MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 10, 2008
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CALL PLANNING COMMISSION MEETING TO ORDER

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

Commissioner Farley arrived at 5:25 PM, Commissioner Shaw was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY SPEAKER, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JUNE 10, 2008, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 07-44/COASTAL DEVELOPMENT PERMIT NO. 07-18 (APPEAL – HERMAN RESIDENCE) – Andrew Gonzales, Assistant Planner

Andrew Gonzales, Assistant Planner, gave an overview of the project.

Chair Livengood inquired about the Public Notification requirements for the Zoning Administrator Meeting. Staff explained that all property owners and tenants residing within 500' of the project site were notified. Staff also indicated that no additional letters had been received since the Zoning Administrator meeting of April 2, 2008. Livengood also asked if a second Public Notice will be sent out for the scheduled June 24, 2008, Planning Commission meeting and staff responded that another notice will be mailed out.

Commissioner Scandura noted that the Conditional Use Permit is requested to permit the structure at a height of 35' with a third floor

B. STUDY SESSION ITEMS

B-1. PLANNING DEPARTMENT ANNUAL REPORT – Scott Hess

An overview of the Planning Department's Annual Report was presented by Scott Hess, Director of Planning, and Mary Beth Broeren, Planning Manager.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Rami Talleh, Senior Planner, advised that there was one Late Communication for Item No. B-1.

D. PLANNING COMMISSION COMMITTEE REPORTS

Chair Livengood said that he would be attending the Design Review Board meeting on June 12, 2008. He also spoke regarding Downtown Outdoor Sales and the Newsracks Committee.

Vice Chair Shier-Burnett reported on the Green Committee.

E. PUBLIC COMMENTS - NONE

F. PLANNING COMMISSION COMMENTS

Leonie Mulvihill, Senior Deputy City Attorney, spoke regarding the AB1234/Ethics workshop and noted that a workshop will be offered on July 31, 2008, from 2:00-4:00 PM in Council Chambers (presented by Paul D'Alessandro, Assistant City Attorney) with an additional workshop being held September 18, 2008 from 6:00-8:00 PM (presented by Jennifer McGrath, City Attorney).

Commissioner Scandura inquired about the status of the Zoning Administrator's denial of the Ralph's Recycling Center at Beachmont Plaza. Staff noted that no appeals have been filed on the Zoning Administrator's decision, but that the appeal period is still open.

Chair Livengood requested that each member of the Planning Commission state the details of a MOTION out loud prior to taking a vote.

Commissioner Dwyer spoke regarding storefront signs in downtown.

6:25 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Dwyer

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

Commissioner Shaw was absent.

AGENDA APPROVAL – ***APPROVED BY ACCLAMATION (Shaw – Absent)***

A. ORAL COMMUNICATIONS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 2007-033 AND NEGATIVE DECLARATION NO. 07-006 (MY FIRST MONTESSORI PRESCHOOL) Applicant: Tom Pham **Request: CUP:** To permit the establishment of an approximately 22,584 sq. ft. daycare facility within an existing commercial shopping center. **ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **Location:** 19118 Brookhurst Street, 92646 (east side of Brookhurst Street, south of Garfield Avenue) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to:

A. "Approve Negative Declaration No. 07-006 with findings."

B. "Approve Conditional Use Permit No. 07-033 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Scandura has visited the site, spoken with staff and attended the Study Session.
- Commissioner Speaker has visited the site and attended the Study Session.
- Chair Livengood has spoken to staff and visited the site.
- Vice Chair Shier-Burnett has visited the site and attended the Study Session.
- Commissioner Dwyer had no disclosures.
- Commissioner Farley has visited the site and attended the Study Session.

Andrew Gonzales, Assistant Planner, gave a PowerPoint presentation on the project.

Chair Livengood noted that the suggested Condition of Approval No. 1 will include the revised landscape plans received by the Planning Commission on June 10, 2008.

Director of Planning Scott Hess recommended that the suggested Conditions of Approval be modified to stipulate that the operation hours be limited to between 12:00 PM and 5:00 PM for special events on Sundays.

General discussion ensued regarding alternative materials for landscaping, wrought iron fencing and traffic issues.

Chair Livengood discussed the traffic flow and noted that the traffic circle will facilitate shared parking lot use between the Montessori Preschool and Pep Boys.

THE PUBLIC HEARING WAS OPENED.

Peter Haddad, project architect, spoke in favor of the request and said that the proposed parking lot bollards and playground fencing will provide adequate safety for the students.

Pamela Melfeld, resident, spoke in favor of the request. She stated that she prefers a preschool at this location over the site's former use as a remote control race track. She stated that the addition of a preschool will enhance local property values.

Sally Cardin, the applicant's consultant, spoke in favor of the request and gave a brief PowerPoint presentation. She also noted that there are four Montessori schools currently in operation in nearby areas.

Wayne Carvalho, the applicant's representative, requested that the Planning Commission approve the project; he also thanked staff and the Planning Commission for their time and attention.

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

Commissioner Dwyer asked Fire Division Chief Bill Reardon about the fire regulations applicable to the project. Reardon said that the proposed project incorporates suggestions made by the Fire Department and is in compliance with fire code. Commissioner Farley asked Chief Reardon about the existing glass double doors at the front of the property. Reardon said that these doors belonged to the site's former tenant, Southern California Raceway.

Commissioner Farley inquired if the parking space depth as proposed at 17' would be deep enough. Staff indicated that the code requires a minimum depth of 19'; however, parking spaces are allowed to project two ft. into a landscaped planter or walkway.

Commissioner Scandura discussed initial skepticism with the project. However, after visiting the site and reading the staff report, he explained how the Montessori School would be an improvement over the former tenant.

Vice Chair Shier-Burnett reported that she has had a positive personal experience with the Montessori School and feels that they would be a conscientious tenant.

Senior Planner Rami Talleh noted that Condition of Approval No. 1 should be revised to reference the landscape plans received by the Planning Commission on June 10, 2008.

Commissioner Dwyer stated that he is in favor of the project.

Chair Livengood suggested that the following Conditions of Approval (Item No. 4) be added: The hours of operation of the facility shall be Monday through Friday, between the hours of 6:00 AM and 7:00 PM; Saturday, between the hours of 7:00 AM and 5:00 PM; and Sunday, between the hours of 12:00 PM and 5:00 PM.

A MOTION WAS MADE BY SHIER-BURNETT, SECONDED BY DWYER, TO APPROVE NEGATIVE DECLARATION NO. 07-006 WITH FINDINGS AND APPROVE CONDITIONAL USE PERMIT NO. 07-033 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 07-006/
CONDITIONAL USE PERMIT NO. 07-033

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 07-006:

1. The Negative Declaration No. 07-006 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and Conditional Use Permit No. 07-033.

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

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 07-033 will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-033:

1. Conditional Use Permit No. 07-033 to permit the establishment of an approximately 22,584 sq. ft. daycare facility within an existing commercial shopping center 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. A negative declaration was prepared which analyzed the project potential to generate detrimental impacts on surrounding properties. The study concluded that no significant impact will occur with respect to the proposed uses. The Negative Declaration is supported by environmental assessment and traffic studies. The project will provide adequate parking, in accordance with applicable code requirements on site.

2. The conditional use permit will be compatible with surrounding uses because the project is consistent with the applicable General Plan Land Use and Zoning designations. The proposed use will modernize an existing building. The proposed building complies with the applicable height limit in the zone and setbacks from adjacent residential properties. The proposed playground area will be screened by a landscape buffer along the portions of the property that abut residential uses. Onsite circulation will be improved to ensure for safe and secure traffic flow for the proposed project.

3. Conditional Use Permit No. 07-033 will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including Commercial General permitted uses, minimum parking requirements, maximum building height, maximum floor area ratio and minimum building setbacks.

4. The granting of Conditional Use Permit No. 07-033 will no adversely affect the General Plan. It is consistent with the Land Use Element Designation of CN (Commercial Neighborhood) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   Land Use Element

   Objective LU 10.1.11: Promote the introduction of a diversity of uses in Commercial General centers, particularly those containing anchor grocery stores that improve their relationship with surrounding residential neighborhoods and increasing their viability as places of community activity. These may encompass such uses as adult or child day care facilities, community meeting rooms, "neighborhood" restaurants, entertainment, and cultural facilities.

   Policy LU 10.1.5: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

   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.

   Economic Development Element

   Policies ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

   Circulation Element

   Objective CE 5.1: Balance the supply of parking with the demand for parking.

   Noise Element

   Policy N.1.2.5: Require development that generates increased traffic and subsequent increase in the ambient noise levels adjacent to noise sensitive land uses to provide for appropriate mitigation measures in accordance with the acceptable limits of the City noise ordinance.

Conditional Use Permit No. 07-033 provides for the establishment of a day care/preschool facility which supports the needs of the surrounding community. The proposed day care/ preschool facility will provide diversity of uses that will help sustain the economic longevity and vitally to an existing commercial shopping center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-033:

1. The site plan, floor plans, and elevations received and dated June 5, 2008 shall be the conceptually approved design with the following modifications:
   a. A landscaped planter shall be provided along the north wall of the existing trash collection enclosure.
   b. A landscaped planter shall be provided within the interior area of the circular drive aisle. The landscape planter shall maintain pedestrian access through the circular drive aisle as depicted on the submitted site plan.
   c. A 3 ft. wide landscaped planter shall be provided across the front of the parking spaces located to the north of the existing auto service garage bays.
   d. Provide a three-tier landscaping system of grass and ground cover, shrubs, vines and trees to shield within the 10 ft. wide landscaping planter located along the east and south property lines. All trees shall be 36 in. box specimen trees located every 35 ft. on center.
   e. Depict all existing speed bumps on the site plan and provide an additional speed bump prior to entrance of the circular drive aisle.
   f. The new parking spaces adjacent to circular drive aisle shall be revised to depict a parking stall depth of 19 ft. in depth.
2. The proposed circular driveway shall provide for one-way travel in a counter clockwise movement.
3. Prior to the issuance of building permits, a pedestrian/circulation directional sign program shall be submitted to the Planning Director for review and approval.
4. The hours of operation of the facility shall be Monday through Friday, between the hours of 6:00 AM and 7:00 PM; Saturday, between the hours of 7:00 AM and 5:00 PM; and Sunday, between the hours of 12:00 PM and 5:00 PM.
5. The hours of operation of the playground area shall be limited to between the hours of 7:00AM and 6:30PM.
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.

B-2. APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 2008-006 (HB MOTORCARS ELECTRONIC READERBOARD SIGN) **Applicant:** Shawn Record **Appellant:** Planning Commissioner Blair Farley **Request:** To permit the construction of a 25 ft. tall, 115 sq. ft. electronic readerboard pole sign. **Location:** 16401 Beach Blvd., 92647 (west side of Beach Blvd., north of Heil Avenue) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 08-006 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Scandura has visited the site and spoken with staff.
- Commissioner Speaker has visited the site and spoken with staff.
- Chair Livengood has spoken to staff and visited the site.
- Vice Chair Shier-Burnett has visited the site and attended the Study Session.
- Commissioner Dwyer had no disclosures.
- Commissioner Farley has visited the site, talked to staff, attended the Study Session and the Design Review Board meeting regarding this project.

Andrew Gonzales, Associate Planner, gave a PowerPoint presentation on the project.

Commissioner Farley asked if the proposed readerboard sign would display animated or moving images. Staff replied that the sign would be electronic, yet contain no continuous motion. Farley further asked if the Planning Commission's purview would be to approve the plans as shown in Attachment Nos. 9.2 and 9.3. Staff said yes, and added that this item would then need to go before the Design Review Board again.

Commissioner Dwyer asked if there have been any recent changes to the sign code and staff said no.

Vice Chair Shier-Burnett asked if the proposed readerboard sign is consistent with Caltrans signage and staff said yes.

Commissioner Scandura noted that the proposed sign is shown in different locations in Attachment Nos. 2.3 and 9.1. Staff responded that the sign location in Attachment No. 9.1 reflects the Design Review Board's recommendation to relocate the sign.

THE PUBLIC HEARING WAS OPENED.

Shawn Record of the Young Electric Sign Company (YESCO) spoke in favor of Item No. B-2. He stated that HB Motorcars has invested heavily in their business and needs more visibility in order to financially succeed. He also noted that HB Motorcars' owner will not pursue signage other than an electronic readerboard sign.

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

Chair Livengood and Commissioner Farley discussed removing the condition requiring the Design Review Board to review the sign's final design.

Commissioner Farley inquired if the sign would remain on the site if the applicant decides to end his lease. Staff replied that the approval of the project runs with the land.

Commissioner Dwyer stated that he would be in favor of approval of the project with modified conditions of approval.

Commissioner Scandura said that he would prefer a conventional sign, since HB Motorcars is located on a small lot and the proposed sign is large. He feels that the sign would be a distraction to motorists.

Chair Livengood noted that there's a similarly sized sign two blocks away at the Dodge dealership and that HB Motorcars needs signage.

Commissioner Scandura explained that a 10' sign height as allowed by code would be too short. He asked if a 25' conventional sign would be a viable alternative. Staff replied that if the project were changed to a 25' conventional sign, the project would have to be reviewed by the Design Review Board and notice would need to be given for a sign code exception. The timeline would be 3-4 weeks for Design Review Board review.

Vice Chair Shier-Burnett said that she has concerns with the size of the proposed sign and does not wish to see "Las Vegas style" signs on Beach Blvd.

Commissioner Speaker said that the sign code rules are established and that the applicant is within limits of the sign code. Commissioner Dwyer concurred with that statement.

Commissioner Scandura stated that he would recommend denial on this project and said that he thinks the applicant should go through the sign code exception process to construct a conventional sign at a height exceeding the maximum height allowed by code, rather than an electronic readerboard sign.

Commissioner Farley said that readerboard signs are permittable with a Conditional Use Permit.

Director of Planning Scott Hess stated that if this project is denied by the Planning Commission, the applicant can appeal the Planning Commission's decision to the City Council.

STRAW VOTE

Straw Vote #1: To approve Conditional Use Permit No. 08-006 with height and sign location as shown in attachment 9.2

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

A MOTION WAS MADE BY SPEAKER, SECONDED BY DWYER, TO APPROVE CONDITIONAL USE PERMIT NO. 08-006 WITH MODIFIED FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, ELIMINATING ITEM NO. 2-A AND MODIFYING ITEM NO. 1-D TO MOVE THE SIGN TO THE APPROXIMATE CENTER, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 08-006

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 15311 of the CEQA Guidelines, because the project involves the construction of an on-premise freestanding sign that is accessory to the existing vehicle sales use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-006:

1. Conditional Use Permit No. 2008-006 for the construction of a freestanding electronic readerboard sign 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 electronic readerboard sign will be located more than 150 ft. from adjacent residences and is conditioned to be relocated to an area in front of the main building to block visibility of the sign from nearby residences. Furthermore, the sign is conditioned to provide a 2" deep metal blinder around the display screen to minimize impacts from glare onto adjacent properties. The proposed sign will not impact traffic circulation in adjacent right-of-way or create a hazard to vehicular and pedestrian traffic on Beach Blvd. and Alhambra St. because the sign will not obstruct visibility at driveways and street intersections. In addition, the sign will incorporate technology which will allow for manual control of illumination levels during the daytime and nighttime hours.

2. The electronic readerboard sign will be compatible with other signs on the site, in the vicinity, and with surrounding uses because the electronic readerboard sign will be similar to existing readerboard signs along Beach Blvd. The proposed signage will be consistent with existing vehicle dealership signage in terms of size, height, and location. The sign design will be brought up-to-date and consistent with similar signage in the surrounding area. To ensure compatibility with the site, the sign is conditioned to incorporate colors and materials found on the subject property.

3. The proposed electronic readerboard sign conforms with the standards and criteria as set forth in Section 233.12 and the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed electronic readerboard complies with the sign requirements in terms of maximum sign height, maximum sign area, and minimum separation distances to residences. In addition, the sign will not have adverse visual impacts on adjoining commercial and/or residential neighborhoods because it will be required to comply with the maximum lighting intensity of the HBZSO. Electronic readerboard signs are allowed with approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F2-a (Commercial General – 0.50 max. floor area – Auto District Overlay) on the subject property. In addition it is consistent with the following goals and policies of the General Plan:

   LU 15.4.5: Require that the site and structures of an automobile district be designed to convey a high quality character and be compatible with adjacent land uses, considering the following:
   d. Incorporation of well-designed and unified signage, including temporary signs pennants, and balloons.

   UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

   ED 3: Upgrade and modernize high-activity nodes and districts.

   The construction of a freestanding electronic readerboard sign will improve the architectural quality of the current sign by integrating and architectural components of the site's buildings to provide a distinct but consistent visual character in the area. The electronic readerboard provides an opportunity to upgrade and modernize the look and technology of the existing sign. The project enhances signage opportunities and economic development potential by increasing visibility of the automobile sales business to Beach Blvd.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT. NO. 08-006:

1. The site plan and sign elevations received and dated February 12, 2008 shall be the conceptually approved design with the following modifications:

   a. The elevation shall be revised to match Applicant's Alternative "A", dated May 29, 2008.

   b. The sign's encasement shall be treated with colors and materials that match that of the main building.

   c. A metal blinder shall be provided around the perimeter of the electronic readerboard sign that projects a minimum of 2 inches beyond the face of the sign.

d. The electronic readerboard sign shall be relocated to the south and centered in front of the main building.

2. Prior to submittal for building permits, the applicant shall notify Caltrans and provide written verification to the Planning Department that no issues exist with the electronic readerboard sign.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to: (**PW**)

   a. All existing onsite (and offsite) palm trees shall be protected in place.

   b. No existing trees shall be damaged or removed.

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 26, 2008

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

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

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Rami Talleh, Senior Planner – 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 Farley thanked the Planning Commission and staff for their time and due consideration on Item No. B-2.

Chair Livengood reported on the upcoming League of California Cities Conference to be held in Long Beach on September 24-27, 2008.

Commissioner Scandura suggested preparing a Minute Action to modify the criteria for readerboard signs.

ADJOURNMENT: Adjourned at 8:45 PM to the next regularly scheduled meeting of June 24, 2008.

APPROVED BY:

Scott Hess, Secretary

Tom Livengood, Chair