MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 14, 2008
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: *P Farley, P Dwyer, P Shier Burnett, P Livengood, P Shaw, P Speaker, P Scandura*

AGENDA APPROVAL

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 14, 2008, BY THE FOLLOWING VOTE:

AYES: Farley, Dwyer, Shier Burnett, Livengood, Shaw, Speaker, Scandura
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

INTRODUCTION OF FRED WILSON, NEW CITY ADMINISTRATOR – Scott Hess, Director of Planning

Director of Planning Scott Hess introduced new City Administrator Fred Wilson to the Planning Commission.

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ZONING TEXT AMENDMENT NO. 08-003 (SIGN CODE REVISIONS) – Rosemary Medel, Associate Planner

Rosemary Medel, Associate Planner, gave a brief overview of the zoning text amendment.

Commissioner Scandura asked if there had been a court ruling on the contents of signs. Senior Deputy City Attorney Leonie Mulvihill responded that the court ruling exempted the contents of signs.

Director of Planning Scott Hess reported that Item D in Attachment 1.11 of the staff report should be revised to read "neighborhood watch organizations" instead

of "neighborhood safety organizations." He also noted that the courts' ruling tends to be stricter on regulating sign contents than on sign color and size.

Commissioner Shaw noted that political signs are not allowed to be posted on street medians.

Commissioner Speaker asked about signs posted at new construction sites and Mr. Hess noted that these signs are a Public Works Department requirement.

Commissioner Dwyer noted that other cities limit the amount of time that a political sign can be posted to 60 days, while Huntington Beach allows 75 days. Chair Livengood asked staff to research which other local cities have a 60 day maximum posting time.

Commissioner Shaw asked if human signs are prohibited and staff said that no human or animal signs are currently allowed.

A-2. ZONING TEXT AMENDMENT NO. 08-005 (AFFORDABLE HOUSING ORDINANCE REVISIONS) – Mary Beth Broeren, Planning Manager

Mary Beth Broeren, Planning Manager, gave a brief overview of the zoning text amendment.

Commissioner Dwyer asked if trailer parks are considered part of the affordable housing count, and Mary Beth Broeren stated that Housing and Community Development does not count them because they are mobile.

Commissioner Scandura commented on the need for low to medium income housing, saying that the availability of that type of housing would attract entry level professionals to Huntington Beach.

Chair Livengood asked about the State of California's requirements regarding affordable housing. He also asked staff where these affordable units would be located and what processes other cities use. In addition, he asked staff to provide examples of the average salary range for those in the low to medium income housing bracket.

Commissioner Farley asked about in-lieu fee turnaround time and Planning Manager Mary Beth Broeren stated that the turnaround time started in 2007, is not yet completed and that the in-lieu monies would accrue as collected.

Senior Deputy City Attorney Leonie Mulvihill noted that the city is required to report and maintain records regarding the use of affordable housing in-lieu fees.

B. <u>STUDY SESSION ITEMS</u> - NONE

C. <u>AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)</u>

Rami Talleh, Senior Planner, advised that there were nineteen Late Communications for Items No. B-1-a and B-1-b. and one Late Communication for Item No. B-2.

D. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Scandura reported on the Neighborhood Compatibility Subcommittee, which met on October 7, 2008, and said that the Subcommittee is focusing on twenty design recommendations to address neighborhood compatibility. He thanked Planning Manager Herb Fauland for his assistance on this project and noted that the next Subcommittee meeting will be held on October 28, 2008.

Commissioner Farley reported on the Design Review Board and their review of the CVS Pharmacy, which will come before the Planning Commission at a Study Session on October 28, 2008.

Chair Livengood commented on his recent attendance at a Planning Board meeting in the Wisconsin Dells.

Director of Planning Scott Hess reported that the City Council Joint Meeting with the Planning Commission regarding the Beach/Edinger Corridor project will be held on Monday, October 20th, at 4:00 PM.

E. PUBLIC COMMENTS - NONE

F. PLANNING COMMISSION COMMENTS

Administrative Assistant Linda Wine introduced Administrative Secretary Kimberly De Coite to the Planning Commission.

6:05 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

	P	P	P		P	P	P	P
ROLL CALL:	***Farley,***	***Dwyer,***	***Shier***	***Burnett,***	***Livengood,***	***Shaw,***	***Speaker,***	***Scandura*****

AGENDA APPROVAL

Chair Livengood recommended moving Item No. B-2 before Item Nos. B-1-a and B-1-b.

A MOTION WAS MADE BY DWYER, SECONDED BY SPEAKER, TO MOVE ITEM NO. B-2 BEFORE ITEMS NO. B-1-a, AND No. B-1-b AND TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 14, 2008, BY THE FOLLOWING VOTE:

AYES: **Farley, Dwyer, Shier Burnett, Livengood, Shaw, Speaker, Scandura**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

THE MINUTES WILL REFLECT THE ITEMS IN THEIR ORIGINAL ORDER ON THE AGENDA

A. ORAL COMMUNICATIONS

Dave Sullivan of H.B. Tomorrow spoke in opposition to Item No. B-1, citing concerns with traffic.

Dave Harris, resident, spoke against Item No. B-1, due to concerns with density and traffic.

Les Mittleman, resident, spoke in opposition to Item No. B-1, citing concerns with traffic and density.

B. PUBLIC HEARING ITEMS

B-1-a. ENVIRONMENTAL IMPACT REPORT NO. 07-003 (THE VILLAGE AT BELLA TERRA) **Applicant**: Lindsay Parton, BTDJM Phase II Associates, LLC **Request:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **Location:** 7777 Edinger Avenue, 92647 (between Edinger Avenue and Center Avenue, west of existing Bella Terra development and east of Union Pacific Rail Road) **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 07-003 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1625 (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Farley has attended the Study Session and the field trip, spoken to the applicant and visited the site.
- Commissioner Dwyer has spoken with staff, the applicant, Commissioner Shaw and has visited the site.
- Vice Chair Shier Burnett has attended the Study Session, spoken with the applicant, visited the site and attended the field trip.
- Chair Livengood has attended the Study Session, spoke to the applicant, attended the field trip and spoken to Councilwoman Cathy Green.
- Commissioner Shaw has spoken with the applicant, spoken with Commissioner Dwyer and Mayor Cook, and attended the Study Session and the field trip.
- Commissioner Speaker has visited the site and attended the field trip and spoken to the applicant.
- Commissioner Scandura has attended the Study Session, visited the site, and spoken to staff, the applicant and Richard Harlow.

Jane James, Senior Planner, gave the staff presentation and an overview of the project.

General discussion ensued regarding proposed parking.

Commissioner Dwyer noted that there are two options regarding the number of residential units proposed in the Environmental Impact Report.

Commissioner Shaw asked if the Environmental Impact Report determined that there would be adverse impacts to the surrounding area (such as air quality), and Planning Manager Mary Beth Broeren noted that there would be more trips and additional traffic associated with the project, which would impact the air quality. Chair Livengood said that he has concerns with the increased traffic levels and noted that having a traffic intersection rated at an "E" level may not be acceptable based on the city's General Plan.

THE PUBLIC HEARING WAS OPENED.

Lindsay Parton, applicant, spoke in favor of Item No. B-1 and gave a PowerPoint presentation.

Steve Dodge, local business owner, spoke in favor of Item No. B-1, saying that he believes it will be a benefit to the city and increase local business revenues.

Laura Peters, resident, spoke in favor of Item No. B-1 and said that she believes the project will increase local property values.

Todd La Plante, Chair of the Northern Huntington Beach Business Committee, spoke in favor of Item No. B-1, saying that this is an opportunity for quality development.

Steve Stafford, resident, spoke against Item No. B-1, citing concerns with lack of walkability.

Robert Sternberg, Goldenwest Neighborhood Association, spoke regarding Item No. B-1, saying that he is in favor of the project, but has concerns with density.

Karen Jackle spoke against Item No. B-1, citing issues with density.

Bobbe Mootchnik, resident, spoke in opposition to Item No. B-1, saying that she has concerns with parking and density.

Mike Hagemeister, resident, spoke in favor of Item No. B-1, saying that he supports mixed-use projects.

Dave Guido of the Huntington Beach Environmental Board, spoke against Item No. B-1 and presented the Planning Commission with a letter from the Environmental Board, which recommends denial of the project.

David Mootchnik of the Huntington Beach Environmental Board, spoke against Item No. B-1, citing concerns with density.

Joyce Riddell of the Huntington Beach Chamber of Commerce spoke in favor of Item No. B-1, saying that she is in favor of the project, but does have concerns with density and parking.

Frank Chang, Bella Terra business owner, spoke in favor of Item No. B-1, saying that he believes the project will be good for the surrounding area and businesses.

Aaron Pai, resident, spoke in favor of Item No. B-1, saying that he thinks the project will be great for local businesses.

Monica Hamilton of Huntington Beach Tomorrow spoke against Item No. B-1, citing concerns with density.

Ken Long, resident, spoke in favor of Item No. B-1, saying that he thinks the project will revitalize the local area.

Les Mittleman, resident, spoke against Item No. B-1, citing concerns with density.

Andrew Nelson of Red Oak Investments spoke in favor of Item No. B-1, citing the economic growth the project would bring to the city.

Brian Toorani, member of the Huntington Beach Chamber of Commerce, spoke in favor of Item No. B-1, saying he favors growth and revitalization of the surrounding area.

Ray Huang, resident, spoke in favor of Item No. B-1, favoring local economic growth.

Michael Liu, resident, spoke in favor of Item No. B-1, saying that the project would be good for the local economy.

Dick Harlow, consultant, spoke in favor of Item No. B-1, favoring revitalization of the surrounding area.

Lindsay Parton, applicant, spoke a second time in favor of Item No. B-1 and said that DJM Capital Partners would agree to limit the building height to six stories.

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

Commissioner Speaker asked the applicant if they would be happy with a structure of less than 10 stories, and applicant Lindsay Parton said that DJM would limit the height to six stories. Commissioner Scandura noted the six story limit was one of the options listed in the staff report.

George Marshall, Bella Terra/DJM architect, noted that the unit balconies are proposed at an average of 60 square feet with a minimum of 30 square feet.

Chair Livengood asked the applicant if the minimum unit square footage could be increased to 500 square feet and the applicant agreed.

A MOTION WAS MADE BY DWYER, SECONDED BY SPEAKER, TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 07-003 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1625 (ATTACHMENT NO. 1) BY THE FOLLOWING VOTE:

AYES:	**Farley, Dwyer, Shier Burnett, Livengood, Shaw, Speaker, Scandura**
NOES:	**None**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

B-1-b. GENERAL PLAN AMENDMENT NO. 07-001/ZONING TEXT AMENDMENT NO 07-002 (THE VILLAGE AT BELLA TERRA) **Applicant**: Lindsay Parton, BTDJM Phase II Associates, LLC **Request: GPA:** To amend the General Plan Land Use Designation from the current CR-F2-sp-mu-(F9) (Regional Commercial-0.5 Max Floor Area Ratio-Specific Plan Overlay-Mixed Use Overlay – 1.5 FAR [MU-0.5{C}/25du/acre}) to the proposed CR-F2-sp-mu (F14) (Regional Commercial-Specific Plan Overlay- Mixed Use Overlay-maximum 1.5 total FAR [within either Option 1: 0.2 Commercial FAR/45 du/acre or Option 2: 0.6 Commercial FAR/34 du/acre]) designation. **ZTA:** To amend the HBZSO by amending Specific Plan No. 13-Bella Terra to establish residential and mixed use design and development standards. **Location:** 7777 Edinger Avenue, 92647 (between Edinger Avenue and Center Avenue, west of existing Bella Terra development and east of Union Pacific Rail Road) **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to:

A. "Approve General Plan Amendment No. 07-001 for Option 1 only by approving the draft City Council Resolution (Attachment No. 1) and forward to the City Council for adoption."

B. "Approve Zoning Text Amendment No. 07-002 with findings for approval (Attachment No. 2) by approving the draft City Council Resolution (Attachment No. 3) and forward to the City Council for adoption."

C. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations – EIR No. 07-003 (Attachment No. 8)."

Vice Chair Shier Burnett asked Transportation Manager Bob Stachelski about the increased traffic at the proposed site and asked that staff provide an analysis of trips per day for both residential and commercial uses.

Commissioner Dwyer noted that the Planning Commission would like the project to be "Build It Green" certified. Commissioner Shaw asked if a 'pilot' project for "Build It Green" would be needed first and Dwyer noted that pilot projects are generally single family residences. Director of Planning Scott Hess noted that "Build It Green" projects are residential, while LEED certified projects are commercial.

Commissioner Dwyer inquired about the addition of two more police officers to support the increased density of the project.

Commissioner Farley recommended shared/reciprocal parking. He also recommended that the residential units wrap around the parking structures to hide them from view.

Commissioner Scandura recommended a six story building height limit, a minimum 500 square foot unit size and a reciprocal access agreement to the west.

Chair Livengood said that he would like more details regarding truck deliveries to the proposed site. Mr. Livengood also recommended a maximum of six stories and inquired about railroad safety.

Commissioner Farley asked staff about the maximum building height and staff said that if the buildings are limited to six stories, then the maximum proposed height is 75 feet and 120 feet for architectural features.

STRAW VOTE #1

A Straw Vote motion was made by Livengood, seconded by Shaw, to continue Item No. B-1-b to a special meeting on October 21, 2009.

AYES:	**Farley, Livengood, Shaw**
NOES:	**Dwyer, Shier Burnett, Speaker, Scandura**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION FAILED

STRAW VOTE #2

If feasible, to incorporate 100% drought resistant landscaping throughout the project.

AYES:	**Farley, Dwyer, Shier Burnett, Livengood, Speaker**
NOES:	**Shaw, Scandura**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE GENERAL PLAN AMENDMENT NO. 07-001 FOR OPTION 1 ONLY BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION (ATTACHMENT NO. 1) AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES:	**Farley, Dwyer, Shier Burnett, Livengood, Speaker, Scandura**
NOES:	**Shaw**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE ZONING TEXT AMENDMENT NO. 07-002 WITH MODIFIED FINDINGS FOR APPROVAL (ATTACHMENT NO. 2) BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION (ATTACHMENT NO. 3) AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES:	**Farley, Dwyer, Shier Burnett, Livengood, Speaker, Scandura**
NOES:	**Shaw**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE CEQA STATEMENT OF FINDINGS AND FACT WITH A STATEMENT OF OVERRIDING CONSIDERATIONS – EIR NO. 07-003 (ATTACHMENT NO. 8), BY THE FOLLOWING VOTE:

AYES:	**Farley, Dwyer, Shier Burnett, Livengood, Speaker, Scandura**
NOES:	**Shaw**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 07-002 :

1. Zoning Text Amendment No. 07-002 amends the HBZSO by amending Specific Plan No. 13 to establish residential uses and design and development standards for the Bella Terra site. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the adopted Land Use Element of the General Plan because it allows mixed use development at a density and intensity appropriate for the site. The amended Specific Plan No. 13 is also compatible with surrounding development because the development standards ensure a transition in height from the lower buildings along Edinger Avenue to the highest structures on the northern portion of the site. This height is compatible with and not out of character with the Towers at Bella Terra across Center Avenue and the recently approved The Ripcurl to the west. Other development standards, also contribute to the project's compatibility by ensuring adequate common and private open space, setbacks, and landscaping for a combination residential and commercial development in an urban setting.

2. The amended Specific Plan No. 13 will enhance potential for superior urban design in comparison with development under the base district provisions that would apply if the Plan were not approved because along with the typical development standards for the overall building design, Specific Plan No. 13 also includes general goals and policies designed to implement the General Plan vision for Subarea 5A, particularly a highly articulated architecture, pedestrian oriented, shopping experience with open space plazas, and synergy between the residential and commercial uses.

3. Deviations from the base district provisions that otherwise would apply, such as maximum building height, front setbacks along Edinger Avenue, minimum unit size, and minimum common and residential open space, are justified by compensating benefits of the Specific Plan. Overall the Specific Plan Design Guidelines and Development Standards facilitate

development of a high quality mixed use project with enough open space, air, light, ventilation, pedestrian connections, interesting architecture, well designed circulation, and landscaping for an enjoyable environment in which to live, work, and play. Specifically, implementation of a future mixed use project in compliance with the amended Specific Plan No. 13 will promote transformation of the Bella Terra lifestyle center into a vital Town Center Core.

4. The amended Specific Plan No. 13 includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. Specific Plan No. 13 describes and depicts adequate provisions for the utilities and public services described above. Additionally, EIR No. 07-003 contains a complete analysis of the project's expected demands for utilities and public services and demonstrates adequate provisions to meet the project's needs.

B-2. APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2008-028 (SPRINGDALE STREET COMMERCIAL CENTER – MAKARI BUILDING) **Applicant/Appellant:** Bill Makari, Harbor Homes **Request:** To permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements. **Location:** 16161 Springdale Street, 92649 (west side of Springdale Street, south of Edinger Avenue) **Project Planner**: Andrew Gonzales

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 08-028 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Farley has attended the Study Session and visited the site.
- Commissioner Dwyer has visited the site with a measuring tape.
- Vice Chair Shier Burnett has attended the Study Session and visited the site.
- Chair Livengood has attended the Study Session, visited the site and spoken with staff.
- Commissioner Shaw had no disclosures.
- Commissioner Speaker has attended the Study Session and visited the site.
- Commissioner Scandura has attended the Study Session, visited the site, and tried unsuccessfully to contact the applicant to request a site tour.

Andrew Gonzales, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Scandura noted that he has two concerns with the project: traffic impact fees and the undergrounding of utilities.

Principal Civil Engineer Terri Elliott noted that Southern California Edison works in conjunction with the city of Huntington Beach regarding the undergrounding of utilities.

Commissioner Scandura asked staff if the undergrounding requirement is discretionary. Staff responded that the code requirement to underground utilities does not apply to this project. Therefore, staff recommended that the Planning Commission request a

condition of approval requiring the undergrounding condition be adopted at the discretion of the Planning Commission.

Commissioner Dwyer asked if it is the Planning Commission's purview to decide if the applicant is required to underground the utilities. Staff replied that the Planning Commission can decide to ask the applicant to provide in-lieu fees instead.

Commissioner Farley asked if the city gets a portion of the monies and Ms. Elliott said that the fees go directly to Southern California Edison.

Chair Livengood suggested recommending a condition of payment of 50% of undergrounding fees or providing a set dollar amount; staff said that Southern California Edison would not provide a cost estimate for the undergrounding.

THE PUBLIC HEARING WAS OPENED.

Bill Makari, the applicant, spoke in favor of Item No. B-2.

Peter Haddad, architect for the project, stated that he was available to answer questions.

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

General discussion ensued regarding the undergrounding of utilities in commercial properties and the associated costs.

Commissioner Dwyer recommended an in-lieu fee instead of undergrounding utilities.

Senior Deputy City Attorney Leonie Mulvihill noted that these are not in-lieu fees. She further stated that it is the Planning Commission's purview to decide if the cost of undergrounding utilities imposes a financial hardship to the applicant, and if so, should this warrant a decrease in fees. She further stated that this would result in less cost to the applicant, but more cost to the city.

Chair Livengood said he recommends a joint easement between Von's and the applicant, since it would be a financial hardship for the applicant to pay for 100% of the undergrounding utility costs. He also asked staff if the applicant was paying for the undergrounding below Springdale Street at the site, and Acting Principal Civil Engineer Steve Bogart said yes.

Commissioner Scandura asked about the current undergrounding costs to the applicant and Chair Livengood said that it was approximately $125,000.

Commissioner Dwyer recommended that the applicant pay for one quarter of that $125.000.

Chair Livengood recommended that the applicant pay $48,000 for undergrounding and not be required to pay to undergrounding fees for Springdale Street.

Commissioner Speaker spoke regarding the Public Works memo dated October 10, 2008, which recommended a reduction in traffic impact fees for the applicant.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER, TO APPROVE CONDITIONAL USE PERMIT NO. 08-028 WITH REVISED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL (ATTACHMENT NO. 1), BY THE FOLLOWING VOTE:

AYES:	**Dwyer, Shier Burnett, Livengood, Speaker, Scandura**
NOES:	**Farley, Shaw**
ABSENT:	**None**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2008-028

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of construction of a commercial structure not exceeding 10,000 sq. ft. in floor area in an urbanized area on a site zoned for such use where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:

1. Conditional Use Permit No. 2008-028 to permit construction of an approximately 8,795 sq. ft. single-story multi-tenant commercial (retail) building and associated site improvements 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 project site was previously developed for commercial (restaurant) use. The proposed project will re-establish a commercial use on the site and replace an aging building destroyed by fire with a new, code compliant building featuring a contemporary design and added landscaping. Activity areas on the project site will be oriented away from the adjacent residential properties. The project will provide adequate on-site parking in accordance with applicable code requirements does not present unsafe conditions for pedestrians or vehicular circulation and will improve the appearance and value of the currently vacant site.

2. The conditional use permit will be compatible with surrounding uses because the project consists of a small retail center on property designated 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 will maintain a maximum height of 18 ft. within 45 ft. of the residential zone boundary and overall height of 29 ft., which is compatible with the heights of the existing dwellings in the vicinity.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including minimum building setbacks, on-site parking and landscaping requirements, and maximum floor area ratio and building height. The proposed project will accommodate retail uses, which are permitted in the CG (Commercial General) zoning district.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of 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 General Plan:

   LU 10.1.10 Require that development be designed to convey a local neighborhood's character considering the limitation of building heights to those compatible with the surrounding neighborhood.

   LU10.1.12. 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 consideration of architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The proposed project will be limited to single-story construction and will maintain an 18 ft. height limit within 45 ft. of the residential zone boundary. This design ensures building height compatibility with the surrounding neighborhood. In addition, the proposed project features a variety of roof lines, recesses and projections which minimize the visual bulk and mass of the building and provides a visually appealing design.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-028:

1. The site plan, floor plans, and elevations received and dated July 25, 2008 shall be the conceptually approved design with the following modifications:
   a. The width of the planting area along the Springdale Street frontage shall be increased from 9'-9" to 12' (including 2' at the head/vehicle overhang of parking spaces # 35-44).
   b. Plan submitted for building permits shall indicate the height of the perimeter block walls. (A minimum height of 6'-0" is required.) Existing walls to remain shall be painted or plastered to match the proposed building.
   c. The proposed trash enclosure shall be constructed of split-face block, slump stone or other decorative material, or shall be stucco finished to match the proposed building.
   d. The proposed transformer may be relocated from the location depicted on the approved site plan to the planter area near the southerly property line, adjacent to the proposed bike racks.

2. Prior to issuance of a grading permit, the Precise Grading Plan shall include the following improvements: Damaged curb, gutter and sidewalk along the Springdale Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207.

3. Prior to issuance of building permits, an interim parking and building materials storage plan shall be submitted to the Planning Department 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. The plan shall also be reviewed and approved by the Fire Department and Public Works Department.

4. Prior to final inspection or occupancy, payment in the amount of $48,000 shall be provided to the City of Huntington Beach Public Works Department as a fair share contribution for the undergrounding all existing utilities that are within the project site. This includes the

Southern California Edison (SCE) aerial lines and poles along the entire length of the northerly property line of the subject project.

5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED JUNE 10, 2008

RECOMMENDED ACTION: Motion to "Approve the June 10, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE THE JUNE 10, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES:	**Dwyer, Shier Burnett, Livengood, Speaker, Scandura**
NOES:	**None**
ABSENT:	**Farley, Shaw**
ABSTAIN:	**None**

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Mary Beth Broeren, Planning Manager– reported on the items scheduled for the next Planning Commission meeting

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Vice-Chair Shier-Burnett reported on her recent attendance at the Shipley Nature Center Festival.

ADJOURNMENT: Adjourned at 11:35 PM to the joint Study Session with the City Council on Monday, October 20, 2008 at 4:00 PM.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson