



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner TN
DATE: February 10, 2009

SUBJECT: CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001 (SHOREBREAK HOTEL AND ZIMZALA RESTAURANT—AMENDMENT TO THE PUBLIC OPEN SPACE PLAN APPROVED UNDER CUP NO. 99-045)

APPLICANT/ David Martin, CIM/Huntington LLC, 6922 Hollywood Boulevard #900, Los Angeles,
PROPERTY CA 90028
OWNER:

LOCATION: 500 Pacific Coast Highway, 92648 (northwest corner of Pacific Coast Highway and Fifth Street – The Strand, Downtown)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 08-049 request:
 - Permit the establishment of an in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment, and dancing.
- ◆ Entitlement Plan Amendment No. 09-001 request:
 - Amend the original public open space plans and locations approved under Conditional Use Permit No. 99-045 (The Strand) by relocating 1,757 sq. ft. from the second level terrace to the ground level.
- ◆ Staff Recommendation:

Approve Conditional Use Permit No. 08-049 based upon the following:

 - Proposed in-house restaurant and bar and other facilities within the Shorebreak Hotel with alcohol sales, outdoor dining, live entertainment and dancing will be consistent with the Mixed-Use General Plan Land Use designation.
 - Proposed in-house restaurant and bar and other facilities within the Shorebreak Hotel with alcohol sales, outdoor dining, live entertainment and dancing will comply with the Downtown Specific Plan.
 - Provides a unique visitor-serving commercial use within the Downtown, which increases the commercial viability of the area.

Approve Entitlement Plan Amendment No. 09-001 based upon the following:

- Proposed relocation of the required public open space from the second level terrace to the ground level will be consistent with the requirements for open space in the Downtown Specific Plan.

RECOMMENDATION:

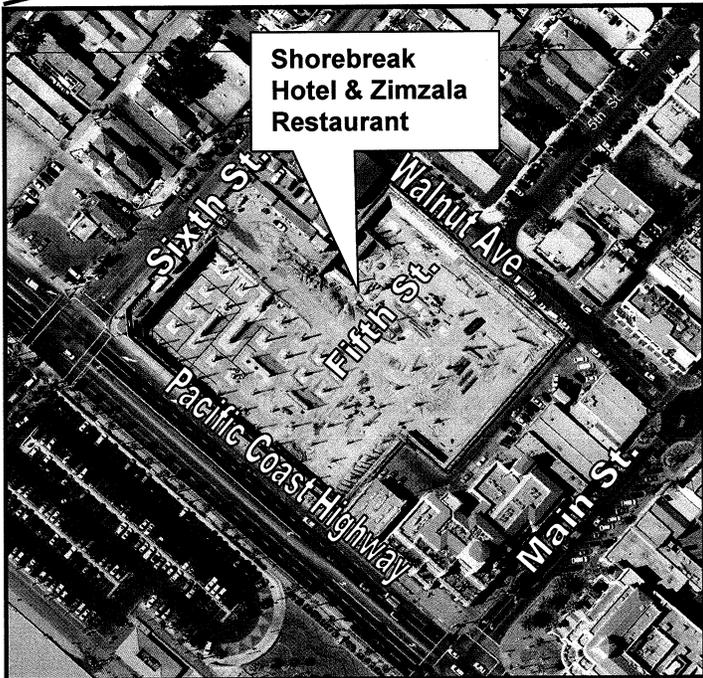
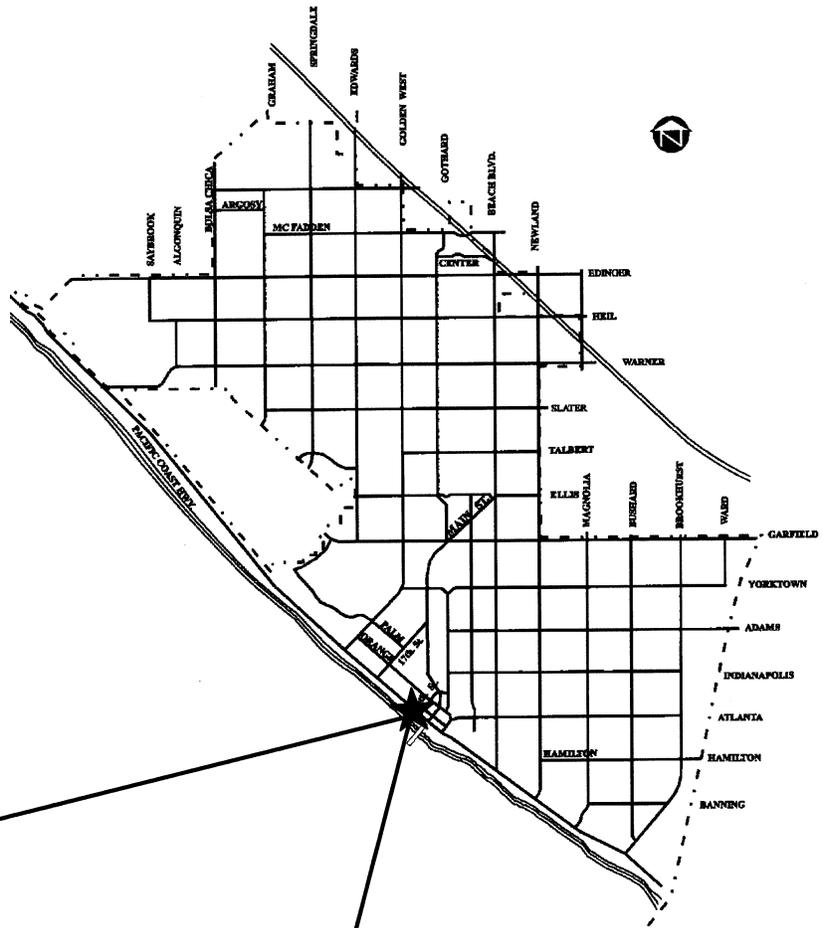
Motion to:

“Approve Conditional Use Permit No. 08-049 and Entitlement Plan Amendment No. 09-001 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 08-049 and Entitlement Plan Amendment No. 09-001 with findings for denial.”
- B. “Continue Conditional Use Permit No. 08-049 and Entitlement Plan Amendment No. 09-001 and direct staff accordingly.”



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-049
(SHOREBREAK HOTEL AND ZIMZALA RESTAURANT)
500 PACIFIC COAST HIGHWAY

PROJECT PROPOSAL:

Conditional Use Permit No. 08-049 represents a request for the following:

- A. To allow the establishment, maintenance, and operation of an in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment, and dancing pursuant to Section 4.5.01(b) Permitted Uses of the Downtown Specific Plan (SP-5), District #3 (Visitor-Serving Commercial).
- B. To allow approximately 3,323 sq. ft. of outdoor dining area with on-site sales and consumption of alcohol pursuant to Section 4.5.01(a) Permitted Uses of the Downtown Specific Plan (SP-5), District #3 (Visitor-Serving Commercial).

The sale and consumption of alcohol is proposed within the interior of the hotel, restaurant, bar, as well as the outdoor dining area located on the second level terrace. The live entertainment is proposed within the restaurant and bar, lobby, banquet room, and courtyard. The dancing is proposed within the banquet room only. The staffing for the hotel will be as follows: approximately 140 employees for the hotel operation and related facilities, approximately 40 to 60 employees for the restaurant and bar, and up to 30 employees for banquet events. Below is a summary of the proposed request with location and services:

LOCATION	SIZE(SF)	LIVE ENTERTAINMENT	DANCING	HOURS OF OPERATION
Lobby	2,533	A single musician (not amplified)	No	24 HOURS
Banquet Room	2,833	Live or deejay style entertainment (amplified)	Yes	5:30 AM – 2:00 AM
Pre-function Area	1,793	Live entertainment (not amplified)	No	5:30 AM – 2:00 AM
Courtyard	3,982	Musical entertainment (not amplified)	No	5:30 AM – 2:00 AM
Restaurant	5,378	A single musician or small band (not amplified)	No	5:30 AM – 2:00 AM
Restaurant Balcony	1,956	No	No	5:30 AM – 2:00 AM
Bar	995	A single musician or small band (not amplified)	No	11:30 AM – 2:00 AM
Bar Balcony	1,367	No	No	11:30 AM – 2:00 AM

The subject site is located within The Strand, a mixed use development consisting of commercial uses and a hotel. 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 G at the northwest corner of PCH and Fifth Street. The restaurant and bar are located on the second floor along Fifth Street and Walnut Avenue.

Entitlement Plan Amendment No. 09-001 represents a request to amend the original public open space plans and locations approved under Conditional Use Permit No. 99-045 (The Strand) by relocating 1,757

sq. ft. from the second level terrace to the ground level in conjunction with The Shorebreak Hotel layout of the lobby, restaurant, and bar areas.

The request is to have three areas of furnishings and service along the public terrace:

1. Public open space and furnishings accessible to the public at the south end of the open terrace (approx. 1,426 sq. ft.) with restaurant food and beverage service (including alcohol) only when provided on those occasions by a full time attendant (consistent with both ABC and the Police Department guidelines).
2. Walk-up, non-reservation bar menu and beverage service (including alcohol) to the public at the middle bar open balcony area adjoining the hotel lobby and restaurant bar area (approx. 1,367 sq. ft.).
3. Full menu restaurant table service with hostess seating at the north end of the terrace (not designated as public open space) adjoining the restaurant dining area (approx. 1,956 sq. ft.).

Background:

Restaurant, Alcohol Sales, and Outdoor Dining Uses

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 to construct approximately 106,000 square feet of commercial space, a 152-room hotel consisting of approximately 120,170 square feet, and a 411 space subterranean parking structure. In addition, the City approved Conditional Use Permit No. 07-021 (RA Sushi) on August 14, 2007 to permit a 5,313 sq. ft. restaurant with on-site sale and consumption of alcoholic beverages. On January 27, 2009, the City approved Conditional Use Permit No. 08-047 (Johnny Rockets) to permit a 1,844 sq. ft. restaurant and 193 sq. ft. outdoor dining area with on-site sale and consumption of alcoholic beverages.

The original conditions of approval for The Strand require that restaurant, alcohol sales, outdoor dining, live entertainment, and dancing uses are allowed with approval of a Conditional Use Permit by the Planning Commission. Approval of these types of uses was not included in the original conditions of approval because many of the specific uses were unknown and staff would need greater specificity to review compatibility and mitigate any issues (i.e. hours of operation, alcohol service, noise, etc.) to ensure a successful project.

Of the total 106,000 sq. ft. of commercial space approved for The Strand, 40,000 sq. ft. may be devoted to restaurant uses. In 2007, RA Sushi was approved with 5,313 sq. ft. of restaurant use. In 2009, Johnny Rockets was approved with 1,844 sq. ft. restaurant use. The proposed addition of the proposed Zimzala restaurant and bar within the Shorebreak Hotel (9,696 sq. ft.) combined with the existing restaurant use for RA Sushi (5,313 sq. ft.) and for Johnny Rockets (1,844 sq. ft.) is 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.

Public Open Space

The Downtown Specific Plan requires all projects in this district to provide a minimum of 10% of the net site area in public open space. The public open space may include plazas, view areas accessible to the

general public, and open-air commercial activities. The public open space requirement for The Strand is summarized below:

Open Space Summary

Location	Area (s.f.)
Ground level	7,253
Level 2 (terrace)	3,183
Total Open Space	10,436
Net site area	103,935
Required open space (10%)	10,394

The proposed public open space areas were evaluated for their quality and functionality. The plaza area between buildings A and B and the second level terrace along Fifth Street provided quality and functional public open space to accommodate public seating, open air commercial activities and in the case of the terrace new and improved coastal views. To ensure the coastal views, the public terrace on the second level was provided with clear and dedicated access for the public from Fifth Street via stairs and elevators. The design allowed the public to access the terrace without the need to enter the hotel so that the public open space was unencumbered by any individual tenant use. The terrace was envisioned to have public seating areas for the enjoyment of the coastal views and the urban atmosphere. The terrace was not a part of the hotel or a restaurant therefore no private commercial use was anticipated.

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
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 4 Achieve and maintain high quality architecture, landscape, and public open space in the City.

Policy LU 4.2.4 Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

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. The provision of public open space will provide additional destination uses that would attract and complement restaurant uses and enhance the enjoyment of residents and visitors alike.

B. Coastal Element

Policy 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.

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. In addition, the public open space will improve the public access to coastal views, especially from the second level terrace.

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 be part of The Shorebreak Hotel in The Strand development. The addition of this 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 structure.

Urban Design Guidelines Conformance:

There will be no exterior modifications as part of the proposed outdoor dining area for the Zimzala Restaurant.

Environmental Status:

The proposed project is Categorical 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. The original entitlement for The Strand including Coastal Development Permit No. 99-16 assumed outdoor dining as part of the project. Therefore, the proposed project to permit a restaurant with outdoor dining and the sale and consumption of alcohol is covered by Coastal Development Permit No. 99-16 approved by the City on October 21, 2002.

Redevelopment Status:

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and has given support of the request because the alcohol service and live entertainment is necessary for the overall success of the Zimzala Restaurant, the Shorebreak Hotel, and The Strand development.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building & Safety, Fire, Public Works, Economic Development, and Planning have reviewed the application and identified applicable code requirements (Attachment No. 4). The Police Department has expressed minor concerns with maintaining a restaurant atmosphere, consumption of alcoholic beverages in a public place, maintaining windows free from alcoholic beverage advertisement,

potential noise disturbances, and identification of a security officer. The following are the suggested conditions of approval from the Police Department:

- To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public until at least one hour prior to the scheduled closing time.
- All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the restaurant balcony and bar balcony patio dining area. Service of alcoholic beverages for consumption off-site shall not be permitted.
- No items or signs shall be placed in any windows advertising the availability of alcoholic beverages, nor shall any interior displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages.
- An Entertainment Permit shall be obtained from the Police Department prior to any entertainment activities.
- To reduce the likelihood of noise disturbances, all entertainment shall remain inside the location.
- All dancing shall be restricted to the dance floor located in meeting room "B", as depicted in the floor plans, dated November 21, 2008.
- The applicant shall ensure that entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction.
- The applicant shall not make or allow to be made any noise which continues for more than a five minute period between the hours of 10:00 PM and 7:00 AM if such noise is audible for fifty feet or more from the source of the noise.
- To ensure the safety of guests and employees, any person acting as a security officer, as defined by Section 7474.1 of Business and Professions Code, shall be clearly identifiable as security.
- Any person who meets the definition of a security officer shall register with the Department of Consumer Affairs and possess a valid State of California Guard Card while operating as a security officer.

The applicant has verbally expressed willingness to adhere to proposed conditions of approval that will address these minor concerns.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on January 29, 2009, and notices were sent to property owners of record within a 500 ft. radius of the perimeter of The Strand property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of February 2, 2009, no communication supporting or opposing the request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

CUP: December 18, 2008

EPA: January 28, 2009

MANDATORY PROCESSING DATE(S):

February 18, 2009

March 28, 2009

Conditional Use Permit No. 08-049 was filed on November 21, 2008 and deemed complete on December 18, 2008. Entitlement Plan Amendment No. 09-001 was filed on January 22, 2009 and deemed complete on January 28, 2009.

ANALYSIS:

Conditional Use Permit

The primary issues identified with the proposed uses are related to land use compatibility—sale of alcoholic beverages, outdoor dining, live entertainment, and dancing. The following provides a discussion of these issues:

Staff supports the proposed uses 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 abundant 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 and bar with alcohol sales, outdoor dining, live entertainment, and dancing. The proposed restaurant and bar will help promote the commercial viability of The Strand and is compatible with similar visitor-serving commercial uses in 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 Shorebreak Hotel offers several amenities for its guests and the neighboring community, including a full service restaurant and bar (Zimzala Restaurant) with patio dining, banquet room with adjoining pre-function and courtyard area. The non-amplified live entertainment will occur inside the restaurant and bar, lobby, banquet room, and courtyard, thereby minimizing potential impacts to hotel guests on the upper floors and residential uses to the north and east. The amplified live entertainment and dancing in the banquet room in the interior of the hotel will be insulated from any potential impacts to hotel guests on the upper floors and to residential uses. Furthermore, the proposed restaurant, bar, and other hotel amenities will be subject to Section 5.44.015(a) of the Huntington Beach Municipal Code (HBMC) which ensures that entertainment provided is not audible beyond 50 feet from the exterior of the business in any direction. With the suggested conditions of approval, the proposed restaurant and bar with outdoor dining and alcohol sales, live entertainment and dancing will not result in increased noise levels above that expected in a typical commercial environment.

Entitlement Plan Amendment

The primary issue identified with the relocation of the public open space is related to the provision of required public open space for the project (See Attachment No. 5). The Strand hotel was originally planned as a Marriott Residence Inn and the second level terrace was provided as open space area accessible to the public. The Marriott hotel configuration provided only hotel rooms adjacent to the terrace with public seating areas and the hotel did not feature a restaurant. CIM subsequently changed the hotel operator to Joie de Vivre Hospitality as The Shorebreak Hotel, a four-star boutique style hotel. Because of the new layout of the hotel, the lobby, bar, and restaurant now adjoin the terrace at the second level along Fifth Street, the same area that was designated as the public open space. The applicant is now proposing to use all of the original terrace as patio dining area for the restaurant and bar area as well as adding a new terrace for dining at the north end of the project.

Since the original 3,183 sq. ft. second level terrace was approved as the required public open space area, the applicant is proposing to relocate approximately 1,757 sq. ft. of the required open space on the second level to the ground floor (See Attachment No. 4). In doing so, the project still provides the minimum of 10% of the net site area in public open space. The provision of public open space for The Strand development is summarized below.

Open Space Summary		
<u>Location</u>	<u>Approved in 2002</u>	<u>Proposed</u>
Ground Level	7,253 sq. ft.	9,008 sq. ft.
Level 2 (terrace)	3,183 sq. ft.	1,426 sq. ft.
Total Open Space	10,436 sq. ft.	10,434 sq. ft.
Net Site Area	103,935 sq. ft.	103,935 sq. ft.
Required Open Space (10%)	10,394 sq. ft.	10,394 sq. ft.

When The Strand development was approved in 2002, buildings (A, D, E) fronting 5th Street were conditioned to provide an additional 2.5 ft setback to accommodate additional sidewalk space for outdoor dining (minimum 10 ft. width) and public open space purposes. The additional setback, measured from the 65 ft. easement of 5th Street, provided public open space credit for the project. Since the original calculation of 10,436 sq. ft. of provided public open space did not include this 2.5 ft. setback area, the applicant is intending to utilize this area towards the project's public open space requirement. In doing so, the Shorebreak Hotel could maximize the use of the patio dining area while still maintaining a portion of the second level terrace for the public enjoyment of coastal views. As mentioned before, the applicant is requesting the following services for the second level terrace area:

1. Open Terrace (approx. 1,426 sq. ft.) at the south end of the second level terrace area—Restaurant food and beverage service (including alcohol) only when provided on those occasions by a full time attendant.
2. Bar Open Balcony (approx. 1,367 sq. ft.) at the middle of the second level terrace area adjoining the hotel lobby and restaurant bar area—Walk-up, non-reservation bar menu and beverage service (including alcohol).

3. Restaurant Balcony (approx. 1,956 sq. ft.) at the north end of the second level terrace area adjoining the restaurant dining area—Full menu restaurant table service with hostess seating.

Staff believes that the 1,426 sq. ft. of the original open terrace area at the south end of the second level terrace should continue to be provided with clear and dedicated access for the public from Fifth Street without any food or beverage service as proposed by the applicant. Staff is recommending that this area be provided with seating areas for the enjoyment of the coastal views and not be considered a part of the hotel or a restaurant as anticipated in the approval in 2002. Staff believes that if restaurant food or beverage service were available in this area it would discourage the public from enjoying the public open space as originally intended. Because the provision of open space on the second level of a project is not ideal, staff originally supported the request because the terrace was adjacent to typical hotel uses and would not conflict with other commercial uses. The clear separation of the open space from the hotel resulted in an enhanced and functional terrace for the public to enjoy. Staff's original support for the second floor terrace was based on compliance with the intent of the Downtown Specific Plan vision, including provision of coastal access and coastal view. It should be noted that the original 3,183 sq. ft. second floor public open space terrace is the only second floor area dedicated for public viewing. However, staff would not oppose occasional use of the 1,426 sq. ft. public open space terrace for special events by the restaurant and hotel operator. Prior review and approval by the Planning Department would be required for special events in this area.

Staff is in support of the remainder of the second level terrace area for the bar open balcony and restaurant balcony. The middle of the second level terrace area (proposed as the bar open balcony) was originally part of the required public open space area. Since the applicant is proposing to relocate 1,757 sq. ft. of the required public open space from the second level terrace to the ground level, the portion of the previous open space terrace can now be used for restaurant and bar service. With the relocation of public open space to the ground level, the project still maintains the minimum 10% of the net site area in public open space. The north end of the second level terrace area (proposed as the restaurant balcony) is new and was not originally part of the required public open space area. The use of this area for outdoor patio dining is consistent with the approved concept within Downtown to provide visitors and residents with abundant opportunities for beach-related activities and specialty commercial uses.

SUMMARY:

As conditioned, the proposed in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment, and dancing will help promote the commercial viability of The Strand and is compatible with similar visitor-serving commercial uses in the area. In addition, the proposed activities and locations would minimize potential impacts to hotel guests and residential uses to the north and east.

The relocation of 1,757 sq. ft. from the second level terrace to the ground level does not affect the provision of the required public open space for The Strand. This request will facilitate the use of this area for patio dining for the restaurant and bar due to the change in the hotel operator. A portion of the approved second level terrace remains as required public open space to allow enjoyment of coastal views.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval—CUP No. 08-049 and EPA No. 09-001
2. Site Plans received and dated November 21, 2008 and Floor Plan received and dated January 22, 2009 (CUP)
3. Site Plans received and dated January 22, 2009 (EPA)
4. 2002 Approved Public Open Space Plan
5. RCA October 21, 2002—Open Space Discussion
6. Code Requirements Letter dated January 15, 2009 (for informational purposes only)
7. Project Narratives dated January 22, 2009
8. Conditions of Approval—CUP No. 99-045 with Special Permit No. 02-006, CDP No. 99-016, TTM No. 16406

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 08-049 **ENTITLEMENT PLAN AMENDMENT NO. 09-001**

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. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001:

1. Conditional Use Permit No. 08-047 and Entitlement Plan Amendment No. 09-001 for the establishment, maintenance, and operation of an in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment and dancing and the relocation of 1,757 sq. ft. of required public open space from the second level terrace to the ground level 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 the location of the live entertaining. The proposed relocation of the public open space areas will not impact the enjoyment of the public of all open space areas on site.
2. The proposed restaurant, bar and other facilities within the Shorebreak Hotel with alcohol sales, outdoor dining, live entertainment and dancing will be compatible with surrounding uses. The uses will be required to comply with conditions of approval pertaining to hours of operation and location of the entertaining venues to assure that any potential impacts to the surrounding properties are minimized. The uses are subject to noise regulations to ensure compatibility with surrounding businesses and residents. In addition, the proposed uses are consistent with the intended mixed-use character of The Strand and of commercial developments in the Downtown. The proposed relocation of public open space will not impact the provision of required open space area, making the project compatible with other developments in the Downtown district.
3. The proposed restaurant, bar and other facilities within the Shorebreak Hotel 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 uses in the district in which they will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building

occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.

4. The granting of the conditional use permit and entitlement plan amendment will not adversely affect the General Plan. They are 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 4 Achieve and maintain high quality architecture, landscape, and public open space in the City.

Policy LU 4.2.4 Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

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. The provision of public open space will provide additional destination uses that would attract and complement restaurant uses and enhance the enjoyment of residents and visitors alike.

B. Coastal Element

Policy 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.

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. In addition, the public open space will improve the public access to coastal views, especially from the second level terrace.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001:

1. The site plans received and dated November 21, 2008 and floor plan received and dated January 22, 2009 (CUP) and site plans received and dated January 22, 2009 (EPA) shall be the conceptually approved design.
2. The hours of operation for the restaurant, restaurant balcony, banquet room, courtyard, and pre-function area shall be between 5:30 a.m. and 2:00 a.m., seven days a week. The hours of operation for the bar and bar balcony shall be between 11:30 a.m. and 2:00 a.m., seven days a week. The hotel lobby can operate 24 hours a day, seven days a week. Food service from the regular menu shall be available from the time business opens to the public until at least one hour prior to the scheduled closing time. **(PD)**
3. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the restaurant balcony (approx. 1,956 sq. ft.) and bar balcony (1,367 sq. ft.) patio dining area. Service of alcoholic beverages for consumption off-site shall not be permitted. A sign to read "No alcohol beyond this point" shall be posted at the end of the bar balcony area. **(PD)**
4. No items or signs shall be placed in any windows advertising the availability of alcoholic beverages, nor shall any interior displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**
5. An Entertainment Permit shall be obtained from the Police Department prior to any entertainment activities.
6. To reduce the likelihood of noise disturbances, all entertainment shall remain inside the location. **(PD)**
7. All dancing shall be restricted to the dance floor located in meeting room "B", as depicted in the floor plans, dated November 21, 2008. **(PD)**
8. The applicant shall ensure that entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction. **(PD)**
9. The applicant shall not make or allow to be made any noise which continues for more than a five minute period between the hours of 10:00 PM and 7:00 AM if such noise is audible for fifty feet or more from the source of the noise. **(PD)**
10. To ensure the safety of guests and employees, any person acting as a security officer, as defined by Section 7474.1 of Business and Professions Code, shall be clearly identifiable as security. **(PD)**
11. Any person who meets the definition of a security officer shall register with the Department of Consumer Affairs and possess a valid State of California Guard Card while operating as a security officer. **(PD)**

12. There shall be no restaurant or bar service, including service of alcoholic beverages, in the public open terrace area (approx. 1,426 sq. ft.) as depicted on the floor plan received and dated January 22, 2009. The public shall not be prohibited from bringing outside food and beverages to the public open terrace area.
13. The open terrace area (approx. 1,426 sq. ft.) shall be differentiated from the bar balcony area by décor and/or furnishings to indicate public use and enjoyment of the terrace as depicted on the floor plan received and dated January 22, 2009. The different décor and/or furnishings are intended to separate the restaurant/bar patio dining area from the public open space terrace.
14. Occasional special events on the 1,426 sq. ft. public open terrace shall be subject to prior review and approval by the Planning Department.
15. 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.
16. 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.

KEY NOTES

- PLASTER
- BUCKET PLASTER FILL
- STREET LIGHT POLE
- PARKING SIGN
- OUTDOOR ZONE

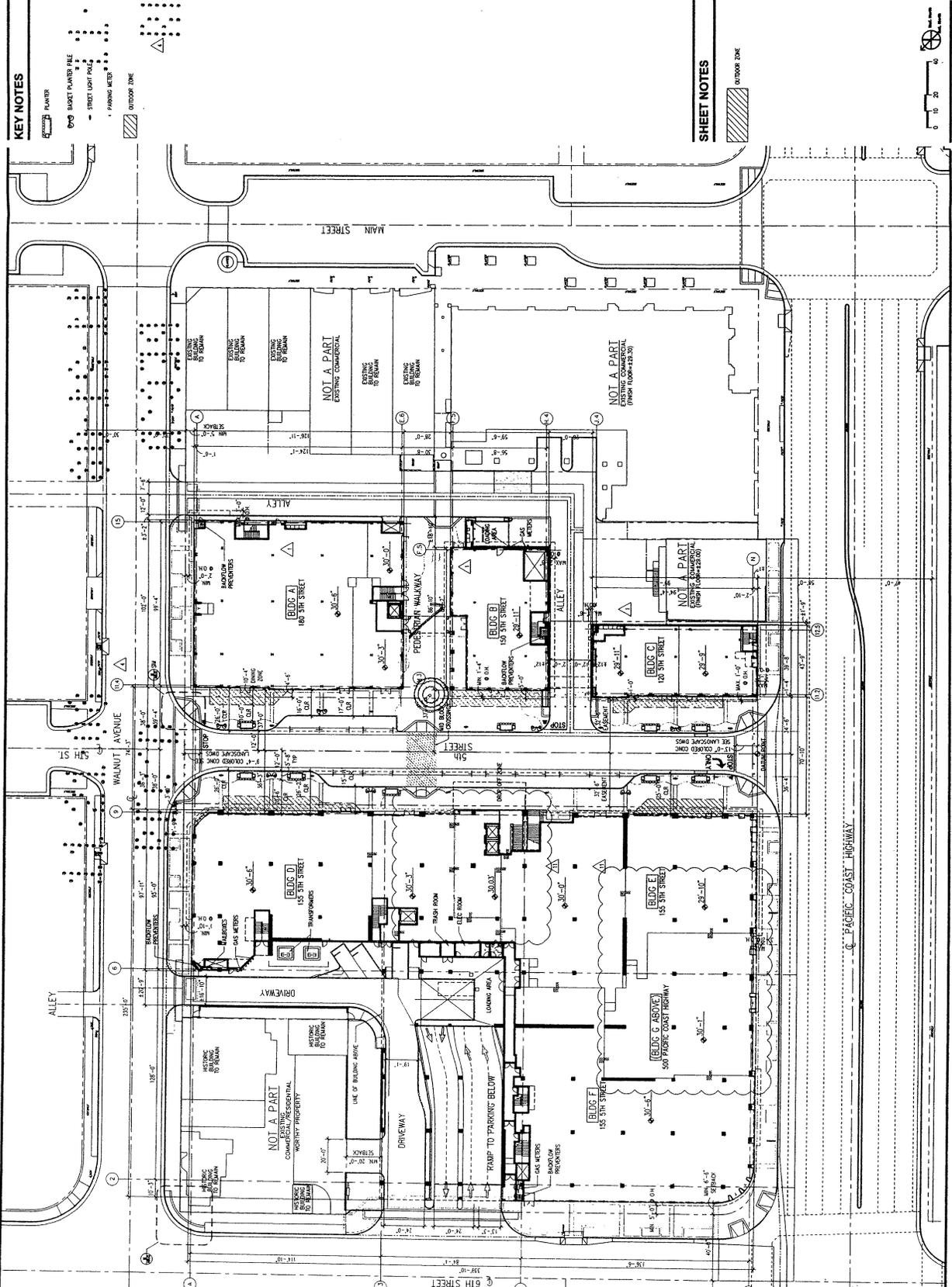
SHEET NOTES

- OUTDOOR ZONE

NO.	DATE	DESCRIPTION	BY	CHK
1	08/12/2003	ISSUED FOR PERMITS	...	...
2	08/22/2003	...	...	...
3	08/22/2003	...	...	...
4	08/22/2003	...	...	...
5	08/22/2003	...	...	...
6	08/22/2003	...	...	...
7	08/22/2003	...	...	...
8	08/22/2003	...	...	...
9	08/22/2003	...	...	...
10	08/22/2003	...	...	...
11	08/22/2003	...	...	...
12	08/22/2003	...	...	...
13	08/22/2003	...	...	...
14	08/22/2003	...	...	...
15	08/22/2003	...	...	...
16	08/22/2003	...	...	...
17	08/22/2003	...	...	...
18	08/22/2003	...	...	...
19	08/22/2003	...	...	...
20	08/22/2003	...	...	...

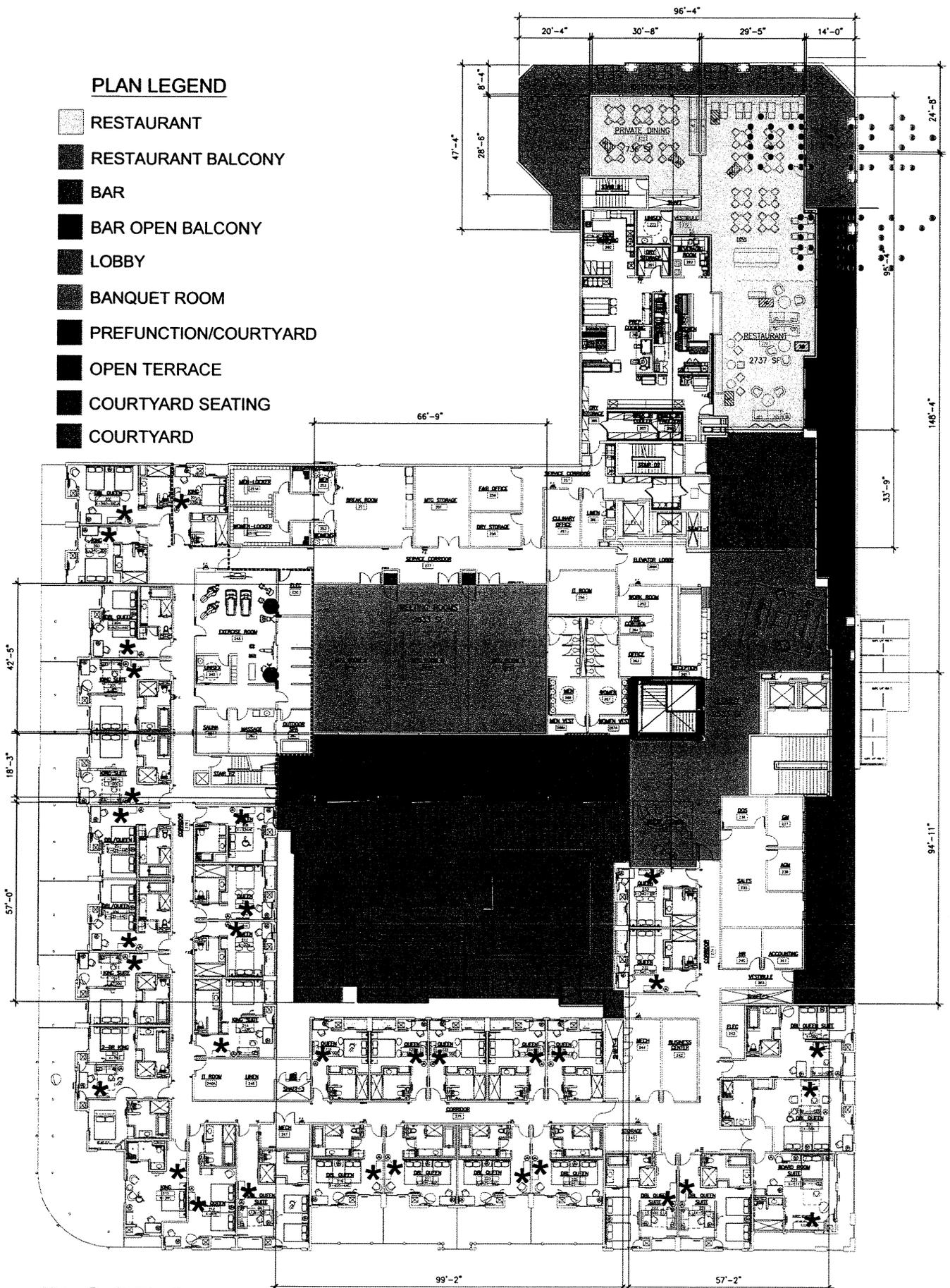
BY: [Signature]
DATE: 08/22/03
PROJECT: [Project Name]
SHEET: A00.61

A00.61

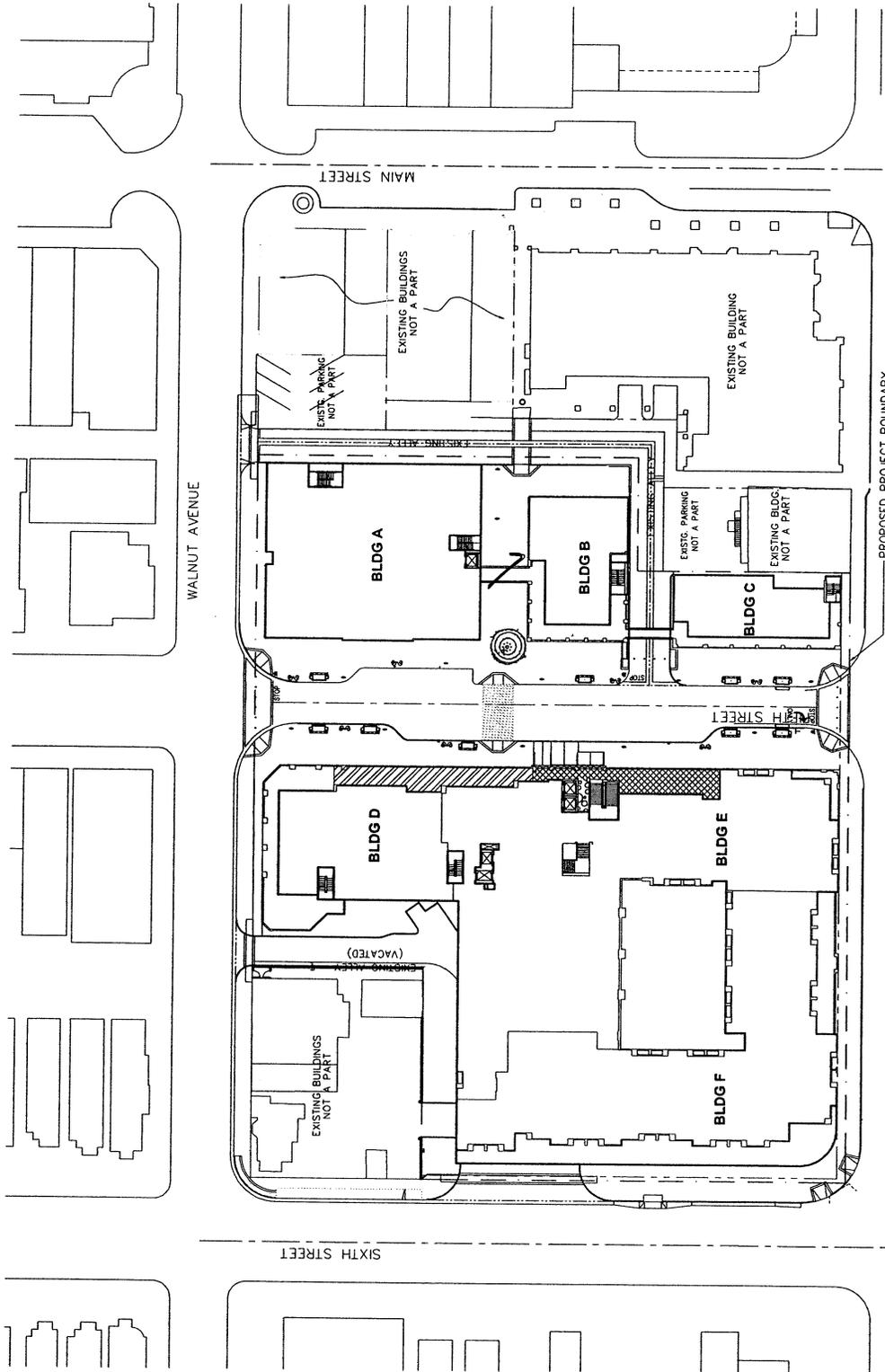


PLAN LEGEND

- RESTAURANT
- RESTAURANT BALCONY
- BAR
- BAR OPEN BALCONY
- LOBBY
- BANQUET ROOM
- PREFUNCTION/COURTYARD
- OPEN TERRACE
- COURTYARD SEATING
- COURTYARD



FLOOR 2



- BAR BALCONY
- PUBLIC TERRACE
- ELEVATOR LOBBY

OPEN SPACE SUMMARY - LEVEL 2

- BAR BALCONY ON 5th ST. WEST 1367 S
- PUBLIC TERRACE ON 5th ST. WEST 1302 S
- ELEVATOR LOBBY ON 5th ST. WEST 124 S
- OPEN SPACE PROVIDED ON LEVEL 2 = 2793 S



EPA # 09-01

The STRAND - Downtown Huntington Beach

CTM

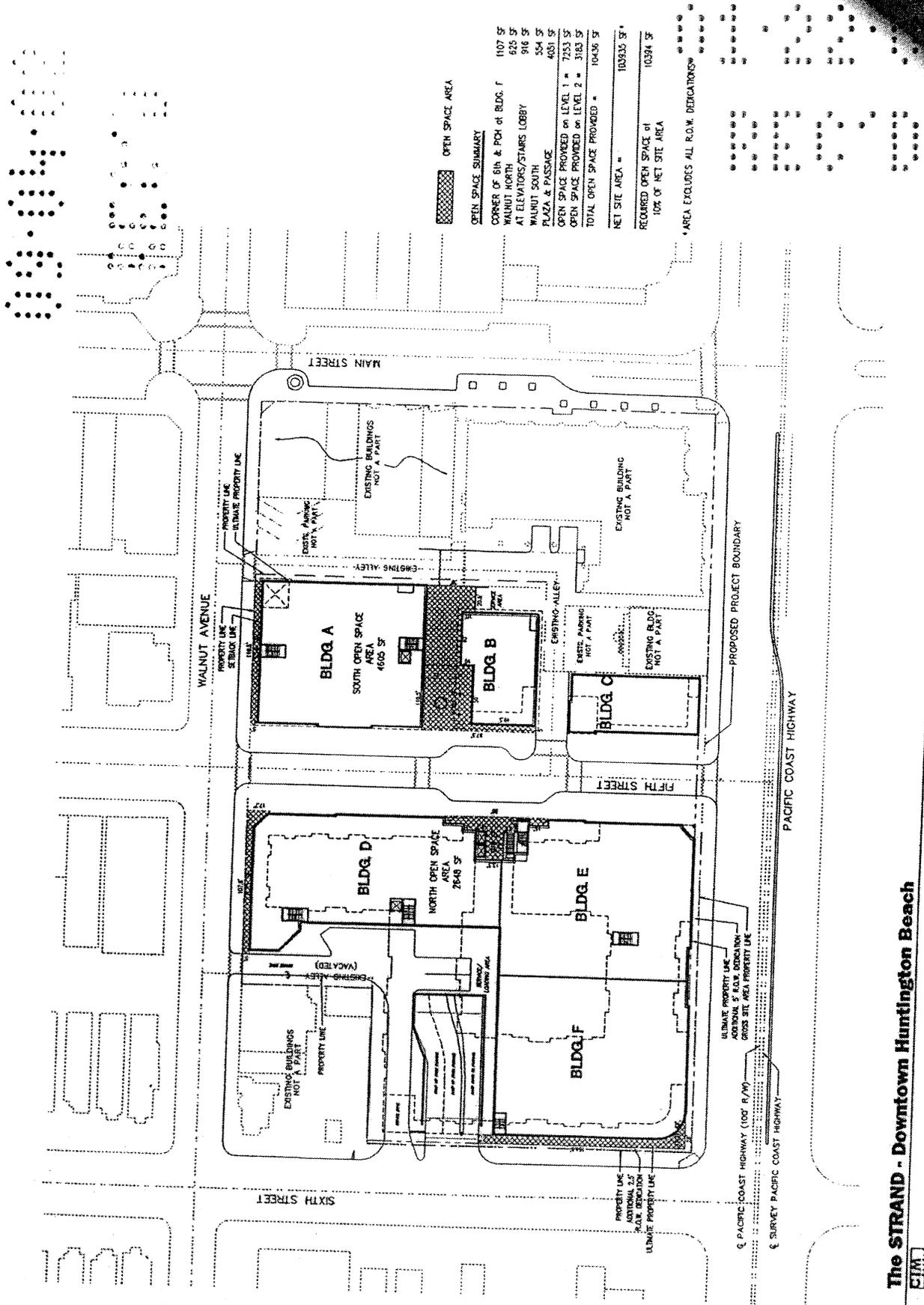
05-9022.003 | Open Space Diagram (Level 2 Site Plan)

Jan 21, 2009

Gensler

ATTACHMENT NO. 3.2

2002 PUBLIC OPEN SPACE - GROUND LEVEL



August 5, 2002

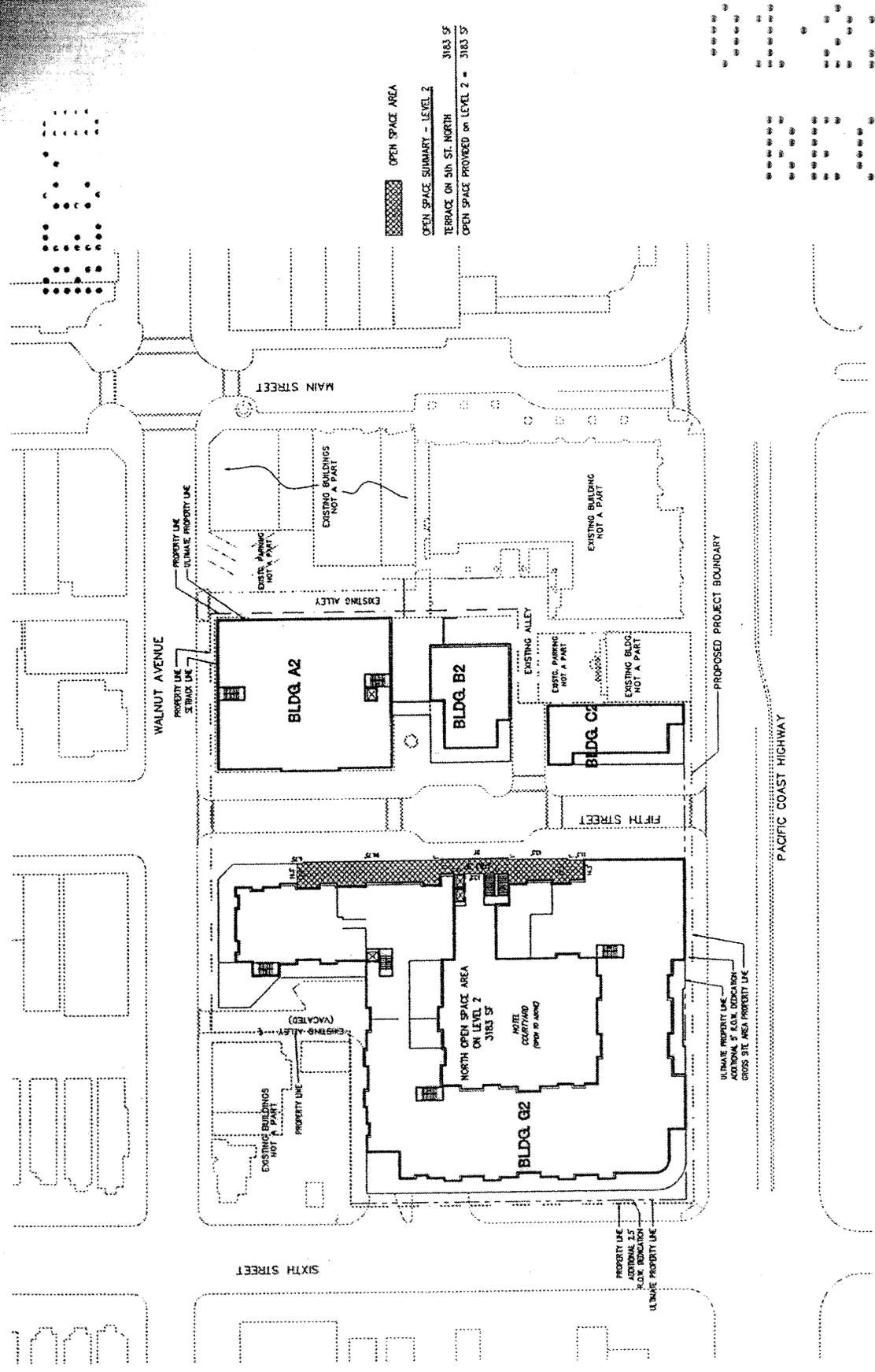
10 130 160 190

05-9022.006 Open Space Plan (Ground Level Site Plan)

The STRAND - Downtown Huntington Beach

CI/M

2002 PUBLIC OPEN SPACE - LEVEL 2



OPEN SPACE AREA
 OPEN SPACE SUMMARY - LEVEL 2
 TERRACE ON 5th ST. NORTH 3183 SF
 OPEN SPACE PROVIDED ON LEVEL 2 = 3183 SF



August 5, 2002

10 30 60 90

Open Space Diagram (Level 2 Site Plan)

05.9022.000

The STRAND - Downtown Huntington Beach



REQUEST FOR ACTION

MEETING DATE: October 21, 2002

DEPARTMENT ID NUMBER: PL02-37

To address this, staff believes it is important to design the street section to accommodate potential outdoor dining, carts and kiosks, and the display and sale of retail merchandise. Staff is recommending that buildings A, D & E provide an additional 2.5 ft. setback, which shall be measured from the 65 ft. easement. By implementing this recommendation, staff believes that it is important to keep the overall architectural integrity of the buildings. Staff recommends that the upper levels maintain their proposed offsets and upper story setbacks. The buildings upper level terraces or setbacks should not be reduced by the provision of the additional ground level setback.

The applicant is also proposing to close 5th Street to vehicular traffic to host special events. The applicant does not know the full extent of the special events at this time but will be required to obtain all permits necessary to conduct such events. The planning for such occasions is another reason to carefully design the street section to adequately provide the space for such temporary outdoor events. Staff supports the proposal to design 5th Street to restrict vehicular traffic. Staff is including a suggested condition of approval to require a 5th Street closure plan be submitted to Public Works, Planning and the Police Department for review and approval.

Open Space

The DTSP requires all projects in this district to provide a minimum of 10% of the net site area in public open space. The project proposes to meet the public open space requirement in the following manner:

Open Space Summary

<u>Location</u>	<u>Area (s.f.)</u>
Corner of Sixth St. & PCH at Bldg. F	1,107
Walnut Avenue North	625
At elevators/stairs lobby	916
Walnut Avenue South	554
Plaza and passage	4,051
NE corner of Bldg. C	116
Subtotal: Ground level	7,369
Level 2 (terrace)	3,183
Total Open Space	10,552
Net site area	103,935
Required open space (10%)	10,394

The public open space may include plazas, view areas accessible to the general public, and open-air commercial activities on the street level. In analyzing the proposed public open space, staff has encouraged the applicant to demonstrate locations that provide quality and functional public open space. Public open space is proposed in several areas within the two-block project area as noted in the table above. The project meets the minimum open space requirements but staff is concerned over the quality of some of the

10/10/2002 8:03 AM

REQUEST FOR ACTION

MEETING DATE: October 21, 2002

DEPARTMENT ID NUMBER: PL02-37

proposed areas. The two areas that staff believes provide the quality and functionality is the plaza area between buildings A & B and the 2nd level terrace along 5th Street. Staff believes both areas are configured in such a manner that can accommodate public seating, open air commercial activities and in the case of the terrace new and improved coastal views. To ensure the coastal views, the public terrace on the 2nd level is provided with clear and dedicated access for the public from 5th Street via stairs and elevators. The design allows the public to access the terrace without the need to enter the hotel. The terrace is envisioned to have public seating areas for the enjoyment of the coastal views and the urban atmosphere. The terrace is not a part of the hotel or a restaurant therefore no private commercial use is anticipated. As noted above, staff is recommending additional setbacks for the buildings on 5th Street for the provision of additional sidewalk width and public open space. Staff supports the public open space plan with the recommended conditions of approval.

Parking:

Compliance with Downtown Parking Master Plan

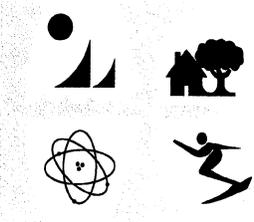
The proposed project is providing parking consistent with the Downtown Parking Master Plan. The proposed project requires 403 spaces and provides a total of 411 spaces in a combination of a 405 space two level subterranean public parking structure and six on-site parking spaces (plus two loading) located behind the buildings on block 105. In addition a total of 24 on-street parking spaces will remain on Main St., 6th St. and Walnut Ave. When analyzing any development in the downtown subject to the DPMP, staff utilizes the land use and parking analysis prepared for each block for compliance and consistency with the total buildout and parking figures assumed in the DPMP. The proposed project is located in a two-block area referenced in the DPMP and the Kaku and Associates Report as Block A. The following table compares the proposed project's land use and parking figures with the Block A analysis:

DOWNTOWN PARKING MASTER PLAN (LAND USE COMPARISON)

PROPOSED USES	PROPOSED SQ. FT.	BLOCK A - DPMP
Retail	32,568	89,860 sq. ft. (- 57,292)
Restaurants	40,000	44,210 sq. ft. (- 4,210)
Offices	33,621	6,430 sq. ft. (+ 27,191)
Total Commercial	106,189	140,500 sq. ft. (- 34,311)
Hotel	120,347 (152 Rooms)	103,110 sq. ft.* (+ 17,237)
Total Project	226,536 sq. ft.	243,610 sq. ft. (- 17,074)

*The original project concept proposed 149 rooms.

As can be seen by the above table, the overall building size has been reduced in comparison to the DPMP and the Block A analysis. However, the mix of uses has also been altered. The DPMP permits the City to shift square footage between one or more individual land use categories as long as the total square footage does not exceed the 715,000 sq. ft. anticipated in the DPMP. In this instance, staff believes the shift between



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

January 15, 2009

David Martin
6922 Hollywood Boulevard #900
Hollywood CA 90028

**SUBJECT: CONDITIONAL USE PERMIT NO. 2008-049 (SHOREBREAK HOTEL AND
ZIMZALA RESTAURANT)—500 PACIFIC COAST HIGHWAY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Martin:

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 Zoning Administrator. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

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 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosures

cc: Gerald Caraig, Building & Safety Department – 714-374-1575
 Darin Maresh, Fire Department – 714-536-5531
 Chuck Thomas, Police Department – 714-536-5910
 Luis Gomez, Economic Development – 714-536-5544

Herb Fauland, Planning Manager
Jason Kelly, Planning Department
CIM/Huntington LLC, Property Owner
Project File



**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT**

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JANUARY 15, 2009
PROJECT NAME: SHOREBREAK HOTEL AND ZIMZALA RESTAURANT
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 08-233
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-049
DATE OF PLANS: NOVEMBER 21, 2008
PROJECT LOCATION: 500 PACIFIC COAST HIGHWAY, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE AND LIVE ENTERTAINMENT WITHIN SHOREBREAK HOTEL FOR A RESTAURANT (ZIMZALA) AND ADJACENT BALCONY, BANQUET ROOM FACILITIES (TO INCLUDE DANCING), COURTYARD, AND GUEST ROOM SERVICE/MINI BARS.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. 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 and floor plan approved by the Planning Commission shall be the conceptually approved design except the level 2 terrace/balcony areas shall be revised to comply with the open space requirements for The Strand development.
2. The use shall comply with the following:
 - a. 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. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
 - b. Prior to commencing live entertainment activities, a copy of an approved Entertainment Permit, approved by the Police Department and issued by the Business License Department, shall be submitted to the Planning Department. All conditions of the Entertainment Permit shall be observed.

3. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Conditional Use Permit No. 08-049 shall not become effective until the ten calendar day appeal period from the date of Planning Commission approval of the entitlements has elapsed.
6. Conditional Use Permit No. 08-049 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 08-049 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
8. The use 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.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$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 Zoning Administrator's action.
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: December 23, 2008
PROJECT NAME: (SHOREBREAK HOTEL AND ZIMZALA RESTAURANT)
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 08-0233
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-049
DATE OF PLANS: NOVEMBER 26, 2008
PROJECT LOCATION: 500 PACIFIC COAST HIGHWAY, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: ERIC HAGHANI, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 374-1589/ Ehaghani@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE AND LIVE ENTERTAINMENT WITHIN SHOREBREAK HOTEL FOR A RESTAURANT (ZIMZALA) AND ADJACENT BALCONY, BANQUET ROOM FACILITIES (TO INCLUDE DANCING), COURTYARD, AND GUEST ROOM SERVICE/MINI BARS.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. 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. The seating arrangement on the conceptual floor plan at the balcony/terrace area does not meet exiting requirement of an exterior exit balcony. An egress plan for the entire restaurant prepared by a California licensed architect shall be required to be submitted for review and conceptually approved prior to submittal of any proposed tenant improvements.

II. CODE ISSUES BASED ON PLANS/DRAWINGS SUBMITTED:

1. The codes in effect are the: 2007 California Building Code ('07 CBC), 2007 California Plumbing Code ('07 CPC), 2007 California Mechanical Code ('07 CMC), 2007 California Electrical Code ('07 CEC) and 2007 California Energy Efficiency Standards as adopted by the City.

2. This Conditional Use Permit has been reviewed for establishment of alcohol services & live entertainment only. Tenant improvement plans for all life safety, exiting requirements, occupant load analysis, seating arrangements, and disabled access requirements shall be submitted for review.
3. The seating arrangements as shown on "Floor 2" plan as submitted is conceptual only and has not been reviewed for building code compliance.
4. The seating on the terrace/balcony is not shown in the permitted set and is not be part of this approval.
5. Any additional/revised seating arrangements shall be submitted for review.
6. An accurate occupant load analysis & exiting requirements shall be included with the any tenant improvement plans for the food establishment and shall be reviewed and approved.
7. All proposed tenant improvements and their resulting occupant loads shall conform to the current codes for egress and life safety provisions.
8. Exit plan that shows clear egress aisles and path of travel shall be submitted. Plans should clarify exit aisles, corridors and doors with clear widths that comply with required minimum exit widths per Section 1005. Verify and show on plans that the width is maintained throughout the remainder of the egress system to public way.
9. In addition to the posting of occupant loads, a diagram of approved aisles, seating and fixed equipment arrangement is required to be posted per Section 1004.3. Provide a detail of diagram to be posted for review with the tenant improvement plans.



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: DECEMBER 1, 2008

PROJECT NAME: SHOREBREAK HOTEL AND ZIMZALA RESTAURANT

ENTITLEMENTS: PLANNING APPLICATION NO. 08-0233

PROJECT LOCATION: 500 PACIFIC COAST HIGHWAY, HUNTINGTON BEACH, CA

PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org

PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST

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

PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE AND LIVE ENTERTAINMENT WITHIN SHOREBREAK HOTEL FOR A RESTAURANT (ZIMALA) AND ADJACENT BALCONY, BANQUET ROOM FACILITIES (TO INCLUDE DANCING), COURTYARD< AND GUEST ROOM SERVICE/MINI BAR.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated November 26, 2008. 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: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

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

Fire Suppression Systems

Fire Alarms

Fire Alarm System is required. For Fire Department approval, shop drawings shall be submitted to the Fire Department as separate plans for permits and approval. For Fire Department approval, reference and demonstrate compliance with *UBC 305.9* on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. (FD)

ATTACHMENT NO. 6.6

Modification, additions, or deletions to an existing fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire alarm system operation will require a "fire watch", approved by the Fire Department. Reference compliance with XXXX in the plan notes. (FD)

Fire Sprinklers

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 Fire Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - Automatic Fire Sprinkler Systems and NFPA 13 in the plan notes. (FD)

Awning Covered Areas. Fire sprinkler coverage over awning covered areas of sprinklered commercial buildings needs to be extended to include the new awning covered areas. NFPA 13, 8.14.7.4. (FD)

Fire Protection Systems

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. (FD)

Building Construction

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)

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

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)

Policy For Maintaining Room Occupancy is required. The Fire Department would like to review your security policy that identifies the training and procedures that your business will use to insure the business occupancy load will be adhered to.

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)

Exit Ways and Aisles Plan is required for this project. HBFC section 2501.14.Plans shall be submitted indicating the seating arrangement, location and width of exit ways and aisles for approval and an approved copy of the plan shall be kept on display on the premises. **(FD)**

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)**

Furniture sold in California must, at a minimum, comply with Technical Bulletins 116 and 117 (this has been state law since 1975). However, if the furniture is to be used in public buildings, it shall comply with Technical Bulletin 133. Public buildings are described as prisons, jails, hospitals, health care facilities, board and care homes, convalescent homes, child care facilities, stadiums, auditoriums, and public assembly areas of hotels and motels. A church sanctuary most closely resembles an auditorium and would have to comply with TB 133. **(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 HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

OTHER:

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

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

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



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: NOVEMBER 26, 2008
PROJECT NAME: (SHOREBREAK HOTEL AND ZIMZALA RESTAURANT)
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 08-0233
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-049
DATE OF PLANS: NOVEMBER 26, 2008
PROJECT LOCATION: 500 PACIFIC COAST HIGHWAY, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: LUIS GOMEZ/KELLEEE FRITZAL
TELEPHONE/E-MAIL: (714) 536-5544;luis.gomez@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE AND LIVE ENTERTAINMENT WITHIN SHOREBREAK HOTEL FOR A RESTAURANT (ZIMZALA) AND ADJACENT BALCONY, BANQUET ROOM FACILITIES (TO INCLUDE DANCING), COURTYARD, AND GUEST ROOM SERVICE/MINI BARS.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. 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.

The project is located in the Huntington Beach Merged Redevelopment Project Area known as the Main-Pier Redevelopment Project Area. The Main-Pier Redevelopment Project Area was formed with the intent of expanding the commercial base of the downtown area by attracting higher and better economic uses to enhance the City's financial resources.

The Agency is supportive of The Strand Project and is a partner in the development. As for the Zimzala Restaurant, the approval of the alcohol service and live entertainment is necessary for the overall success of the Zimzala Restaurant, the Shorebreak Hotel and The Strand development.

The intent of the alcohol license is to enhance the experience for the restaurant patrons and not to create a bar like atmosphere.

ATTACHMENT NO. 6.9



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: January 13, 2009
PROJECT NAME: SHOREBREAK HOTEL AND ZIMZALA RESTAURANT
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2008-0233
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2008-049
DATE OF PLANS: NOVEMBER 26, 2008
PROJECT LOCATION: 500 PACIFIC COAST HIGHWAY (5th STREET & P.C.H.)
PLAN REVIEWER: CAPTAIN CHUCK THOMAS
TELEPHONE/E-MAIL: (714) 536-5910, cthomas@hbpd.org
PROJECT DESCRIPTION: TO PERMIT THE ESTABLISHMENT OF ALCOHOL SERVICE AND LIVE ENTERTAINMENT WITHIN SHOREBREAK HOTEL FOR A RESTAURANT (ZIMZALA) AND ADJACENT BALCONY, BANQUET ROOM FACILITIES (TO INCLUDE DANCING), COURTYARD, AND GUEST ROOM SERVICE/MINI BARS.

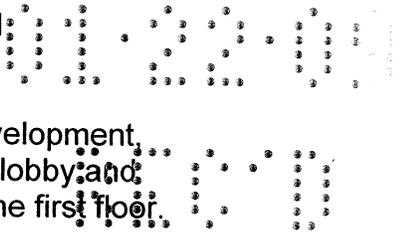
The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions 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. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time.
2. §9.44.010 of the Huntington Beach Municipal Code (HBMC) prohibits the consumption of alcoholic beverages in a public place. Therefore, all alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced in patio dining area. Service of alcoholic beverages for consumption off-site will not be permitted.
3. The business will be located in a highly visible location along Pacific Coast Highway. To maintain a clean public image, no items shall be placed in any windows advertising the availability of alcoholic beverages, nor shall any displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages.

ATTACHMENT NO. 6.10

4. Per §5.44.010(a) HBMC, "No person shall provide or permit any type of entertainment in a coffee shop, restaurant, nightclub, or place where food or other refreshments are served and which is open to the public unless such person shall first obtain a permit to do so from the Chief of Police."
5. To reduce the likelihood of noise disturbances, all entertainment shall remain inside the location.
6. All dancing shall be restricted to the dance floor located in meeting room "B", as depicted in the submitted floor plans.
7. Per §5.44.015(a) HBMC, the applicant shall "ensure entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction."
8. Per §8.40.112(b) HBMC, the applicant shall not "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."
9. To ensure the safety of guests and employees, any person acting a security officer, as defined by §7574.1 B&P, shall be clearly identifiable as security.
10. In accordance with §7574.2 B&P, any person who meets the definition of a security officer, shall register with the Department of Consumer Affairs and possess a valid State of California Guard Card while operating as a security officer.

**Shorebreak Hotel featuring ZIMZALA
THE STRAND
500 Pacific Coast Highway, HUNTINGTON BEACH**



The Shorebreak Hotel is located in the City's newest downtown development, The Strand at the corner of Walnut Ave. and 5th Street. The hotel lobby and facilities are located on the second level, with street front retail on the first floor.

The hotel has 157 guest rooms and suites and features several amenities for its guests as well as the neighboring community, including the following:

- A full service restaurant and bar/lounge with patio dining
- A private dining area within the restaurant for small dinner parties
- Large banquet room with adjoining pre-function and Courtyard area
- Open terrace with seating
- Room service and in room mini bars

The following is a summary of the Hotel amenities.

ZIMZALA - Restaurant/Bar

Zimzala is located in building D of the Strand at the east end of the Shorebreak Hotel. The north side of the restaurant fronts existing historic buildings, and to the south and east the restaurant is surrounded by mixed commercial/residential development.

A unique experience awaits Huntington Beach locals and visitors alike! Destined to become Huntington Beach's premier dining destination, ZIMZALA is the "antithesis" of the ubiquitous chain restaurants that dominate the Orange County dining scene.

The rustic Mediterranean cuisine with its unique flavors will satisfy the palate while the cool, comfortable décor pleases the eye. Sharing is encouraged with the evening menu. Colorful shared platters of ZIMZALA's unique specialties will add excitement and adventure to the dining experience.

A variety of different seating areas exist within ZIMZALA. Near the entrance, there is an intimate bar area with high tables for enjoying cocktails and light fare. An adjacent "living room" lounge features a comfortable plush seating area to create a casual drinking and eating atmosphere. An east facing balcony patio offers another venue for food and drink.

The 2,737 sq. ft. main dining room features an open kitchen, with loose and fixed seating and a small private dining room with a fireplace. The balcony patio wraps around the restaurant where tables provide a great outdoor dining experience with a views of downtown and the beach.

Live entertainment may be offered in the restaurant and/or bar area consisting of a single musician or small band (no amplified music). Dancing will not be allowed. Live entertainment will not be provided on the patio of either the restaurant or bar areas.

A Morning Express Coffee Bar will be featured in the bar area on a daily basis, offering barista style coffee service and light fare. ZIMZALA will feature a full breakfast menu.

Sales from food is expected to be a minimum of 60% of total sales and sales from alcoholic beverages will not exceed 40%.

Shorebreak Lobby

Guests are welcome to lounge in the lobby area and enjoy a beverage from the adjacent ZIMZALA bar and lounge. Special events may be sponsored by the hotel which will include live entertainment (single musician, no amplified music). These events will be part of the manager's welcome program and are intended for guests of the hotel.

Hotel Conference/Banquet Room Facilities

The 2,833 sq. ft. conference room/banquet room space provides an ideal location for a variety of events ranging from business meetings and conferences to weddings or other celebrations. The space can be used as a single large banquet/conference room or sub-divided into two or three separate function areas.

Conference services include a variety of meeting room configurations. Dining options include service in the meeting room area or in the designated courtyard dining area.

Special events can also be tailored to meet the needs of the customer. The entire banquet room will provide full service dining, alcohol service, live or deejay style entertainment (including amplified music) and dance floor space. The adjacent prefunction and courtyard areas can also be used as ancillary venues for hors d'oeuvre/cocktail service and live entertainment (not amplified).

Smaller, more intimate functions can use one or two of the banquet rooms for dining and alcohol service. Live entertainment may be provided.

The restaurant kitchen will provide catering for all events.

Courtyard

The 4,760 sq. ft. courtyard is available as a separate entertainment venue or can be used in conjunction with the banquet/conference rooms.

Food and alcohol service will be available. Dining is limited to the designated dining/seating area in conjunction with special events.

Musical entertainment (not amplified) will be a feature here as well. No dancing will take place in the Courtyard.

Open Terrace

The open terrace provides 1,302 sq. ft. of public open space along the south elevation of the hotel. The Public Terrace begins at the terrace adjacent to the lobby and extends west of the main staircase. This area is available for hotel and restaurant guests as well as the general public to sit and relax. Alcohol service is available only through a full-time attendant.

Bar Open Balcony

The bar open balcony provides 1,367 sq. ft. of public open space along the center section of the south elevation of the hotel adjacent to the bar/restaurant. This area is available for hotel and restaurant guests as well as the general public to enjoy informal food and beverage service on a walk-up basis.

Room Service

Room service will be available to all Hotel guests. The restaurant kitchen will provide all room service meals. The room service menu includes alcoholic beverages.

Mini Bars

All rooms will include a mini bar. Spirits, beer and wine will be dispensed as well as limited snack items. All products will be stocked daily. Payment will be made at the time of hotel check-out.

Parking

Conditional Use Permit No. 90-45 allows construction of a 152 room hotel consisting of approximately 120,170 square feet and 106,075 square feet of commercial space, including a total of 40,000 square feet of restaurant space.

The CUP stipulates that 405 parking stalls be provided within the two level subterranean public parking structure.

This application conforms to the allowable hotel square footage (120,170 square feet allowed, 116,661 provided). A total of 157 rooms will be provided.

The total dining area within the hotel totals 10,666 square feet. The remaining 29,334 square feet will be available as leasable area within The Strand (currently two restaurant tenants have applied for permits – RA Sushi and Johnny Rockets).

Operations

Employees:

Hotel and related facilities: approximately 140.

ZIMZALA restaurant/bar: 40-60 employees

Banquet Staffing: 1 to 30 staff per event

Alcohol Training:

All hotel and restaurant staff regularly participate in an alcohol training program.

The Huntington Beach Police Department is welcome to participate in or review the employee training program.

Alcohol Service/Live Entertainment:

A detailed table (Table of Services) is attached. Each area of the hotel is identified by use with its associated services, hours of operation, square footage and seating capacity.

Trash removal:

Trash is removed through the service elevators near the kitchen and taken out the rear service doors of the building, directly to the trash room.

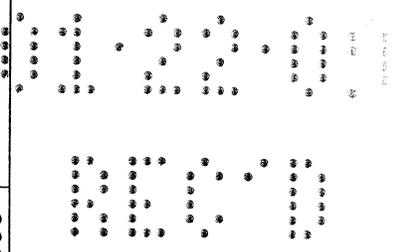
Table of Services

	Dining Service	Alcohol Service	Live Entertainment	Dancing	Hours of Operation	Dining Sq. Ft.	Non Dining Sq. Ft.	Seats
Restaurant	Y	Y	Y	N	5:30AM-2AM	2,737		95
Restaurant Balcony	Y	Y	N	N	5:30AM-2AM	1,956		64
Restaurant & Hotel Kitchen	N	N	N	N	24 HRS		2,641	0
Bar	Y	Y	Y	N	11:30AM- 2AM	995		27
Bar Open Balcony	Y	Y	N	N	11:30AM- 2AM	1,367		50
Morning Express Coffee Bar	Y	Y	N	N	5:30AM-11:30AM	Same as Bar/Bar Balcony		
Lobby	N	N	N	N	24 HRS		2,533	16
Lobby Events (1)	Y (2)	Y	Y	N	7AM- 2AM			
Banquet Room	Y	Y	Y	Y	5:30AM-2AM	2,833		
Courtyard	Y(2)	Y	N	N	7Am-11PM		3,982	
Courtyard Events (3)	Y	Y	Y	N	5:30AM-2AM	778		36
Pre-function Area	Y(2)	Y	N	N	5:30AM-2AM		1,793	
Room Service	Y	Y	N	N	24 HRS Food 6am – 2am Alcohol			
Open Terrace	N	N	N	N	5:30AM-2AM		1,302	52
Total Dining Sq. Ft.						10,666		

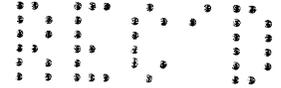
(1) Lobby events include hotel sponsored functions which are open to hotel guests only.

(2) Hors d'oeuvre/ tray service only

(3) Courtyard events will be used in conjunction with Banquet Room functions or meetings.



Entitlement Plan Amendment Application
The Strand
January 22, 2009



Summary

CIM/Huntington, LLC is applying for a review and approval of the Public Open Space designation as a result of change in hotel design and activation and utilization of the second level terrace open space.

History

The Strand hotel was originally planned as a Marriot Residence Inn. When entitled in 2002, the second floor terrace area was conditioned to be public accessible open space and the staff report noted that "The terrace is not a part of the hotel or a restaurant therefore no private commercial use is anticipated."

CIM subsequently elected to upgrade the hotel to a four-star, boutique style hotel, The Shorebreak Hotel, which will be operated by Joie de Vivre, California's leading boutique hotel operator.

The Shorebreak Hotel will include an upscale, full service restaurant, Zimzala, which will also be operated by Joie de Vivre. The hotel lobby, bar and restaurant adjoin a portion of the terrace at the second level overlooking 5th Street.

The proposed use of the terrace remains open and accessible to the public while providing the public with the option of using hotel food and beverage services which are adjacent to the terrace in the hotel lobby and bar areas. In addition the hotel will furnish the terrace, providing upgraded amenity and atmosphere for the public. The original Marriot hotel configuration provided only hotel rooms backing to the terrace, with no services available to the public and limited public amenities.

As indicated on the attached exhibit. The boutique hotel proposes to provide three areas of furnishings and service and along the public terrace:

1. Public open space and furnishings accessible to the public at the south end of the terrace with food and beverage service only when provided on those occasions by a full time attendant (consistent with both ABC and HB Police Dept guidelines).

2. Walk-up, non-reservation bar menu and beverage service (including alcohol) to the public at the center terrace public open space area adjoining the hotel lobby and restaurant bar area.
3. Full menu restaurant table service with hostess seating at the north end of the terrace (not designated as public open space) adjoining the restaurant dining area.

All terrace areas are accessible from the ground floor by public stair and elevator. Only terrace dining area is accessed through the restaurant. Other terrace areas are accessed directly from the street level by stairs and elevator.

Discussion

We have been informed that the services provided to the public open space constitutes commercial use of open space not contemplated in the prior approval. CIM believes that the proposed use is actually an improvement over the prior public utilization of the terrace with only limited furnishings and adjoined only by non-accessible guest rooms.

The recalculation of the public open space with the boutique hotel results in an increase from 10,552 sf to 11,801 sf, with 2,793 sf of that at the terrace level.

The prior Planning Commission staff report documented attainment of the project public open space requirement through designation of 3,183 sf of terrace as public open space. In recognition of the Marriott hotel design, the staff report noted that "The terrace is not a part of the hotel or a restaurant therefore no private commercial use is anticipated." The proposed Shorebreak Hotel and Zimzala restaurant will utilize 2,793 sf of the terrace as public open space with access and service to the public as described above.

Public use of the open space available on the terrace is consistent with the Shorebreak Hotel's operating model and philosophy. The applicant and operator believe the proposed availability of hotel food and beverage services, while different than originally approved and conditioned, creates an enhanced public use of the terrace without compromising accessibility. While the additional services constitute commercial activity not previously contemplated, the commercial activity will not diminish public views, access or enjoyment. CIM also notes that utilization of ground floor public space as outdoor dining space is permitted within the current code. In this instance, the second floor terrace is more extensive and public use is not limited to table service. In fact a visitor can use the space whether or not seating is available.

CIM requests an approval of the public open space designation and utilization as proposed.



CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

OFFICE OF THE CITY CLERK
CONNIE BROCKWAY
CITY CLERK

October 28, 2002

California Coastal Commission
South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90801-4302

**NOTICE OF CITY OF HUNTINGTON BEACH CITY COUNCIL ACTION ON APPEAL OF
PLANNING COMMISSION'S APPROVAL OF**

**COASTAL DEVELOPMENT PERMIT NO. 99-16
(The Strand at Downtown Huntington Beach Blocks 104/105)**

Applicants:

CIM/Huntington, Inc.,
John Given, Vice President
6922 Hollywood Boulevard, Ninth Floor
Hollywood, CA 90028

Redevelopment Agency of the City of Huntington Beach
David Biggs, Deputy Executive Director
2000 Main Street
Huntington Beach, CA 92648

Appellants:

CIM/Huntington, Inc.,
John Given, Vice President
6922 Hollywood Boulevard, Ninth Floor
Hollywood, CA 90028

James A. Lane, HB CARES (Citizens Against Redevelopment Excesses)
637 Frankfort Avenue, Huntington Beach, CA 92648

Coastal Development Permit No. 99-16 Request: To permit subdivision and development of a mixed-use project consisting of approximately 226,500 sq. ft. of retail, restaurant, office, a 152-room hotel, and a two-level 405 space subterranean public parking structure on an approximately 2.97 acre site.

Location: Bounded by Pacific Coast Highway, Sixth Street, Walnut Avenue and the alley between Fifth Street and Main Street. The project does not include Ocean View Promenade, the retail buildings fronting on Main Street, the El Don Liquor building, or the Worthy property at the corner of Sixth and Walnut (Blocks 104 and 105).

ATTACHMENT NO. 8.1

Coastal Status: Appealable jurisdiction of the Coastal Zone.

Action: On October 21, 2002, after hearing a staff report presentation, conducting a public hearing, and discussion, the City of Huntington Beach City Council conditionally approved Coastal Development Permit (CDP) No. 99-16 with Findings for Approval and Conditions of Approval (Attachment No. 1). The CDP does not become effective until the ten (10) working day appeal period to the Coastal Commission for the CDP has expired.

The following entitlements were approved by the City of Huntington Beach Planning Commission and subsequently appealed to the City Council by John Given, CIM Group (Co-applicant). The CIM appeal was of the Planning Commission's Conditions of Approval of TTM 16406, CUP No. 99-45 with Special Permits No. 02-06 and CDP No. 99-16.

The appeal filed by James A. Lane, Huntington Beach Citizens Against Redevelopment Excess (HB CARES) appealed the approval by the Planning Commission of EIR No. 01-02, TTM 16406, CUP No. 99-45 with Special Permits No. 02-06 and CDP No. 99-16. The City Council held a public hearing and reviewed and approved (4 ayes, 2 noes, 1 abstention) Conditional Use Permit (CUP) No. 99-45 a request to construct an approximately 226,500 sq. ft. mixed-use development consisting of retail, restaurant, office, a 152-room hotel, and a 405 space two-level subterranean public parking structure. In addition the CUP permitted 5.9% (24 spaces) of the 405 total parking spaces in the two-level subterranean public parking structure to be compact in size and allow valet service, parking entrance gates, attendant booths, and collection of fees within the subterranean public parking structure. The CUP request also included Special Permit No. 02-06 to: 1) encroach into minimum ground floor setbacks along Pacific Coast Highway (0 ft. in lieu of 15 ft.), Sixth Street (6.5 ft. in lieu of 15 ft.), and Walnut Avenue (5 ft. in lieu of 15 ft.), 2) encroach into minimum upper story setbacks along Pacific Coast Highway minimum 9 ft./average 11 ft. 4 in. in lieu of min. 15 ft./average 25 ft., 3) to exceed the maximum building height with hotel (49.5 ft. in lieu of 45 ft.) and architectural tower feature (70 ft. in lieu of 55 ft.), and 4) to reduce the ultimate right of way and view corridor on Fifth Street (65 ft. in lieu of 80 ft.). Tentative Tract Map No. 16406 a request for a subdivision map to consolidate multiple existing parcels on portions of two blocks into one 2.97-acre parcel for condominium purposes. Environmental Impact Report No. 01-02 a request to certify the EIR which analyzes the potential environmental impacts associated with implementation of the proposed project.

Appeal Procedure to the California Coastal Commission: An appeal of the City of Huntington Beach's action on Coastal Development Permit No. 99-16 may be filed in writing with the California Coastal Commission in accordance with Title 14, Section 13111 of the California Administrative Code. Their address is:

South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
Attn: Theresa Henry
(562) 570-5071

(Continued on the next page)

Notice of Action – CDP 99-16

Page 3

October 28, 2002

The appeal must be filed with the Coastal Commission within ten (10) working days from the date of receipt of this notice of final City action by the California Coastal Commission.

Sincerely,



Connie Brockway, CMC
City Clerk

CB: le

Enclosure: Findings and Conditions for Approval – CDP No. 99-16

cc: Ray Silver, Executive Director
Howard Zelefsky, Planning Director
David Biggs, Deputy Executive Director
John Given, CIM Group
James A. Lane, HB CARES
Herb Fauland, Principal Planner

FINDINGS AND CONDITIONS OF APPROVAL

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

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16406:

1. Tentative Tract Map No. 16406 for the consolidation of existing parcels into a one-lot subdivision for condominium purposes and the right of way dedications along Pacific Coast Highway and 6th Street; the vacation of the alleys on Block 105 for private access easements with reciprocal access; the vacation of a portion of the alley on Block 104 and alley dedications with reciprocal access; and the dedication and reservation of 5th Street for a 65 ft. wide public access easement including a 24 ft. wide reciprocal easement for vehicular purposes is consistent with the General Plan Land Use Element designation of Mixed Use Vertical - 3.0 Floor Area Ratio – Specific Plan Overlay – Pedestrian Overlay on the subject property because the subdivision will provide a consolidated development consistent with the design concept envisioned by the Downtown Specific Plan and General Plan and will provide the necessary public improvement to complete the Main-Pier Phase II development.
2. The site is physically suitable for the type and density of development. The 2.97-acre project site provides the necessary area for development by consolidating multiple parcels consistent with the intensity and density of District #3, Visitor-Serving Commercial, of the Downtown Specific Plan, The General Plan Land Use designation, and with the implementation of mitigation measures is suitable for development.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The tentative map provides all the necessary easements and access requirements of the City for the public and provides the necessary public improvements. The improvements include dedications, curbs, gutters, sidewalks, streets, alleys, and easements with reciprocal access between properties to adequately serve the site and adjacent properties.

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

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

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

2. The conditional use permit will be compatible with surrounding uses because the project is designed with a contemporary Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and with the conditions of approval imposed the project will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project as conditioned, incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown. The project will provide public improvements to make the project compatible with other adjacent public improvements required of downtown development to provide a consistent streetscape for the two-block project area.
3. The proposed request to construct approximately 106,075 square feet of commercial space and a 152-room hotel consisting of approximately 120,170 square feet; to allow 5.9% (24 spaces) of the total 405 parking stalls within the two-level subterranean public parking structure to be compact in size; and to permit valet service, parking entrance gates, attendant booths and collection of fees within the subterranean public parking garage will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F12-sp-pd (Mixed Use Vertical – 3.0 FAR – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

These Special Permits result in a greater benefit from the project and will promote a better living environment because the design of the project provides a consistent development pattern along PCH, provides the necessary and consistent sidewalk width for the types of pedestrian 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 necessary

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

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

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16406:

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

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

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

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

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

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

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)**

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

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

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

A consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. **(PW-Code Requirement)**

- qq. Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Catch basins shall be grated and not have side openings. **(PW)**

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

- Highway shall be coordinated with Caltrans including obtaining any appropriate encroachment permits. **(PW)**
- zz. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. **(PW)**
- aaa. The project developer(s) shall implement all rules and regulations by the Governing Board of the SCAQMD that are applicable to the development of the Project (such as Rule 402 – Nuisance and Rule 403 – Fugitive Dust) and that are in effect at the time of development. The following measures are currently recommended to implement Rule 403 – Fugitive Dust. These measure have been quantified by the SCAQMD as being able to reduce dust generation between 30 and 85 percent depending on the source of the dust generation. **(MM 3.2-2)**
- bbb. The parking meters surrounding the project shall be removed and returned to the Beach Services Division. The cost of relocating any on-street parking meters and re-striping of on-street parking spaces shall be the sole responsibility of the applicant. All re-striping and parking meter relocation shall be subject to review and approval of the Public Works Department. **(PW)**
- ccc. The project developer(s) shall develop and implement a construction management plan, as approved by the City of Huntington Beach, which includes the following measures recommended by the SCAQMD, or equivalently effective measures approved by the City of Huntington Beach: **(MM 3.2-1)**
- i. Configure construction parking to minimize traffic interference.
 - ii. Provide temporary traffic controls during all phases of construction activities to maintain traffic flow (e.g., flag person).
 - iii. Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the degree practicable.
 - iv. Consolidate truck deliveries when possible.
 - v. Maintain equipment and vehicle engines in good condition and in proper time as per manufacturers' specifications and per SCAQMD rules, to minimize exhaust emissions.
 - vi. Use methanol- or butane-powered on-site mobile equipment instead of gasoline to the extent available and at competitive prices.
- ddd. Provide a Fire Department approved Remedial Action Plan (RAP) based on requirements found in City of Huntington Beach Soil Cleanup Standard, City Specification #431-92. **(FD)**
- eee. From the Division of Oil, Gas & Geothermal Resources (DOGGR) provide a Permit to Conduct Well Operations for all onsite active/abandoned oil wells (714) 816-6847. **(FD)**
- fff. From the DOGGR, provide proof of a DOGGR Site Plan Review application. **(FD)**
- ggg. Obtain a Huntington Beach Fire Department Permit to Abandon Oil Well and follow the requirements of City Specification #422, Oil Well Abandonment Process. **(FD)**
- hhh. Installation and/or removal of underground flammable or combustible liquid storage tanks (UST) require the applicant to first obtain an approved Orange County Environmental Health Care UST permit as a prerequisite in obtaining a Huntington Beach Fire Department UST permit. **(FD)**
- iii. Vapor extraction treatment areas may require conformance to City Specification #431, Gas Fired Appliances. **(FD)**

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

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

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

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

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

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

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

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

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

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

gg. The Design Review Board shall review and approve the following:

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

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

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

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

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

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

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:

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

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

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

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

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

INFORMATION ON SPECIFIC CODE REQUIREMENTS:

1. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall not become effective until the ten calendar day appeal period has elapsed or until the ten working day appeal period has elapsed for the coastal development permit. Because the project is located in the appealable area of the coastal zone, there is an additional ten working day appeal period that commences when the California Coastal Commission receives the City's notification of final action.
2. Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16 shall become null and void unless exercised within two years (Tentative Tract Map No. 16406) of the date of final approval which is October 4, 2004 or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Conditional Use Permit No. 99-45 with Special Permits No. 02-06 and Coastal Development Permit No. 99-16, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. All applicable fees from the Building, Public Works, and Fire Departments shall be paid prior to the issuance of Building Permits.
6. Traffic Impact Fees shall be paid at the time of final inspection or issuance of a Certificate of Occupancy. (PW)
7. State-mandated school impact fees shall be paid prior to issuance of building permits.
8. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
9. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.

10. An encroachment permit shall be required for all work within the right-of-way. **(PW)**
11. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department prior to occupying the building.
12. Outdoor dining is not permitted unless a conditional use permit for this specific use is reviewed and approved.
13. Any restaurant use (greater than 12 seats) shall require the review and approval of a conditional use permit by the Planning Commission.
14. Any outdoor dining use shall require review and approval of a conditional use permit by the Zoning Administrator. All outdoor dining shall be located adjacent to the buildings and the restaurant uses they serve and shall be provided with a metal enclosure.
15. Any proposed alcohol sales shall require the review and approval of a conditional use permit by the Planning Commission.
16. Any proposed live entertainment shall require review and approval of a conditional use permit by the Planning Commission.
17. Any proposed temporary outdoor events for 5th Street shall obtain all necessary City permits in compliance with the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance. A street closure plan shall be submitted to the Department's of Police, Fire, Public Works and Planning for review and approval prior to the closure of 5th Street as part of any event that requires the temporary closure of the street.
18. During ongoing operations of the project, the applicant shall provide valet and/or remote parking for special events and activities, and during peak summer season. **(MM 3.9-5)**
19. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
20. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
21. The Applicant shall use minimum light levels required for safety, and exterior lights shall be directed downwards and away from surrounding uses, onto the project site. **(MM 3.1-1)**
22. All applicable Public Works fees shall be paid. **(PW)**
23. All existing and new utilities shall be undergrounded. **(PW)**
24. Traffic impact fees shall be paid at a rate of \$123 per net new added daily trip. **(PW)**

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