MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 23, 2011
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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

AGENDA APPROVAL

A MOTION WAS MADE BY MANTINI, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 23, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF MITIGATED NEGATIVE DECLARATION NO. 10-005/COASTAL DEVELOPMENT PERMIT NO. 10-011 (MAGNOLIA OIL STORAGE TANKS DEMOLITION AND REMOVAL) – Hayden Beckman, Planning Aide

Hayden Beckman, Planning Aide, gave a brief overview of the proposed project.

Commissioner Ryan commented on the timing of the proposed mitigation measures.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS

Gordon Smith, Huntington Beach Wetlands Conservancy, spoke in opposition to Item No. A-1, citing concerns with the current and potential future state of the pipelines running across the adjacent properties and the potential impacts to the environment.

There was a brief discussion regarding the proposed mitigations measures for Study Session Item No. A-1.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there are five Late Communications for Item No. B-1.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS – NONE

6:15 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Commissioner Peterson

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

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY MANTINI, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 23, 2011, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

Chair Delgleize recused herself from discussion on Item No. B-1 and left the room.

B. PUBLIC HEARING ITEMS

B-1. TENTATIVE TRACT MAP NO. 17261 (THE VILLAGE AT BELLA TERRA)
Applicant/ Property Owner: Becky Sullivan, BTDJM Phase II Associates
Request: To subdivide an existing (after recordation of an approved lot line adjustment) 10.10 acre lot into six numbered lots for condominium purposes. The proposed subdivision is intended to create lots for a mixed use project of 467 stacked flat condominiums in four story buildings along with 17,500 square feet of retail/restaurant space on the ground floor of the residential, an approximately 700 space residential parking structure, two freestanding retail/restaurant buildings at 6,000 square feet each, a green belt adjacent to the mixed use commercial development, as well as driveways, parking, landscaping, and common areas. The map reflects elevation of the site as previously described in

the associated site plan review and environmental analysis. The proposed tentative tract map does not include the Costco Wholesale building or gas station parcels. **Location:** 7601 Edinger Avenue (between Edinger Avenue and Center Avenue, west of existing Bella Terra development and east of Union Pacific Railroad) **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to: "Approve Tentative Tract Map No. 17261 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Peterson had no disclosures.
- Vice-Chair Mantini was involved in the approval process and has visited the site.
- Commissioner Farley has visited the site, attended the study session, and was involved in the approval of the Specific Plan.
- Commissioner Bixby had no disclosures.
- Commissioner Ryan had no disclosures.

Jane James, Senior Planner, gave the staff presentation and an overview of the project. Ms. James reviewed the amended suggested conditions of approval as noted in the Late Communication.

Commissioner Bixby asked staff to explain the proposed use for Lot 3. Ms. James stated that it is proposed as a greenbelt area and a patio/terrace area for the adjacent retail.

THE PUBLIC HEARING WAS OPENED.

Lindsay Parton, DJM Capital Partners, spoke in support of Item No. B-1 and made himself available for any commissioner questions.

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

Commissioner Farley confirmed that DJM Capital Partners did not object to staff's recommendations.

A MOTION WAS MADE BY FARLEY, SECONDED BY PETERSON, TO APPROVE TENTATIVE TRACT MAP NO. 17261 WITH FINDINGS AND REVISED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17261:

1. Tentative Tract Map No. 17261 is proposed to subdivide approximately 10.10 acres into six numbered lots for condominium purposes. The proposed subdivision map is intended to create lots for a mixed use project of 467 stacked flat condominiums in four story buildings along with 17,500 square feet of retail/restaurant, an approximately 700 space residential parking structure, two freestanding retail/restaurant buildings at 6,000 square feet each, a green belt adjacent to the mixed use commercial development, as well as driveways, landscaping, and common areas. The proposed subdivision map is consistent with the General Plan Land Use Element designation of CR-F2-sp-mu-(F9) (Regional Commercial-0.5-FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.07{C}/25 du/acre]) on the subject property, or any applicable specific plan, or other applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance. The proposed Tentative Tract Map No. 17261 is consistent with the goals and objectives of the City's General Plan as follows:

   A. *Circulation Element*

      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.

   B. *Housing Element*

      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.

      Goal H 5: Provide equal housing opportunity.

   C. *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.

      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.
d. Intermix uses and densities in large-scale development projects.
e. Site development to capitalize upon potential long-term transit improvements.
f. 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 11.1.4: 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.

D. *Utilities Element*

Objective U 5.1: Ensure that adequate natural gas, telecommunication, and electrical systems are provided.

Although the actual development proposal has already received entitlements, the proposed subdivision and establishment of new parcel lines allows for regional commercial businesses along with a mixed use, high density development. The subdivision furthers the goals and policies of the General Plan by 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 benefits of mixed use developments include creating better places to live, work, and play, reducing dependence on the automobile, and lessening pollution and environmental degradation.

The proposed subdivision establishes parcels to accommodate a mixed-use high-density development that offers a wide range of retail and housing opportunities and options, accommodating different age groups, income levels, and household types. The project is required to meet the City and California State Redevelopment Law for affordable housing obligations providing the equivalent of 15 percent of the units as affordable. The Redevelopment Agency of the City of Huntington Beach has already entered into an Affordable Housing Agreement with the developer to meet these requirements.

In addition, the mixed-use component provides a concentration of living, shopping, entertainment, and employment opportunities within walking distance of the existing Bella Terra lifestyle development. 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 errands.

Tentative Tract Map No. 17261 ensures that adequate utilities and public service systems are in place to serve the on-site residents and businesses either through the map itself or via separate instrument. Therefore, subdivision of the project site would not conflict with the above General Plan goals and policies.

2. The site is physically suitable for the type and density of development. The site is relatively flat, surrounded by public streets, adjacent to and part of a larger regional commercial development, and can be provided with adequate public services and utilities.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

4. The design of the subdivision or the type of improvements 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. The code requirements for the proposed subdivision require the developer to maintain existing reciprocal parking and access agreements along with guaranteeing access to public streets.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17261:

1. Tentative Tract Map No. 17261 received and dated February 11, 2011, shall be the approved layout with the following exceptions:
   a. The numbered annotation for "Lot 6" shall be revised to a lettered lot annotation. **(PW)**
   b. On Sheet 1, the driveway entrance on the west side of the residential parking garage shall be moved further south to match the correct location as depicted on Sheet 2.
   c. On Sheet 2, Section D-D shall be revised to depict the property line in the correct location to match the proposed tract map boundary.
   d. The eight foot wide parallel parking stall shown on Section A-A on Sheet 2 shall be revised to nine feet wide for consistency with Site Plan Review No. 10-001 and Specific Plan No. 13.
2. Prior to submittal of the Final Map to the Public Works Department for processing and approval, the following shall be required:

a. Evidence of an approved Affordable Housing Plan and Agreement in accordance with California Redevelopment Law, Section 4.4.11 of Specific Plan No. 13, and Section 230.26 of the ZSO shall be submitted to the Planning Division.

b. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Planning and Building Department and approved by the City Attorney (the "Phase I CC&Rs"). The Phase I CC&Rs shall identify the common driveway and utility access easements and other requirements listed in Public Works Code Requirements. The Phase I CC&Rs must be in recordable form prior to recordation of the map.

   At least 90 days before recordation of a condominium map for the project, a new or supplemental set of CC&Rs shall be submitted to the Planning and Building Department and approved by the City Attorney (the "Phase 2 CC&Rs"). The Phase 2 CC&Rs shall include all of the information set forth in the approved and recorded Phase I CC&Rs and, additionally shall identify the assignment of residential storage spaces, maintenance of all walls and common landscape areas by the Homeowners' Association, the assignment of parking spaces in the residential parking garage, and disclosure statements to the prospective buyers regarding the mixed use nature of the project pursuant to the Conditions of Approval of Site Plan Review No. 10-001. The Phase 2 CC&Rs must be recorded prior to the sale of any residential condominium units in the project.

c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications* or as may be otherwise required in accordance with a separate Development Agreement that may be entered into between the City and developer. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning and Building Department Fee Schedule*). If no Final Tract Map is proposed, the applicable Park Land In-Lieu Fees shall be paid prior to issuance of building permits.

3. In the event that the Final Map is not recorded prior to the issuance of a Building Permit, the following dedications to the City of Huntington Beach shall be reviewed and approved by the Public Works Department and recorded per a separate instrument, prior to issuance of a Building Permit:

   a. Right-of-way for street and public utility purposes on Edinger Avenue as required to conform with the approved Precise Plan of Street Alignment. Right-of-Way shall also incorporate the returns and public sidewalk areas at each proposed driveway entry point. **(PW)**

   b. The traffic signal maintenance and equipment easements must be indicated at all signalized driveways. The easements shall extend to 50 feet back from the BCR/ECR and shall extend to 10 feet back from each curb face (20 feet wider than the curb to curb driveway width). **(PW)**

   c. A blanket easement over the private drive aisles and access ways for Police and Fire Department access purposes. **(PW)**

   d. A water utility easement shall be dedicated to and accepted by the City of Huntington Beach, covering the public water facilities and appurtenances located within the project site. The easement shall be a minimum total width of 10 feet clear (5 feet either side of the water pipeline or appurtenance), unobstructed paved or landscaped surface, pursuant to Water Division Standards. Where access is restricted or impacted by structures, walls, curbs, etc., the easement width shall be 20 feet to

allow for equipment access and maintenance operations. No structures, parking spaces, trees, curbs, walls, sidewalks, etc., shall be allowed within the easement. No modifications to the water facilities and pavement located within the easement shall be allowed without proper notification and written approval from the City in advance. Such modifications may include, but are not limited to, connections to the water system, pavement overlay, parking lot re-striping, and parking lot reconfiguration. City personnel shall have access to public water facilities and appurtenances at all times. (ZSO 230.84) **(PW)**

e. All previously dedicated public water line easements for water lines to be relocated shall be quitclaimed on the Final Tract Map in accordance with the provisions of the Subdivision Map Act. **(PW)**

f. Access rights in, over, across, upon and through the private streets and access ways for the purpose of monitoring and inspecting gross pollutant removal devices and treatment train improvements for conformance with the County of Orange DAMP and the City's LIP. **(PW)**

4. Lot Line Adjustment No. 2010-006 shall be recorded with the County of Orange and copies submitted to the Departments of Public Works and Planning and Building, prior to either a) submittal of Final Map No. 17261 for processing, or b) issuance of a building permit, whichever comes first.

5. In addition to the requirements of Specific Plan No. 13, incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

6. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released (for the first residential unit, commencement of use, or issuance of a Certificate of Occupancy) until the following has been completed:

   a. All improvements shall be completed in accordance with approved plans, except as follows: Surface improvements and landscaping may be phased with partial occupancies, in accordance with the Conceptual Phasing Plan, received and dated February 9, 2011. More definitive and precise phasing exhibits depicting exactly the number and location of residential units and all the associated improvements, shall be submitted and approved by the Directors of Planning and Building, Public Works and the Fire Chief, prior to issuance of building permits for each particular phase. Phasing of surface improvements will require that all parking, residential open space, residential common amenities, pedestrian access, vehicle access, and health and safety issues are addressed for each phase.

7. The parking structure parcel shall not be sold separately from the residential units parcel(s) without prior City authorization and an agreement mutually acceptable to the City, the property owner, and the Homeowner's Association (if formed).

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 – NONE

D. NON-PUBLIC HEARING ITEMS – NONE

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
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 – NONE

ADJOURNMENT: Adjourned at 7:18 PM to the next regularly scheduled meeting of Tuesday, March 8, 2011.

APPROVED BY:

Scott Hess, Secretary

Barbara Delgleize, Chairperson