MINUTES – SPECIAL MEETING
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 30, 2008
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Dwyer

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

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 30, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS

Les Mittleman, resident, spoke in opposition to Item No. B-1.

Pamela Vallot, resident, spoke in opposition to Item No. B-1.

Robert Sternberg, Goldenwest Neighborhood Association, spoke in opposition to Item No. B-1.

David Harris, resident, spoke against Item No. B-1.

Dave Sullivan, of Huntington Beach Tomorrow, spoke in opposition to Item No. B-1.

Bobbe Mootchnik, resident, spoke in opposition to Item No. B-1.

Andrew Nelson of Red Oak Investments, applicant, spoke in favor of Item No. B-1.

Alex Wong of Red Oak Investments, applicant, spoke in favor of Item No. B-1.

Steve Stafford, resident, spoke in opposition to Item No. B-1.

B. PUBLIC HEARING ITEMS

B-1. GENERAL PLAN AMENDMENT NO. 07-003/ZONING MAP AMENDMENT NO. 07-001/ CONDITIONAL USE PERMIT NO. 07-043 (THE RIPCURL - CONTINUED FROM THE SEPTEMBER 23, 2008 MEETING, WITH THE PUBLIC HEARING PORTION CLOSED) **Applicant:** Andrew Nelson/Alex Wong, Amstar/Red Oak Huntington Beach, LLC **Request: GPA:** To amend the General Plan Land Use Designation from the current CG-F1-d (Commercial General—0.35 Max Floor Area Ratio—Design Overlay) to the proposed M-F7-d (Mixed Use—3.0 Max Floor Area Ratio—Design Overlay) designation. **ZMA:** To amend the Zoning designation from the current CG (Commercial General) to the proposed MU-TCD (Mixed Use-Transit Center District) designation. **CUP:** To develop and construct a mixed use residential and commercial development (approximately 382,700 sq. ft.) consisting of 440 residential units (including 11 live/work units), 10,000 sq. ft. of commercial uses, 705 parking spaces, outdoor amenities (pool and spa, fire pit and movie projection area), and indoor amenities (fitness center, business center, conference room and clubhouse). The project would be six stories in height and consist of four levels of housing over three levels of parking **Location:** 7302-7400 Center Avenue, 92647 (southeast corner of Gothard Street and Center Avenue). **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to:

A. "Approve General Plan Amendment No. 07-003 by approving the draft City Council Resolution (Attachment No. 1) and forward to the City Council for adoption."

B. "Approve Zoning Map Amendment No. 07-001 with findings for approval (Attachment No. 2) and forward the draft Ordinance (Attachment No. 3) to the City Council for adoption."

C. "Approve Conditional Use Permit No. 07-043 with findings and suggested conditions of approval (Attachment No. 6)."

D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 11)."

The Commission made the following disclosures:

- Commissioner Farley attended the site Field Trip.
- Commissioner Dwyer has spoken to staff and Commissioners Shier Burnett and Shaw.
- Vice Chair Shier Burnett attended the site Field Trip, and spoke to Commissioners Dwyer and Shaw.
- Chair Livengood attended the site Field Trip and spoke to staff and Councilwoman Green.

- Commissioner Shaw attended the site Field Trip, spoke to Vice Chair Shier Burnett and Commissioner Dwyer, and has spoken to staff and Mayor Cook.
- Commissioner Speaker spoke to resident Davis Harris and Councilman Joe Carchio.
- Commissioner Scandura had nothing new to disclose since the last meeting of September 23, 2008.

Herb Fauland, Planning Manager, advised that there are six Late Communications for Item No. B-1 and one hand delivered Late Communication for Item No. B-1

Tess Nguyen, Associate Planner, gave an overview of the project and noted that Environmental Impact Report No. 07-004 and Zoning Text Amendment No. 07-004 were approved by the Planning Commission on September 23, 2008. She noted that the focus of tonight's Special Meeting is on General Plan Amendment No. 07-003/Zoning Map Amendment No. 07-001/Conditional Use Permit No. 07-043. She also noted that the revised conditions of approval include the reduction of the number of residential units from 440 to 330 and provide an increase in on-site parking.

Commissioner Speaker asked the applicant about the last five structures built by Red Oak Investments. Alex Wong said that he would be happy to provide further details to the Planning Commission and noted that the average Floor Area Ratio on these structures was 2.35.

Chair Livengood noted that clarification was needed on the four staff recommendations and Planning Manager Herb Fauland stated that there would be a separate vote for each of the four recommendations.

Commissioner Scandura addressed park in-lieu fees, noting that there is a discrepancy between the $500,000 which Red Oak Investments will have to pay and the $22,000,000 that Pacific City will have to pay.

Commissioner Speaker stated his concerns with the 110 units per acre size, saying that it was too dense. He also noted that he has concerns with the water supply to the building.

Commissioner Shaw noted that the vote is not predetermined. He also said that he believes the project is too dense and doesn't think it will promote walkability.

Vice Chair Shier Burnett asked staff about affordable housing, and Planning Manager Mary Beth Broeren stated that it could be situated offsite and may consist of either rental or ownership units. Broeren also noted that in the past, Economic Development has teamed with non-profit organizations to provide affordable housing.

Vice Chair Shier Burnett also asked about the traffic signal at Gothard Street and Center Avenue and staff noted that modifications are recommended for that signal. Shier Burnett noted that the proposed project will be dense, but will be at a good location if traffic issues can be mitigated.

Planning Manager Mary Beth Broeren spoke regarding SCAG (Southern California Association of Governments) projections and the walkability recommendations from the Design Review Board.

Vice Chair Shier Burnett stated that she is in favor of live/work units.

Chair Livengood asked Brian Thorsen (a representative from Southern California Edison) about the high tension power lines near the site. Mr. Thorsen confirmed that the wires might cause television and radio interference and would cause noise.

Commissioner Dwyer raised the issue of walkability and noted that the Design Review Board addressed this only within the confines of The Ripcurl site, while the Planning Commission would like to address walkability between The Ripcurl site and neighboring sites, such as Bella Terra. Planning Manager Mary Beth Broeren noted that the Planning Commission's decision on September 23, 2008, included a reciprocal access agreement.

Chair Livengood spoke regarding the handout that he provided to the Planning Commission; he recommends setting the bar for density and stated that he will not be in favor of going over the number of units he recommends (385 units/100 units per acre). He also noted that staff is recommending 100 units per acre, the applicant is requesting 116 units per acre, Chair Livengood's recommendation is 65 units per acre and Commissioner Scandura's recommendation is 85 units per acre.

STRAW VOTE #1

A Straw Vote motion was made by Livengood, seconded by Shier Burnett, to limit the density to 85 units per acre.

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

MOTION FAILED

Chair Livengood noted that it is the Planning Commission's purview to determine the best land use for the community.

Senior Deputy City Attorney Leonie Mulvihill addressed Chair Livengood regarding the handout he provided and said that she would like to see more consistent and specific findings.

STRAW VOTE #2

A Straw Vote motion was made by Farley, seconded by Speaker, to limit the density to 65 units per acre.

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

MOTION FAILED

STRAW VOTE #3

A Straw Vote motion was made by Scandura, seconded by Shier Burnett, to limit the density to 100 units per acre.

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

MOTION FAILED

Commissioner Scandura asked Transportation Manager Bob Stachelski if traffic levels would be rising to unacceptable levels with or without the addition of The Ripcurl project, and Stachelski said yes. Scandura also noted that he won't be supporting Chair's Livengood's recommendations without substantiating findings.

Vice Chair Shier Burnett said that the Planning Commission's focus should be on the project's Floor Area Ratio and not on its density. She also stated that she is in favor of the project and believes it will revitalize the surrounding area.

Director of Planning Scott Hess noted that Chair Livengood's recommendations would include reducing the number of units. Planning Manager Mary Beth Broeren noted that reducing the number of units from 440 to 385 would reduce the traffic impacts.

Commissioner Speaker asked for a definition of Floor Area Ratio and Planning Manager Broeren stated that it is the amount of building that you can put on a site based on a ratio to parcel size.

Commissioner Farley stated that he supports Chair Livengood's recommendation of 65 units per acre.

Commissioner Dwyer said that he is in favor of between 85 and 100 units per acre.

Director of Planning Scott Hess noted that it is the Planning Commission's purview to focus on the most efficient use of the land.

STRAW VOTE #4

A Straw Vote motion was made by Livengood, seconded by Shier Burnett, to limit the density to 87 units per acre.

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE GENERAL PLAN AMENDMENT NO. 07-003 BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION (ATTACHMENT NO. 1) AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY LIVENGOOD, TO APPROVE ZONING MAP AMENDMENT NO. 07-001 WITH FINDINGS FOR APPROVAL (ATTACHMENT NO. 2) AND FORWARD THE DRAFT ORDINANCE (ATTACHMENT NO. 3) TO THE CITY COUNCIL FOR ADOPTION , BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DWYER, TO APPROVE CONDITIONAL USE PERMIT NO. 07-043 WITH MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL (ATTACHMENT NO. 6), AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY SHAW, TO APPROVE CEQA STATEMENT OF MODIFIED FINDINGS AND FACT WITH A STATEMENT OF OVERRIDING CONSIDERATIONS (ATTACHMENT NO. 11), BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL – ZONING MAP AMENDMENT NO. 07-001:

1. Zoning Map Amendment No. 07-001 amends the existing zoning designation by changing the CG (Commercial General) zoning designation on the subject site to MU-TCD (Mixed Use-Transit Center District). The adoption of this amendment will establish the Mixed Use-Transit Center District zoning and development standards for the property and will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan as well as the proposed General Plan Amendment No. 07-003.

   The proposed Mixed Use-Transit Center District zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. In the case of general land use provisions, the Zoning Map Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Mixed Use-Transit Center District land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 07-003.

3. A community need is demonstrated for the change proposed. The proposed mixed use-transit center district zoning provides the standards necessary to develop a high quality of mixed use land uses complementing and enhancing surrounding land uses. The existing Commercial General Land Use and Zoning designations do not facilitate the development of mixed-use projects. The mixed use-transit center district land use designation allows for the development of a mixed-use project that produces an environment which is both attractive

and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.

4. The adoption of the Mixed Use-Transit Center District zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of potential benefits of this type of development in the larger context of directing future growth. The adoption of this zoning design would implement the goals of smart growth and sustainable development.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-043:

1. Conditional Use Permit No. 07-043 for the construction of 330 residential units and 10,000 sq. ft. of commercial/retail space 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 proposed transit-oriented development would produce an environment which is both attractive and sustainable by increasing housing options, promoting alternative modes of transportation, and creating a local sense of place. The adjacency to a variety of commercial, entertainment, educational, and transportation uses allows the project to have a more compact and higher density development while minimizing adverse environmental effects. The mix of land uses contemplated by the proposed project as well as those already existing in the vicinity would create a dynamic environment where people can live, work, and play within a walking distance. The population increase would enhance the economic viability of the area by supplying a customer base for the area businesses. In addition, the architectural treatment of the buildings includes numerous features that contribute to an attractive design and convey a high quality visual image and character of the development. The provision of centrally located courtyards and open space amenities add to the appeal of the development. Given these project features, the project would fit within the surrounding neighborhood.

2. The conditional use permit will be compatible with surrounding uses and anticipated land uses because the proposed mixed-use project is complementary to existing uses in the vicinity. The area in proximity to the project site is targeted for revitalization efforts, incorporating more intense mixed use development. Because of its unique location, the project will accommodate the proposed growth that is compatible with surrounding uses. The project is designed to convey a high quality visual image and attractive pedestrian atmosphere to harmonize with developments in the vicinity. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 05-01 and code provisions will ensure that the project will be compatible with other area developments.

3. The proposed mixed use project will comply with the provisions of the base district and other applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed development will comply with all code provisions, including setbacks, building height, open space, parking, and building design standards. Compliance with the development standards will ensure a high quality development that would be compatible with the surrounding land uses.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed Land Use Element designation of Mixed Use on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. *Circulation Element*

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

Policy CE 2.1.: Comply with City's performance standards for acceptable levels of service.

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

B. *Growth Management Element*

Policy GM 3.1.8: Promote traffic reduction strategies including alternate travel modes, alternate work hours, and a decrease of vehicle trips throughout the city.

C. *Housing Element*

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

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

Goal H 5: Provide equal housing opportunity.

D. *Land Use Element*

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

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

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

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

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

b. Vary uses and densities along the City's extended commercial corridors, such as Beach Boulevard.
c. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.
f. Site development to capitalize upon potential long-term transit improvements.

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

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

Goal LU 10: Achieve the development of a range of commercial uses.

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

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

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

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

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

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

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

E. *Noise Element*

Policy N 1.3.10: Require that mechanical equipment, such as air conditioning units or pool equipment, comply with the City's Noise Ordinance and Zoning and Subdivision Ordinance.

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

F. *Urban Design Element*

Goal UD 1.1: Enhance the visual image of the City of Huntington Beach

G. *Utilities Element*

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

The proposed amendments to the General Plan and Zoning land use designations are a mechanism to achieve the goals of smart growth and sustainable development. The amendments would allow for a mixed use, transit-oriented, high density development thereby increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as commercial and entertainment uses, employment centers, a transit hub, and a school. Because of its location and unique features, the site would be appropriate in accommodating an infill development that is more compact in design and higher in density and compatible with the surrounding area. In doing so, multiple sustainable development principles are achieved, resulting in the social and economic well-being of the area. The benefits of mixed use developments include creating better places to live, work, and play, reducing dependence on the automobile, and lessening pollution and environmental degradation. Mixed use development is about widening the choices on where to live and how to travel, rejuvenating urban neighborhoods, bringing more people into everyday social interactions, and ensuring that communities continue to thrive.

The proposed project would be a mixed-use, transit-oriented, and high-density development that offers a wide range of housing opportunities and options, accommodating different age groups, income levels, and household types. The project is required to meet the City's affordable housing ordinance obligations providing the equivalent of 10 percent of the units (on-site and/or off-site) as affordable. In addition, the project provides a concentration of living, shopping, entertainment, educational, and employment opportunities within walking distance of the Golden West Transportation Center. This development promotes the use of transit services as an alternative to reliance on the automobile as the primary mode of transportation. Because the project is located in close proximity to different activities and uses, it provides opportunities and convenience for many households to use alternate travel modes such as walking and biking to complete their daily routines and run errands.

The structures of the proposed project are designed to convey a high quality visual image and character and ensure compatibility of residential and commercial uses. The project is designed with retail storefronts on the ground level and residential units above, incorporating design elements, building materials, and colors to differentiate and complement the residential and commercial components of the project. The proposed mix of retail and residential uses at the project site, along with high quality design and attractive pedestrian atmosphere, would activate the urban environment and revitalize community life.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-043:

1. The site plan, floor plans, elevations, and other site plan exhibits received and dated August 6, 2008 shall be the conceptually approved design with the following modifications.

    a. The project shall be revised to reduce the number of residential units from 440 units to 330 units and retain the 10,000 sq. ft. of commercial/retail space.

    b. The number of onsite parking spaces shall be increased to comply with the minimum parking requirements of the MU-TCD development standards.

c. The minimum open space areas shall be provided to comply with the open space requirements of the MU-TCD development standards.

d. The minimum private storage space shall be provided to comply with the private storage space requirements of the MU-TCD development standards.

e. Architectural projections and recesses shall be provided on all building elevations except for the building elevations that face each other (i.e. the east elevation of the west building and west elevation of the east building).

f. The height of parapet walls shall be reduced to two feet and maintain the score-line design.

g. A walkability/pedestrian access plan within the project site and to adjacent sites and landscape plans shall be submitted for Design Review Board approval.

h. The recreation room shall be designed to have windows looking out onto the courtyard and the elevator waiting area to provide more visibility. **(PD)**

2. Prior to receiving a precise grading and building permit, the following shall be submitted and approved:
   a. The applicant shall prepare a site Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering as well as for surface drainage. **(PW)**

   b. A Shoring Plan prepared by a Civil or Structural Engineer shall be submitted to the Public Works Department (for reference only) with first submittal of the Precise Grading Plan. **(PW)**

3. During grading and construction, the following shall be completed:

   a. Raker braces per the preliminary Geotechnical Report (dated December 12, 2006) shall be used for lateral support of the temporary shoring during the construction phase of the project. **(PW)**

   b. Tie-back anchors will not be allowed in the public right-of-way (under Gothard Street or Center Avenue) or under any adjacent private property (Levitz and Southern California Edison). **(PW)**

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

   a. The Affordable Housing Agreement shall be approved and recorded by the City prior to issuance of building permits.
   b. The subject property shall provide an irrevocable offer to dedicate a reciprocal accessway between the subject site and adjacent southerly property. The design, location and width of the accessway shall be reviewed and approved by the Planning Department and Public Works Department. The accessway design shall consist of vehicular access, pedestrian access, bicycle access, and landscaping. The pedestrian and bicycle access shall be separated from the vehicular access and shall be attractively landscaped. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal accessway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning

Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

5. Prior to final inspection, the following shall be completed:

   a. The project developer shall construct an underground storm drain pipe along the east side of Gothard Street from Center Avenue to Edinger Avenue to connect to the existing, underground Edinger Avenue storm drain pipe. Based on a Final Hydrology and Hydraulics Report, the new Gothard Street, underground storm drain facility sizing and design shall be targeted to convey the highest storm event exceedance flow rates along Gothard Street at full build-out of the General Plan, including contributions from any permanent groundwater dewatering system. The proposed project onsite storm drainage system shall be designed to convey all water quality treated flow directly into the new underground storm drain pipe along Gothard Street. **(PW)**

   b. An antenna shall be installed within the underground parking structure to relay Police and Fire Department radio transmissions. **(PD)**

   c. Lighting in the parking structure shall be placed over and between parking stalls. **(PD)**

   d. Surveillance cameras shall be installed at the elevator areas, stairwells, and main residential lobby and recorded 24 hours a day, every day. **(PD)**

   e. Elevators and stairwells shall be adequately lighted. **(PD)**

   f. Products shall be attached to areas vulnerable to skateboarding opportunities near the northwest side of the building in order to prevent noise and damage to property. **(PD)**

6. The City reserves the right to require the property owner to dedicate a portion of the private onsite fire water system to become a future public water system that will be owned and maintained by the City; and shall require the property owner to dedicate a minimum ten (10) feet water utility easement (five feet on either side of the water pipeline and appurtenances) for any portion of the private onsite fire water system that will become public and any new water pipelines/facilities constructed within the subject property that will be part of the public water system. **(PW)**

7. The City reserves the right to require the property owner to enter into a Special Utility Easement Agreement (SUEA) with the City for any portion of the private on-site fire water system that will be converted to a public water system and any new water pipelines/facilities constructed within the subject property that will be part of the public water system. **(PW)**

8. To be consistent with the City's condition to convert a portion of the private onsite fire water system to a future public water system, backflow protection devices are required on all individual water service connections (domestic, irrigation and fire) served from the private on-site domestic and fire water pipelines. **(PW)**

9. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 07-004.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning - 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 Dwyer noted that the next Green Building Subcommittee meeting will be held on October 1, 2008 at 2:30 PM.

Vice Chair Shier Burnett outlined the positive components of The Ripcurl project.

Chair Livengood thanked staff for their hard work on The Ripcurl project.

Commissioner Scandura questioned why a Planning Commission Special Meeting is tentatively scheduled for October 21, 2008. Director of Planning Scott Hess stated that this tentative meeting date is only being held if the Village at Bella Terra project is continued from the regular Planning Commission meeting of October 14, 2008.

Commissioner Scandura thanked staff for their hard work and noted that the next Neighborhood Compatibility Committee meeting will be held on October 7, 2008.

ADJOURNMENT: Adjourned at 10:20 PM to the next regularly scheduled meeting of October 14, 2008.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson