

Entitlement Submittal Project Narrative (Revised)

Project Name: Edinger Mixed-Use Project (Former Levitz Furniture Site)
Location: 7441 Edinger Ave, Huntington Beach, CA 92647
Date: November 19, 2010

Introduction

Edinger Mixed-Use Project (Project) will be a mixed-use community with 487 apartment residences and approximately 14,500 sf of street level commercial space. The property is located on the former site of a Levitz Furniture Showroom (247,736 sf) and is bounded by Edinger Avenue to the south and Gothard Street to the west. It is also adjacent to an EZ-Lube station (2,648 sf) to the southwest, a Union Pacific Railroad line to the east and an existing retail property to the north. It will consist of ten separate buildings (two of which house the commercial spaces fronting Edinger Avenue), a publicly-accessible park, and a pedestrian-scaled publicly-accessible road that connects Edinger Avenue to Gothard Street. The Project will be marketed towards young professional singles, commuting professionals, students and young families.

Purpose

The purpose for initiating the application for the Site Plan Review in the City of Huntington Beach is to redevelop the underutilized Levitz Furniture site and replace the visual blight of existing vacant big-box retail with the excitement of new, active, contemporary development. The principle of this proposed development is to deliver a high-quality mixed-use development that offers unique urban living experiences while promoting an active pedestrian environment and access to restaurant and retail uses in the area. The objective of this Project is also to support regional mobility goals by encouraging development in and around current and future potential transportation and activity centers, thereby reducing vehicle trips and infrastructure costs and encouraging the expansion and improvement of public transportation service. This Project will also provide local residents and college students, faculty, and staff with a contemporary living alternative thereby attracting renters from other areas whose spending power and consumption habits will provide support for surrounding retail businesses.

Surrounding Uses

As noted above the Project will be directly adjacent to the .5-acre EZ-Lube oil changing station at the corner of Edinger Ave and Gothard Street. To the north of the site an existing 3.8-acre retail center is located along Center Ave housing neighborhood-serving retail, restaurants and medical offices. This location has been approved for the future "Rip Curl" mixed-use development which is proposed to have 10,000 sf of street level commercial space and 440 residential units. The commercial property to the east of the project site across the Union Pacific Railroad right-of-way consists of a vacant Montgomery Ward's store. The Village at Bella Terra project, a new mixed-use development that is an extension of the existing Bella Terra Mall along Edinger Ave has been approved at this location. A new Costco has also been approved at

the corner of Center Ave and the Union Pacific Railroad. To the west across Gothard Street is a commercial strip center as well as the Golden West College, an educational institution consisting of approximately 14,000 students and staff. To the south across Edinger Ave is another existing commercial strip center composed of restaurants and retail shops.

Zoning Ordinance Compliance

The Project boundary falls entirely within the Beach and Edinger Corridors Specific Plan which was adopted in March 2010. The Project design is completely compliant with all design and zoning standards stipulated within this Plan. Specifically, the Project is comprised of two separate designated "Centers" each with its unique set of design criteria and zoning regulations. The first portion is designated as the Town Center Core and comprises that portion of the Project starting from Edinger Ave. going back approximately 150 feet into the site. The second portion is designated as the Town Center Neighborhood and is the remaining area of the site.

The Town Center Core calls for new sidewalks buffered by rows of street trees and curbside parking and cohesive building types oriented toward Edinger Ave which will reunite activity-generating uses featuring a mixture of ground-level shops and services, with upper-level homes, offices, or hotel rooms. The Project design meets the intent of the Town Center Core by providing a public frontage along Edinger Ave buffered by a curbed landscape separator. Within the public frontage there will be curb-adjacent angled parking and a 12-foot wide sidewalk plaza fronted with ground-level retail and shops. Above the ground-level retail there will be multiple levels of residential units.

The Town Center Neighborhood standards include buildings being built close to sidewalks with entrances facing the public thoroughfares with massing and façade composition that would emphasize variety and street-side interest. It also calls for streets and pedestrian ways that would provide connectivity between the Goldenwest College, Bella Terra shopping district, and the Goldenwest Transit Center. The pattern of pedestrian-scaled blocks that would be created by these streets and ways would be distinguished by the public spaces distributed among them. The Project conforms to these standards by providing a pedestrian-oriented public street down the center of the site with residential buildings oriented toward this new public thoroughfare. A "neighborhood" scale will be created with pedestrian-scaled blocks organized around a half-acre public linear park in the center of the site. The new street and pedestrian walkways throughout the site design will provide pedestrian connections between the Goldenwest College, Bella Terra and the transit center.

Design Program

The Project will consist of 487 units of rental housing (456,062 sf of net rentable square footage), 14,500 sf of neighborhood-serving retail along Edinger Avenue of which 4,500 sf will house the apartment leasing center, a 9,000 resident recreational center, and a half-acre public park integrated into the proposed site plan. The entire Project will consist of approximately 717,676 sf of gross building square footage housed in ten separate buildings ranging in 3 to 4-stories in height. The architecture for this community is characterized as "coastal contemporary," with elements taking inspiration from the coastal and cultural aspects of Huntington Beach. The construction will be Type V, slab-on-grade construction, with parking occupying a portion of the ground level of the buildings. The maximum height for all buildings will be 60'. Private parking areas for residents will be gated off from the public areas. The mix of unit types is as follows:

UNIT TYPE	# UNITS	AVE. SQFT
Studio	54	647
1 Bedroom	211	826
2 Bedroom	218	1228
Townhome	4	1339
TOTAL	487	936

Amenities for the residents will include state-of-the art club rooms and lounge areas, a full-length swimming pool, resort-style fitness and spa areas, outdoor living and lounge areas, and an indoor private theater. The half-acre public park will house a beach-style sand volleyball court, paddle ball court, outdoor seating areas, grass areas for lounging, and play areas. Residents will have access to the project's amenities described above and the surrounding community will have access to the public park. 812 parking spaces are planned with a combination of private enclosed garages, open garages, carports, and surface parking. There are 95 public parking spaces shared between guest and retail parking. The remaining 717 stalls are planned as assigned parking for residents.

Operations

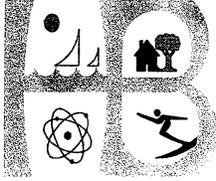
The 4,500 sf leasing center for the apartment portion of the Project will be located in one of the mixed-use buildings fronting Edinger Ave. It will be open daily during normal business hours (typically 9am to 6pm) with some variation and closed on federal holidays. Property management will be staffed by approximately five managers and leasing agents and four maintenance superintendents. The other 10,000 sf of retail space will not be a part of the apartment community but it be managed by the property management staff. It will be sub-leased separately to multiple retail tenants. It is expected that neighborhood-serving retail establishments such as coffee shops, drycleaners, sandwich shops, mobile phone retailers, etc. will eventually be tenants within this space. The range of retail tenant employees expected to be employed in this retail space will be between 10 and 20.

Affordable Housing

In compliance with the Huntington Beach Zoning Ordinance 230.26 and the Beach and Edinger Corridor Specific Plan code section 2.2.3 the Project will supply onsite affordable housing units. A total of 57 out of the 487 units will be set aside as affordable units leaving 430 market rate units on the site. The affordable income level proposed for these units will be very low and moderate income households based on the annually published Area Median Income for Orange County. It is envisioned that prior to building permit issuance the City of Huntington Beach and owner of this project will enter into a formal Development Agreement memorializing all procedures, regulations and statutes in regards for locating, owning, marketing and managing the 57 affordable units onsite. The following will describe how this number of affordable housing units has been derived:

Since a portion of the Project boundary falls within the Huntington Center Redevelopment Sub-area only that portion of the project that falls within this subarea will set aside 15% of the market rate units as affordable units. That portion of the project that does not fall within this sub-area will set aside 10% of the market rate units as affordable units. Consequently, the total number of units that fall within the subarea is 155. 24 of these 155 units (15%) will be set aside as affordable units. Pursuant to California Redevelopment Law Section 33413, or the total housing

product set aside as affordable units, 9 percent shall be restricted for rental to moderate income households and 6 percent restricted to very low income households. Thus, out of the 27 units, 14 will be designated as moderate income units and 10 for very low income units. Additionally, the total number of units that fall outside the redevelopment subarea is 332. 33 of these 332 units (10%) will be set aside as affordable units. The Huntington Beach Zoning Code Section 230.26 states that rental units set aside as affordable units may be made available to moderate income households if the units are located on-site within the project. Since all affordable units will be located on-site the 33 units located outside of the redevelopment subarea will be designated as moderate income units. Therefore the total number of affordable units to be set aside as affordable units build within the Project is 57 (24 within the redevelopment sub-area and 33 outside the sub-area).



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

November 24, 2010

NOTICE OF FILING STATUS

Application: Site Plan Review No. 10-004 (Edinger Mixed Use Project)

Applicant: Sares-Regis Group, Nathan Carlson, 18825 Bardeen Avenue, Irvine, CA 92612

Request: To review a proposal to construct a mixed use development consisting of 487 apartment units and approximately 14,500 s.f. of commercial space, which includes a multi-tenant ground floor retail building and a 4,500 s.f. leasing office that would be designed for conversion to retail shops. The project also consists of an approximately 1-acre recreation area, which includes a ½-acre public open space area as required by the Beach and Edinger Corridors Specific Plan.

Location: 7441 Edinger Avenue (northeast corner of Edinger Avenue and Gothard Street)

Dear Mr. Carlson:

NOTICE IS HEREBY GIVEN that the Planning and Building Department has reviewed the above entitlement application amended and received on November 18, 2010, and has deemed the application complete and accepted for processing. However, staff may require additional information in order to adequately analyze the request and ensure implementation of applicable code requirements.

The Site Plan Review (SPR) application is a Director action and will be acted on upon certification of Environmental Impact Report (EIR) No. 10-002, tentatively scheduled for Planning Commission consideration on February 8, 2011. Please keep in mind that this application may be referred to the Planning Commission. In the event Planning Commission action is required, you will be notified once your item is scheduled for consideration. You will receive an agenda and staff report prior to the meeting.

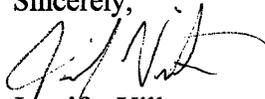
Please note, the applicant is allowed to present to the Planning Commission up to the pre-set amount of time for each hearing body. Additional presentation time may be granted if pre-

arranged with the Chair of the Planning Commission. If you would like more time for a detailed presentation with PowerPoint, please contact staff prior to the meeting to make arrangements. Also, if you have handouts or presentation materials, please make sure you have sufficient copies for all in attendance.

If your application is approved, a check in the amount of \$2,889.25 (*\$2,839.25 Fish and Game filing fee plus \$50.00 County processing fee*) and payable to the County of Orange must be received within three days of the approval. This check represents the fee necessary to post a Notice of Determination in accordance with the California Environmental Quality Act.

If you should have any questions or concerns regarding the processing of your application, please feel free to contact me at (714) 374-1661.

Sincerely,



Jennifer Villasenor
Associate Planner

xc: Janette Ditkowsky, Freeway Industrial Park, 2032 La Colina Drive, Santa Ana, CA 92705
(Property Owner)
Mary Beth Broeren, Planning Manager
SPR 10-004 File

PLANNING & BUILDING DEPARTMENT DEVELOPMENT REVIEW REQUEST

TO: Debbie DeBow, Public Works
Bill Grove, Building
Chief Ken Small, Police

Darin Maresh, Fire
Kellee Fritzal, Economic Development
David Dominguez, Community Services

FROM: Jennifer Villasenor Ext: 1661 DATE: OCTOBER 20, 2010

PC ZA DRB STAFF

PETITION(S): Site Plan Review No. 10-004

REQUEST(S): To review a proposal to construct a mixed use development consisting of 477 apartment units and approximately 14,000 s.f. of commercial space, which includes a multi-tenant ground floor retail building and a 4,500 s.f. leasing office that would be designed for conversion to retail shops. The project also consists of an approx. 1-acre recreation area, which includes a 1/2-acre public open space area as required by the BECSP. The project site is approximately 12 acres in size and is comprised of three existing parcels. See attached narrative for a more detailed project description.

LOCATION: 7441 Edinger Avenue (northeast corner of Edinger Avenue and Gothard Street)

ZONE: Specific Plan 14 (SP14) - Beach and Edinger Corridors Specific Plan (BECSP) – Town Center – Core and Town Center – Neighborhood segments

GENERAL PLAN: Mixed Use – specific plan overlay – design overlay (M-sp-d)

EXISTING USE: vacant commercial building – former Levitz furniture

Please submit your concerns and recommended changes or conditions in writing on or before **Tuesday, November 9, 2010.**

COMMENTS: (Use attachments or back side of sheet if necessary)

PLEASE SEE COMMENTS ON ATTACHED PAGE,

RESPONSE BY: DAVID DOMINGUEZ Extension X5309

Attachments: 1. Maps 2. Narrative 3. Prelim WQMP (PW only)

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ATTACHMENT NO. 4.3

Development Review Request - Murdy Commons

Community Services Department

- The plan for the .5-acre public park shall be reviewed and approved by the Community Services Commission. A detailed, scaled site plan, including a listing and samples of park amenities such as tot lot equipment, shade structures, and fitness station must be submitted to the Community Services Department no later than Friday, December 17, 2010 in order to be placed on the January 12, 2011 Commission agenda.
- The project must include appropriate signage to identify the public park within the development.
- Changes to the major park amenities such as tot equipment, or sport courts must be approved by the Community Services Department.
- The park fees for the project pursuant to Zoning Subdivision Ordinance Chapters 230 and 254 to be satisfied per the Open Space Regulations (Section 2.6.2 – 1.vii.) of the approved Beach/Edinger Specific Plan - pending submittal of a the square footage totals for the project for calculating the value of the park in-lieu fee under Chapter 230 and a itemized value of the half-acre park including development costs.

PLANNING & BUILDING DEPARTMENT DEVELOPMENT REVIEW REQUEST

TO: Debbie DeBow, Public Works
Bill Grove, Building
Chief Ken Small, Police

Darin Maresh, Fire
Kellee Fritzal, Economic Development
David Dominguez, Community Services

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LOCATION: 7441 Edinger Avenue (northeast corner of Edinger Avenue and Gothard Street)

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GENERAL PLAN: Mixed Use – specific plan overlay – design overlay (M-sp-d)

EXISTING USE: vacant commercial building – former Levitz furniture

Please submit your concerns and recommended changes or conditions in writing on or before **Tuesday, November 9, 2010.**

COMMENTS: (Use attachments or back side of sheet if necessary)

The Economic Development Department has reviewed the proposed project submittal and has the following comments/concerns:

1. Economic Development supports the project but would encourage the Applicant to consider additional retail square footage along Edinger Ave.
2. The eastern quadrant of the project is within the Huntington Beach Redevelopment Project Area. The eastern quadrant shall be subject to California Redevelopment Law

ATTACHMENT NO. 4.5

Section 33413 - Replacement and Inclusionary Housing Requirements - (2) (A) (i) where by at least 15 percent of all new dwelling units developed shall be available at affordable housing cost to, and occupied by, persons and families of very low or moderate income. Of the total housing product, 9 percent shall be restricted for rental to and occupancy by moderate income households and 6 percent shall be restricted for rental to and occupancy by very low income households.

3. The remaining project area shall meet the applicable provisions of Zoning Code 230.26 – Affordable Housing.
4. Per the Specific Plan, the Applicant shall enter into a Development Agreement with City.

RESPONSE BY: Luis Gomez, Economic Development Project Manager Extension 5544

ATTACHMENT NO. 4.6



HUNTINGTON BEACH FIRE DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: OCTOBER 27, 2010
PROJECT NAME: EDINGER MIXED USE PROJECT
ENTITLEMENTS: SITE PLAN REVIEW NO. 10-004
PROJECT LOCATION: 7441 EDINGER, HUNTINGTON BEACH, CA
PLANNER: JENNIFER VILLASENOR, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-6611/ jvillasenor@surfcity-hb.org
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ dmaresh@surfcity-hb.org
PROJECT DESCRIPTION: TO REVIEW A PROPOSAL TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF 477 APARTMENT UNITS AND APPROXIMATELY 14,000 S.F. OF COMMERCIAL SPACE, WHICH INCLUDES A MULTI-TENANT GROUND FLOOR RETAIL BUILDING AND A 4,500 S.F. LEASING OFFICE THAT WOULD BE DESIGNED FOR CONVERSION TO RETAIL SHOPS. THE PROJECT ALSO CONSISTS OF AN APPROX. 1-ACRE RECREATION AREA, WHICH INCLUDES A ½ ACRE PUBLIC OPEN SPACE AREA AS REQUIRED BY THE BECSP. THE PROJECT SITE IS APPROXIMATELY 12 ACRES IN SIZE AND IS COMPRISED OF THREE EXISTING PARCELS.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated October 20, 2010. 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:

Environmental

Methane Mitigation Requirements. A methane sample plan shall be submitted to the fire department for review.

If methane gas is discovered in the soil, the following City Specification would be applicable and the grading, building, and methane plans must reference that a sub-slab methane barrier and

ATTACHMENT NO. 4.7

vent system will be installed per City Specification # 429, *Methane District Building Permit Requirements* prior to plan approval. Additional methane mitigation measures may be required by the fire department.

Methane safety measures per *City Specification # 429, Methane District Building Permit Requirements* shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval. (FD)

Sub-Slab Methane Barrier and Vent System required for the buildings. The following City Specification is applicable and the grading, building, and methane plans must reference that: "A sub-slab methane barrier and vent system will be installed per *City Specification # 429, Methane District Building Permit Requirements*" prior to plan approval. Methane safety measures shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval.

Fire Apparatus Access

Reciprocal Access. Existing designated 24 foot wide fire apparatus access roads (shared as a 12'/12' reciprocal fire apparatus access road/driveway shall be preserved and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Overhead clearance of 13' 6" shall be maintained and obstructions such as roof eaves shall not project into the designated fire lane minimum overhead clearance. (FD)

No Parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 415 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

Secured Automated Vehicle Entry Gates (Residential) shall utilize a combination "Strobe-Activated Switch" and "Knox Manual Key Switch", and comply with *City Specification # 403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance with *City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. (FD)

ATTACHMENT NO. 4.8

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 *CBC 907* on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. (FD)

Class 1 Standpipes (2 ½" NFH connections) are required at each stairway. The standpipe system in stairwells cannot protrude into, impede, or compromise the H.B.B.C. "Exit Width" requirements. For Fire Department approval, reference and portray Class 1 standpipes at each stairway in the plan notes. (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)

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. (FD)

Fire Sprinkler System Controls access shall be provided, utilizing a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)

Elevators shall be sized to accommodate an ambulance gurney. Minimum interior dimensions are 7 feet (84") wide by 4 feet 3 inches (51") deep. Minimum door opening dimensions are 3 feet 6 inches (42") wide right or left side opening. Center opening doors require a 4 feet 6 inches (54") width. For Fire Department approval, reference and demonstrate compliance on the building plans. HBBC 3002.4 (FD)

Addressing and Street Names

Structure or Building Address Assignments. The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per

ATTACHMENT NO. 4.9

City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. **(FD)**

GIS Mapping Information

- a. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:

- Site plot plan showing the building footprint.
- Specify the type of use for the building
- Location of electrical, gas, water, sprinkler system shut-offs.
- Fire Sprinkler Connections (FDC) if any.
- Knox Access locations for doors, gates, and vehicle access.
- Street name and address.

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

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

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(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)

Enhanced Communication Systems are required for Fire Department and Police Department communications. Repeater type radio systems as specified by the Fire and Police Departments shall provide adequate communication inside the parking garages, from inside the garages to

ATTACHMENT NO. 4.10

the exterior, and to/from the fire control rooms. **Above-grade areas or floors found to have with poor radio reception will also require repeating systems. (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.



HUNTINGTON BEACH BUILDING AND PLANNING DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: DECEMBER 13, 2010

PROJECT NAME: EDINGER MIXED USE PROJECT

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2010-0184

ENTITLEMENTS: SITE PLAN REVIEW NO. 10-004 (EDINGER MIXED USE PROJECT)

DATE OF PLANS: OCTOBER 19, 2010; NOVEMBER 18, 2010 AMENDED

PROJECT LOCATION: 7441 EDINGER AVENUE (NEC OF EDINGER AVENUE AND GOTHARD STREET)

PLAN REVIEWER: JENNIFER VILLASENOR, SENIOR PLANNER

TELEPHONE/E-MAIL: 714-374-1661/JVILLASENOR@SURFCITY-HB.ORG

PROJECT DESCRIPTION: 487 APARTMENT UNITS & 14,500 S.F. MIXED USE PROJECT

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 Director or 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.

SITE PLAN REVIEW NO. 10-004:

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. **(AQMD Rule 1403)**
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed. **(AQMD Rule 1403)**
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District. **(AQMD Rule 1403)**
 - 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. **(AQMD Rule 1403)**

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- e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building. **(AQMD Rule 1403)**
3. Prior to the issuance of a precise grading permit, Lot Line Adjustment No. 10-007 shall be recorded.
 4. A minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Planning Division. **(City Specification No. 409)**
 5. Prior to issuance of building permits, the following shall be completed:
 - a. A Development Agreement in accord with Section 2.2.3 of the Beach and Edinger Corridors Specific Plan (BECSP). **(BECSP Section 2.2.3)**
 - b. The access gates throughout the development shall comply with Fire Department Standard No. 403. Prior to the installation of any gates, the final access plan shall be reviewed and approved by the Planning, Fire and Public Works Departments. **(HBZSO Section 231.18.D.8)**
 - c. Bicycle parking shall be depicted on the plans and provided for residential units and commercial square footage in accordance with HBZSO Section 231.20. **(HBZSO Section 231.20)**
 - d. A copy of a Letter of Map Revision from the Federal Emergency Management Agency (FEMA) removing the property from the floodplain shall be submitted to the Planning Department for inclusion in the entitlement file. If a letter of map revision is not approved by FEMA, the applicant shall submit a copy of completed FEMA Elevation Certificate(s) for each building based on construction drawings, or a Flood-proofing Certificate(s) in the case of a non-residential structure. **(HBZSO Section 222.14.A.4)**
 - e. The Beach and Edinger Corridors Specific Plan fee shall be paid. The fee is \$0.30 per square foot of net new office and commercial development and \$300 per dwelling unit. Net new development refers to an increase in the size of a project at the same parcel. For example, if a 10,000 square foot structure replaces an 8,000 square foot structure, the applicant is assessed for 2,000 square feet. There is no credit offered if the applicant is reducing the size of the structure from its predecessor **(Resolution No. 2010-80)**
 - f. A Mitigation Monitoring Fee for EIR No. 10-002 shall be paid to the Planning Division pursuant to the fee schedule adopted by resolution of the City Council. **(City of Huntington Beach Planning Division Fee Schedule)**
 - g. A General Plan Maintenance Fee shall be paid. The fee is \$1.85/\$1,000 valuation of new construction **(City of Huntington Beach Planning Division Fee Schedule)**
 6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. **(Resolution No. 4545)**
 - b. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with project improvements, construction, and grading, shall be limited to Monday - Saturday 7:00 AM to 8:00 PM or as specified pursuant to the approved Mitigation Measures of EIR No. 10-002. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit and issuance of a Certificate of Occupancy for commercial areas until the following have been completed:
 - a. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for each building, or a Letter of Map Revision issued by the Federal Emergency Management Agency (FEMA), shall be submitted to the Planning Division. **(HBZSO Section 222.14.B)**
 - b. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division. **(HBMC 17.04.036)**
 - c. Complete all improvements as shown on the approved grading, landscape and improvement plans. **(HBMC 17.05)**
 - d. All trees shall be maintained or planted in accordance to the requirements of the BECSP and Chapter 232 of the HBZSO. **(BECSP & HBZSO Chapter 232)**
 - 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. **(HBZSO Section 232.04.D)**
 - f. The provisions of the Water Efficient Landscape Requirements shall be implemented. **(HBMC 14.52)**
 - g. Lighting and other site furnishings as required by the BECSP shall be provided. Final design shall comply with Section 2.6.8 #5 and #6. **(BECSP Section 2.6.8)**
 - h. A planned sign program for all signage shall be submitted to the Planning Division. Said program shall be approved prior to the issuance of the first sign permit. **(BECSP Section 2.9 & HBZSO Section 233.04)**
8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Director's or Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission /Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**
9. Site Plan Review No. 10-004 shall become null and void unless exercised within one year of the date of final approval or such extension of time (maximum of two years) as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(BECSP Section 2.0.5)**
10. Site Plan Review No. 10-004 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(BECSP Section 2.0.5)**
11. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Division and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**

12. The applicant shall submit a check in the amount of \$2889.25 for the posting of the Notice of Determination and payment of required Fish and Game filing fees at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Division within two (2) days of approval of entitlements. **(Fish and Game Code Section 711.4 & California Code Section 15094)**
13. All landscaping shall be maintained in a neat and clean manner, and in conformance with the BECSP and 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. **(HBZSO Section 232.04)**
14. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private property and construction of new common walls shall include approval by property owners of adjacent properties. New walls shall comply with Section 2.6.8 #4 of the BECSP. Note that all perimeter walls are limited to a maximum of 6 feet in height except a wall adjacent to the railroad tracks may be a maximum of 8 feet in height. Walls associated with perimeter block landscaping requirements shall not exceed 3 feet in height. **(BECSP Section 2.6.8 and 2.6.9)**

BECSP ADDITIONAL CODE REQUIREMENTS & PLAN COMPLIANCE

1. All code requirements are specified as development "standards" or "regulations" in the BECSP. Compliance with all standards and regulations is mandatory. Any deviations from the development standards must be requested to the Director and shall not deviate more than 10 percent from any single standard. Deviations greater than 10 percent shall require submittal of a variance application subject to approval from the Planning Commission. **(Section 2.0)**
2. The project shall comply with all applicable standards of the Town Center – Core and Town Center Neighborhood Segments. **(Section 2.1.2)**
3. Ground level commercial spaces shall be limited to the retail use types permitted pursuant to BECSP Section 2.1.3. Please note the special conditions and permit requirements for eating and drinking establishments specified in Section 2.2.1 of the BECSP. In addition, outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74 & BECSP Sections 2.1.3 and 2.2.1)**
4. Parking lots shall be illuminated to increase safety and provide clear views both to and within the site. Lighting plans shall be coordinated with the landscape plan to avoid light pole and tree conflicts. Pedestrian circulation routes shall include sidewalks and walkways from parking lots to main building entrances and have a minimum five-foot width **(Section 2.7.3)**
5. Public open space landscaping shall comply with Section 2.6.8 of the BECSP. Final design for the public open space shall be reviewed by the Planning Division and Departments of Community Services and Public Works. **(Section 2.6.8)**
6. Prior to project approval, the applicant shall provide information on compliance with the following provisions:
 - a. Section 2.3.5 #3 a – c. Building Massing

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- b. Section 2.4.2 Private Frontage – Please identify an edge treatment to be utilized in combination with the identified private frontage in the Town Center – Neighborhood segment
 - c. Section 2.7.4 #4 and #5 – Identify if the project will be consistent with any of the guidelines recommended in this section
 - d. Section 2.8.1 Façade Height Articulation Requirements
 - e. Section 2.8.2 Architectural Elements Regulations – specifically, 2.8.2 #1 d, e, h; #2 a, c; #3 and #4 (For sustainability requirements, please identify specific sustainable features of the project. If the project will be certified LEED or achieve certification through another green building rating system, please identify the organization/program and what level of certification will be achieved.)
 - f. Section 2.8.3 Architectural Character – evidence of compliance with this section may be in the form of a written description/narrative
 - g. Provide new sections for improvements along Gothard Street without on-street parking. Sections shall incorporate provisions for Neighborhood Street in Section 2.5.1 #7 of the BECSP. Please note that typical sections should have a 12-foot public frontage with a 6-foot wide continuous planting area, including a 1-foot wide paved landing area, adjacent to the curb and 6-foot wide sidewalk.
 - h. Provide information on plans to design around or relocate existing above-ground utilities including U.P.R.R. signal box, Verizon vault, and OCTA bus stop. Please include any approvals or correspondence with applicable agencies.
7. Prior to plan check submittal, the applicant shall revise the plans as follows:
- a. Zoning Conformance Matrix:
 - i. Update Zoning Conformance Matrix to include amended project scope of 487 units. For example, the minimum private open space area is 60 square feet per unit. The total minimum private open space area is 29,220 square feet.
 - ii. An edge treatment must be utilized in combination with the identified private frontage in the Town Center – Neighborhood segment pursuant to Section 2.4.2. Please identify the appropriate edge treatment on the matrix.
 - iii. Parking calculation shall include leasing office area. The minimum parking calculation shall be revised as follows:
 - Studio – 1 per unit = 54 spaces required
 - 1 bedroom – 1 per unit = 211 spaces required
 - 2 bedroom – 1.5 per unit = 333 spaces required
 - Guest – 2 per 10 units = 97.4 (98) spaces required
 - Retail – 3 per 1,000 s.f. = 30 spaces required
 - Office (Leasing Center) = 2.5 per 1,000 s.f. = 11.25 (12) spaces required
 - Total Residential Required = 696 spaces
 - Total Parking Spaces Required = 738 spaces
 - b. All parking spaces shall have minimum dimensions of 9 feet wide by 19 feet deep. Striping shall be provided as depicted in Diagram A of Chapter 231 of the HBZSO. Please note that parking spaces adjacent to a wall over 12 inches in height shall be increased in width by 3 feet. Columns may be provided along the side of parking spaces within 3 feet of the head and foot of a stall. Parking stall sections and site plan shall be revised accordingly.
 - c. A calculation of private open space for purposes of compliance with Section 2.6.5 shall be provided. Any private open space that is provided but does not comply with the provisions of Section 2.6.5 shall be excluded from the calculation. The additional private open space may be included in a total private open space calculation and noted on the plans.

- d. Ensure that all typical sections provided for streets and alleys are consistent with the setbacks called out on the site plan.
- e. Note any transformers, backflow devices, etc. on the final plans and indicate how they will be screened if located within the front yard setback.



**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: November 8, 2010

PROJECT: EDINGER MIXED-USE PROJECT (Formally Levitz)

PROJECT LOCATION: 7441 Edinger Ave.

REQUESTS: TO CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF 477 APARTMENT UNITS, 14000 SF OF COMMERCIAL SPACE AND 1-ACRE RECREATION AREA.

PROJECT PLANNER: JENNIFER VILLASENOR

PLAN REVIEWER: JAN THOMAS

TELEPHONE/E-MAIL: (949) 348-8186 JCKTHOMAS@COX.NET

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

ENTRANCE

CONCERN

Motorists will enter the property from Edinger, possibly at a high rate of speed. The entrance must be clearly marked and visible so there is no hesitation on Edinger.

RECOMMENDATION

Include a pavement treatment at the entrance of the property to aid motorists in finding the entrance quickly from Edinger. Clear signage and driveway markings will help motorists identify the entrance.

CONCERN

The parking strip that is parallel to Edinger could be dangerous for motorists entering that parking area, as well as a hazard for motorists on Edinger.

Motorists entering off Edinger may significantly slow down before making a decision to turn left and park in that area. If a motorist is behind that vehicle, that motorist may be stuck out on Edinger.

ATTACHMENT NO. 4.18

RECOMMENDATION

Consider redesigning or relocating the entrance to this parking area.

LEASING OFFICE AND SIGNAGE

CONCERN:

After entering the property, when driving forward in the turn around, is there clear definition and signage?

RECOMMENDATION:

Ensure that maps and signage are clearly displayed throughout the property for visitors (and emergency personnel). This includes parking directions, maps of units, the recreation area, and parking locations for retail and commercial.

CONCERN

Visitors entering the property should be able to find the leasing office quickly and without effort. Is the location being best utilized to view activity at the entrance of the property?

RECOMMENDATION

The leasing office is in a good location; however, ensure that the office has ample windows facing the entrance to the property, the street and the entrance to the leasing office. Clear signage is important as well.

PARKING

CONCERN

Surveillance opportunities for residents to see the back parking areas.

RECOMMENDATION

Ensure there are ample surveillance opportunities for residents to view the parking lot from the windows of the buildings onto the rear parking areas.

CONCERN

Visibility into ground level parking.

RECOMMENDATION

Position surveillance cameras at each entrance as well as throughout the parking area.

CONCERN

Trash areas in parking area.

RECOMMENDATION

Install windows on the door and include emergency exit hardware. This may enhance the safety of someone entering the trash area as well as facilitating a quick exit, if necessary.

CONCERN

Unauthorized access and parking in resident only parking areas.

RECOMMENDATION

To best control the ingress and egress of residents and visitors, recommend a card system where it is possible to disable that person's card when they no longer live at this property. Also, management will have a record of who entered that parking area in the instance that a crime occurred.

RAILROAD ACCESS

CONCERN

Restrict access to and from railroad tracks.

RECOMMENDATION

Ensure the wall is at a height to discourage climbing. Avoid planting trees or placing electrical equipment, etc. adjacent to the wall to allow a step onto and over the wall.

RECREATION AREA

CONCERN

Recreation area.

RECOMMENDATION

What part is public? Private? Are parts gated (other than the pool)? Signage should be clear. Ensure that the tot lot is in a visible location from the street. Parents in the tot lot area have good opportunity to view the street and identify and report suspicious activity (especially beneficial during the day when others are at work).

LAUNDRY ROOM

CONCERN

Is there a public laundry room?

RECOMMENDATION

If so, use the same safety precautions as the trash room: Install a window in the door and use emergency hardware for a quick exit.

ATTACHMENT NO. 4.21



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JANUARY 28, 2011

PROJECT NAME: MURDY COMMONS (LEVITZ SITE)

ENTITLEMENTS: SPR 10-04

PLNG APPLICATION NO: 2010-0184

DATE OF PLANS: JANUARY 18, 2011

PROJECT LOCATION: 7441 EDINGER AVENEUE

PROJECT PLANNER: JENNIFER VILLASENOR, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-374-1663 / JVILLASENOR@SURFCITY-HB.ORG

PLAN REVIEWER: BOB MILANI, SENIOR CIVIL ENGINEER *B.M.*

TELEPHONE/E-MAIL: 714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO REVIEW A PROPOSAL TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF 477 APARTMENT UNITS AND APPROXIMATELY 14,000 S.F. COMMERCIAL SPACE, WHICH INCLUDES A MULTI-TENANT GROUND FLOOR RETAIL BUILDING AND A 4,500 S.F. LEASING OFFICT THAT WOULD BE DESIGNED FOR CONVERSION TO RETAIL SHOPS. THE PROJECT ALSO CONSISTS OF AN APPROX. 1-ACRE RECREATION AREA, WHICH INCLUDES A ½-ACRE PUBLIC OPEN SPACE AREA AS REQUIRED BY THE BECSPA. THE PROJECT SITE IS APPROXIMATELY 12 ACRES IN SIZE AND IS COMPRISED OF THREE EXISTING PARCELS. SEE ATTACHED NARRATIVE FOR A MORE DETAILED PROJECT DESCRIPTION.

ATTACHED: SITE PLAN, NARRATIVE & PRELIMINARY WQMP

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

ATTACHMENT NO. 4.22

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

1. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)
 - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
2. Separate plans for removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations shall be prepared by a Licensed Civil Engineer and be submitted to Public Works for review and approval. (MC 17.05.140)

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

3. The Developer shall provide a Maintenance License Agreement to the Departments of Planning, Public Works and City Attorney's office for review and approval. The Maintenance License Agreement shall specifically state that the property owner shall be responsible for all activities and costs associated with maintenance, repair and replacement for the following:
 - a. Maintenance, repair and replacement by the property owner of the public access easement areas and improvements which serves as access to the public or common areas.
 - b. Maintenance, repair and replacement by the property owner of all common area landscaping, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities. Maintenance shall include all weeding, fertilizing, pest and disease control and plant replacements, the removal of non-native and/or invasive species, replacement of the original approved plant materials as required, tree trimming, irrigation adjustments, and equipment replacements and trash clean-up. The standards for maintenance shall be per the City Arboricultural and Landscape Standards and Specifications and shall include the Arboricultural maintenance section for public property for tree trimming and care within the common areas.
4. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)
 - a. Right-of-way for street and utility purposes along Gothard Street as required for implementing the Beach Edinger Corridor Specific Plan requirements. Easements (vehicular, pedestrian, utility, etc.) rather than right-of-way may be dedicated.
 - b. A blanket easement over the private drive aisles and access ways for Police and Fire Department access purposes.
 - c. A pedestrian and vehicular access easement over all portions of public access ways on private property, including the sidewalk encroachments along Edinger Avenue and Gothard Street, and the interior streets and sidewalks for the purpose of vehicular and pedestrian access and circulation to the proposed public park.

- d. A water utility easement shall be dedicated to and accepted by the City of Huntington Beach, covering the public water facilities and appurtenances located within the project site. The easement shall be a minimum total width of 10 feet clear (5 feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. City personnel shall have access to public water facilities and appurtenances at all times. (ZSO 230.84)
 - e. Access rights in, over, across, upon and through the private streets and access ways for the purpose of monitoring and inspecting gross pollutant removal devices and treatment train improvements for conformance with the County of Orange DAMP and the City's LIP.
5. A Legal Description and Plot Plan of the dedications to City shall be prepared by a licensed surveyor or engineer and submitted to Public Works for review and approval. The dedication shall be recorded prior to issuance of a precise grading permit.
6. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
- a. New curb, gutter, sidewalk along the Edinger Avenue frontage per City Standard Plan Nos. 202 and 207 and 1½" pavement grind and overlay to the centerline of Edinger Avenue per City Standards. (ZSO 255.04)
 - b. New curb, gutter, sidewalk along the Gothard Street frontage per City Standard Plan Nos. 202 and 207 and complete pavement reconstruction to the centerline of Gothard Street per City Standards. (ZSO 255.04)
 - c. The proposed driveway approaches on Gothard Street shall be constructed per Public Works Standard Plan No. 211. (ZSO 230.84)
 - d. Intersection sight distance based on Caltrans *Highway Design Manual*, Chapter 400 criteria shall be provided at the access driveways on Gothard Street and Edinger Avenue. (GP CE 2)
 - e. Street lighting plans shall be prepared by a licensed Civil Engineer or Electrical Engineer per Public Works standards and Street Lighting Special Provisions. (ZSO 230.84 and BECSP)
 - f. A new sewer lateral shall be installed connecting to the main in Gothard Street. If the new sewer lateral is not constructed at the same location as the existing lateral from the old Levitz site, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - g. The existing on-site public water pipeline (including removal of water appurtenances) impacted by the proposed structures, curbs, planters, parking facilities, trees, walls, etc. shall be abandoned per Water Division Standards. (Title 17)

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- h. New domestic water services and meters shall be installed for each building or to multiple buildings as approved per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC) and Uniform Fire Code (UFC). (MC 14.08.020)
 - i. A separate irrigation water service and meter shall be installed per Water Division Standards. (ZSO 232)
 - j. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation, and fire water services. (Resolution 5921 and Title 17)
 - k. The fire sprinkler systems as required by the Fire Department for the proposed development shall have separate dedicated fire service lines installed. (ZSO 230.84)
7. The Property Owner shall request of the Public Works Department to abandon the existing water line easements, previously dedicated to the City of Huntington Beach that will no longer be needed. The Property Owner shall provide to the Public Works Department all necessary legal descriptions and exhibits to describe the water line easements to be abandoned. (ZSO 230.84).
8. A new 12-inch public waterline and appurtenances shall be constructed within the proposed development per Water Standards and shall be clear of any proposed surface features such as structures, planters, curbs, etc. The new 12-inch pipeline shall connect to the existing 12-inch public water main in Gothard Street, continue east through the proposed development approximately 400 feet, then continue south approximately 820 feet, and connect to the existing 12-inch public water main in Edinger Avenue. (ZSO 230.84)
9. A water utility easement shall be dedicated to and accepted by the City of Huntington Beach, covering the public water facilities and appurtenances located within the project site. The easement shall be a minimum total width of 10 feet clear (5 feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. City personnel shall have access to public water facilities and appurtenances at all times. (ZSO 230.84)
10. The Property Owner(s) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach, for maintenance and control of the area within the public water pipeline easement, which shall address repair to any enhanced pavement, etc., if the public water pipelines and/or appurtenances require repair or maintenance. The Property Owner(s) shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any water pipeline. The Special Utility Easement Agreement shall be referenced in the Maintenance License Agreement. (Resolution 2003-29)
11. A Signage and Striping Plan prepared by a licensed Civil or Traffic Engineer shall be submitted to the Department of Public Works for review and approval. The plans shall be prepared according to the Department of Public Works Signing and Striping Plan Preparation Guidelines. (GP CE 2, ZSO 230.84)

ATTACHMENT NO. 4.25

12. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
 - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
 - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D and BECSP)
 - c. Standard landscape code requirements apply. (ZSO 232 and BECSP)
13. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
14. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
15. The Certified Arborist (approved by the City) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)
16. Hydrology and hydraulic analysis shall be submitted for Public Works review and approval (10, 25, and 100-year storms and back-to-back storms shall be analyzed). In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. The hydrologic and hydraulic analysis shall include, but not be limited to facilities sizing, limits of attenuation, downstream impacts and other related design features. If the analyses shows that the City's current drainage system cannot meet the volume needs of the project runoff, the developer shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm as determined by the hydrology study. As an option, the developer may choose to explore low-flow design alternatives, downstream attenuation or detention, or upgrade the City's storm water system to accommodate the impacts of the new development, at no cost to the City. (ZSO 230.84)
17. A sewer study shall be prepared and submitted to Public Works for review and approval. A fourteen (14)-day or longer flow test data shall be included in the study. The sanitary sewer system shall be designed and constructed to serve the development, including any offsite improvements necessary to accommodate any increased flow associated with the project. The location and number of monitoring test sites, not to exceed three, to be determined by the Public Works Department. (ZSO 230.84/MC 14.36.010)
18. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State of California Water Resources Control Board and a copy of the

subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP)

19. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues. The project WQMP shall include the following:
- a. Discusses regional or watershed programs (if applicable).
 - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
 - d. Incorporates Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
 - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - j. The applicant shall return one CD media to Public Works for the project record file.
20. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
21. In complexes larger than 100 dwelling units where car washing or pet washing is allowed, a designated wash area that does not drain to a storm drain system shall be provided for common usage. Wash water from this area may be directed to the sanitary sewer (upon

- approval by the Orange County Sanitation District), to an engineered infiltration system, or to an equally effective alternative. Pre-treatment may also be required. (DAMP)
22. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)
 23. A detailed soils and geological/seismic analysis shall be prepared by a registered engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, over excavation, engineered fill, dewatering, settlement, protection of adjacent structures, chemical and fill properties, liquefaction, retaining walls, streets, and utilities.
 24. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
 25. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
 26. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

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

27. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
28. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
29. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
30. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)

31. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
32. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
33. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
34. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
35. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
36. Wind barriers shall be installed along the perimeter of the site. (DAMP)
37. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

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

38. A Precise Grading Permit shall be issued. (MC 17.05)
39. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit issuance. The current rate per net new added daily trip is \$162 and is adjusted annually on December 1. (MC 17.65)

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

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

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

41. Complete all improvements as shown on the approved grading, and landscape and improvement plans. (MC 17.05)
42. All existing and new utilities shall be undergrounded. (MC 17.64)
43. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public works/fee schedule.pdf](http://www.surfcity-hb.org/files/users/public%20works/fee%20schedule.pdf). (ZSO 240.06/ZSO 250.16)
44. The current tree code requirements shall apply to this site. (ZSO 232)

- a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
 - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B, C and BECSP)
45. 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. (ZSO 232.04D)
46. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City for permanent City record.
47. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with landscaping. (MC 14.52)
48. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE: JANUARY 28, 2011

PROJECT NAME: MURDY COMMONS (LEVITZ SITE)

ENTITLEMENTS: SPR 10-04

PLNG APPLICATION NO: 2010-0184

DATE OF PLANS: JANUARY 18, 2011

PROJECT LOCATION: 7441 EDINGER AVENEUE

PROJECT PLANNER: JENNIFER VILLASENOR, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-374-1663 / JVILLASENOR@SURFCITY-HB.ORG

PLAN REVIEWER: BOB MILANI, SENIOR CIVIL ENGINEER *BMM*

TELEPHONE/E-MAIL: 714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO REVIEW A PROPOSAL TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF 477 APARTMENT UNITS AND APPROXIMATELY 14,000 S.F. COMMERCIAL SPACE, WHICH INCLUDES A MULTI-TENANT GROUND FLOOR RETAIL BUILDING AND A 4,500 S.F. LEASING OFFICT THAT WOULD BE DESIGNED FOR CONVERSION TO RETAIL SHOPS. THE PROJECT ALSO CONSISTS OF AN APPROX. 1-ACRE RECREATION AREA, WHICH INCLUDES A ½-ACRE PUBLIC OPEN SPACE AREA AS REQUIRED BY THE BECSPA. THE PROJECT SITE IS APPROXIMATELY 12 ACRES IN SIZE AND IS COMPRISED OF THREE EXISTING PARCELS. SEE ATTACHED NARRATIVE FOR A MORE DETAILED PROJECT DESCRIPTION.

ATTACHED: SITE PLAN, NARRATIVE & PRELIMINARY WQMP

ATTACHMENT NO. 4.31

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO ISSUANCE OF A PRECISE GRADING PERMIT:

1. Pursuant to the project code requirements, a sewer study shall be prepared and submitted to Public Works for review and approval. The project is proposing to sewer to the sanitary sewer system on Gothard Street. This system, which flows southerly to Heil Avenue and westerly to Goldenwest where it connects to a 36 inch OCSD trunk line, has been identified as deficient in the ultimate buildout condition of the Beach Edinger Corridor Specific Plan (BECSP). If the sewer study shows that the proposed project triggers that deficiency, the developer shall be required to upgrade the system per the recommendations of the BECSP and could be reimbursed proportionally as other future contributing developments within the corridor are developed. If the proposed development does not trigger the anticipated deficiency, the developer shall be required to pay their fair-share portion for the future upgrade of the sewer system.
2. All design and their construction shall be per the City Standard codes and street configuration and specifications of the "Beach Edinger Corridor Specific Plan. The frontage along Edinger Avenue shall comply with the "Classic Boulevard" configuration and the frontage along Gothard Street shall comply with the "Neighborhood Street" configuration.

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

3. The Developer shall provide a Landscape Maintenance License Agreement to address the continuing maintenance and liability for all landscaping, irrigation, furniture and enhanced hardscape that encroaches into the Edinger Avenue and Gothard Street Rights-of-Way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees.

MURDY COMMONS

MIXED USE PROJECT

Findings of Fact/
Statement of Overriding Considerations

Prepared for
City of Huntington Beach
Planning and Building Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

February 1, 2011

ATTACHMENT NO. 5.1

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ATTACHMENT NO. 5.2

CHAPTER 1 Introduction

This document presents the Findings of Fact and Statement of Overriding Considerations that must be adopted by the City of Huntington Beach (City) pursuant to the requirements of Sections 15091 and 15093, respectively, of the *California Environmental Quality Act* Guidelines (CEQA Guidelines) prior to the approval of the proposed project.

This document is organized as follows:

- Chapter 1** Introduction to the Findings of Fact and Statement of Overriding Considerations.
- Chapter 2** Presents the CEQA Findings of the Environmental Impact Report (EIR), including the identified significant cumulative impact.
- Chapter 3** Presents the alternatives to the proposed project and evaluates them in relation to the findings contained in Section 15091(a)(3) of the CEQA Guidelines. The City must consider and make findings regarding alternatives when a project would involve environmental impacts that cannot be reduced to a less-than-significant level, or cannot be substantially reduced, by proposed mitigation measures.
- Chapter 4** Presents a Statement of Overriding Considerations that is required in accordance with Section 15093 of the CEQA Guidelines for significant impacts of the proposed project that cannot be mitigated to a less-than-significant level.

The Murdy Commons Mixed Use Project consists of construction of 984 dwelling units and 60,000 square feet of commercial area on the 12.5-acre project site. Project improvements involve the development of six blocks connected by a network of new streets and sidewalks oriented around a centrally located 0.75-acre public open space area. Development on each block would consist of four- to six-story buildings with three to five floors of one and two bedroom apartment units over street level live/work or retail units. A total of 1,979 parking spaces would be provided on the project site in subterranean and above-grade parking structures as well as surface parking spaces along the proposed new streets. In addition, on-street parallel parking spaces are proposed on Gothard Street along the project site's frontage. Other project features include a new frontage road with angled parking spaces and pedestrian walkways along Edinger Avenue, infrastructure/utility improvements and consolidation of project site parcels. All existing improvements on the project site would be demolished.

The project as originally proposed would result in significant unavoidable project-level impacts with respect to cumulative traffic in the Beach and Edinger Corridors Specific Plan area and project-specific and cumulative air quality impacts related to construction and operation of the project. In comparison to the alternatives analyzed against the proposed development, the City finds in the Draft EIR that Alternative 2—Reduced Development Alternative would be considered the environmentally superior alternative.

The following discretionary approvals by the City of Huntington Beach would be required for a project proposed on the project site:

- **Site Plan Review**—To permit construction of the proposed structures

- **Development Agreement**—To provide affordable housing terms
- **Lot Line Adjustment**—To consolidate project parcels

The project as proposed and analyzed in the Draft EIR has been rejected from further consideration. A project with 487 residential units and 14,500 square feet of commercial uses presents a more viable development scenario under current conditions and would replace the original project. The Reduced Development project would reduce the overall intensity of development on the project site and reduce the severity of environmental impacts specifically related to operational air quality impacts.

CHAPTER 2 CEQA Findings

2.1 INTRODUCTION

This chapter presents the potential impacts that were identified in the EIR and the findings that are required in accordance with Section 15091 of the CEQA Guidelines. The possible findings for each significant and/or potentially significant adverse impact are as follows:

- (a) Changes or alterations have been required in, or incorporated into the project which avoid, substantially lessen, or reduce the magnitude of the significant environmental effect as identified in the EIR (“Finding 1”).
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency (“Finding 2”).
- (c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives in the EIR (“Finding 3”).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091, subd. (a), [2] and [3]). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (See also *Citizens of Goleta Valley v. Board of Supervisors* [Goleta II] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the above findings requirement can an agency adopt a Statement of Overriding Considerations (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727]). CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision-making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

The California Supreme Court has stated that, “the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents the City of Huntington Beach findings as required by CEQA, cites substantial evidence in the record in support of each of the findings, and presents an explanation to supply the

logical step between the finding and the facts in the record (State CEQA Guidelines §15091). Additional facts that support the findings are set forth in the Draft EIR, the Final EIR, staff reports to the Planning Commission, and the record of proceedings.

Table 2-1 (CEQA Findings for The Murdy Commons Mixed Use Project) summarizes the potentially significant impacts of the originally proposed project in the EIR that were reduced to less-than-significant levels with mitigation as well as the project-level and cumulative significant impacts. As discussed in Chapter 1, the project as originally proposed and analyzed in the Draft EIR has been rejected from further consideration. A project with 487 residential units and 14,500 square feet of commercial area represents a Reduced Development project and would replace the original project. The Reduced Development project would reduce the severity of operational air quality impacts and result in a significant air quality impact to sensitive receptors that does not occur with the proposed project during a 40-day grading phase. However, the proposed project also results in significant construction-related impacts as a result of exceeding South Coast Air Quality Management District (SCAQMD) criteria pollutant thresholds. As such, both projects would implement the same construction-related mitigation measures to reduce impacts to the extent feasible. All other impacts identified for the project as originally proposed would remain as presented in the Draft EIR but to a lesser extent.

ATTACHMENT NO. 5.6

Table 2 - CEQA Findings For Murdy Commons/Mixed Use Project		Findings
Impact Statement	Impact Summary	
<p>Air Quality</p> <p>Impact 4.2-2 Implementation of the proposed project could violate an air quality standard and contribute substantially to an existing or projected air quality violation for criteria air pollutants. Even with mitigation measures, this impact is considered <i>significant and unavoidable</i>. The project's impacts to cumulative air quality violation for criteria pollutants is also considered <i>significant and unavoidable</i>.</p>	<p>Implementation of mitigation measures MM4.2-1 through MM4.2-14 would reduce construction-related emissions however, they would not reduce these emissions to levels below the SCAQMD thresholds. Under these conditions, no further feasible mitigation measures are available and this impact would be considered significant and unavoidable.</p> <p>Operation of the proposed project would generate emissions that exceed the thresholds of significance recommended by the SCAQMD for VOC, NO_x, CO, and PM₁₀. Although the project will reduce vehicular trips, due to a reduction in development as compared to the anticipated development analyzed in the BECSP EIR, the exceedance of the SCAQMD thresholds for these four criteria pollutants is primarily due to the increase in motor vehicles traveling to and from the project site and will continue to be significant and unavoidable. No feasible mitigation is available to reduce these emissions, and this impact would remain significant and unavoidable.</p>	<p>Finding 3. The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, construction emissions of the proposed project could result in an exceedance of established thresholds for daily construction emissions. No mitigation measures in addition to MM4.2-1 through MM4.2-14 are feasible to reduce construction air quality impacts. There are no feasible mitigation measures available to reduce operational air quality impacts.</p>
<p>Impact 4.2-3 Operation activities associated with the proposed project could violate any air quality standard or contribute substantially to an existing or projected air quality violation. This would be a potentially significant impact. Because no feasible mitigation is available to reduce this impact to a less-than-significant level, this would be a <i>significant and unavoidable</i> impact.</p>	<p>The proposed project would exceed SCAQMD thresholds for the pollutants and precursors of ozone for which the Basin is in nonattainment. Therefore, the proposed project would make cumulatively considerable contributions of these pollutants during both construction and operation of the proposed project, even with the reduction in vehicular trips due to a reduction in residential units as compared to the project originally analyzed in the Draft EIR. Mitigation measures MM4.2-1 through MM4.2-14 will be implemented during construction activities to reduce emissions to the extent feasible but the potential impact will not be reduced to a less-than-significant impact. Furthermore, there are no feasible mitigation measures available to reduce operational emissions below SCAQMD levels. Therefore, the proposed project would result in a significant and unavoidable cumulative air quality impact.</p>	<p>Finding 3. The City finds that even with implementation of all feasible mitigation measures, compliance with applicable requirements, and changes to the project, construction and operational emissions of the proposed project would result in an exceedance of established thresholds for daily emissions in the cumulative scenario. No feasible mitigation measures in addition to mitigation measures MM4.2-1 through MM4.2-14 are available.</p>
<p>Impact 4.2-4 Construction of the proposed project would expose sensitive receptors to substantial pollutant concentrations. This would be a potentially significant impact. Implementation of project mitigation measures MM4.2-15 and MM4.2-16 would reduce this impact, but not to a less-than-significant level.</p>	<p>Implementation of the identified project mitigation measures would reduce pollutant emissions. However, sensitive receptors adjacent to the site would still experience pollutant concentrations exceeding thresholds established by the SCAQMD. Therefore, the impact would be significant and unavoidable.</p>	<p>Finding 3. The City finds that even with implementation of Project Mitigation Measures 4.2-15 and 4.2-16, construction emissions would still be significant and unavoidable and no further feasible mitigation measures can be implemented.</p>

ATTACHMENT NO. 5.7

Table 2 – CEQA Findings For Murdy Commons Mixed Use Project		Findings
Impact Statement	Impact Summary	
Therefore, this would be a <i>significant and unavoidable</i> impact for the project and the project's contribution to the cumulative impact.		
Biological Resources		
Impact 4.3 Construction of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on birds protected under the <i>Migratory Bird Treaty Act</i> . However, with mitigation, this impact is considered <i>less than significant</i> .	Project implementation and construction-related activities may result in the disturbance of nesting species protected by the MBTA. Prior to the onset of ground disturbing activities, the City shall implement mitigation measure MM4.3-1, which entails focused surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.	Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.3-1.
Cultural Resources		
Impact 4.4 Construction activities associated with implementation of the proposed project could cause a substantial adverse change to an archeological resource pursuant to Section 15064.5 of the CEQA Guidelines. However, with mitigation measures, this impact is considered <i>less than significant</i> .	According to the SCCIC records search and a pedestrian survey of the site, archaeological resources are not present in the vicinity and within the project site, including sites known to contain human remains. Impacts on archaeological resources, if found, from project-related earth-disturbing activities are therefore considered potentially significant. Implementation of mitigation measure MM4.4-2(b) would reduce this impact to a less-than-significant level by requiring all earth-disturbing activity be halted within 100 feet of any discovered cultural resources until an assessment by a qualified professional can be completed.	Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with implementation of mitigation measure MM4.4-2(b).
Impact 4.4 Construction activities associated with implementation of the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. However, with mitigation measures, this impact is considered <i>less than significant</i> .	A paleontological records search performed for the proposed project failed to identify any previously recorded paleontological resources within the project site. Implementation of mitigation measure MM4.4-3(b) would reduce this impact to a less-than-significant level by requiring all earth-disturbing activity is halted within 100 feet of discovered paleontological resources until an assessment by a qualified professional can be prepared.	Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with implementation of mitigation measure MM4.4-3(b).

Table 2 – CEQA Findings For Murdy Commons/Mixed Use Project		Findings
Impact Statement	Impact Summary	
Geology/Soils		
<p>Impact 4.5 Future development under the proposed project could expose people and/or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, involving fault rupture, strong seismic groundshaking and/or seismic-related ground failure, including liquefaction. With implementation of mitigation measures and compliance with applicable State and City regulations, this impact is considered less than significant</p>	<p>The project site is located in a seismically active Region. Per code requirement CR4.5-1, all future development would be required to perform a site specific geotechnical report which would include design and foundation recommendations and adhere to the City's Municipal Code.</p> <p>With compliance to the seismic safety requirements of the City's Municipal Code, including adherence to CR4.5-1, as well as implementation of mitigation measure MM4.5-1 and the design recommendations of the site-specific geotechnical investigations associated with all future project design, the proposed Specific Plan's impact on exposure to seismically induced groundshaking and seismic-related ground failure would be less than significant.</p>	<p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of code requirement CR4.5-1 and mitigation measure MM4.5-1.</p>
<p>Impact 4.5 Construction and operation of the proposed project could result in substantial soil erosion, loss of top soil, changes in topography or unstable soil conditions. However, with compliance with slope stability, soil stability, and seismic-resistant design standards for structures proposed for human occupancy required by the City of Huntington Beach General Plan, Building Code, and Grading and Excavation Code and implementation of code requirements and mitigation measures, this impact is considered less than significant.</p>	<p>The proposed project requires grading, earthwork and construction that would result in ground-disrupting activities. The exposure of previously covered soils during these activities could lead to increased on-site erosion and off-site sediment transport. The project would be required to comply with both State regulations and the City's existing Grading and Excavation Code regulations. Adherence to these requirements would reduce impacts to a less-than-significant level from the perspective of soil loss at the construction site.</p> <p>Off-site erosion and sedimentation could occur if increased stormwater runoff were conveyed over unstable off-site soil surfaces. Because all stormwater from the site would continue to be conveyed through the City storm drainage system, stormwater runoff would not likely result in substantial erosion or sedimentation. Furthermore, any project sites 1 acre in size or larger are subject to the provisions of the General Construction Activity Stormwater Permit adopted by the State Water Resources Control Board (SWRCB). Such compliance, in addition to implementation of code requirement CR4.5-1 and mitigation measure MM4.5-1, would reduce soil instability impacts to a less-than-significant level.</p>	<p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of code requirement CR4.5-1 and mitigation measure MM4.5-1.</p>
<p>Impact 4.5 The proposed project would be located on expansive soil. However, with compliance with soil stability standards required by the City of Huntington Beach General Plan, Building Code, and Grading and</p>	<p>The existence of expansive soils makes it necessary to ensure the materials used for foundation support are sound to avoid future problems. Structures would be designed, constructed and operated in conformance with Section 1802.2.2 Expansive Soils, of the City's</p>	<p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5 to a less-than-significant level, are hereby incorporated</p>

ATTACHMENT NO. 5.9

Table 2 – CEQA Findings For Murdy Commons Mixed Use Project

Impact Statement	Impact/Summary	Findings
<p>Excavation Code, and implementation of code requirements and mitigation measures, this impact is considered <i>less than significant</i>.</p>	<p><i>Municipal Code and Excavation and Grading Code, and would comply with CR4.5-1 and mitigation measure MM4.5-1. Potential risks to life and property associated with expansive soil would be reduced to a less-than-significant level.</i></p>	<p>into the project. No additional mitigation measures are necessary with the implementation of code requirement CR4.5-1 and mitigation measure MM4.5-1.</p>
<p>Hazards and Hazardous Materials</p>		
<p>Impact 4.6 Implementation of the proposed project could create a potential significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project site is listed on several environmental databases including the State LUST, Regional LUST, Hist LUST, UST, CORTESE and EMI. However, with implementation of mitigation measures, this impact is considered <i>less than significant</i>.</p>	<p>Demolition, grading and excavation activities for the proposed project could result in the exposure of construction personnel and the public to previously unidentified hazardous substances in the soil. If any unidentified sources of contamination are encountered during demolition, grading or excavation, the removal activities required could pose health and safety risks capable of resulting in various short-term or long-term adverse health effects in exposed persons. Additionally, construction activities on existing sites that are known to be contaminated could pose risks to workers. Coupled with compliance with existing local, State and federal regulations relating to potentially hazardous materials, implementation of mitigation measures MM4.6-1 and MM4.6-2 would ensure that any potentially hazardous materials that may be discovered during construction activities would be handled so as to minimize potential exposure to construction workers and nearby residents.</p> <p>The project site is located within a designated methane gas overlay district. The City has set minimum requirements for new building construction within the methane overlay districts in order to reduce the hazards presented from accumulations of methane gas by requiring the appropriate testing and mitigation measures for all new buildings within the methane districts. Implementation of mitigation measure MM4.6-3 would ensure appropriate testing and methods of gas reduction, as required by the HBFD.</p>	<p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.6 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.6-1 through 4.6-3.</p>
<p>Hydrology/Water Quality</p>		
<p>Impact 4.7 Construction and operation of the proposed project could increase stormwater runoff and alter existing land use such that stormwater pollutant loads or concentrations, including erosion and sediment, are increased. These processes could result in a violation of waste discharge requirements or water quality standards and provide substantial additional sources of</p>	<p>The proposed project would include construction activities, which would temporarily disturb soils. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport from the site. Erosion and sedimentation affects water quality through interference with photosynthesis, oxygen exchange, and the respiration, growth, and reproduction of aquatic species. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons,</p>	<p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure</p>

ATTACHMENT NO. 5.10