MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, DECEMBER 9, 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 Shier Burnett, P Livengood, P Shaw, P Speaker, P Scandura*

AGENDA APPROVAL

A MOTION WAS MADE BY SHAW, SECONDED BY SHIER BURNETT, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF DECEMBER 9, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 08-011 (PACIFIC VIEW/620 PACIFIC COAST HIGHWAY) – Rami Talleh, Senior Planner

Commissioner Speaker recused himself due to a possible conflict of interest and left the room.

Rami Talleh, Senior Planner, gave a brief overview of the project. He noted that the variance request had been withdrawn by the applicant. The proposed structure would now be three stories in height, and the applicant's revised plans include reduced common open space and increased private open space. He further stated that there is one Late Communication for Item No. B-2 (Pacific View) in which the Public Works Department recommends the deletion of Condition of Approval No. 4. He also said that Page No. 5 of the staff report is missing from reproduced documents and has been included as part of the Late Communication.

Commissioner Scandura asked if the reduction in common open space resulted in a design change and staff said no.

Commissioner Shaw asked if park in-lieu fees would be paid for this project and staff said yes.

Chair Livengood asked staff about the design of the project's tower. Rami Talleh said that staff is recommending a 5' tower setback, but the applicant would prefer an 18" setback.

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, advised that there is one Late Communication for Item No. B-1 and one Late Communication for Item No. B-2. Commissioner Scandura announced that he would recuse himself from Agenda Item No. B-2 due to a possible conflict of interest.

D. PLANNING COMMISSION COMMITTEE REPORTS - NONE

E. PUBLIC COMMENTS

Karen Otis of Otis Architecture, applicant for Agenda Item No. B-1, spoke in favor of the project . She noted that Otis Architecture disagrees with staff's recommendation of a 5' tower setback and would prefer an 18" setback.

F. PLANNING COMMISSION COMMENTS - NONE

6:20 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Farley

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

AGENDA APPROVAL

Chair Livengood recommended moving Item No. B-2 before Item No. B-1.

A MOTION WAS MADE BY SHAW, SECONDED BY FARLEY, TO MOVE ITEM NO. B-2 BEFORE ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF DECEMBER 9, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE MINUTES SHALL REFLECT AGENDA ITEMS IN THEIR ORIGINAL ORDER.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. COASTAL DEVELOPMENT PERMIT NO. 08-005/CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002/MITIGATED NEGATIVE DECLARATION NO. 08-011 (Pacific View Mixed Use Building, continued from September 23, 2008) **Applicant:** Karen Otis, Otis Architecture **Request: MND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **CUP/CDP:** To permit the construction of an approximately 12,735 sq. ft., three-story mixed-use development consisting of visitor serving commercial (retail) on the ground floor and a total of six residential units on the second and third floors. Parking for the mixed use development will be provided within a 40-space, two level subterranean parking structure. **SPECIAL PERMITS:** To permit the following, 1) an 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback., 2) a six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback, 3) an eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback, 4) a 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback, 5) a five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback, 6) a slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps, and 7) 500 sq. ft. common open space in lieu of the minimum required 2,163 sq. ft. common open space requirement. **Location:** 620 Pacific Coast Highway, 92648 (Northeast corner of Pacific Coast Highway and Seventh St.) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to:

A. "Approve Mitigated Negative Declaration No. 08-011 with findings and mitigation measures (Attachment No. 1)."

B. "Approve Coastal Development Permit No. 08-005 and Conditional Use Permit No. 08-011 with Special Permit No. 08-002 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Farley had no disclosures since the last meeting.
- Vice Chair Shier Burnett has visited the site and attended two Study Sessions.
- Chair Livengood had no disclosures since the last meeting.
- Commissioner Shaw has attended one Study Session.
- Commissioner Speaker recused himself due to a possible conflict of interest.
- Commissioner Scandura has attended two Study Sessions.

Rami Talleh, Senior Planner, gave the staff presentation and an overview of the project. He noted that the variance request had been withdrawn by the applicant. The proposed structure would now be three stories, and the applicant's revised plans include reduced

common open space and increased private open space. He also said that the Design Review Board and staff are recommending a 5' tower setback, but the applicant would prefer an 18" setback.

Commissioner Scandura noted that it is the Planning Commission's purview to approve either the 5' setback or the 18" setback.

THE PUBLIC HEARING WAS OPENED.

Karen Otis of Otis Architecture, applicant for Agenda Item No. B-1, spoke in favor of the project . She noted that Otis Architecture disagrees with staff's recommendation of a 5' tower setback and would prefer an 18" setback.

Mike Younessi, the property owner, spoke in favor of Item No. B-1, and concurred with Karen Otis's preference for an 18" tower setback.

Louis Dennis, resident, spoke in favor or Item No. B-1, stating that he likes the project's design.

Marguerite Volker, resident, spoke in opposition to Item No. B-1, citing concerns with privacy.

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

Chair Livengood asked staff about contamination and water well abandonment and staff stated that the mitigation measure addresses these issues. Staff also said that the Planning Department has the city's specifications regarding contamination provided by the Fire Department.

Commissioner Scandura stated that it is the Planning Commission's purview to make a decision based on the best use of the land and not on a design preference.

Commissioner Shaw said that he concurs with Commissioner Scandura and asked if The Strand project has a full setback. Staff stated that The Strand has a reduced setback.

Planning Manager Herb Fauland noted that The Strand project had been granted a special permit and that the front setback is zero.

Commissioner Shaw recommended that this project achieve LEED Silver certification.

Vice Chair Shier Burnett thanked staff for their efforts and noted that she likes the proposed square tower design and is in favor of the project.

Commissioner Farley said that as a Design Review Board member, he has concerns regarding private open space. He cited concerns with conflicting architectural styles and said that he is not in favor of the project's current design.

Chair Livengood stated that he is in favor of the project's current design.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHIER BURNETT, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 08-011 WITH FINDINGS AND MITIGATION MEASURES, AND TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 08-005 AND CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 08-011:

1. The Mitigated Negative Declaration No. 08-011 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration.

2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.

3. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 08-005:

1. Coastal Development Permit No. 08-005 for the construction of a three story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The proposed project would develop a mix of commercial uses on parcels contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Additionally, the proposed project would develop visitor-serving commercial uses in the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established, and include uses generally similar to those proposed by the project, with the exception of a hotel, which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code The proposed project

as conditioned and with the special permits provides a development that is consistent with the design guidelines, and is compatible with the scale and transition of surrounding development, and provides consistent public.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project as conditioned and with the implementation of all mitigation measure will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, alleys, and easements.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all exiting and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-011:

1. Conditional Use Permit No. 08-005 for the construction of a three story, approximately 12,898 sq. ft. mixed-use development consisting of visitor serving commercial (retail) on the ground floor, residential units on the second and third floor, and a 40 space two-level subterranean parking structure will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.

2. The conditional use permit will be compatible with surrounding uses because the project is designed with a Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown.

3. The proposed mixed use development 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. . The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvement for the two-block Main-Pier Phase II development.

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 MV-F8-sp-d (Mixed Use Vertical – 1.5 Max. Floor Area Ratio/ 25 Dwelling Units per Acre – 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. *Land Use Element*

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

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

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.

Goal LU9: 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 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU11: 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 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

1) Incorporation of uses that stimulate pedestrian activity in the first floor along the street frontage, encouraging professional offices, data computing, and other similar uses to be located in the rear or above the first floor unless economically infeasible;
2) Siting of the linear frontage of the building along the front yard property line to maintain a "building wall" character, except for areas contiguous with the structure use for outdoor dining or courtyards;
3) Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
4) Extensive articulation of the building façade and use of multiple building volumes and planes;
5) Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;
6) Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
7) Use of roofline and height variation to break up the massing and provide visual interest;
8) Visual differentiation of upper and lower floors;
9) Distinct treatment of building entrances; and

10) Use of pedestrian-oriented signage.

The subject property is located within Community Subarea 1C (abutting the downtown "Core") and complies with the standards for maximum building height of three (3) stories within the subarea. Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown. The visitor serving commercial (retail) and residential uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, which is currently vacant, and provides additional destination uses that would attract and complement retail and restaurant uses.

B. *Urban Design Element*

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

The project complies with the Urban Design Guidelines. Along the street frontages the project provides an articulated facade and a pedestrian-oriented design through the use of design elements such as building siting along the sidewalk and decorative stone and a glass storefront used to distinguish the ground floor commercial from upper floor residential uses. The proposed mixed-use structure incorporates characteristics consistent with the historic structures in downtown such as pedestrian oriented storefronts, and distinction between lower and upper floors. The architecture adopts a Mediterranean theme by including a stone facade on the first floor, arched storefront mullions, decorative stone cornices, and window treatments above the second and third floor windows. Furthermore, the proposed development will be constructed at reduced setbacks that will place the storefront closer to the public sidewalk to encourage a pedestrian oriented design that provides window-shopping and an intimate downtown atmosphere. In addition, the building storefront wraps around to the east elevation along Seventh Street to extend the pedestrian activities.

C. *Coastal Element*

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

FINDINGS FOR APPROVAL – SPECIAL PERMITS NO. 08-002:

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 08-011 for the following:

   a. An 11 ft. to 18 ft. front yard setback along Pacific Coast Highway in lieu of the minimum required 25 ft. landscaped setback (7 to 14 ft. reduction); and

   b. A six foot upper story setback along the Pacific Coast Highway frontage in lieu of a minimum average of 10 ft. upper story setback (4 ft. reduction); and

   c. An eight ft. to 10 ft. exterior (street) side yard setback along Seventh Street in lieu of the minimum required 15 ft. landscaped setback (5 to 7 ft. reduction); and

   d. A 0 ft. foot upper story setback along the Seventh Street frontage in lieu of a minimum average of 10 ft. upper story setback (10 ft. reduction); and

   e. A five ft. interior side yard setback in lieu of the minimum required seven ft. side yard setback (2 ft. reduction); and

   f. A slope of 15% in lieu of the maximum allowed slope of 10% for parking garage transition ramps (5% increase); and

   g. A 500 sq. ft. common open space area in lieu of the minimum required 2,163 sq. ft. of common open space pursuant to Section 4.2.11(a), Common Open Space, of the DTSP.

   These Special Permits result in a greater benefit from the project and will promote a better living environment because the design of the project provides a consistent development pattern along Pacific Coast Highway (PCH), and promotes the pedestrian scale envisioned by the "Village Concept" of the Downtown Specific Plan (DTSP), and provides three times the required private open space for the residential units. Furthermore, the development is energy efficient and consists of recycled/reclaimed materials. The project is conditioned to obtain Silver Certification from the U.S. Green Building Council. In addition, the project provides an architectural style that provides a distinctive break between the lower floor and the two upper floors by the use of a reduced upper story setbacks, the provision of varied roofline treatments, the use of quality colors and materials and including building heights and a tower that is compatible with the surroundings and provides a focal element encouraged by the Design Guidelines. Finally, the project will not diminish any existing coastal views for the pedestrian at the street level. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown core.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, site layout and design due to the use of appropriate site planning by placing buildings in a relationship to the street and pedestrian,

the use of Mediterranean architecture, the incorporation of compatible upper story setbacks, the use of code compliant building heights, and the provision of a tower as a focal element.

3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, will be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.

4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The proposed project is physically suitable for the site, it consolidates multiple parcels for an adequate mixed-use development site, provides parking consistent with the Huntington Beach Zoning and Subdivision Ordinance, is consistent with the type and intensities of proposed uses, complies with the Downtown Specific Plan, and is consistent with the Downtown Design Guidelines.

5. The granting of Special Permits will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the following Coastal Element goals, objectives, and policies:

   Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

   Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

   Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

   Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

   The development consists of a mixed-use project, which includes retail ground floor units for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City's downtown core area, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The grading plan prepared for the new proposed project shall contain the recommendations included in the Geotechnical Engineering Report for the site prepared by Soil Pacific, Inc., dated July 2004 and updated July 2008. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, dewatering, seismic design features, excavation and shoring requirements, foundation design, concrete slabs and pavement, cement type, surface drainage, trench backfill, and geotechnical observation.

2. The developer shall consult with DOGGR to determine if plug or re-plug of existing abandoned oil wells is necessary. Prior to the issuance of grading permits, the developer shall submit evidence of consultation with DOGGR indicating wells have been plugged or abandoned to current DOGGR standards.

3. In the event that abandoned oil wells are damaged during construction, construction activities shall cease in the immediate vicinity immediately. Remedial plugging operations would be required to re-plug the affected wells to current Department of Conservation specifications. Depending on the nature of soil contamination, if any, appropriate agencies shall be notified (e.g. City of Huntington Beach Fire Department). The developer shall ensure proper implementation for the re-abandonment operation in compliance with all applicable laws and regulations.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT 08-005/ CONDITIONAL USE PERMIT NO. 08-011 WITH SPECIAL PERMIT NO. 08-002:

1. The site plan, floor plans, and elevations received and dated October 7, 2008, shall be the conceptually approved design with the following modifications:
    a. The parking requirement tabulation on the cover sheet (Sheet T-1) shall be revised to reflect accurate parking requirements and number of units.
    b. An architectural reveal shall be provided between the edge of the staircase enclosure and the balconies along the Seventh St. frontage from the first floor to the fourth floor. (DRB)
    c. Landscaping shall be provided along the Seventh Street frontage. (DRB)
    d. A minimum drive aisle width of 26 feet shall be maintained within the subterranean parking structure.
    e. Parking spaces adjacent to a wall over twelve inches in height shall be increased in width by three feet.
    f. The parking spaces adjacent to the alley shall be setback one ft. from the property line to provide a total turn around space of 25 ft. as measured from the opposite side of the alley to the parking stall.
    g. The overall building footprint shall be decreased by approximately 165 sq. ft. and comply with the maximum 50% lot coverage.
    h. The trash enclosures shall be provided with a 3 ft. rear yard setback.
    i. The awning along the Seventh Street frontage shall be removed.

2. At least 14 days prior to any grading activity, the applicant/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 Department.

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

    a. An Affordable Housing Agreement shall be submitted for review by the City of Huntington Beach Redevelopment Agency and Planning Department. The Agreement shall provide for a minimum of 15 percent of the affordable housing requirement as required by State redevelopment law. The affordable housing agreement shall be approved by the City of Huntington Beach City Council prior to issuance of Building Permits.

    b. The project shall be registered with the U.S. Green Building Council (USGBC) for purposes of obtaining Silver Certification. A project checklist shall be submitted to the USGBC listing the project characteristics proposed to meet the minimum qualifications for obtaining Silver Certification. A copy of the completed checklist and evidence of project registration and submittal of the checklist with the USGBC shall be submitted to the Planning Department.

4. Prior to issuance of building permits, the following shall be completed:

    a. A public art element shall be integrated and be in a publicly accessible place within the proposed project. Public art shall include art of:

        - Artistic excellence and innovation,
        - Appropriate to the design of the project,
        - Reflective of the community's cultural identity, (ecology, history, society).

        The public art element shall be reviewed and approved by the Design Review Board, the Planning Department, and the Cultural Services Division Manager prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final inspection.

    b. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be reviewed and approved by the Design Review Board prior to the issuance of the first sign permit.

5. Within Six months of occupancy of the structure, evidence that Silver Certification has been obtain from the USGBC shall be provided to the Planning Department.

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.

B-2. ZONING TEXT AMENDMENT NO. 08-003 (AMENDING CHAPTER 233 SIGNS) **Applicant:** City Initiated. **Request:** Update Section 233.08 to provide clarification regarding types of and permitted placement of temporary signs; create consistency throughout Chapter 233 by revising various sections of the code for consistency with the General Plan, and increase the allowable square footage of Menu Boards. **Location:** Citywide. **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Approve Zoning Text Amendment No. 08-003 with findings (Attachment No.1) and forward the draft ordinance (Attachment No. 2) to the City Council for adoption"

Commissioner Scandura recused himself due to a possible conflict of interest.

Rosemary Medel, Associate Planner, gave the staff presentation and an overview of the project.

Commissioner Speaker asked if the Zoning Text Amendment proposed any changes to freeway signs and Planning Manager Herb Fauland said no. Speaker also asked about the potential impact to Auto Dealers and Fauland noted that this is addressed in Staff Report attachment 3.21, items G.1 and G.2.

Commissioner Farley asked about the impact on residential signs and staff noted that this is addressed in Staff Report attachment 3.15, section 233.10.

Commissioner Shaw asked if human signs would be permitted and staff noted that this is addressed in Staff Report attachment 3.15, section 233.10.

THE PUBLIC HEARING WAS OPENED.

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

Chair Livengood recommended having a 65 day limit on the posting of political signs (instead of the current 75 day limit), referencing staff report attachment 2.11.

Commissioner Farley noted that Electronic Readerboard signs referenced in staff report attachments 3.16 and 3.18 (sections 233.12 and 233.14) do not come before the Design Review Board. He recommended that Design Review Board approval be added to section 233.14.

Commissioner Shaw recommended that staff report attachment 2.14 (section 233.10) be amended to allow human signs.

A MOTION WAS MADE BY SPEAKER, SECONDED BY SHIER BURNETT, TO APPROVE ZONING TEXT AMENDMENT NO. 08-003 WITH FINDINGS AND MODIFICATIONS AND FORWARD THE DRAFT ORDINANCE TO THE CITY COUNCIL FOR APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL

ZONING TEXT AMENDMENT NO. 08-003

FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 08-003:

1. Zoning Text Amendment No. 08-003 amends Chapter 233 Signs to provide internal consistency throughout the ordinance and ensure that the regulations are content neutral. The amendment controls the proliferation of commercial signs for aesthetics and traffic safety reasons and modifies the allowable square footage for menu boards in a manner consistent with the goals, policies and objectives specified in the General Plan.

2. In the case of the general land use provisions, the amendments proposed are compatible with the uses authorized in, and the standards prescribed for, the Zoning districts for which they are proposed. The amendment to Chapter 233 Signs affects the sign regulations for various zoning districts, including residential and commercial. The changes do not affect zoning of any property by altering allowed land use or the development standards thereof. Therefore, the changes do not affect the compatibility of uses allowed and established by the General Plan and Zoning designations.

3. A community need is demonstrated for the proposed amendment to ensure a sign code that protects the City's goals for enhancing the visual image of the city. The request to increase the allowable square footage of menu boards from ten (10) square feet to 32 square feet is in response to the need of commercial drive-thru businesses for menu boards that can accommodate the visual needs of their customers.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice because the General Plan, Urban Design Element goals, objectives and policies indicate the desire to protect the aesthetic appearance of the City and reduce a weak visual image. The adoption of this amended ordinance will ensure the development of elements that create continuity in signage and create distinctive districts through a common design theme and a coherent citywide image.

RECOMMENDED MODIFICATIONS

ZONING TEXT AMENDMENT NO. 08-003

RECOMMENDED MODIFICATIONS - ZONING TEXT AMENDMENT NO. 08-003:

1. To reduce the allowable time prior to an election for the display of political signs from 75 to 65 days.

2. To delete Human Signs from Section 233.10, Prohibited Signs.

3. To require Design Review for multiple users be added to Electronic Readerboards and Section 233.14 Readerboards.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED AUGUST 12, 2008

RECOMMENDED ACTION: Motion to "Approve the August 12, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE THE AUGUST 12, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED AUGUST 26, 2008

RECOMMENDED ACTION: Motion to "Approve the August 26, 2008, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE THE AUGUST 26, 2008 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

D-1. NEIGHBORHOOD COMPATIBILITY SUB-COMMITTEE RECOMMENDATIONS – Commissioner Scandura

RECOMMENDED ACTION: Motion to approve the following Minute Action to the City Council: "Direct staff to prepare the necessary amendments to the Huntington Beach Zoning and Subdivision Ordinance and Design Guidelines to incorporate the recommendations by the Planning Commission Neighborhood Compatibility Sub-Committee."

Commissioner Scandura gave a presentation of the Sub-Committee work and outlined the recommendations.

Commissioner Shaw thanked Scandura for his efforts on the Sub-Committee.

Vice Chair Shier Burnett thanked Commissioners Scandura and Shaw for their work on the Sub-Committee.

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO DIRECT STAFF TO PREPARE THE NECESSARY AMENDMENTS TO THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE AND DESIGN GUIDELINES TO INCORPORATE THE RECOMMENDATIONS BY THE PLANNING COMMISSION NEIGHBORHOOD COMPATIBILITY SUB-COMMITTEE, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

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

Herb Fauland, 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

Commissioner Scandura congratulated Chair Livengood for his outstanding leadership as Chairman. He announced that his father had recently passed away and asked that tonight's meeting be dedicated to his memory.

Vice Chair Shier Burnett offered her condolences to Commissioner Scandura. Shier Burnett also congratulated ex-Commissioner Devin Dwyer on his election to the City Council. She also thanked Commissioner Shaw for his service to the Planning Commission. She mentioned that the Mayor's Award was recently presented to Chris McDonald, honoring his volunteer service to the City of Huntington Beach.

Chair Livengood thanked the Planning Commission and staff for all their efforts in 2008 and offered his condolences to Commissioner Scandura.

Commissioner Shaw offered his condolences to Commissioner Scandura and thanked him for the excellent job he did on the Planning Commission Neighborhood Compatibility Sub-Committee.

ADJOURNMENT: Adjourned at 8:25 PM to the holiday celebration at Baci Restaurant at 18748 Beach Blvd. on December 11, 2008 at 6:00 PM and then adjourn to the next regularly scheduled meeting of Tuesday, January 13, 2009.

NOTE: The City of Huntington Beach Planning Commission Meeting of December 23, 2008 has been CANCELLED.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson