MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 10, 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	P	P	P
ROLL CALL:	*Speaker,*	*Farley,*	*Shier Burnett,*	*Scandura,*	*Livengood,*	*Delgleize*

Commissioner Speaker arrived at 5:17 PM.

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY FARLEY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF FEBRUARY 10, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. REVOCATION OF CONDITIONAL USE PERMIT NO. 06-020/ ENTITLEMENT PLAN AMENDMENT NO. 06-008 (BLACK BULL CHOPHOUSE RESTAURANT) – Rami Talleh, Senior Planner

Rami Talleh, Senior Planner, gave a brief overview of the project. He noted that five Late Communications regarding this item had been received. He also reported that all Late Communications will be included with the staff report when this item comes before the Planning Commission at the public hearing on February 24, 2009.

Commissioner Scandura asked staff if the Conditional Use Permit is still scheduled for revocation. Mr. Talleh noted that this item will come before the Planning Commission at the public hearing on February 24, 2009, and the Planning Commission may choose to revoke the Conditional Use Permit or amend the conditions of approval at that time.

A-2. NEGATIVE DECLARATION NO. 08-007/ CONDITIONAL USE PERMIT NO. 08-020 (BROOKHURST GAS STATION CAR WASH/CONVENIENCE STORE) – Andrew Gonzales, Associate Planner

Andrew Gonzales, Associate Planner, gave a brief overview of the project. He noted that the Police Department has expressed concerns with the interior layout of the convenience store and carwash building and have made recommendations to improve security.

Commissioner Speaker recommended adding a condition of approval requiring entry and exit signs.

Commissioner Farley asked staff about the operating hours, and staff noted that the convenience store will be open 24 hours a day, 7 days a week, while the carwash will be open from 7:00 AM to 7:00 PM, 7 days a week.

Commissioner Farley asked how close the site is to residents, and staff stated that the distance is over 100'.

Commissioner Scandura stated that he has concerns with noise impacts on the residents.

Commissioner Livengood asked staff the cost of undergrounding utilities. He requested staff to present these costs when this item comes before the Planning Commission at the February 24, 2009, public hearing and for staff to provide a rationale for the undergrounding requirement.

Chair Shier Burnett asked if the flat roof design would remain and staff said the applicant is requesting the flat roof canopy design. Staff may recommend a pitched roof design consistent with the City's Urban Design Guidelines.

B. STUDY SESSION ITEMS

B-1. PLANNING COMMISSION WORKSHOP – Chair Shier Burnett

Two tentative dates were proposed for the annual Planning Commission workshop: March 4, 2009 or March 19, 2009. March 4th was chosen by acclamation and it was noted that the workshop will be held in the Maddy Room of the Central Library at 7111 Talbert.

Planning Manager Herb Fauland asked the Planning Commission to choose a timeframe for the workshop (8:00 AM to 1:00 PM or 12:00 PM to 5:00 PM) and to email Administrative Assistant Linda Wine with their preferences.

Mr. Fauland also asked the Commission to choose topics of interest that they would like to see discussed at the workshop.

Commissioner Scandura said that he would like to discuss Greenhouse Gas Legislation, alcohol service and downtown bars, the undergrounding of utilities, the current economy's impact on the entitlement process, a Zucker Report review and a Green Building Update.

Chair Shier Burnett indicated that she would like to discuss the Downtown Specific Plan and the Beach and Edinger Corridors, specifically regarding traffic studies and monitoring.

Director of Planning Scott Hess recommended including CEQA (California Environmental Quality Act) fundamentals.

Commissioner Livengood said that he would like to discuss the Planning Commission's Goals for 2009.

B-2. PLANNING COMMISSION COMMITTEE ASSIGNMENTS – Chair Shier Burnett

Planning Manager Herb Fauland provide the Commission with a draft list of Planning Commission Committee assignments for 2009.

The Commission discussed changes to the draft list of Committee assignments. Chair Shier Burnett assigned incoming Commissioner Mantini to serve as Environmental Board alternate. Chair Shier Burnett noted that the Neighborhood Compatibility Planning Commission Committee has achieved its goals and can be disbanded. Shier Burnett also noted that the City Council Ad-Hoc Newsrack/Handbills/TUP Committee and the Planning Commission 2009 Goals Committee can be removed from the 2009 Planning Commission Committee assignments.

Mr. Fauland noted that staff will revise the Planning Commission Committee Assignments for 2009 and send the revised list to the Planning Commission.

B-3. PLANNING COMMISSION GOALS 2009 – Chair Shier Burnett

The Planning Commission reviewed the 2008 Planning Commission Goals. It was agreed by acclamation that Items No. 3 ("Monitor progress of the Bella Terra Phase II development"), No. 5 ("Recommend measures to promote neighborhood compatibility") and No. 6 ("Monitor progress of the General Plan Housing Element Update") were complete. It was agreed upon to keep Items No. 1 ("Support the City's Green Team in establishing an effective green building program for Huntington Beach"), No. 2 ("Monitor progress of the Edinger/Beach Blvd. Corridor specific plan development"), No. 4 ("Monitor progress of the Downtown Specific Plan and Parking Master Plan revisions") and No. 7 ("Monitor progress of the General Plan Cultural Resources Element Update") on the Planning Commission Goals for 2009. The Planning Commission also agreed to add two additional Items: "Monitor progress of the Circulation Element Update" and "Monitor the Undergrounding of Utilities Ordinance."

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He reported that staff is recommending a continuance to a date uncertain for Item No. B-1 (ZTA No. 08-005/Affordable Housing) and that the tentative Planning Commission dates for this item would be March 10, 2009 for a Study Session and March 24, 2009, for the Public Hearing. He also advised that there were two Late Communications for Item No. B-2.

D. PLANNING COMMISSION COMMITTEE REPORTS - NONE

E. PUBLIC COMMENTS

Jeff Smith, Pier Colony resident, spoke in opposition to Item No. SS A-1 (Black Bull Chophouse), citing concerns with noise. He also cited concerns with the use of the outdoor patio area.

F. PLANNING COMMISSION COMMENTS

Commissioner Scandura reported on his review of the Zoning Administrator's approval of a new 3 story home on Malden Circle. After the review, he decided not to appeal the action. He also reported on the Planning Commission's Neighborhood Compatibility Committee Recommendations and noted that these were provided to the City Council on December 16, 2008.

Commissioner Farley asked for an update on open, approved entitlements which have not yet started construction.

Commissioner Speaker reported that he is recusing himself from Item No. B-2 (Shorebreak Hotel).

Senior Deputy City Attorney Leonie Mulvihill reported that a completed Form 700 is required from each Planning Commissioner and will be due to the City Attorney's Office in April 2009. She also noted that Ethics/AB 1234 training, which is mandatory for Planning Commissioners, needs to be completed every two years and that the city will be providing training in March 2009.

Planning Director Scott Hess reminded the Planning Commission of the City's Centennial Celebration on February 17, 2009. Mr. Hess also complimented Planning Manager Herb Fauland, who has provided an online list of all pending applications and zoning entitlements which can be viewed on the city's website.

6:10 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Scandura

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

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY LIVENGOOD, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 10, 2009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. ZONING TEXT AMENDMENT NO. 08-005 (AFFORDABLE HOUSING ORDINANCE REVISIONS – CONTINUED FROM THE NOVEMBER 12, 2008 MEETING) Applicant: City of Huntington Beach **Request:** To amend Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) to modify the provisions for affordable housing. The proposed amendment would increase the size of projects that would be allowed to pay in-lieu fees; increase the required income levels for affordable housing; decrease the required affordability term and make other minor changes to existing provisions. **Location:** Citywide **Project Planner:** Mary Beth Broeren

STAFF RECOMMENDATION: Motion to: "Continue Zoning Text Amendment No. 08-005 to a date uncertain with the public hearing open."

Planning Manager Herb Fauland reported that staff is recommending a continuance on this item to a date uncertain with the public hearing open. He noted that the tentative dates for this item would be a study session on March 10, 2009 and the public hearing on March 24, 2009.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SPEAKER, TO CONTINUE ZONING TEXT AMENDMENT NO. 08-005 TO A DATE UNCERTAIN WITH THE PUBLIC HEARING OPEN, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

B-2. CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001 (SHOREBREAK HOTEL AND ZIMZALA RESTAURANT—AMENDMENT TO THE PUBLIC OPEN SPACE PLAN APPROVED UNDER CUP NO. 99-045) **Applicant:** David Martin, CIM/Huntington LLC **Request:** **CUP:** To permit the establishment, maintenance and operation of an in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment and dancing. The sale and consumption of alcohol is proposed to occur within the interior of the hotel, restaurant, bar, as well as the outdoor dining area. The live entertainment is proposed within the restaurant and bar, lobby, banquet room, and courtyard. The dancing is proposed within the banquet room only. **EPA:** To amend the original public open space plans and locations approved under Conditional Use Permit No. 99-045 (The Strand) by relocating 1,881 sq. ft. from the second level terrace to the ground level. **Location:** 500 Pacific Coast Highway, 92648 (northwest corner of the Pacific Coast Highway and 5th Street – The Strand/Downtown) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 08-049 and Entitlement Plan Amendment No. 09-001 with findings and suggested conditions of approval (Attachment Nos. 1 & 2)."

The Commission made the following disclosures:

- Commissioner Speaker recused himself due to a possible conflict of interest.
- Vice Chair Farley has attended the study session, visited the site, and taken the site tour.
- Chair Shier Burnett has attended the study session, visited the site, and taken the site tour.
- Commissioner Scandura has visited the site and attended the study session.
- Commissioner Livengood has visited the site, attended the study session and taken the site tour.
- Commissioner Delgleize has attended the study session, visited the site, and taken the site tour.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project and noted a correction on the Land Use table on page 6 of the staff report.

Commissioner Livengood asked about employee parking and staff said that this project was included as part of The Strand traffic analysis and the proposed parking is in compliance with the Downtown Parking Master Plan.

Commissioner Scandura asked how the public will know that the upstairs is open to the public and staff said that a sign will be posted at ground level.

Ms. Nguyen reported that alcohol service will be provided in the bar only, but that consumption of alcoholic beverages will be allowed in the bar, on the balcony, in the dining room and on the upstairs open terrace area.

Commissioner Farley recommended that a condition of approval be added requiring a "No Alcohol Beyond This Point" sign be posted at the top of the stairs.

Mr. Farley also asked about entertainment and staff said that live entertainment and recorded music restrictions were noted on page 4 of the staff report. Planning Manager Herb Fauland also noted that limits on amplified sound speakers can be added to the conditions of approval.

Chair Shier Burnett noted that the proposed operating hours for the Lobby, Banquet Room, pre-function area, courtyard, restaurant and restaurant balcony are 5:30 AM to 2:00 AM, while the bar and bar balcony operating hours are restricted to 11:30 AM to 2:00 AM.

THE PUBLIC HEARING WAS OPENED.

John Given, CIM/applicant, spoke regarding the upstairs open terrace and noted that it would be available to rent for special functions and referred to Item No. 14 on the conditions of approval (attachment 1.4).

Sean Crume, CIM, thanked the Planning Commission and staff for coordinating and participating in the site tour. He further noted that CIM is concerned with potential noise levels and is planning to focus on dining, not alcohol sales. He also said that the upstairs open terrace will include public open space.

Cormac O'Modhrain, CIM, thanked the Planning Commission and staff for their time and consideration.

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

Chair Shier Burnett asked the applicant what the hours would be on the portion of the building facing Walnut Street and the applicant said that it would be 5:30 AM to 2:00 AM.

Commissioner Delgleize asked about alcohol service and staff stated that alcohol service would be provided in the bar only and that alcoholic beverages could be consumed in the public area.

Planning Manager Herb Fauland stated that the use of public space as part of the project is included in the conditions of approval, in order to balance public open space with private use. He referred the Planning Commission to Item No. 14 on the conditions of approval (attachment 1.4), which states that occasional special events on the 1,426 sq. ft. public open terrace shall be subject to prior review and approval by the Planning Department.

Commissioner Farley said that the use would be a mix of public open space and private space and asked how the public will know that the public open space is available for their use.

Commissioner Farley also requested that condition of approval No. 8 be amended to include the phrase "and amplified sound", so that the condition reads "The applicant shall ensure that entertainment and amplified sound provided is not audible beyond 50 feet from the exterior walls of the business in any direction."

Commissioner Scandura asked if there would be any food or alcohol service provided in the terrace area and staff said no. Scandura also said that he thinks more control is needed over the public open terrace area.

Commissioner Livengood said that he has concerns about the noise levels and impacts on residents. He recommended restricting the hours of operation for the outside balconies. Police Captain Chuck Thomas directed the Planning Commission to condition of approval No. 9, which states, "The applicant shall not make or allow to be made any noise which continues for more than a five minute period between the hours of 10:00 PM and 7:00 AM if such noise is audible for fifty feet or more from the source of the noise."

Chair Shier Burnett noted that the distance between The Strand and residents on Walnut Street is approximately 50'.

Commissioner Scandura inquired about operating hours and staff directed him to page 4 of the staff report.

Chair Shier Burnett inquired if an annual review is scheduled for this project and Planning Manager Herb Fauland said no.

Chair Shier Burnett also asked about the décor on the terrace and balcony. Staff noted that condition of approval No. 13 requires that the décor and furnishings will be different in the two areas to separate the restaurant/bar patio dining area from the public open space terrace. Chair Shier Burnett recommended the addition of a sign to read "Public Welcome!" to indicate that the public open space terrace is open to the public. The applicant said that they would provide and post "Public Welcome" signs.

Chair Shier Burnett also commented on condition of approval No. 14 regarding occasional special events to be held on the public open terrace. She asked if a mechanism was in place to notify the Planning Department when such events were proposed and staff said not yet.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA, TO APPROVE CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 08-049
ENTITLEMENT PLAN AMENDMENT 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, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001:

1. Conditional Use Permit No. 08-047 and Entitlement Plan Amendment No. 09-001 for the establishment, maintenance, and operation of an in-house restaurant and bar (Zimzala Restaurant) and other facilities within the Shorebreak Hotel for on-site sale and consumption of alcoholic beverages, outdoor dining, live entertainment and dancing and the relocation of 1,757 sq. ft. of required public open space from the second level terrace to the ground level 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 uses will not create adverse noise or parking impacts to the surrounding businesses and residents based on the availability of parking within the existing parking structure and limitations on the location of the live entertaining. The proposed relocation of the public open space areas will not impact the enjoyment of the public of all open space areas on site.

2. The proposed restaurant, bar and other facilities within the Shorebreak Hotel with alcohol sales, outdoor dining, live entertainment and dancing will be compatible with surrounding uses. The uses will be required to comply with conditions of approval pertaining to hours of operation and location of the entertaining venues to assure that any potential impacts to the surrounding properties are minimized. The uses are subject to noise regulations to ensure compatibility with surrounding businesses and residents. In addition, the proposed uses are consistent with the intended mixed-use character of The Strand and of commercial developments in the Downtown. The proposed relocation of public open space will not impact the provision of required open space area, making the project compatible with other developments in the Downtown district.

3. The proposed restaurant, bar and other facilities within the Shorebreak Hotel 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 and any specific condition required for the proposed uses in the district in which they will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.

4. The granting of the conditional use permit and entitlement plan amendment will not adversely affect the General Plan. They are consistent with the Land Use Element

designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

A. *Land Use Element*

Policy LU 4 Achieve and maintain high quality architecture, landscape, and public open space in the City.

Policy 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.

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

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

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.

The proposed use will provide a new visitor-serving commercial venue within the Downtown that is consistent with the Land Use Density Schedules for the Downtown and is compatible with surrounding mixed-use development. The provision of public open space will provide additional destination uses that would attract and complement restaurant uses and enhance the enjoyment of residents and visitors alike.

B. *Coastal Element*

Policy C 1 Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

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.

The proposed use will promote the commercial viability of The Strand and will expand the available visitor-serving commercial uses within the Coastal Zone. In addition, the public open space will improve the public access to coastal views, especially from the second level terrace.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-049 AND ENTITLEMENT PLAN AMENDMENT NO. 09-001:

1. The site plans received and dated November 21, 2008 and floor plan received and dated January 22, 2009 (CUP) and site plans received and dated January 22, 2009 (EPA) shall be the conceptually approved design.

2. The hours of operation for the restaurant, restaurant balcony, banquet room, courtyard, and pre-function area shall be between 5:30 a.m. and 2:00 a.m., seven days a week. The hours of operation for the bar and bar balcony shall be between 11:30 a.m. and 2:00 a.m., seven days a week. The hotel lobby can operate 24 hours a day, seven days a week. Food service from the regular menu shall be available from the time business opens to the public until at least one hour prior to the scheduled closing time. **(PD)**

3. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the restaurant balcony (approx. 1,956 sq. ft.), bar balcony (1,367 sq. ft.) and the public open terrace area (1,426 sq. ft.). Service of alcoholic beverages for consumption off-site shall not be permitted. A sign to read "No alcohol beyond this point" shall be posted at the top of the staircase. **(PD)**

4. No items or signs shall be placed in any windows advertising the availability of alcoholic beverages, nor shall any interior displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**

5. An Entertainment Permit shall be obtained from the Police Department prior to any entertainment activities.

6. To reduce the likelihood of noise disturbances, all entertainment shall remain inside the location. **(PD)**

7. All dancing shall be restricted to the dance floor located in meeting room "B", as depicted in the floor plans, dated November 21, 2008. **(PD)**

8. The applicant shall ensure that entertainment provided is not audible beyond 50 feet from the exterior walls of the business in any direction. **(PD)**

9. The applicant shall not make or allow to be made any noise which continues for more than a five minute period between the hours of 10:00 PM and 7:00 AM if such noise is audible for fifty feet or more from the source of the noise. **(PD)**

10. To ensure the safety of guests and employees, any person acting as a security officer, as defined by Section 7474.1 of Business and Professions Code, shall be clearly identifiable as security. **(PD)**

11. Any person who meets the definition of a security officer shall register with the Department of Consumer Affairs and possess a valid State of California Guard Card while operating as a security officer. **(PD)**

12. There shall be no restaurant or bar service, including service of alcoholic beverages, in the public open terrace area (approx. 1,426 sq. ft.) as depicted on the floor plan received and dated January 22, 2009. The public shall not be prohibited from bringing outside food and beverages to the public open terrace area.

13. The open terrace area (approx. 1,426 sq. ft.) shall be differentiated from the bar balcony area by décor and/or furnishings to indicate public use and enjoyment of the terrace as depicted on the floor plan received and dated January 22, 2009. The different décor and/or furnishings are intended to separate the restaurant/bar patio dining area from the public open space terrace.

14. A sign shall be placed in the open terrace area on the second level that indicates that the area is for the enjoyment of the public without any obligations to patronize the restaurant or bar in the hotel. The exact wording of the sign shall be subject to prior review and approval by the Planning Department.

15. Occasional special events on the 1,426 sq. ft. public open terrace shall be subject to prior review and approval by the Planning Department.

16. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

17. 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 - 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

Chairperson Shier Burnett reported on her recent attendance at the city's Centennial Ball.

ADJOURNMENT: Adjourned at 8:20 PM to the next regularly scheduled meeting of Tuesday, February 24, 2009.

APPROVED BY:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chairperson