MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 23, 2009
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

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

Chair Shier Burnett and Commissioner Speaker recused themselves from the discussion on Item No. A-1. Commissioner Scandura was absent.

Vice Chair Farley recommended that any public speakers who did not get an opportunity to speak during the study session, speak during Oral Communications at the 7:00 PM portion of the meeting.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY MANTINI, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 23, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. GENERAL PLAN AMENDMENT NO. 08-007/LOCAL COASTAL PROGRAM AMENDMENT NO. 08-002/ZONING TEXT AMENDMENT NO. 08-004 (DOWNTOWN SPECIFIC PLAN UPDATE) – Jennifer Villasenor, Associate Planner

Jennifer Villasenor, Associate Planner, gave a brief introduction of the proposed project. She noted that additional study sessions are scheduled for July 14th, July 28th and August 11th, 2009.

Kellee Fritzal, Deputy Director of Economic Development, briefly presented the Downtown Specific Plan background and purpose.

Eric Justesen, lead consultant with RRM Design, provided a PowerPoint presentation of the key provisions of the Downtown Specific Plan Update, and an overview of their findings and recommendations, including the overall process and background analysis.

Commissioner Livengood asked staff to provide additional information on the applicability of Measure "C" and the library site at the study session on July 14, 2009. Senior Deputy City Attorney Leonie Mulvihill noted that Measure "C" requires a public vote if all measures of the Charter Section 612 are met. Commissioner Livengood asked if the area known as Triangle Park is a park, and Ms Villasenor noted that the site is not zoned or designated in the General Plan as a park or identified for recreational use.

Commissioner Mantini asked about beach parking and Ms. Fritzal noted that the draft Specific Plan includes provisions for tiered parking structures at the beach.

Commissioner Livengood discussed parking on Main Street, sidewalk sales and the effect of the proposed parking requirements on local business owners. Mr. Livengood asked that clarification on Measure "C" and further details on the Specific Plan review process be provided to the Planning Commission at the study session on July 14, 2009. Mr. Livengood also asked staff to provide the Planning Commission with the current adopted Downtown Specific Plan.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS

Clint Orr, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Craig Sufficool, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Andrisse Dominguez, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Isabel Phibbs, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

John Acampora, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Kim Kramer, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public

space, and the proposed redevelopment of the area known as Triangle Park. He noted that he met with City Attorney Jennifer McGrath to discuss these issues.

Midge Castro, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Robert Castro, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Mary Boddy, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Charles Anoz, resident, spoke in opposition to Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space.

Gloria Alvarez, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Sue Hart, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) – NONE

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:45 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Delgleize

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

Commissioner Scandura was absent.

A MOTION WAS MADE BY FARLEY, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 23, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS

Richardson Gray, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Marilyn Smith, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Sue Claycomb, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Karen Heidt, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Cheryl Gatch, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Karen McNeil, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Robert Cooke, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Robert Corona, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the proposed setbacks in District Four along Pacific Coast Highway.

Linda Aroz, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Linda Light, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Robert Fisher, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Althea Santucci, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Susan Schwartz, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Richard Plummer, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Paul Cross, resident, spoke regarding Item No. A-1 (Downtown Specific Plan Update), citing concerns with the preservation of the Main Street Library and surrounding public space, and the proposed redevelopment of the area known as Triangle Park.

Mark Bixby, resident, spoke in opposition to Item No. D-1 (Senior Center Final Design and Landscape Plans), citing concerns with the proposed acreage of the proposed Senior Center.

Ralph Bauer, Huntington Beach Council on Aging, resident, spoke in favor of Item No. D-1 (Senior Center Final Design and Landscape Plans).

B. PUBLIC HEARING ITEMS - NONE

B-1. CONDITIONAL USE PERMIT NO. 09-001 (SANDBOX SPORTS GRILL)

Applicant: Scott Natvig, Architect **Request:** To permit the establishment of 1) a 150 sq. ft. indoor area for dancing, 2) alcohol service within a 1,110 sq. ft. outdoor dining area, and 3) valet service for an existing 5,539 sq. ft. sports bar restaurant. **Location:** 8052 Adams Avenue, 92646 (southeast corner of Beach Blvd. and Adams Avenue) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 09-001 to permit alcohol service in the outdoor dining area only with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Speaker has visited the site during the day and at night, attended the study session, spoke to staff and spoke to the Police Department.
- Commissioner Mantini has visited the site and attended the study session.
- Vice Chair Farley has visited the site, attended the study session and attended the Design Review Board meeting.
- Chair Shier Burnett has visited the site and attended the study session.
- Commissioner Livengood has visited the site, spoke to the restaurant manager, spoke to staff and attended the study session.
- Commissioner Delgleize has visited the site.

Jill Arabe, Assistant Planner, gave the staff presentation and an overview of the proposed project.

Commissioner Speaker discussed staff's recommendation that alcohol service be provided only in conjunction with food service. Ms. Arabe noted that this recommendation is based on Code Enforcement and Police Department complaints. Planning Manager Herb Fauland said that allowing alcohol service only in conjunction with food service is a frequently used condition, and helps ensure that the outdoor dining area will not be used solely as a bar.

Commissioner Mantini asked staff if neighboring Flight Bistro has outdoor dining with alcohol service until 2:00 AM and Ms. Arabe said yes.

Commissioner Livengood asked about Flight Bistro's Conditional Use Permit and if it was inherited. Ms. Arabe noted that the Conditional Use Permit goes with the property and business as long as the business is not interrupted for longer than twelve months.

Commissioner Livengood also asked about the existing Flight Bistro valet arrangement. He asked if the waiting valet traffic obstructs Adams Avenue. Fire Division Chief Bill Reardon said that he is not aware of any queuing problems.

Commissioner Livengood also asked about the percentage of compact parking. Ms. Arabe noted that approximately 30% of the lot (which is owned by Flight Bistro and the neighboring office building) is compact parking.

Commissioner Delgleize asked if there were queuing/traffic problems without a valet and Ms. Arabe said that she is not aware of any problems.

Planning Manager Herb Fauland noted that staff is recommending no valet service for Sandbox Sports Grill. He also noted that all properties at the site are subject to reciprocal parking access. Mr. Fauland further noted that staff has not seen an adequate valet parking plan for Sandbox that staff can recommend for approval. He also said that Flight Bistro had dancing and valet parking approved in the early 1990s.

Commissioner Farley discussed staff report attachment 7.1, which shows the calls for police service for the Sandbox Sports Grill. Police Captain Chuck

Thomas noted that the Sandbox Sports Grill has been issued six civil citations under the current owner.

THE PUBLIC HEARING WAS OPENED.

Jeff Goad, resident, spoke in opposition to Item No. B-1, citing concerns with noise and traffic.

Aaron Valenty, owner of Sandbox Sports Grill, spoke in favor of Item No. B-1. He noted that Sandbox doesn't dispose of their bottles at night. He also said that he is requesting a valet service and dancing permits in order to be able to compete with neighboring Flight Bistro. He further noted that Flight Bistro has a permit to serve alcohol on their outdoor patio.

Mr. Nami, manager/operator of Sandbox Sports Grill, spoke in favor of Item No. B-1, stating that Sandbox strives to be a courteous neighbor.

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

Commissioner Livengood asked Police Captain Chuck Thomas if there have been any problems with traffic queuing due to Flight Bistro's valet parking. Captain Thomas said that there are traffic issues with queuing onto Adams Avenue at night and incidences of jaywalking pedestrians from Newland Center. Mr. Livengood asked staff if Flight Bistro's Conditional Use Permit could be changed due to these hazards. Planning Manager Herb Fauland said that the Conditional Use Permit for Flight Bistro is not under review and cannot be amended, but he would ask the Code Enforcement staff to research the issue.

Mr. Fauland also said that the history of this site does not lend itself to staff's support of valet parking and dancing. Mr. Fauland noted that the applicant is encouraged to revisit these issues in the future. He also noted that staff's recommendation is only to permit alcohol service in conjunction with food service in the outdoor dining area.

Commissioner Speaker stated that he would be voting against the motion, as he feels that the Sandbox Sports Grill is a bar and not a restaurant.

Commissioner Speaker made a motion to deny Conditional Use Permit No. 09-001 with findings for denial, but there was no second to that motion.

Commissioner Livengood recommended the following modifications: that no valet parking or dancing be permitted; that a security guard be provided from 7:00 PM to a minimum of one-half hour after closing, and that valet service shall not be permitted until such time a revised valet plan is submitted to the Planning Department for review and approval by the Planning Commission.

Commissioner Farley asked if any limits were being set on music and noise. Captain Thomas said that the city's Municipal Code prohibits continuous noise between the hours of 10:00 PM to 7:00 AM, if it can be heard from 50' away.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 09-001 TO PERMIT ALCOHOL SERVICE IN THE OUTDOOR DINING AREA ONLY WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 09-001

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves negligible or no expansion of the existing restaurant use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 2009-001:

1. Conditional Use Permit No. 2009-001 for the establishment, maintenance and operation of alcohol service and consumption within an existing outdoor dining patio of an existing restaurant 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 existing outdoor dining area is located north of the subject restaurant and oriented towards arterial streets, so potential noise do not impact residential uses to the south and east of the commercial center. Alcohol service will be in conjunction with food service, such that the restaurant use will be consistent both within the exterior of the northwest patio and within the interior of the building. The project will be modified to remove the 150 sq. ft. dance floor and valet plan because these additional requests may cause detrimental impacts related to noise and traffic. The restaurant will remain as an eating and drinking establishment.

2. The conditional use permit will be compatible with surrounding uses because nearby residential uses are buffered from the existing outdoor dining area by buildings and parking lots. Noise generated by the outdoor dining patrons will be consistent with a restaurant use. Outdoor dining patrons may only be served and consume alcohol in conjunction with food service, such that the restaurant use remains unaltered. Vehicular traffic and noise will be similar to other eating and drinking establishments within close proximity to residential uses. The outdoor dining patio is surrounded by minimum five (5) foot high screen walls and building walls to restrict access to and from the area and to minimize noise spreading to residential uses.

3. The granting of the conditional use permit, as modified by conditions of approval, will not adversely affect the General Plan. It is consistent with the following goals and policies of the General Plan:

A. *Land Use Element*

Policy LU 10.1.6 Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular, traffic, visual character, and operational hazards.
Policy LU 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The subject site operates with alcohol service and live entertainment, which are ancillary to the restaurant use. The proposed alcohol service and consumption within the existing outdoor dining area is compatible with the restaurant use and neighboring commercial uses. The expansion of the alcohol menu to the existing outdoor area does not increase the intensity of the permitted use. As suggested by condition of approval, the alcohol service and consumption will be in conjunction with food service. The outdoor dining patio is located along the north and west exterior of the building towards the arterial streets. It is surrounded by the building and minimum five (5)-foot high screen walls. The residential uses are buffered from the patio area by commercial buildings, parking lots, and perimeter walls. Also, the restaurant is the furthest building from nearby residential properties, which offers adequate relief. The restaurant will operate with conditions placed on the Entertainment Permit issued by the Police Department.

B. *Noise Element*

Objective N 1.4 Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise sensitive" uses.

The expansion of alcohol service and consumption in conjunction with food service will not increase the existing conditions generated by patrons utilizing the outdoor dining area. The outdoor patio is located towards the arterial streets and further away from residents. Vehicular traffic along the arterial streets absorbs noise generated by the outdoor dining patrons. The outdoor patio located southeast of the building will not be utilized by patrons as modified by a condition of approval.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 09-001:

1. The site plan, floor plan, and elevation received and dated May 4, 2009, shall be the conceptually approved design with the following modifications:
    a. The 150 sq. ft. dance floor shall be removed.
    b. The proposed valet parking plan shall be removed.
    c. The proposed (2) parking spaces south of the subject building shall be removed.
2. The use shall comply with the following:
    a. Dancing shall be prohibited **(PD)**.
    b. Valet service shall not be permitted until such time a revised valet plan is submitted to the Planning Department for review and approval by the Planning Commission.
    c. Doors shall remain closed during hours of operation.
    d. Alcoholic beverages may only be served and consumed in conjunction with food service within the 1,110 sq. ft. outdoor dining patio along the north and west side of

the building. The area shall be monitored for compliance by Code Enforcement and the Police Department.

e. A security guard shall be on duty to monitor parking, trash, and noise from 7pm until a minimum one-half hour after closing.

f. Patrons will not be permitted in the patio areas along the south and east sides of the business. (**PD**)

g. Food from the regular restaurant menu must be available from opening until one-half hour prior to the scheduled closing time. (**PD**)

h. The use shall conform with all conditions of the Entertainment Permit as approved by the Police Department.

i. All previous conditions of approval per Conditional Use Permit No. 94-9 shall apply.

3. A review of the use shall be conducted by the Planning Commission with public hearing within (6) months and (12) months of Conditional Use Permit No. 09-001 approval to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. At that time the Planning Commission may consider modifications to the conditions of approval.

4. The Planning Commission reserves the right to amend the conditions or revoke Conditional Use Permit No. 09-001 if any violation of these conditions of the Huntington Beach Municipal or HBZSO occurs.

5. The Development Services Departments (Building & Safety, Fire, Planning, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

6. 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 - NONE

D. NON-PUBLIC HEARING ITEMS

D-1. SENIOR CENTER – FINAL PROJECT DESIGN AND LANDSCAPE PLANS (CONDITIONAL USE PERMIT NO. 07-039) Applicant: City of Huntington Beach **Request:** To review and approve the final design and landscape plans for the Huntington Beach Senior Center pursuant to conditions of approval Nos. 3, 5 and 6 of Conditional Use Permit No. 07-039 approved by the City Council on February 4, 2008. **Location:** 18041 Goldenwest Street (southwest of the intersection of Goldenwest Street and Talbert Avenue) **Project Planner**: Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Approve the final project design and landscape plans for the Huntington Beach Senior Center (Attachment No 3)."

Chair Shier Burnett said that she attended and voted on this item at the Design Review Board meeting of June 11, 2009.

Jennifer Villasenor, Associate Planner, gave the staff presentation and an overview of the project. She noted that it is the Planning Commission's purview only to review three conditions of the final project design and landscape plans (conditions #3, #5 and #6) and that the proposed driveway landscaping does not require the Planning Commission's approval.

Commissioner Livengood asked if the Senior Center sits on a five-acre site and Ms. Villasenor said yes.

Commissioner Livengood also said that he had consulted a gardener and would be recommending removing some plants from the final landscape schematic in favor of more drought resistant species. Landscape Architect Chuck Davis said that that he would research these issues.

Commissioner Farley asked about the monument sign at the site. Ms. Villasenor said that the sign is subject to the city's Zoning Ordinance, Chapter 233, and that there is potential for a future monument sign.

Commissioner Farley stated that he would be voting against this project.

Chair Shier Burnett also stated that she would be voting against this project, as she has concerns with the proposed driveway landscaping.

Commissioner Livengood recommended that the African Daisy be removed from the Schematic Planting Legend and asked that the proposed meadow grasses be further reviewed by the city's Landscape Architect.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY LIVENGOOD, TO APPROVE THE FINAL PROJECT DESIGN AND LANDSCAPE PLANS FOR THE HUNTINGTON BEACH SENIOR CENTER WITH MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL – SENIOR CENTER FINAL PROJECT DESIGN AND LANDSCAPE PLANS:

1. The final project design and landscape plans received and dated June 2, 2009 shall be the conceptually approved design with the following modifications:
   a. The *African Daisy* shall be deleted from the landscape plan and plant palette.
   b. The proposed meadow grasses depicted on the landscape plan shall be reviewed by the City's landscape architect.
   c.

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.

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Herb Fauland, Planning Manager - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager – reported on the items for the next City Council
Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Herb Fauland, Planning Manager – reported on the items scheduled for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Speaker spoke regarding abstaining from voting on an item due to a possible conflict of interest. Planning Manager Herb Fauland noted that this issue is addressed in the Planning Commission Rules dated January 10, 2006, Item No. 9. Chair Shier Burnett asked that this item be brought before the Planning Commission at a study session on July 14, 2009.

A motion was made by Shier Burnett, seconded by Speaker, to discuss Planning Commission Bylaws and Rules at a study session on July 14, 2009.

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

MOTION APPROVED

Commissioner Livengood asked Code Enforcement and the Police Department to review the current valet parking at Flight Bistro at 8082 Adams Avenue and provide their findings to the Planning Commission in August of 2009.

A motion was made by Livengood, seconded by Speaker, requesting Code Enforcement and the Police Department review the valet parking at Flight Bistro and provide their findings to the Planning Commission in August of 2009.

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

MOTION APPROVED

ADJOURNMENT: Adjourned at 9:48 PM to the next regularly scheduled meeting of Tuesday, July 14, 2009.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson