



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner
DATE: August 26, 2008 TN

SUBJECT: **CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003 (TOWERS OF BELLA TERRA PARKING CONTROL GATES—AMENDMENT TO NEGATIVE DECLARATION NO. 05-001/CONDITIONAL USE PERMIT NO. 05-015 - Continued from the August 12, 2008 meeting with public hearing to be opened)**

APPLICANT: Patricia Apel, 7777 Edinger Avenue, Suite 133, Huntington Beach CA 92647

PROPERTY

OWNER: Bella Terra Office JV, LLC, 60 South Market, San Jose CA 95113

LOCATION: 7755 Center Avenue, 92647 (north of Center Avenue, west of Huntington Village Lane)

STATEMENT OF ISSUE:

At the August 12, 2008 meeting, the Planning Commission continued the Conditional Use Permit and Entitlement Plan Amendment to the August 26, 2008, Planning Commission meeting with the public hearing to be opened. The item was continued to allow the applicant and the adjacent property owners more time to discuss issues related to the reciprocal parking agreement between the two properties. In addition, staff has updated the suggested conditions of approval in Attachment No. 1. Condition of Approval No. 2(a)(4) was revised to prohibit any restriction to the field of parking all day Saturday and Sunday. Condition of Approval No. 3 was added to include operational standards for the parking control gates.

The reciprocal parking agreement between Old World Village and Towers at Bella Terra is specified in the Old World Village Parking Management Plan that was approved by the Planning Department in August 2003. No changes to this agreement are proposed and the reciprocal parking arrangement will continue to be in effect with the installation of parking control gates. The reciprocal parking agreement is summarized as follows:

- Approximately 110 parking spaces prior to 6:00 PM and 1,366 parking spaces after 6:00 PM will be provided for Old World Village within the Towers at Bella Terra parking structure.

- Eighty parking spaces (50 spaces in the west lot and 30 spaces in the east lot) will be provided for the Towers at Bella Terra on the Old World Village site.

Staff is facilitating meetings between Old World Village and Towers at Bella Terra regarding the reciprocal parking agreement. The outcome of these meetings will be reported to the Planning Commission on August 26, 2008 meeting.

RECOMMENDATION:

Motion to:

- A. “Approve Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 with findings and suggested conditions of approval (Attachment No. 1).”

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval—CUP No. 08-003/EPA No. 08-003
2. Planning Commission Staff Report dated August 12, 2008

SH:HF:TN:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-003
ENTITLEMENT PLAN AMENDMENT NO. 2008-003

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of installation of small new equipment within an existing mixed-use site.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

1. Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 for the installation of four (4) parking control gates to implement a paid parking program at the Towers at Bella Terra site and the amendment of Condition of Approval No. 2 which relates to physical barriers and parking control gates in the parking structure will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed parking control gates will not generate additional traffic or other impacts detrimental to surrounding property and inconsistent with the subject property's mixed-use zoning. The proposed gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village.
2. The conditional use permit/entitlement plan amendment will be compatible with surrounding uses because the proposed amendment represents installation of small new equipment which will not generate additional traffic and other impacts to surrounding uses.
3. The proposed conditional use permit/entitlement plan amendment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking.
4. The granting of the conditional use permit/entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed-Use—Specific Plan on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 15.1 Ensure that large scale, mixed-use, and multi-phased development projects and significant land use and activity districts achieve a consistent character, are compatible with their surrounding environment, and benefit the City.

B. Circulation Element

Policy CE 2.3.1 Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent possible.

Objective CE 5.1 Balance the supply of parking with the demand for parking.

Policy CE 5.1.1 Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy CE 5.1.2 Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The Towers at Bella Terra site is a mixed-use complex, consisting of three office towers, two medical office buildings, the Hotel Huntington Beach, a 24-Hour Fitness health club, and Buca di Beppo restaurant. The site currently has a five-level parking structure, several surface parking lots, and a subterranean parking lot for the hotel. The proposed project offers the opportunity to continue to provide well-designed and convenient off-street parking facilities. The installation of parking control gates within the subject site is proposed to improve the parking management of tenants, employees, and visitors to the site. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking area. The proposed parking control gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village. The demand and supply of parking will be monitored to ensure adequate provision of parking for the entire site and thus minimize impacts off-site and the surrounding developments.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

1. The site plan received and dated February 5, 2008, shall be the conceptually approved design.
2. Prior to issuance of building permits, the following shall be completed:
 - a. The Parking Management Plan (PMP) for the One Pacific Plaza, approved by the Planning Department on April 18, 2007, shall be revised to incorporate the following:
 - 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.

- 2) All physical barriers in the parking structure shall be prohibited with the exception of a parking control gate located at the south end of the parking structure (the access lanes located in the vicinity of 24-Hour Fitness).
 - 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
 - 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 6:00 PM, Monday thru Friday and all day on Saturday and Sunday.
 - 5) All parking spaces shall be clearly marked to identify use limitations.
 - 6) All surface level parking within the field of shared parking shall be designated and clearly identified as general visitor parking.
 - 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.
3. The use shall comply with the following:
- a. The parking control gates shall only operate between the hours of 7:00 AM and 6:00 PM, Monday thru Friday.
 - b. The parking control gates shall be opened after 6:00 PM on weekdays and on the weekends.
 - c. Parking control gates No. 1, No. 2, and No. 4 shall be equipped with an intercom system that connects to the manned booth at Gate No. 3.
 - d. Directional signage shall be installed to direct patrons with or without validations to the appropriate exit.
 - e. Old World Village owners, tenants, and visitors shall be provided with validations for free parking consistent with the reciprocal parking agreement as outlined in the Old World Village Parking Management Plan dated August 23, 2003.
4. All conditions of approval required under Negative Declaration No. 05-01/Conditional Use Permit No. 05-15 (24-Hour Fitness) shall remain in effect with the exception of the aforementioned modifications in Condition No. 2.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Tess Nguyen, Associate Planner *TN*
DATE: August 12, 2008

SUBJECT: CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003 (TOWERS AT BELLA TERRA PARKING CONTROL GATES—AMENDMENT TO NEGATIVE DECLARATION NO. 05-001/CONDITIONAL USE PERMIT NO. 05-015)

APPLICANT: Patricia Apel, 7777 Edinger Avenue, Suite 133, Huntington Beach CA 92647

PROPERTY

OWNER: Bella Terra Office JV, LLC, 60 South Market, San Jose CA 95113

LOCATION: 7755 Center Avenue, 92647 (north of Center Avenue, west of Huntington Village Lane)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 08-003 request:
 - To permit the installation of four (4) parking control gates in order to implement a paid parking program at the Towers at Bella Terra.

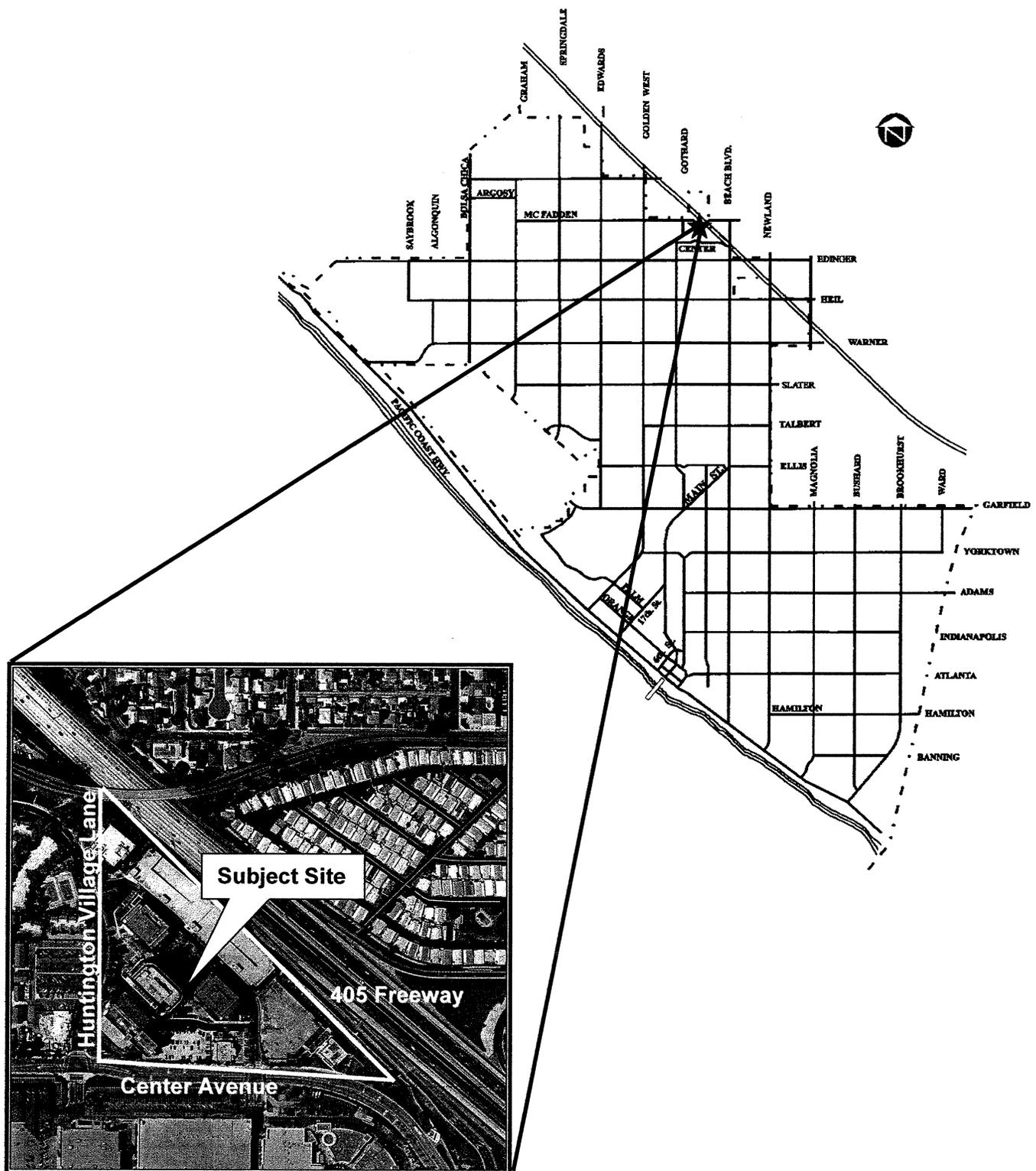
- ◆ Entitlement Plan Amendment No. 08-003 request:
 - To amend Condition of Approval Nos. 2(a)(2) and 2(a)(4) of Negative Declaration No. 05-001/Conditional Use Permit No. 05-015 (24-Hour Fitness) which relates to physical barriers in the parking structure and restriction within the field of parking after 4:00 PM.

- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 based upon the following:

 - Proposed installation of four parking control gates will comply with the requirements for parking controls in the Huntington Beach Zoning and Subdivision Ordinance.
 - Proposed installation of four parking control gates conforms with the goals, objectives, and policies of the General Plan.
 - Proposed installation of four parking control gates does not conflict with the shared parking concept at the site and the reciprocal parking agreement between Old World Village and Towers at Bella Terra.
 - Proposed installation of four parking control gates is consistent with prior approvals and conditions of approval for the Towers at Bella Terra.

ATTACHMENT NO. 2.1



VICINITY MAP
CONDITIONAL USE PERMIT NO. 08-003
ENTITLEMENT PLAN AMENDMENT NO. 08-003
(TOWERS AT BELLA TERRA—7755 CENTER AVENUE)

RECOMMENDATION:

Motion to:

- A. "Approve Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 with findings and suggested conditions of approval (Attachment No. 1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 with findings."
- B. "Continue Conditional Use Permit No. 08-003/Entitlement Plan Amendment No. 08-003 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 08-003 represents a request to install four parking control gates to control access to an existing 1,485-space parking structure and 98 parking spaces within the 310-space surface parking lot at the Towers at Bella Terra. The Towers at Bella Terra is developed with a mix of uses consisting of three office towers, two medical office buildings, a hotel (Hotel Huntington Beach), a health club (24-Hour Fitness), and a restaurant (Buca di Beppo). Parking is provided for the site within a 1,485 space parking structure, a 310-space surface parking lot, and a 224 space subterranean parking lot. The tenants/businesses of the site are required to pay for parking as part of their lease agreement. To recoup the cost of parking, the property management proposes to charge visitors to the site a fee for parking. Therefore, the applicant requests to install the parking control gates to control access to the parking structure and 98 parking spaces within the 310-space surface parking lot.

The parking control gates are proposed to be installed at the following locations:

- Gate No. 1 at the northwest corner of the site off of Huntington Village Lane
- Gate No. 2 behind the Office Building No. 3 at 7711 Center Avenue
- Gate No. 3 in front of Building No. 1 at 7777 Center Avenue
- Gate No. 4 at the south end of the parking structure

The hours of operation are proposed between 7:00 AM and 6:00 PM, Monday thru Friday.

Entitlement Plan Amendment No. 08-003 represents a request to amend Condition of Approval Nos. 2(a)(2) and 2(a)(4) of ND No. 05-01/CUP No. 05-15 (24-Hour Fitness) which relates to physical barriers and parking control gates in the parking structure and restrictions within the field of parking after 4:00 PM.

ATTACHMENT NO. 2.3

Condition of Approval No. 2 states:

2. Prior to issuance of building permits, the following shall be completed:
 - a. A Parking Management Plan, approved by the property owner, shall be submitted for review and approval by the Planning Department. Said plan shall depict designated (tenants/employees/guest/customers/carpooling) parking space locations and be consistent with the approval of CUP No. 05-15. The PMP shall incorporate the following:
 - 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
 - 2) All physical barriers, including concrete barriers and parking control gates, shall be removed from the parking structure.
 - 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
 - 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 4:00 PM, seven days a week.
 - 5) All parking spaces shall be clearly marked to identify use limitations.
 - 6) All surface level parking within the field of shared parking shall be designated and clearly identified as general visitor parking.
 - 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.

The modifications to Condition Nos. 2(a)(2) and 2(a)(4) are proposed to read:

- 2(a)(2): All physical barriers in the parking structure shall be prohibited with the exception of a parking control gate located at the south end of the parking structure (the access lanes located in the vicinity of 24-Hour Fitness).
- 2(a)(4): There shall be no restrictions on parking spaces within the field of on-site shared parking after 6:00 PM, seven days a week.

Background:

The mixed-use complex was originally approved under Conditional Use Permit No. 75-24 which also allowed a reduction in the total number of parking spaces based on a shared parking analysis. 1595 parking spaces were required and provided within a five-level parking structure and surface level parking throughout the site. The original conditional use permit also included reciprocal parking between the subject site and the Old World Village. Although reciprocal parking exists between the two sites, patrons of Old World Village primarily utilize parking at the Towers at Bella Terra site during the annual Oktoberfest. The reciprocal parking is provided to address the need for additional overflow parking during the event.

An amendment to the original CUP was approved under Conditional Use Permit No. 83-28 which permitted a revision of the previously approved commercial complex. The amendment involved replacing the previously approved theater component with a hotel. Parking for the hotel was provided in a

ATTACHMENT NO. 2.4

subterranean parking structure. In addition, a 153-space remote parking structure, located at the southeast corner of Huntington Village Lane and McFadden Avenue, was approved to provide employee parking for the medical office building. Under this approval, the hotel provided all of its required parking on-site, while employees of the medical office building utilized the remote parking structure.

On July 26, 2005, the Planning Commission approved a request by Platt College (CUP No. 05-09) to occupy approximately 35,000 square feet on the fourth and fifth floors of the existing 12-story office building. The approval included an update to the approved on-site shared parking analysis based on the change to the mix of uses. The update to the shared parking analysis included the development of the 24-Hour Fitness health club.

On February 14, 2006, the Planning Commission approved the construction of an approximately 37,946 square-foot two-story 24-Hour Fitness health club (Negative Declaration No. 05-01/Conditional Use Permit No. 05-15). The approval required the Parking Management Plan to incorporate the location, time limitation, designation of parking spaces at the subject site, and removal of physical barriers and parking control gates in the parking structure.

Study Session Summary:

The following are issues that were raised during the Planning Commission Study Session meeting on Tuesday, July 22, 2008:

- **Parking Control Gates**

The unattended gates (Gate Nos. 1, 2 and 4) will have one entrance lane equipped with a ticket dispenser and keycard reader and one exit lane equipped with a keycard reader and validation acceptor. In addition, these gates will have an intercom system that connects to the manned booth at Gate No. 3. These exits will only be used by customers and tenants who have either a monthly parking pass or a validated ticket. No payments will be collected at these locations.

The attended gate (Gate No. 3) will have one entrance lane equipped with a ticket dispenser and keycard reader and one exit lane equipped with a keycard reader and validation acceptor. In addition, a booth is proposed with an attendant for the collection of fees. This exit may be used by all customers and tenants including those visitors who exceeded the 2-hour validation or do not have a validation.

The parking control gates are proposed to be located in such a way that only the parking spaces around the three office towers (7711, 7755, and 7777 Center Avenue) will be controlled. The parking spaces within the vicinity of the hotel, medical office buildings, 24-Hour Fitness and Buca di Beppo will remain open and free. Visitors to these businesses may park within the uncontrolled parking spaces and will be validated for up to two hours of free parking if they park behind the control gates. Visitors to businesses/tenants within the three office towers will not receive a validation.

ATTACHMENT NO. 2.5

- Reciprocal Parking with Old World Village

The Old World Village Parking Management Plan, approved by the Planning Department in August 2003, included reciprocal parking between the Towers at Bella Terra and Old World Village. Designated parking spaces within the Towers at Bella Terra parking structure (approximately 110 spaces prior to 6:00 PM daily and 1,366 spaces after 6:00 PM) are allocated for the Old World Village use. In addition, 80 parking spaces (50 spaces in the west lot and 30 spaces in the east lot) on the Old World Village site are designated for the Towers at Bella Terra. No changes to this agreement are proposed as part of this request. Owners, tenants, and visitors at the Old World Village will use the ticket dispensers to access the parking area at the Towers at Bella Terra site. They will be provided with validations for free parking from 7:00 AM to 6:00 PM when the parking control gates are in effect. The gates will be open after 6:00 PM on weekdays and on the weekends. Therefore, this reciprocal parking arrangement will continue to be in effect with the installation of parking control gates.

- Traffic Flow

A tenant, employee, or visitor to the Towers at Bella Terra will either park in the open uncontrolled parking areas or in the areas behind the four proposed parking control gates. Each control gate is equipped with a ticket dispenser, keycard reader, and validation acceptor. In addition, the three unattended control gates (Gates Nos. 1, 2, and 4) will have an intercom system that connects to the manned booth at Gate No. 3. Tenants and employees will use their monthly parking keycards to enter and exit the parking area at any gate. Visitors with a 2-hour validation will be able to exit the parking area with the validation acceptor at all gates. Visitors without a validation or those who exceed the 2-hour validation limit will be required to exit through the manned booth at Gate No. 3. Signage will be provided to direct visitors without validation or those who exceed the 2-hour validation to the most appropriate exit. In the event that the keycard reader or the validation acceptor does not work or visitors exit the wrong gate, the intercom system could be used to contact the attendant in the manned booth for assistance. The attendant would open the gate and direct visitors to the manned booth for payment if appropriate. The site has a management office onsite with a security guard 24 hours a day, 7 days a week to patrol the parking structure and assist visitors when needed.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	M-sp (Mixed Use—Specific Plan)	SP-1 (North Huntington Center Specific Plan)	Mixed Uses—Offices, Hotel, 24-Hour Fitness, Buca di Beppo Restaurant
North/East of Subject Property	N/A – 405 Freeway	N/A – 405 Freeway	405 Freeway
South of Subject	CR-F2-sp-mu-F9 (Commercial	SP – 13 (Crossings—	Bella Terra Mall

ATTACHMENT NO. 2.6

Property	Regional—0.50 Floor Area Ratio—Specific Plan Overlay—Mixed Use Overlay—1.5 Floor Area Ratio (Mixed Use)/0.5 Floor Area Ratio (Commercial)/25 du/ac)	(Huntington Center) Specific Plan)	
West of Subject Property	M-sp	SP-1	Mixed Uses—Retail, Restaurants, Residential (Old World Village); Multi-Family Residential (Seawind Village)

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Mixed Use—Specific Plan. The proposed project is consistent with this designation and the policies and objectives of the City’s General Plan as follows:

A. Land Use Element

Objective LU 15.1 Ensure that large scale, mixed-use, and multi-phased development projects and significant land use and activity districts achieve a consistent character, are compatible with their surrounding environment, and benefit the City.

B. Circulation Element

Policy CE 2.3.1 Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent possible.

Objective CE 5.1 Balance the supply of parking with the demand for parking.

Policy CE 5.1.1 Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy CE 5.1.2 Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The Towers at Bella Terra is a mixed-use complex, consisting of three office towers, two medical office buildings, the Hotel Huntington Beach, a 24-Hour Fitness health club, and Buca di Beppo restaurant. The site currently has a five-level parking structure, several surface parking lots, and a subterranean parking lot for the hotel. The proposed project offers the opportunity to continue to provide well-designed and convenient off-street parking facilities. The installation of parking control gates within the subject site is proposed to improve the parking management of tenants, employees, and visitors to the site. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking area. The proposed parking control gates will not impact existing on-site shared parking since access to the parking area is

provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village. The demand and supply of parking will be monitored to ensure adequate provision of parking for the entire site and thus minimize impacts off-site and the surrounding developments.

Zoning Compliance:

This project is located within the North Huntington Center Specific Plan (SP-1) and complies with the requirements of that zone. In addition, parking controls are allowed with approval of a Conditional Use Permit pursuant to Section 231.18-E-2 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed parking control gates will comply with all the criteria for parking controls including adequate emergency access and vehicle stacking area.

Urban Design Guidelines Conformance:

The proposed parking control gates are minor mechanical equipment to be installed in the drive aisle or at the entrance of the parking structure. No modifications to the exterior of the existing building are proposed as part of this project.

Environmental Status:

The proposed project is Categorically Exempt pursuant to Section 15303, Class 3, of the California Environmental Quality Act, because the project consists of installation of accessory structures within an existing mixed-use site.

Redevelopment Status: The project is located in the Huntington Center Sub-area 1. The Economic Development reviewed the proposal and had no comments.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Building and Safety, Fire, Police, and Public Works have reviewed the proposed project and identified comments and applicable code requirements provided in Attachment No. 3.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 31, 2008 and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), the applicant and interested parties. As of August 5, 2008, no letters have been received regarding the proposed project.

ATTACHMENT NO. 2.8

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

June 30, 2008

MANDATORY PROCESSING DATE(S):

August 29, 2008

Conditional Use Permit No. 08-003 was filed on January 25, 2008 and Entitlement Plan Amendment No. 08-003 was filed on March 21, 2008 and deemed complete on June 30, 2008. The application is scheduled for public hearing before the Planning Commission on August 12, 2008.

ANALYSIS:

The primary issues for the Planning Commission to consider in evaluating the proposed project are:

- compliance with the Huntington Beach Zoning and Subdivision Ordinance requirements for parking controls
- conformance with the goals, objectives, and policies of the General Plan
- potential conflicts with the shared parking concept at the site and the reciprocal parking agreement between Old World Village and the Towers at Bella Terra
- consistency with prior approvals and conditions of approvals for the Towers at Bella Terra (formerly One Pacific Plaza) site

Compliance with the Requirements for Parking Controls

The proposed parking control gates will comply with all the criteria for parking controls. The Fire Department has reviewed and conditionally approved the gate's location and emergency access. The Public Works Department has reviewed and approved the gate's location and stacking area. The proposed parking control gates have driveways with a minimum of twenty feet for vehicle stacking for both entering and exiting traffic. In addition, the installation of the control gates will not adversely impact public coastal access because the site is located approximately four miles from the coast.

Conformance with the General Plan

The proposed installation of the parking control gates is consistent with the Mixed-Use General Plan land use designation and the policies and objectives of the City's General Plan. The proposed project offers the opportunity to continue to provide well-designed and convenient off-street parking facilities. The installation of parking control gates is proposed to improve the parking management of tenants, employees, and visitors to the site. The demand and supply of parking will be monitored to ensure adequate provision of parking for the entire site and thus minimize impacts off-site and the surrounding developments.

Shared Parking Concept at the Site

An existing shared parking analysis was prepared by Linscott, Law, and Greenspan to permit Platt College and the 24-Hour Fitness health club. The analysis identified a total shared parking demand of 1,924

ATTACHMENT NO. 2.9

spaces during the peak hour for all uses at the mixed-use complex. The parking supply of 2,019 spaces with the development of Platt College and 24-Hour Fitness provided a parking surplus of 95 spaces onsite.

The parking structure consists of general, reserved, and visitor/patient parking. The subterranean parking lot is for the exclusive use of the Hotel. The surface parking located throughout the site consists of open parking, visitor timed parking, and handicapped stalls. As a result of the proposed parking control gates, access to 98 of 310 existing surface parking spaces and 1,485 parking spaces within the parking structure will be restricted by a control gate. Access to the remaining 202 surface parking spaces will continue to be open to all tenants, employees, and visitors. Ten parking spaces in the surface parking lots will be eliminated with the installation of the manned cashier booth and parking control gate No. 3. Although 10 parking spaces are proposed to be eliminated, the parking supply is adequate to accommodate the mix of uses onsite since there is a surplus of 95 parking spaces onsite based on the shared parking analysis prepared for the Platt College and 24-Hour Fitness health club development. The proposed installation of parking control gates would not affect the shared parking arrangement since all the parking spaces would be still accessible to all tenants, employees, and visitors. After 6:00 PM and on the weekends, all gates will be raised to provide unrestricted access to the entire field of onsite parking.

With the provision of access keycards and validations to tenants, employees, and visitors, the installation of parking control gates would not affect the shared parking arrangement.

Reciprocal Parking Agreement between Old World Village and Towers at Bella Terra

The Old World Village Parking Management Plan, approved by the Planning Department in August 2003, included reciprocal parking between the Towers at Bella Terra and Old World Village. Designated parking spaces within the Towers at Bella Terra parking structure (approximately 110 spaces prior to 6:00 PM daily and 1,366 spaces after 6:00 PM) are allocated for the Old World Village use. In addition, 80 parking spaces (50 spaces in the west lot and 30 spaces in the east lot) on the Old World Village site are designated for the Towers at Bella Terra use. No changes to this agreement area proposed as part of this request. This reciprocal parking arrangement will continue to be in effect with the installation of parking control gates. Owners, tenants, and visitors at the Old World Village will be provided with validations for free parking from 7:00 AM to 6:00 PM and the gates will remain open on weekends and weekday evenings (after 6:00 PM) during Oktoberfest.

Consistency with Prior Approvals

The Towers at Bella Terra complex was originally approved in 1976 with a reduction in the total number of parking spaces based on a shared parking analysis and reciprocal parking between the subject site and the Old World Village. In 1983, the shared parking analysis remained in effect with the replacement of the previously approved theater with a hotel. In 2006, the shared parking analysis was updated to allow Platt College and 24-Hour Fitness health club. The proposed installation of parking control gates does not affect the shared parking arrangement nor is it inconsistent with the conditions of approval of previous entitlements (original development, the hotel development, and Platt College). However, the approval for the 24-Hour Fitness health club required the Parking Management Plan to incorporate the location, time limitation, designation of parking spaces at the subject site, and removal of physical barriers to the parking structure. The proposed amendments to items No. 2 and No. 4 of Condition of Approval No. 2 of ND No.

ATTACHMENT NO. 2.10

05-01/CUP No. 05-15 regarding the physical barriers would bring the installation of the parking control gates into compliance with the 24-Hour Fitness approval.

Staff is recommending approval of the request, based on the project's compliance with applicable code requirements, conformance with the goals, objectives, and policies of the General Plan, consistency with the shared parking concept, reciprocal parking agreement between Old World Village and the Towers at Bella Terra, and prior approvals. No detrimental impacts to the surrounding neighborhood are anticipated.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval—CUP No. 08-003/EPA No. 08-003
2. Site plan received and dated February 5, 2008
3. Project Narrative received and dated March 21, 2008 and July 30, 2008
4. Code Requirements Letter—CUP No. 08-003/EPA No. 08-003 dated July 3, 2008
5. 24-Hour Fitness Notice of Action Letter—ND No. 05-01/CUP No. 05-15 dated February 15, 2006
6. Parking Management Plan for One Pacifica Plaza approved April 18, 2007
7. Old World Village Parking Management Plan approved August 27, 2003
8. Supplemental Parking Study for One Pacific Plaza (The Towers at Bella Terra) received and dated July 21, 2008
9. Letters of Support

SH:HF:TN:lw

ATTACHMENT NO. 2.11

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-003
ENTITLEMENT PLAN AMENDMENT NO. 2008-003

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of installation of small new equipment within an existing mixed-use site.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

1. Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 for the installation of four (4) parking control gates to implement a paid parking program at the Towers at Bella Terra site and the amendment of Condition of Approval No. 2 which relates to physical barriers and parking control gates in the parking structure will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed parking control gates will not generate additional traffic or other impacts detrimental to surrounding property and inconsistent with the subject property's mixed-use zoning. The proposed gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village.
2. The conditional use permit/entitlement plan amendment will be compatible with surrounding uses because the proposed amendment represents installation of small new equipment which will not generate additional traffic and other impacts to surrounding uses.
3. The proposed conditional use permit/entitlement plan amendment will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking.
4. The granting of the conditional use permit/entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed-Use—Specific Plan on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 15.1 Ensure that large scale, mixed-use, and multi-phased development projects and significant land use and activity districts achieve a consistent character, are compatible with their surrounding environment, and benefit the City.

B. Circulation Element

Policy CE 2.3.1 Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent possible.

Objective CE 5.1 Balance the supply of parking with the demand for parking.

Policy CE 5.1.1 Maintain an adequate supply of parking that supports the present level of demand and allow for the expected increase in private transportation use.

Policy CE 5.1.2 Provide safe and convenient parking that has minimal impacts on the natural environment, the community image, or quality of life.

The Towers at Bella Terra site is a mixed-use complex, consisting of three office towers, two medical office buildings, the Hotel Huntington Beach, a 24-Hour Fitness health club, and Buca di Beppo restaurant. The site currently has a five-level parking structure, several surface parking lots, and a subterranean parking lot for the hotel. The proposed project offers the opportunity to continue to provide well-designed and convenient off-street parking facilities. The installation of parking control gates within the subject site is proposed to improve the parking management of tenants, employees, and visitors to the site. The proposed parking control gates will comply with all the criteria for parking controls, including adequate emergency access and vehicle stacking area. The proposed parking control gates will not impact existing on-site shared parking since access to the parking area is provided with keycards and ticket dispensers. The site continues to maintain the reciprocal parking agreement with Old World Village. The demand and supply of parking will be monitored to ensure adequate provision of parking for the entire site and thus minimize impacts off-site and the surrounding developments.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003:

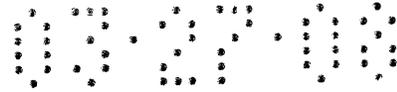
1. The site plan received and dated February 5, 2008, shall be the conceptually approved design.
2. Prior to issuance of building permits, the following shall be completed:
 - a. The Parking Management Plan for the One Pacific Plaza, approved by the Planning Department on April 18, 2007, shall be revised to incorporate the following:

- 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
 - 2) All physical barriers in the parking structure shall be prohibited with the exception of a parking control gate located at the south end of the parking structure (the access lanes located in the vicinity of 24-Hour Fitness).
 - 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
 - 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 6:00 PM, seven days a week.
 - 5) All parking spaces shall be clearly marked to identify use limitations.
 - 6) All surface level parking within the field of shared parking shall be designated and clearly identified as general visitor parking.
 - 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.
- b. Directional signage shall be installed to direct patrons with or without validations to the appropriate exit.
3. Old World Village owners, tenants, and visitors shall be provided with validations for free parking consistent with the reciprocal parking agreement as outlined in the Old World Village Parking Management Plan dated August 23, 2003.
 4. All conditions of approval required under Negative Declaration No. 05.01/Conditional Use Permit No. 05-15 (24-Hour Fitness) shall remain in effect with the exception of the aforementioned modifications in Condition No. 2.
 5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

DATE: March 21, 2008 - **REVISED**
TO: Planning Department
FROM: Patricia Apel
General Manager – Bella Terra



SUBJECT: The Towers at Bella Terra – Paid Parking Program, Revised



Project Description:

The Towers at Bella Terra formerly One Pacific Plaza are located to the north of Center Ave and west of the 405 Freeway, bordered by Center Ave, Huntington Village Lane, and the 405 Freeway. The property consists of multiple parcels, separate owners, and is managed by an association and a board, One Pacific Plaza Association, under the direction of the CC&R's for the association members. The property consists of three office buildings, two medical buildings, one restaurant, and one Fitness facility. This property is located in the North Huntington Beach Specific Plan (SP-1).

Purpose of Application:

- 1) A Conditional Use Permit to implement a paid parking program at the Towers of Bella Terra.
- 2) An Entitlement Plan Amendment to change Parking Management Plan for the Towers of Bella Terra (Condition of Approval #2 of CUP No. 05-15).

Submittal Package Includes:

- 1) Completed and signed application – 1/17/08
- 2) Fees in the amount of \$6,941 to amend the CUP.
- 3) Notice Requirements and Radius Map.
- 4) Supplement to Demand Analysis Report prepared by LLG
- 5) Draft of proposed Parking Management Plan
- 6) Narrative - Attached
- 7) Pictures of Proposed Area and surrounding properties – Attached.
- 8) Digital Pictures of Proposed parking control areas
- 9) 12 sets of site plan depicting areas where the parking controls will be installed.

DATE: July 30, 2008
 TO: Tess Nguyen, Associate Planner, City of Huntington Beach
 FROM: Patricia Apel, DJM Capital Partners, Inc.
 SUBJECT: Re: Study Session held on 7/22/08.

JUL 30 2008

This memo seeks to address concerns that arose regarding the proposed paid parking program that went before Planning Commission in an internal Study Session on Tuesday, July 22, 2008. This memo will summarize the Reciprocal Parking Agreement between Old World and The Towers at Bella Terra (TABT); address access into the Property as well as within the property, address operational concerns that the Planning Commission brought up in connection with access in and out of the gates as well as give a brief overview of the proposed equipment to be installed.

The Towers at Bella Terra Parking Management Program (Overview)

- Managed by AMPCO Parking with a manned booth located between 7777 bldg and Parking Structure.
- Hours of Operation: Monday- Friday; 7:00am to 6:00pm.
- 5 Entrances to the Property; 4 unrestricted
- 1 restricted entrance located closest to TABT parking structure off of Huntington Village Lane.
- All Gates Open and Up after 6pm –Monday – Friday.
- Non Controlled Unrestricted Access to entire site on weekends.

1. Reciprocal Easement Agreement with Old World Village

- a. REA dated 4/3/1976 by and between Jerwel Enterprises and West Coast Soccer League Inc.
- b. First Amendment to REA dates 10/11/1976 by and between Jerwel Enterprises and West Coast Soccer League.
- c. Agreement between Jewel and Old World Association dated 2/19/1979.
- d. Old World Village Paid Parking Program – Approved by City Staff on 8/27/2003.
 - i. TABT to provide Old World with 110 parking spaces within structure before 6pm.
 - ii. TABT to provide Old World with 1,366 spaces after 6pm
 - iii. Old World Village to provide TABT with 80 Spaces which are broken down as follows: 50 Spaces in the West Lot; and 30 Spaces in east Lot)

2. Old World Access

- a. Old World Village will have a validation machine provided by TABT where patrons and customers of Old World Restaurant and the Village will be able to validate their ticket to allow customers to park free of charge. Access in and out of the project via Huntington Village Lane shall be as follows:
- b. The most likely entrances that Old World will utilize would be off of Huntington Village Lane. In order to comply with the Old World Village PMP and the REA; TABT will provide Old World Village with access to 110 parking spaces in the parking structure. At Gates #2 and #4; there will be a ticket dispenser; which will allow Old World to easily gain entrance into the property. Once in the project; Old World customers will have free unrestricted access to parking spaces within

the parking structure. At each exit, there will be a ticket acceptor/reader which will allow customers of Old World Village to exit the project.

- c. After 6pm on weekdays and on weekends; TABT will provide Old World Association with unrestricted access to 1,366 spaces. All gates will be up at this time and access to parking will be unrestricted throughout the property. Since there will be no access restrictions for Old World Village during this time; TABT fully complies with the obligations of the REA and the Old World Village PMP.
- d. It should be noted however, that Old World does not typically utilize TABT parking except during Oktoberfest which demand for parking at this event peaks in the evenings and weekends where there will be unrestricted access to TABT's parking.

3. 24 Hour Fitness Access

- a. Currently 24 Hr Fitness patrons utilize the entrances off of Center Ave; specifically the entrance next to Buca and the project's main entrance. Gates #2 and #3 are the most likely gates that 24 Hr Fitness will utilize.
 - Access into Gate #2 and Gate #3 will be via a ticket dispenser installed at each gate. Once inside the structure, 24 Hour Fitness patrons may park anywhere in the structure.
 - Access out of Gates #2 and #3 will be obtained by a ticket reader/acceptor. Gate #3 is also the location of the manned booth so there will be equipment and an attendant to assist. Should a customer exit the wrong gate; or is unable to exit the gate for any reason; the gate will be equipped with an intercom system that will connect the occupant to the booth attendant who will raise the gates to allow an exit.
- b. It should be noted that the surface lot that surrounds Buca di Beppo and 24 Hr Fitness will remain unrestricted.

4. Tenant Access

- a. Currently the Tenants of TABT are issued access cards. These access cards perform a dual task; they allow Tenants access to their building and in the past when the gates were installed; allowed tenants access into the parking structure. TABT has an access card system installed in the on site management office where there is a dedicated staff available should there be any issue. All Tenants of TABT currently pay for parking on a monthly basis under individual lease agreements with ownership.
- b. Tenant access shall be gained via access cards. There will be access card readers installed at all Gates both entrances and exits.
- c. We have included Tenant letters of support for these controls. They would like to see the gates reinstated as an additional deterrent to the element that has easy access to the project due to our proximity to the freeway.

5. Visitor Access

- a. Visitors may enter the property at all entrances. Access will be gained by the use of Ticket dispensers installed at all gates. Visitors without validations will have to exit via Gate #3 (the manned booth). If the visitor gets validated; they can exit any gate due to the fact that all gates will have a ticket acceptor that reads the validation.

6. Operational Concerns

Parking Management Program to be professionally managed by AMPCO Parking Systems.

Manned Booth from 7am-6pm daily Monday- Friday.

All Gates will be manned with an intercom system connected to the fully staffed manned booth. In the event, a tenant, customer, or visitor of TABT becomes trapped at the gate with no way to open the gate; they can simply push the intercom button to be connected to the attendant at the manned booth. The TABT also has management office on site, (in the 7755 bldg) and 24/7 Security with a Security Guard assigned to patrol the parking structure.

7. Signage

We will be adding signage to direct visitors with and without validations to the most appropriate exit. Signage will be installed in the interior of the structure and throughout the exterior of the property. At this time, mockups of how the signage will read will not be available by the time this staff report is due; but we will have them within the next week; and will submit them for Planning approval upon receipt.

8. Equipment List to be installed at each Gate

Mag Stripe Ticket Dispenser (All Gated Entrances)

Mini Prox Card Readers (All Gated Entrances)

Mag Stripe Ticket Acceptor/Reader (All Gated Exits)

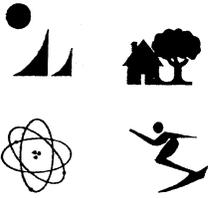
Mini Prox Card Reader (All Gated Exits)

Barrier Arms at all (Barrier Gates is rated at 15,000 cycles per day with a closing time of 1.4 seconds)

Knox Box (Per City of HB Fire Department Guidelines All Gates)

And an Intercom system that connects gate to the manned booth

In closing, we hope this memo addresses the concerns that arose during the internal study session. We are asking for approval from Planning Commission to allow us to implement our program so that we may manage the parking program more effectively and provide a safer environment for our Tenants and their Visitors to park.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

July 3, 2008

Patricia Apel
7777 Edinger Avenue, Suite 133
Huntington Beach CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 2008-003/ENTITLEMENT PLAN
 AMENDMENT NO. 2008-003 (TOWERS OF BELLA TERRA)
 7755 CENTER AVENUE
 PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Ms. Apel:

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

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Zoning Administrator. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosures

cc: Gerald Caraig, Building & Safety Department – 714-374-1575
 Lee Caldwell, Fire Department – 714-536-5531
 Steve Bogart, Public Works – 714-536-5431
 Bella Terra Office JV LLC, Property Owner

Herb Fauland, Planning Manager
Ken Small, Police – 714-536-5902
Jason Kelly, Planning Department
Project File



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 3, 2008

PROJECT NAME: TOWERS OF BELLA TERRA

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-003/ENTITLEMENT PLAN AMENDMENT NO. 2008-003

PROJECT LOCATION: 7755 CENTER AVENUE, HUNTINGTON BEACH

PLAN REVIEWER: TESS NGUYEN, ASSOCIATE PLANNER

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

PROJECT DESCRIPTION: TO PERMIT THE INSTALLATION OF FIVE PARKING CONTROL GATES IN ORDER TO IMPLEMENT A PAID PARKING PROGRAM; TO REMOVE A CONDITION OF APPROVAL OF CONDITIONAL USE PERMIT NO. 05-15.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 5, 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 site plan approved by the Planning Commission shall be the conceptually approved design.
2. Prior to submittal for building permits, Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
3. The Development Services Departments (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Design Review Board's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Design Review Board may be required pursuant to the provisions of HBZSO Section 241.18.

4. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
5. Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 shall not become effective until the ten calendar day appeal period from the Planning Commission approval of the entitlements has elapsed.
6. Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 2008-003/Entitlement Plan Amendment No. 2008-003 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Design Review Board's action.
11. 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 Design Review Board.
12. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.



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

DATE: FEBRUARY 25, 2008
PROJECT NAME: TOWERS OF BELLA TERRA PARKING PROGRAM
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 08-019
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 08-002
DATE OF PLANS: FEBRUARY 5, 2008
PROJECT LOCATION: 7755 CENTER AVENUE, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT A PAID PARKING PROGRAM AT THE TOWERS OF BELLA TERRA AND VALET SERVICE FOR BUCA DI BEPPO

The following is a list of code requirements deemed applicable to the proposed project based on plans received as 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. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2005 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Provide disabled accessible parking and path of accessible travel as required by 2007 CBC.

City of Huntington Beach

FEB 26 2008

ATTACHMENT NO. 2.23



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: FEBRUARY 18, 2008
PROJECT NAME: TOWERS OF BELLA TERRA PARKING PROGRAM
ENTITLEMENTS: PLANNING APPLICATION NO. 08-019
PROJECT LOCATION: 7755 CENTER AVENUE, HUNTINGTON BEACH, CA
PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org
PLAN REVIEWER-FIRE: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ lcalldwell@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT A PAID PARKING PROGRAM AT THE TOWERS OF BELLA TERRA AND VALET SERVICE FOR BUCA DI BEPPO.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 5, 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. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

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

NOTE: Proposed Control Points 1, 2, and 3 are across existing and required fire access roads. **These fire access roads may not be modified with obstructions or gates without prior Huntington Beach Fire Department approval.** All fire lanes shall continue to meet required and existing widths per city specifications.

NOTE: New control points shall be designed according to current width, turn radius, set-back and access requirements as contained in City Specifications # 401, 403, and 415. No details have been provided in the submitted plans regarding the design, types of gates, construction, widths, turning radius or other pertinent factors that will influence the design and ability to obtain fire department approval. Additional detail will need to be provided by the applicant and additional Fire Department review required.

Overall parking control design shall comply with the following City Specifications:

- a. **Fire Access Roads** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans.

NOTE: Entry and exit travel lanes must be straight, with a minimum of 14 feet travel lane width and no side obstruction protruding into the lane, such as gates or building eaves. Ingress and egress to each gate shall have a minimum straight approach and departure box of thirty feet from the gate or first/last side obstruction (such as a guard shack). (FD)

- b. **Fire Access Road Turns and Corners** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans.

NOTE: Turns shall not begin prior to minimum straight approach and departure box of thirty feet from the gate or first/last side obstruction (FD)

- c. **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 or 26 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)**
- d. **Secured Vehicle Entries** shall utilize KNOX[®] activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, *Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance in the plan notes.

NOTE: Provisions shall be made at each gate for the entry and exiting of Fire or Police Department vehicles. All Knox access shall be double keyed for Police Department access also. (FD)

- e. **Gate Structure Address Assignments.** The Planning Department shall review and make address assignments. The individual gates shall be identified with numbers per 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 and City Specification #428 Premise Identification in the plan notes.

Provide the Fire Department with the responsible party or association name, address, and contact numbers for the group that will oversee the maintenance of the gates and related facility components. **(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)**

OTHER:

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

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648

Or through the City's website at www.surfcity-hb.org

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



CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

TO: Kenneth W. Small
Chief of Police

FROM: J. Cottriel, Lieutenant
Traffic/Aero Bureau Commander

DATE: February 13, 2008

City of Huntington Beach
FEB 14 2008

SUBJECT: Paid Parking Program at the Towers of Bella Terra

I have reviewed the information included in the request to permit a paid parking program and valet service for Buca Di Beppo. The intent is to improve and manage vehicle parking for the offices, restaurant and gym.

I researched our calls for service and had the motor sergeants survey the parking situation during daytime and evening hours. We have very few illegal parking calls for service at the location. The calls we do receive are almost always related to handicapped parking violations. According to the sergeants, who visited the location, it appears the complex has sufficient parking spaces.

According to the proposed plan, the Association plans on hiring sufficient staff to manage the parking changes. Therefore, I am not aware of any reason to not approve the changes.

THE PD HAS REVIEWED THE ATTACHED
MATERIALS AND HAS NO OBJECTION TO THE
PROPOSED PROJECT.

J. Stewart, CAPTAIN
(ACTING, C.O.P.)

2/14/08

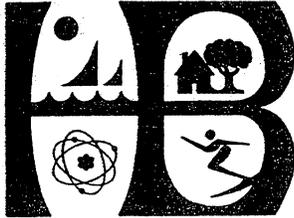
ATTACHMENT NO. 2.27



**HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DIVISION REVIEW COMMENTS**

DATE: JUNE 23, 2008
PROJECT NAME: TOWERS OF BELLA TERRA PARKING PROGRAM
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2008-002
PLNG APPLICATION NO: 2008-0019
DATE OF PLANS: MAY 19, 2008
PROJECT LOCATION: 7755 CENTER AVENUE, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: 714- 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT A PAID PARKING PROGRAM AT THE TOWERS OF BELLA TERRA

Public Works has reviewed the subject project and Parking Demand Study (dated May 19, 2008) and has no comments.



Huntington Beach Planning Commission

P.O. BOX 190

CALIFORNIA 92648

NOTICE OF ACTION

February 15, 2006

Bill Fancher
1342 Bell Avenue
Tustin, CA 92780

SUBJECT: NEGATIVE DECLARATION NO. 05-01/CONDITIONAL USE PERMIT
NO. 05-15 (24-Hour Fitness)

APPLICANT: Bill Fancher

REQUEST: To permit the construction of an approximately 37,946 square foot two-story 24-Hour Fitness health club. The existing 8,660 square foot restaurant/night club (Liquid Lounge) will be demolished.

PROPERTY OWNER: Mullrock 1 – Beach Pointe LLC, 7755 Center Ave., Ste.100, Huntington Beach, CA 92647

LOCATION: 7887 Center Dr. (North side of Center Avenue, west of Beach Boulevard)

DATE OF ACTION: February 14, 2006

On Tuesday, February 14, 2006, the Huntington Beach Planning Commission took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Planning Commission reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal

shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is February 24, 2006.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has started.

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

If you have any questions, please contact Paul Da Veiga, Associate Planner at (714) 374-5394, or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Howard Zelefsky, Secretary
Planning Commission

By:


Herb Fauland, Principal Planner

HZ:HF:PD:cs

Attachment

c: Property Owner

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 05-15/ NEGATIVE DECLARATION NO. 05-01

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 05-01:

1. Negative Declaration No. 05-01 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on Negative Declaration No. 05-01 and Conditional Use Permit No. 05-15.
2. Standard code requirements avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-15:

1. Conditional Use Permit No. 05-15 for the establishment, maintenance and operation of a two-story, 37,946 square foot 24-Hour Fitness health club within One Pacific Plaza, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use will not impact existing on-site shared parking based on the divergent parking needs for existing land uses as identified in an updated shared parking analysis provided by a consultant for the applicant.
2. The conditional use permit will be compatible with surrounding uses. The subject land use is appropriate at the proposed location because the site is easily accessible by major roadways and anticipated traffic will not impact local streets, and adequate shared parking will be provided based on an updated shared parking analysis. The proposed use will be compatible with the adjacent office uses and surrounding uses as it promotes mixed-use within the center and provides a recreation amenity for employees, visitors, and residents of the surrounding area.
3. The proposed facility will comply with the provisions of the base district and other applicable provisions in the North Huntington Center Specific Plan (SP-1) and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO allows for a reduction in parking requirements when it can be demonstrated through a shared parking analysis that adequate parking within a commercial center can be provided based on the divergent parking needs of individual uses. The shared parking analysis, submitted by Linscott, Law, and Greenspan, concluded that adequate parking will be provided on-site

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (Mixed Use – specific plan) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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

LU 10.1.4. Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

LU 10.1.17 Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and onsite recreational facilities (health clubs, spas, etc.).

LU 13: Achieve the development of a mix of governmental, service, institutional, educational, and uses that support the needs of Huntington Beach residents.

LU 13.1: Provide for the continuation of existing and development of new uses, such as governmental, administrative, public safety, human service, cultural, educational, and other uses that support the needs of existing and future residents and businesses.

LU 13.1.2: Allow for the continuation of existing and development of new facilities in any land use zone where they are compatible with adjacent uses and subject to City review and approval.

The establishment of the 24-Hour Fitness health club promotes re-use of a prior restaurant/night club site in a manner that will be consistent with the aforementioned goals and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 05-15:

1. The site plan and floor plans received and dated January 12, 2006, shall be the conceptually approved layout with the following modifications:
 - a. A pedestrian access way shall be provided through the southeast portion of the parking structure. Pedestrian access shall not conflict with vehicular ingress/egress from the parking structure. (PC)
 - b. The horizontal reveals shall be smooth textured stucco to match the color of the exterior of the building as identified on the colored elevations as "P-1". (DRB)

- c. All glazing shall be recessed from the exterior façade of the building to the maximum extent possible. **(DRB)**
 - d. The blank façade portion of the building along the southerly elevation shall be treated with a smooth exterior plaster finish up to approximately half of the height of the building. The smooth plaster element shall project a minimum of 12 inches from the face of the building and match the color of other smooth plaster elements on the north elevation. **(DRB)**
 - e. The size of the parapet return, as depicted on the northerly elevation, shall be minimized in length by 15 feet as modified on the colored elevations dated January 12, 2006. **(DRB)**
2. Prior to issuance of building permits, the following shall be completed:
- a. A Parking Management Plan, approved by the property owner, shall be submitted for review and approval by the Planning Department. Said plan shall depict designated (tenants/employees/guest /customers/carpooling) parking space locations and be consistent with the approval of CUP No. 05-15. The PMP shall incorporate the following:
 - 1) A minimum of 201 visitor parking spaces shall be provided on the first and second level, southeasterly portion of the parking structure. These spaces shall have a time restriction of one to two hours in duration.
 - 2) All physical barriers, including concrete barriers and parking control gates shall be removed from the parking structure.
 - 3) Directional signage to direct patrons to available self-park and valet parking areas shall be provided throughout the site.
 - 4) There shall be no restrictions on parking spaces within the field of on-site shared parking after 4 p.m., seven days a week.
 - 5) All parking spaces shall be clearly marked to identify use limitations.
 - 6) All surface level parking spaces within the field of shared parking shall be designated and clearly identified as general visitor parking.
 - 7) The One Pacific Plaza PMP shall be consistent with the Old World Village PMP dated August 26, 2003.
3. A review of the use shall be conducted by the Planning Commission with a report within six (6) months of the issuance of Certificate of Occupancy to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

PARKING MANAGEMENT PLAN

for

**ONE PACIFIC PLAZA
HUNTINGTON BEACH, CA**

City of Huntington Beach
Department of Planning
For Discipline Signed Below
Signed _____ Date _____

Structural/Arch. _____
Planning JK 4/18/07
Electrical _____
Mechanical _____
Address 24 HR FITNESS Type _____
P.P. _____
Group _____
Miscellaneous _____
C&C Ed _____
PARKING MANAGEMENT PLAN

INTRODUCTION

This report has been prepared to identify a Parking Management plan (PM) that may be implemented by the One Pacific Plaza Association (OPPA) mixed use center in Huntington Beach to allow the center to achieve increased efficiency.

One Pacific Plaza is located north of Center Ave. and west of the 405 freeway, bordered by Center Avenue, Huntington Village Lane and the 405 freeway. A copy of the parcel plan is provided on Figure 1, Site 3. The property is comprised of multiple parcels, separate owners and managed by an association and board, One Pacific Plaza Association, under the direction of CC&R's for the association members. The property contains three office buildings, two medical buildings, two retail pads, one hotel with underground parking and one multi-story parking garage. The total square footage of the One Pacific Plaza Association properties is 593,133 rentable square footage.

There is an unattached parking garage with 114 stalls on Huntington Village Lane that is for the exclusive use of the medical building and is required for their city parking requirements. Likewise, there is a surface and underground parking lot, totaling 219 stalls, for the exclusive use of the hotel. Both the supply and demand are not a factor in this parking report.

Each building in OPPA is a separate parcel. All parcels are part of the North Huntington Beach specific plan 1, as identified by the City. The site currently has 2,019 parking spaces.

The applicant proposes changes to the site that would involve conversion of one of the retail/nightclub pads to a health club facility and a change of use for 34,000 rsf of office space to be converted to trade/vocation school purposes. Overall the removal of the nightclub and introduction of the alternative use improves the site, reduces the necessary police activity and removed the unsavory activity observed in the parking structure. A parking study and shared parking analysis have been completed for the project which demonstrates that the proposed parking supply will adequately accommodate the parking demand for the site. This PM plan will be formalized herein by the site operators to help manage parking demand on the site.

EXISTING PARKING CONDITIONS

One Pacific Plaza Association maintains and implements the CC&R's for the association, in which the document contains the parcel allocation and distribution of parking. Each building is provided with their allocation of general and reserved parking stalls in the parking structure as well as in-common visitor parking.

The parking structure itself consists of general, reserved and visitor/patient parking. The surface parking located throughout the OPPA area consists of open parking, visitor timed parking, and handicapped stalls.

In the parking structure, the general employee parking is available via 2 entrance gates and there are no restrictions once within this parking area. This general parking area is accessible with an access card provided to tenant employees, the access cards are controlled through the association in accordance with the CC&R per building allocations, each building/tenant is provided with their allocation of stalls in the general parking area to manage as they determine. The parking gates are raised after 6 pm and on the weekends to allow for weekend flow from either the tenants or Old World. This is enforced to insure the appropriate number of stall to employee ratio is maintained and that the medical building parking structure is used for its' intended purpose. Platt College has also been operational in the office building since September and during that time, the actual parking demand is lighter than expected as the school operates 50% during the day, 50% in the evening and they are closed on Fridays.

The reserved parking is available via a gate in the middle of the structure and is accessible with an access card; this parking is available to those building occupants that choose this option at a monthly charge.

A function of the OPPA is to patrol, monitor and enforce the parking situation. This is completed by a third party security vendor hired by the OPPA. A security team is in place on the property 7 days a week/ 24 hours a day. During business hours, there is an added security officer on duty as "parking patrol". The parking policies are strictly enforced and a tow policy is adhered, this maintains open visitor stalls and accurate counts in the General parking areas. This security team completes a Parking Count twice a week, twice a day which tallies the available stalls on each floor of the parking structure. This count is maintained in the management office. This team also verifies that tenants/clients are not parking in visitor stalls and tenants/clients are correctly parking in the General Parking by the following procedures:

- ❖ Chalks car tires on a routine basis and verifies all cars abide by the posted timed-parking
- ❖ Log all cars parked in the visitor stalls, both in the parking structure and on the surface lots, and verify status of car through the data management system by checking license plates versus employee status, if an employee in the system and parked in a Visitor stall, that car is subject to tow.
- ❖ Patrol the parking structure and post notice on any car in violation of a guideline, i.e., if a car is parked over 2 stalls, parked in backwards, etc. those in violation are provided notice to correct so that one car uses one space.

In addition to the parking provided on-site, there is a reciprocal parking agreement between Old World Village and OPPA. The OPPA parking management plan shall remain consistent with the Old World Village parking management plan.

IMPLEMENTATION AND MONITORING

Previous operators adopted the Association to manage and maintain the surrounding areas. Parking allocations were addressed through the Association's original CC&Rs and it is recognized that restricting or labeling too many stalls can hinder flow of traffic and parking.

Currently the parking allocations for the uses at One Pacific Plaza are handled as follows:

Hotel Huntington Beach: Exclusive surface and underground parking structure for their staff and visitors.

Medical Building (7677 Center): The employee parking is managed between 2 locations, in a remote parking structure on Huntington Village Lane and an allocation in the parking structure. In addition, Patient parking is available and identified in the surface lot.

General Office/Medical center (7801 Center): Employees park in the parking structure and medical center visitors are provided visitor parking on that parcel.

Platt College: Employees and students are provided access cards with access to general parking in the parking structure. This is provided for both day and evening sessions.

Buca: Tenant is provided parking in the surface lot around the restaurant and the parking structure.

24 Hr. Fitness: Tenant will be provided employee parking in the structure and guests shall park in the visitor stalls in the parking structure and around their site, using a portion of the 433 visitor stalls.

OPPA is prepared to implement the following action items to provide adequate parking for the tenants, visitors and the health club users, in compliance with the conditions placed on the approval of CUP No. 05-15:

- All restrictive gates and barriers will be raised or removed.
- Unrestricted access to 201 visitor parking spaces located on the first and second levels, southeasterly direction of the parking structure, such spaces shall have a time limit posted of 2 hours in duration.
- Directional signage is currently on site to indicate Visitor parking areas, this signage shall be maintained and signage shall be added to indicate self-park and valet services as well as directions to over-flow parking areas.
- No restrictions on parking stalls within the field of on-site shared parking after 4 pm, seven days a week, signage shall be added to indicate.
- Stalls are currently clearly marked to identify use limitations, this identification system will continue.
- All surface level parking spaces within the field of shared parking shall be designated and clearly identified as general visitor parking, as per the parameters of the agreement, detailed in figure 3.
- One Pacific Plaza PMP shall remain in consideration and in agreement with the Old World Village PMP dated August 26, 2003.
- Health Club employees during business hours will have access to the general parking and will not be parking in the visitor spaces.

For the safety of all users and visitors to the property, security will continue to be provided 24/7, the parking patrol shift may be extended or additional support hired as need is determined and the tow policy continued to be strictly enforced. Site Management will continue to monitor the parking situation and survey the tenants to improve the transportation options available. A review of the use shall be conducted by the Planning Commission with a report within 6 months of the issuance of the Certificate of Occupancy to verify compliance. At that time the Planning Commission may consider modifications to the conditions of approval.

SECTION 9375 SPECIFIC PLAN MAP

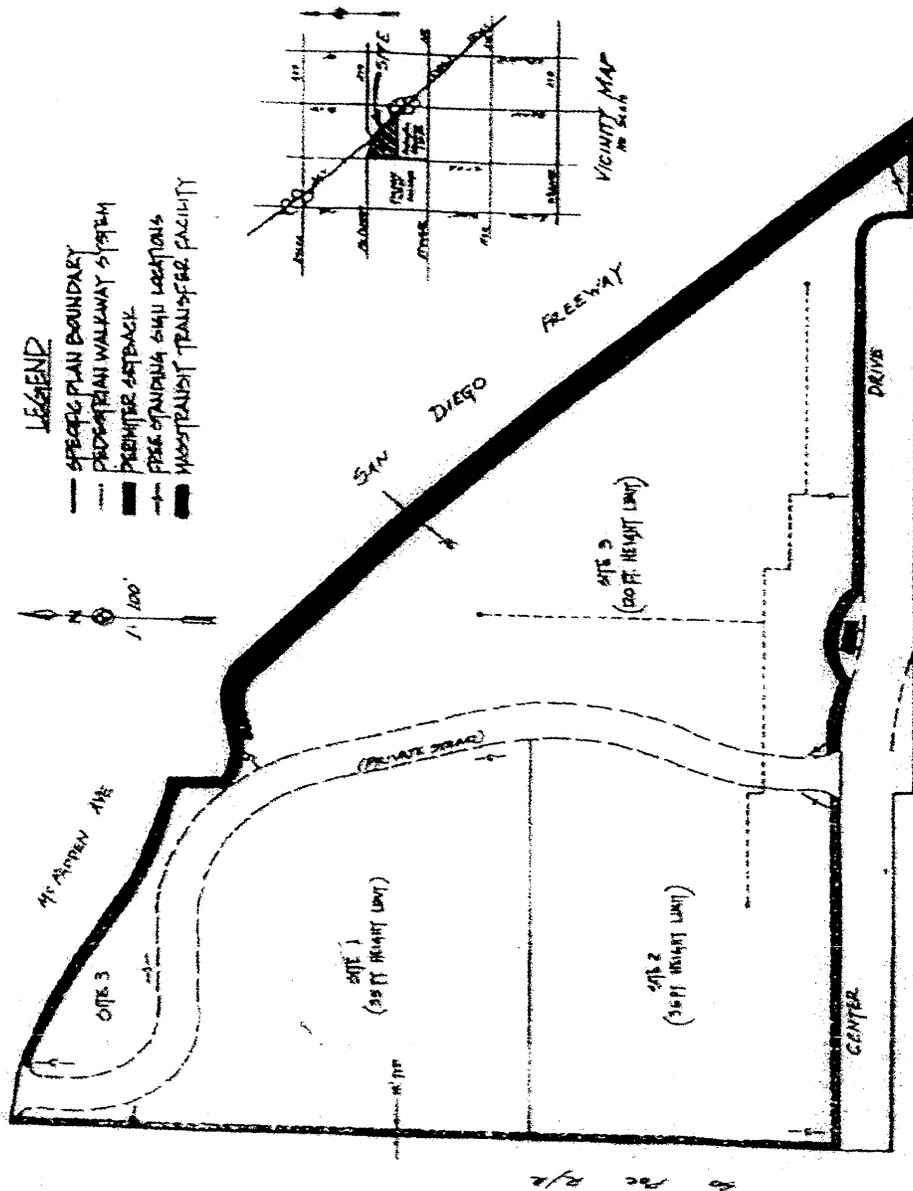


Figure 1

Until 4 pm

One Pacifica Plaza Association
City of Huntington Beach

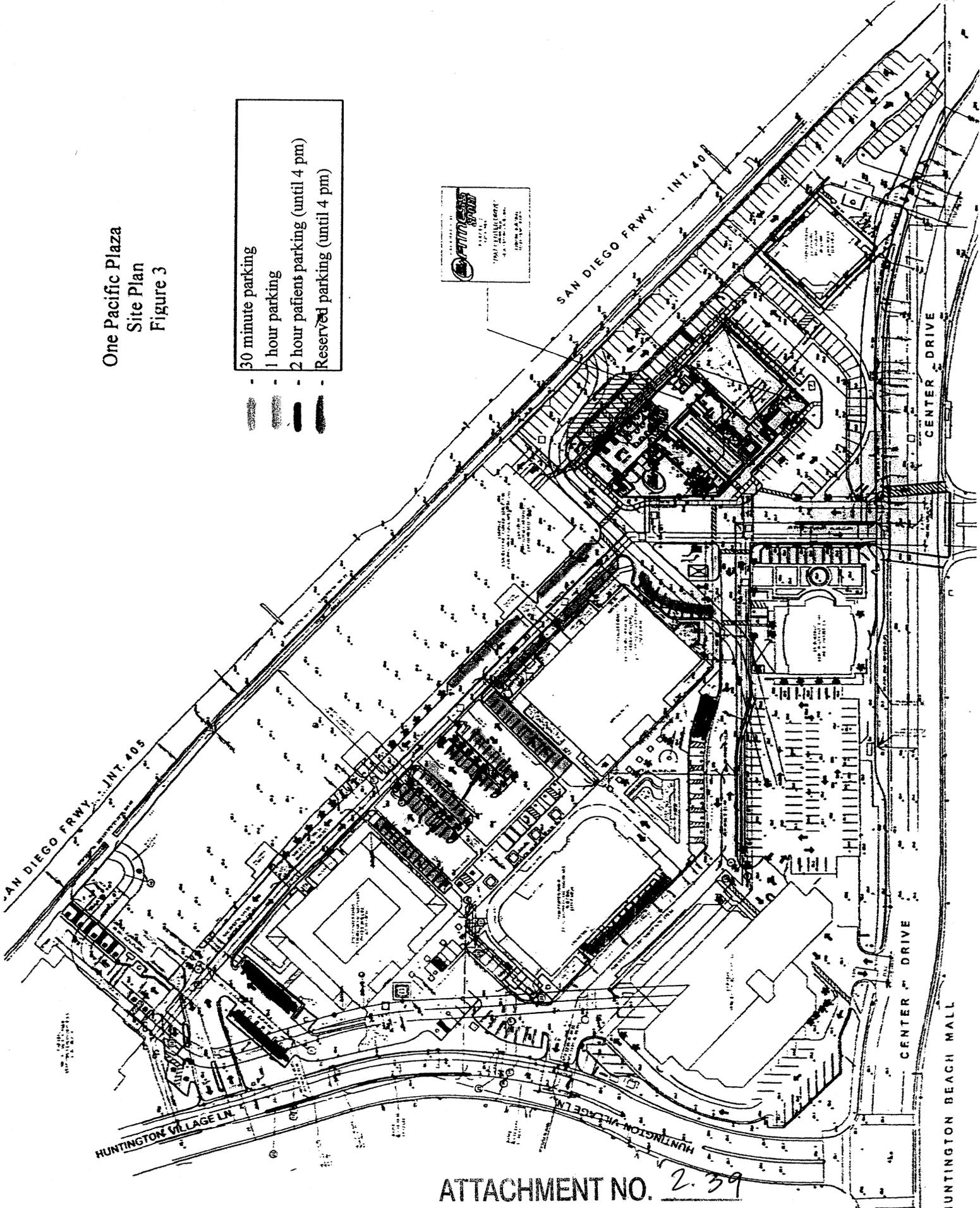
Page 4

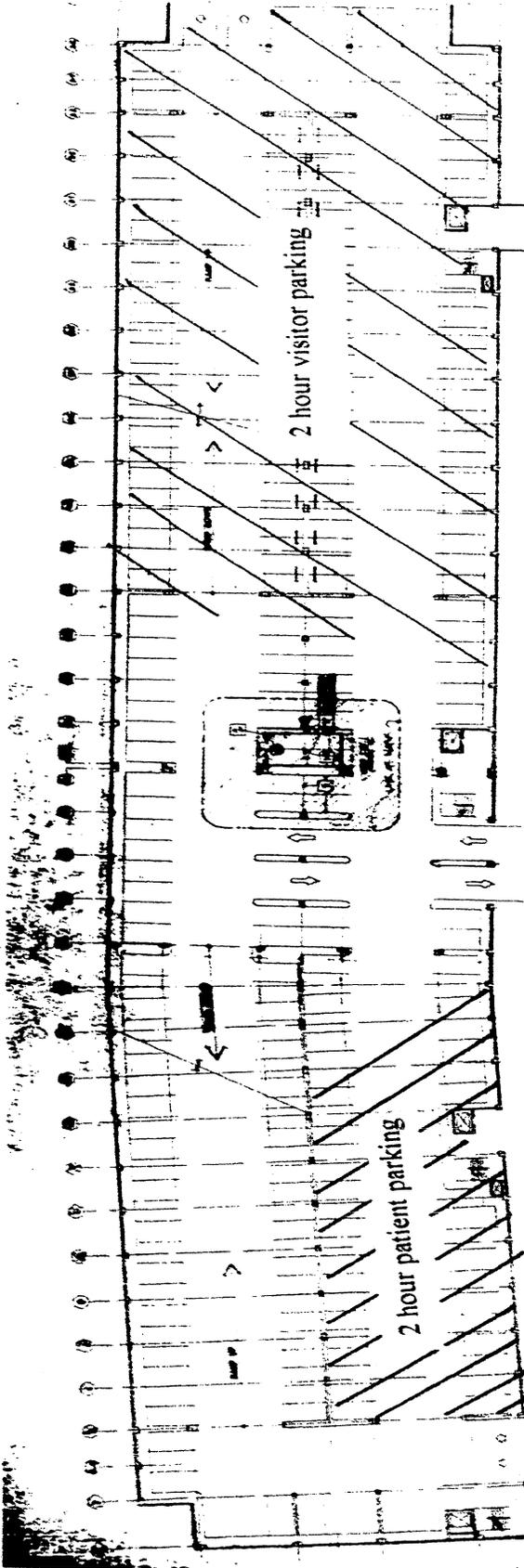
PM Plan
4/4/2007

ATTACHMENT NO. 2.38

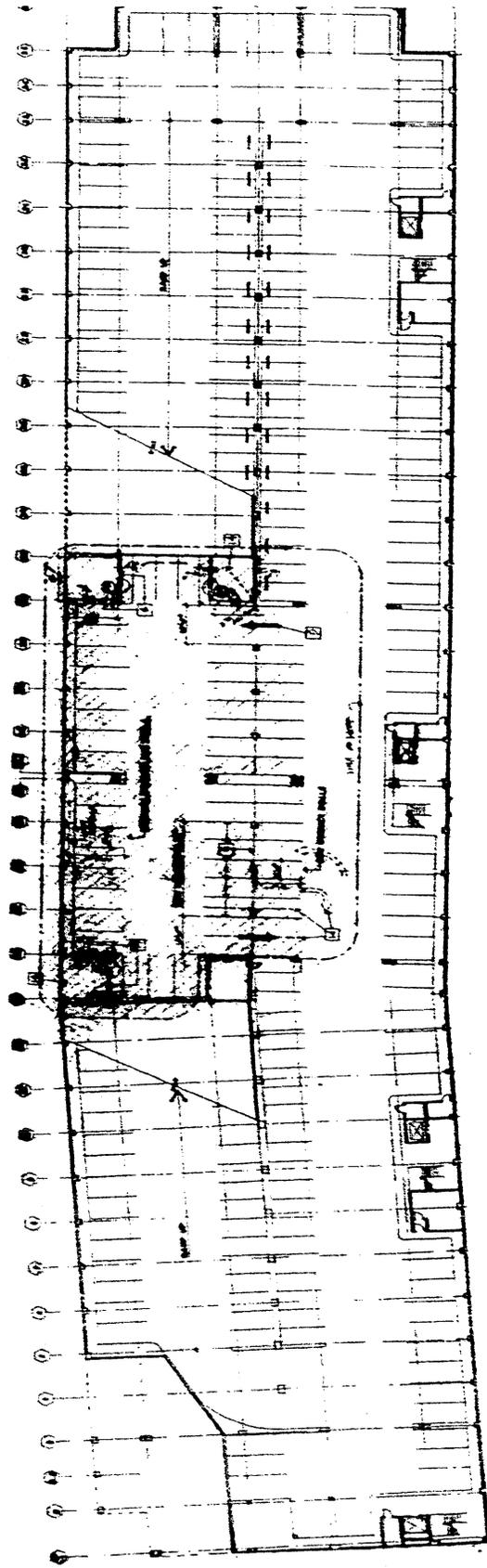
One Pacific Plaza
 Site Plan
 Figure 3

- 30 minute parking
- 1 hour parking
- 2 hour patients parking (until 4 pm)
- Reserved parking (until 4 pm)



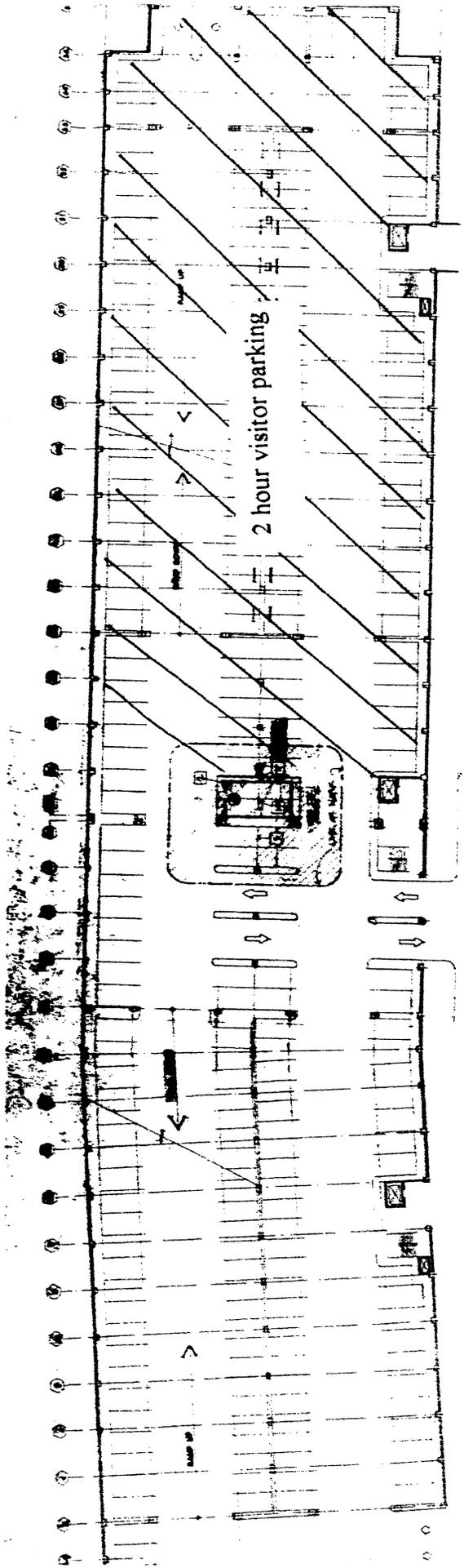


First Floor

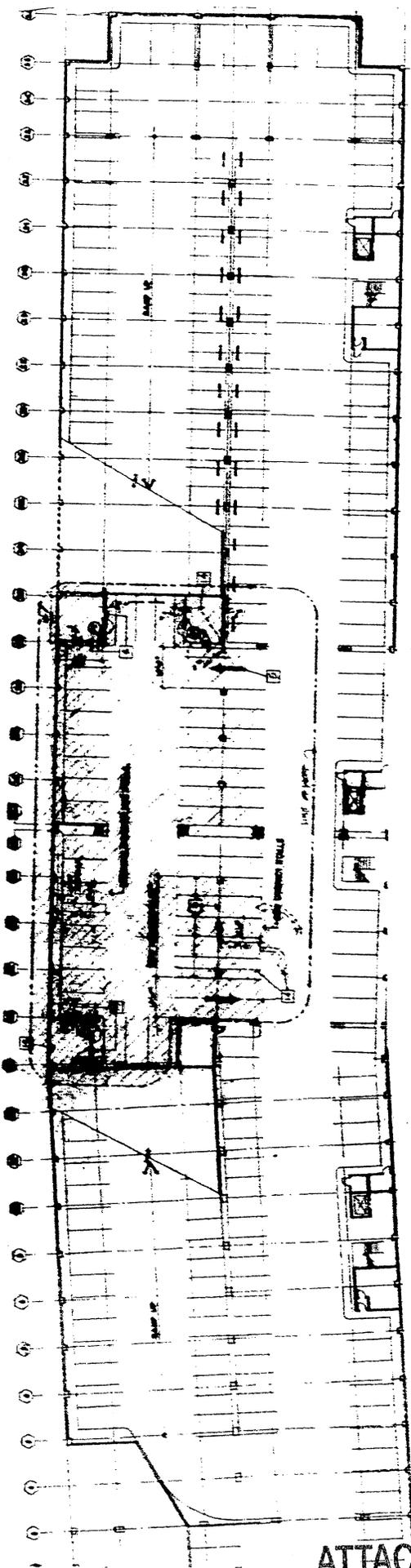


Basement Level
(Reserved stalls)

SHEET NUMBER
 1. NUMBER OF SHEETS IN SET
 2. SHEET NUMBER
 3. SHEET TITLE
 4. SHEET DATE



Second Floor



Third thru Fifth Floor
(Tenant Parking)

AS-BUILT DIMENSIONS
 FINISH TO FINISH
 FINISH TO FINISH
 FINISH TO FINISH

APPROXIMATE DIMENSIONS
 1. NUMBER OF STALLS BY AREA INDICATED
 2. AREA OF STRUCTURE AS SHOWN ON PLAN
 3. APPROXIMATE TOTAL VOLUME OF STRUCTURE
 4. INDICATED BY THE DASHED LINE

One Pacific Plaza
 Parking Structure -- Typical
 Figure 2

RECEIVED
FEB 04 2003

OLD WORLD VILLAGE PARKING MANAGEMENT PLAN

A Parking Management Plan has been prepared in response to the Condition of Approval on Entitlement Plan Amendment No.02-04. The Parking Management Plan identifies the following:

- Designated location of handicap parking - 7 spaces.
- Identification of limited term parking areas. (20 min, 1 hour & 2 hour)- 60 spaces.
- Identification of reciprocal parking areas, shared with the Huntington Center Office complex, -80 spaces. (50 spaces west lot and 30 spaces east lot).
- Identification of open parking areas - 116 spaces
- Designated residential permit parking areas*

Garages	46
Surface spaces	<u>46</u>
Total	92
- Designated limited term permit parking area** (30 day maximum for hotel use)
- Total available parking provided - 367 spaces.

Note*: Residential permits to be issued annually (two/unit; 45 total residential units).

**Limited term parking permits will be issued for the hotel use on a monthly basis. The manager's unit will be issued one residential parking pass on an annual basis.

All designated parking areas will be identified on site with a copy of the parking rules posed on the information board located in the east parking lot.

Reciprocal parking within the Huntington Center office complex, available for Old World Village shall be limited to the designated spaces within the parking structure (approximately 110 spaces prior to 6pm daily and 1366 spaces after 6pm). Reciprocal parking information shall be posted in the east parking lot.

Special event rules and regulations, and the availability of reciprocal parking areas shall be posted in the east parking lot information board during the event. The H.O.A. Board may establish specific rules for various events providing the regulations are posted prior to enforcement.

Directional signage to the adjacent reciprocal parking facilities shall be posted on portable barriers at the entrance to both the east and west parking lots. Additional directional signage may be posted along Huntington Village Way and at the entry to the Huntington Center Office complex and parking structure.

The H.O.A. Board shall review the Parking Management Plan on an annual basis; any modifications will be forwarded to both the Huntington Center Management Company and the City of Huntington Beach.

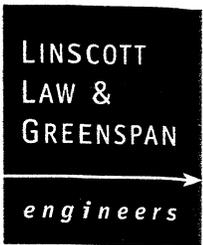
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AUG 26 2003

OLD WORLD P.M.P. DATE <u>8/27/03</u>	
EXPIRATION DATE _____	
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> B.Z.A.
<input type="checkbox"/> COND. APPROVED	<input type="checkbox"/> P.C.
<input type="checkbox"/> DENIED	<input type="checkbox"/> C.C.
<input type="checkbox"/> WITHDRAWN	<input checked="" type="checkbox"/> <u>STAFF</u>
<input type="checkbox"/> REFERRED	ACTION _____
<input type="checkbox"/> PLAN CHECK	PERMIT ISSUED _____

ATTACHMENT NO. 242

City of Huntington Beach

JUL 21 2008



July 21, 2008

Engineers & Planners
Traffic
Transportation
Parking

Ms. Patricia Apel
DJM Capital Partners, Inc.
7777 Edinger Avenue, Suite 133
Huntington Beach, California 92647

Linscott, Law &
Greenspan, Engineers
1580 Corporate Drive
Suite 122
Costa Mesa, CA 92626
714.641.1587 T
714.641.0139 F
www.llgengineers.com

LLG Reference: 2.07.2908.1

Subject: **Updated Supplemental Parking Study for the
Existing One Pacific Plaza Development
Huntington Beach, California**

Pasadena
Costa Mesa
San Diego
Las Vegas

Dear Ms. Apel:

As requested, Linscott, Law & Greenspan, Engineers (LLG) is pleased to submit the Supplemental Parking Study for the existing One Pacific Plaza development as a result of the proposition to install parking control gates within the existing One Pacific Plaza site. The control gates are proposed to improve the parking management of tenants of the three office buildings as well as capture revenue from tenants and visitors of One Pacific Plaza. The current One Pacific Plaza development consists of three office towers, two medical office buildings, the 224-room Hotel Huntington Beach, a medical imaging center, a 24 Hour Fitness health club and Buca di Beppo restaurant. The entire site currently has 2,019 parking spaces within a five-level parking structure, several surface lots, and a subterranean parking lot for the Hotel. Parking for the Hotel and the parking lot at The Image Center will not be gate controlled. In addition, approximately 34,000 SF of existing office space has been allocated for use by Platt College to accommodate a buildout enrollment of 400 students within 20 classrooms and 2,500 SF of administration area. The One Pacific Plaza Redevelopment project site is bound by Center Avenue on the south, Huntington Village Drive on the west, and the I-405 Freeway on the north and east in the City of Huntington Beach, California. *Figure 1*, located at the rear of this letter report, presents a Vicinity Map, which illustrates the general location of the project and depicts the surrounding street system

Figure 2 presents the proposed gate control locations for One Pacific Plaza. As shown in *Figure 2*, four (4) parking control gates are proposed in order to control access into the parking structure and the surface parking lot in the plaza area of the office towers as well as to minimize parking intrusion. As a result of the proposed parking gates, 187 existing surface spaces will remain uncontrolled while 98 existing surface parking spaces will become controlled in addition to the 1,485 parking spaces within the parking structure for a total of 1,583 controlled parking spaces (These spaces do not include the parking spaces for the Hotel and The Image Center).

Philip M. Linscott, PE (1924-200)
Jack M. Greenspan, PE (Ret.)
William A. Law, PE (Ret.)
Paul W. Wilkinson, PE
John P. Keating, PE
David S. Shender, PE
John A. Boarman, PE
Clare M. Look-Jaeger, PE
Richard E. Barretto, PE
Keil D. Maberry, PE

The operational characteristics of each parking control gate is described as follows:

#1. Huntington Village Lane Controls: The parking controls located at the Gate Control location No. 1, (See Figure 2), which is located at the northerly project access along Huntington Village Lane, will consist of one entrance lane and one exit lane separated by a narrow median. The entrance lane will have a ticket dispenser and keycard reader and may be used to enter by both visitor and monthly parkers. The exit lane will consist of a keycard reader and a validation acceptor. Since this area is used primarily by the medical office building, those patients visiting the medical office building will have their tickets electronically validated and may use their tickets to exit onto Huntington Village Lane.

#2. Controls behind 7711 Office Tower Building: The parking controls located at the Gate Control location No. 2, (See Figure 2), which is located within the circulation roadway adjacent to the southwest corner of 7711 Office Tower Building [denoted as Existing Office Building (3) in Figure 2], will consist of one entrance lane and one exit lane separated by a narrow median. The entrance lane will have a ticket dispenser and keycard reader and may be used to enter by both visitor and monthly parkers. The exit lane will consist of a keycard reader and a validation acceptor. This gate control will likely be utilized the least and is exists primarily to provide complete control of the secured parking field.

#3. Controls In Front of 7777 Office Tower Building: The parking controls located at the Gate Control location No. 3, (See Figure 2), which is located on the roadway between the parking structure and the 7777 Office Tower Building will be one entrance lane and one exit lane with a ticket dispenser and a keycard reader and may be used by both monthly and visitor parkers. In addition, this gate control will have a manned cashier booth with a fee computer to process tickets for visitors exiting this location. The booth is proposed to be staffed from 7:00 AM to 6:00 PM. After 6:00 the exit gate will be raised. It is estimated that as many as 10 existing parking spaces may be eliminated with the installation of parking control gates at this location.

#4. Controls at South End of Structure: The parking controls located at the Gate Control location No. 4, (See Figure 2), which is located at the south end of the garage (the access lanes located nearest 24 Hour Fitness) will consist of one entrance lane and one exit lane. The entrance lane will have a ticket dispenser and keycard reader and may be used to enter by both visitor and monthly parkers. The exit lane will consist of a keycard reader and a validation acceptor for monthly parkers and visitors. The validation acceptor will permit visitors who have had their parking ticket electronically validated at 24 Hour Fitness, Buca di Beppo or The Image Center to simply insert their validated ticket and exit the garage.

In order to maintain the shared parking activities throughout the site, it is proposed to provide Electronic Validators to 24 Hour Fitness, Buca di Beppo, The Image Center and the medical office building at 7677 Center Avenue. For the office tenants with a lower volume of validations, the traditional validation stickers can be utilized to allow tenants to validate their visitors. This will minimize any impact to the shared parking concept.

The parking control gates will not impact the current reciprocal parking agreement with Old World Village as either access cards will be provided, accordingly, or the gates will remain open on weekends and/or weekday evenings during Oktoberfest. Furthermore, based on the current Parking Management Plans for Old World Village and One Pacific Plaza, reciprocal/shared parking is permitted between both sites (as many as 80 spaces at Old World Village and 1,366 at One Pacific Plaza). In addition, the existing parking areas for the Hotel will not be impacted by installation of the proposed gates because these spaces are indicated at permit parking and are monitored by security personnel of the Hotel.

Finally, as indicated in the description for Gate Control Location #3, as many as 10 existing parking spaces may be eliminated with the installation of parking control gates, such that the entire site parking supply would be reduced from 2,019 parking spaces to 2,009 parking spaces. However, based on the Parking Demand Analysis, prepared by LLG (November 11, 2005), the parking supply of 2,009 parking spaces will be adequate to accommodate the peak parking demand of 1,924 parking spaces resulting in a parking surplus of 85 spaces compared to a parking surplus of 95 spaces with a parking supply of 2,019 spaces.

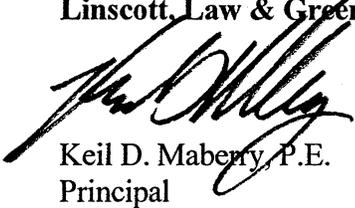
Conclusion

Based on our review of the potential parking impacts associated with the proposed plan to install parking control gates at four location with the existing One Pacific Plaza development, in order to control/manage parking and minimize intrusion, the parking supply within the existing One Pacific Plaza development will not be significantly impacted by the parking control program such that peak parking demand for One Pacific Plaza will exceed the parking supply for the site. In addition, implementation of parking control gates will not significantly impact the current reciprocal parking agreement with Old World Village. Validation will be provided, accordingly, in order to maintain the effectiveness of the shared parking concept.

Ms. Patricia Apel
July 21, 2008
Page 4

We appreciate the opportunity to provide this parking study. If you have any questions, please do not hesitate to call me.

Sincerely,
Linscott, Law & Greenspan, Engineers



Keil D. Mabeny, P.E.
Principal

Attachments



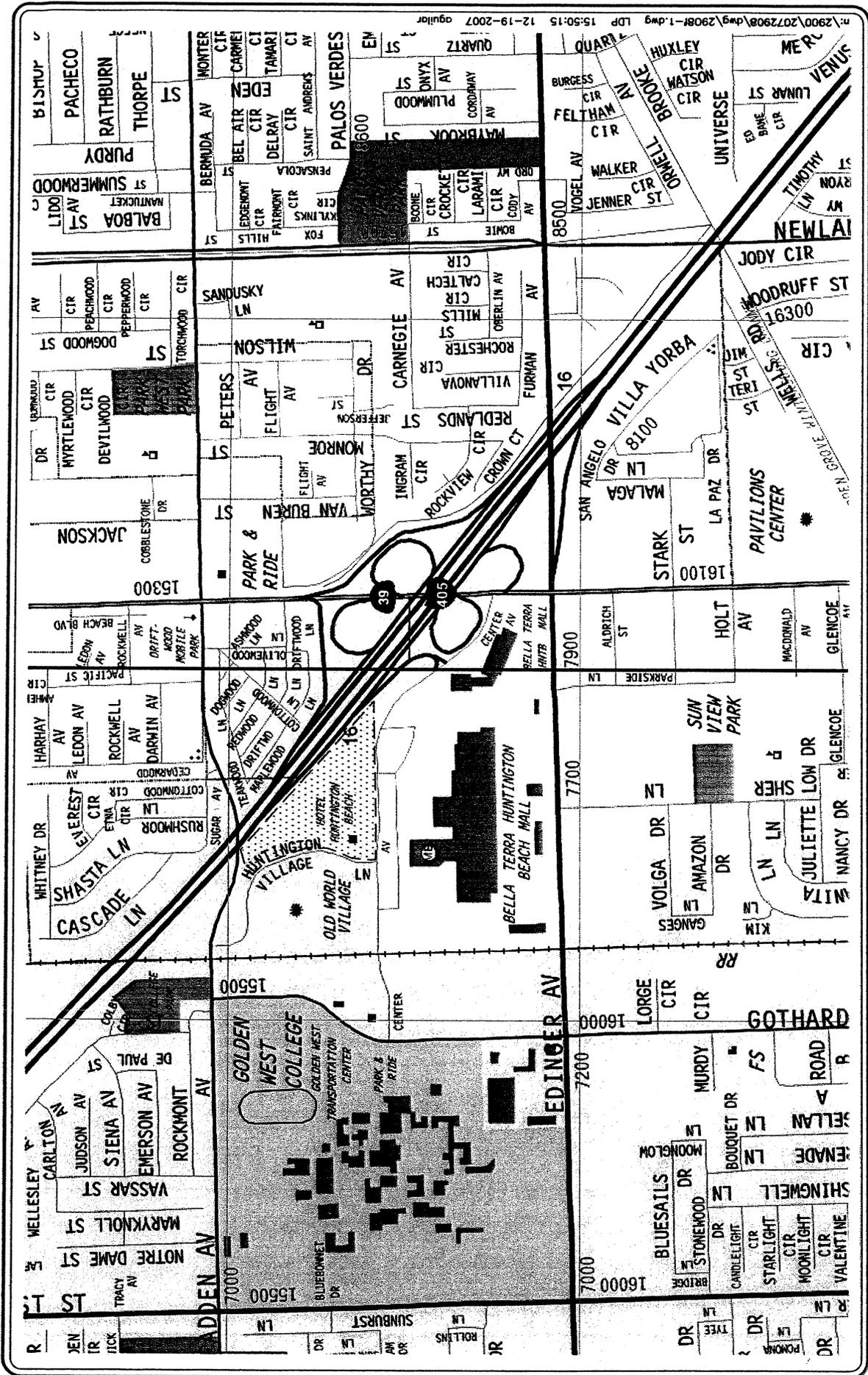


FIGURE 1
VICINITY MAP
ONE PACIFIC PLAZA, HUNTINGTON BEACH

SOURCE: THOMAS BROS.



NO SCALE

LINSCOTT
LAW &
GREENSPAN
engineers

CONTROLLED PARKING SPACES	
SURFACE:	08 SPACES
STRUCTURE:	1,485 SPACES
TOTAL:	1,593 SPACES
UNCONTROLLED PARKING SPACES	
SURFACE:	187 SPACES
STRUCTURE:	0 SPACES
TOTAL:	187 SPACES

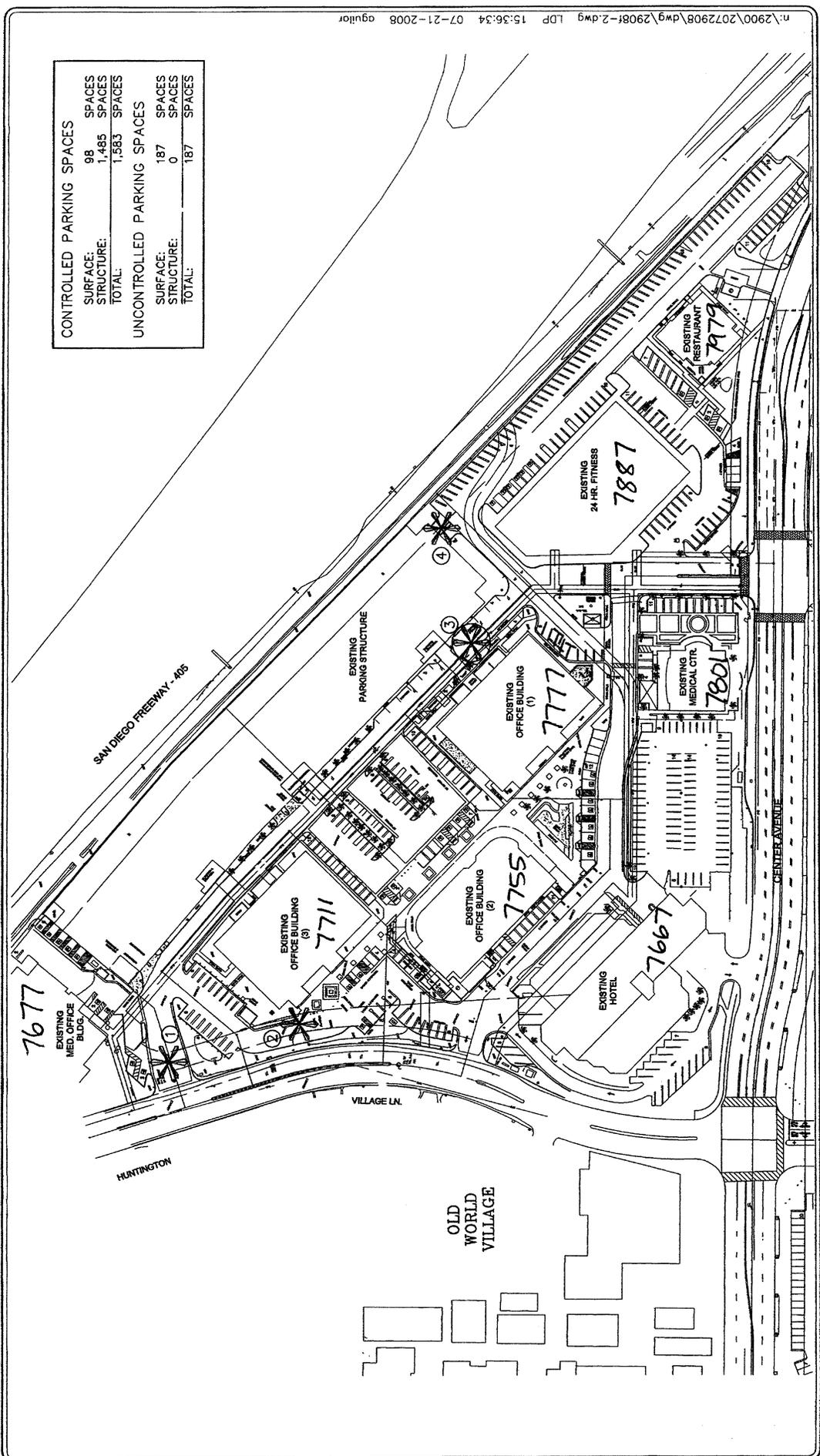


FIGURE 2

PROPOSED GATE CONTROL LOCATIONS
ONE PACIFIC PLAZA, HUNTINGTON BEACH

- KEY
- ⊕ PROPOSED GATED CONTROL LOCATIONS
 - ⊕ PROPOSED GATED CONTROL LOCATION WITH MANNED BOOTH

LINSKOTT
LAW &
GREENSPAN
engineers

N
NO SCALE

JUL 29 2008

July 25, 2008

Mr. Bern Bischof
Old World German Restaurant and Market
7561 Center Ave., #49
Huntington Beach, CA 92647

Re: Proposed Installation of 4 Gates and a manned booth at The Towers at Bella Terra

Dear Bern:

The Towers at Bella Terra is seeking Planning Commission approval so that we may institute a paid parking program. Pursuant to the REA agreement between West Coast Soccer League and Jerwel Enterprises dated 10/11/76, as amended by First Amendment to REA dated 10/11/76 and Agreement dated 2/19/79, as well as the Old World Parking Management Plan dated 8/27/2003; we are hereby submitting our plan for your approval.

The Towers at Bella Terra hereinafter referred to as TABT is proposing to install 4 gates and a manned booth at different points throughout the Property. (See Attached Map) The program will be professionally managed by AMPCO parking services. The Hours of control will be from 7:00AM till 6:00 PM – Monday through Friday. There will be unrestricted, non controlled access after 6:00PM each night as well as unlimited access to the Property on the weekends.

In order to allow your customers access to our property during the week, we are proposing to provide Old World Village with a Validation machine which will be installed at a location which is most convenient for Old World Restaurant and the Association. Customers can gain access to the parking structure by simply taking a ticket and then once inside the property there will be unrestricted access to the parking structure. At each exit; there will be a ticket reader that will allow access out of the property. Each gate will also have an intercom system that will be connected to the manned booth should any issues arise. By means of the Validation machine which will code the ticket so that there will no charge to any of the customers of Old World Village; and the fact that there will unrestricted access to the property after 6pm and on the weekends; we feel that we have satisfied our obligation with regard to the REA between the properties. Please sign below and indicate your approval and email or fax back to my attention at the number below.

BELLA TERRA

Dining • Entertainment • Shopping

Mr. Bern Bischoff
Old World Restaurant and German Market
Page Two

Should you have any questions, please do not hesitate to contact me at papel@djmcapital.com or (714) 897-2534.

Sincerely,

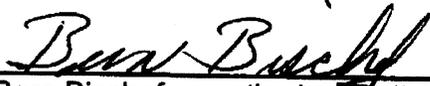
Bella Terra Office JV, LLC



Patricia Apel, CPM®, CLS
Vice President, Property Management

enclosure

Approved:



Bern Bischoff as authorized individual for Old World German Restaurant and Market

Date:

7/25/08



City of Huntington Beach

JUL 29 2008

July 25, 2008

Ms. Rhonda Lauer
DJM Capital Partners, Inc.
7755 Center Avenue, Suite 1225
Huntington Beach, CA 92647

Re: Parking Structure Controls
The Towers at Bella Terra, Huntington Beach, CA

Dear Rhonda,

As a tenant of The Towers at Bella Terra, we want to support the parking controls being proposed by ownership. Parking in the structure has increasingly become a problem due to the lack of controls. Anyone can park in the structure, leave their car and commute to work via the freeway. This makes it hard to find a parking stall unless going to one of the top floors.

Additionally, as a tenant we are charged for parking by reporting how many employees we have using the structure, what is to stop other tenants from reporting incorrectly thus avoiding a monthly parking charge? When this happens it becomes unfair to the tenant reporting correctly and following the rules.

The third item I would like to bring up is that we feel the parking controls will help with the recent incidents that have occurred. Several times when a car has something stolen out of it, or is broken into there is a vehicle rushing to leave the structure. If the parking controls were in place, maybe the thief would think twice before approaching a vehicle as they would not have the quick exiting they have become use to. I have witnessed vehicles come and park for sometime and occasionally relocate to a higher level. The driver and passenger would never vacate the vehicle so I would notify Security right away to check them out. This I hope would deterrent from those random vehicles taking up space as well as doing something illegal.

Thank you for your time and concern regarding these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Van Horn", written over a white background.

Jeff Van Horn
Facilities Coordinator



City of Huntington Beach

JUL 29 2008

Rhonda Lauer, RPA
 Property Manager
 DJM Capital Partners, Inc.
 The Towers at Bella Terra
 7755 Center Avenue, Suite 1225
 Huntington Beach, CA 92647

Dear Ms. Lauer,

On behalf of BJ's Restaurants, Home Office, I'm writing this note to express concerns from our team members not only for their safety in the parking garages but for the safety of their vehicles as well.

Since the security gates were removed there is an uneasy feeling about the parking structures. A number of vehicle break-ins and personal vandalisms have been reported to me by our team members.

It's my understanding that a Parking Security Guard has been hired; however, he's one person to over see five very large floors of parking. I know he exists but I've yet to visually see him visually in the parking structure. It's common knowledge that thieves stake out locations and can be in and out in a flash especially having such ease of a freeway on ramp close by.

We've been told by Huntington Beach Police that parking garages close to freeways can be an open invitation to theft. This is not a comfortable feeling given our present situation of most recent car break-ins. By not having cameras posted in the garages, there's definitely a lack of visual security presence as well as having no means of tracking pedestrian and vehicle traffic in the garages to deter crime.

Another parking garage dilemma that is continually reported to me is the lack of courtesy by the 24 Hour Fitness customers that use our garage facilities. They continually park on the 2nd and 3rd levels taking up employee parking forcing many of our team members that return from lunch to park on the upper level. In addition, there are a large number of 2 hour parking spaces that are left empty on the 2nd floor that building employees are unable to utilize during business hours. It was our understanding that 24 Hour member parking would not impact our company parking but it has become a huge point of contention with most of our team members.

The 24 Hour members also cause traffic jams when walking to the gym 2 and 3 abreast in the line of traffic not moving out of the way of cars. With all due respect, there is no sidewalk that they can safely walk on therefore, it puts them in harms way. And, it's difficult to make a right turn out of the exit nearest 24 Hour Fitness due to a lot of foot traffic going into the gym.

It's our desire to have a safe working environment. We would appreciate the reassurance of DMJ will provide safety features that will assist in the safety of our work community.

Thank you,

Janet German
 Corporate Office Manager

City of Huntington Beach

JUL 29 2008



July 15, 2008

Ms. Rhonda Lauer
DJM Capital Partners, Inc.
7755 Center Avenue, Suite 1225
Huntington Beach, CA 92647
Re: Parking Structure Problems and Complaints

Dear Rhonda,

As a long time tenant of The Towers at Bella Terra, I want to share some concerns and disappointment I have with the parking situation. My company, Allied Electronics, Inc. has 57 branches across the United States and our location here in Huntington Beach is the only location where we have to pay for parking. We have paid for 9 parking spaces for over 4 years now. As a result of the 24 hour fitness moving in and the parking gates being taken out to accommodate their customers with free parking, my people are forced to park sometimes three levels up. Doesn't sound right they should take a back seat to Fitness people that pay \$29 a month for a gym membership while we pay \$6,000 a month for our suite and parking.

To make matters worse I am hearing rumors that many people park (again for free) in our structure and commute to other cities to their jobs via bus and/or car pools.

My other concern is theft. The more people parking in our structure that don't belong, the higher the possibility of auto theft and damage, fender benders, etc. We had no problems when we had the gates at both side entrances and I would like to know what you can do to re-install them? This is highly unfair to the tenants of the Towers, and I'd like to know who is responsible for such an unethical and poor business decision. Truly this makes no sense and was obviously implemented by someone with a financial stake in the 24 Hour Fitness Center.

Please let me know what your people are prepared to do to support my company and all the other companies at The Towers responsible for paying rent, parking and state, federal and local business taxes.

Sincerely,

Bill Zangger
Allied Electronics
Branch Manager
Los Angeles Branch
714-379-2535

Your local electronics distributor of choice.

Allied Electronics, Inc. • 7777 Center Ave., Suite 540 • Huntington Beach, CA 92647
800.433.5700 • 714.379.2535 • fax 714.379.2536 • www.alliedelec.com

ATTACHMENT NO. 2.53