MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 8, 2011
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan*

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AGENDA APPROVAL

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 8, 2011, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 09-017/ENTITLEMENT PLAN AMENDMENT NO. 09-005 (COACH'S RESTAURANT EXPANSION – SIX MONTH REVIEW) – Ethan Edwards, Associate Planner

Ethan Edwards, Associate Planner, gave a brief presentation of the six month review.

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY MANTINI, TO ACCEPT THE 6 MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 09-005/ENTITLEMENT PLAN AMENDMENT 09-005 AS ADEQUATE AND COMPLETE BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

ACCEPTED AS ADEQUATE AND COMPLETE, 7-0

A-2. TENTATIVE TRACT MAP NO. 17261 (THE VILLAGE AT BELLA TERRA – MIXED USE) – Jane James, Senior Planner

Jane James, Senior Planner, gave a brief overview of the proposed project.

B. STUDY SESSION ITEMS

B-1 BROWN ACT – Mike Vigliotta, Deputy City Attorney

Mike Vigliotta gave a brief overview of the Brown Act. He discussed key items within the Brown Act.

A discussion took place regarding rules and regulations of items that can and cannot be discussed outside of an agendized meeting.

B-2 PLANNING COMMISSION WORKSHOP AGENDA – Chair Delgleize

Herb Fauland, Planning Manager, noted that Commissioner Farley would like the Green Building updates at the workshop.

Commissioner Mantini indicated that she would like to have a discussion on bias included on the agenda.

Chair Delgleize would like the transit center and circulation plan added to the agenda.

Commissioner Bixby requested an update on the status of underperforming retail centers with regards to redevelopment as well as the of the status of the Redevelopment Agency.

Herb Fauland, Planning Manager, suggested reviewing the by-laws and protocols for the new Commissioners.

Commissioner Farley would like an update on major projects on the agenda.

Scott Hess, Director of the Planning and Building, commented that updates on the Redevelopment Agency would require coordination with that department. He stated that staff would recommend placing the development review process on the agenda.

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, requested that Item No. D-1 be heard before Item No. B-1. Mr. Fauland noted that there were five Late Communications for Item Nos. B-1 and B-2.

E. PLANNING COMMISSION COMMITTEE REPORTS

Chair Delgleize reported on the recent Environmental Board meeting, briefly reviewing the presentation on fuel cell research.

F. PLANNING COMMISSION COMMENTS – NONE

6:00 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Commissioner Ryan

ROLL CALL: ***P Shier Burnett, P Peterson, P Mantini, P Delgleize, P Farley, P Bixby, P Ryan***

AGENDA APPROVAL

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 8, 2011, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Manitini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT, TO MOVE ITEM NO. D-1 AFTER ORAL COMMUNICATIONS AND PRIOR TO ITEM NO. B-1 BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1652 IN APPRECIATION TO OUTGOING COMMISSIONER LIVENGOOD

Chair Delgleize acknowledged Tom Livengood for his service to the city as a Planning Commissioner.

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1651 IN APPRECIATION TO OUTGOING COMMISSIONER JOHN SCANDURA

Chair Delgleize acknowledged John Scandura for his service to the city as a Planning Commissioner.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. **ENVIRONMENTAL IMPACT REPORT NO. 10-002 (MURDY COMMONS MIXED USE PROJECT)** **Applicant:** City of Huntington Beach **Property Owner:** Freeway Industrial Park **Request:** To review the environmental impacts associated with the Murdy Commons Mixed Use Project consisting of 984 rental dwelling units, 60,000 square feet of commercial area and a 0.75-acre public open space area on the 12.5-acre project site located on the northeast corner of Gothard Street and Edinger Avenue (former Levitz furniture store, existing EZ Lube business). The project is located within the Beach and Edinger Corridors Specific Plan (BECSP), adopted in April 2010. Development on the project site was included in the Notice of Preparation for the BECSP EIR and analyzed as part of the larger scope of development contemplated in the BECSP EIR (Program EIR No. 08-008), which anticipated approximately 1,250 dwelling units and 60,000 square feet of commercial area on the project site. As such, the analysis in Draft EIR No. 10-002 is tiered from the BECSP Program EIR where appropriate. **Location:** 7441 Edinger Avenue, Huntington Beach, CA 92647 (northeast corner of Edinger Avenue and Gothard Street – former Levitz Furniture site) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 10-002 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1653 (Attachment No. 1)."

B-2. **SITE PLAN REVIEW NO. 10-004 (BOARDWALK MIXED USE PROJECT)** **Applicant:** Sares-Regis Group **Property Owner:** Freeway Industrial Park **Request:** To develop a mixed use project consisting of 487 apartment units, 10,000 square feet of ground-floor commercial area, 4,500 square feet of leasing office area, 9,000 square feet of recreation buildings and a 0.50-acre public open space area on the 12-acre project site (project site excludes the 0.5-acre parcel on the northeast corner of Gothard Street and Edinger Avenue presently developed with an EZ Lube business). All existing improvements on the property would be demolished. SPR No. 10-004 is within the scope of development of the Murdy Commons Mixed Use Project analyzed in EIR No. 10-002 and has been referred to the Planning Commission by the Director of Planning and Building in accordance with Chapter 202 of the Huntington Beach Zoning and Subdivision Ordinance. **Location:** 7441 Edinger Avenue (north side of Edinger Avenue east of Gothard Street – former Levitz furniture store site) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to:

A. "Approve Site Plan Review No. 10-004 subject to the suggested findings and modified conditions for approval (Attachment No. 1)."

B. "Approve CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 10-002 (Attachment No. 5)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, met with the applicant, staff, and Commissioner Mantini.
- Commissioner Peterson met with Nathan Carlson, Michael Winters, and Dick Harlow.
- Vice Chair Mantini met with Commissioner Shier Burnett and the applicant, visited the site, and attended the study sessions.
- Chair Delgleize attended the study sessions, spoke with Nathan Carlson, met with Michael Winters, Dick Harlow, and Nathan Carlson and has driven by the site.
- Commissioner Farley spoke with Dick Harlow, has driven by the site and attended the study sessions.
- Commissioner Bixby met with Nathan Carlson, Michael Winters, and Dick Harlow and has driven by the site.
- Commissioner Ryan met with Nathan Carlson, Michael Winters, and Dick Harlow, and has visited the site.

Jennifer Villasenor, Senior Planner, gave the staff presentation and an overview of the Environmental Impact Report (EIR) and the Site Plan Review (SPR)

Commissioner Farley verified that staff would address the late communications.

Ms. Villasenor noted that six Late Communications have been received for this item: a PowerPoint presentation provided by Nathan Carlson, and letters from various business owners in support of the project.

Commissioner Farley asked staff if the applicant's concerns mentioned in the late communication would be addressed. Mary Beth Broeren, Planning Manager, stated that the comment letter from the applicant was emailed to the Planning Commissioners prior to this evening's meeting.

Ms. Villasenor stated that staff received a comment letter from the applicant opposing two conditions of approval, regarding the emergency vehicle reciprocal access and the 90 feet vehicle backup requirement. Staff recommends that the Planning Commission approve the two suggested conditions.

Commissioner Bixby asked if the City was collecting fair share fees for future 405 freeway improvements. Bob Stachelski, Transportation Manger, stated that the fees are not intended to be used for improvements along the 405 freeway.

THE PUBLIC HEARING WAS OPENED.

John Tilletson, resident, spoke in support of Items No. B-1 and B-2, stating that the project will add jobs, create new tax revenues, and encourage residents of the site to leave their cars at home and walk to the Bella Terra center.

Ed Laird, resident, spoke in support of Items No. B-1 and B-2, citing potential revenue increases, additional affordable housing, and employment opportunities.

Steve Semingson, resident, spoke in support of Items No. B-1 and B-2, citing potential tax revenues and employment opportunities. He commended the project.

Gail McEneary, resident, spoke in favor of the Items No. B-1 and B-2. She stated that driving by the proposed project site has become tiresome to see. She commented that the project will fit in nicely with the Bella Terra Center.

Tom Warren, Holland Development, spoke in favor of Items No. B-1 and B-2. It is a project that encourages future residents to walk to the Bella Terra Center. He stated he agrees with earlier comments that the project will increase revenue and create jobs.

Lisa Kales, resident, spoke in favor of Items No. B-1 and B-2. She stated that this proposed project is a nice fit with the Surf City style.

Nathan Stum, resident, spoke in favor of Items No. B-1 and B-2, citing the potential economic benefits to the City.

Dennis Gallagher, Huntington Beach Chamber of Commerce, spoke in support of Items No. B-1 and B-2. He stated that the proposed project will be a benefit to the City.

Lon Leman, resident, spoke in support of Items No. B-1 and B-2, citing potential employment and economic benefits to the City.

Wes Bryan, President of Goldenwest College, spoke in support of Items No. B-1 and B-2. He stated that the proposed project is compatible with other projects in the area, is conveniently located near the school which may be an opportunity for staff and students of the school to access the retail area. He believes it is a well designed project.

Janette Ditkowsky, Freeway Industrial Park, LLC, spoke in support of Items No. B-1 and B-2. She stated that the current site is in need of new investment and this project will provide opportunities for residents to take advantage of the local dining, retail, and entertainment areas. The proposed project will be a beautiful and vibrant addition to the community.

Abraham Bluuda, resident spoke in support of Items No. B-1 and B-2, citing potential economic benefits.

Nathan Carlson, applicant, Eric Olsen, and Michael Schrock, gave a power point presentation in support of the project.

Commissioner Mantini remarked that she did not see suggested recommendations to modify the two conditions the applicant asked for in the letter received by staff. Nathan Carlson, applicant, clarified that he would like the conditions removed not modified.

Commissioner Bixby inquired if the City keeps statistics for the possibility of increased accidents in areas that potentially could see vehicle queuing into a major street. Bob Stachelski, Transportation Manger, stated that the City does not keep those type of statistics.

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

Commissioner Mantini, commented that she is amenable to the removal of Condition No. 2.

Commissioner Mantini asked staff if Condition No. 7(e) placed an unduly burden on the applicant. A brief discussion took place regarding the intent of Condition No. 7(e). Staff explained the need for the emergency vehicle reciprocal access between the Red Oak project and the proposed project being reviewed this evening. Ms. Villasenor further explained that the condition requires both properties to have the access between them.

Commissioner Bixby asked staff if removing Condition No. 7(e) would negatively impact the Red Oak project.

Mary Beth Broeren, Planning Manager, gave a brief history of the inclusion of Condition No. 7(e) to the Sares Regis project's Conditions of Approval. She explained that the same Condition was inserted in the Conditions of Approval for the Red Oak project, formerly known as the Rip Curl project, which was approved by the City Council and Planning Commission. She noted that the condition is written with flexibility as there are variables such as grading that could impact the ability to have the emergency vehicle access.

Commissioner Farley asked if Condition No. 7(b) was correct in stating public open space instead of park. Ms. Villasenor stated the terms 'park" and "public open space" are interchangeable.

Commissioner Farley asked if the condition was correct in listing both the property owner and developer as responsible for the park. He also inquired if the City would maintain jurisdiction over the playground equipment and maintenance of the park.

Ms. Broeren explained that there is a requirement specified in the Conditions of Approval that the easement, in order to have the space in perpetuity, has to be recorded. Staff envisions that within the easement document the changes of use and the city's concurrence will be addressed. She noted that listing the property owner and developer is common and it is added to avoid the possibility of future issues.

Commissioner Farley asked if there would be landscaping that will discourage pedestrians from passing through it. Michael Schrock, the project's landscape architect stated that the design will not be inviting for pedestrians but will encourage foot traffic to the retail areas.

Commissioner Farley asked if the applicant had considered using bollards along the parking spaces adjacent to the public open space to help prevent the possibility of a runaway vehicle. Mr. Schrock stated that bollards are not part of the design, however, adding them would be possible. He noted there is a curb located at that location. Ms. Villasenor stated that the Community Services Commission would discuss the bollard issue.

Commission Farley asked if the units were going to be pre-wired for Wi-Fi usage.

Nathan Carlson, stated that typically the dwellings will be pre-wired. The community center within the complex would be as well.

Commissioner Farley asked if there is a mechanism in place to ensure the City collects the fair share fees. Ms. Broeren explained that there is a development agreement that will be brought to the Planning Commission which will address the fees. The fees are a code requirement and must be paid.

Commissioner Mantini asked staff to verify the verbiage in Condition No. 7 (e) as she does not see an allowance for flexibility. Ms. Villasenor explained that the verbiage towards the end of the condition allows the Fire Department to waive the condition. A brief discussion took place regarding Condition No. 7(e) and whether it is necessary or not.

Commissioner Shier Burnett asked the Planning Commission to consider conditioning the location of the pedestrian access between buildings 3 and 9. Ms. Broeren explained the staff recommended condition was written due to an earlier Planning Commission rejection of that proposed location. She suggested having flexibility in the condition.

Commissioner Peterson asked staff to comment on an example that would allow the Fire Department to state that Condition No. 7(e) is not feasible. Ms. Villasenor stated that if the grade presented an issue for the Fire Department apparatus, they could determine it is not feasible.

Commissioner Farley asked staff to explain why development on an adjacent lot triggers additional conditions for this project.

Ms. Broeren gave a brief history of the condition which was a condition of approval for the Rip Curl project north of this project. She went on to explain that the intent of the condition, was to have irrevocable emergency vehicle access.

Commissioner Bixby asked staff how the issue of a sewer upgrade, if needed, would be addressed.

Bob Milani, Senior Civil Engineer, explained that the developer will be required to complete a sewer study to determine if the project would trigger a sewer deficiency in the existing system. If the project does trigger a deficiency, the developer would follow the recommendations of the Beach and Edinger Specific Plan and replace the system which is extensive. If the project does not create a deficiency, the applicant will be required to pay fair share fees.

Commissioner Mantini stated she would like straw votes for the changes to the conditions of approval.

STRAW VOTE #1
A motion was made by Mantini, seconded by Farley, to remove Condition No. 2 requiring the 90 feet for vehicle back-up.

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #2
A motion was made by Mantini, seconded by Peterson, to remove Condition No. 7 (e).

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #3
A motion was made by Mantini, seconded by Shier Burnett, to amend Condition No. 9 to designate the access point location.

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

STRAW VOTE #4
A motion was made by Farley, seconded by Mantini, to add the sentence "as well as required traffic mitigation fees' to the end of the Condition No. 7(c).

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

A MOTION WAS MADE BY RYAN, SECONDED BY MANTINI, TO CERTIFY EIR NO. 10-002 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1653, BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A MOTION WAS MADE BY MANTINI, SECONDED BY DELGLEIZE, TO APPROVE SITE PLAN REVIEW NO. 10-004 WITH FINDINGS AND CONDITIONS OF APPROVAL AS AMENDED BY THE STRAW VOTES BY THE FOLLOWING VOTE:

AYES: Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 10-004:

1. Site Plan Review No. 10-004 for the construction of a mixed use development consisting of 487 multi-family residential units and 14,500 square feet of commercial area and associated improvements including a 0.5-acre public open space area, 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 mixed-use residential and retail development, with the recommended conditions of approval, incorporates architectural and design elements that provide maximum compatibility of design with the existing and anticipated development surrounding the project site, promotes pedestrian accessibility, and promotes the image of the Huntington Beach "Surf City" lifestyle. Structures on the project site are four stories in height and feature enhanced building materials and colors, building recesses and façade offsets, and variation in massing composition. The project's conformance to the Beach and Edinger Corridors Specific Plan (BECSP) further ensures that the form, height, and architectural design convey an overall high level of quality. New streetscapes that incorporate public sidewalks and landscaping areas will ensure connectivity with the adjacent developments and provides maximum accessibility to the 0.5-acre public open space area.

2. The project will not adversely affect the Circulation Plan of the BECSP. The project will provide new streets and improvements to existing streets pursuant to the BECSP development code. The improvements to Edinger Avenue and Gothard Street as well as the new streets create more compact blocks to establish a public realm that focuses on pedestrians rather than vehicles. The streets provide connectivity to the existing street network and allow for extension of vehicular and pedestrian access as future developments are proposed. The new streets provide two-way drive aisles consistent with the City standard and feature on-street parking on both sides and public frontage treatments

incorporating minimum six-foot wide sidewalks, street trees and planting areas. The project also provides for pedestrian and bicycle connections to adjacent developments to the north and south and would pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

3. The proposed mixed use development will comply with the provisions of the BECSP development code as specified in the Town Center – Core and Town Center – Neighborhood segments. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project meets code requirements in terms of building height, massing and volume, setbacks, landscaping, streetscapes, public and private open space, parking and building placement.

4. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay – Design Overlay on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   A. *Air Quality Element*

      Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

      Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

   B. *Circulation Element*

      Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

      Objective CE 3.2: Encourage new development that promotes and expands the use of transit services.

      Policy CE 6.1.6: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

   C. *Growth Management Element*

      Policy GM 1.1.7: Ensure that new development site design incorporates measures to maximize policing safety and security.

      Policy GM 2.1.4: Ensure that new development site design incorporates measures to maximize fire safety and prevention.

   D. *Housing Element*

      Goal H 2: Provide adequate housing sites to accommodate regional housing needs.

      Goal H 3: Assist in development of affordable housing.

Policy H 2.2: Facilitate the development of mixed use projects in appropriate commercial areas, including stand-alone residential development (horizontal mixed use) and housing above ground floor commercial uses (vertical mixed use). Establish mixed use zoning regulations.

Policy H 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

E. *Land Use Element*

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

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

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 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the principles discussed below:

a. Not applicable
b. Vary uses and densities along the City's extended commercial corridors, such as Beach Boulevard.
c. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.
e. Intermix uses and densities in large-scale development projects.
f. Site development to capitalize upon potential long-term transit improvements.
g. Establish linkages among community areas, which may include pedestrian and vehicular paths, landscape, signage, other streetscape elements, open space, transitions, in form, scale, and density of development, and other elements.

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 11.1.2: Limit commercial uses in mixed use development projects to those uses that are compatible with the residences.

Policy LU 11.1.4: Require the incorporation of adequate onsite open space and recreational facilities to serve the needs of the residents in mixed use development projects.

Policy LU 11.1.5: Require that mixed use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

Policy LU 11.1.6: Require that the ground floor of structures that horizontally integrate housing with commercial uses locate commercial uses along the street frontage (housing may be located to the rear and/or on upper floors).

Policy LU 11.1.7: Require that mixed use development projects be designed to achieve a consistent and high quality character, including the consideration of the:

a. Visual and physical integration among the commercial and residential uses (Plates LU-3 and LU-4);
b. Architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts and residential units

F. *Noise Element*

Policy N 1.2.1: Require, in areas where noise levels exceed an exterior L_{dn} of 60 dB(A) and an interior L_{dn} of 45 dB(A), that all new development of "noise sensitive" land uses, such as housing, health care facilities, schools, libraries, and religious facilities, include appropriate buffering and/or construction mitigation measures that will reduce noise exposure to levels within acceptable limits.

Policy N 1.2.3: Require development, in all areas where the ambient noise level exceeds an L_{dn} of 60 dB(A), to conduct an acoustical analysis and incorporate special design measures in their construction, thereby, reducing interior noise levels to the 45 dB (A) L_{dn} level.

Policy N 1.5.1: Require that commercial and residential mixed use structures minimize the transfer or transmission of noise and vibration from the commercial land use to the residential land use. The design measures may include: (1) the use of materials which mitigate sound transmission; or (2) the configuration of interior spaces to minimize sound amplification and transmission.

G. *Recreation and Community Services Element*

Policy RCS 2.1.1: Maintain the current park per capita ratio of 5.0 acres per 1,000 persons, which includes the beach in the calculation.

H. *Urban Design Element*

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

I. *Utilities Element*

Objective U 1.2: Ensure that existing and new development does not degrade the City's surface waters and groundwater basins.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, and other techniques.

Policy U 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses such as the use of native plants, low flow toilets and water efficient appliances.

The project would provide a mixed use, urban infill development with 487 rental units increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial and entertainment uses, employment centers, a transit hub, and a community college. Because of its location and unique features, the site would be appropriate in accommodating an infill development that provides almost 500 residential units to support and promote these existing uses in a compact design compatible with the surrounding area. In doing so, multiple sustainable development principles are achieved, resulting in the social and economic well-being of the area. The project provides a housing choice for residents seeking to be within walking distance of school, work, services or entertainment, reduce dependency on their automobile, have access to multiple amenities for an active and mobile lifestyle, or live in an environmentally-conscious development that decreases pollution and environmental degradation.

The proposed project would accommodate and is designed to appeal to different age groups, income levels, and household types. The project is required to meet the City's affordable housing obligations providing 57 on-site affordable units, including 10 very-low income units. The development promotes the use of transit services as an alternative to reliance on the automobile as the primary mode of transportation. Because the project is located in close proximity to different activities and uses, it provides opportunities and convenience for many households to use alternate travel modes such as walking and biking to complete their daily routines and run errands. The structures of the proposed project are designed to convey a high quality visual image and character and ensure compatibility of residential and commercial uses. The project is designed with retail storefronts on the ground level and residential units above, incorporating design elements, building materials, and colors to differentiate and complement the residential and commercial components of the project. The project site provides the ideal location for the project to incorporate connectivity elements and public amenities within the proposed mix of retail and residential uses to activate and integrate the urban environment and revitalize community life in the surrounding area.

The proposed project incorporates architectural and design principles to provide a pedestrian-oriented scale and ensure maximum design compatibility with existing and

proposed developments, including the Village at Bella Terra and the Red Oak mixed use project. Structures on the project site utilize high quality exterior materials, articulated building volumes, and variety in building composition through the use of enhanced colors and materials, balconies, building recesses, awnings and cantilevered decks. The project complies with the development standards and design guidelines of the BECSP, which ensure that form, height, and treatment convey an overall high level of quality. Project buildings are sited close to streets with building entries and stoops fronting onto the public sidewalk. The project also provides a 0.5-acre public open space programmed for active users and public gatherings large enough to accommodate the needs of residents of the proposed and surrounding developments.

The project has been designed to be sensitive to issues related to mixed use developments. The project proposes to attenuate noise from HVAC systems and existing and proposed commercial uses as well as roadway noise. The project provides new streets and drive aisles that meet Fire code standards for emergency access. Laundry areas are located inside the residential units and trash rooms are located within the interior tuck-under parking garages. Residential parking areas would be well-lit and secured from public and commercial parking areas. In addition, the project would comply with California's recently adopted Cal Green Building Code and proposes to exceed Title 24 energy performance standards by 15 percent through installation of efficient heating and cooling systems, Energy Star-rated bathroom ventilation, energy efficient windows and lighting as part of the project's green building/sustainable features. The project would comply with the BECSP and other City codes to reduce water consumption and stormwater runoff. Finally, the project will incorporate sustainable site development strategies, utilize water savings features, emphasize recycling of resources and materials and maximize indoor environmental quality through design features and community policies.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 10-004:

1. The site plan, floor plans and elevations of Site Plan Review No. 10-004 received January 18, 2011, shall be the conceptually approved design except as amended by the conditions specified herein.

2. Comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 10-002.

3. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.

4. Prior to issuance of a precise grading permit, the following shall be completed:

    a) A sewer study shall be prepared and submitted to Public Works for review and approval. The project is proposing to sewer to the sanitary sewer system on Gothard Street. This system, which flows southerly to Heil Avenue and westerly to Goldenwest where it connects to a 36 inch OCSD trunk line, has been identified as deficient in the ultimate buildout condition of the Beach Edinger Corridor Specific Plan (BECSP). If the sewer study shows that the proposed project triggers that deficiency, the developer shall be required to upgrade the system per the

recommendations of the BECSP and could be reimbursed proportionally as other future contributing developments within the corridor are developed. If the proposed development does not trigger the anticipated deficiency, the property owner/developer shall be required to pay their fair-share portion for the future upgrade of the sewer system.

b) A street improvement plan shall be submitted to the Planning and Building and Public Works Departments for review and approval. All design and their construction shall be per the City Standard codes and street configuration and specifications of the Beach and Edinger Corridors Specific Plan. The frontage along Edinger Avenue shall comply with the "Classic Boulevard" configuration and the frontage along Gothard Street shall comply with the "Neighborhood Street" configuration.

c) An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.

d) Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be prohibited. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

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

a. One set of project plans and one 8 ½ inch by 11 inch set of all colored renderings, elevations, and materials sample and color palette, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.

b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Division for addressing purposes after street name approval by the Fire Department.

d. Contact the United States Postal Service for approval of mailbox location(s).

e. The property owner/developer shall submit an itemized value of the half-acre public open space area including development costs subject to review by the Community Services Department.

f. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County

Recorder's Office, and returned to the Planning Division 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.

g. The property owner/developer shall submit a report, prepared by an accredited third party, that the project plans have been prepared in accordance with the criteria to achieve a Build It Green GreenPoint-Rated certification. The property owner/developer shall also provide proof of retention of a third party rater to ensure that the project is constructed according to all specifications as they relate to the criteria of the GreenPoint Rated program.

6. Prior to issuance of a building permit the following shall be completed:

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

b) The final design of the half-acre public open space area, including a detailed, scaled site plan, including a listing and samples of the park amenities such as tot lot, shade structures, and fitness stations and public access directional signage, shall be reviewed and approved by the Community Services Commission. Any changes to the major park amenities such as tot equipment or sports courts shall be approved by the Community Services Department and may be referred back to the Community Services Commission.

c) A Development Agreement shall be approved by the City Council and recorded. The Agreement shall provide for affordable dwelling units in accordance with the Beach and Edinger Corridors Specific Plan (BECSP) and the Huntington Beach Zoning and Subdivision Ordinance as well as required traffic mitigation fees. The number and location of units and affordability terms shall be set forth in the Development Agreement.

d) The final project plans shall be designed such that an at-grade pedestrian and bicycle connection meeting ADA access requirements can be accommodated between Buildings 8 and 9 to provide future pedestrian and bicycle access to the property to the north. The design and width of the future accessway shall be submitted to the Planning Division subject to review and approval by the Planning and Building and Public Works Departments. The property owner/developer shall provide an irrevocable offer to dedicate a reciprocal accessway between the subject site and adjacent northerly property. The property owner/developer shall be responsible for accommodating necessary improvements to implement the reciprocal accessway pursuant to an agreement with the adjacent property owner/developer. The legal instrument shall be submitted to the Planning Division a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorder prior to Building final building permit

approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

e) The property owner/developer shall provide an irrevocable offer to dedicate a reciprocal accessway between the subject site and adjacent westerly property. The design, location and width of the accessway(s) shall be reviewed and approved by the Planning Division and Public Works Department. Accessway design shall consist of vehicular, pedestrian and bicycle access and landscaping. In the event the adjacent property west of the subject site develops, pursuant to the development, zoning and design standards of the Beach and Edinger Corridors Specific Plan, the developer and future developer of the adjacent property (if the developer entity is different from the subject property) shall be responsible for making the necessary improvements to implement the reciprocal accessway. The cost of such improvements shall be shared between the developer and future developer as negotiated between the two parties. The legal instrument shall be submitted to the Planning Division a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorder prior to Building final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

f) A public art element, approved by the Design Review Board, Director of Planning and Building, and the Cultural Services Supervisor, shall be depicted on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).

7. Prior to occupancy of the first dwelling unit and/or commercial tenant, the following shall be completed:

a) A half-acre public open space area shall be improved prior to occupancy of the first dwelling unit of Buildings 2 or 3. The location of the public open space shall be in accordance with the conceptually approved plans pursuant to Site Plan Review No. 10-004. An easement for public use of the half-acre public open space and access thereto shall be recorded with the County and held in perpetuity. Maintenance of the public open space area shall be the responsibility of the property owner/developer and included in the required Maintenance License Agreement.

b) At least four parking spaces (including one ADA accessible space) shall be reserved for the public open space area during standard City park/facility hours. The parking spaces shall be provided adjacent to the public open space area within the on-street parking spaces along the new north-south street. The location and hours of the parking spaces shall be depicted on the Building plans and subject to review and approval by the Community Services Department and Planning Division.

c) Enhanced paving materials shall be provided at all vehicular entrances and pedestrian connections.

d) A Parking Management Plan, approved by the property owner/developer shall be submitted for review and approval by the Planning Division. Said plan shall depict designated (residents/ tenants / employees / guests / public/ customers / carpooling) parking space locations.

e) The property owner/developer shall submit proof of registration with the GreenPoint Rated program and a checklist of how certification is proposed to be achieved. Within 45 days of final building permit approval, the property owner/developer shall provide a final report by an accredited third party stating that the project has achieved GreenPoint Rated certification and provide the City with evidence of said certification.

8. An at-grade pedestrian connection meeting ADA access requirements shall be provided on-site along the east property line to connect to a future at-grade bridge across the railroad tracks and flood control channel to the property to the east. The access point shall be a minimum of 10 feet wide and be located along the east property line at a preferred point between Building 3 and Building 9. The precise location of the connection shall be determined by the Director of Planning and Building, in collaboration with the property owner/developer and the property owner/developer of the property to the east, at the time the property to the east submits for Building plan check.

9. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:
The owner of the property which is the subject of this project and the project property owner/developer 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 property owner/developer of any claim, action or proceeding and should cooperate fully in the defense thereof.

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 10-005 (LOMA AVENUE EASEMENT VACATION) Applicant: City of Huntington Beach, Public Works Department **Property Owner:** City of Huntington Beach **Request:** To determine if the vacation of an existing right of way easement is in conformance with the goals, objectives, and policies of the General Plan. **Location:** Terminus of Loma Avenue, west of 14th Street at Main Street **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1648, approving General Plan Conformance No. 10-005 with findings (Attachment Nos. 1 and 2)."

Hayden Beckman, Planning Aide, gave the staff presentation and an overview of the project.

The commission had no questions for staff.

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT TO APPROVE GENERAL PLAN CONFORMANCE NO. 10-005 WITH FINDINGS BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Mantini, Delgleize, Farley, Bixby, Ryan**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed 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 City Council Resolution No. 4501, Class 5, which supplements the California Environmental Quality Act because the request is a minor street vacation.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 10-005:

The proposed vacation of a portion of an existing right of way easement is consistent with the following goals, objectives, and policies of the City's General Plan:

Land Use Element

> LU Goal 2: *Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.*

Since the subject area has been improved as a drive aisle to provide private vehicular and pedestrian access from the Loma Avenue public right-of-way, the easement is not necessary to support existing and future public use.

Circulation Element

> CE Objective 1.1: *Balance the circulation system with the circulation demands generated by the implementation of the City's Land Use Element.*
>
> CE Goal 2: *Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.*

Existing streets currently provide sufficient access to the surrounding institutional and residential uses. The subject right-of-way easement is not necessary to support the public circulation needs of the abutting properties, and in adjusting the right-of-way boundary to reflect existing conditions, the easement vacation will not have a detrimental impact on the circulation system.

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning and Building- reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building- reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building – 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 – NONE

ADJOURNMENT: Adjourned at 10:00 PM to the next regularly scheduled meeting of Wednesday, February 23, 2011.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson