



Robert S. Coldren
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September 2, 2009

Our File Number: 36014.112/4849-5928-8068v.1

VIA HAND DELIVERY AND E-MAIL

Planning Commission
Subdivision Committee
City of Huntington Beach ("City")
2000 Main Street
Post Office Box 190
Huntington Beach, CA 92648
Attn: Rami Talleh, Senior Planner

**RE: Huntington Shorecliffs Mobile Home Park ("Park")
Application for Tentative Tract Map No. 17296 ("Application")
Objection to Staff Suggested Findings for Denial**

Dear Planning Commissioners and Subdivision Committee Members:

Planners plan! It is thus difficult for planning staff to deal with the concept that their ability to require design and improvement conditions, onsite and offsite improvements, etc., has been severely limited by state law. Similarly, City Attorneys like to provide for expanded municipal jurisdiction. Thus, it is not surprising that for months, staff found various excuses to delay answering questions, obfuscate respecting submissions, reject applications, accept applications, fane ignorance that the filing constituted a request for a "vesting" tentative map, manufacture a tortured interpretation of state law to attempt to reject an application for a "vesting" tentative map, etc.

I recognize that I am unlikely to make many points with City staff by airing these concerns for the Subdivision Committee and Planning Commission. It is critical, however, that the City understands that my client is intent upon subdividing the mobilehome park, and it is consistent with state law. The Government Code specifies very clearly that the actions of local government in connection with the processing of a map for the subdivision of a mobilehome park are essentially "ministerial" in nature, and the fees exacted by the City, the demands for information, and the delaying tactics employed, as well as the currently recommended conditions, all have caused, and will continue to cause substantial damage to my client's economic interests

The extraordinary delays and magnified costs will not be tolerated any longer by my client. We have a meeting today before the Subdivision Committee, a "study session" next week before the Planning Commission, and finally, a Planning Commission hearing later this month. We have already had a number of "informal meetings" with City staff. While such intensive activity over a subdivision application might be warranted in the case of any ordinary subdivision, or even conversion, in the case of a mobilehome park subdivision, this is totally unwarranted and completely excessive. Further delays in these actions and requirements will not be tolerated.

A Professional Law Corporation
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LATE COMMUNICATION SS#A-1 PC MEETING 9-09-09



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The "last straw" was the last "informal meeting" we had at the City. While it was quite cordial, the City Attorney's office continued to take the position that the Assistant City Attorney had broad authority to regulate the subdivision of this mobilehome park. And this is in spite of the fact that the California Appellate courts have, only the previous few days, spoken loudly and clearly in a well reasoned 33 page published appellate court decision (*Sequoia Park Associates v. County of Sonoma*) removing all doubt (had there ever been any) that the subdivision process of a mobilehome park is, in fact, a virtually ministerial act, limited to a determination that the very rote and the mechanical requirements the Government Code section have been complied with.

We have reserved our rights respecting the processing of this application as a "vesting tentative map", and reiterate that reservation here.

We further request that the Subdivision Committee clearly articulate what it believes its jurisdiction to be, and that it acknowledge that any and all conditions that it imposes must be consistent with the requirements of the "*Sequoia*" case and the relevant Government Code sections. Further efforts to needlessly frustrate my client's subdivision process, assuming they were ever justified by a claimed uncertainty in the law, now constitute nothing more than a blatant interference with client's lawful rights.

The limits of the City's opportunity to interfere with the subdivision are clearly defined in section 66427.5 subdivision (e) of the Government Code which states:

"The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative or parcel map. The scope of the hearing shall be limited to the issue of compliance with this section."

The words of the statute communicate unambiguously that local agencies must approve a mobilehome park subdivision map if the applicant complies with this section alone.

The "*Sequoia*" court approvingly cites the park owner's position:

"As *Sequoia* points out: 'Mobilehome parks being converted under section 66427.5 have already been mapped out, plotted out, approved under zoning and general plans, and subjected to applicable health and safety regulations.' Moreover, the park has been inspected and relicensed on an annual basis. But the owner has decided to change. If the change is to close the park and devote the land to a different use, section 66427.4 governs. If the



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change is a more modest switch to residential conversion, sections 66427.5 and 66428.1 are applicable.”

Thus, it is crystal clear under case law and the statute itself that City staff is quite simply “out of bounds” when it tries to impose additional requirements for this subdivision process.

As the *Sequoia* court went on to say on page 27 of the decision:

“So, if the conversion essentially maintains an acceptable status quo, the conversion is approved by operation of law. And the locality has not opportunity or power to stop it, or impose conditions for its continued operation.”

And the court on page 27 goes on to say:

“Section 66427.5 occupies the midway point on the continuum. It deals with the situation where the mobilehome park will continue to operate as such, merely transitioning from a rental to an ownership basis, and there is not two-thirds tenant support for the change—in other words, conversions that enjoy a level of tenant occurrence that does not activate the free ride authorized by section 66428.1. In those situations, the local authority enjoys less power than granted by section 66427.4, but more than conversions governed by 66428.1. It is not surprising that in this middle situation that the Legislature would see fit to grant local authorities some power, but circumscribe the extent of that power. That is what section 66427.5 does. It says in effect: Local authority, you have this power, but no more.”

And the authority that that Government Code section confers upon local government is the authority to conduct a public hearing, to determine that the requisite survey had been done, and two or three other ministerial acts; the Government Code section does not empower the City to attempt to impose design and improvement requirements, or dictate an application that would anticipate such conditions.

The City must understand that there are consequences for blindly ignoring this Government Code section, and continuing the processing of this map as if it were not constrained by the Government Code section or the *Sequoia* decision. I am taking such a direct and pointed approach here in the hopes that someone at the City will realize that this subdivision process



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must be significantly changed, and changed immediately, in order to avoid exposing the City to damages.

Two other points before addressing the specifics of the proposed Suggested Findings:

First, the applicant park owner has bent over backward to attempt to accommodate the City and staff's legitimate and reasonable concerns at every stage. For example, we have invited the fire department to work with us to enhance first responder and fire suppression in the mobilehome park and continue to be committed to do.

Secondly, we have not even met with our tenants yet to discuss the subdivision process; and yet, the City has indicated that there are substantial opposition among our residents to the subdivision process. While the residents do not have any "veto" over our right to subdivide, we want to be absolutely certain that the City understands that we are committed to meeting with our residents (the first such meeting will be next week) and ensuring that they can make an informed decision regarding the benefits of subdivision to them. Note that the letters of concern received thus far are form letters sent to the City at the request of some misinformed and apparently disgruntled residents; and, as discussed at the last meeting with staff, reflect a clear misunderstanding of the entire subdivision process. It is no wonder that they would accept the suggestion solicited in these letter, given the nature of the misinformation that they have received.

This letter objects to the enclosed Suggested Findings for Denial of the Application that were sent to the Park by the Planning Department on August 28, 2009. The Suggested Findings are based on City General Plan policies and provisions of the City's Zoning and Subdivision Ordinance relating to common open space. The Park, as it currently exists, is approved by the California Department of Housing for 309 spaces, the design and configuration of which under the HCD permit is set forth on the proposed Map.

As explained in the recent Court of Appeal decision in *Sequoia Park Associates v. County of Sonoma*, the City is barred from applying its General Plan policies or Zoning and Subdivision Ordinance provisions to the Application. State law provisions pertaining to mobilehome park design, construction, maintenance, use, operation, and subdivision, including those contained in the Subdivision Map Act and the Mobilehome Parks Act expressly and impliedly preempt the City's General Plan policies and Zoning and Subdivision Ordinance with respect to the Application.

Therefore, the Park owner applicants respectfully request that the Subdivision Committee and Planning Commission reject the Planning Department's Suggested Findings and approve the Application.



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Express State Preemption of Local Agency General Plan Policies and Zoning Codes

In *Sequoia Park Associates v. County of Sonoma* 2009 Cal. App. LEXIS 1397 (Cal. App. 1st Dist. Aug. 21, 2009), the California Court of Appeal held that State law pertaining to mobilehome parks, particularly the Subdivision Map Act (Govt. Code § 66427.5 (e)), preempts application of local agency planning, zoning, subdivision and other municipal code requirements or conditions with respect to subdivision of existing rental mobilehome parks for conversion to resident ownership.

The sole requirements for approval of the Application are those contained in Government Code Section 66427.5, which simply require submission of the map, a tenant survey and a conversion impact report. Government Code Section 66427.5 (e) provides:

The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

In *Sequoia Park Associates*, the California Court of Appeal held that County of Sonoma planning, zoning and subdivision code requirements were expressly and impliedly preempted by Government Code Section 66427.5 (e), given the comprehensive State scheme of mobilehome statutes and regulations:

We therefore conclude that what is currently subdivision (e) of section 66427.5 continues to have the effect of an express preemption of the power of local authorities to inject other factors when considering an application to convert an existing mobilehome park from a rental to a resident-owner basis. (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at p. 54)

The County of Sonoma ordinance included requirements for existing mobilehome park subdivision applications that went beyond the express requirements of Government Code Section 66427.5:

As already established, section 66427.5 strictly prohibits localities from deviating from the state-mandated criteria for approving a mobilehome park conversion application. Yet the Ordinance directs that the application shall be approved "only if the decision maker finds that," in addition to satisfying the survey and tenant

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impact report requirements imposed the section 66427.5, the application (1) "is consistent with the General Plan" and other local land and zoning use regulations, (2) demonstrates that "appropriate" financial provision has been made to underwrite and "ensure proper long-term management and maintenance of all common facilities and infrastructure"; (3) the applicant shows that there are "no conditions existing in the mobile home park that are detrimental to public health or safety"; and (4) the proposed conversion "is a bona fide resident conversion" as measured against the percentage-based presumptions established by the Ordinance. (*Sequoia Park Associates v. County of Sonoma*, *supra*, 2009 Cal. App. LEXIS 1397, at pp. 58-59)

The County of Sonoma ordinance required that the subdivision be consistent with County's General Plan and provisions of the County Code. (*Sequoia Park Associates v. County of Sonoma*, *supra*, 2009 Cal. App. LEXIS 1397, at pp. 38-41)

The Planning Department in this situation similarly seeks to unlawfully impose requirements on the Application for compliance with the City's General Plan and Municipal Code.

State Mobilehome Law is Comprehensive and Preemptive

As the Court of Appeal concluded in *Sequoia Park Associates*, local agencies cannot add requirements based on their general plan policies or zoning code in considering applications to subdivide existing mobilehome parks for conversion to resident ownership:

However commendable or well-intentioned these additions may be, they are improper additions to the exclusive statutory requirements of section 66427.5. (*Sequoia Park Associates v. County of Sonoma*, *supra*, 2009 Cal. App. LEXIS 1397, at p. 60)

As will be shown, we conclude that the ordinance is expressly preempted because section 66427.5 states that the "scope of the hearing" for approval of the conversion application "shall be limited to the issue of compliance with this section." We further conclude that the ordinance is impliedly preempted because the Legislature, which has established a dominant role for the state in regulating mobilehomes, has indicated its intent to forestall local intrusion into the particular terrain of mobilehome conversions, declining to expand section 66427.5 in ways that would authorize local government to impose additional conditions or requirements



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for conversion approval. Moreover, the County's ordinance duplicates several features of state law, a redundancy that is an established litmus test for preemption. (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at pp. 2-3)

The decision in *Sequoia Park Associates* was based on a thorough review by the Court of Appeal of the comprehensive State statutory scheme regarding mobilehome parks:

Section 66427.5 does not stand alone. If the Legislature ever did leave the field of mobilehome park legislation to local control, that day is long past. (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at p. 12)

These statutory schemes indicate that the state is clearly the dominant actor on this stage. Under the Mobilehome Parks Act, it is the HCD, a state agency, not localities, that was entrusted with the authority to formulate "specific requirements relating to construction, maintenance, occupancy, use and design" of mobilehome parks (Health & Saf. Code 18253 (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at pp. 16-17)

Additional provisions respecting mobilehome parks are in the Government Code. Cities and counties cannot decide that a mobilehome park is not a permitted use "on all land planned and zoned for residential land use as designated by the applicable local plan," though the locality "may require a use permit." (Govt. Code, § 65852.7) "[I]t is clear that the Legislature intended to limit local authority for zoning regulation to the specifically enumerated exceptions [in Health and Safety Code section 18300, subdivision (g), quoted at fn. 3, *ante*] of where a mobilehome park may be located, vehicle parking, and lot lines, not the structures within the parks." (*County of Santa Cruz v. Waterhouse, supra*, 127 Cal.App.4th 1483, 1493) (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at pp. 19-20)

The Court of Appeal, while recognizing that local agencies traditionally have broad powers to regulate land uses in their jurisdiction, concluded in *Sequoia Park Associates* that the State has taken away those powers with respect to subdivision of existing rental mobilehome parks for the purpose of conversion to resident ownership:

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It is a given that regulation of the uses of land within its territorial jurisdiction is one of the traditional powers of local government. ...

However, this attitude does not long survive. The survey of state legislation already undertaken demonstrates that the state has taken for itself the commanding voice in mobilehome regulation. Localities are allowed little scope to improvise or deviate from the Legislature's script. The state's dominance was in place before the subject of mobilehome park conversion was introduced into the Subdivision Map Act in 1991. (See Stats. 1991, ch. 745, §§ 1-2, 4, adding §§ 66427.5, 66428.1, & amending § 66427.4 to cover mobilehome park conversions.) This was seven years after the State had declared itself in favor of converting mobilehome parks to resident ownership, and at the same time established the Mobilehome Park Purchase Fund from which the HCD could make loans to low-income residents and resident organizations to facilitate conversions. (Stats. 1984, ch. 1692, § 2, adding Health & Saf. Code, §§ 50780-50786.) (*Sequoia Park Associates v. County of Sonoma*, *supra*, 2009 Cal. App. LEXIS 1397, at pp. 43-44)

It must be recalled that the predicate of the statutory examination is a functioning park with existing tenants with all necessary permits and inspections needed for current operation. As *Sequoia* points out: "Mobilehome parks being converted under section 66427.5 have already been mapped out, plotted out, approved under zoning and general plans, and subjected to applicable health and safety regulations." Moreover, the park has been inspected and relicensed on an annual basis. (*Sequoia Park Associates v. County of Sonoma*, *supra*, 2009 Cal. App. LEXIS 1397, at pp. 48-49)

For 25 years, the state has had the policy "to encourage and facilitate the conversion of mobilehome parks to resident ownership." (Health & Saf. Code, § 50780, subd. (b).) The state is even willing to use public dollars to promote this policy (Health & Saf. Code, § 50782 [establishing the Mobilehome Park Purchase Fund].) The state clearly has an interest in mobilehome park conversions, but is willing to have local governments occupy some role in the process. The extent of local involvement is calibrated to the situation. However, when the subject is



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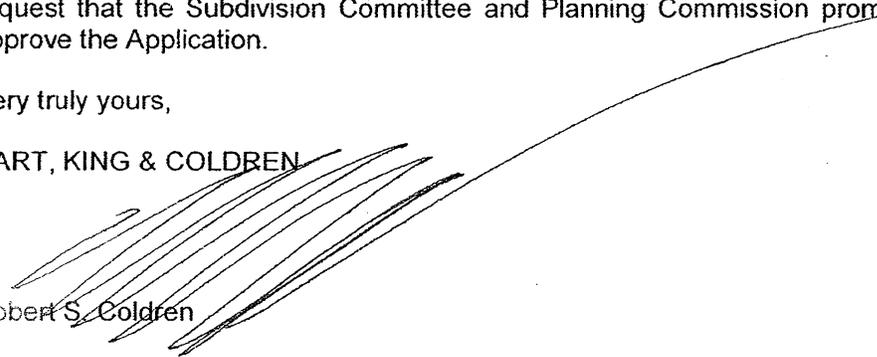
narrowed to conversions that merely affect the change from rental to residential ownership, local involvement is strictly limited. If the proposed conversion has the support of two-thirds or more of the park tenants, section 66428.1 prevents the city or county from interfering except in four very specific situations. If the tenant support is less than two-thirds, section 66427.5 directs that the role of local government "shall be limited to the issue of compliance with this section." (§ 66427.5, subd. (e).) (*Sequoia Park Associates v. County of Sonoma, supra*, 2009 Cal. App. LEXIS 1397, at pp. 56-57)

Conclusion

In conclusion, the Park owners object to the Planning Department's Suggested Findings and request that the Subdivision Committee and Planning Commission promptly move forward to approve the Application.

Very truly yours,

HART, KING & COLDREN

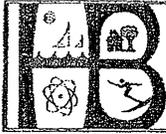


Robert S. Coldren

RSC/BLH/nb

Enclosure: August 28, 2009 Planning Department Suggested Findings

cc: Jennifer McGrath, City Attorney (by e-mail only)
Leonie Mulvihill, Assistant City Attorney (by e-mail only)



City of Huntington Beach Department of Planning
Subdivision Committee (September 2, 2009)

Huntington Shorecliffs Mobilehome Park
Conversion

SUGGESTED FINDINGS FOR DENIAL - TENTATIVE MAP NO. 17296:

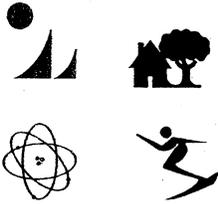
1. The site is not physically suitable for the type and density of development. The five additional lots created in conjunction with the mobilehome park conversion cannot be provided with the minimum required common open space of 200 sq. ft. per mobilehome (total 1,000 sq. ft.). The five additional lots are proposed within an area currently used for the mobilehome park office and remnant landscaped area located at the southeast corner of the mobilehome park. Further, the existing 304 units are provided with less than the minimum required 60,800 sq. ft. common open space. The site is provided with two recreation areas totaling 23,850 sq. ft. In addition, the subdivision will create several lots with less than the minimum required side yard setbacks between manufactured homes.
2. Tentative Tract Map No. 17296 for the subdivision of approximately 39.2 acres into 309 numbered lots and 31 lettered lots for purposes of converting an existing 304 space for-rent mobilehome park and expansion of five additional lots for a total of 309 lots for ownership purposes is inconsistent with the General Plan Land Use Element designation of RMH-25 (Residential Medium-High Density – Max. 25 units per acre) on the subject property and applicable provisions of this the Huntington Beach Zoning and Subdivision Ordinance. The proposed tentative map is not consistent with the following policies of the General Plan:

LU 9.3.2(a): Integrate public squares, mini-parks, or other landscaped elements.

LU 9.3.2(d): Establish a common "gathering" or activity center within a reasonable walking distance of residential neighborhoods. This center may contain services such as child or adult-care, recreation, public meeting rooms, recreational facilities, small convenience commercial uses, or similar facilities.

LU 9.3.2(e): Site common facilities around a public park or plaza to encourage a high level of community activity.

While the existing mobile home park is currently provided with nonconforming common areas total 23,850 sq. ft., the proposed five lot expansion is not provided with the required 1,000 sq. ft. of common area intended to serve as a gathering or activity center for the existing and/or additional lots.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

September 9, 2009

Boyd Hill
Hart, King & Coldren
200 Sandpointe, Fourth Floor
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFF
SUBDIVISION)
UPDATED SUGGESTED CONDITIONS OF APPROVAL**

Dear Mr. Hill,

Please find enclosed suggested conditions of approval for the aforementioned project received from the Public Works and Planning Departments for consideration by the Planning Commission. If you would like a clarification of any of these comments or you would like to discuss them in further detail, please contact me at 714-374-1682 and/or the Public Works Department representative – Steve Bogart (714-374-1692).

It should be noted that these suggested conditions of approval, which may be adopted by the Planning Commission if the project is approved, are in addition to applicable "code requirements provided to you under a separate letter.

Sincerely,

Rami Talleh,
Senior Planner

Enclosure

cc: Herb Fauland, Planning Manager
Steve Bogart, Public Works
Shorecliff, LP, 200 Sandpoints, fourth floor, Santa Ana, CA 92707
Project File



CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT SUGGESTED CONDITIONS OF APPROVAL

DATE: September 9, 2009

PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION

ENTITLEMENTS: PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296

PROJECT LOCATION: 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)

PROJECT PLANNER: RAMI TALLEH, SENIOR PLANNER

TELEPHONE/E-MAIL: (714) 374-1682/ rtalleh@surfcity-hb.org

PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated September 18, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. The Tentative Tract Map No. 17296 for Subdivision of an existing mobile home park received and dated September 18, 2008 shall be the approved layout with the following modifications:
 - a. The maximum number of lots created by the subdivision shall not exceed the total number mobile home units (304) approved for the site by the California Department of Housing and Community Development.
 - b. A landscaped planter between the perimeter fencing and public sidewalk improvements along Beach Boulevard shall be provided.
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
 - a. The subdivider shall obtain necessary permits from the California Department of Housing and Community Development (HCD) to re-identify the lots if determined necessary.
 - b. The Subdivider shall demonstrate to HCD compliance with all applicable provisions of Title 25 pertaining to setbacks. If the mobile home park is deficient in compliance with the applicable setbacks, the subdivider shall obtain all necessary applicable alternate approvals from HCD.

3. The subdivider shall offer each existing tenant an option to either purchase his or her subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant. (Subdivision Map Act Section 66427.5)
4. The subdivider shall be required to avoid the economic displacement of all non-purchasing residents in accordance with the following:
 - a. As to non-purchasing residents who are not lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period. (Subdivision Map Act Section 66427.5)
 - b. As to non-purchasing residents who are lower income households, the monthly rent, including any applicable fees or charges for use of any pre-conversion amenities, may increase from the pre-conversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period. (Subdivision Map Act Section 66427.5)



**HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
SUGGESTED CONDITIONS OF APPROVAL**

DATE: SEPTEMBER 1, 2009
PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILE HOME PARK
ENTITLEMENTS: TENTATIVE TRACT MAP 17296
PLNG APPLICATION NO. 2008-0190
DATE OF PLANS: AUGUST 4, 2009
PROJECT LOCATION: 20701 BEACH BLVD
PROJECT PLANNER RAMI TALLEH, SENIOR PLANNER
TELEPHONE/E-MAIL: 714-374-1682 / RTALLEH@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO
SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:**

1. 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) prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address all current surface water quality issues.
2. The subdivider shall refer to the California Department of Housing and Community Development (HCD) for domestic and irrigation water metering requirements.
3. The required Hydrology and Hydraulic Analysis for the subject project shall analyze 10, 25, and 100-year storms and back-to-back storms. In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. Any drainage improvements required by the aforementioned analysis 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 FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO
RECORDATION OF THE FINAL TRACT MAP:**

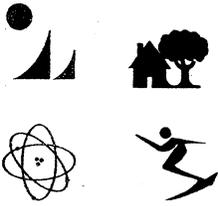
1. Encroachment permits for work within the Caltrans' right-of-way (for construction of sidewalks, driveways, water connections, etc.) shall be obtained by the applicant or contractor from Caltrans prior to start of work. A copy of each permit, traffic control plans,

environmental review and other permission granted by Caltrans shall be transmitted to Public Works.

2. The applicant shall provide an analysis of the existing onsite sanitary sewer system. If any improvements are required per said analysis, they shall be constructed and comply with all associated requirements of HCD.
3. The required Improvement Plan for the subject project shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. Existing AC curb along the Beach Boulevard frontage shall be removed and replaced with curb and gutter per Public Works Standard Plan No. 202 and per Caltrans requirements. (ZSO 255.04 and SMA 66428.1(d))
 - b. Six (6) foot wide sidewalk and a nine (9) foot wide curb adjacent landscaped parkway along the Beach Boulevard frontage shall be constructed per Public Works Standard Plan No. 207. (ZSO 255.04 and SMA 66428.1(d))
 - c. ADA compliant access ramps shall be installed on the Beach Boulevard frontage (where the new sidewalk will intersect with the existing driveway entrance to the park) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - d. The existing earthen storm drain channel along the Beach Boulevard frontage shall be replaced with a 54-inch storm drain pipeline (unless otherwise designed and sized by Hydraulics Report which is submitted to Public Works for review and approval) to convey the 100-year storm flow as quantified in the City's 2005 Master Plan of Drainage. (ZSO 255.04 and SMA 66428.1(d))
 - e. Street lights shall be installed along the Beach Boulevard project frontage. Lighting standards shall be per City of Huntington Beach guidelines. (ZSO 255.04)
 - f. ADA compliant access ramps shall be installed on the easterly curb returns on Delaware Street at Mermaid Lane per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - g. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - h. An ADA compliant access ramp shall be installed on the southeast corner of Delaware Street and Frankfort Avenue per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - i. ADA compliant access ramps shall be installed on the south curb returns of Frankfort Avenue at Shorecliff Drive (at the subject site's northerly entrance) per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - j. An ADA compliant access ramp shall be installed on Frankfort Avenue where it intersects Hill Street per Caltrans Standard Plan A88A. (ZSO 255.04, ADA and SMA 66428.1(d))
 - k. Damaged curb and gutter along the Frankfort Avenue frontage (at Hill Street) shall be removed and replaced per Public Works Standard Plan No. 202. (ZSO 255.04 and SMA 66428.1(d))
 - l. The existing 8-inch backflow device configuration is non-conforming placing the City's water supply at risk of potential contamination. As a result of health and safety concerns, the subdivider shall reconstruct or replace the existing backflow device to

comply with current Water Standards. (Resolution 5921, Title 17 State Regulation, SMA 66411.5(a), and SMA 66428.1(d))

- m. An onsite storm drain shall be designed per the final approved hydrology and hydraulics study, City Standards and per the City adopted 2005 Master Plan of Drainage. The storm drain system located within private streets shall be private and maintained by the Homeowner's Association. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (ZSO 255.04A)
4. All required landscape planting and irrigation shall be installed, inspected and approved by the City Landscape Architect/Inspector.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

September 9, 2009

Boyd Hill
Hart, King & Coldren
200 Sandpointe, Fourth Floor
Santa Ana, CA 92707

**SUBJECT: TENTATIVE TRACT MAP NO. 17269 (HUNTINGTON SHORECLIFFS
SUBDIVISION)
UPDATED PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Hill,

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

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

The Planning Director has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. Should you disagree, pursuant to Section 248.24A, you have ten (10) days from the date of this notice to file an appeal with the Planning Department. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1682 or at rtalleh@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

Rami Talleh,
Senior Planner

Enclosure

cc: Leonie Mulvihill, Senior Deputy City Attorney
Gerald Caraig, Building and Safety Department – 714-374-1575
Darin Maresh, Fire Department – 714-536-5531
Steve Bogart, Public Works – 714-536-1692
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Shorecliff, LP, 200 Sandpoints, fourth floor, Santa Ana, CA 92707
Project File

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CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: August 24, 2009

PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILEHOME SUBDIVISION

ENTITLEMENTS: PLANNING APPLICATION NO. 08-0190; TENTATIVE TRACT MAP NO. 17296

PROJECT LOCATION: 20701 BEACH BLVD., 92648 (WEST SIDE OF BEACH BLVD., SOUTH OF INDIANAPOLIS AVE.)

PROJECT PLANNER: RAMI TALLEH, SENIOR PLANNER

TELEPHONE/E-MAIL: (714) 374-1682/ rtalleh@surfcity-hb.org

PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated August 4, 2009. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be required:
 - a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the map.
 - b. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). (HBZSO Section 254.16)
 - c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).
2. Prior to conversion of the mobile home park, the following shall be completed:
 - a. The final map shall be recorded with the County of Orange.
 - b. All improvements shall be completed in accordance with approved plans.

3. The Departments of Planning, Public Works and Fire shall be responsible for ensuring compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to parcel map are proposed during the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.
4. Tentative Tract Map No. 17296 shall not become effective until the ten calendar day appeal period has elapsed Planning Commission approval.
5. Tentative Tract Map No. 17296 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning pursuant to a written request submitted to the Planning Department a minimum 60 days prior to the expiration date.
6. The subdivision shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein.
7. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
8. The applicant shall submit a check in the amount of \$50 for the posting of a Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
9. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.



HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: SEPTEMBER 1, 2009
PROJECT NAME: HUNTINGTON SHORECLIFFS MOBILE HOME PARK
ENTITLEMENTS: TENTATIVE TRACT MAP 17296
PLNG APPLICATION NO. 2008-0190
DATE OF PLANS: AUGUST 4, 2009
PROJECT LOCATION: 20701 BEACH BLVD
PROJECT PLANNER RAMI TALLEH, SENIOR PLANNER
TELEPHONE/E-MAIL: 714-374-1682 / RTALLEH@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

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.

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE CITY FOR REVIEW:

1. A Hydrology and Hydraulic Analysis for existing site drainage and tributary upstream drainage shall be submitted for Public Works review and approval. (ZSO 255.12)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF THE FINAL TRACT MAP:

1. The Tentative Tract Map received and dated August 4, 2009 shall be the approved layout.
2. The Final Tract Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a

title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Parcel Map.

3. The Final Tract Map shall be consistent with the approved Tentative Tract Map. (ZSO 253.14)
4. A reproducible Mylar copy and a print of the recorded final tract map shall be submitted to the Department of Public Works at the time of recordation.
5. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following item:
 - a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
 - b. Provide a digital-graphics file of said map to the County of Orange.
6. Provide a digital-graphics file of said map to the City per the following design criteria:
 - c. Design Specification:
 - i. Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
 - ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
 - iii. Digital data shall have units in US FEET.
 - iv. A separate drawing file shall be submitted for each individual sheet.
 - v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
 - vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
 - d. File Format and Media Specification:
 - i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
 - AutoCAD (version 2000, release 4) drawing file: _____.DWG
 - Drawing Interchange file: _____.DXF
 - ii. Shall be in compliance with the following media type:
 - CD Recordable (CD-R) 650 Megabytes
7. The improvement plans shall be submitted to the Department of Public Works for review and approval. The engineer shall submit cost estimates for determining bond amounts. (ZSO 255.16C & MC 17.05)
8. All improvement securities (Faithful Performance, Labor & Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney. (ZSO 255.16)
9. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (ZSO 253.12K)

10. If the Final Tract map is recorded before the required improvements are completed, a Subdivision Agreement may be submitted for construction in accordance with the provisions of the Subdivision Map Act. (SMA)
11. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)
12. A Homeowners' Association(s) (HOA) shall be formed and described in the CC&R's to manage the following for the total project area:
 - a. Onsite landscaping and irrigation improvements
 - b. On-site sewer and drainage systems
 - c. Best Management Practices (BMP's) as per the approved Water Quality Management Plan (WQMP)

The aforementioned items shall be addressed in the development's CC&R's.

13. Improvement Plans, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84)
14. 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)
15. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
16. Landscaping plans shall utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
17. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
18. A Drainage Fee for the subject development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$13,270 per gross acre is subject to periodic adjustments. This project consists of 41.223 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$547,029. City records indicate the current use on the subject property has never paid this required fee. Per provisions of the City Municipal Code, this one time fee shall be paid for all subdivisions or development of land. (MC 14.48) In lieu of the payment of the aforementioned Drainage Fee \$547,029, Public Works will accept the construction of the on-site master planned facilities per the City of Huntington Beach, Municipal Code Section 14.38.030.
19. 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 and C)



CITY OF HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: September 4, 2009

PROJECT NAME: HUNTINGTON SHORECLIFF MOBILE HOME SUBDIVISION

ENTITLEMENTS: PLANNING APPLICATION NO. 08-190: TENTATIVE TRACT MAP NO. 17296

PROJECT LOCATION: 20701 BEACH, HUNTINGTON BEACH, CA

PLANNER: RAMI TALLEH, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1682/ rtalleh@surfcity-hb.org

PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST

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

PROJECT DESCRIPTION: TO CONVERT THE HUNTINGTON SHORECLIFFS MOBILE HOME PARK FROM RENTAL UNITS TO INDIVIDUAL OWNERSHIP.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated August 4, 2009. 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.

1. Tract Map No. 17296 for the subdivision of the Huntington Shorecliffs Mobile home park for purposes of converting an existing 304 space for-rent mobile home park for ownership purposes shall comply with the following requirements:
 - a. Fire hydrant and water supply systems shall meet NFPA 24, 1977 Edition.
 - b. Fire hydrant and water supply systems shall meet the requirements set forth in Title 25 California Code of Regulations, Chapter 2, Subchapter 1, Article 6-Fire Protection Standards for Parks (This can be found at - www.hcd.ca.gov/codes/mp/mpRegs.html).
 - c. Per Title 25 CCR §1308, if additional lots are installed, each lot shall have installed an accessible three-quarter (3/4)-inch valved water outlet, with an approved vacuum breaker installed, designed for connecting a three-quarter (3/4)-inch female swivel hose connection for fire suppression use.
 - d. The following areas shall be in compliance with the Huntington Beach Fire Code unless conditions were legally existing prior to September 26, 2002 or if the fire

chief determines that such a condition constitutes a distinct threat to life or property:

- i. Fire equipment access, posting of fire equipment access, parking, lot identification, weed abatement, debris abatement, combustible storage abatement and burglar bars.
2. Prior to submittal of the final tract map to the Public Works Department for processing and approval, the following shall be complied with:
 - a. Documentation of a current flow test in compliance with Title 25 shall be submitted to the Huntington Beach Fire Department on the current HCD MP532 form.
 - b. Documentation of the fire hydrant and water supply system's compliance with NFPA 24, 1977 Edition, shall be submitted to the Huntington Beach Fire Department by a licensed C-16 contractor or a licensed Fire Protection Engineer.
 - c. Fire Lanes shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. Roadways must maintain compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access*.
 - i. An inspection is required to confirm the park's compliance with regard to fire lane and apparatus access. This inspection may be scheduled by calling (714) 536-5411.
3. Prior to recordation of the final tract map, the following conditions shall be complied with:
 - a. Residential address numbers shall be installed to comply with City Specification #428, *Premise Identification*. Number sets are required on front of the structure in a contrasting color with the background and shall be a minimum of four inches (4") high with one and one half inch (1/2") brush stroke.
 - i. An inspection is required to confirm the park's compliance with regard to premise identification. This inspection may be scheduled by calling (714) 536-5411.
4. 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*.
 - 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*.

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)**
- c. The Huntington Beach Fire Department reserves the right to apply additional specific requirements as necessary to reach compliance with code requirement No. 1, referenced on page one of this document.

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.

