEERING
581 S. GILBUCK DRIVE
ANAHEIM, CA 92802
TEL. (714)-635-6835
FAX. (714)-991-8635

DESIGNER:
ROMEO DONEZA
11203 AGNES STREET
CERRITOS, CA 90703
TEL. (562)-728-4282

PROJECT: NAUTICAL NORTH
MARIGAYLE CIRCLE
TRACT 15690
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER

HUNTINGTON BEACH, CA 92646

SUBMITTALS

PLAN CHECK	
1-08-07	RESUBMITTAL

REVISIONS

1-03-07	REVISED AS SHOWN
1-29-07	REVISED AS SHOWN

PROJECT: Proposed Carport, ~~Pool Spa~~ Patio & Deck

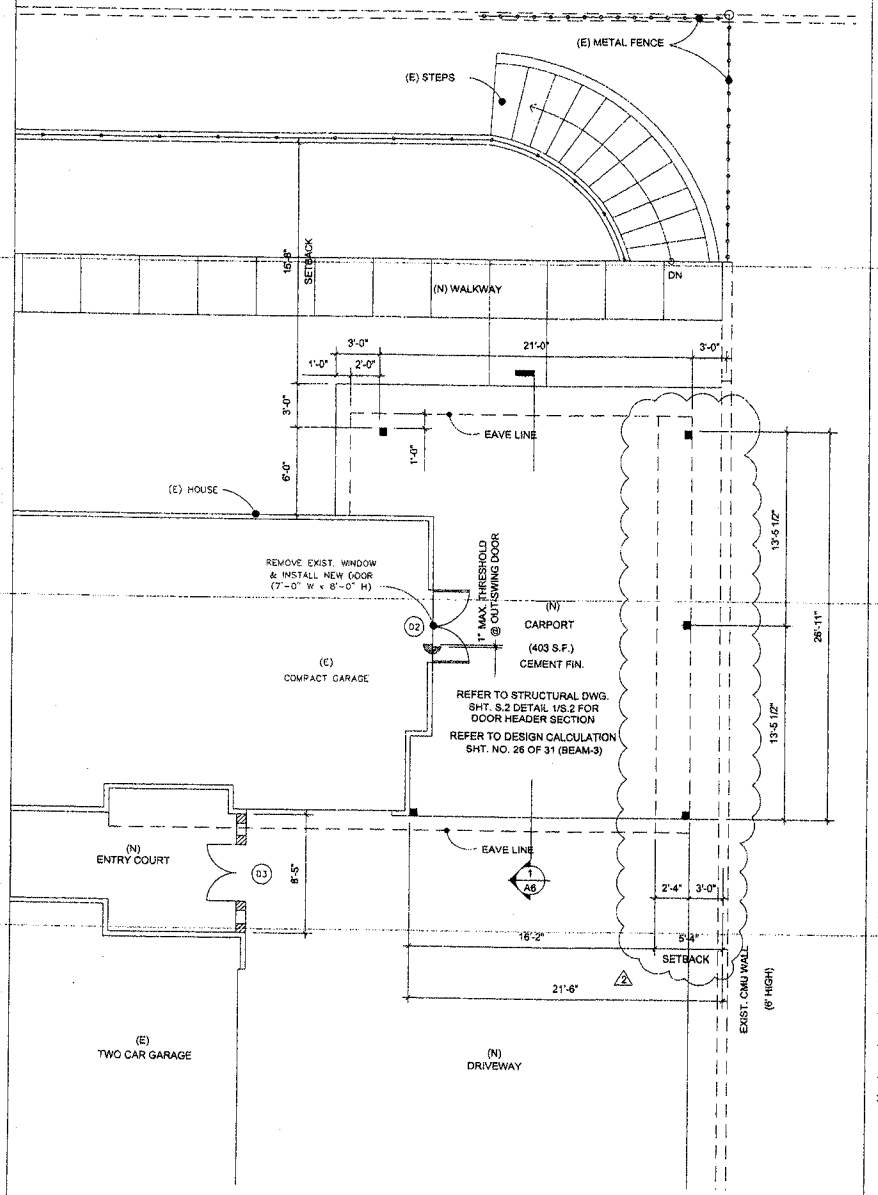
CHECKED BY: FT
DRAWN BY: RBD

SHEET TITLE: site plan, abbreviations, site notes, symbols

SHEET NUMBER: A-1

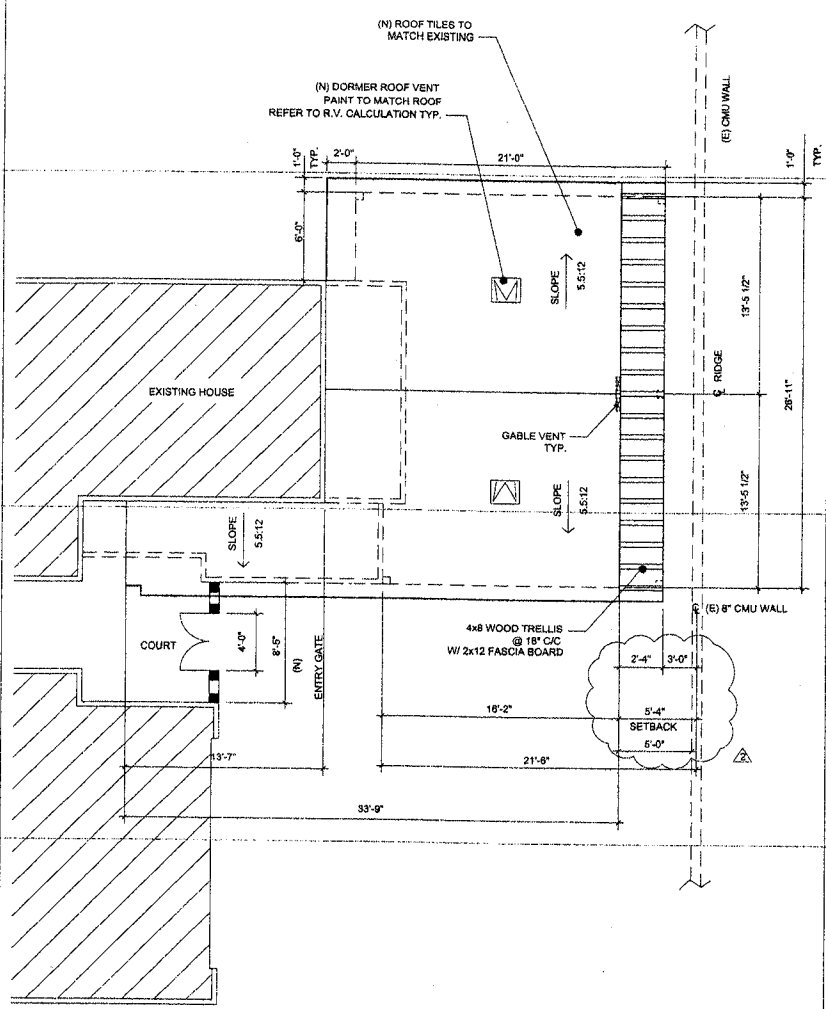
DATE: January 28, '07

ATTACHMENT NO. 2.2



carport enlarged plan

SCALE: 1/4 = 1'-0"



carport roof enlarged plan

SCALE: 1/4 = 1'-0"

ROOF VENTILATION CALCULATION

672 SQ. FT. / 300 x 144 = 322 SQ. IN. REQ'
322 SQ.IN. / 2 = HIGH S.I. REQ'D = 161 SQ.I
322 SQ.IN. / 2 = LOW S.I. REQ'D = 161 SQ.I

VENT PROVIDED	S.I. PROVIDED
(2) VENT HIGH @ 130 S.I. EA	= 260 S.I.(DORMI
(2) VENT LOW @ 87 S.I. EA	= 174 S.I.(GABLE
TOTAL PROVIDED	= 434 S.I.

G.I. DORMER VENT W/ MIN. 130 SQ. IN. BY "PLYCO" HALF-ROUND 1224DT (7 1/2"x 14 1/2")

G.I. GABLE VENT W/ MIN. 87 SQ. IN. BY "PLYCO" 7148-S (7 1/2"x 14 1/2")

DIRECTION OF ROOF SLOPE (5.5:12 PITCH U.N.O.)

NAUTICAL NORTH
MARIGAYLE CIRCLE

TRACT 15890
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER LOT-3

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN REVIEW
1-08-07	RESUBMITTAL

REVISIONS

1-03-07	REVISED AS SHOWN
1-26-07	REVISED AS SHOWN

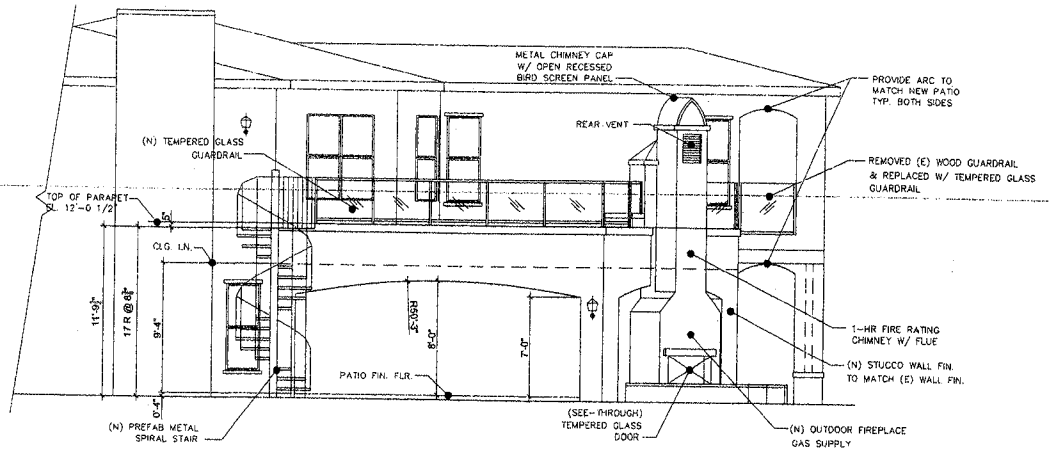
Proposed Carport, Patio & Deck

CHECKED BY: FT
DRAWN BY: RBD

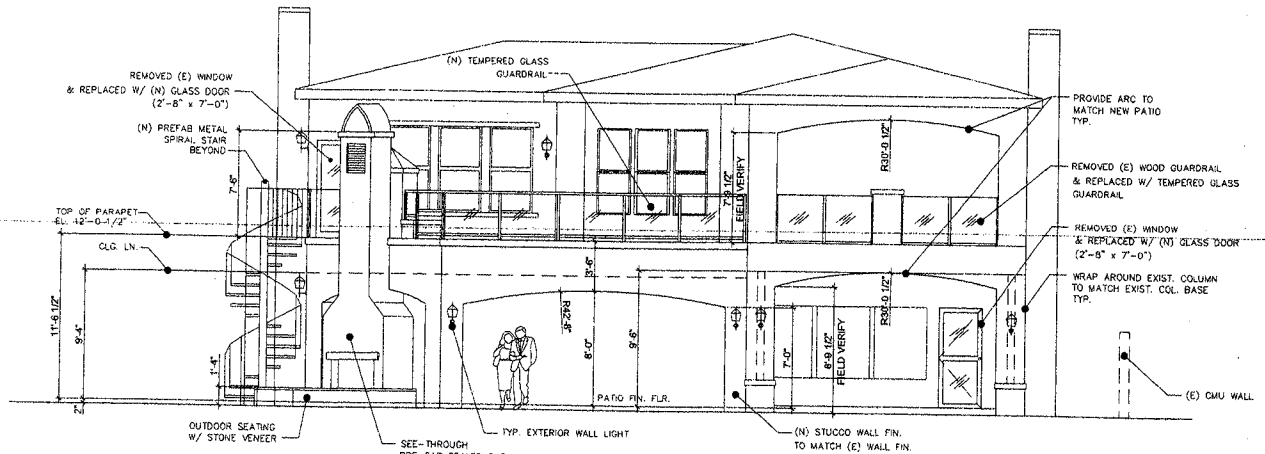
SHEET TITLE
carport enlarged plan
carport roof enlarged plan

SHEET NUMBER
A 4

DATE
January 29, '07



North elevation
SCALE: 1/4" = 1'-0"



West elevation
SCALE: 1/4" = 1'-0"

ATTACHMENT NO. 2.3

PROJECT
NAUTICAL NORTH
MARIGAYLE CIRCLE
TRACT 15890
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER
HUNTINGTON BEACH, CA 92648

SUBMITTALS
PLAN CHECK

REVISIONS

PROJECT
Proposed Carport, Patio & Deck

CHECKED BY
FT

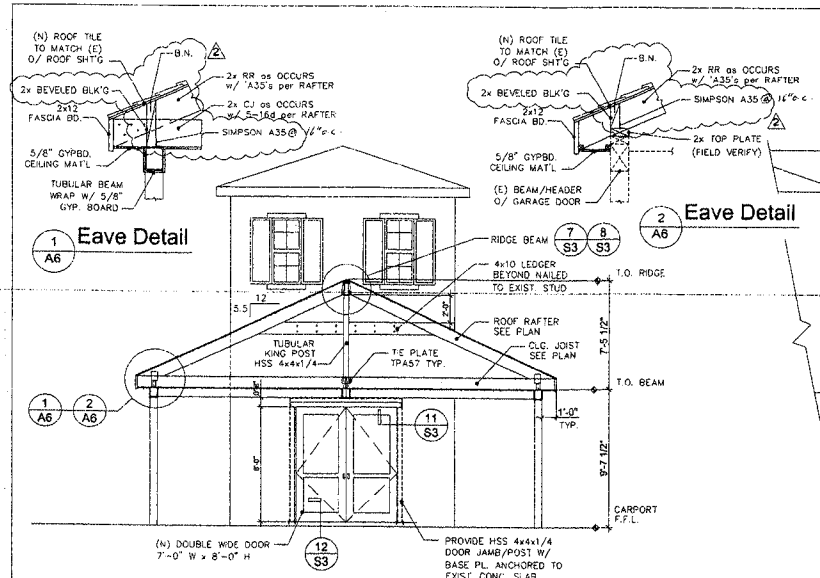
DRAWN BY
RBD

SHEET TITLE
patio & deck elevations

SHEET NUMBER
A.5

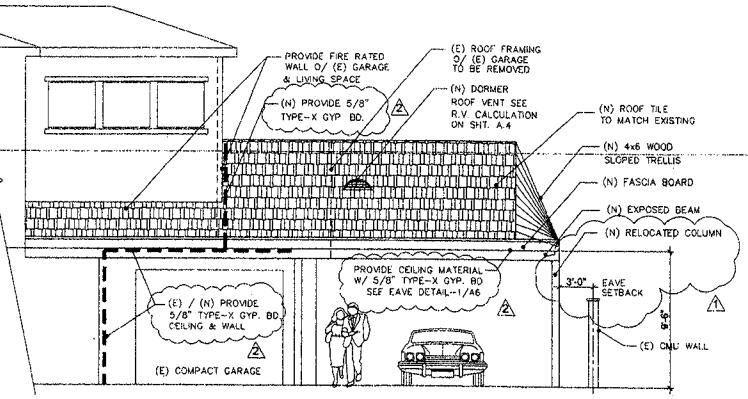
November 25, '08
DATE

REGISTERED PROFESSIONAL ENGINEER
GIL SOLDIVILLO
No. 40145
Exp: 6-30-08
CIVIL
STATE OF CALIFORNIA



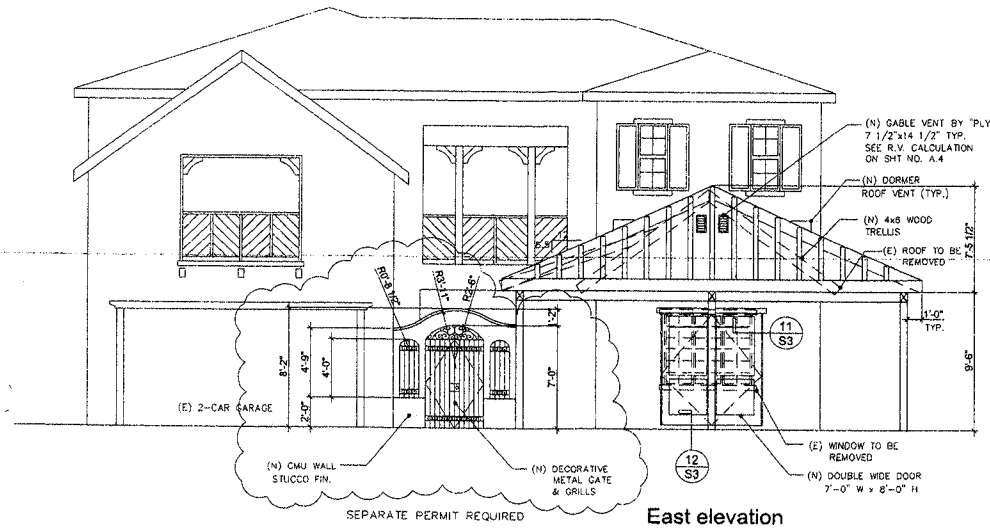
Building Section

SCALE: 1/4" = 1'-0"



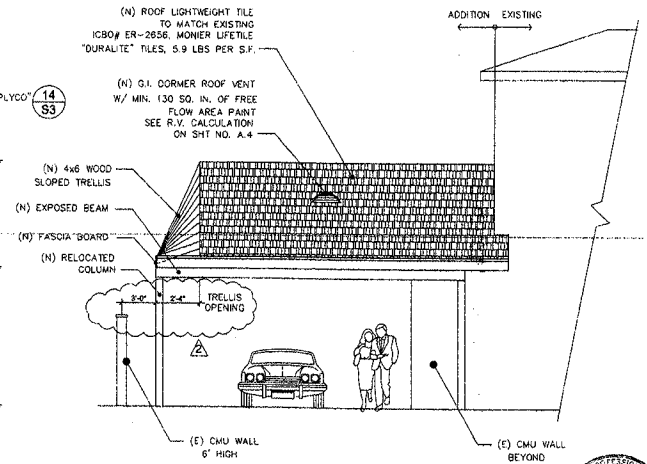
South elevation

SCALE: 1/4" = 1'-0"



East elevation

SCALE: 1/4" = 1'-0"



North elevation

SCALE: 1/4" = 1'-0"

ATTACHMENT NO. 2.4

PROJECT
NAUTICAL NORTH
MARIGAYLE CIRCLE
TRACT 15880
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER

HUNTINGTON BEACH, CA 92648

SUBMITTALS

PLAN CHECK	
1-08-07	RESUBMITTAL

REVISIONS

1	1-02-07	REVISED AS SHOWN
2	1-29-07	REVISED AS SHOWN
3		
4		
5		
6		

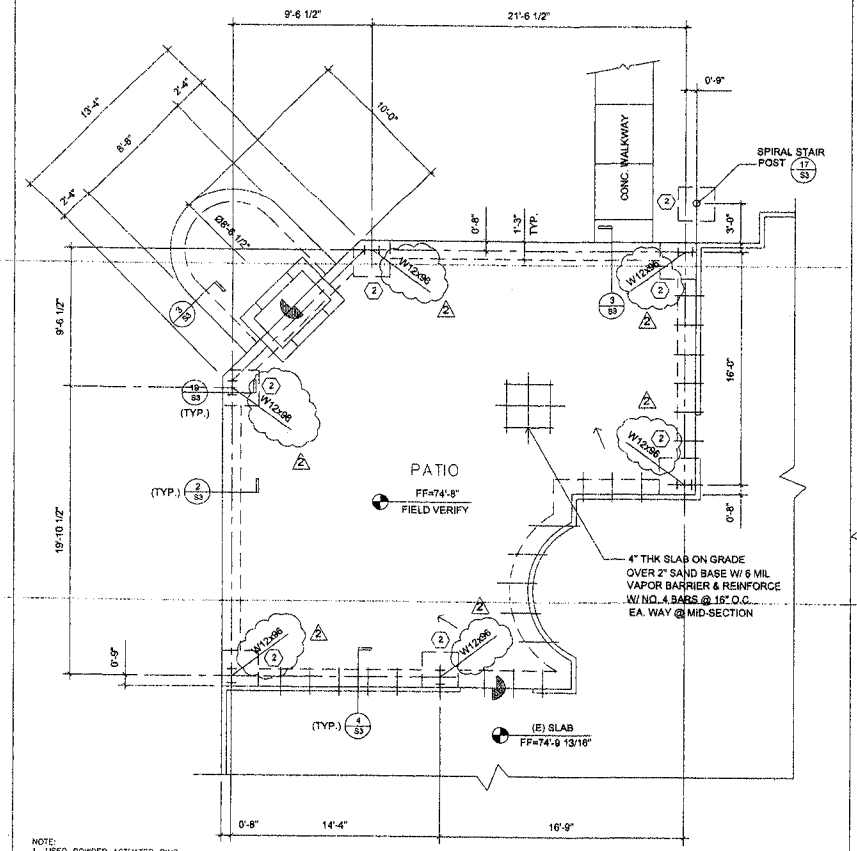
PROJECT
Proposed Carport, Patio & Deck

CHECKED BY: FT
DRAWN BY: FRED

SHEET TITLE
carport elevations
building section

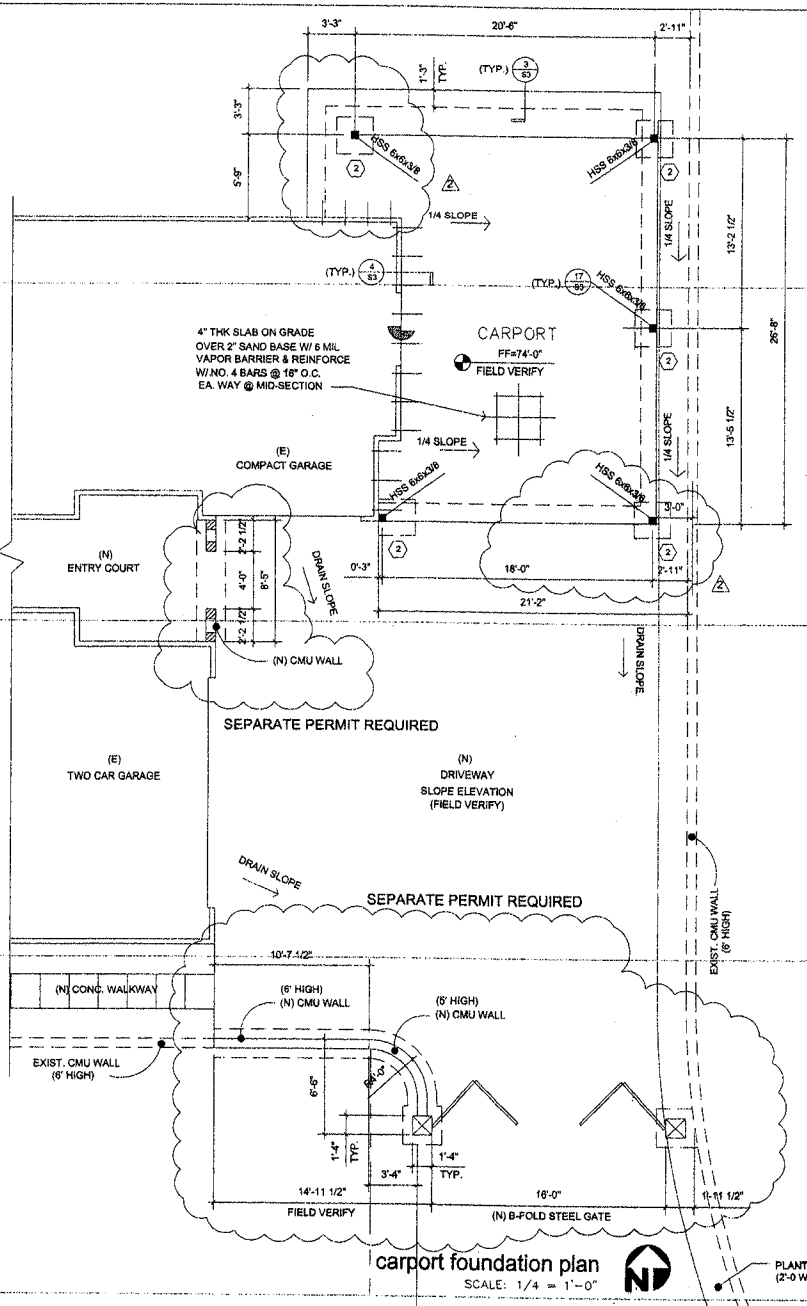
SHEET NUMBER
A 6

DATE
January 29, 2007



NOTE:
1. USED POWDER ACTUATED PINS TO FASTEN THE SILL PLATE TO CONCRETE SLAB U.N.O. ON FND. PLAN
2. SILL PLATE SHALL BE PRESSURE TREATED DOUGLAS FIR LARCH.

patio foundation plan
SCALE: 1/4 = 1'-0"



carport foundation plan
SCALE: 1/4 = 1'-0"

STRUCTURAL STEEL

- ALL STRUCTURAL STEEL SHALL CONFORM TO THE REQUIREMENTS OF ASTM AND SHALL BE FABRICATED AND ERECTED ACCORDING TO THE LATEST AISC SPECS.
- ALL SHOP AND FIELD BOLTED CONNECTIONS SHALL BE 3/4"ø A325N BOLT.
- WELDING SHALL CONFORM WITH THE LATEST WELDING CODE, AWS D.1. ALL FIELD WELDING SHALL BE CONTINUOUSLY INSPECTED BY REGISTERED DEPUTY INSPECTOR. ELECTRODES SHALL BE E70XX.
- STEEL MEMBERS SHALL CONFORM TO THE FOLLOWING MATERIAL SPECIFICATIONS.
  - A. WIDE FLANGE AND WT MEMBERS: ASTM A572 GRADE 50
  - B. PLATES, ANGLES AND CHANNELS: ASTM A36
  - C. STRUCTURAL TUBES: ASTM A500, GRADE B
  - D. STRUCTURAL PIPES: ASTM A53, TYPE "S", GRADE B
  - E. DUAL CERTIFICATION MATERIAL MAY BE USED FOR STEEL SHAPES PROVIDED IT MEETS THE SPECIFICATION FOR THE MEMBERS FOR WHICH IT IS BEING SUBSTITUTED. EXCEPT FOR MOMENT FRAME BEAMS.
- ALL FABRICATION SHALL BE DONE IN THE SHOP OF FABRICATOR LICENSED BY THE CITY OF HUNTINGTON BEACH OR UNDER CONTINUOUS INSPECTION.
- SUBMIT SHOP DRAWINGS FOR REVIEW BY ENGINEER OF RECORD, PRIOR TO FABRICATION.
- THE E71T-8 SHALL BE USED MOMENT CONNECTION WELDING.

FOUNDATION

- CONCRETE TO BE AT 2500 P.S.I. AT 28 DAYS.
- TYPICAL SLAB ON GRADE: 4" CONCRETE w/#4 BARS @ 16" O.C. EACH WAY AT CENTER OF SLAB w/ 2" OF CLEAN SAND o/ 6 MIL VAPOR BARRIER o/ 2" OF CLEAN SAND (MIN).
- SUB-SLAB PREPARATION:
  PREPARE BUILDING SITE PER UBC CHAPTER 33. ALL STUMPS AND ROOTS SHALL BE REMOVED FROM THE SOIL TO A DEPTH OF AT LEAST 12 INCHES BELOW THE SURFACE OF THE GROUND IN THE AREA TO BE OCCUPIED BY THE BUILDING. SUBGRADE SHALL BE COMPACTED TO 90% RELATIVE DENSITY. PLACE SLAB, REINFORCING, AND UNDERLAYMENT PER SLAB NOTE ON DRAWING.
- TIE BAR REINFORCING FOR TWO POUR FOOTING AND SLAB SHALL BE 3/8" (#3) DEFORMED BARS AT 18" O.C. THE DOWELS SHALL HOOK OVER THE OUTSIDE OF HORIZONTAL REBARAT THE TOP OF FOOTING, EXTENDING VERTICALLY TO 3" ABOVE THE BOTTOM OF THE FOOTING, AND A MINIMUM OF 24" HORIZONTALLY INTO THE SLAB.
- PATIO AND WALKWAY FLATWORK REINFORCEMENT SHALL BE 3/8" (#3) DEFORMED BARS AT 24" O.C. EACH WAY.
- THE MINIMUM LONGITUDINAL REINFORCEMENT FOR CONTINUOUS FOOTINGS SHALL BE ONE #4 BAR (1/2") ON THE TOP PORTION AND ONE #4 BAR IN THE BOTTOM PORTION OF THE FOOTING (U.O.N.)
- THE FOOTINGS SHALL COMPLY WITH THE REQ'S OF TABLE 18-I-C.
- SLAB SHALL HAVE CONTROL JOINTS. PROVIDE JOINTS @ 25'-0" O.C. (MAX.) UNLESS OTHERWISE NOTED ON PLANS.
- FOUNDATION TRENCHES SHALL BE MADE TO THE WIDTH, LENGTH, AND DEPTH REQUIRED. FINISH WITH LEVEL BOTTOM ON COMPACTED SOLID MATERIAL. WHERE EXCAVATIONS ARE MADE DEEPER THAN INDICATED, SUCH ADDITIONAL DEPTH SHALL BE FILLED WITH CONCRETE AS SPECIFIED FOR FOOTINGS

FOOTING NOTES

1. ALL EXISTING FILL AND UNSTRUCTURED NATURAL SOILS ARE TO BE EXCAVATED AND REPLACED WITH PROPERLY COMPACTED FILL. ALL PILLARS, BACKFILLING, RECOMPACTION, ETC. IS TO BE PERFORMED ONLY UNDER THE SUPERVISION OF A SOILS ENGINEER.
2. ALL EXCAVATIONS ARE TO BE INSPECTED AND APPROVED BY A CITY ENGINEER PRIOR TO THE PLACEMENT OF ANY CONCRETE OR REINFORCING STEEL.
3. REINFORCING STEEL SHALL CONFORM TO ASTM A615, GRADE 40 FOR SIZES #3 AND #4 AND GRADE 60 FOR SIZES #5 AND LARGER.
4. ALL FOUNDATION PLATES OR SILLS AND BOLTS/PINS ON A CONCRETE OR MASONRY FOUNDATION, WHICH IS IN DIRECT CONTACT WITH EARTH SHALL BE TREATED WITH AN APPROVED PRESERVATIVE.
5. ALL BARS IN CONCRETE SHALL BE LAPPED A MINIMUM OF 36 BAR DIAMETERS (0'-0" MIN) AT ALL SPLICES UNLESS NOTED OTHERWISE.
6. ALL BENDING OF REINFORCING STEEL SHALL CONFORM TO THE LATEST REVISION OF THE UNIFORM BUILDING CODE.
7. ALL CONCRETE SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS.
8. AGGREGATES SHALL BE NATURAL SAND AND ROCK CONFORMING TO ASTM C33.
9. ANCHOR BOLTS: 5/8"Ø x 10" EMBEDMENT ?" AND SPACED 4'-0" ON CENTER WITH 2 1/2"x3" PLATE WASHERS, WITH MINIMUM 2 ANCHOR BOLTS PER PLATE LOCATED NOT MORE THAN 12" OR LESS THAN 7 BOLT DIAMETERS FROM EACH END OF THE PIECE (U.N.O.)
10. SEE DETAIL SHEETS FOR ADDITIONAL REQUIREMENTS AND INFORMATION.
11. REFER TO STRUCTURAL NOTES SHEET FOR ADDITIONAL SPECIFICATIONS WHICH CONFORM IF THERE IS A CONFLICT WITH THIS NOTE ON THIS SHEET.

FOOTING PAD SCHEDULE

PAD NO.	FOOTING SIZE	REINFORCING
1	2'-0" SQ. x 12" THK.	3 - #4 EA. WAY
2	2'-6" SQ. x 18" THK.	4 - #4 EA. WAY

PROJECT
NAUTICAL NORTH
MARIGAYLE CIRCLE
TRACT 15880
HUNTINGTON BEACH, CA.

PROJECT OWNER
FRED & BARBARA TANNER LOT-3

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN CHECK
1-08-07	RESUBMITTAL

REVISIONS

1	1-03-07	REVISED AS SHOWN
2	1-29-07	REVISED AS SHOWN
3		
4		
5		

PROJECT
Proposed Carport, Patio & Deck

CHECKED BY: FT
DRAWN BY: RBD

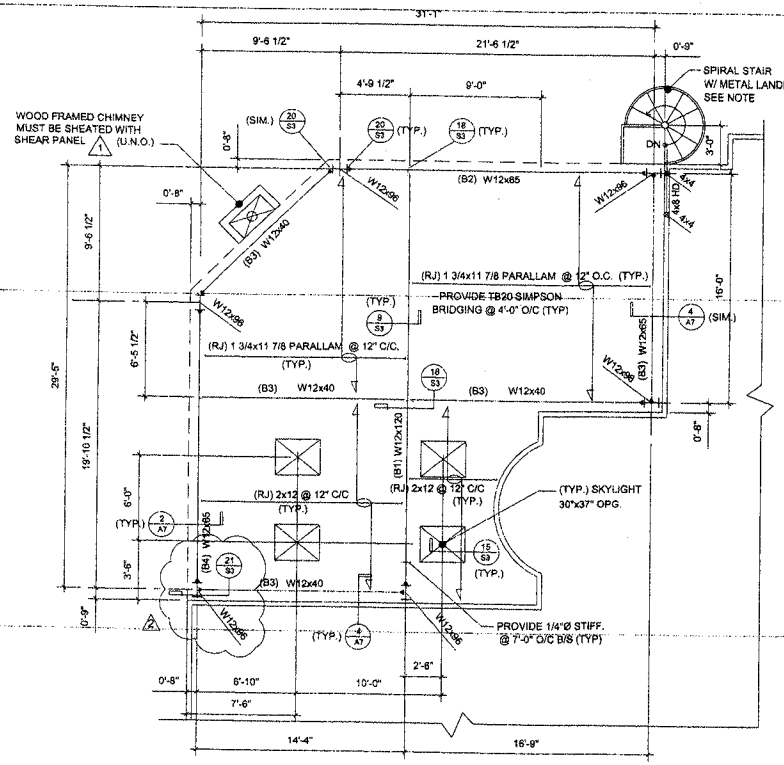
SHEET TITLE
patio & carport foundation plan

REGISTERED PROFESSIONAL ENGINEER CIVIL STATE OF CALIFORNIA
No. 50148
Exp: 6-30-08

SHEET NUMBER
S1

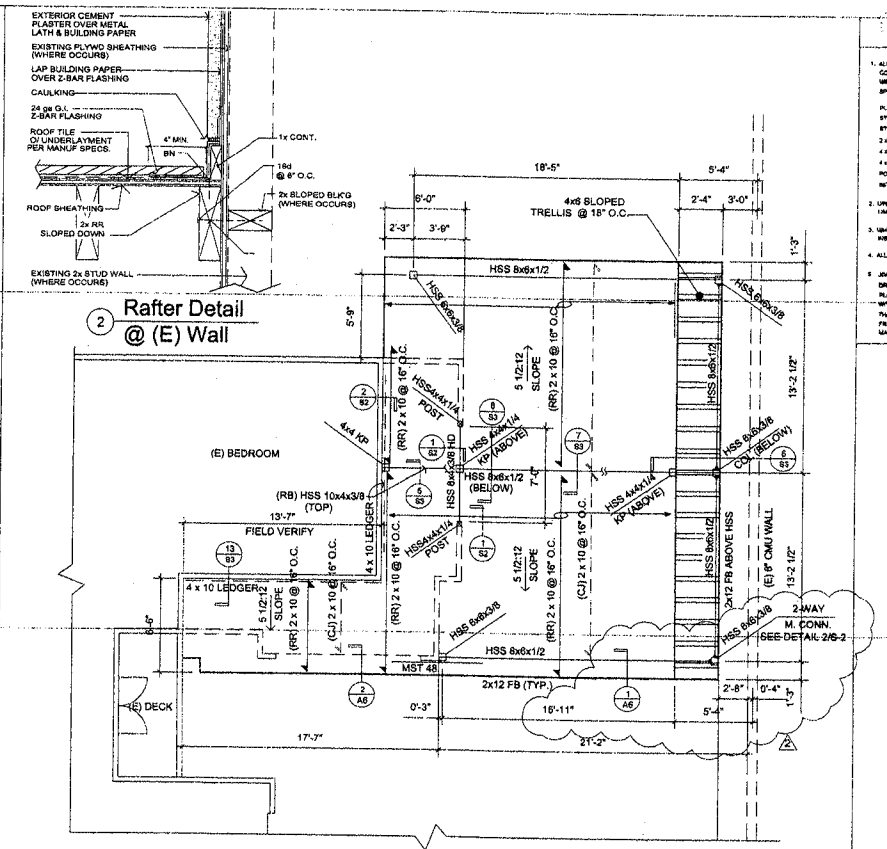
DATE
January 29 '07

ATTACHMENT NO. 2.5



patio roof framing plan

SCALE: 1/4 = 1'-0"



2 Rafter Detail @ (E) Wall

carport roof framing plan

SCALE: 1/4 = 1'-0"

LEGENDS:

- 4'-6" — INDICATES SHEAR WALL PANEL & LENGHT, SEE PLAN
- DIRECTION SPAN OF 2x ROOF RAFTER (RR)
- DIRECTION SPAN OF 2x CEILING JOIST (CJ)
- SHEAR PANEL - PLYWOOD ON ONE SIDE
- 6x TUBULAR POST (U.N.O.)
- 4x WOOD POST (U.N.O.)
- RJ — SIMPSON BM-JOIST HANGER
- MOMENT CONNECTION
- SHEAR PLATE CONNECTION

ABBREVIATIONS:

HD = HEADER
CJ = CEILING JOIST
RR = ROOF RAFTER
RJ = ROOF JOIST
RB = RIDGE BOARD
HR = HIP RAFTER
VR = VALLEY RAFTER
FB = FASCIA BOARD
B1 = BEAM
KP = KING POST

SHEAR WALL SCHEDULE

PANEL	WOOD STRUCTURAL PANEL	NAILING	AB'S	TOP PL.	HOLDOWN	SHEAR ALLOWANCE (#/FT)
1	3/8" C-D, C-C, SHEATING OR 5/16" STRUCTURAL I	6D NAILS O.C. @ 12" O.C. TO INTERMEDIATE SUPPORTS	5/8"Ø @ 48" O.C. 12" LONG	A35 @ 24" O.C.	HPAHD22 (STRAP STYLE)	(TABLE 23 -II-I-1) 200 #/LF

1997 UNIFORM BUILDING CODE, SECTION 1003.3.3.8.3

SPIRAL STAIRWAYS (SUMMARY):

1.) THE AREA SERVED BY THE STAIRWAY SHALL BE LIMITED TO 400 SQUARE FEET WHEN USED AS THE REQUIRED MEANS OF EGRESS.

2.) THE STAIR STRINGERS OR SUPPORTS SHALL BE DESIGNED FOR A UNIFORM LOAD OF 100 POUNDS PER SQUARE FOOT.

3.) INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 300 POUNDS LOAD AT THE POINT OF MAXIMUM STRESS.

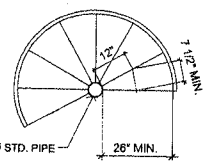
4.) THE TREADS SHALL PROVIDE A CLEAR WALKING AREA OF 26 INCHES.

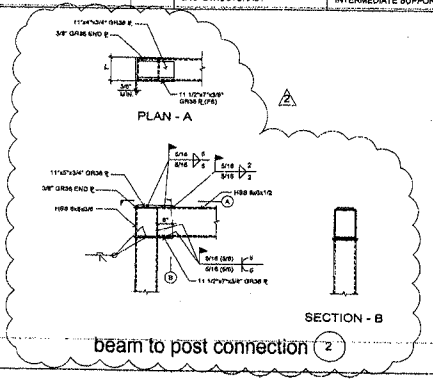
5.) A MINIMUM 7 1/2" RUN SHALL BE PROVIDED AT 12" FROM THE END OF THE NARROWEST PORTION OF TREAD.

6.) A MINIMUM 6'-6" CLEAR HEADROOM SHALL BE PROVIDED.

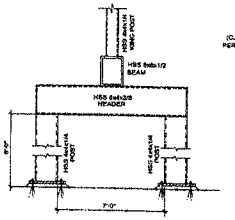
7.) THE MAXIMUM RISER SHALL BE 9 1/2" MAXIMUM 4" OPENING.

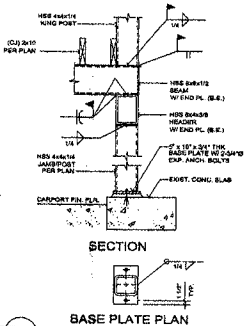
9.) A GUARDRAIL (UBC 509) AND HANDRAIL (UBC 1003.3.3.6) ARE REQUIRED.





beam to post connection (2)





exterior jamb/post detail (1)

FRAME NOTES

1. ALL STRUCTURAL LUMBER SHALL BE DOUGLAS FIR-LARCH WITH 19% MAXIMUM MOISTURE CONTENT OF THE FOLLOWING GRADES, CONFORMING TO STANDARD GRADING RULES FOR WEST COAST LUMBER NO. 17, UNLESS NOTED OTHERWISE. THE LUMBER GRADES AS SPECIFIED BELOW MEET MINIMUM REQUIREMENTS.

PLATES, BLOCKING	STD OR BTR
STUDS TO 10'-0" M HEIGHT	STD OR BTR
STUDS OVER 10'-0" M HEIGHT	NO.2 870 Fb
2 x RAFTERS, JOISTS	NO.2 870 Fb
4 x BEAMS, HEADERS AND POSTS	NO.2 870 Fb
4 x 4 POSTS, HEADERS	STD OR BTR
POSTS AND TIMBERS (6 x AND LARGER)	NO. 1 1350 Fb
BEAMS AND STRINGERS (6 x AND LARGER)	NO. 1 1350 Fb

2. UNLIKELY GRADE LUMBER IS UNACCEPTABLE FOR ANY PURPOSE INCLUDING, BUT NOT LIMITED TO, BRACING, SILLS OR CRIPPLE STUDS.

3. WHERE POSSIBLE ALL LUMBER GRADE STAMPS SHALL REMAIN ON LUMBER AFTER INSTALLATION.

4. ALL WOOD BEARING ON CONCRETE OR MASONRY SHALL BE PRESSURE TREATED FIR.

5. JOIST HANGERS AND OTHER METAL FRAMING ACCESSORIES ARE REFERRED TO ON THE DRAWINGS BY A PARTICULAR TYPE AS MANUFACTURED BY SIMPSON STRONG-TIE COMPANY, PLEASANTON, CALIFORNIA (800-999-5099). ACCESSORIES OF OTHER MANUFACTURERS WITH EQUIVALENT LOAD CARRYING CAPACITIES AND CSO APPROVAL MAY BE SUBSTITUTED UPON THE ENGINEERS REVIEW AND APPROVAL. INSTALL ALL JOIST HANGERS AND OTHER METAL FRAMING AND ACCESSORIES PER MANUFACTURER'S RECOMMENDATIONS. USE MANUFACTURER'S RECOMMENDED FASTENERS TO ACHIEVE MAXIMUM RATED CAPACITIES.

PROJECT

NAUTICAL NORTH
MARIGAYLE CIRCLE
TRACT 15660
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER LOT-3

HUNTINGTON BEACH, CA 92648

SUBMITTALS

PLAN CHECK	
1-08-07	RESUBMITTAL

REVISIONS

1-03-07	REVISED AS SHOWN
1-29-07	REVISED AS SHOWN

PROJECT

Proposed Carport, Patio & Deck

CHECKED BY | DRAWN BY

FT | RBD

SHEET TITLE

roof framing plan
shear wall schedule
framing notes & legends
spiral stairway

REGISTERED PROFESSIONAL ENGINEER — RONALD DWAYNE BOWLES — No. 49146 — Exp: 6-30-08 — Civil — STATE OF CALIFORNIA

SHEET NUMBER

S 2

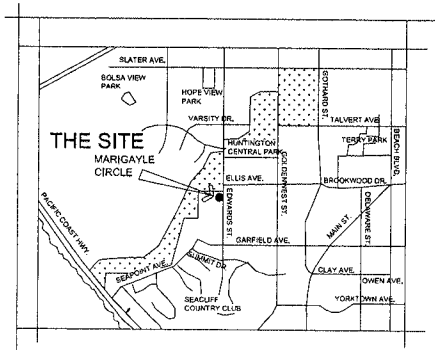
January 28, '07

ATTACHMENT NO. 2.6

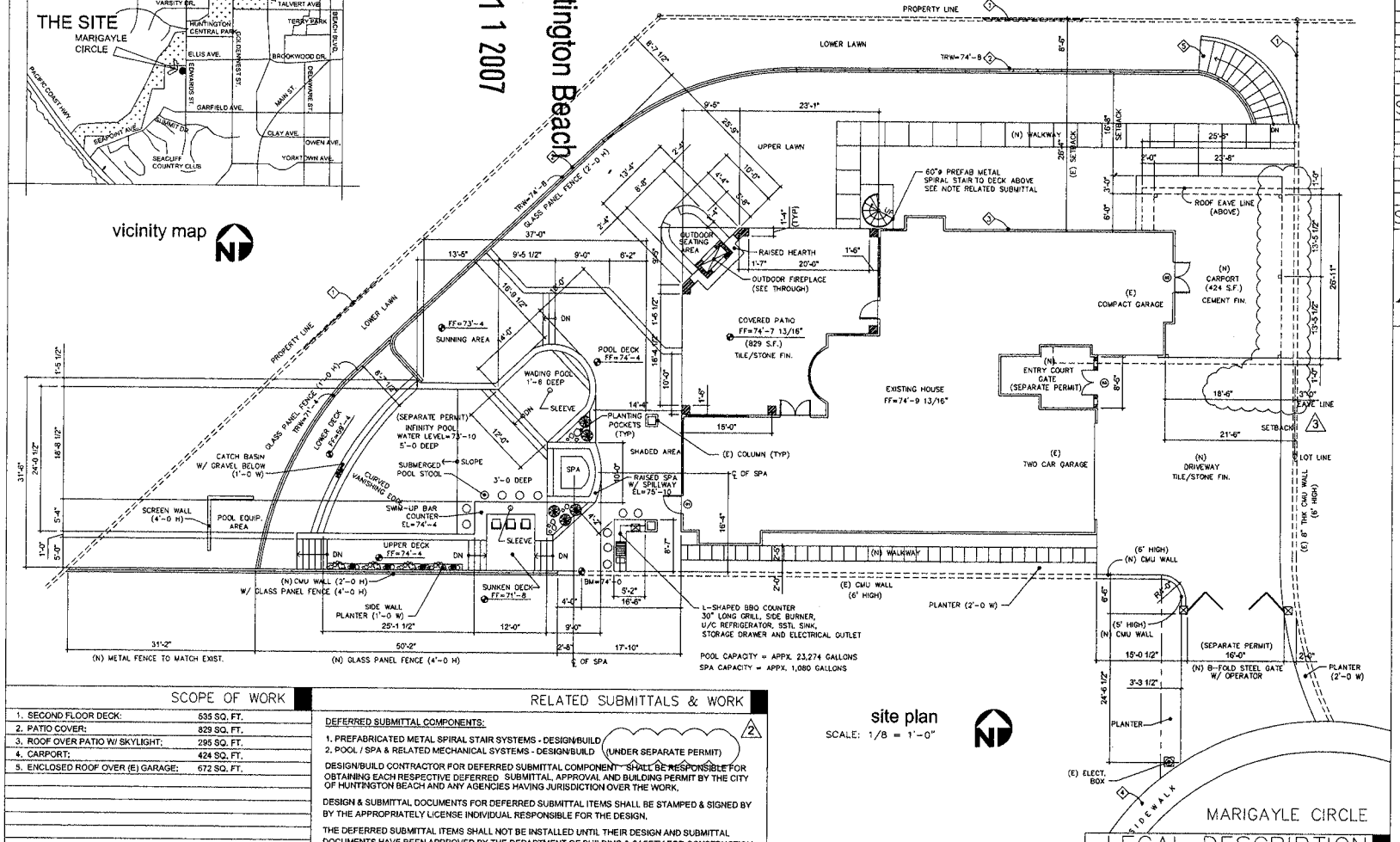
ATTACHMENT NO. 3.1

City of Huntington Beach

JUL 11 2007



vicinity map



site plan

SCALE: 1/8 = 1'-0"

SCOPE OF WORK

1. SECOND FLOOR DECK:	535 SQ. FT.
2. PATIO COVER:	829 SQ. FT.
3. ROOF OVER PATIO W/ SKYLIGHT:	295 SQ. FT.
4. CARPORT:	424 SQ. FT.
5. ENCLOSED ROOF OVER (E) GARAGE:	672 SQ. FT.

RELATED SUBMITTALS & WORK

DEFERRED SUBMITTAL COMPONENTS:

1. PREFABRICATED METAL SPIRAL STAIR SYSTEMS - DESIGN/BUILD
2. POOL / SPA & RELATED MECHANICAL SYSTEMS - DESIGN/BUILD (UNDER SEPARATE PERMIT)

DESIGN/BUILD CONTRACTOR FOR DEFERRED SUBMITTAL COMPONENT SHALL BE RESPONSIBLE FOR OBTAINING EACH RESPECTIVE DEFERRED SUBMITTAL, APPROVAL AND BUILDING PERMIT BY THE CITY OF HUNTINGTON BEACH AND ANY AGENCIES HAVING JURISDICTION OVER THE WORK.

DESIGN & SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE STAMPED & SIGNED BY BY THE APPROPRIATELY LICENSE INDIVIDUAL RESPONSIBLE FOR THE DESIGN.

THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE DEPARTMENT OF BUILDING & SAFETY FOR CONSTRUCTION.

TABULATIONS

lot size	(00'-0 x 000'-0)	14,890 sq. ft.
existing floor area		
EXISTING FLOOR AREA		5,352 sq. ft.
new floor addition		
NEW COVERED FLOOR ADDITION		1,367 sq. ft.
TOTAL (EXISTING and NEW FLOOR AREA)		6,719 sq. ft.
LOT COVERAGE		
TOTAL NEW & EXISTING ÷ LOT SIZE x 100	Max. Lot Coverage Req'd (60 % of Lot)	45 %

GENERAL NOTES

1. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE 2002 EDITION OF THE LA COUNTY CALIFORNIA BUILDING CODE AND/OR LOCAL ORDINANCE.
2. THESE NOTES SHALL BE USED IN CONJUNCTION WITH THE PLANS AND ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE OR THE ENGINEER IN CHARGED.
3. CONTRACTOR MUST CHECK DIMENSIONS, FRAMING CONDITIONS, AND SITE CONDITIONS BEFORE STARTING WORK. OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES OR POSSIBLE DEFICIENCIES.
4. CONDITIONS NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED AS SPECIFIED IN TYPICAL DETAILS FOR THE RESPECTIVE MATERIALS.
5. ALL EXTERIOR DOORS & WINDOWS SHALL COMPLY WITH CITY OF HUNTINGTON BEACH SECURITY REQUIREMENTS.
6. ALL CONDITIONS NOTED AS EXISTING ARE BASED ON THE BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. THE CONTRACTOR IS TO VERIFY ALL CONDITIONS BEFORE STARTING WORK. SHOULD CONDITIONS ARISE WHICH ARE DIFFERENT FROM THOSE SHOWN ON THE DRAWINGS. THE OWNER'S REPRESENTATIVE SHALL BE NOTIFIED IMMEDIATELY AND ADDITIONAL DRAWINGS BASED ON MORE ACCURATE INFORMATION WILL BE PREPARED.
7. THE DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. ALL BRACING, TEMPORARY SUPPORTS, SHORING, ETC. IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. OBSERVATION VISITS TO THE JOBSITE BY THE OWNER'S REPRESENTATIVE DO NOT INCLUDE INSPECTION OF CONSTRUCTION PROCEDURES. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION METHODS AND FOR SAFETY CONDITIONS AT THE WORKSITE. THESE VISITS SHALL NOT BE CONSTRUED AS CONTINUOUS AND DETAILED INSPECTIONS.

LEGAL DESCRIPTION

LOT NO. 3
HOUSING TRACT NO. 15690
MAP FILE BOOK # 835, PAGE 12 & 13

PROFESSIONAL ENGINEER
GIL SOLDIVILLO (PE)
GS ENGINEERING
581 S. GILBUCK DRIVE
ANAHEIM, CA 92802
TEL. (714)-635-8835
FAX. (714)-991-8635

DESIGNER:
ROMEO DONEZA
11203 AGNES STREET
CERRITOS, CA 90703
TEL. (562)-728-4262

ABBREVIATIONS

ABBREVIATION	DESCRIPTION
CONC	CONCRETE
DN	DOWN
FF	FINISH FLOOR
FG	FINISH GRADE
TRW	TOP OF RETAINING WALL
TYP	TYPICAL
(N)	NEW
(E)	EXISTING

SITE NOTES

1. EXISTING METAL FENCE
2. EXISTING RETAINING WALL
3. EXISTING LINE OF BUILDING FOOTPRINT
4. EXISTING SIDEWALK
5. EXISTING STEPS
6. EXISTING CMU WALL

SYMBOLS/LEGENDS

3 / L-2 — DETAIL CALLOUT (DETAIL NO./SHEET NO.)

1 / L-2 — BUILDING SECTION CALLOUT (SECTION NO./SHEET NO.)

PROJECT

NAUTICAL NORTH
MARIGAYLE CIRCLE

TRACT 15690
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN CHECK
1-08-07	RESUBMITTAL

REVISIONS

1	1-03-07	REVISED AS SHOWN
2	1-29-07	REVISED AS SHOWN
3	7-04-07	DELETED ROOF TRELLIS
4		
5		
6		

PROJECT

Proposed Carport, Pool, Spa, Patio & Deck

CHECKED BY: FT
DRAWN BY: RBD

SHEET TITLE

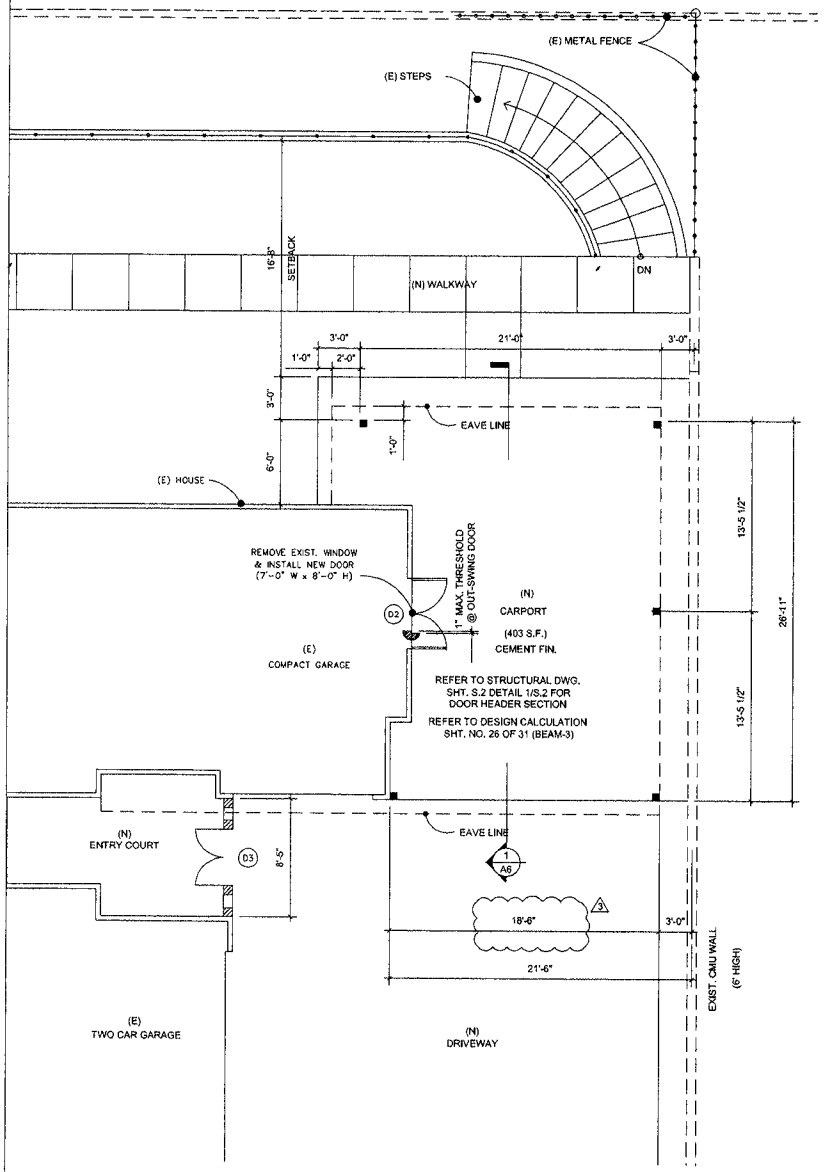
site plan
abbreviations
site notes
symbols

SHEET NUMBER

A.1

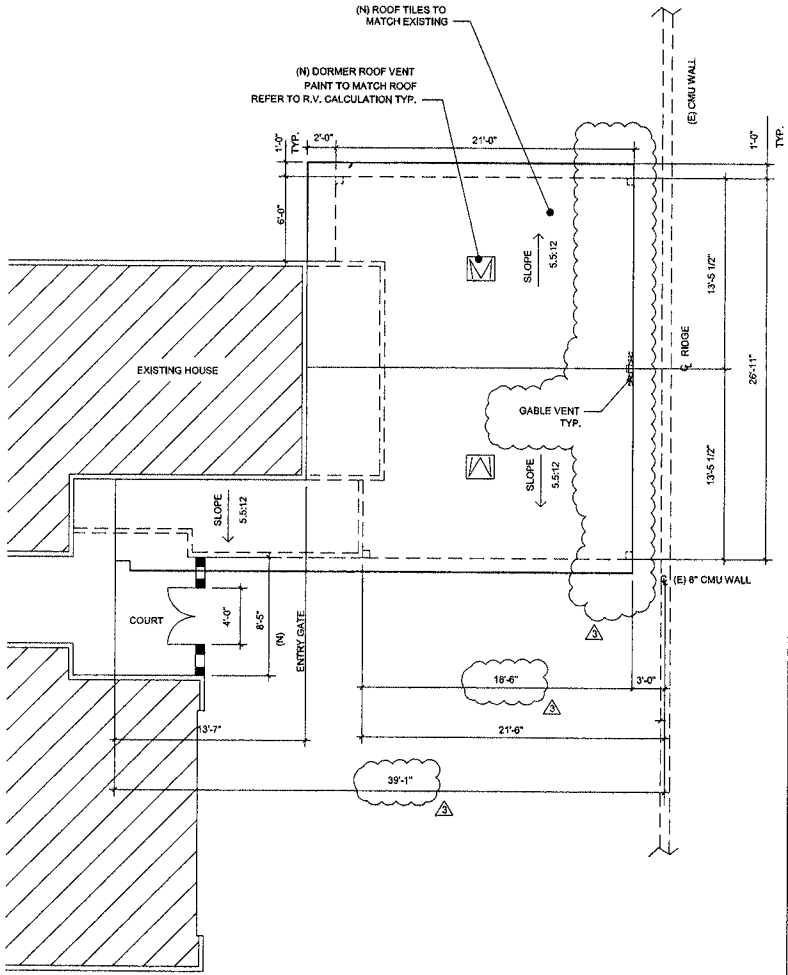
DATE

January 28, '07



carport enlarged plan

SCALE: 1/4 = 1'-0"



carport roof enlarged plan

SCALE: 1/4 = 1'-0"

ROOF VENTILATION CALCULATION

672 SQ. FT. / 300 x 144 = 322 SQ. IN. REQ'D.
322 SQ.IN. / 2 = HIGH S.I. REQ'D = 161 SQ.IN.
322 SQ.IN. / 2 = LOW S.I. REQ'D = 161 SQ.IN.

VENT PROVIDED	S.I. PROVIDED
(2) VENT HIGH @ 130 S.I. EA	= 260 S.I.(DORMER)
(2) VENT LOW @ 87 S.I. EA	= 174 S.I.(GABLE)
TOTAL PROVIDED	= 434 S.I.

G.I. DORMER VENT W/ MIN. 130 SQ. IN. BY "PLYCO" HALF-ROUND 1224DT (7 1/2"x 14 1/2")

G.I. GABLE VENT W/ MIN. 87 SQ. IN. BY "PLYCO" 7148-S (7 1/2"x 14 1/2")

DIRECTION OF ROOF SLOPE (5.5:12 PITCH U.N.O.)

PROJECT
NAUTICAL NORTH MARIGAYLE CIRCLE
TRACT 15690
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER LOT-3

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN REVIEW
1-08-07	RESUBMITTAL

REVISIONS

1	1-03-07	REVISED AS SHOWN
2	1-28-07	REVISED AS SHOWN
3	7-04-07	DELETED ROOF TRELLIS
4		
5		
6		

PROJECT
Proposed Carport, Patio & Deck

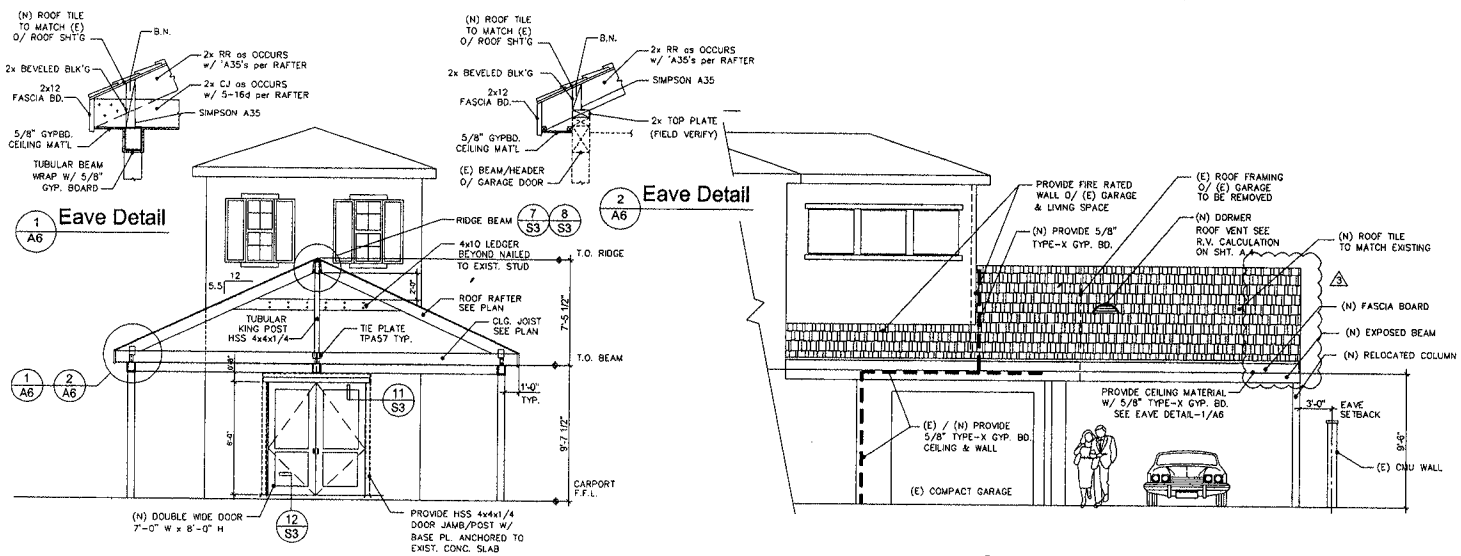
CHECKED BY	DRAWN BY
FT	RBD

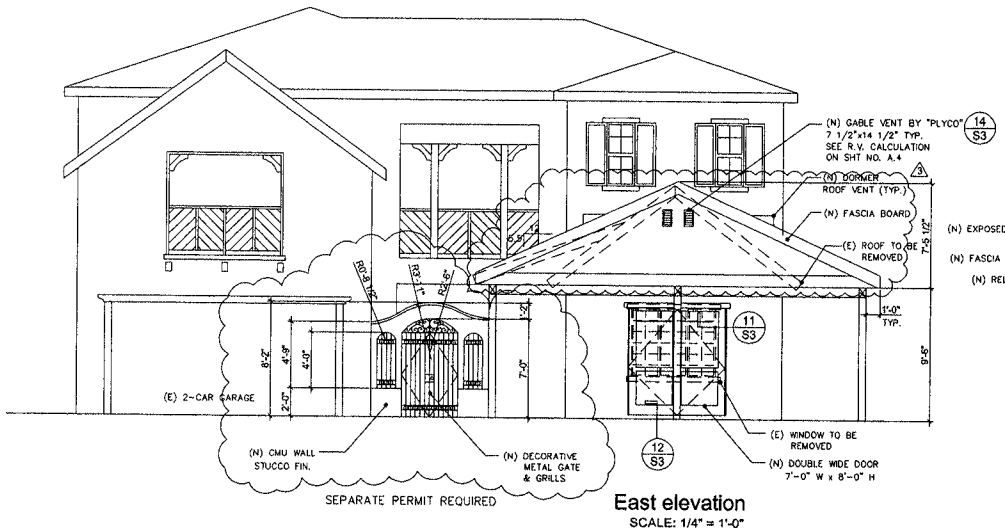
SHEET TITLE
carport enlarged plan
carport roof enlarged plan

SHEET NUMBER
A.4

DATE
January 29, '07

ATTACHMENT NO. 3.2





NAUTICAL NORTH
MARIGAYLE CIRCLE

TRACT 15690
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN CHECK
1-08-07	RESUBMITTAL

REVISIONS

1	1-03-07	REVISED AS SHOWN
2	1-29-07	REVISED AS SHOWN
3	7-04-07	DELETED ROOF TRELLIS
4		
5		
6		

PROJECT
Proposed Carport, Patio & Deck

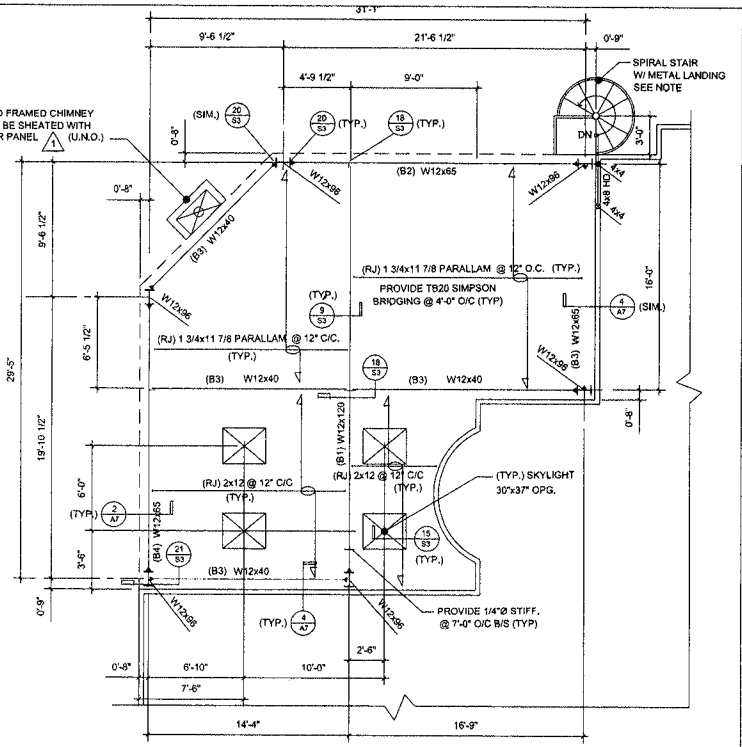
CHECKED BY: FT
DRAWN BY: RBD

SHEET TITLE
carport elevations
building section

SHEET NUMBER
A.6

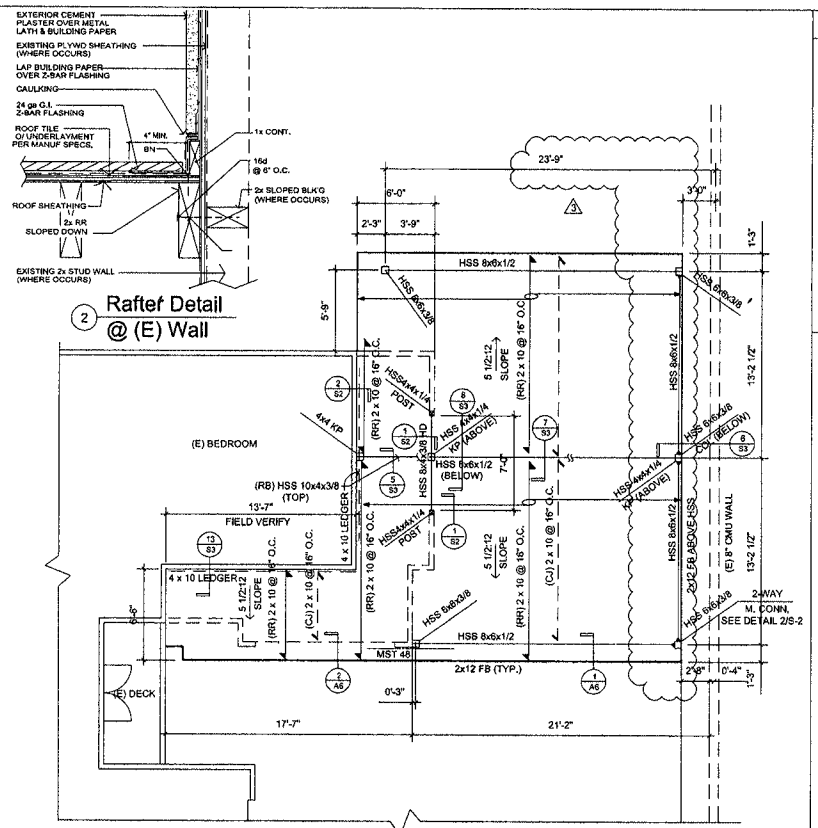
DATE
January 29, 2007

ATTACHMENT NO. 3.3



patio roof framing plan

SCALE: 1/4 = 1'-0"



carport roof framing plan

SCALE: 1/4 = 1'-0"

FRAME NOTES

1. ALL STRUCTURAL LUMBER SHALL BE DOUGLAS FIR-LARCH WITH 19% MAXIMUM MOISTURE CONTENT OF THE FOLLOWING GRADES, CONFORMING TO STANDARD GRADING RULES FOR WEST COAST LUMBER NO. 17, UNLESS NOTED OTHERWISE. THE LUMBER GRADES AS SPECIFIED BELOW MEET MINIMUM REQUIREMENTS.

PLATES, BLOCKING	STD OR BTR
STUDS TO 10'-0" IN HEIGHT	STD OR BTR
STUDS OVER 10'-0" IN HEIGHT	NO. 2 875 Fb
2 x RAFTERS, JOISTS	NO.2 875 Fb
4 x BEAMS, HEADERS AND POSTS	NO.2 875 Fb
6 x 4 POSTS, HEADERS	STD OR BTR
POSTS AND TIMBERS (6 x 6 AND LARGER)	NO. 1 1200 Fb
BEAMS AND STRINGERS (6 x AND LARGER)	NO. 1 1350 Fb

2. UTILITY GRADE LUMBER IS UNACCEPTABLE FOR ANY PURPOSE INCLUDING, BUT NOT LIMITED TO, BRACING, SILLS OR CRIPPLE STUDS.
3. WHERE POSSIBLE ALL LUMBER GRADE STAMPS SHALL REMAIN ON LUMBER AFTER INSTALLATION.
4. ALL WOOD BEARING ON CONCRETE OR MASONRY SHALL BE PRESSURE TREATED FIR.
5. JOIST HANGERS AND OTHER METAL FRAMING ACCESSORIES ARE REFERRED TO ON THE DRAWINGS BY A PARTICULAR TYPE AS MANUFACTURED BY SIMPSON STRONG-TIE COMPANY, PLEASANTON, CALIFORNIA (925-999-5599). ACCESSORIES OF OTHER MANUFACTURERS WITH EQUIVALENT LOAD CARRYING CAPACITIES AND ICBO APPROVAL MAY BE USED UPON THE ENGINEER'S REVIEW AND APPROVAL. INSTALL ALL JOIST HANGERS AND OTHER METAL FRAMING AND ACCESSORIES PER MANUFACTURER'S RECOMMENDATIONS. USE MANUFACTURER'S RECOMMENDED FASTENERS TO ACHIEVE MAXIMUM RATED CAPACITIES

LEGENDS:

- INDICATES SHEAR WALL PANEL & LENGHT, SEE PLAN
- DIRECTION SPAN OF 2x ROOF RAFTER (RR)
- DIRECTION SPAN OF 2x CEILING JOIST (CJ)
- SHEAR PANEL - PLYWOOD ON ONE SIDE
- 6x TUBULAR POST (U.N.O.)
- 4x WOOD POST (U.N.O.)
- SIMPSON BM-JOIST HANGER
- MOMENT CONNECTION
- SHEAR PLATE CONNECTION

ABBREVIATIONS:

HD = HEADER
CJ = CEILING JOIST
RR = ROOF RAFTER
RJ = ROOF JOIST
RB = RIDGE BOARD
HR = HIP RAFTER
VR = VALLEY RAFTER
FB = FASCIA BOARD
B1 = BEAM
KP = KING POST

SHEAR WALL SCHEDULE

PANEL	WOOD STRUCTURAL PANEL	NAILING	AB'S	TOP PL.	HOLDOWN	SHEAR ALLOWANCE (#/FT)
1	3/8" C-D, C-C, SHEATING OR 5/16" STRUCTURAL I	8D NAILS O.C. @ 12" O.C. TO INTERMEDIATE SUPPORTS	5/8"Ø @ 48" O.C. 12" LONG	A35 @ 24" O.C.	HPAHD22 (STRAP STYLE)	(TABLE 23 -II-I-1) 200 #/LF

1997 UNIFORM BUILDING CODE, SECTION 1003.3.3.8.3

SPIRAL STAIRWAYS (SUMMARY):

1.) THE AREA SERVED BY THE STAIRWAY SHALL BE LIMITED TO 400 SQUARE FEET WHEN USED AS THE REQUIRED MEANS OF EGRESS.

2.) THE STAIR STRINGERS OR SUPPORTS SHALL BE DESIGNED FOR A UNIFORM LOAD OF 100 POUNDS PER SQUARE FOOT.

3.) INDIVIDUAL STAIR TREADS SHALL BE DESIGNED TO SUPPORT A 300 POUNDS LOAD AT THE POINT OF MAXIMUM STRESS.

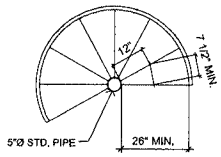
4.) THE TREADS SHALL PROVIDE A CLEAR WALKING AREA OF 26 INCHES.

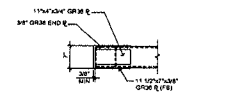
5.) A MINIMUM 7 1/2" RUN SHALL BE PROVIDED AT 12" FROM THE END OF THE NARROWEST PORTION OF TREAD.

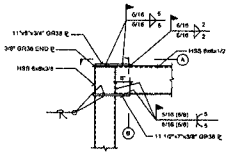
6.) A MINIMUM 6'-6" CLEAR HEADROOM SHALL BE PROVIDED.

7.) THE MAXIMUM RISER SHALL BE 9 1/2" MAXIMUM 4" OPENING.

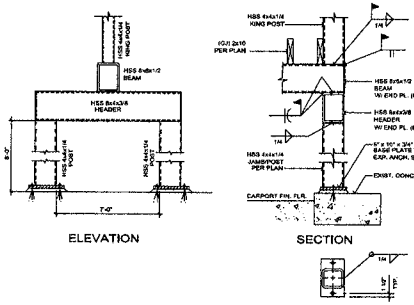
8.) A GUARDRAIL (UBC 509) AND HANDRAIL (UBC 1003.3.3.6) ARE REQUIRED.







beam to post connection (2)



exterior jamb/post detail (1)

NAUTICAL NORTH
MARIGAYLE CIRCLE

TRACT 15690
HUNTINGTON BEACH, CA

PROJECT OWNER
FRED & BARBARA TINKER LOT-3

HUNTINGTON BEACH, CA 92648

SUBMITTALS

	PLAN CHECK
1-08-07	RESUBMITTAL

REVISIONS

1-03-07	REVISED AS SHOWN
1-29-07	REVISED AS SHOWN
7-04-07	DELETED ROOF TRELLIS

PROJECT
Proposed Carport, Patio & Deck

CHECKED BY: FT
DRAWN BY: RBD

SHEET TITLE
roof framing plan
shear wall schedule
framing notes & legends
spiral stairway

SHEET NUMBER
S.2

DATE
January 28, '07

ATTACHMENT NO. 3.4

Gonzales, Andrew

From: Vickipge@aol.com
Sent: Tuesday, August 07, 2007 7:46 AM
To: Gonzales, Andrew
Cc: ftinker@pacificdrafting.com
Subject: Re: Variance
Attachments: variance.doc

Good Morning Andrew:

Please find attached the narrative. Please let me know if this is what you needed or if changes need to be made.

Thank you

Vicki

Get a sneak peek of the all-new AOL.com.

City of Huntington Beach
AUG 07 2007

ATTACHMENT NO. 4.1

A variance is being sought at 6465 Marigayle Circle, Huntington Beach, California, a single-family residence, to permit the construction of an approximate 424 sq. ft carport with the three post at the three foot side yard setback in lieu of the minimum five ft. required side yard setback. This would allow two vehicles to park in the carport.

The reasons for the requested variance are as follows:

1. The City of Huntington Beach has already approved the plans for the three-foot setback and issued permits for same;
2. The property is a unique lot configuration, i.e. a flag lot, and deprives the site of privileges enjoyed by others in the same tract;
3. Development restrictions and city codes limit the usable area to the north and west of the property. Therefore tandem parking under the carport cannot be accomplished;
4. Construction materials for the site have been ordered, delivered and paid for based on the issuance of permits by the City of Huntington Beach;
5. The subject property has a long, narrow driveway that limits parking on same;
6. There is limited street parking;
7. Enjoyment of substantial property rights;
8. Privileges enjoyed by other properties in the same tract;
9. Location of the eves and rafters will not change if variance is approved;
10. Subject property is deprived of special privileges enjoyed by other properties in the same tract.

OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA

P.O. BOX 190 CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

July 12, 2007

Fred Tinker
6465 Marigayle Circle
Huntington Beach, CA 92648

SUBJECT: **VARIANCE NO. 2007-007 (TINKER CARPORT ADDITION):**

APPLICANT/ PROPERTY OWNER: Fred Tinker

REQUEST: To permit the construction of an approximately 424 sq. ft. carport with three posts at a three ft. side yard setback in lieu of the minimum required five ft. side yard setback.

LOCATION: 6465 Marigayle Circle, 92648 (terminus of Marigayle Circle, west of Edwards Avenue – Nautical North)

PROJECT PLANNER: Andrew Gonzales

DATE OF ACTION: July 11, 2007

On Wednesday, July 11, 2007, the Huntington Beach Zoning Administrator took action on your application, and your application was **denied**. Attached to this letter are the findings for denial.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator 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 (10) calendar days of the date of the Zoning Administrator'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. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars ($1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars ($1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is JULY 23, 2007.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact the project planner at (714) 374-1547, email:

ATTACHMENT NO. 5.1

agonzales@surfcity-hb.org, or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Mary Beth Broeren
Zoning Administrator

MBB:AG:jc
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Paul Emery, Deputy City Administrator
Scott Hess, Acting Director of Planning
Herb Fauland, Acting Planning Manager
Eric Engberg, Division Chief/Fire Marshal
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Property Owner
Project File

ATTACHMENT NO. 5.2

ATTACHMENT NO. 1

FINDINGS FOR DENIAL

VARIANCE NO. 2007-007

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 15305, Class 5 of the CEQA Guidelines, which states that minor setback variances not resulting in the creation of any new parcel are exempt from further environmental review.

FINDINGS FOR DENIAL - VARIANCE NO. 2007-007:

1. The granting of Variance No. 2007-007 for the construction of an approximately 424 sq. ft. carport with three posts at a 3 ft. side yard setback in lieu of the minimum required 5 ft. side yard setback will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Although, the existing dwelling is sited on an irregularly shaped lot (i.e., flag lot) there is an area north of the proposed carport that is 25 ft. wide that could accommodate a tandem carport. In addition, the property was approved with an extra deep driveway that can accommodate four spaces and a three-car garage.

2. There are no special circumstances applicable to the subject property that would result in strict application of the zoning ordinance to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. Per the parking plan for the tract, the property can accommodate seven onsite parking spaces. There is adequate room to the north of the proposed carport to allow for additional parking.

3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights. The subject property enjoys substantially more on-site parking than all but one other residence in the subject tract.

CITY OF HUNTINGTON BEACH
City Council Communication

City of Huntington Beach
JUL 23 2007

TO: Scott Hess, Planning Commission Secretary

FROM: Keith Bohr, Council Member

DATE: July 23, 2007

SUBJECT: **APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF VARIANCE NO. 07-07 (TINKER CARPORT ADDITION)**

I am hereby appealing the Zoning Administrator's July 11, 2007 denial of Variance No. 07-007. The variance request is to permit the construction of an approximately 424 sq. ft. carport with the three posts (6" x 6") at a three ft. side yard setback in lieu of the minimum required five ft. side yard setback to an existing two-story single-family residence at 6465 Marigayle Circle.

The grounds of my appeal are:

1. Concern that development restrictions established to maintain the slopes adjacent to the north and west property lines limits the useable area of the property and constrains development of the site in a way that is more restrictive compared to other surrounding properties in the vicinity.

2. Concern that the site is restricted from development due to the property's unique lot configuration (i.e., flag lot) in a manner that is found to deprive the site of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Pursuant to Section 248.18 of the HBZSO, the Planning Commission shall hear an appeal from the Zoning Administrator.

KB:SH

xc: Planning Commissioners
Penelope Culbreth-Graft, City Administrator
Paul Emery, Deputy City Administrator
Herb Fauland, Acting Planning Manager
Andrew Gonzales, Assistant Planner
Fred Tinker, Property Owner

ATTACHMENT NO. 6.1

City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rami Talleh, Associate Planner
DATE: August 14, 2007

SUBJECT: **CONDITIONAL USE PERMIT NO. 07-021 (RA SUSHI)(Continued from the July 24, 2007 meeting with public hearing to be opened)**

APPLICANT: Valentina Allen, Kerr Project Services, 4655 Cass Street, Suite 200, San Diego, CA 92109
PROPERTY OWNER: CIM/Huntington, LLC, 6922 Hollywood Blvd., Los Angeles, CA 90028
LOCATION: 155 5th Street, Unit 183, 92648 (North Side of Pacific Coast Highway between 5th St. and 6th St. – The Strand/Downtown)

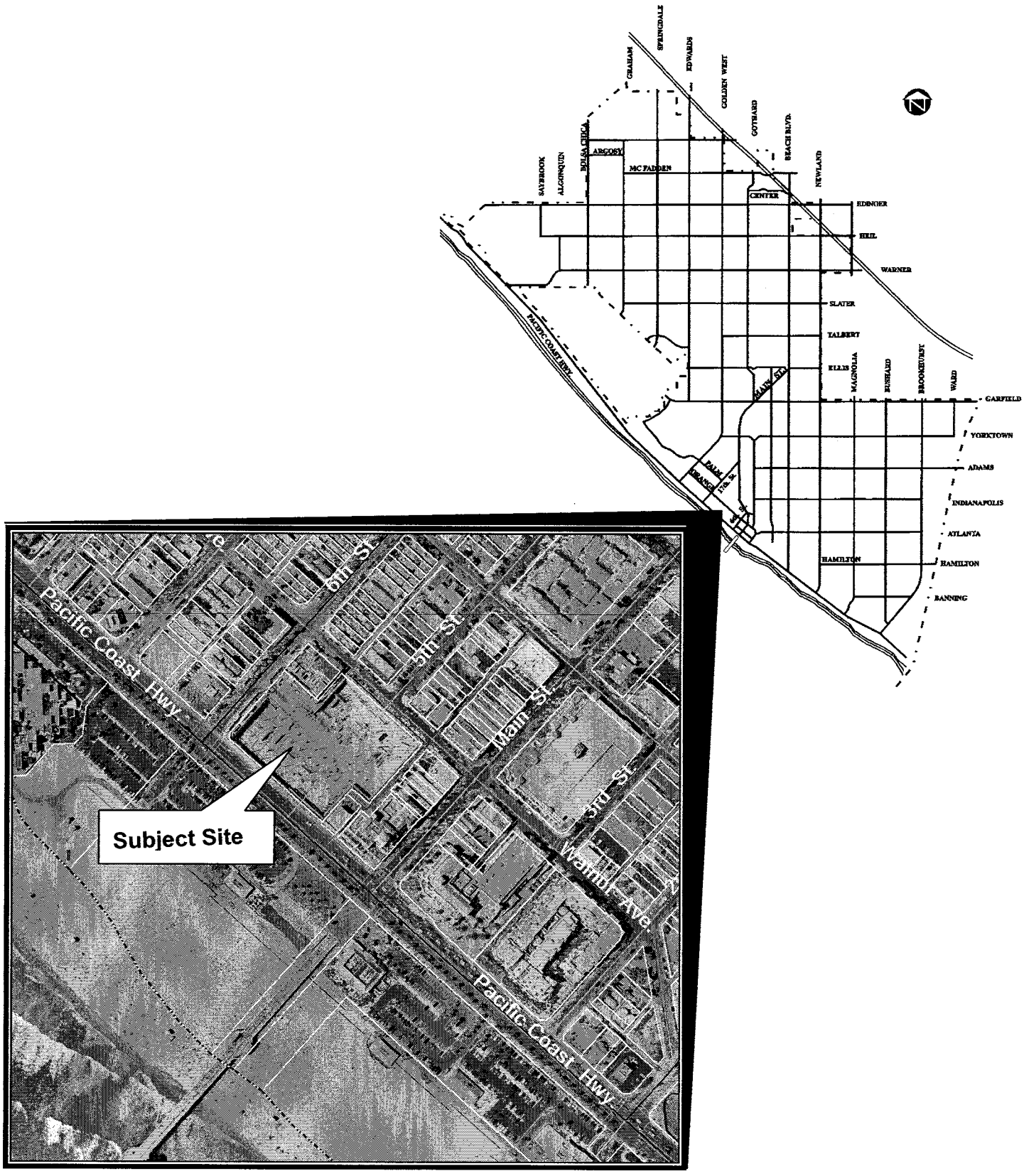
STATEMENT OF ISSUE:

- Conditional Use Permit No. 07-021 request:
  - Permit the establishment of a 5,313 sq. ft. restaurant with on-site sale and consumption of alcoholic beverages.
- Continued Item:
  - At the Planning Commission meeting of July 24, 2007, the applicant requested and was granted a continuance to the August 14, 2007 Planning Commission meeting in order to allow the applicant time to address issues raised by the Police Department.
- Staff's Recommendation:
  Approve Conditional Use Permit No. 07-021 based upon the following:
  - Proposed restaurant with alcohol sales will comply with the Downtown Specific Plan and Downtown Parking Master Plan.
  - Proposed restaurant will not create adverse noise or parking impacts to the surrounding businesses and residents.
  - The restaurant with alcohol sales is consistent with the Mixed-Use General Plan Land Use designation.

RECOMMENDATION:

Motion to:

"Approve Conditional Use Permit No. 07-021 with findings and conditions of approval (Attachment No. 1)."



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

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A. "Deny Conditional Use Permit No. 07-021 with findings for denial."

B. "Continue Conditional Use Permit No. 07-021 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 07-021 represents a request to establish a 5,313 sq. ft. restaurant with on-site sales and consumption of alcoholic beverages pursuant to Section 4.5.01(b) Permitted Uses of the Downtown Specific Plan (SP-5), District #3 (Visitor-Serving Commercial).

The restaurant will employ approximately 50 people, with shifts averaging 20 to 25 employees. The hours of operation for the restaurant are proposed between 11:00 a.m. and 1:00 a.m. Sunday through Thursday and between 11:00 am and 2:00 am Friday and Saturday (Attachment No. 4). Full meal service is proposed between the hours of 11:00 a.m. and 11:00 p.m. An abbreviated menu or limited food service consisting of appetizers is proposed after 11:00 p.m. All food service will cease one hour before closing.

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 storefront 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 and trash enclosures serving the restaurant will be provided at the rear of the building along a service road. Access to the loading spaces and trash enclosures is provided via a corridor leading from the rear of the unit to the rear of the building where the loading spaces and trash enclosures are located. The kitchen will be vented to the roof through an approximately ten ft. by five ft. shaft that runs through the hotel space up to the rooftop exhaust equipment.

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

Background:

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

ISSUES:

Subject Property And Surrounding Land Use, 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

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Mixed Use Vertical. 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*

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed use will provide a new visitor-serving commercial venue within the Downtown that is consistent with the Land Use Density Schedules for the Downtown and is compatible with surrounding mixed-use development.

B. *Coastal Element*

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.

The proposed use will promote the commercial viability of The Strand and will expand the available visitor-serving commercial uses within the Coastal Zone.

Zoning Compliance:

This project is located in the Downtown Specific Plan, District No. 3 (Visitor-Serving Commercial) and complies with all of the requirements of that zone. There is no physical expansion of the approved development proposed as part of this request. The proposed use will occupy a 5,313 sq. ft. suite under construction as part of The Strand development. The proposed restaurant is well below the maximum square footage allotted for restaurant space within The Strand. Therefore, adequate parking for the proposed restaurant will be provided within the subterranean parking lot.

Urban Design Guidelines Conformance:

The proposed minor exterior modifications to the approved building elevations will be consistent with the overall architectural theme of The Strand development. The proposed stone veneer will match that approved for project. The painted wood panels, stone veneer, and storefront windows create a pedestrian friendly design by promoting activity at the street level. Staff supports the proposed minor exterior modifications.

Environmental Status:

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.

Coastal Status:

The proposed project is within a non-appealable portion of the Coastal Zone. It is exempt pursuant to Section 245.08 of the Zoning and Subdivision Ordinance.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. In a memorandum dated June 25, 2007, the Economic Development Department had expressed concerns with the kitchen closing two to three hours before the business closes (Attachment No. 6). As a result, the applicant has modified the proposed hours of food service by providing a late night menu after 11:00 p.m. to until one hour before the business closes. The Economic Development Department reviewed the revised project description and supports the request.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

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 had expressed concerns with the kitchen closing two to three hours before the business closes. The Police Department had also expressed concerns with the proposed bi-folding windows facing PCH remaining open late at night. The Police Department was concerned that noise from the restaurant might escape through the windows and impact hotel guests in the upper floors. As indicated above, the applicant has modified the proposed hours of food service by providing a late night menu after 11:00 p.m. to until one hour before the business closes. Furthermore, the applicant has replaced the bi-folding windows with fixed windows to address the Police Department's concerns as well as other concerns raised by the Orange County Health Care Agency. The Economic Development Department and Police Department reviewed the revised project description and now support the request (Attachment Nos. 6 and 7).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 12, 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 August 7, 2007, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
June 21, 2007	August 20, 2007

ANALYSIS:

The primary issues identified with the proposed use are land use compatibility and parking. The following provides a discussion of these issues:

Land Use

Staff supports the proposed use based on the stated purpose of District #3 Visitor-Serving Commercial of the Downtown Specific Plan, which is to include high intensity commercial activities that serve the needs of the surrounding community while providing an off-season clientele for the District. This district is a prime visitor-serving commercial location within the Downtown and provides visitors and residents with numerous opportunities for beach-related activities as well as specialty commercial uses. The Strand was approved consistent with this concept and will provide opportunities for specialty commercial uses such as the proposed restaurant with alcohol sales. The proposed restaurant will promote the commercial viability of The Strand and is compatible with the area. The proposed use also enhances and supports the district as well as the other commercial establishments in this high intensity urban part of Downtown.

The Strand development was approved as a commercial development with retail/restaurant on the ground floor and a 152-room hotel on the second, third, and fourth floors. The proposed restaurant does not include live entertainment, dancing, or outdoor dining, thereby minimizing potential impacts to hotel guests on the upper floors. The applicant has revised the project plans by replacing the bi-folding windows facing PCH with double paned fixed windows to address Police Department concerns regarding noise emanating from the restaurant. In addition, the interior walls will be insulated and hard insulation will be installed between the decking and ceiling separating the retail/restaurant level from the hotel level above to further attenuate noise between floors. Furthermore, the proposed restaurant will be subject to Section 5.44.010(a) of the Huntington Beach Municipal Code (HBMC) which prohibits prerecorded ambient music from being audible at a distance of more than ten feet from any portion of the exterior of the restaurant. The proposed restaurant with alcohol sales will not result in increased noise levels above that expected in a commercial environment.

If the restaurant were to request outdoor dining, live entertainment, and/or dancing, approval of a separate conditional use permit by the Planning Commission is required. In addition, outdoor dining along PCH within the public right-of-way will require an encroachment permit from Cal Trans and a minimum ten foot wide unobstructed pedestrian pathway.

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 based on the number of parking spaces provided. 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.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 07-021
2. Site plan, floor plans, and building elevations received and dated May 22, 2007
3. Code Requirements Letter dated July 25, 2007 (for informational purposes only)
4. Project Narrative dated July 20, 2007
5. City Council Notice of Action (TTM No. 16406, CDP No. 99-16, and CUP No. 99-45)
6. Economic Development Department Comments Dated July 25, 2007
7. Police Department Comments dated July 25, 2007

SH:HF:RR:RT:sh

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 07-021

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-021:

1. Conditional Use Permit No. 07-021 for the establishment of a 5,313 sq. ft. restaurant with on-site alcohol sales will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed uses will not create adverse noise or parking impacts to the surrounding businesses and residents based on the availability of parking within the existing parking structure and limitations on hours of operation.

2. The proposed restaurant with alcohol sales will be compatible with surrounding uses. The use will be required to comply with conditions of approval pertaining to hours of operation to assure that any potential impacts to the surrounding properties are minimized. The use is subject to noise regulations to ensure compatibility with surrounding businesses and residents. In addition, the proposed use is consistent with the mixed-use character of commercial developments in the downtown.

3. The proposed restaurant 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 and any specific condition required for the proposed use in the district in which it will be located. The proposed use will comply with parking in the Downtown Parking Master Plan and will be accommodated by the parking supply within the subterranean parking structure under construction. There is no physical expansion of the approved development proposed as part of the request and the use will comply with all building occupancy/exiting requirements.

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 Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

   A. *Land Use Element*

      Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

The proposed use will provide a new visitor-serving commercial venue within the Downtown that is consistent with the Land Use Density Schedules for the Downtown and is compatible with surrounding mixed-use development.

B. *Coastal Element*

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.

The proposed use will promote the commercial viability of The Strand and will expand the available visitor-serving commercial uses within the Coastal Zone.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-021:

1. The site plan, floor plans, and elevations received and dated May 22, 2007 shall be the conceptually approved design except the storefront windows shall remain fixed.

2. The hours of operation for the restaurant shall be between 11:00 a.m. and 1:00 a.m. Sunday through Thursday and between 11:00 a.m. and 2:00 a.m. Friday and Saturday. Food service shall be provided to within one hour before closing. **(PD/ED)**

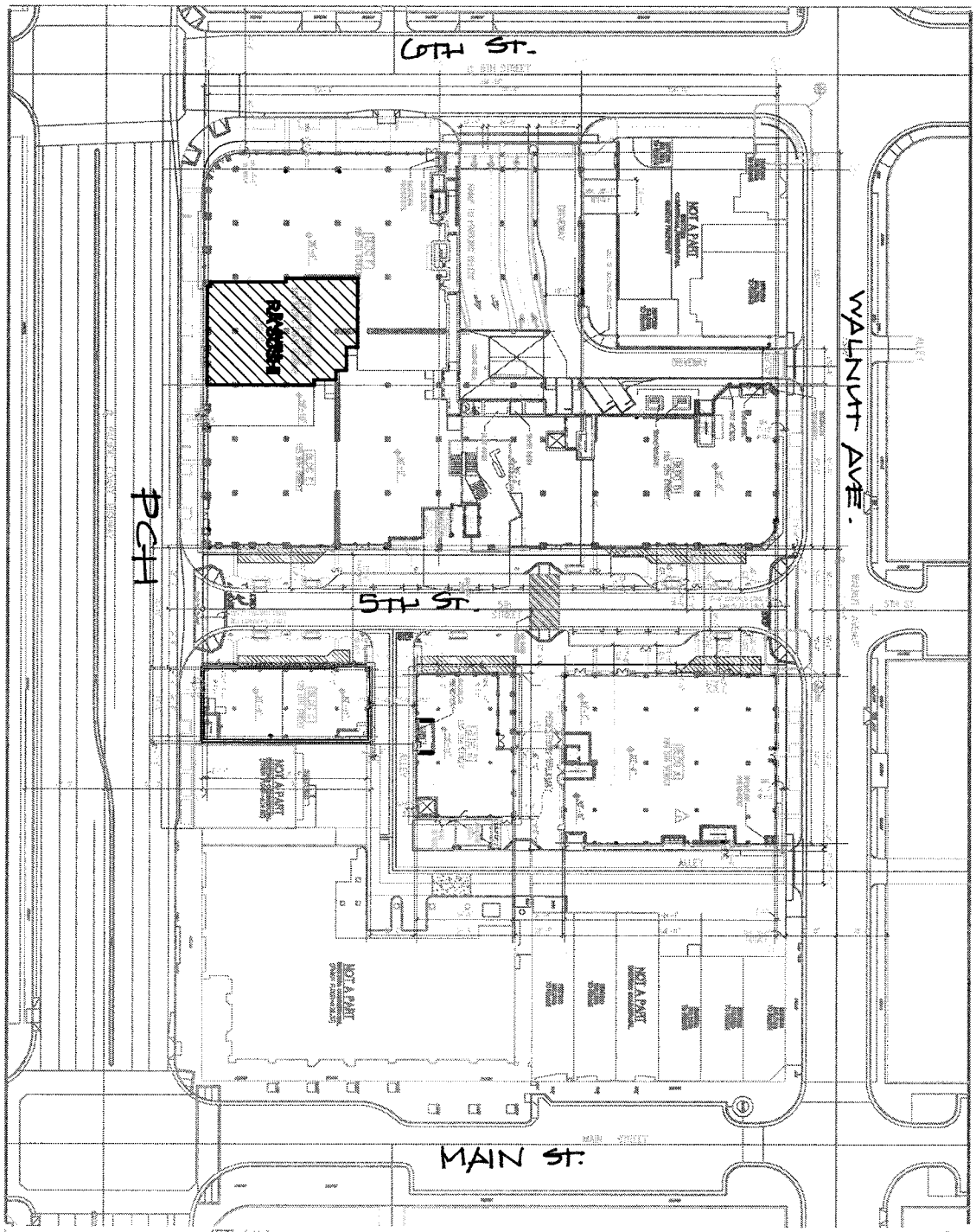
3. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

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.

City of Huntington Beach
MAY 22 2007

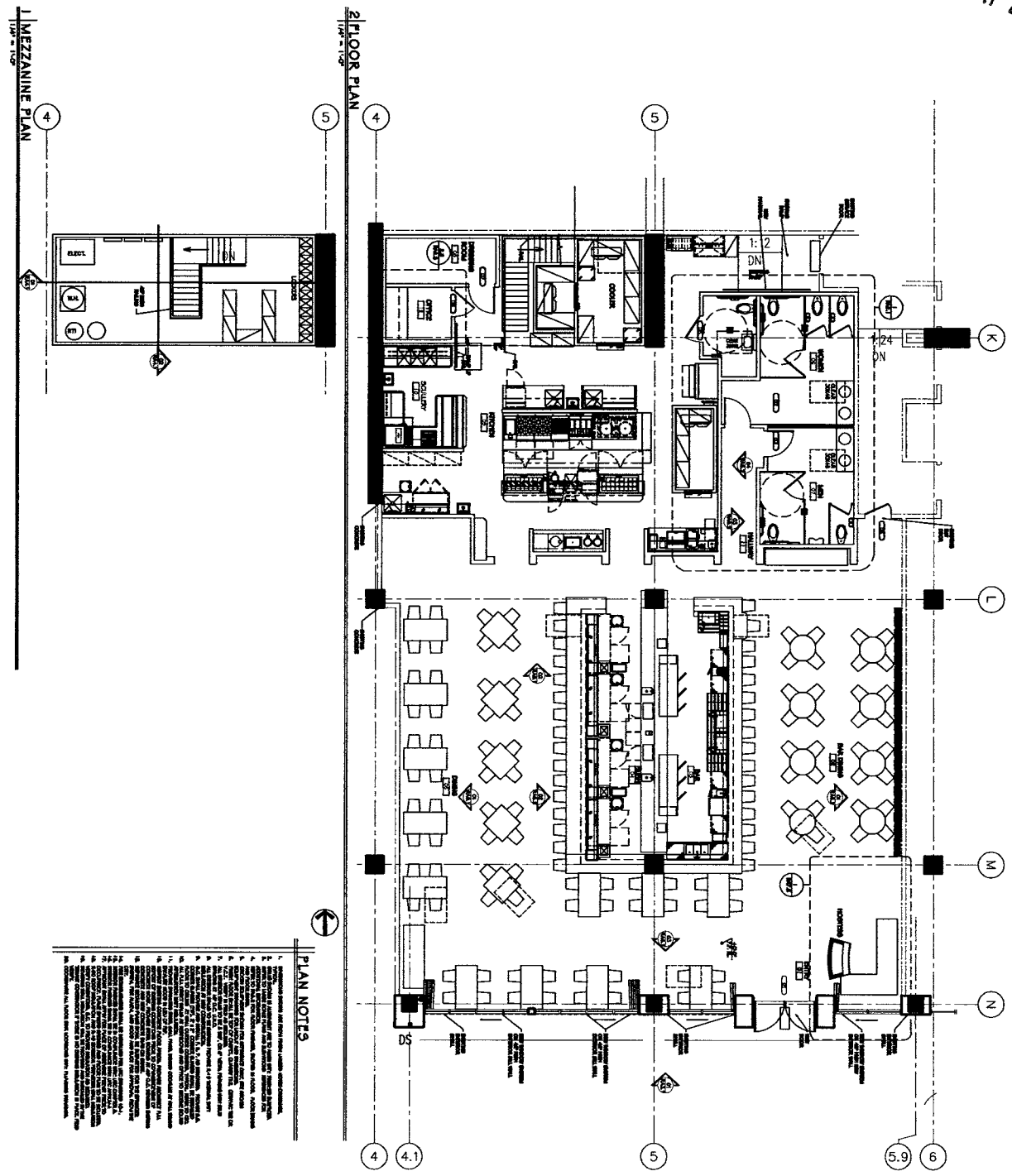


FOR INFORMATION ONLY

A00.61

ATTACHMENT NO. 21

City of Huntington Beach
MAY 22 2007



RA Sushi

150 5TH STREET, HUNTINGTON BEACH, CA

RA1.0
FLOOR PLAN

ATTACHMENT NO. 2.2

MAY 22 2007

2 RA SUSHI EXTERIOR ELEVATION

1 RA BLADE SIGN ELEVATION

RA Sushi

150 5TH STREET, HUNTINGTON BEACH, CA

RA3.1
EXTERIOR ELEVATIONS

ATTACHMENT NO. 2.2

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING

Phone 536-5271
Fax 374-1540

JULY 25, 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) REVISED 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

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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 of15 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.

2. The use shall be subject to Chapter 5.44 of the Huntington Beach Municipal Code (HBMC). Section 5.44.010(a) of the HBMC prohibits prerecorded ambient music from being audible at a distance of no more than ten feet from any portion of the exterior of the restaurant.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.

11. 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.

12. 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.

13. Live entertainment, dancing, and/or outdoor dining shall not be permitted unless a conditional use permits for this specific use is reviewed and approved.

ATTACHMENT NO. 3.4

BUILDING AND SAFETY DEPARTMENT

HUNTINGTON BEACH

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.

ATTACHMENT NO. 3.5

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:

ATTACHMENT NO. 3.6

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 extend 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.

ATTACHMENT NO. 3.7

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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ATTACHMENT NO. 3.8

ESTIMATED PERMIT FEES

THE FOLLOWING FEES DO NOT INCLUDE ENTITLEMENT PROCESSING FEES AND TRAFFIC IMPACT FEES		
Microfilm/Scanning of Plans Scanned Permits	Each sheet of permitted drawings Each Permit issued	$3.78 $0.98
STATE OF CALIFORNIA TAX (SMIP)		
Residential	Up to $5,000 valuation – Fee amount is fixed Over $5,000 valuation – Fee amount is valuation x rate	$0.50 $0.0001
Commercial/Industrial	Up to $2,381 Valuation – Fee amount is fixed Over $2,381 Valuation – Fee amount is valuation x rate	$0.50 $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.

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)

ATTACHMENT NO. 3.10

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)**

ATTACHMENT NO. 3.11

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.

S:\Prevention\1-Development\CUP's\Third 214-218 PA# 2006-0113 New Mixed-Use Building Rev.3-(new format).doc

ATTACHMENT NO. 3.15

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
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. 3.16

City of Huntington Beach
JUL 20 2007

Statement of Operations

RA Sushi
The Strand
Huntington Beach, Ca

The subject property is located at 155 5th St. in The Strand, Downtown Huntington Beach. The RA Sushi project will be located in Building E with frontage on Pacific Coast Highway.

The 5,313 square foot first floor space will house RA Sushi with a Hotel above and underground parking below. The restaurant fronts Pacific Coast Highway to the South and is surrounded by other retail uses in the Strand Development to the North, East and West.

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 seats approximately 140.

The exterior elevations will include fixed windows.

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

Standard hours of operation are Sunday through Thursday, 11am to 1am and Friday and Saturday, 11am to 2am.

A Late Night Menu is served after 11pm. Food service stops one hour before closing.

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 b compact in size; and to permit valet service, parking entrance gates, attendant booths and collectior of fees within the subterranean public parking garage will not be detrimental to the general welfare c 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 exiting 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 H_20 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-feet 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)**

jjj. 5th Street shall be designed to support an imposed load of a 72,000 lb. apparatus with a clearance of 13'-6" minimum. **(FD)**

kkk. Block wall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

lll. The option to provide additional parking in the subterranean parking structure shall be explored with the City Council within 60 days of conditional use permit approval in compliance with the Disposition and Development Agreement between the Redevelopment Agency and the Applicant.

mmm. A revised hotel square footage and parking plan shall be submitted for review and approval to the Planning Director, Public Works Director and the Transportation Manager to indicate compliance with the Downtown Parking Master Plan. The plan must be approved prior to issuance of building permits.

4. The following conditions of approval shall be complied with during grading operations:

   a. 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 measures 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)**

      i. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading and excavation to keep the soil damp enough to prevent dust being raised by the operations.

      ii. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only.

      iii. Wet down the areas that are to be graded or that are being graded and/or excavated, in the late morning and after work is completed for the day.

      iv. All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.

      v. A traffic speed limit of 15 miles per hour shall be posted and enforced for the unpaved construction roads (if any) on the project site.

      vi. The construction disturbance area shall be kept as small as possible.

      vii. Enclose, cover, water twice daily, or apply approved soil binders to exposed piles (i.e., gravel, sand, and dirt) according to manufacturers' specifications.

      viii. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas.

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)**

ATTACHMENT NO. 5.22

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 that 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)**

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 an 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 dinning 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

TO: Rami Talleh, Associate Planner

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 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 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.

City of Huntington Beach

JUL 25 2007

ATTACHMENT NO. 6.1

CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

City of Huntington Beach

TO: Rami Talleh
Planning Department

JUL 25 2007

FROM: Kenneth W. Small
Chief of Police

DATE: 7/20/2007

SUBJECT: RA Sushi Condtional Use Permit (C.U.P. Number 2007-021)

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 the safety and security of staff and guest. The Statement of Operation submitted by RA Sushi is in agreement with the Police Departments request to maintain a peaceful environment in this mixed-use development.

In order to further ensure that any noise created inside the location does not negatively impact the guest of the adjoining hotel, we are requesting that the following language or concepts be included in the proposed Conditional Use Permit.

Any noise that exceeds the definition of ambient music, in accordance with 5.44.020 (a) HBMC, shall be considered entertainment, and a violation of the Conditional Use Permit. Any location providing entertainment shall be required to obtain an Entertainment Permit per §5.44.010 (a) HBMC.

§5.44.020(a) HBMC states that "ambient music shall be defined as prerecorded music which is audible from a distance of no more than ten (10) feet from any portion of the exterior of the premises."

We would like to ensure that the applicant is aware of §8.40.112 HBMC, which states:

> It shall be unlawful for any person to:
>
> (a) Use, operate, or permit to be operated any radio, receiving set or device, television set, musical instrument, phonograph, CD, DVD, tape player, juke box, or other machine or device for producing or reproducing

ATTACHMENT NO. 7-1

sound in such a manner as to disturb the peace, quiet, and comfort of other persons.

(b) Make or allow to be made any noise which continues for more than a five minute period between the hours of 10PM and 7AM if such noise is audible for fifty feet or more from the source of the noise.

(c) Maintain, manage, or control any business or residential property in violation of sections (a) or (b).

We also request that all proposed banners, other than those only displaying the company logo and/or name, posted in public view, must be approved by the City of Huntington Beach prior to display.

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

ATTACHMENT NO. 7.2

City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ricky Ramos, Associate Planner RR
DATE: August 14, 2007

SUBJECT: **ZONING TEXT AMENDMENT NO. 07-003 (MEDICAL MARIJUANA DISPENSARIES)**

APPLICANT: City of Huntington Beach, 2000 Main St, Huntington Beach, CA 92648

LOCATION: Industrial Districts Citywide

STATEMENT OF ISSUE:

- Zoning Text Amendment No. 07-003 request:
  - Amend Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to delete all references to medical marijuana dispensaries.

- Staff's Recommendation:
  Approve Zoning Text Amendment No. 07-003 based upon the following:
  - Zoning Text Amendment will allow the HBZSO to be consistent with federal law, which considers medical marijuana dispensaries illegal.
  - Approval of the request will not affect land use compatibility and will not change the development standards in the IG and IL zoning districts.

RECOMMENDATION:

Motion to:

"Approve Zoning Text Amendment No. 07-003 with findings (Attachment No. 1) and forward to the City Council for adoption."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A. "Deny Zoning Text Amendment No. 07-003 with findings for denial."

B. "Continue Zoning Text Amendment No. 07-003 and direct staff accordingly."

PROJECT PROPOSAL:

Zoning Text Amendment No. 07-003 represents a request to amend Chapters 204 and 212 of the HBZSO to delete all references to medical marijuana dispensaries pursuant to Chapter 247 of the HBZSO.

This zoning text amendment is being initiated pursuant to an H-Item from Mayor Coerper, which was approved by the City Council in July 2005 (see Attachment No. 5).

In March 2005 the City Council adopted Ordinance No. 3703 permitting medical marijuana dispensaries in the IG (General Industrial) and IL (Limited Industrial) zoning districts of the city subject to additional requirements. A recent federal decision has affirmed once more that even where an individual appropriately adheres to California law under Proposition 215 (Compassionate Use Act), he or she may be prosecuted under federal law for the use, possession, or distribution of marijuana. Therefore, this zoning text amendment proposes to delete all references to medical marijuana dispensaries from the HBZSO (see Attachment Nos. 2.6-2.7, 2.13, 2.20-2.21) to be consistent with recent case law. Attachment No. 4 to this report is a Request for City Council Action from the City Attorney which provides more legal background information relating to the request.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Citywide	I (Industrial)	IG (General Industrial), IL (Limited Industrial)	Industrial

The proposed zoning text amendment affects properties with a General Plan Land Use Map designation of Industrial. The proposal is consistent with the Industrial designation and the goals and objectives of the City's General Plan by deleting all references to medical marijuana dispensaries while continuing to allow typical industrial uses such as manufacturing and warehousing.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status:

The request is categorically exempt pursuant to City Council Resolution No. 4501, Class 20 which states that minor amendments to zoning ordinances that do not change the development standards, intensity, or density of such districts are exempt from further environmental review.

Coastal Status: The request will require a Local Coastal Program Amendment certified by the California Coastal Commission.

***Redevelopment Status*:** Not applicable.

***Design Review Board*:** Not applicable.

***Subdivision Committee*:** Not applicable.

Other Departments Concerns and Requirements: Not applicable.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on August 2, 2007, and notices were sent to individuals/organizations requesting notification (Planning Department's Notification Matrix). As of August 7, 2007 no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
Not applicable	Legislative Action – Not Applicable

ANALYSIS:

The request is a housekeeping item and presents minimal planning issues. Approval of the request will not affect land use compatibility and will not change the development standards in the IG and IL zoning districts. Staff recommends approval because it will bring the HBZSO into conformance with federal law, which considers medical marijuana dispensaries illegal.

ATTACHMENTS:

1. Suggested Findings for Approval – ZTA No. 07-003
2. Legislative Draft of Chapters 204 and 212 of the HBZSO
3. Ordinance Amending Chapters 204 and 212 of the HBZSO
4. Request for City Council Action from City Attorney
5. Minutes of July 18, 2005 City Council Meeting

SH:MBB:RR:sh

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 07-003

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 City Council Resolution No. 4501, Class 20 which states that minor amendments to zoning ordinances that do not change the development standards, intensity, or density of such districts are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 07-003:

1. Zoning Text Amendment No. 07-003 to delete all references to medical marijuana dispensaries from the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) is consistent with the objectives, policies, general land uses and programs specified in the General Plan. The proposed zoning text amendment affects properties with a General Plan Land Use Map designation of Industrial. The proposal is consistent with the Industrial designation and the goals and objectives of the City's General Plan by deleting all references to medical marijuana dispensaries while continuing to allow typical industrial uses such as manufacturing and warehousing.

2. In the case of a general land use provision, Zoning Text Amendment No. 07-003 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed because it involves only the deletion of all references to medical marijuana dispensaries from the HBZSO. The other land uses and development standards identified in the IG and IL zoning districts will remain unchanged.

3. A community need is demonstrated for the change proposed. Zoning Text Amendment No. 07-003 will delete all references to medical marijuana dispensaries from the HBZSO consistent with case law and federal law.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. Approval of Zoning Text Amendment No. 07-003 will ensure that medical marijuana dispensaries, which are deemed illegal under federal law, are not allowed in the city.

ORDINANCE NO _____

LEGISLATIVE DRAFT

Chapter 204 Use Classifications

(3334-6/97, 3378-2/98, 3521-2/02, 3568-9/02, 3669-12/04, Emergency Ord. 3703-3/05, 3724-02/06, 3757-1/07)

Sections:

204.02	Applicability
204.04	Uses Not Classified
204.06	Residential Use Classifications
204.08	Public and Semipublic Use Classifications
204.10	Commercial Use Classifications
204.12	Industrial Use Classifications
204.14	Accessory Use Classifications
204.16	Temporary Use Classifications

204.02 Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this Title. The Director may determine that a specific use shall not be deemed to be within a classification, if its characteristics are substantially different than those typical of uses named within the classification. The Director's decision may be appealed to the Planning Commission. (3334-6/97)

204.04 Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning provisions by a Zoning and Subdivision Ordinance text amendment, as provided in Chapter 247. Such an incorporation shall not be effective unless certified by the Coastal Commission as a Local Coastal Program amendment. (3334-6/97)

204.06 Residential Use Classifications

A. Day Care, Limited (or Small-Family). Non-medical care and supervision of six or fewer persons, or eight or fewer persons if two of the persons are six years of age or older, on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits. This classification includes nursery schools, preschools, and day-care centers for children and adults. (3334-6/97,3669-12/04)

B. Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boarding houses, but excludes residential hotels or motels. (3334-6/97)

C. Multifamily Residential. Two or more dwelling units on a site. This classification includes manufactured homes. (3334-6/97)

D. Residential Alcohol Recovery, Limited. Twenty-four-hour care for no more than six persons suffering from alcohol problems in need of personal services,

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supervision, protection or assistance. This classification includes only those facilities licensed by the State of California. (3334-6/97)

E. Residential Care, Limited. Twenty-four-hour non-medical care for 6 or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California. (3334-6/97)

F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes. (3334-6/97)

204.08 Public and Semipublic Use Classifications

A. Cemetery. Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes. Cemetery purposes include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery, business and administrative offices, chapels, flower shops, and necessary maintenance facilities. (3334-6/97)

B. Clubs and Lodges. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests. This classification includes union halls, social clubs and youth centers. (3334-6/97)

C. Community and Human Service Facilities.

1. Drug Abuse Centers. Facilities offering drop-in services for persons suffering from drug abuse, including treatment and counseling without provision for on-site residence or confinement. (3334-6/97)

2. Primary Health Care. Medical services, including clinics, counseling and referral services, to persons afflicted with bodily or mental disease or injury without provision for on-site residence or confinement. (3334-6/97)

3. Emergency Kitchens. Establishments offering food for the "homeless" and others in need. (3334-6/97)

4. Emergency Shelters. Establishments offering food and shelter programs for "homeless" people and others in need. This classification does not include facilities licensed for residential care, as defined by the State of California, which provide supervision of daily activities. (3334-6/97)

5. Residential Alcohol Recovery, General. Facilities providing 24-hour care for more than six persons suffering from alcohol problems, in need of personal services, supervision, protection or assistance. These facilities may include an inebriate reception center as well as facilities for treatment, training, research, and administrative services for program participants and employees. This classification includes only those facilities licensed by the State of California. (3334-6/97)

6. Residential Care, General. Twenty-four-hour non-medical care for seven or more persons, including wards of the juvenile court, in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those facilities licensed by the State of California. (3334-6/97)

D. Convalescent Facilities. Establishments providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. (3334-6/97)

E. Cultural Institutions. Nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries. (3334-6/97)

F. Day Care, Large-Family. Non-medical care and supervision for 7 to 12 persons, or up to 14 persons if two of the persons are six years of age or older on a less than 24-hour basis. Children under the age of 10 years who reside in the home shall be counted for purposes of these limits.
(3334-6/97,3669-12/04)

G. Day Care, General. Non-medical care for 13 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day-care centers for children or adults. (3334-6/97, 3669-12/04)

H. Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis. (3334-6/97)

I. Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. (3334-6/97)

J. Heliports. Pads and facilities enabling takeoffs and landings by helicopter. (3334-6/97)

K. Hospitals. Facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This classification includes incidental facilities for out-patient treatment, as well as training, research, and administrative services for patients and employees. (3334-6/97)

L. Maintenance and Service Facilities. Facilities providing maintenance and repair services for vehicles and equipment, and materials storage areas. This classification includes corporation yards, equipment service centers, and similar facilities. (3334-6/97)

M. Marinas. A boat basin with docks, mooring facilities, supplies and equipment for small boats. (3334-6/97)

N. Park and Recreation Facilities. Noncommercial parks, playgrounds, recreation facilities, and open spaces. (3334-6/97)

O. Public Safety Facilities. Facilities for public safety and emergency services, including police and fire protection. (3334-6/97)

P. Religious Assembly. Facilities for religious worship and incidental religious education, but not including private schools as defined in this section. (3334-6/97)

Q. Schools, Public or Private. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.
(3334-6/97)

R. Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, refuse collection, transfer, recycling or disposal facilities, flood control or drainage facilities, water or wastewater

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treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. (3334-6/97)

S. Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines, and recycling and collection containers. (3334-6/97)

204.10 Commercial Use Classifications

A. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles as regulated by Chapter 5.20. (3334-6/97, 3378-2/98)

B. Animal Sales and Services.

1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, and incidental medical care, and kennels. (3334-6/97)

2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding for a maximum period of 48 hours. (3334-6/97)

3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air- conditioned. Grooming and temporary (maximum 30 days) boarding of animals are included, if incidental to the hospital use. (3334-6/97)

4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours. (3334-6/97)

5. Equestrian Centers. Establishments offering facilities for instruction in horseback riding, including rings, stables, and exercise areas. (3334-6/97)

6. Pet Cemetery. Land used or intended to be used for the burial of animals, ashes or remains of dead animals, including placement or erection of markers, headstones or monuments over such places of burial. (3334-6/97)

C. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. (3334-6/97)

D. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities. (3334-6/97, 3378-2/98)

1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles. (3334-6/97)

E. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but

excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services. (3334-6/97, 3378-2/98)

F. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.) (3334-6/97, 3378-2/98)

G. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97, 3378-2/98)

H. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors and poolrooms as regulated by Chapter 9.32; dance halls as regulated by Chapter 5.28; ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, pinball arcades or electronic games centers, cyber café having more than 4 coin-operated game machines as regulated by Chapter 9.28; card rooms as regulated by Chapter 9.24; and fortune telling as regulated by Chapter 5.72. (3334-6/97, 3378-2/98, 3669-12/04)

1. Limited. Indoor movie theaters, game centers and performing arts theaters and health/fitness clubs occupying less than 2,500 square feet. (3334-6/97)

I. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; telegraph offices; and wireless communication facilities. (3334-6/97, 3378-2/98, 3568-9/02)

J. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises. (3334-6/97, 3378-2/98)

1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption. (3334-6/97)

a. Drive-through. Service from a building to persons in vehicles through an outdoor service window. (3334-6/97)

b. Limited. Establishments that do not serve persons in vehicles or at a table. (3334-6/97)

2. With Live Entertainment/Dancing. An eating or drinking establishment where dancing and/or live entertainment is allowed. This classification includes nightclubs subject to the requirements of Chapter 5.44 of the Municipal Code. (3334-6/97)

K. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments. (3334-6/97, 3378-2/98)

1. With Alcoholic Beverage Sales. Establishments where more than 10 percent of the floor area is devoted to sales, display and storage of alcoholic beverages. (3334-6/97)

L. Food Processing. Establishments primarily engaged in the manufacturing or processing of food or beverages for human consumption and wholesale distribution. (3334-6/97, 3378-2/98)

M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries. (3334-6/97, 3378-2/98)

N. Horticulture. The raising of fruits, vegetables, flowers, trees, and shrubs as a commercial enterprise. (3334-6/97, 3378-2/98)

O. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry. (3334-6/97, 3378-2/98)

P. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair). (3334-6/97)

Q. Marine Sales and Services. Establishments providing supplies and equipment for shipping or related services or pleasure boating. Typical uses include chandleries, yacht brokerage and sales, boat yards, boat docks, and sail-making lofts. (3334-6/97, 3378-2/98)

R. **RESERVED.**

~~Medical Marijuana Dispensary or Dispensary. Any facility or location where medical marijuana is made available to and/or distributed by or to three or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: (3703-3/05)~~

~~1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (3703-3/05)~~

~~2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; (3703-3/05)~~

~~3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; (3703-3/05)~~

~~4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; (3703-3/05)~~

~~5. A residential hospice, or (3703-3/05)~~

~~6. A home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with~~

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~~applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq. (3703-3/05)~~

S. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. (3334-6/97, 3378-2/98)

T. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.
(3334-6/97, 3378-2/98)

U. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property and subject to Chapter 5.36 of the Municipal Code.
(3334-6/97, 3378-2/98)

V. Personal Enrichment Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, fitness studios, yoga or martial arts studios, and massage in conjunction with Personal Services business.
(3334-6/97, 3378-2/98, 3669-12/04)

W. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries.
(3334-6/97, 3378-2/98)

X. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis. (3334-6/97, 3378-2/98)

Y. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
(3334-6/97, 3378-2/98)

Z. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing by secondhand dealers who are subject to Chapter 5.36. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances, but includes junk shops. (3334-6/97, 3378-2/98)

AA Sex Oriented Businesses. Establishments as regulated by Chapter 5.70; baths, sauna baths and massage establishments, as regulated by Chapter 5.24; and figure model studios as regulated by Chapter 5.60. (3378-2/98)

BB. Swap Meets, Indoor/Flea Markets. An occasional, periodic or regularly scheduled market held within a building where groups of individual vendors offer goods for sale to the public. (3334-6/97)

CC. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 32 consecutive hours, conducted by a sponsor on a more than twice yearly basis. (3334-6/97)

DD. Tattoo Establishment. Premises used for the business of marking or coloring the skin with tattoos as regulated by Chapter 8.70. (3334-6/97)

EE. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies. (3334-6/97)

FF. Vehicle/Equipment Sales and Services.

1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. (3334-6/97)

2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles. (3334-6/97)

3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee. (3334-6/97)

4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and minor repair of motor vehicles, but excluding body and fender work or major repair of automobiles, motorcycles, light and heavy trucks or other vehicles. (3334-6/97)

5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. (3334-6/97)

   a. Limited. Light repair and sale of goods and services for vehicles, including brakes, muffler, tire shops, oil and lube, and accessory uses, but excluding body and fender shops, upholstery, painting, and rebuilding or reconditioning of vehicles. (3334-6/97)

6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance. (3334-6/97)

7. Vehicle Storage. The business of storing or safekeeping of operative and inoperative vehicles for periods of time greater than a 24 hour period, including, but not limited to, the storage of parking tow-aways, impound

yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but not including vehicle dismantling. (3334-6/97, 3757-1/07)

GG. Visitor Accommodations.

1. Bed and Breakfast Inns. Establishments offering lodging on a less than weekly basis in a converted single-family or multi-family dwelling or a building of residential design, with incidental eating and drinking service for lodgers only provided from a single kitchen. (3334-6/97)

2. Hotels and Motels. Establishments offering lodging on a weekly or less than weekly basis. Motels may have kitchens in no more than 25 percent of guest units, and "suite" hotels may have kitchens in all units. This classification includes eating, drinking, and banquet service associated with the facility. (3334-6/97)

HH. Warehouse and Sales Outlets. Businesses which store large inventories of goods in industrial-style buildings where these goods are not produced on the site but are offered to the public for sale. (3334-6/97)

II. Quasi Residential

1. Residential Hotels. Buildings with 6 or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis. (3334-6/97)

2. Single Room Occupancy. Buildings designed as a residential hotel consisting of a cluster of guest units providing sleeping and living facilities in which sanitary facilities and cooking facilities are provided within each unit; tenancies are weekly or monthly. (3334-6/97)

3. Time-Share Facilities. A facility in which the purchaser receives the right in perpetuity, for life or for a term of years, to the recurrent exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis for a period of time that has been or will be allocated from the use or occupancy periods into which the plan has been divided. A time-share plan may be coupled with an estate in the real property or it may entail a license or contract and/or membership right of occupancy not coupled with an estate in the real property. (3334-6/97)

204.12 Industrial Use Classifications

A. Industry, Custom. Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. (3334-6/97)

1. Small-scale. Includes mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture. (3334-6/97)

B. Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or

outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, food processing and packaging, laundry and dry cleaning plants, auto dismantling within an enclosed building, stonework and concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation. (3334-6/97)

C. Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials and Vehicle/Equipment Services, but does allow food processing for human consumption. (3334-6/97)

D. Industry, Research and Development. Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but prohibits uses that may be objectionable in the opinion of the Director, by reason of production of offensive odor, dust, noise, vibration, or in the opinion of the Fire Chief by reason of storage of hazardous materials. Uses include aerospace and biotechnology firms, and non-toxic computer component manufacturers. (3334-6/97)

This classification also includes assembly, testing and repair of components, devices, equipment, systems, parts and components such as but not limited to the following: coils, tubes, semi-conductors; communication, navigation, guidance and control equipment; data processing equipment; filing and labeling machinery; glass edging and silvering equipment; graphics and art equipment; metering equipment; optical devices and equipment; photographic equipment; radar, infrared and ultraviolet equipment; radio and television equipment. (3334-6/97)

This classification also includes the manufacture of components, devices, equipment, parts and systems which includes assembly, fabricating, plating and processing, testing and repair, such as but not limited to the following: machine and metal fabricating shops, model and spray painting shops, environmental test, including vibration analysis, cryogenics, and related functions, plating and processing shops, nuclear and radioisotope. (3334-6/97)

This classification also includes research and development laboratories including biochemical and chemical development facilities for national welfare on land, sea, or air; and facilities for film and photography, metallurgy; pharmaceutical, and medical and x-ray research. (3334-6/97)

E. Wholesaling, Distribution and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for recycling facilities and public storage in a small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses. (3334-6/97)

204.14 Accessory Use Classifications

Accessory Uses and Structures. Uses and structures that are incidental to the principal permitted or conditionally permitted use or structure on a site and are customarily found on the same site. This classification includes detached or attached garages, home occupations, caretakers' units, and dormitory type housing for industrial commercial workers employed on the site, and accessory dwelling units. (3334-6/97)

204.16 Temporary Use Classifications

A. Animal Shows. Exhibitions of domestic or large animals for a maximum of seven days. (3334-6/97)

B. Festivals, Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of seven days. This classification excludes events conducted in a permanent entertainment facility. (3334-6/97, 3521-2/02)

C. Commercial Filming, Limited. Commercial motion picture or video photography at a specific location six or fewer days per quarter of a calendar year. (See also Chapter 5.54, Commercial Photography) (3334-6/97)

D. Personal Property Sales. Sales of personal property by a resident ("garage sales") for a period not to exceed 48 consecutive hours and no more than once every six months. (3334-6/97)

E. Real Estate Sales. An office for the marketing, sales, or rental of residential, commercial, or industrial development. This classification includes "model homes." (3334-6/97)

F. Retail Sales, Outdoor. Retail sales of new merchandise on the site of a legally established retail business for a period not to exceed 96 consecutive hours (four days) no more than once every 3 months. (3334-6/97, 3669-12/04)

G. Seasonal Sales. Retail sales of seasonal products, including Christmas trees, Halloween pumpkins and strawberries. (3334-6/97)

H. Street Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures. (3334-6/97)

I. Trade Fairs. Display and sale of goods or equipment related to a specific trade or industry for a maximum period of five days per year. (3334-6/97)

J. Temporary Event. Those temporary activities located within the coastal zone that do not qualify for an exemption pursuant to Section 245.08. (3334-6/97)

K. Tent Event. Allows for the overflow of any assembly for a period not to exceed 72 consecutive hours and not more than once every 3 months. (3521-2/02, 3724-02/06)

ORDINANCE NO._____

LEGISLATIVE DRAFT

Chapter 212 I Industrial Districts

(3254-10/94, 3378-2/98, 3523-2/02, 3568-9/02, Emergency Ord. 3703-3/21/05, 3708-6/05, 3724-02/06)

Sections:

212.02 Industrial Districts Established
212.04 IG and IL Districts: Land Use Controls
212.06 IG and IL Districts: Development Standards
212.08 Review of Plans

212.02 Industrial Districts Established (3254-10/94)

Two (2) industrial zoning districts are established by this chapter as follows: (3254-10/94)

A. The IG General Industrial District provides sites for the full range of manufacturing, industrial processing, resource and energy production, general service, and distribution. (3254-10/94)

B. The IL Limited Industrial District provides sites for moderate- to low-intensity industrial uses, commercial services and light manufacturing. (3254-10/94)

212.04 IG and IL Districts: Land Use Controls (3254-10/94)

In the following schedules, letter designations are used as follows: (3254-10/94)

"P" designates use classifications permitted in the I districts. (3254-10/94)

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow. (3254-10/94)

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission. (3254-10/94)

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator. (3254-10/94)

"TU" designates use classifications allowed upon approval of a temporary use permit by the Zoning Administrator. (3254-10/94)

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use. (3254-10/94)

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to requirements following the schedule or located elsewhere in this ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading. (3254-10/94)

ATTACHMENT NO. 2.12

IG AND IL DISTRICTS: LAND USE CONTROLS

P - Permitted
L - Limited (see Additional Provisions)
PC - Conditional use permit approved by Planning Commission
ZA - Conditional use permit approved by Zoning Administrator
TU - Temporary Use Permit
P/U - Requires conditional use permit on site of conditional use
- - Not Permitted

	IG	IL	Additional Provisions
Residential			
Group Residential	PC	PC	(J)
Public and Semipublic			(A)(M)(3708-6/05, 3724-02/06)
Community and Human Service Facilities	PC	PC	(L) (3708-6/05, 3724-02/06)
Day Care, General	ZA	ZA	(3523-2/02)
Heliports	PC	PC	(O)
Maintenance & Serivce Facilities	ZA	ZA	(3708-6/05)
Public Safety Facilities	P	P	
Religious Assembly	ZA	ZA	(3724-02/06)
Schools, Public or Private	L-6	L-6	
Utilities, Major	PC	PC	
Utilities, Minor	L-7	L-7	(P)
Commercial Uses			(D)(M)
Ambulance Services	ZA	ZA	
Animal Sales and Services			
Animal Boarding	ZA	ZA	(3523-2/02)
Animal Hospitals	ZA	ZA	(3523-2/02)
Artists' Studios	P	P	
Banks and Savings and Loans	L-1	L-1	
Building Materials and Services	P	P	
Catering Services	-	P	
Commercial Filming	ZA	ZA	
Commercial Recreation and Entertainment	L-2	L-2	
Communication Facilities	L-12	L-12	(3568-9/02)
Eating & Drinking Establishments	L-3	L-3	
w/Live Entertainment	ZA	ZA	(S)(U) (3523-2/02)
Food & Beverage Sales	ZA	ZA	(3523-2/02)
Hospitals and Medical Clinics	-	PC	
Laboratories	P	P	
Maintenance & Repair Services	P	P	
Marine Sales and Services	P	P	
~~Medical Marijuana Dispensary~~	~~P~~	~~P~~	~~(L-13)~~ (3703-3/05)
Nurseries	P	P	
Offices, Business & Professional	L-1	L-1	(H)

ATTACHMENT NO. 2.13

IG AND IL DISTRICTS: LAND USE CONTROLS	P - Permitted L - Limited (see Additional Provisions) PC - Conditional use permit approved by Planning Commission ZA - Conditional use permit approved by Zoning Administrator TU - Temporary Use Permit P/U - Requires conditional use permit on site of conditional use - Not Permitted

	IG	IL	Additional Provisions	
Personal Enrichment	L-9	L-9	(U)	(3523-2/02)
Personal Services	L-1	L-1		
Quasi Residential	PC	PC	(K)	(3708-6/05)
Research & Development Services	P	P		
Sex Oriented Businesses	L-11	L-11		(3378-2/98)
(regulated by HBMC Chapter 5.70)				(3378-2/98)
Sex Oriented Businesses	PC	PC	(R)	(3378-2/98)
(regulated by HBMC Chapters 5.24 & 5.60)				(3378-2/98)
Swap Meets, Indoor/Flea Markets	PC	PC	(Q)	
Vehicle/Equipment Sales & Services				
Service Stations	L-4	L-4		
Vehicle/Equipment Repair	P	P		
Vehicle/Equip. Sales/Rentals	L-5	L-5		
Vehicle Storage	P	ZA	(I)	
Visitor Accommodations	ZA	ZA		(3708-6/05)
Warehouse and Sales Outlets	L-8	L-8		
Industrial *(See Chapter 204)*			(B)(M)(N)	
Industry, Custom	P	P		
Industry, General	P	P		
Industry, Limited	P	P		
Industry, R & D	P	P		
Wholesaling, Distribution & Storage	P	P		
Accessory Uses				
Accessory Uses and Structures	P/U	P/U	(C)	
Temporary Uses				
Commercial Filming, Limited	P	P	(T)	(3523-2/02)
Real Estate Sales	P	P		
				(3
				523-2/02,3708-6/05)
Trade Fairs	P	P	(E)	(3708-6/05)
Nonconforming Uses			(F)	

IG AND IL Districts: Additional Provisions

L-1 Only allowed upon approval of a conditional use permit by the Zoning Administrator for a mixed use project, subject to the following requirements: (3254-10/94, 3708-6/05)

Minimum site area: 3 acres (3254-10/94)

Maximum commercial space: 35 percent of the gross floor area and 50 percent of the ground floor area of buildings fronting on an arterial highway. (3254-10/94)

Phased development: 25 percent of the initial phase must be designed for industrial occupancy. For projects over 500,000 square feet, the initial phase must include 5 percent of the total amount of industrial space or 50,000 square feet of industrial space, whichever is greater. (3254-10/94)

L-2 Allowed upon approval of a conditional use permit by the Zoning Administrator when designed and oriented for principal use by employees of the surrounding industrial development or when designed for general public use, after considering vehicular access and parking requirements. (3254-10/94, 3708-6/05)

L-3 Allowed upon approval of a conditional use permit by the Zoning Administrator when in a free-standing structure or as a secondary use in a building provided that no more than 20 percent of the floor area is occupied by such a use. (3254-10/94, 3523-2/02)

L-4 Only stations offering services primarily oriented to businesses located in an I District are allowed with a conditional use permit by the Planning Commission. (3254-10/94)

L-5 No new or used automobile, truck or motorcycle retail sales are permitted. (3254-10/94)

L-6 Only schools offering higher education curriculums are allowed with conditional use permit approval by the Planning Commission. No day care, elementary or secondary schools are permitted. (3254-10/94)

L-7 Recycling Operations as an accessory use are permitted; recycling operations as a primary use are allowed upon approval of a conditional use permit by the Zoning Administrator. (3254-10/94, 3708-6/05)

L-8 Allowed upon conditional use permit approval by the Planning Commission when a single building with a minimum area of 100,000 square feet is proposed on a site fronting an arterial. The primary tenant shall occupy a minimum 95% of the floor area and the remaining 5% may be occupied by secondary tenants. (3254-10/94)

L-9 Permitted if the space is 5,000 square feet or less; allowed by Neighborhood Notification pursuant to Chapter 241 if the space is over 5,000 square feet. (3254-10/94, 3523-2/02,3708-6/05)

L-10 RESERVED (3254-10/94,3523-2/02, 3724-02/06)

IG AND IL Districts: Additional Provisions (continued)

L-11 Allowed subject to the following requirements: (3378-2/98)

A. A proposed sex oriented business shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another sex oriented business. For purposes of these requirements, all distances shall be measured from the lot line of the proposed sex oriented business to the lot line of the sensitive use or the other sex oriented business. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3378-2/98)

To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the sex oriented business is proposed which includes all the proposed parking and: (3378-2/98)

1. the lot line of any other sex oriented business within seven hundred fifty feet (750') of the lot line of the proposed sex oriented business; and (3378-2/98)

2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the proposed sex oriented business; and (3378-2/98)

3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed sex oriented business. (3378-2/98)

B. The front facade of the building, including the entrance and signage, shall not be visible from any major, primary or secondary arterial street as designated by the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive. (3378-2/98)

C. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a sex oriented business zoning permit with the drawing described in subsection A, a technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the

Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: (3378-2/98)

1. Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures. (3378-2/98)

2. Chapter 233.08(b), Signs. Signage shall conform to the standards of the Huntington Beach Zoning and Subdivision Ordinance Code except

   a. that such signs shall contain no suggestive or graphic language, photographs, silhouettes, drawings, statues, monuments, sign shapes or sign projections, or other graphic representations, whether clothed or unclothed, including without limitation representations that depict "specified anatomical areas" or "specified sexual activities"; and (3378-2/98)

   b. only the smallest of the signs permitted under Chapter 233.08(b) shall be visible from any major, primary or secondary arterial street, such streets shall be those designated in the Circulation Element of the General Plan adopted May, 1996, with the exception of Argosy Drive.

3. Compliance with Huntington Beach Municipal Code Chapter 5.70. (3378-2/98)

D. The Director shall grant or deny the application for a sex oriented business zoning permit for a sex oriented business. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review. (3378-2/98)

E. Ten (10) working days prior to submittal of an application for a sex oriented business zoning permit for Staff Review, the applicant shall: (i) cause notice of the application to be printed in a newspaper of general circulation; and (ii) give mailed notice of the application to property owners within one thousand (1000') feet of the proposed location of the sex oriented business; and the City of Huntington Beach, Department of Community Development by first class mail. (3378-2/98)

The notice of application shall include the following: (3378-2/98)

1. Name of applicant; (3378-2/98)

2. Location of proposed sex oriented business, including street address (if known) and/or lot and tract number; (3378-2/98)

3. Nature of the sex oriented business, including maximum height and square footage of the proposed development; (3378-2/98)

4. The City Hall telephone number for the Department of Community Development to call for viewing plans; (3378-2/98)

IG AND IL Districts: Additional Provisions (continued)

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5. The date by which any comments must be received in writing by the Department of Community Development. This date shall be ten (10) working days from staff review submittal; and (3378-2/98)

6. The address of the Department of Community Development. (3378-2/98)

F. A sex oriented business may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233. (3378-2/98)

G. A sex oriented business zoning permit shall become null and void one year after its date of approval unless: (3378-2/98)

1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or (3378-2/98)

2. The use is established. (3378-2/98)

H. The validity of a sex oriented business zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer. (3378-2/98)

I. A sex oriented business zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. (3378-2/98)

L-12 For wireless communication facilities see section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)

(A) Repealed. (3254-10/94, 3708-6/05)

(B) A conditional use permit from the Zoning Administrator is required for any new use or enlargement of an existing use, or exterior alterations and additions for an existing use located within 150 feet of an R district. The Director may waive this requirement if there is no substantial change in the character of the use which would affect adjacent residential property in an R District. (3254-10/94)

(C) Accessory office uses incidental to a primary industrial use are limited to 10 percent of the floor area of the primary industrial use. (3254-10/94)

(D) Adjunct office and commercial space, not to exceed 25 percent of the floor area of the primary industrial use, is allowed with a conditional use permit from the Zoning Administrator, provided that it is intended primarily to serve employees of the industrial use, no exterior signs advertise the adjunct use, the adjunct use is physically separated from the primary industrial use, any retail sales are limited to goods manufactured on-site, and the primary industrial fronts on an arterial. (3254-10/94)

ATTACHMENT NO. 2-18

(E) See Section 241.22: Temporary Use Permits. (3254-10/94)

(F) See Chapter 236: Nonconforming Uses and Structures. (3254-10/94)

IG AND IL Districts: Additional Provisions (continued)

(H) Medical/dental offices, insurance brokerage offices, and real estate brokerage offices, except for on-site leasing offices, are not permitted in any I District. (3254-10/94)

Administrative, management, regional or headquarters offices for any permitted industrial use, which are not intended to serve the public, require a conditional use permit from the Zoning Administrator to occupy more than 10 percent of the total amount of space on the site of the industrial use. (3254-10/94)

(I) Automobile dismantling, storage and/or impound yards may be permitted subject to the approval of a conditional use permit by the Planning Commission and the following criteria: (3254-10/94)

(a) The site shall not be located within 660 feet of an R district. (3254-10/94)

(b) All special metal cutting and compacting equipment shall be completely screened from view. (3254-10/94)

(c) Storage yards shall be enclosed by a solid 6-inch concrete block or masonry wall not less than 6 feet in height and set back a minimum 10 feet from abutting streets with the entire setback area permanently landscaped and maintained. (3254-10/94)

(d) Items stacked in the storage yard shall not exceed the height of the screening walls or be visible from adjacent public streets. (3254-10/94)

(J) Limited to facilities serving workers employed on-site. (3254-10/94)

(K) Limited to: Single Room Occupancy uses (See Section 230.46). (3254-10/94,3708-6/05)

(L) Limited to Emergency Shelters. (3254-10/94)

(M) Development of vacant land and/or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3254-10/94, 3523-2/02)

(N) Major outdoor operations require conditional use permit approval by the Planning Commission. Major outside operations include storage yards and uses utilizing more than 1/3 of the site for outdoor operation. (3254-10/94)

(O) See Section 230.40: Helicopter Takeoff and Landing Areas. (3254-10/94)

(P) See Section 230.44: Recycling Operations. (3254-10/94)

(Q) See Section 230.50: Indoor Swap Meets/Flea Markets (3254-10/94)

(R) See L-11(A) relating to locational restrictions. (3254-10/94, 3378-2/98)

IG AND IL Districts: Additional Provisions (continued)

(S) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3523-2/02)

(T) Subject to approval by the Police Department, Public Works Department, and Fire Department and the Planning Director. (3523-2/02)

(U) Neighborhood notification requirements when no entitlement required pursuant to Chapter 241. (3523-2/02, 3708-6/05)

~~L-13 Allowed subject to the following requirements: (3703-3/21/05)~~

~~A. A proposed medical marijuana dispensary shall be at least five hundred feet (500') from any residential use, school, park and recreational facility, or any building used for religious assembly (collectively referred to as a "sensitive use") and at least seven hundred fifty feet (750') from another medical marijuana dispensary. For purposes of these requirements, all distances shall be measured from the lot line of the proposed medical marijuana dispensary to the lot line of the sensitive use or the other medical marijuana dispensary. The term "residential use" means any property zoned RL, RM, RMH, RH, RMP, and any properties with equivalent designations under any specific plan. (3703-3/21/05)~~

~~To determine such distances the applicant shall submit for review a straight line drawing depicting the distances from the lot line of the parcel of land on which the medical marijuana dispensary is proposed which includes all the proposed parking and: (3703-3/21/05)~~

~~1. the lot line of any other medical marijuana dispensary within seven hundred fifty feet (750') of the lot line of the medical marijuana dispensary; and (3703-3/21/05)~~

~~2. the lot line of any building used for religious assembly, school, or park and recreational facility within five hundred (500') feet of the lot line of the medical marijuana dispensary; and (3703-3/21/05)~~

~~3. the lot line of any parcel of land zoned RL, RM, RMH, RH, and RMP and any parcels of land with equivalent designations under any specific plans within five hundred feet (500') of the lot line of the proposed medical marijuana dispensary. (3703-3/21/05)~~

~~B. Prior to or concurrently with applying for a building permit and/or a certificate of occupancy for the building, the applicant shall submit application for Planning Department Staff Review of a medical marijuana dispensary zoning permit with the drawing described in subsection A, a~~

~~technical site plan, floor plans and building elevations, and application fee. Within ten (10) days of submittal, the Director shall determine if the application is complete. If the application is deemed incomplete, the applicant may resubmit a completed application within ten (10) days. Within thirty days of receipt of a completed application, the Director shall determine if the application complies with the applicable development and performance standards of the Huntington Beach Zoning and Subdivision Ordinance. Said standards include but are not limited to the following: Chapter 203, Definitions; Chapter 212, Industrial Districts; Chapter 230, Site Standards; Chapter 231, Off-Street Parking & Loading Provisions; Chapter 232, Landscape Improvements; and Chapter 236, Nonconforming Uses and Structures.~~ (3703-3/21/05)

~~C. The Director shall grant or deny the application for a medical marijuana dispensary zoning permit for a medical marijuana dispensary. There shall be no administrative appeal from the granting or denial of a permit application thereby permitting the applicant to obtain prompt judicial review.~~ (3703-3/21/05)

~~D. A medical marijuana dispensary may not apply for a variance pursuant to Chapter 241 nor a special sign permit pursuant to Chapter 233.~~ (3703-3/21/05)

~~E. A medical marijuana dispensary zoning permit shall become null and void one year after its date of approval unless:~~ (3703-3/21/05)

~~1. Construction has commenced or a Certificate of Occupancy has been issued, whichever comes first; or~~ (3703-3/21/05)

~~2. The use is established.~~ (3703-3/21/05)

~~F. The validity of a medical marijuana dispensary zoning permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor promptly notifies the Director of the transfer.~~ (3703-3/21/05)

~~G. A medical marijuana dispensary zoning permit shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months.~~ (3703-3/21/05)

212.06 IG AND IL Districts: Development Standards

The following schedule prescribes development standards for the I Districts. The first two columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column reference requirements following the schedule or located elsewhere in this ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions. (3254-10/94)

	IG	IL	Additional Requirements
Residential Development			(M)
Nonresidential Development			
Minimum Lot Area (sq. ft.)	20,000	20,000	(A)(B) (3708-06/05)

ATTACHMENT NO. 2.21

Minimum Lot Width (ft.)	100	100	(A)(B)
Minimum Setbacks			(A)(C)
Front (ft.)	10;20	10;20	(D)
Side (ft.)	0	15	(E)(F) (3708-06/05)
Street Side (ft.)	10	10	
Rear (ft.)	0	0	(E) (3708-06/05)
Maximum Height of Structures (ft.)	40	40	(G)
Maximum Floor Area Ratio (FAR)	0.75	0.75	
Minimum Site Landscaping (%)	8	8	(H)(I)

	IG	IL	Additional Requirements
Fences and Walls	See Section 230.88		
Off-Street Parking and Loading	See Chapter 231		(J)
Outdoor Facilities	See Section 230.74		
Screening of Mechanical Equipment	See Section 230.76		(K)
Refuse Storage Area	See Section 230.78		
Underground Utilities	See Chapter 17.64		
Performance Standards	See Section 230.82		(L)
Nonconforming Uses and Structures	See Chapter 236		
Signs	See Chapter 233		

IG AND IL Districts: Additional Development Standards

(A) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots. (3254-10/94)

(B) Smaller lot dimensions for new parcels may be permitted by the Zoning Administrator with an approved development plan and tentative subdivision map. (3254-10/94)

(C) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage. (3254-10/94)

(D) The minimum front setback shall 10 feet and the average setback 20 feet, except for parcels fronting on local streets where only a 10 foot setback is required. (3254-10/94)

All I Districts: An additional setback is required for buildings exceeding 25 feet in height (1 foot for each foot of height) and for buildings exceeding 150 feet in length (1 foot for each 10 feet of building length) up to a maximum setback of 30 feet. (3254-10/94)

(E) In all I districts, a 15-foot setback is required abutting an R district and no openings in buildings within 45 feet of an R district. (3254-10/94)

(F) A zero-side yard setback may be permitted in the I districts, but not abutting an R district, provided that a solid wall at the property line is constructed of maintenance-free masonry material and the opposite side yard is a minimum of 30 feet. (3254-10/94)

Exception. The Zoning Administrator or Planning Commission may approve a conditional use permit to allow a 15-foot interior side yards opposite a zero-side yard on one lot, if an abutting

side yard at least 15 feet wide is provided and access easements are recorded ensuring a minimum 30-foot separation between buildings. This 30-foot accessway must be maintained free of obstructions and open to the sky, and no opening for truck loading or unloading shall be permitted in the building face fronting on the accessway unless a 45-foot long striped areas is provided solely for loading and unloading entirely within the building. (3254-10/94)

(G) See Section 230.70: Measurement of Height. Within 45 feet of an R district, no building or structure shall exceed a height of 18 feet. (3254-10/94)

IG AND IL Districts: Additional Development Standards (continued)

(H) Planting Areas. Required front and street-side yards adjacent to a public right-of-way shall be planting areas except for necessary drives and walks. A 6-foot wide planting area shall be provided adjacent to an R district and contain one tree for each 25 lineal feet of planting area. (3254-10/94)

(I) See Chapter 232: Landscape Improvements. (3254-10/94)

(J) Truck or rail loading, dock facilities, and the doors for such facilities shall not be visible from or be located within 45 feet of an R district. (3254-10/94)

(K) See Section 230.80: Antennae. (3254-10/94)

(L) Noise. No new use shall be permitted, or exterior alterations and/or additions to an existing use allowed, within 150 feet of an R district until a report prepared by a California state-licensed acoustical engineer is approved by the Director. This report shall include recommended noise mitigation measures for the industrial use to ensure that noise levels will conform with Chapter 8.40 of the Municipal Code. The Director may waive this requirement for change of use or addition or exterior alteration to an existing use if it can be established that there had been no previous noise offense, that no outside activities will take place, or if adequate noise mitigation measures for the development are provided. (3254-10/94)

(M) Group residential or accessory residential uses shall be subject to standards for minimum setbacks and height of the RH District. (3254-10/94)

212.08 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3254-10/94,3708-6/05)

A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects including a zero-side yard exception; projects on substandard lots. (3254-10/94)

B. Design Review Board. Projects within redevelopment project areas and areas within 500 feet of a PS district; see Chapter 244. (3254-10/94)

C. Planning Commission. Projects requiring a conditional use permit from the Commission. (3254-10/94)

D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245. (3254-10/94)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTERS 204 AND 212 OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE PERTAINING TO MEDICAL MARIJUANA DISPENSARIES

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That language in subsection R of Section 204.10 of the Huntington Beach Zoning and Subdivision Ordinance is hereby deleted. (For clerical purposes the letter "R" has been retained.)

SECTION 2. In Section 212.04 Land Use Controls, reference to Medical Marijuana Dispensary and Provision L-13 are hereby deleted in their entirety.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2007

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED AS TO FORM:

_____
City Attorney 4.28.07

REVIEWED AND APPROVED:

4.28.07

_____
City Administrator

ATTACHMENT NO. 3

Council/Agency Meeting Held:_____ Deferred/Continued to:_____ ❑ Approved ❑ Conditionally Approved ❑ Denied	_____ City Clerk's Signature
Council Meeting Date:	Department ID Number: CA 07-26

CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Adoption revising Zoning Code Chapters 204 and 212 as to medical marijuana dispensaries

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

Statement of Issue: Huntington Beach Zoning and Subdivision Ordinance Chapters 202 and 212 currently permit medical marijuana dispensaries within the City. In light of recent court rulings, the law is now clear that despite California's adoption of Proposition 215, the medical marijuana initiative, the federal prohibition against the possession, use, and distribution of marijuana applies to persons possessing, using, and distributing marijuana even for medicinal purposes. Consequently, the operation of medical marijuana dispensaries violates federal law and, as such, this use should not be permitted in the City of Huntington Beach. This ordinance will revise the Zoning and Subdivision Ordinance to remove references to medical marijuana dispensaries.

Funding Source: No funds are required

Recommended Action: **Motion to:** Adopt Ordinance No. _____ An Ordinance of the City of Huntington Beach Amending Chapters 204 and 212 of the Zoning Code Pertaining to Medical Marijuana Dispensaries.

Alternative Action(s): Do not adopt Ordinance No. _____.

Analysis: In March of 2005, the City Council adopted Ordinance No. 3703, permitting medical marijuana dispensaries in specified locations within the City. At the time of adoption of the ordinance, a Supreme Court decision was pending in a case that challenged the applicability of Proposition 215 (the Compassionate Use Act) as it relates to the Federal Controlled Substances Act ("FCSA"). In June of 2005, the United States Supreme Court issued its opinion in this case, *Gonzales v. Raich* (2005) 545 U.S. 1, upholding the enforcement of the FCSA. The Court held that Congress could regulate and even ban the use of marijuana under the Commerce Clause. In other words, the possession and

distribution of marijuana is still a federal crime. However, at this time, the *Raich* case had been remanded to the Ninth Circuit to address the plaintiff's remaining claims that she was entitled to possess and use medical marijuana based on, amongst other things, rights afforded to her under the United States Constitution. This eagerly anticipated decision, which was just filed on March 14, 2007, held that the application of the FCSA to medical marijuana growers and users did not violate substantive due process guarantees, as the use of medical marijuana was not a fundamental right. It also held that the plaintiff failed to demonstrate a likelihood of success on her claim that the FCSA, as applied to prevent the use of marijuana under California's Compassionate Use Act, violated the Tenth Amendment. (*Gonzales v. Raich*, 2007 WL 754759, 12.)

This recent federal decision has affirmed once more that even where an individual appropriately adheres to California law under Proposition 215, he or she may be prosecuted under federal law for the use, possession, or distribution of marijuana. At this time, only Congressional action can resolve the conflict between state and federal law regarding the use of marijuana for medicinal purposes. Not only do these federal decisions place law enforcement in a precarious position between enforcement of state and federal law, the City itself is in an untenable position based on its ordinance permitting medical marijuana dispensaries.

Permitting these dispensaries has implications under the FCSA as well as certain provisions of the Huntington Beach Municipal Code ("HBMC"). HBZSO Chapters 204 and 212 allow for medical marijuana dispensaries uses subject to specific location criteria. However, based on the *Raich* decisions, the issuance of a zoning permit for a medical marijuana dispensary would be considered the issuance of a permit for an illegal use. Further, under HBMC Section 5.04.050, the City is prohibited from issuing a business license for a use that is illegal under state or federal law.

Lastly, the City has recently taken the position that it should not be required to violate federal law by returning medical marijuana to criminal defendants. The City has recently successfully challenged two court orders that required the City to return medical marijuana to criminal defendants. It is also the Real Party in a case on this same issue that is currently pending before the Appellate Court, *Spray v. Superior Court*, and has provided *amicus curiae* support to the City of Garden Grove in *Spray's* companion case, *City of Garden Grove v. Superior Court*. Permitting medical marijuana dispensaries to operate within the City is inconsistent with the City's position in these cases.

It should be noted that some cities that do not permit the operation of medical marijuana dispensaries, such as Dublin, Fremont, and Auburn, have elected to expressly prohibit this type of use through the adoption of municipal codes specifically tailored towards medical marijuana dispensaries. Although the City may adopt a similar ordinance if it so chooses, it is the City's standard practice to regulate by permitting uses, rather than by express prohibition. Even without an ordinance expressly prohibiting the operation of medical marijuana dispensaries, the City can regulate this illegal use under HBMC 5.04.050, its business license ordinance.

Strategic Plan Goal: Preserve the quality of our neighborhoods, maintain open space, and provide for the preservation of historic neighborhoods.

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	~~An Ordinance of the City Council of the City of Huntington Beach Amending Zoning Code Chapters 202 and 212 Pertaining to Medical Marijuana Dispensaries.~~
	2.	~~Legislative Drafts of Zoning Code Chapters 202 and 212~~.

ATTACHMENT NO. 4.3

A motion was made by Coerper, second Bohr to:

1. **OPPOSE – HR 2726 (Sessions)** Preserving Innovation in Telecom Act of 2005 as Introduced

and

2. **OPPOSE – SB 399 (Escutia)** Health Services – 3rd Party Liability as amended on 06/21/05

and

3. **OPPOSE – SB 1059 (Escutia)** Electric Transmission Corridors – as amended on 05/27/05

The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr, Cook
NOES: None
ABSENT: None

A motion was made by Cook, second Bohr to **SUPPORT – SB 1 (Murray)** Energy: Renewable Sources (the Million Solar Roofs Initiative as amended on 06/23/05.) The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Hardy, Bohr, Cook
NOES: Sullivan, Green
ABSENT: None

(City Council) Directed Staff to Prepare an Ordinance Amending Chapters 204 and 212 of the Huntington Beach Zoning and Subdivision Ordinance to Prohibit Medical Marijuana Dispensaries (Ordinance 3703 was Adopted March 21, 2005) (120.90)

The City Council considered a communication from Councilmember Coerper transmitting the following **Statement of Issue:** Earlier this year there were several meetings with city staff and members of the City Council exploring whether or not the city of Huntington Beach should permit medical marijuana dispensaries in the city of Huntington Beach consistent with the Compassionate Use Act (Proposition 215). In March of this year, Council adopted Ordinance No. 3703, which permits medical marijuana dispensaries in specified locations. At the time of adoption of the ordinance, a Supreme Court decision was still pending in a case that challenged the applicability of Proposition 215 as it relates to the Federal Controlled Substances Act.

In June 2005, the Supreme Court of the United States issued its opinion in *Gonzalez v. Raich*, which upholds enforcement of the Federal Controlled Substances Act. In other words, possession of marijuana is still a federal crime.

In view of this decision of the Supreme Court, the city should process a zoning text amendment to disallow for uses that are in violation of federal law. For the city to continue to allow medical marijuana dispensaries could be viewed by federal authorities as aiding or abetting the commission of a felony or conspiracy to violate the law.

Councilmember Coerper reported orally and asked for an update on the ordinance. City Attorney Jennifer McGrath and Police Chief Ken Small reported on the local ordinance as it relates to state and federal legislation.

Council discussion followed regarding the state initiative process and the process of modifying the City's zoning code by ordinance.

Councilmember Cook stated reasons for opposing the recommended action, including the benefits offered by the medicine and faulty reasoning to prohibit its use.

Councilmember Hansen stated his support for the recommended action, citing unintended results of Proposition 215.

Councilmember Bohr inquired if any applications for dispensaries were currently in process. Planning Director Howard Zelefsky responded, stating that there are currently no applications pending, and that one application was denied.

Mayor Hardy stated reasons for opposing the recommended action, including the uses of marijuana as a medicine and her opposition to banning of medicines in Huntington Beach.

A motion was made by Coerper, second Green to direct staff to prepare an ordinance amending Chapters 204.10 and 212.04 to prohibit medical marijuana dispensaries in the city of Huntington Beach. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Green
NOES: Hardy, Bohr, Cook
ABSENT: None

Adjournment – City Council/Redevelopment Agency

Mayor Hardy adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 8:55 p.m. to Monday, August 1, 2005, at 4:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

_____
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

_____ _____
City Clerk-Clerk Mayor-Chair

ATTACHMENT NO. 5.2

MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 24, 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: *P Shier-Burnett, P Speaker, P Livengood, P Scandura, P Horgan, P Dwyer, P Farley*

AGENDA APPROVAL

A MOTION WAS MADE BY DWYER, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 24, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley,
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS:

Scott Hess, Director of Planning, introduced the following new planning staff and welcomed them to the Planning Commission Meeting:

Andrew Gonzales, Assistant Planner
Jill Arabe, Planning Aide
Hayden Beckman, Planning Aide

B-1. MAJOR PROJECTS UPDATE/DEVELOPMENT ISSUES – Scott Hess/Ross Cranmer

Ross Cranmer, Director of Building & Safety, gave a presentation on the major projects that are under construction and the large amount of remodels and additions to residential homes within the City.

Scott Hess, presented an overview of current and future development projects, local and state planning initiatives and provided insight and some predictions for the future of the City.

B-2. PUBLIC HEARING PROCESS – Chair Scandura

Commissioners discussed the public hearing process and protocol.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of four late communications received regarding public hearing Item B-1 and one late communication from the applicant for item B-2 requesting a continuance. He stated there were three sets of minutes on the agenda that may require modifications based on comments from the Planning Commission.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioners Shier-Burnett and Horgan reported on the presentation of the Roadmap for the Green Building Subcommittee Report to the City Administrator's office and staff. She stated that they were awaiting comments.

A MOTION WAS MADE BY HORGAN, SECONDED BY SHIER-BURNETT FOR THE PLANNING COMMISSION SUBCOMMITTEE MEMBERS TO PRESENT THE GREEN BUILDING SUBCOMMITTEE REPORT AT THE MAY 8, 2007 STUDY SESSION PORTION OF THE MEETING, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

Commissioner Livengood reported on his recent trip to Huntington Beach sister city, Anjo, Japan and commented on what a great "Green" city it is.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) - NONE

F. PLANNING COMMISSION COMMENTS:

Chair Scandura reported that the Planning Commission workshop is scheduled for this Thursday at 9:00am and that Commissioner Speaker will not be able to attend due to a prior commitment.

Scott Hess, Director of Planning gave details of the Santa Monica Green Building walking tour on May 4, 2007.

6:40 P.M. – RECESS FOR DINNER

7:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Livengood

P P P P P P P

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

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 24, 2007 AND TO MOVE ITEM NO. B-2 TO THE BEGINNING OF THE AGENDA, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

Please note that the Minutes will reflect actions taken in their original order.

A. **ORAL COMMUNICATIONS** - NONE

B. **PUBLIC HEARING ITEMS:**

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

B-1. **APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF MITIGATED NEGATIVE DECLARATION NO. 05-05/COASTAL DEVELOPMENT PERMIT NO. 05-07 (NEWLAND STREET IMPROVEMENTS): Applicant**: City of Huntington Beach Public Works Department **Appellant:** Planning Commissioner Flossie Horgan **Request**: **MND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CDP:** To permit the widening and improvement of Newland Street from Pacific Coast Highway to Hamilton Avenue, including widening the reinforced concrete bridge at Huntington Channel, installation of storm drain improvements, raising the profile of Newland Street to improve traffic visibility, adding a center striped median, adding a left turn lane from southbound Newland Street to eastbound Edison Way, and improving pedestrian access with a new sidewalk on the east side of Newland Street. **Location**: Newland Street, between Pacific Coast Highway and Hamilton Avenue **Project Planner**: **Jane James**

STAFF RECOMMENDATION: Motion to:
A. "Approve Mitigated Negative Declaration No. 05-05 with findings and mitigation measures."
B. "Approve Coastal Development Permit No. 05-07 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Farley visited the site several times.
- Commissioner Dwyer visited the site and spoke with staff.
- Commissioner Horgan visited the site and spoke with staff.
- Commissioner Livengood visited the site several times and spoke with staff.

- Commissioner Speaker visited the site.
- Commissioner Shier-Burnett visited the site, spoke with staff and attended the workshop.
- Chair Scandura visited the site twice and spoke with staff.

Jane James, Senior Planner, gave a PowerPoint presentation of the proposed project and referred to the late communication received.

Commissioner Horgan gave her reasons for appealing the project and explained that her two concerns were the wetlands mitigation ratio and water quality issues.

Commissioner Horgan requested clarification on the acreage size of the wetlands mitigation.

Discussion ensued between the Commissioners and staff in relation to the difference between wetlands area and California Department of Fish and Game's (CDFG) jurisdictional area.

Shier-Burnett asked about dry weather drainage diversion to the Orange County Sanitation District and inquired how the pickle weed originated.

Livengood asked if pet waste from the animal hospital goes to the storm drain. Travis Hopkins, City Engineer, stated that the new plans connect to the sewer line.

Ms. James stated that the Newland Street Project will be obligated to fund $75,000 to complete restoration of the .97 acre upper Magnolia marsh even if the Magnolia Street improvement project does not go forward. However, Public Works may request some restoration credits for the Magnolia Street project if available.

Horgan inquired about the mitigation ratio discrepancy. Ms. James responded that Fish and Game requires 1:1 ratio of jurisdictional area, which is greater than only wetlands. She indicated that Public Works Department must obtain permits from CDFG and Army Corps of Engineers.

In response to a question from Farley about the total budget figure, Mr. Hopkins responded that the total budget is $2.3 million and that this project should eliminate the standing water on Newland Street.

THE PUBLIC HEARING WAS OPENED

Staff announced late communications were received from Marlon Stockdale of Stockdale Tree Farms dated April 23, 2007, from Commissioner Livengood regarding proposed conditions of approval, from David Guido dated April 18, 2007, and from The Orange County CoastKeepers dated April 10, 2007.

Jan Vandersoot, 8101 Newman, Suite C, Huntington Beach, thanked Commissioner Horgan for appealing the request. He requested the dry weather runoff be diverted to the Orange County Sanitation District (OCSD) and be required as a condition of approval. Mr. Vandersoot stated that staff has used the Department of Fish and Game definition of wetlands incorrectly, when in fact the Coastal Commission definition of wetlands, which would be larger and includes all of the Department of Fish and Game jurisdictional wetlands area, should be used. He stated that Meg Vaughn of the California Coastal Commission has not received a response from City staff to their email of March 29, 2007. He recommended continuing the item until staff communicates with the Coastal Commission. He further stated that widening a road into wetlands comes

under Section 30233 of the Coastal Act and staff is using the exemption for improvements relating to Incidental Public Services as rationale for allowing widening a road into wetlands.

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

Chair Scandura asked staff to respond to Mr. Vandersoot's comment on the email from the Coastal Commission.

Ms. James stated that an email was received from the Coastal Commission stating that they understood the City had a project under review and to please ensure it complies with all requirements of Coastal Act Section 30233. The Coastal Commission also made a comment that it was their belief that a portion of the project lay in the original permit jurisdictional area of the Coastal Zone. Staff stated that no response was necessary because the project complies with Section 30233 and no portion of the project lies within the original permit jurisdictional area of the Coastal Zone. Staff stated that the Wetlands and Wildlife Conservancy parcel appears to be within the original permit jurisdiction and not the street itself. Staff felt that because the email did not come in the form of a comment letter, it did not need a response because the Coastal Commission did not pose any questions.

Horgan expressed her disappointment with staff for not responding to the Coastal Commission communication and stated that she would have appreciated being informed of the email from the Coastal Commission.

Horgan asked if the suggested mitigation measure requires Public Works to spend $75,000 for the potential impacts to a .06 acre area of wetlands. Staff responded that the $75,000 is to mitigate 0.16 acres of CDFG jurisdictional area, which includes 0.022 acres of wetlands.

Dwyer stated that $75,000 is egregious when money could be better spent elsewhere. He indicated he would be voting in favor of the project because it is a blight and needs improvement.

Farley stated that the project results in more good than harm as it includes improved drainage and better sidewalks.

Livengood stated his concern as noted in the late communication regarding three deaths of pedestrians and cyclists. He stated that the project improves access to the beach and water quality and results in an environmental win win. He believes there is good rationale from staff to go forward and the project really benefits the coast and city.

Horgan stated that as a result of her appeal the dry weather diversion is taking place and wetlands definition has been clarified. Horgan agreed with Livengood that this is a long needed project resulting in a much safer place.

A MOTION WAS MADE BY LIVENGOOD, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 05-05 WITH FINDINGS, MITIGATION MEASURES, AND THE FOLLOWING MODIFIED CONDITIONS FOR APPROVAL:

3. Construction management plan for the City and all other affected agencies to include the following (PC):

a. Thirty days prior to closure a notice is to be published in a local newspaper, notice circulated to property owners and mobile home owners, placed on City web site and signs posted.
b. During demolition, grading, site development, and/or construction, the following shall be adhered to:

I. Water trucks will be utilized on the site and shall be available to be used throughout the day during site development to keep the soil damp enough to prevent dust being raised by the operations.

II. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only.

III. The construction disturbance area shall be kept as small as possible.

IV. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas.

V. 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.

VI. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.

VII. Construction equipment shall be maintained in peak operating condition to reduce emissions.

VIII. Use low sulfur (0.5%) fuel by weight for construction equipment.

IX. Truck idling shall be prohibited for periods longer than 10 minutes.

X. Attempt to phase and schedule activities to avoid high ozone day's first stage smog alerts.

XI. Discontinue operation during second stage smog alerts.

XII. 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.

XIII. A Traffic Control Plan shall be prepared and submitted to the Department of Public Works for review and approval.

XIV. A truck haul route plan shall be submitted for review and approval by the Department of Public Works.

XV. A minimum 30-day notice to all adjacent properties is required prior to start of construction.

4. Best Management Practices for Water Quality plans shall include (PC):
   a. Installation of gross pollutant separator device (Continuous Deflective Separator) on the new storm drain line just upstream of the existing catch basin at Pacific Coast Highway and Newland Street.

   b. City of Huntington Beach shall pursue to the greatest extent feasible an agreement with the Orange County Sanitation District to divert low flow runoff into the District's 48 inch trunk line and shall make monthly progress reports to the Planning Commission.

   c. Storm water pollution prevention plan shall be prepared by an Environmental Engineer in accordance with the National Pollution Discharge Elimination System.

5. Asphalt removed to be taken to an asphalt recycling facility (PC).

NO SECOND, MOTION FAILS.

Ms. James stated the landscaping condition is not applicable because AES' landscaping plans are already approved.

Ms. James suggested revised wording for Condition 4 b. to: "The City of Huntington Beach shall pursue to the greatest extent feasible an agreement with the Orange County Sanitation District (OCSD) to divert low flow runoff into the district's 48" trunk line."

Discussion ensued between Livengood and staff because the condition requires approval of another agency and Public Works does not have any control over that agency.

Hopkins asked if staff could report back on obtaining approval from OCSD. He stated that if the City does not receive approval, this project cannot go forward.

A STRAW VOTE MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT, TO APPROVE THE RECOMMENDED CONDITIONS AS PROPOSED BY LIVENGOOD, EXCEPT B., E., AND C.2., BY THE FOLLOWING VOTE:

AYES:	**Shier-Burnett, Speaker, Livengood, Scandura, Dwyer, Farley**
NOES:	**Horgan**
ABSENT:	**None**
ABSTAIN:	**None**

Discussion ensued regarding diversion of low flow runoff into the sewer line.

Horgan stated that the City should lead by example and not put dry weather runoff into the ocean. She indicated her belief that staff will be able to obtain approval and that the Planning Commission should make it a condition of approval for this project that the dry weather diversion goes to the OCSD.

Shier-Burnett stated she was not in agreement with postponement, that the project is long overdue, and there are health and safety issues. She said it is critical to move forward. She stated that the Public Works Department has received strong assurances from OCSD that they will approve the dry diversion runoff and Public Works is pursuing it.

Farley questioned if this requirement is made a condition of approval and the City doesn't get OCSD approval, then what happens with the project?

Speaker stated that we can only suggest to OCSD, not require it.

Scandura said that beach water quality is our highest priority. Scandura stated that we are not telling OCSD, just asking staff to get approval.

In response to a question from Livengood, Hopkins estimated the time for a decision by the OCSD to be two to three months.

Livengood said he doesn't want to delay the project any further. Therefore, the City of Huntington Beach shall pursue an agreement with OCSD.

A STRAW VOTE MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO REVISE CONDITION OF APPROVAL NO. 2 AS FOLLOWS: "THE CITY OF HUNTINGTON BEACH SHALL PURSUE TO THE GREATEST EXTENT FEASIBLE AN AGREEMENT WITH THE OCSD TO DIVERT LOW FLOW RUNOFF INTO THE DISTRICT'S 48" TRUNK LINE AND MAKE MONTHLY REPORTS ON PROGRESS TO THE PLANNING COMMISSION."

Scandura reiterated that a straw vote motion has been moved and seconded.

Horgan stated that she will not support this motion.

Hess spoke in response to Livengood's amended motion. Staff supports the amendment. Staff's opinion is that what is proposed is not a code requirement, but a policy decision. It's a recommendation overall the Planning Commission should be forwarding to the City Council to make the decision. The Planning Commission should not be making policy direction through conditions of approval on individual projects. Staff agrees with the merits of the requirement and would like to see it citywide but it is really a City Council policy issue.

Livengood reiterated the motion as follows:

A STRAW VOTE MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO REVISE CONDITION OF APPROVAL NO. 2 AS FOLLOWS: "THE CITY OF HUNTINGTON BEACH SHALL PURSUE TO THE GREATEST EXTENT FEASIBLE AN AGREEMENT WITH THE OCSD TO DIVERT LOW FLOW RUNOFF INTO THE DISTRICT'S 48" TRUNK LINE AND MAKE MONTHLY REPORTS ON PROGRESS TO THE PLANNING COMMISSION," BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Farley
NOES: Scandura, Horgan, Dwyer
ABSENT; None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SPEAKER, SECONDED BY FARLEY TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 05-05, WITH FINDINGS AND MITIGATION MEASURES, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None

ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY SPEAKER, SECONDED BY FARLEY TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 05-07 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Dwyer, Farley
NOES: Horgan
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 05-05

COASTAL DEVELOPMENT PERMIT NO. 05-07

FINDINGS FOR APPROVAL – MITIGATED NEGATIVE DECLARATION NO. 05-05:

1. The Mitigated Negative Declaration No. 05-05 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 05-07. As a result of comments received an Errata to Mitigated Negative Declaration No. 05-05 was prepared and considered by the Planning Commission prior to action on the subject entitlement.

2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. The proposed street improvement project will impact 0.16 acres of wetlands by construction of improvements in the Huntington Channel and by eliminating a drainage ditch on the east side of Newland Street. Loss of this wetland acreage will be fully mitigated through an agreement and payment of funds to the Wetlands and Wildlife Conservancy to restore an existing 1.597 acre site with water supply, grading, and vegetation removal resulting in a total 0.97 acre restored wetland area.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for CDP NO. 05-07, will have a significant effect on the environment.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-07:

1. Coastal Development Permit No. 05-07 for the improvements to Newland Street between Pacific Coast Highway and Hamilton Avenue, including widening the reinforced concrete bridge at Huntington Channel, installation of storm drain improvements, and raising the profile of Newland Street to improve traffic visibility, conforms with the General Plan, including the Local Coastal Program as follows:

A. *Circulation Element*

Goal CE 6: Provide a city-wide system of efficient and attractive pedestrian, equestrian, and waterway facilities for commuter, school, and recreational use.
Objective CE 6.1: Promote the safety of bicyclists and pedestrians by adhering to Caltrans and City-wide standards.

Policy CE 6.1.10: Implement appropriate traffic devices and operation programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

The street improvement project includes a sidewalk on the east side of Newland, new striped bike lanes on both sides of Newland and addresses a sight visibility issue over Huntington Channel to improve safety and minimize conflicts between pedestrians, bicyclists, and motorists.

B. *Coastal Element*

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

The loss of 0.16 acres of area under the jurisdiction of the California Department of Fish and Game, which includes 0.022 acres of wetlands, is fully mitigated with restoration of a 1.597 acre site nearby. The restoration project includes introduction of a water supply, grading, and vegetation removal resulting in a fully restored net 0.97 acre wetland site.

Policy C 2.8.1: Promote safe pedestrian access to the beach from the inland side of Pacific Coast Highway.

The street widening and infrastructure improvement project provides a new sidewalk on the east side of Newland Street between Pacific Coast Highway and the existing sidewalk just south of Hamilton Avenue where no sidewalk exists today. Currently all pedestrians are walking either within the roadway or in the unimproved dirt area on the west side of the street. The street narrows over the bridge crossing Huntington Channel and further reduces the area available for pedestrians. The new sidewalk improvements promote safe pedestrian access to the beach from the inland side of Pacific Coast Highway.

Policy C 6.1.20: Limit diking, dredging, and filling of coastal waters, wetlands, and estuaries to the specific activities outlined in Section 30233 and 30607.1 of the Coastal Act and to those activities required for the restoration, maintenance, and/or repair of the Municipal Pier and marina docks. Conduct any diking, dredging, and filling activities in a manner that is consistent with Section 30233 and 30607.1 of the Coastal Act.

Policy C 7.2.6: Prohibit fill in any wetland area for the purpose of road construction, except for roads allowed pursuant to Section 30233 of the Coastal Act or when required to serve uses allowed in wetlands pursuant to and consistent with Section 30260-30264 of the Coastal Act for coastal dependent and energy uses. Any roads governed by this policy shall be limited to necessary access roads appurtenant to the facility, and shall be permitted only where there is no feasible, less environmentally damaging alternative and where feasible mitigation measures have been provided.

Goal C 9: Provide water, sewer, and drainage systems that are able to support permitted land uses; upgrade existing deficient systems, and pursue funding sources to reduce costs of wastewater service provision in the City.

Although the street widening and infrastructure improvement results in the loss of 0.16 acres of habitat area under the jurisdiction of California Department of Fish and Game, the 0.16 acres contains only 0.022 acres or 876 square feet of wetlands area. Coastal Act Section 30233 *states that the diking, filling or dredging of open coastal waters, wetlands, estuaries, and lakes* shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative and where feasible, mitigation measures have been provided to minimize adverse environmental effects. Section 30233 further states that diking, filling, or dredging shall be limited to the following and then lists numbers 1) through 8) of authorized reasons to fill.

The Newland Street Improvement project falls under number "5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines."

The project would fill a small isolated wetland for the public purpose of widening an existing roadway for public safety and improving a problematic drainage system. Filling of the ditch is necessary because there is no space to widen the street without impacting the ditch. Furthermore, the ditch currently presents a public service problem because it requires pumping to keep it from flooding. Currently, the wetlands that would be filled have minimal biological value. The ditch is isolated from other natural habitats and vegetation and, by necessity, is cleared periodically to reduce flooding and fire problems. The loss of approximately 0.02 acres of freshwater marsh habitat in the ditch and the loss of 0.002 acres of three small pickle weed patches will be mitigated by the restoration of tidal flow to a portion of the Huntington Beach Wetlands in a 1.597 acre parcel at the north end of Upper Magnolia Marsh. The restored wetlands will have much greater functional value than the degraded wetlands in the isolated ditch. Therefore the proposed mitigation measure would minimize the adverse effects of filling the drainage ditch and there is no feasible less environmentally damaging alternative available.

Section 30607.1 of the Coastal Act discusses mitigation measures for filling of wetlands and states that mitigation, "...shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity or opening up equivalent areas to tidal action; provided, however, that if no appropriate restoration site is available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface areas shall be dedicated to an appropriate public agency..."

As noted above the restoration of Upper Magnolia Marsh complies with the mitigation requirements established in Coastal Act Section 30607.1 because a gross 1.597 acre (net .97 acres) area will be opened to tidal action. The Upper Magnolia Marsh restoration project far exceeds the CDFG 1:1 mitigation requirements for the loss of 0.16 acres of habitat area.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The street widening and improvement project is compatible with zoning designations on the adjacent properties and will improve access to coastal resources. No above ground structures, other than street lights and pet waste bag stations are proposed in conjunction with the street improvement project. New sidewalks, landscaping, and infrastructure improvements are all consistent with surrounding zoning designations.

3. The proposed project will provide infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project includes infrastructure improvements to the street system, storm drain, and bridge over Huntington Channel. No other infrastructure improvements, other than standard maintenance, are necessary for the long-term operation of the proposed street improvement project.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed street improvement project will not result in negative impacts to public access and recreation opportunities within the Coastal Zone. Conversely, the projects results in improved access to coastal resources by improving the quality of the street, restriping bike lanes on both the east and west sides of Newland Street, improving the sight visibility over the Huntington Channel, and constructing a sidewalk on the east side of Newland Street between Pacific Coast Highway and Huntington Channel, where no sidewalk exists today.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-07:

1. The site plan, floor plans, and elevations received and dated January 10, 2005 shall be the conceptually approved design.

2. Prior to issuance of grading permits, the City of Huntington Beach shall enter into an agreement with the Huntington Beach Wetlands Conservancy for restoration of the Upper Magnolia Marsh, a 1.6 acre site owned by the Conservancy. The agreement shall identify the three restoration elements of water supply, grading, and vegetation removal, shall provide for full funding of the $75,000.00 project from the City to the Conservancy, and shall obligate the Conservancy to carry out the restoration and monitoring of the project pursuant to the standards of the California Department of Fish and Game. The full $75,000.00 shall be transferred from the City to the Conservancy prior to issuance of grading permits for the Newland Street Improvement project but the City may also obtain restoration credits and satisfy mitigation requirements for approximately 0.4 acres of wetlands anticipated to be effected by the Magnolia Street Improvement project in the future (Mitigation Measure BIO 1).

3. Construction Management Plans for the city and all other affected agencies to include the following (PC):

   a. Thirty days prior to closure a notice is to be published in a local newspaper, notice circulated to property owners and mobile home owners, placed on City web site and signs posted.

   b. During demolition, grading, site development, and/or construction, the following shall be adhered to:

      I. Water trucks will be utilized on the site and shall be available to be used throughout the day during site development to keep the soil damp enough to prevent dust being raised by the operations.

      II. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only.

      III. The construction disturbance area shall be kept as small as possible.

IV. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas.

V. 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.

VI. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas.

VII. Construction equipment shall be maintained in peak operating condition to reduce emissions.

VIII. Use low sulfur (0.5%) fuel by weight for construction equipment.

IX. Truck idling shall be prohibited for periods longer than 10 minutes.

X. Attempt to phase and schedule activities to avoid high ozone day's first stage smog alerts.

XI. Discontinue operation during second stage smog alerts.

XII. 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.

XIII. A Traffic Control Plan shall be prepared and submitted to the Department of Public Works for review and approval.

XIV. A truck haul route plan shall be submitted for review and approval by the Department of Public Works.

XV. A minimum 30-day notice to all adjacent properties is required prior to start of construction.

4. Best Management Practices for Water Quality plans shall include (PC):

   a. Installation of gross pollutant separator device (Continuous Deflective Separator) on the new storm drain line just upstream of the existing catch basin at Pacific Coast Highway and Newland Street.

   b. City of Huntington Beach shall pursue to the greatest extent feasible an agreement with the Orange County Sanitation District to divert low flow runoff into the District's 48 inch trunk line and shall make monthly progress reports to the Planning Commission.

   c. Storm water pollution prevention plan shall be prepared by an Environmental Engineer in accordance with the National Pollution Discharge Elimination System.

5. Asphalt removed to be taken to an asphalt recycling facility (PC).

6. During construction, an inflatable dam or similar device shall be utilized on only one side of the channel at a time. Water shall be routed around the construction area and continuous water exchange up and down the channel shall be maintained. (Mitigation Measure BIO 2).

B-2. **ENTITLEMENT PLAN AMENDMENT NO. 06-07 (LOWE'S RETAIL PAD SITE MODIFICATION—AMENDMENT TO CONDITIONAL USE PERMIT NO. 00-31):** **Applicant**: Mark Raber, Tarlos & Associates **Request**: To amend Condition of Approval No. 8 of Conditional Use Permit No. 00-31 which limits development on the vacant parcel adjacent to Lowe's Home Improvement Warehouse to a restaurant building with a maximum of 8,500 sq. ft. The proposed amendment is to allow a maximum building area of 14,200 sq. ft. on the vacant parcel. **Location**: 8291 Warner Avenue (north side of Warner Avenue, east of Beach Boulevard) **Project Planner**: **Tess Nguyen**

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 06-07 at the applicant's request."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN TO CONTINUE ENTITLEMENT PLAN AMENDMENT NO. 06-07, AT THE APPLICANT'S REQUEST, WITH THE PUBLIC HEARING OPEN, TO THE MAY 8, 2007 PLANNING COMMISSION MEETING, BY THE FOLLOWING VOTE:

AYES:	**Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

B-3. **APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF TEMPORARY USE PERMIT NO. 07-001 (HUNTINGTON SURF & SPORT OUTDOOR SALES):** **Applicant:** Aaron Pai **Appellant:** Planning Commissioner Elizabeth Shier-Burnett **Request:** To permit temporary outdoor sales on forty-nine (49) days per year for a period of five (5) years from 2007-2011. **Location:** 126 Main Street, Unit 101 (southeast corner of Main Street and Walnut Avenue) **Project Planner: Andrew Gonzales**

STAFF RECOMMENDATION: Motion to: "Approve Temporary Use Permit No. 07-01 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett visited the site, spoke with staff, Council Member Bohr, and citizens.
- Commissioner Speaker visited the site.
- Commissioner Livengood visited the site several times.
- Commissioner Dwyer visited the site and spoke to Council Member Don Hansen.
- Commissioner Farley visited the site.
- Chair Scandura visited the site, spoke to Mayor Gil Coerper and read the Downtown Specific Plan to understand the requirements.
- Commissioner Horgan visited the site.

Andrew Gonzales, Assistant Planner, gave a presentation of the project. He reviewed the project and the appeal of the Zoning Administrator's approval by Commissioner Shier-Burnett.

Gonzales explained the appeal concerns the five year period, inconsistency between approval of subject request and similar requests approved for downtown businesses, aesthetics and total number of days per year for outdoor sales.

Shier-Burnett explained the reasons for her appeal and emphasized that the basis for the appeal was on the downtown area in general and not specifically about Huntington Surf & Sport (HSS). She requested a reduction in the number of days, improvement in the presentation/appearance of the sales area and review of the duration of the permits for outdoor sales events.

Discussion ensued regarding the number of days comparable to other businesses, potential path of travel problems, duration and costs of the permits and possible expiration of the HSS permit in 2008.

THE PUBLIC HEARING WAS OPENED.

Sunshine, Store Manager, Huntington Surf & Sport, spoke in support of the project emphasizing her customer's anticipation of the sales and the amount of time, effort, care and preparation that is required for planning outdoor sales events.

Lori Miethke, 8271 Dancy Circle, Huntington Beach, customer of Huntington Surf & Sport, spoke in support of the project indicating the high standards HSS maintains for their outdoor sales and that these sales bring business to the downtown area.

Andy Verdone, teacher at Huntington High, Huntington Beach resident, surfing coach and friend of Aaron Pai, spoke in favor of the project and was there to support Aaron Pai.

Aaron Pai, Applicant, gave a PowerPoint presentation and indicated he has been a business owner for 29 years. He stated he wants to support his many loyal customers and employees and that outdoor sales are vital to the health of his business. He obtained 5000 signatures in support of the permit. Mr. Pai stated his outdoor sales are on private property and located on one of the widest corners of Main Street. He emphasized the meticulous planning, preparation and expense involved for these sales which are tied to school vacations and local events and how they bring thousands of people to the downtown area. He stated that HSS has always been compliant and responsible and no code enforcement complaints have been received in 29 years.

Mr. Pai responded to Dwyer's question that the outdoor sales events contribute approximately 30% of overall sales.

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

Farley reiterated Burnett's comments that this is not specific to HSS but about downtown area. He expressed concern in trying to reconcile the fact that so many people are depending upon the revenue from outdoor sales versus the cost of producing these events. He suggested the Planning Commission review these TUP's to fit with the vision for the future of the downtown area.

Dwyer expressed concern with the inequity in the cost and length of time of the permit for HSS versus other downtown businesses.

Horgan stated that she has been a fan of HSS for 20 years and believes they are an asset to the City. She suggested limiting the permit to expire at the end of 2008 and charging $360 versus $1,800 and then revisit the whole permit process.

In response to Livengood's question asking if the $1,850 fee could be waived, the City Attorney representative explained that the fee is the cost of processing a permit and cannot be waived by the Planning Commission.

Discussion ensued between Livengood, Mulvihill and staff regarding permit fees, duration of the permit, and the height of barrier.

Speaker stated he was in favor of five years, 49 days per year (mostly in December) and will support staff's motion.

Scandura expressed concern with the aesthetics of the downtown area and the need to upgrade the image. He suggested reducing the length of the permit from five years to two years with expiration in 2008 and allowing HSS 49 days in order to avoid any competitive disadvantage. He also suggested Minute Action be submitted to City Council to review the TUP policy.

Shier-Burnett agreed with Scandura on the 49 days, minute action to City Council and increasing the number of days from 22 to 49. She spoke in favor of Surf City Tuesday night events and the fact HSS has taken advantage of them. She reiterated her high regard for, and excellent track record of HSS in the community and emphasized the issue of outdoor sales being more about the downtown vision for the future. She commended the appearance of the HSS sales tables.

Discussion ensued between Commissioners and staff regarding duration and cost of permit, expiration date, design of outdoor sales area and minute action to City Council.

Scandura summarized; 49 days, two years, expire 2008, submit City Council minute action.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY SCANDURA TO APPROVE TEMPORARY USE PERMIT NO. 07-001 WITH FINDINGS AND MODIFIED CONDITIONS FOR APPROVAL, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Scandura, Horgan, Dwyer, Farley**
NOES: **Speaker, Livengood**
ABSENT: **None**
ABSTAIN: **Speaker**

MOTION APPROVED

Scandura reiterated the reason for approval is dependant upon City Council review of the Minute Action. Discussion ensued relating to the procedure for City Council minute action and Shier-Burnett stated she would work on the transmittal for the proposed minute action for presentation to City Council.

FINDINGS AND CONDITIONS OF APPROVAL

TEMPORARY USE PERMIT NO. 07-001

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 Class 4, Section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment

FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 07-001:

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan (Pedestrian Overlay District), Local Coastal Program and Downtown Specific Plan; and provisions of Chapter 241 of the Huntington Beach Zoning and Subdivision Ordinance, including the following policies:

   LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks.

   Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

   LCP/DTSP: Main Street should be lively, active commercial district at the street level. The first floor or developments along Main Street should be commercial, with open-air establishments encouraged.

   UD 1.3.2: Develop or enhance the pedestrian environment along landscape corridors where there is existing or the potential for pedestrian activity.

2. Approval of the application for the proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Proposed sales events will occur adjacent to the applicant's storefront and will be sited to prevent interference with use of the surrounding area. The two (2) years utilized for the previous temporary use permit had resulted in no violations relative to inconsistencies with the associated conditions of approval. In addition the temporary use permit is conditioned to ensure that adequate public, disabled, and emergency access will be maintained.

CONDITIONS OF APPROVAL – TEMPORARY USE PERMIT NO. 07-01:

1. The site plan received and dated March 2, 2007, shall be the conceptually approved design.

2. Temporary Use Permit shall be valid for a maximum period of two (2) years (2007-2008), expiring on 12/31/08.

3. Prior (10 days minimum) to commencement of the use each year, a schedule (dates) for temporary sidewalk sales events to occur in that year (not to exceed 49 days), shall be submitted to the Planning Department.

4. The use shall comply with the following:

   a. The temporary sales area shall be entirely confined to private property. Any encroachment into the public right-of-way shall be prohibited.

   b. The sales area shall be cordoned off (i.e. roped off with a minimum 36" high barrier), nine feet from the building façade with intermittent openings every 10 to 15 feet for customer access.

   c. Four-foot wide clearance shall be maintained along side the display racks within the "cordoned off" area between the sales racks and pedestrian pathway. (B&S)

   d. A ten-foot wide clear path of travel shall be maintained along the sidewalk. Required pathways for patron and disabled access shall be maintained clear of obstructions. (PW)

   e. All required exits and access ways to the tenant space, as determined by the Building & Safety Department, shall be maintained clear and free of obstructions. The minimum required access width shall be 48 inches. (B&S, PW)

   f. All overhead obstruction shall be a minimum of 80 inches above the walking surface. (B&S)

   g. All sales transactions shall occur inside the store.

   h. Sales to patrons in vehicles or in the public right-of-way shall be prohibited.

   i. Line formations within the public right-of-way shall be prohibited. (PW)

   j. Sales events, including associated furniture, structures, patron lines, etc., shall not in any way interfere with access to any commercial establishment. (B&S, PW)

   k. Furniture pieces shall weigh less than 35 pounds each. (B&S)

   l. All displays associated with sales events shall be maintained in an orderly condition.

   m. Only the uses described in the narrative and the dates and times in the approved schedule(s), shall be permitted. Any proposed change to the approved schedule and dates shall be submitted to the Planning Director for review and approval a minimum of ten days in advance of the planned event date.

5. After an initial warning(s), the Code Enforcement Division reserves the right to cease operation of the temporary outdoor sales in the event that the use is in violation of the conditions of approval of Temporary Use Permit No. 07-01.

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 27, 2007

RECOMMENDED ACTION: Motion to: "Approve the February 27, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE THE FEBRUARY 27, 2007 PLANNING COMMISSION MINUTES WITH MODIFICATION BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Horgan, Dwyer, arley,
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED MARCH 13, 2007

RECOMMENDED ACTION: Motion to: "Approve the March 13, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO APPROVE THE MARCH 13, 2007, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED MARCH 27, 2007

RECOMMENDED ACTION: Motion to: "Approve the March 27, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY HORGAN, SECONDED BY FARLEY, TO APPROVE THE MARCH 27, 2007, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Livengood, Speaker, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS

Chair Scandura introduced a minute action request regarding temporary outdoor retail/sidewalk sales. Commissioner Shier-Burnett volunteered to prepare the minute action for the Planning Commission's review and action at the May 8, 2007 meeting.

A MOTION WAS MADE BY SHIER-BURNETT , SECONDED BY SCANDURA TO HAVE THE CITY COUNCIL MINUTE ACTION PUT ON THE AGENDA FOR THE MAY 8, 2007 PLANNING COMMISSION MEETING, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Livengood, Speaker, Scandura, Horgan, Dwyer, Farley**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

F-2. PLANNING COMMISSION COMMENTS

Commissioner Farley – None

Commissioner Horgan – None

Vice-Chair Livengood – reported on the upcoming event at the Shipley Nature Center on Saturday, April 28, 2007. He also reported on his Sister City trip to Anjo, Japan and noted the Anjo delegation will be here July 4th. He also recommended the next trip to Sister City in New Zealand

Commissioner Dwyer – Offered his condolences to Congressman Dana Rohrabacher and family on the recent passing of his brother.

Commissioner Speaker – reported on the Duck-A-Thon scheduled for next month.

Chairperson Scandura – commended Jane James and Andrew Gonzales on their good staff work and presentations.

Commissioner Shier-Burnett - None

ADJOURNMENT:

Adjourned at 10:25 p.m. to the Planning Commission Workshop on April 26, 2007 and then to the next regularly scheduled meeting of May 8, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair

MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 22, 2007
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CALL PLANNING COMMISSION MEETING TO ORDER

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

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MAY 22, 2007, BY THE FOLLOWING VOTE:

AYES:	**Shier-Burnett, Livengood, Scandura, Horgan, Dwyer, Farley**
NOES:	**None**
ABSENT:	**Speaker**
ABSTAIN:	**None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENTITLEMENT PLAN AMENDMENT NO. 07-001 (PIERSIDE PAVILION MODIFICATION TO MIX OF USES) – Rami Talleh

Rami Talleh, Associate Planner, gave an overview of the request to modify the mix of uses at Pierside Pavilion by eliminating the theatre use and increasing retail, office and restaurant square footage within the building.

Staff stated that currently the Economic Development Department (EDD) is in negotiations with the property owner to amend the Disposition and Development Agreement (DDA) for the property. The EDD and the City Attorney's office have expressed concerns with the processing of this request before the DDA is amended.

Staff indicated that the applicant and EDD will continue to negotiate the Entitlement Plan Amendment (EPA) and if there is not enough time to meet mandatory processing requirements the applicant may withdraw.

Herb Fauland, Acting Planning Manager, introduced Ms. Kellee Fritzal, the new Deputy Director of Economic Development.

B. STUDY SESSION ITEMS:

B-1. PLANNING COMMISSION GOALS 2007 UPDATE – Chair Scandura

Chair Scandura gave an overview of the revised goals and commended the Commissioners on developing them.

Scandura indicated he would like to review the progress of the goals in six months time.

A MOTION WAS MADE BY HORGAN, SECONDED BY SHIER-BURNETT, TO APPROVE THE PLANNING COMMISSION GOALS 2007, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Livengood, Scandura, Horgan, Dwyer, Farley**
NOES: **None**
ABSENT: **Speaker**
ABSTAIN: **None**

MOTION APPROVED

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Acting Planning Manager, reviewed the agenda items for the 7:00 p.m. portion of the meeting. He advised of one late communication received from Mr. James Griffith in regard to public hearing Item B-1.

Scandura suggested the public hearing be opened immediately after the staff presentation for item B-1, and any questions from Commissioners should come after the public hearing has been closed, in order to allow all speakers sufficient time to talk and to provide a fair and impartial hearing.

Commissioners and staff discussed the Variance application procedure and costs involved.

Staff reported that Code Enforcement had provided an updated memo on the Robinwood School site and the status of the block wall.

D. PLANNING COMMISSION COMMITTEE REPORTS

D-1. GREEN BUILDING SUBCOMMITTEE REPORT FOLLOW-UP – Chair Scandura

Scandura recommended going forward with submission of the Subcommittee Report to the City Council as soon as possible.

Commissioner Livengood suggested Commissioners meet with Council members to go over the proposal.

Discussion ensued regarding modification of the memorandum, protocol for Planning Commissioner's dialogue with City Council Members, and timelines for presentation of the report to the City Council. Staff indicated the earliest available City Council meeting would be July 16, 2007.

Scott Hess, Planning Director, reported that the Mayor had requested a tour of the Ford Building in Irvine and invited the Commissioners. He stated that a notice will be sent out with more information.

Commissioners Livengood and Shier-Burnett reported on their meeting with the Building & Safety Department. They noted the success of the meeting and the improvements being implemented. Livengood noted that many of the Zucker comments and recommendations had been addressed.

Commissioner Dwyer reported on the Edinger/Beach Blvd Corridor community meeting. He provided an overview of the scope of the project and updated the Commission on the next steps in the process.

Discussion ensued regarding signage, concepts, and public meeting protocol.

In response to a question from Commissioner Farley, staff stated that the Commissioners are being notified of all public meetings.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Mike Adams, the applicant for Study Session Item A-1, spoke in favor of the proposed project and gave an explanation of the two phase plan. He also spoke in favor of the Green Building report and discussed possible incentives with the Commissioners.

F. PLANNING COMMISSION COMMENTS:

Commissioner Shier-Burnett requested the planners include the zip code with the "Location" on all staff reports. She also inquired as to the Zoning Administrator's action on the Temporary Use Permit for Surf City Tuesday Nights. Staff reported that the Zoning Administrator continued the item to the June 6 Zoning Administrator's meeting.

Chair Scandura commended Code Enforcement staff for keeping the Planning Commissioners apprised on the Robinwood School enforcement of the dilapidated block wall.

Scandura referenced the Urban Land Institute Conference to be held at the Hyatt Regency Huntington Beach on June 14-15.

Scott Hess reported on the status of the Home Depot project. He also asked the Planning Commission about a possible Green Buildings tour.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Farley

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

AGENDA APPROVAL

A MOTION WAS MADE BY HORGAN, SECONDED BY SHIER-BURNETT TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 22, 2007, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Livengood, Scandura, Horgan, Farley**
NOES: **None**
ABSENT: **Speaker, Dwyer**
ABSTAIN: **None**

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS:

B-1. VARIANCE NO. 07-002 (PERKINS RESIDENCE): Applicant: Gary C. Maxwell **Request:** To permit construction of a 350 sq. ft. addition to a single-family residence with a 5'-0" street side setback, in lieu of the code required 10'-0" minimum setback. **Location:** 20091 Crown Reef Lane
Project Planner: Ron Santos

STAFF RECOMMENDATION: Motion to: "Deny Variance No. 07-002 with suggested findings for denial."

The Commission made the following disclosures:

- Commissioner Shier-Burnett visited the site and spoke with staff.
- Commissioner Livengood visited the site and spoke with the applicant and staff.
- Commissioner Horgan visited the site.
- Chair Scandura visited the site and spoke with staff.
- Commissioner Farley visited the site and spoke with staff.

Chair Scandura explained that the public hearing would be opened immediately after the staff presentation and recommendation, and the Commission questions would follow.

Ron Santos, Associate Planner, gave a PowerPoint presentation of the proposed project and outlined the findings for denial.

THE PUBLIC HEARING WAS OPENED.

Tom Perkins, property owner, spoke in support of the project. He made note of the stucco fence surrounding the property and that signatures were received from neighbors who prefer an addition to the home rather than a trailer home parked on the property. He also indicated his belief that the project would benefit the City due to the architect and contractor and their employees being local residents, improved property value, new permits being generated, and additional property taxes.

Sandra Perkins, property owner, described how over the past ten years the backyard of her property has been groomed as a natural habitat for butterflies and birds. She stated that the options of building up or out into the backyard were not feasible due to: not wanting to enclose the kitchen window; damage to the natural habitat; difficulty in climbing stairs for herself, her

husband, and her elderly mother. Mrs. Perkins presented pictures of the natural habitat area to the Commissioners.

Gary Maxwell, architect, stated he is well aware of the code requirements in the City but felt that this addition to the side of the home was the best option because the only other option was to build out into the courtyard area and due to the configuration of the house that would entail closing off the kitchen window. He noted a nearby property that had received a similar variance approval in 1983.

Richard Paul, 8651 Viscount Drive, spoke in support of the project. He stated he had reviewed the plans and feels the project to be beneficial to the neighborhood and consistent with the variance approved to the similar property within the tract.

Joe Sheldon, 20151 Crown Reef Lane, spoke in support of the project. He did not feel that traffic noise would be a problem due to the length of Viscount Drive and that the addition was justified and would be an improvement within the neighborhood. He requested the Commission approve the variance.

Herb Fauland noted the late communication received from James Griffith, dated May 18, 2007, in which he outlines two issues of concern in opposition to the project.

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

In response to a question from Commissioner Farley, Santos stated that the findings outlined in the staff report are required findings per the code and pursuant to state law.

Santos read the findings at Commissioner Horgan's request.

In response to Horgan's question Santos indicated that a Conditional Exception was approved in 1983 for a similar property. He noted that the term "Conditional Exception" is no longer used and is now referred to as a Variance.

Commissioner Livengood stated he visited the property that was approved in 1983 and it was exactly the same as the Perkins' request. He asked the applicant to describe their plans for the gate area.

Mrs. Perkins stated that they planned on enclosing the gate area into a solid wall the same height as the existing wall.

Commissioner Shier-Burnett requested clarification regarding the courtyard, the height of the wall and the yard reduction. She asked Mr. Maxwell if his clients were made aware of the 10 ft. setback code requirement and he confirmed they were informed and are well aware of the code.

In response to a question from Commissioner Farley, Santos stated that no permit records were found for the wall; therefore it was built at the same time as the house or without permits and it currently does not meet vision clearance requirements. Mrs. Perkins stated the wall was built because originally there was a swimming pool. Staff confirmed that permits are on record for removing a swimming pool.

In response to a question from Chair Scandura, Santos confirmed the 10 ft. setback requirement from the property line and in regard to the 1983 Conditional Exception, the staff at that time had recommended denial and the findings indicated there was a hardship but did not indicate what the hardship was.

Commissioner Horgan asked if high walls were required and Santos stated they are allowed but not required in the City.

Livengood stated that with the wall there, the addition would hardly be visible and would not create a problem for foot traffic or auto traffic because it is staying within the confines of the wall. He noted that in 1983 the Commission approved a similar variance and in his opinion the 10 ft. setback is going to create a hardship for the family. He felt that the aesthetic and safety issues were covered. He stated that the existing wall is going to hide the addition, and only the roofline would be visible. He indicated that he would be supporting this project.

Horgan stated her concern with setting a precedent. She agreed that this addition seems minimal and is only one story and the circumstances for this individual case seem necessary because of the family situation. She stated that if the Planning Commission were to grant this variance that it would not preclude somebody from proposing to build two stories and going out five feet. She voiced her displeasure with variances and the conflict involved.

Farley stated that staff had cautioned Commissioners that each variance request must be taken on a case-by-case basis and even if a variance is granted the Commission is not necessarily setting a precedent. He stated his concern was not with the precedent issue, and indicated that it is not a question of making a judgment call based on how the Commission feels about the family but whether or not the legal findings could be made. He could not see any way to meet the findings. He indicated that he could not base his decision today on a decision made in 1983 that may have been inappropriate.

Shier-Burnett concurred with Farley and agreed that the approval or denial of a request does not set a precedent for future requests; however it does provide a perceived precedence. She shared her own experience in applying for a Conditional Use Permit where there was a similar situation. She stated that based on current law, the findings made in 1983 would not be legal today and at the time they were not challenged, therefore this is not something she would base a decision on.

Shier-Burnett stated that she finds the Perkins to be absolutely lovely people and they have done a fantastic job with their home.

Scandura commented on the difficulty of the decision to be made and stated his understanding of the very definite need the Perkins have. At the same time he expressed concern in making the four specific findings. He indicated that it would be creating a special privilege to approve the request because the code for the entire City says that corner lots must be 10 ft from the street. One variance was approved in 1983 by a different Planning Commission and although their reasons are unknown, we do know staff recommended against it. He stated that if this variance is approved then other property owners are going to want the same. He stated another reason variances may be granted is due to an oddly configured lot and there is nothing significant about this lot. It has a rectangular shape and fairly flat slope. It doesn't have a hill or major slope to it which often causes a hardship and therefore he felt it very difficult to make the findings.

Livengood reiterated that the Commission needs to look at each project individually. He stated that this project is unique because it is a single-story home; the wall is on the property line which screens the building. He felt that this project was not comparable to a two story addition.

Scandura stated that the Commission is not being asked to look at the design of the house or the design of the addition. What they are being asked to look at is the building and whether or

not it encroaches into the setback area. He felt that if this variance is granted and similar variances not granted to property owners who want to expand into that 10 ft setback, then essentially the Commission would be granting this applicant a special privilege.

Scandura stated that expansion into side yard setbacks is something that needs to come before City Council for a policy decision and possible change of code. He didn't feel it appropriate that every time someone wanted to expand into their setback they should have to request a variance.

In response to a question from Commissioner Horgan, staff explained that in the residential low density zone there is no open space requirement. There is 50 percent maximum lot coverage but not an open space requirement which is a requirement for multi family residential projects only.

Discussion ensued between Commissioners regarding the conflict between the family's special needs, making the legal findings, other options available for the addition, and setting a precedent for future requests,

Scandura reiterated that if the City is to allow building into side yard setback areas especially in regularly shaped lots that's something that needs to be reflected in an ordinance change rather than having to go through the variance process. He stated that the codes were set up to provide uniform setbacks and he expressed his concern with granting a special privilege and the precedence it may be creating.

A MOTION WAS MADE BY FARLEY, SECONDED BY SCANDURA, TO DENY VARIANCE NO. 07-002 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

AYES:	**Shier-Burnett, Scandura, Horgan, Farley**
NOES:	**Livengood**
ABSENT:	**Speaker, Dwyer**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR DENIAL

VARIANCE NO. 07-002

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 15305, Class 5 of the CEQA Guidelines, which states that minor setback variances not resulting in the creation of any new parcel are exempt from further environmental review.

FINDINGS FOR DENIAL VARIANCE NO. 07-002:

1. The granting of Variance No. 07-002 to permit construction of a 350 sq. ft. addition to a single-family dwelling at a five ft. street side yard setback, in lieu of the code required ten ft. minimum setback would constitute a grant of special privilege inconsistent with limitations

upon other properties in the vicinity and under an identical zone classification. The subject property exhibits no unique conditions which justify approval of a reduced setback.

2. No special circumstances applicable to the subject property, including the size, shape, topography, location or surroundings, exist which serve to deprive the property owner of privileges enjoyed by other properties in the vicinity and under identical zone classification when the strict application of the zoning ordinance is required. The subject property, which is 6,500 sq. ft. in area and 65 ft. in width, is both larger and wider than the minimum lot area (6,000 sq. ft.) and width (60 ft.) required in the RL zone. Moreover, the lot is regular/rectangular in shape and has no topographical constraints or unique surroundings which serve as a basis for approval of a reduced setback.

3. The granting of the variance is not necessary to preserve the enjoyment of one or more substantial property rights. A review of permit records for other properties in the vicinity indicates that the existing dwelling is not comparably undersized, especially when compared to other single-story dwellings in the neighborhood. Moreover, other opportunities exist for expanding the house in conformance to HBZSO standards.

4. The granting of the variance will be materially detrimental to the public welfare or injurious to property in the same zone classification. Adherence to the ten ft. setback requirement is necessary to maintain a consistent and compatible land use pattern in the neighborhood and provide for adequate protection from noise impacts associated with traffic on the adjacent street.

5. The granting of the variance will adversely affect the General Plan. It is inconsistent with the Land Use Element designation of RL (Residential Low-Density) on the subject property because. Denial of the requested variance furthers the General Plan Objectives and Policies by requiring adherence to the applicable provisions of the Zoning & Subdivision Ordinance, which serves to implement the policies of the General Plan.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED APRIL 10, 2007

RECOMMENDED ACTION: Motion to: "Approve the April 10, 2007, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION MINUTES OF APRIL 10, 2007, BY THE FOLLOWING VOTE:

AYES: **Shier-Burnett, Livengood, Scandura, Horgan, Farley**
NOES: **None**
ABSENT: **Speaker, Dwyer**
ABSTAIN: **None**

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Acting Planning Manager – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier-Burnett – None

Commissioner Speaker – Absent

Vice-Chairperson Livengood – None

Chairperson Scandura – Acknowledged the difficulty involved with the action taken on item B-1 and commended the Commissioners for their careful decision.

Commissioner Horgan – None

Commissioner Dwyer – Absent

Commissioner Farley – None

ADJOURNMENT:

Adjourned at 8:00 p.m. to the next regularly scheduled meeting of June 6, 2007.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair

MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 26, 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

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

(Commissioner Livengood arrived at 5:25 PM)

AGENDA APPROVAL

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY DWYER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 26, 2007, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Scandura, Horgan, Dwyer, Farley
NOES: None
ABSENT: Livengood
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS):

A-1 CONDITIONAL USE PERMIT NO. 07-017 (SHARKEEZ DANCING) – Ron Santos

Ron Santos, Associate Planner, gave an overview of the proposed project and reported that both Economic Development and Police Department recommend denial of permit. A late communication was submitted from the Police Department regarding incidents logged under Sharkeez's address.

Commissioner Speaker asked for clarification from Police Chief Small on the definition of the codes listed in the late communication.

Commissioner Dwyer inquired about other establishments that are allowed to have dancing. Chief Small replied Killarney's is allowed to have dancing and was approved over the objections of the Police Department. Dwyer inquired about disturbances from that establishment. Chief Small replied that it is important to note that these establishments have a number of issues; however Killarney's is not nearly as busy or as crowded as Sharkeez. Dwyer asked staff to obtain the square footage of Killarney's for comparison to Sharkeez.

Commissioner Shier-Burnett requested information on entertainment permit violations downtown, which Police Chief Small agreed to provide.

Commissioner Horgan asked if there were other similar establishments and if permits were issued in a uniform approach or a case-by-case basis. Santos replied that several businesses have dancing and each request needs to be considered on its own merits. Shier Burnett asked which establishment became problematic after their permit was issued. Chief Small replied 'Huntington Beach Beer Company.'

Chief Small explained the downtown area has the highest intensity of incidents resulting in 20% of arrests for the City. He explained they are looking at the overall impact on the downtown area.

Commissioner Dwyer asked if there was a litmus test for when the City would allow or not allow such permits in order to be consistent. Chief Small stated he can attempt to provide one; however such permits are generally opposed in the downtown area.

Commissioner Shier-Burnett inquired if the applicant contacted the Police for a response prior to applying for the permit. Chief Small replied he met with the applicant and let them know in advance of their recommendation.

A-2. APPEAL OF DESIGN REVIEW BOARD'S APPROVAL OF DESIGN REVIEW NO. 07-010 / PLANNED SIGN PROGRAM NO. 07-002 (AOUIZERAT PROPERTY) – Jill Arabe

Jill Arabe, Planning Aide, gave an overview of the proposed project and displayed photos the applicant provided. The Design Review Board (DRB) approved a revised plan on May 24, 2007. An appeal of the DRB approval was filed on June 4, 2007 by City Council Member Bohr.

Commissioner Dwyer questioned if attachment 4.9 of the staff report reflected what was approved by the DRB. Arabe responded that attachments 4.7 and 4.8 of the staff report depict the location and 4.9 depicts how the signs will look.

Chair Scandura asked if the design is similar to another project mentioned in a letter from the applicant. Arabe replied the other building had offices above, instead of residential, so the signage worked for offices as well as retail on the bottom. Ricky Ramos mentioned the other building had wall signs adjacent to the business suite unlike the application before the Planning Commission.

B. STUDY SESSION ITEMS:

B-1. SETTING AGENDAS AND CONDUCTING MEETINGS (GOAL #8) – Chair Scandura

The Commissioners discussed possible scenarios of conducting Study Sessions the same night as the Public Hearing. The Commissioners and staff discussed costs of including other Department's staff at the meeting and the Public Hearing posting process. Leonie Mulvihill, Senior Deputy City Attorney explained the history and advised of possible ways to notice the Study Session and Public Hearing. Commissioner Livengood mentioned the difficulty in determining which items do not need a Study Session. Commissioner Speaker stated that if an item is continued he would want the item continued to the next meeting. Chair Scandura mentioned the process for Public

Hearing was approved approximately 18 months ago and inquired as to how difficult it would be to make changes. Commissioner Shier-Burnett communicated that having the Public Hearing on a different night from the Study Session gives her more time for information gathering on the issue. The item was continued to the next meeting to include discussion with the Scott Hess, Director of Planning; and Herb Fauland, Acting Planning Manager.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS): - None

D. PLANNING COMMISSION COMMITTEE REPORTS –

Commissioner Dwyer stated that he attended the Beach/Edinger Corridor Committee Meeting. He updated the Commission on the direction being formed.

Commissioner Shier-Burnett reported that the Environmental Board was very receptive to the Green Building Committee Report. She also attended the Urban Land Institute Conference which included a Tustin Field Tour.

Chair Scandura reported that a City consultant who has expertise in Green Buildings would like to give a presentation to the City Council at a Study Session in July or early August. A presentation of the Green Buildings Report by the Planning Commission Subcommittee would be scheduled at a subsequent City Council Study Session. He also stated there is a pending vacancy on the Planning Commission which will create committee re-assignments. He stated there will be a change on the Design Review Board. He also attended the Beach/Edinger Corridor Committee and encouraged attendance.

Commissioner Livengood reported that the Pacific City Project is working hard to incorporate Green Building techniques.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting):

Greg Newman, applicant for Study Session Item A-1, spoke in favor of the permit. He gave an explanation why it should be allowed and discussed possible ways to manage the additional use.

Dick Harlow, building owner for Study Session Item A-1, spoke in support of the permit and commended the Sharkeez management. He indicated that permits have been issued for similar establishments and consistency should be maintained.

Mike Adams, representative for Study Session Item A-1, also spoke in support of the project. He explained how the number of police incidents may not actually be directly related to Sharkeez and that no citations have been issued.

F. PLANNING COMMISSION COMMENTS:

Commissioner Speaker – None

Commissioner Livengood mentioned he was sad to see Commissioner Horgan leave.

Commissioner Farley – None

Chair Scandura stated that he spoke at the Chamber of Commerce breakfast club on the Planning Commission goals. He mentioned he was sad to see Commissioner Horgan leave.

Commissioner Shier-Burnett attended the Beach/Edinger Corridor Committee and was very impressed with the consultant. She commented it was a pleasure working with Commissioner Horgan.

Commissioner Horgan thanked fellow Commissioners for their patience and explained her reasons for leaving the Planning Commission.

Commissioner Dwyer was concerned about a possible conflict on the First Christian Church project; however, after further review it does not appear to be an issue.

ADJOURNMENT:

Adjourned at 6:45 p.m. to the next regularly scheduled meeting of July 10, 2007.

7:00 P.M. – COUNCIL CHAMBERS

CANCELLED: NO PUBLIC HEARINGS

APPROVED BY:

Scott Hess, Secretary

John Scandura, Chair

City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Rosemary Medel, Associate Planner RM
DATE: August 14, 2007

SUBJECT: **GENERAL PLAN CONFORMANCE NO. 07-002 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2007/08)**

STATEMENT OF ISSUE:

- General Plan Conformance No. 07-002 request:
  - Evaluate Capital Improvement Program for Fiscal Year 2007/08 for compliance with the General Plan.

- Staff's Recommendation: Approve General Plan Conformance No. 07-002 based upon the following:
  - The proposed projects conform to the goals and policies of the General Plan.

RECOMMENDATION:

Motion to:

"Adopt Resolution No. 1616, approving General Plan Conformance No. 07-002."

ALTERNATIVE ACTION:

The Planning Commission may take alternative actions such as:

"Deny General Plan Conformance No. 07-002 with findings for denial."

Environmental Status:

The General Plan conformance 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.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:	MANDATORY PROCESSING DATE(S):
July 13, 2007	August 22, 2007 (within 40 days of submittal)

ANALYSIS:

The Government Code of the State of California, Section 65401, requires that a local planning agency review a list of proposed projects recommended for planning, initiation, or construction during the ensuing fiscal year for conformance with the local General Plan. This list of proposed projects is contained in the Capital Improvement Program (CIP). The role of the Planning Commission in reviewing a CIP is to ensure the conformity of each project with the goals, objectives, and policies of the General Plan. The benefits and funding source for individual projects listed in the CIP will then be reviewed and approved by the City Council.

The Public Works Department has submitted a coordinated list of capital projects for the Fiscal Year 2007/08. On July 24, 2007 the Planning Commission reviewed the CIP during the study session. The Planning Commission requested more detailed project information be provided. This is included within Exhibit A of the resolution. In addition, Exhibit A provides detailed information regarding the conformity of each project with the General Plan presenting relevant policies for each project in the CIP (Attachment No. 2.2-2.4). The General Plan policies are grouped with projects by subject.

Because the proposed projects further the goals and policies of the General Plan, staff recommends the Planning Commission approve Resolution No. 1616 finding that the proposed CIP is in conformance with the General Plan.

ATTACHMENTS:

1. Capital Improvement Projects List Fiscal Year 2007/08
2. Resolution No. 1616

SH:MBB:RM:sh

PLANNED PROJECTS FOR
CAPITAL IMPROVEMENTS PROGRAM FY 2007/2008
(GENERAL PLAN CONFORMANCE NO. 07-002)

The following is a list of planned projects for Fiscal Year 2007/2008 Capital Improvements Program (CIP). The list is divided into categories by subject. Below each project group is a listing of the relative General Plan policies.

I. DRAINAGE IMPROVEMENTS

A. Planned Projects:

1. Talbert Lake Diversion Urban Runoff Treatment Project Phase 2

B. General Plan Policies:

ERC 2.1.21 Require efforts which reduce urban storm water (as defined in the Environmental Resouces/Conservation Element- d. development of plans to modify flood control channels that empty into the Bolsa Chica, Huntington Beach Wetlands and beach areas. These modifications should enhance the upstream ability to remove harmful constituents from runoff before entering the wetlands, while not altering the flood control ability)

ERC 2.1.28 Desilt Talbert Lake, if determined by the City of Huntington Beach Public Works Department to be economically feasible and environmentally responsible.

U 3.1.1 Maintain existing public storm drains and flood control facilities, upgrade and expand storm drain and flood control facilities.

II. FACILITY IMPROVEMENTS

A. Planned Projects:

1. Central Library Cool Roof
2. Corporation Yard Building B Roof Replacement
3. Energy Efficient Lighting Retrofit
4. Fire station Broadband Wireless Installation
5. Oakview Gym Renovation

B. General Plan Policies:

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

PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

ATTACHMENT NO. 1-L
CIP 2007/08

III. NEIGHBORHOOD IMPROVEMENTS

A. Planned Projects:

1. CDBG Concrete Construction

2. Residential Concrete/Trees

B. General Plan Policies:

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.6 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

IV. SEWER IMPROVEMENTS

A. Planned Projects:

1. Sewer Lift Stations

2. Sewer Main Capacity Improvements

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

PF 6.1.1 Ensure adequate government facilities and services are being provided to meet the needs of the City's population.

V. STREETS AND TRANSPORTATION IMPROVEMENTS

A. Planned Projects:

1. Arterial Highway Rehabilitation

2. Safe Routes to School

B. General Plan Policies:

CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

CE 1.2.3 Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

VI WATER IMPROVEMENTS

A. Planned Projects:

1. Transmission Improvements

2. Water Main Replacement

3. Chlorination Upgrades for Well #13

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.1 Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

U 1.1.3 Continue to evaluate the adequacy of the water supply and distribution system.

ATTACHMENT NO. 13

RESOLUTION NO. 1616

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THE CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEAR 2007/2008 IN CONFORMANCE WITH THE GOALS AND POLICIES OF THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 07-002)

WHEREAS, the Government Code of the State of California, Section 65401, provides that a local planning agency review a list of the proposed public works projects recommended for planning, initiation, or construction during the ensuing fiscal year as to conformity with the local general plan; and

WHEREAS, the Department of Public Works has submitted a coordinated list of all capital projects recommended by City departments for the current fiscal year in the form of a Capital Improvement Projects List for Fiscal Year 2007/2008; and

WHEREAS, staff has reviewed a description of the capital improvement projects and submitted it to the Planning Commission for review on July 24, 2007; and

WHEREAS, staff has indicated applicable General Plan policies for each project included in the Fiscal Year 2007/2008 Capital Improvements Program to establish conformance with the General Plan (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Huntington Beach finds the Capital Improvement Program for Fiscal Year 2007/2008 in conformance with the goals and policies of the General Plan.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the fourteenth day of August 2007, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Scott Hess, Secretary

Chairperson, Planning Commission

ATTACHMENT: Exhibit A

(res1584)

ATTACHMENT NO. 21

EXHIBIT A

PLANNED PROJECTS FOR CAPITAL IMPROVEMENTS PROGRAM FY 2007/2008 (GENERAL PLAN CONFORMANCE NO. 07-002)

The following is a list of planned projects for Fiscal Year 2007/2008 Capital Improvements Program (CIP). The list is divided into categories by subject. Below each project group is a listing of the relative General Plan policies.

I. DRAINAGE IMPROVEMENTS

A. Planned Projects:

1. Talbert Lake Diversion Urban Runoff Treatment Project Phase 2
   Project Description: Divert dry weather urban runoff from Wintersburg Channel into Central Park for treatment and reuse at Shipley Nature Center and Huntington Lake.

B. General Plan Policies:

ERC 2.1.21 Require efforts which reduce urban storm water (as defined in the Environmental Resouces/Conservation Element- d. development of plans to modify flood control channels that empty into the Bolsa Chica, Huntington Beach Wetlands and beach areas. These modifications should enhance the upstream ability to remove harmful constituents from runoff before entering the wetlands, while not altering the flood control ability)

ERC 2.1.28 Desilt Talbert Lake, if determined by the City of Huntington Beach Public Works Department to be economically feasible and environmentally responsible.

U 3.1.1 Maintain existing public storm drains and flood control facilities, upgrade and expand storm drain and flood control facilities.

II. FACILITY IMPROVEMENTS

A. Planned Projects:

1. Central Library Cool Roof
   Project Description: Install cool roof coating to reduce energy use

2. Corporation Yard Building B Roof Replacement
   Project Description: Fleet maintenance building roof replacement

3. Energy Efficient Lighting Retrofit
   Project Description: Replacement of lighting at City Hall and city other facilities

4. Fire station Broadband Wireless Installation
   Project Description: Install wireless capability to all fire station and fire department emergency response vehicles

5. Oakview Gym Renovation
   Project Description: Renovate interior of facility, including gym floor, ceiling and ventilation equipment

ATTACHMENT NO. 2

B. General Plan Policies:

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

PF 6.1.3 Maintain or improve the governmental facilities and services in order to meet the adopted levels of service and standards established in the Growth Management Element.

III. NEIGHBORHOOD IMPROVEMENTS

A. Planned Projects:

1. CDBG Concrete Construction
   Project Description: Construct sidewalks, curb, gutter and plant street trees on Audrey Drive, Saratoga Lane , Hollywood Lane and Forest Drive; also install curb ramps in various locations throughout the city

2. Residential Concrete/Trees
   Project Description: Repair sidewalks, curb, gutter and plant street trees on Fairlane Circle, Calneva Lane, Pheasant Circle, Prelude Drive and Eliot Circle

B. General Plan Policies:

CE 2.1.3 Identify and improve roadways and intersections that are approaching, or have reached, unacceptable levels of service.

CE 6.1.6 Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

IV. SEWER IMPROVEMENTS

A. Planned Projects:

1. Sewer Lift Stations
   Project Description: Rebuild Brighton/Shoreham Lift Station
2. Sewer Main Capacity Improvements
   Project Description: Citywide improvements based on capacity analysis

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

PF 6.1.1 Ensure adequate government facilities and services are being provided to meet the needs of the City's population.

ATTACHMENT NO. 23

V. STREETS AND TRANSPORTATION IMPROVEMENTS

A. Planned Projects:

1. Arterial Highway Rehabilitation
   Project Description: Graham St (Bolsa to Edinger); Garfield Ave (Beach to Newland and Bushard to Ward); Yorktown Ave (Main to Delaware and Brookhurst to Ward)

2. Safe Routes to School
   Project Description: Four projects to install signs, bicycle lanes, and other safety improvements near elementary and middle schools. #1 Golden View, Mesa View and Ocean View Schools; #2 Marine View School; #3 Isaac Sowers School (new signal at Indianapolis/Titan); #4 Newland Elementary School (new signal at Yorktown /Windward).

B. General Plan Policies:

CE 1.2.1 Enhance circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity and associated features such as medians and bicycle lanes.

CE 1.2.3 Maintain primary truck routes that sustain an effective transport of commodities while mitigating the negative impacts on local circulation and on noise sensitive land.

CE 6.1.10 Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.

VI WATER IMPROVEMENTS

A. Planned Projects:

1. Transmission Improvements
   Project Description: Circulation and capacity enhancements around Peter's Landing
2. Water Main Replacement
   Project Description: Citywide locations (Gregory Lane and vicinity)
3. Chlorination Upgrades for Well #13
   Project Description: Add secondary chlorine containment vessels and make required chlorine room modifications.

B. General Plan Policies:

LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

U 1.1.1 Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

U 1.1.3 Continue to evaluate the adequacy of the water supply and distribution system.

ATTACHMENT NO. 2-4

City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Ricky Ramos, Associate Planner RR
DATE: August 14, 2007

SUBJECT: **2006-2007 FLOOD MANAGEMENT PLAN ANNUAL REVIEW**

APPLICANT: City of Huntington Beach Planning Department, 2000 Main Street, Huntington Beach, CA 92648
LOCATION: Citywide

STATEMENT OF ISSUE:

The City of Huntington Beach Planning Department requests Planning Commission review of the Flood Management Plan (FMP) annual review report.

- The FMP was approved by the City Council in September 2000 following a recommendation of approval by the Planning Commission.
- The FMP identifies potential local flood hazards and recommended activities to mitigate flood damage.
- The Federal Emergency Management Agency (FEMA) requires an annual review of the FMP's recommended activities to demonstrate that the City is actively pursuing their implementation. The annual review covers the period from July 1, 2006 through June 30, 2007. Following Planning Commission and City Council review the report must be submitted to FEMA by October 1 of each year as part of the city's annual re-certification.

RECOMMENDATION:

Motion to:

"Accept the Flood Management Plan annual review as adequate and complete and forward to the City Council for their review."

ALTERNATIVE ACTION:

The Planning Commission may take alternative action such as:

"Continue the Flood Management Plan Annual Review and direct staff accordingly."

PROJECT PROPOSAL:

Flood Management Plan Annual Review represents a request to review the progress made over the past 12 months in implementing the recommended activities of the Flood Management Plan (FMP) pursuant to Section 9 (Implementation) of the document.

Following Planning Commission and City Council review the report must be submitted to FEMA by October 1 of each year as part of the city's 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.

BACKGROUND:

The City joined the FEMA flood insurance program in 1983 with the adoption of floodplain regulations. Following City Council direction in 1994, the Planning Department submitted an application to FEMA for participation in the Community Rating System (CRS), a special program that rewards communities that implement more activities than the minimum requirements for participation in the flood insurance program. CRS works by awarding points for implementing certain activities. The points are then related to a class rating which allows a reduction in flood insurance premiums. Following a reverification visit by FEMA's consultant, the City became a class 7 community effective October 1999. This allows property owners in flood zones AE, A, V, and VE a 15% reduction in flood insurance premium. A 5% reduction is the maximum available to property owners in flood zone X.

ISSUES:

General Plan Conformance:

The FMP continues to be consistent with the following applicable General Plan goals:

EH 4 – Eliminate, to the greatest degree possible, the risk from flood hazards to life, property, public investment and social order in the City of Huntington Beach.

U 3 – Provide a flood control system which is able to support the permitted land uses while preserving the public safety; upgrade existing deficient systems; and pursue funding sources to reduce the costs of flood control provision in the City.

EH 5 – Protect human life, to the greatest extent feasible, from tsunamis and seiche hazards.

Zoning Compliance: Not applicable.

Environmental Status:

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

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: All updates received from all responsible departments have been noted in this staff report and in the attached FMP recommended activities matrix.

Public Notification: Not applicable.

Application Processing Dates:

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

ANALYSIS:

Section 8.0 (Recommendation) of the FMP contains recommended activities to implement the goals of the FMP to reduce flood damage. A matrix of the various activities, responsible departments, and status of each activity to date is included in this staff report (see Attachment No. 1). The purpose of the annual review is to demonstrate the progress that has been made in carrying out the recommended activities during the review period of July 1, 2006 through June 30, 2007. An update to various sections of the FMP is also identified below.

Section 5.6 – Protective Measures in Effect or Under Construction

County Projects

During the past twelve months the County continued improvements to the Huntington Beach flood control channel located in the southeastern part of the City to make it 100-year flood compliant. The County anticipates completing the remaining unimproved segment of the Huntington Beach channel section from Indianapolis to Adams by fall 2007. The County will then finalize its application for a map amendment. It is anticipated that the final FEMA determination on the map amendment request will take at least one to two years. Completion of the remaining unimproved segments of the East Garden Grove Wintersburg flood control channel will result in additional reduction to the floodplain. Attachment No. 2 to this report

is an excerpt from the County's seven-year flood control projects plan. It shows that portions of the East Garden Grove Wintersburg channel within the city are tentatively scheduled for $46,800,000 in improvements over the next few years. In addition, the Westminster flood control channel is also tentatively slated for improvement.

Local Projects

Several local projects have continued to progress. The Public Works Department completed construction of the first phase of the Michael Drive/Slater Avenue storm drain project in fiscal year 06/07. Storm drain improvements were also completed in the Meredith Gardens area in fiscal year 06/07. Design has recently been completed on storm drain projects in the consolidated redevelopment area with construction to begin in the fall of 2007. Design has also begun on the rebuild of the Heil Pump Station; however funding has yet to be authorized for construction of this project.

Flood Insurance

According to the National Flood Insurance Program the number of flood insurance policies citywide remains steady while the amount of insurance premiums paid has increased as follows:

	April 2005	May 2006	April 2007
Number of Policies	10,399	10,471	10,330
Amount of Premiums	$5,664,503	$6,102,412	$6,841,992

SUMMARY:

Staff believes that the annual review demonstrates that the City continues to actively pursue implementation of the FMP and recommends that the Planning Commission accept the annual review as adequate and complete and forward it to the City Council for their review.

ATTACHMENTS:

1. 2006-2007 Annual Review Matrix
2. Excerpt from County of Orange Flood Control Projects 7-Year Plan (2007)

SH:MBB:RR:sh

Updates since the last annual review are shown as follows:
Staff updates - bold and underlined

(Aug 14, 2007)

ATTACHMENT NO. 1

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
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.

ATTACHMENT NO. 1

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
												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.

ATTACHMENT NO. 1.2

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
	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. **In 2007 the City received TsunamiReady designation from the National Weather Service.**
	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.

ATTACHMENT NO. 1.3

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
	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	**Construction completed on phase one of the Michael Drive/Slater Avenue storm drain project. Storm drain improvements were also completed in the Meredith Gardens area.** **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.** 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

ATTACHMENT NO. 4

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
												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.
	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	**Newland Street widening project will include new storm drain to alleviate area flooding.** 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.

ATTACHMENT NO. 1.5

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
												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 Brookhurst and PCH in about one year and a 46-acre Caltrans property near Beach and PCH in about three years.
	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. **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.**
	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.

ATTACHMENT NO. 1-6

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
	8.2.10 - Develop and support new funding sources to help accomplish drainage goals		X				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
EH5 - Tsunami	8.3.1 - Update the Tsunami Emergency Operation plan, Operations Plan 2, as needed			X							Ongoing	**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.**
	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. **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). AEN set up a City website where the system can be monitored to make sure it is functioning. Tsunami signs have been posted on the beach and on major streets along the coast to identify the tsunami**

ATTACHMENT NO. 4

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
												hazard zone and evacuation route.
	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

ATTACHMENT NO. 1.8

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
												with County, Army Corps, Orange County Water District, Fish and Wildlife, Fish and Game, Water Board, and environmental non-profit organizations to evaluate feasibility and funding. Partial funding has been obtained from the State for Talbert Lake diversion project **phase I and II, and the Irby Park urban runoff treatment project.**
	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.

ATTACHMENT NO. 1.9

July 1, 2006 – June 30, 2007 ANNUAL REVIEW

Flood Management Plan Recommended Activities

Goal	Activity	Planning	Public Works	Fire	Building	Library	Administrative Services	Administration	City Council	Community Services	Schedule	Status
LU14 - Open Space	8.6.1 - Limit construction in existing open space areas only to necessary structures such as restrooms, picnic shelters	X								X	Ongoing	Only beach activity support structures were constructed on south beach area 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	Ongoing	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.

ATTACHMENT NO. 1-10

ATTACHMENT NO. 2

EXCERPT FROM COUNTY OF ORANGE FLOOD CONTROL PROJECTS 7-YEAR PLAN (2007)

Fiscal Year	Channel	Location	$ Estimate
2007-2008	CO5	2,600 ft. downstream of Graham to upstream of Graham	8,000,000
2007-2008	CO5	Upstream of Graham to Warner	15,800,000
2009-2010	CO5	Warner to downstream of Goldenwest	15,000,000
2010-2011	CO5	Confluence w/ CO6 to Beach	8,000,000
2011-2012	CO4	Bolsa Chica Rd. to Springdale/Edinger	13,000000
Total			59,800,000

CO5 – East Garden Grove Wintersburg flood control channel
CO4 – Westminster flood control channel

(First year projects are for budgeting purposes. The subsequent years are subject to funding and prioritization.)