



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 22, 2010
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:45 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: P P P A P P A
Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood

Chair Farley and Commissioner Livengood were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 22, 2010, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Shier Burnett, Delgleize
NOES: None
ABSENT: Farley, Livengood
ABSTAIN: None

MOTION APPROVED

Chair Farley arrived at 5:47 PM. Commissioner Livengood arrived at 5:48 PM.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) – NONE

A-1. GENERAL PLAN CONFORMANCE NO. 2010-001 (NEWLAND STREET-HIGHWAY SLOPE EASEMENT VACATION – 21632 Newland Street, 92648) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview and status update on the project.

Commissioner Scandura asked staff to elaborate on the original purpose of the easement. Ms. Medel stated that the easement was intended to account for the grade difference along Newland Street, which had recently been improved making the easement unnecessary.

**A-2. ZONING TEXT AMENDMENT NO. 2009-004 (ADMINISTRATIVE CITATIONS)
– Mike Fuentes, Senior Code Enforcement Officer**

Mike Fuentes, Senior Code Enforcement Officer, gave a brief overview and status update on the project.

Commissioner Livengood asked staff if the City Attorney's Office had reviewed the proposed amendment. Mike Vigliotta, Deputy City attorney, confirmed this and noted that staff is working on the language to clarify who the law applies to.

Vice-Chair Speaker confirmed with staff that the amendment is not creating an additional citation level but instead clarifying the city's ability to issue citations.

Commissioner Shier Burnett asked staff to give an overview of the citation fees. Mr. Fuentes detailed the current citation process and the fees issued.

Commissioner Scandura asked staff if the amendments apply strictly to discretionary conditions and Mr. Vigliotta confirmed this.

Chair Farley asked staff to confirm that these amendments would not eliminate the potential for revocation. Chair Farley asked staff to look into a way to have revocation hearings initiated by the judicial bodies, not just staff. Mr. Vigliotta indicated that staff could work on that for a future agenda item.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there are two Late Communications for Item No. B-1. Mr. Fauland reviewed the upcoming tentative schedule, noting that the dates for the Harmony Cove project had changed. There was a brief discussion on the possibility of cancelling the July 27, 2010 meeting and Mr. Fauland stated that he would report back on that.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS

Commissioner Mantini stated that she would not be present for the July 27, 2010 meeting. Commissioner Delgleize indicated that she would not attend the July 13, 2010 meeting. Commissioner Livengood stated that he might not attend the July 13, 2010 meeting but would confirm at a later date.

Commissioner Livengood asked staff for an update on the potential changes to the items brought before the Planning Commission for study session. Mr. Fauland indicated that staff is still reviewing that process. Commissioner Livengood indicated that he would like to review the rules and protocols as a future study session item.

Commissioner Shier Burnett asked staff to review the status of the approved gas station at Brookhurst and Hamilton. Mr. Fauland stated that he would report back on that item.

Commissioner Shier Burnett asked for the status of the site on Beach and Talbert. Commissioner Livengood stated that the owner had gone into foreclosure.

Commissioner Delgleize asked for feedback on the Downtown shuttle service. Mr. Fauland stated that the initial ridership was low but is beginning to build and that he could report back with actual numbers at the next meeting. Commissioner Mantini stated that she had taken the shuttle service over the weekend and recommended it.

Commissioner Scandura reported that the City Council had unanimously rejected the Ward Garfield Specific Plan and encouraged the Commission to look beyond code requirements when approving projects.

Commissioner Livengood asked for the status of the approved automotive shop on the southeast corner of Bolsa Chica and Warner. Mr. Fauland indicated that it was in plan check and that a Walgreens Pharmacy and a CVS Pharmacy had been approved at the northwest and northeast corners. Commissioner Delgleize asked if the Planning Commission has any control over the fact that two pharmacies are being installed along the same intersection. Mr. Fauland indicated that the uses are permitted by the Zoning Ordinance and that the construction, due to the proximity to residential, required the conditional use permit.

6:15 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Delgleize

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 22, 2010, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

- B-1. ENTITLEMENT PLAN AMENDMENT NO. 09-009, TENTATIVE PARCEL MAP NO. 09-079, CONDITIONAL USE PERMIT NO. 10-005, VARIANCE NO. 10-001 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 08-013 AND VARIANCE NO. 08-007 BEACH PROMENADE COMMERCIAL CENTER PHASE 2)**
Applicant: Bill Holman, WDH Consulting Services **Request:** **EPA:** To amend Conditional Use Permit No. 08-013 and Variance No. 08-007 to allow minor architectural changes to three existing buildings (Buildings A, E, and F), expand the existing center by 2.68 acres, add 25,981 sq. ft. (Option A) or 32,764 sq. ft. (Option B) to the shopping center to include three new pads for future buildings (Buildings G, H, and I), add 900 sq. ft. of outdoor dining area for Building A, and convert 12,000 sq. ft. of retail uses to eating/drinking establishment and office uses. **TPM:** To incorporate the vacated frontage road and adjacent property to enlarge the site from 6.74 acres to 9.42 acres, reconfigure some parcels, and create three new parcels for future buildings pads. **CUP:** To permit a parking reduction based on a parking demand analysis by a registered traffic/parking engineer for the existing and proposed mix of uses within the shopping center based on the two options: Option A allows 539 parking spaces in lieu of the minimum required 604 parking spaces (65 space reduction) and Option B allows 526 parking spaces in lieu of the minimum required 644 parking spaces (118 space reduction). **VAR:** To permit the proposed new Buildings G, H, and I to be setback a minimum 5 ft. from the Beach Boulevard property line in lieu of the required 25 ft. and to allow 900 sq. ft. of outdoor restaurant seating for Building A at a zero foot setback in lieu of the fully landscaped 10-foot setback along Atlanta Avenue. **Location:** 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 09-009 (Option A and Option B), Tentative Parcel Map No. 09-079, Conditional Use Permit No. 10-005 (Option A and Option B), and Variance No. 10-001 with findings and conditions of approval (Attachment No. 1)"

The Commission made the following disclosures:

- Commissioner Mantini has visited the site, attended the study session, and met with the applicant.
- Commissioner Scandura has visited the site, spoken to staff and the applicant, and served on the Planning Commission during the review process for past entitlements at the subject site, including the Beach Edinger Corridor Specific Plan (BECSP).
- Vice Chair Speaker has visited the site and attended the study session, spoken to the applicant, and served on the Planning Commission during the review process for the BECSP.
- Chair Farley has visited the site, attended the study session, spoken with the applicant, served on the Planning Commission during the review process for past entitlements at the subject site.
- Commissioner Shier Burnett has visited the site, attended the study session, spoken to the applicant, and served on the Planning Commission during the review process for past entitlements at the subject site.

- Commissioner Delgleize has visited the site, attended the study session, met with the applicant, and spoken to staff.
- Commissioner Livengood has visited the site, attended the study session, met with the applicant, and served on the Planning Commission during the review process for past entitlements at the subject site.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

Herb Fauland, Planning Manager, reported that staff had received two late communications for this project, one from the applicant and one from a resident in opposition to the project.

Commissioner Livengood asked staff to discuss the process for determining the number of required parking spaces. Ms. Nguyen indicated that a minimum of 432 spaces are required by the BECSP, though more can be provided.

Commissioner Livengood asked staff to review the process for determining the redevelopment status of the site and the appropriate use. Ms. Nguyen indicated that the zoning code allows for a certain range of uses that the property owner can choose from and the parking requirements are determined by that use.

Commissioner Shier Burnett asked staff to discuss the ingress and egress access points along Beach Boulevard. Darren Sam, Senior Traffic Engineer, stated that staff supported the median opening to mitigate any impacts at the intersection of Beach Boulevard and Atlanta Avenue.

Commissioner Shier Burnett asked if staff still supported a median addition on Atlanta Avenue. Steve Bogart, Senior Civil Engineer, stated that staff supports the addition of a median on Atlanta Avenue and noted that it is included in the Master Plan for Arterial Street Median Landscape Development.

Commissioner Shier Burnett asked staff to review the recommendation for the median along Beach Boulevard. Mr. Bogart indicated that the recommendation for median improvements is consistent with medians north of the site.

Commissioner Scandura confirmed with Mr. Bogart that staff is in agreement with the applicant's request to amend Condition No. 6(b) to reflect the lack of utility lines needing to be undergrounded.

Commissioner Mantini confirmed with staff that there would be adequate space in the proposed median to accommodate landscaping. There was a brief discussion on the need for new irrigation lines at the Beach Boulevard median.

Chair Farley asked staff to clarify if the proposed landscaping on the Beach Boulevard median would meet the BECSP standards. Mr. Bogart indicated that the landscaping would meet the existing standards, but noted that the Planning Commission could condition the project to landscape the median to BECSP standards.

There was a brief discussion on typical allocation of costs for median improvements.

THE PUBLIC HEARING WAS OPENED.

Bill Holman, applicant, spoke in support of Item No. B-1. Mr. Holman noted that Mr. Sassounian is not the sole property owner which is why the applicant is requesting some relief on the median conditions. Mr. Holman requested credit for land acquisition or traffic impact fees should the median conditions be upheld by the Planning Commission. Mr. Holman stated that there will be adequate parking for the site, citing the increase in the parking ratio from 3.2 to 4.6.

There was a brief discussion on the potential costs of the median improvements and the frontage road acquisition.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Commissioner Scandura asked staff if the current landscaping along the Beach Boulevard median is inadequate. Mr. Bogart indicated that Public Works staff has reviewed the current landscaping and is recommending that it be upgraded for consistency with the landscaping in the medians along Beach Boulevard north of Adams Avenue.

There was a lengthy discussion on the suggested median improvements along Beach Boulevard. Mr. Fauland indicated that staff is comfortable with eliminating the suggested landscaping on the Atlanta Avenue median and requiring improved landscaping on the Beach Boulevard median. Mr. Holman indicated that he would be amenable to landscaping along the Beach Boulevard left turn pocket.

There was a brief discussion on conditioning the location of the ATM to be approved by Police Department and Planning staff.

STRAW VOTE #1

A motion was made by Livengood, seconded by Farley, to accept the revised Condition No. 2(b) to require improvements only to the centerline median along Beach Boulevard in the areas affected by construction of a left hand turn pocket and to remove the requirement for the electric meter installation.

AYES: Mantini, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: Scandura
ABSTAIN: None
ABSENT: None

MOTION APPROVED

STRAW VOTE #2

A motion was made by Livengood, seconded by Speaker, that the applicant is not required to provide improvements to the median along Atlanta Avenue.

AYES: Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: Mantini, Scandura
ABSTAIN: None
ABSENT: None

MOTION APPROVED

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 09-009 (OPTION A AND OPTION B), TENTATIVE PARCEL MAP NO. 09-079, CONDITIONAL USE PERMIT NO. 10-005 (OPTION A AND OPTION B), AND VARIANCE NO. 10-001 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize, Livengood
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

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 15332 of the CEQA Guidelines, which exempts projects characterized by the following in-fill development conditions: 1) the project is consistent with applicable general plan designation and all applicable general plan policies as well with applicable zoning designation and regulations; 2) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; 5) The site can be adequately served by all required utilities and public services.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-009:

1. Entitlement Plan Amendment No. 09-009 to amend Conditional Use Permit No. 08-013/Variance No. 08-007 to allow minor architectural changes to three existing buildings (Buildings A, E, and F), expand the existing shopping center by 2.86 acres, and add 25,981 sq. ft. to an approved 90,977 sq. ft. shopping center to include new pads for future buildings (Buildings G, H, and I) will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of property and improvements in the neighborhood. The new buildings will be located to the west of the site immediately adjacent to Beach Boulevard. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. The proposed project will not generate significant noise, odors, traffic or other detrimental impacts.

2. The entitlement plan amendment will be compatible with surrounding uses because the proposed project consists of additions to an existing commercial/retail shopping center on property designed for commercial use by the zoning and general plan. Activity areas on the site, including parking areas and building entrances, are oriented away from adjacent residential properties. The proposed building height, colors, and materials are consistent with the character of the surrounding neighborhood. The project is located on a site zoned for commercial uses.
3. The proposed expansion of a commercial shopping center will comply with the provisions of the base district and other applicable provisions in Title 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, except for the setback variance approved concurrently. The existing and proposed buildings comply with all code requirements including land use limitations, landscaping, building height, and floor area ratio. A Conditional Use Permit to allow a parking reduction in off-street parking requirements for the building additions and use conversions is being processed concurrently.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the City's General Plan Land Use and Economic Development Elements:

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 10.1 Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.1 Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

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

Objective ED 2.4 Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

Policy ED 2.4.1 Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

Policy ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed project consists of building additions and minor architectural changes to three existing buildings to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The additions and architectural changes will facilitate the expansion and introduction of businesses such as a grocery store and drug store intended to serve the surrounding residential neighborhood. The project design features quality architecture and exterior finish materials (plaster and decorative metal elements), a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The project will improve the existing building façades and modernize the shopping center.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2009-079:

1. Tentative Parcel Map No. 2009-079 to incorporate the frontage road and adjacent property to enlarge the site from 6.74 acres to 9.42 acres, reconfigure some parcels, and create three new parcels for future buildings pads for buildings G, H, and I is consistent with the General Plan Land Use Element designation of CG (Commercial General) on the subject property. The proposed subdivision complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The site is currently developed with a commercial property known as the Beach Promenade shopping center. The incorporation of 2.68 acres into the existing shopping center will expand the center to accommodate commercial uses that serve the surrounding residential neighborhood.
2. The site is physically suitable for the type and density of development. The site consists of six parcels of land, which is currently developed with a shopping center with six commercial buildings totaling 85,107 sq. ft. The project involves the incorporation of the frontage road and adjacent property to enlarge the site from 6.74 acres to 9.42 acres, reconfiguration some parcels of land, and creation of three new parcels for future building pads. The proposed subdivision will comply with all applicable code provision of the HBZSO including minimum parcel size of 10,000 sq. ft. as required by the CG (Commercial General) zoning district. The proposed subdivision complies with the City's Standard Engineering Specifications for improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.
3. The design of the subdivision will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed on a property currently developed with commercial buildings and vacated right-of-way improvements and located in an urbanized area. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvement will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision unless alternative easements, for access or for use, will be provided. There are two easements acquired by the public at large for access through or use of the property exist within the proposed subdivision. Any remnant easements within the vacated public right-of-way is conditioned to be quitclaimed or maintained (if determined to be necessary) prior to recordation of the final map.

FINDINGS OF APPROVAL – CONDITIONAL USE PERMIT NO. 2010-005:

1. Conditional Use Permit No. 2010-005 to permit a parking reduction of 65 parking spaces (Option A) and 118 parking spaces (Option B) to allow the proposed building additions and use conversions to the existing Beach Promenade shopping center is based on a parking demand analysis, prepared by LSA Associates, Inc. and Pritam Deshmukh, a state-registered traffic engineer (March 17, 2010 and May 14, 2010). An analysis was provided between the City's off-street parking requirements for uses within the shopping center and the forecasted parking rates as determined by Institute of Transportation Engineers, Parking Generation (3rd Edition) and parking surveys of the site. The study concludes that 538 parking spaces (Option A) and 525 parking spaces (Option B) would be required for uses proposed for the building additions and conversions. As a result, the parking demand study supports the proposed 65-parking space reduction (Option A) and 118-parking space reduction (Option B) and concludes that adequate on-site parking can be accommodated for the proposed building additions and conversions.
2. The proposed 116,958 sq. ft. (Option A) shopping center and 123,741 sq. ft. (Option B) shopping center will generate a demand of 538 parking spaces (Option A) and 525 parking spaces (Option B)

based on a parking demand analysis prepared by LSA Associates, Inc. and Pritam Deshmukh. The study relied on a parking survey of the site and analysis of the parking rates as determined by Institute of Transportation Engineers, *Parking Generation (3rd Edition)*. The study determined that the proposed building additions and use conversions at the shopping center will not generate additional parking demand.

3. A Transportation Demand Management Plan was prepared by Bill Holman of WDH Consulting Services (February 4, 2010) for the existing shopping center. The Plan incorporates transportation demand management measures such as bicycle racks, transit information. The Plan integrates the transportation demand management strategies required by HBZSO Section 230.36 and has been approved by the Director of Planning and Building.

FINDINGS OF APPROVAL – VARIANCE NO. 2010-001:

1. The granting of Variance No. 2010-001 to permit the minimum front setback for the proposed new Buildings G, H, and I to be 5 ft. in lieu of the required 25 ft. and the outdoor dining area for Building A to be in the required 10 ft. street side setback in lieu of required planting areas will not constitute a grant of special privilege inconsistent with limitation upon other properties in the vicinity and under an identical zoning classification. The proposed front setback of 5 ft. for the new buildings along Beach Boulevard and the outdoor dining area for Building A within the street side setback along Atlanta Avenue will be consistent with the building setback and open space requirements within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan, approved by the City Council in March 2010. One of the objectives of the Specific Plan is to promote the emergence of a vital and attractive urban district characterized by a synergistic mix of customers, residents, pedestrians, and transit-riders. The vision of Neighborhood Center segment is to continue the mixture of uses that are convenient neighborhood serving retail uses as well as small-scale restaurants and cafes. By having the buildings and activities closer to the street, it encourages more pedestrian-oriented activities and promotes more vitality in community life where the shopping center could become a place where people from the neighborhoods meet.
2. Because of special circumstances applicable to the subject property, including size and shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The project was required to comply with the development standards of the Commercial General zoning district before the Specific Plan was approved by the City Council in March 2010. The subject site is now located within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan which requires a smaller building setback. The proposed front setback of 5 ft. for the new buildings would bring the project into conformance with the setback requirement as enjoyed by other properties under the identical zoning classification. Building A, as laid out, does not allow for an alternate location for the outdoor dining area since the building is surrounded by driveways on the west, south, and east of the building. By locating the proposed outdoor dining along Atlanta Avenue, it would further the objectives of the Neighborhood Center segment in creating a lively environment and attracting pedestrians back onto the streets.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. After the approval of the Beach and Edinger Corridors Specific Plan, the subject site is now located in the Neighborhood Center segment. Allowing a 5 ft. front setback for the new buildings along Beach Boulevard and the outdoor dining area for Building A within the street side setback along Atlanta Avenue will be consistent with the development standards within the Neighborhood Center segment of the Specific Plan. Therefore, the subject site is able to enjoy the right to develop the site in accordance with the Specific Plan.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The reduced setback will occur along Beach Boulevard and the outdoor dining area will occur along Atlanta Avenue and therefore will activate the street scene where activities are encouraged to occur. By having the buildings and activities closer to the street, no detrimental impacts to surrounding properties are anticipated.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG (Commercial General) on the subject property, including the following goals and policies:

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

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

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

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

Policy LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including the consideration of:

- c. siting and design of structures to facilitate and encourage pedestrian activity
- d. siting of one or more buildings in proximity to the street frontage to convey a visual relationship to the street and sidewalks

The proposed deviations in setback and landscape areas will facilitate the development of buildings that achieve a high quality in site layout and interact with the street frontage and sidewalks. By offering opportunities for pedestrian activities such as providing outdoor dining area and having the buildings closer to the street, the shopping center will establish itself as a place where people in the surrounding residential neighborhoods could meet. This environment will improve the quality of life for the current and future residents of Huntington Beach.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2009-079:

1. The Tentative Parcel Map received and dated January 20, 2010 shall be the conditionally approved layout, except for the following:
 - a. Reciprocal easements for access and utility services shall be provided across the proposed parcels and the adjoining lots not part of the project for the benefit of each other. These easements shall be shown on the map prior to recordation of the final map. **(PW)**
 - b. Any unnecessary easements associated with the existing shopping center that will no longer be needed for the proposed project shall be vacated on the subject parcel map. The vacated easements shall be completed prior to recordation of the final map. **(PW)**
2. Prior to issuance of a grading permit, the following conditions shall be completed:
 - a. Any necessary easements (for temporary construction, reciprocal access, etc.) for construction of the required public improvements shall be coordinated with the other owners of the adjoining

shopping center and copies shall be provided to Planning and Building Department and Public Works Department. **(PW)**

- b. Applicant shall provide improvements to the centerline median of Beach Boulevard in the area affected by the construction of the new left turn pocket (subject to Caltrans approval) per the approved plans and City Standard Details. **(PW)**
- c. The project shall be designed to provide a hierarchy of tree and palm material heights to accentuate the corner Plaza at Beach/Atlanta to set the theme, the main driveway entries as the major accent entry identity carrying that theme onto the entry corridors and the buildings as the tertiary element. Round headed trees shall be utilized in the background so as to not obstruct visibility to the individual signage on the units. **(PW)**
- d. In order to establish and sustain the design hierarchy, proper growth and mature size of trees and palms into the future, it may be necessary to provide an adequate rooting volume, depending on the tree or palm selection. The developer shall utilize Special Sub-Surface Construction elements under the driveways, parking areas and other hardscape to provide the tree and palm roots adequate volume and places to grow that will keep the roots from damaging the hardscape improvements. Alternative design solutions shall be approved by the City Landscape Architect. **(PW)**
- e. The applicant shall provide written proof (from Caltrans) to the Public Works Department stating that the existing 25-foot curb radius at the southeast corner of Beach Boulevard and Atlanta Avenue is acceptable to Caltrans and does not require revision to a 35-foot radius. **(PW)**

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2009-009/CONDITIONAL USE PERMIT NO. 2010-005/VARIANCE NO. 2010-001:

1. The site plan, elevations, and tentative parcel map received and dated January 20, 2010 and May 18, 2010 shall be the conceptually approved design with the following modifications:
 - a. The parking spaces north of Building B shall remain 19 ft. in length and the drive aisle 25 ft. in width.
 - b. Security lighting and surveillance cameras shall be provided in the loading area between the proposed market and the existing retail building. **(PD)**
 - c. The location of the proposed ATM shall be reviewed and approved by Police and Planning and Building staff.
2. Prior to issuance of an encroachment permit from the Department of Public Works of the City of Huntington Beach, the following shall be completed:
 - a. CALTRANS Encroachment permits for work within the CALTRANS right-of-way (for construction of sidewalks, driveways, water connections, etc.) shall be obtained by the applicant or contractor from CALTRANS prior to start of work. A copy of each permit, traffic control plans and other permission granted by CALTRANS shall be transmitted to Public Works. **(PW)**
3. Prior to submittal for building permits, the following shall be completed:
 - a. The Design Review Board shall review and approve exterior elevations of proposed structures and/or buildings additions for architectural compatibility with existing structures. **(PL)**

4. Prior to issuance of building permits, the following shall be completed:
 - a. Applicant shall provide a Landscape License Agreement for maintenance of landscaping, irrigation, enriched paving and public sidewalks within public right-of-way. **(PW)**
 - b. An agreement for joint use parking and reciprocal access between property owners shall be recorded prior to the issuance of permits or occupancy. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Planning Department. The recorded agreement shall remain in effect in perpetuity, except as modified and rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(PL)**
 - c. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(PL)**
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions. **(PL)**
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment. **(PL)**
 - c. Truck idling shall be prohibited for periods longer than 10 minutes. **(PL)**
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts. **(PL)**
 - e. Discontinue operation during second stage smog alerts. **(PL)**
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity. **(PL)**
6. The structures cannot be occupied and the final building permits cannot be approved until the following has been completed:
 - a. In lieu of relocating the existing 8-inch public water line (hydraulically sized for the property) located along Beach Blvd due to the parkway and sidewalk improvements (improvements) proposed over the public water facilities, the City shall require the Property Owner(s) to enter into a separate agreement with the City to address repair and replacement of the proposed improvements. The improvements shall include and not be limited to enhanced pavement, curb, gutter, sidewalk, driveway approaches, landscaping, etc. The Property Owner(s) shall be responsible for repair and replacement of the improvements resulting from the work performed by the City in the maintenance and repair of the 8-inch public water pipeline and appurtenances. **(PW)**
 - b. Applicant shall provide maintenance of all median improvements for a total of 15 months. (A 90 day plant establishment period and a 365 day maintenance period). All water and electrical meters shall be in the City of Huntington Beach name and the City will be responsible for the utility costs. **(PW)**

- c. All existing non-compliant trash enclosures for the subject site shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure areas shall be connected into a sanitary sewer. **(PW)**
 - d. All existing overhead utilities that occur along the project's Atlanta Avenue frontage shall be under-grounded. This includes the Southern California Edison (SCE) aerial distribution lines and poles along the entire length of the northerly frontage of the subject project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. However, this condition does not apply to any SCE aerial 66kV transmission lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
 - e. Damaged curb, gutter and sidewalk along the Atlanta Avenue frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. **(PW)**
7. All conditions of approval required under Conditional Use Permit No. 08-013 and Variance No. 08-007 shall remain valid and shall be completed at the appropriate stage of development.
 8. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
 9. 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/green-building-guidelines-rating/>).

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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 25, 2010

RECOMMENDED ACTION: Motion to: "Approve the May 25, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE MAY 25, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Mantini, Scandura, Speaker, Farley, Shier Burnett, Delgleize,
NOES: None
ABSENT: None
ABSTAIN: Livengood

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Herb Fauland, Planning Manager – reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Herb Fauland, Planning Manager – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Herb Fauland, Planning Manager – reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Shier Burnett commended Ms. Nguyen for her work on the staff report for Item No. B-1.

Vice-Chair Speaker asked Mr. Vigliotta if he would be able to provide the Commission with the modifications for ZTA No. 09-005 prior to the next meeting. Mr. Vigliotta indicated that he would. Vice-Chair Speaker asked staff to include a matrix for comparison in the staff report for this item.

Commissioner Scandura thanked Public Works staff for their work on the Slater Avenue rehabilitation project and their use of recycled tires in the street surfacing.

ADJOURNMENT: Adjourned at 8:25 PM to the next regularly scheduled meeting of Tuesday, July 13, 2010.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson