MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 27, 2010
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

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

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY MANTINI, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 27, 2010, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. CONDITIONAL USE PERMIT NO. 10-003 (CHRIST PRESBYTERIAN CHURCH WIRELESS COMMUNICATIONS FACILITY, 20112 MAGNOLIA AVENUE, 92646) – Hayden Beckman, Planning Aide

Hayden Beckman, Planning Aide, gave a brief overview of the proposed project.

Commissioner Delgleize asked who the project owner is. Mr. Beckman said that the proposed wireless tower will be owned by Metro PCS and that two cellular carriers will be using the tower.

Commissioner Shier Burnett asked if staff has received any public comments and Mr. Beckman said no.

Commissioner Scandura asked if staff has received any comments from the neighboring residents and Mr. Beckman said no.

A-2. CONDITIONAL USE PERMIT NO. 10-007 (TATTOO AND BODY PIERCING STUDIO, 18822 BEACH BOULEVARD #113. 92648) – Tess Nguyen, Associate Planner

Tess Nguyen, Associate Planner, gave a brief overview of the proposed project.

Commissioner Shier Burnett asked about uses for the proposed art gallery. Ms. Nguyen noted that the gallery would display tattoo-oriented paintings and photography submitted by outside artists.

Commissioner Scandura noted that the proposed site is in a strip mall. He asked if staff has received any comments or communications from the neighbors. Ms. Nguyen said no.

Chair Farley directed the Planning Commission's attention to staff report attachment 5.7 (the Police Department's Project Implementation Code Requirements). He asked for more details on the outdoor breezeway. Ms. Nguyen noted that the proposed breezeway would function as a separating walkway. She said that it is not part of the proposed Tattoo Studio or the neighboring bar. She also noted that the Police Department is recommending that signage be posted regarding the closure of the rear and side doors during operating hours.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS - NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed the items for tonight's meeting. He noted that there are five Late Communications for Item No. B-1. These include a PowerPoint presentation from staff, a memo from staff regarding the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) buffer requirements, a letter from Dave Singleton from the Native American Heritage Commission/NAHC, a letter from Manatt, Phelps & Phillips, LLP (responding to comments from the NAHC), and a letter from Mark Bixby on behalf of the Bolsa Chica Land Trust.

E. PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Delgleize reported on her attendance at the Downtown Economic Development meeting on April 22, 2010.

Commissioner Shier Burnett reported on her attendance at the Subdivision Committee meeting for Harmony Cove held on April 21, 2010. She noted that the Committee approved the subdivision map for the project.

Commissioner Scandura reported on his attendance at the Subdivision Committee meeting for Harmony Cove held on April 21, 2010. He noted that Harmony Cove is a complicated project, as parts of the site are submerged.

F. PLANNING COMMISSION COMMENTS

Commissioner Mantini reported that there will be a Boeing Rocket Launch on May 1, 2010, which is being sponsored by the Discovery Science Center. It will be held at the Boeing Plant greenbelt from approximately 9:30 AM -2:00 PM.

Commissioner Delgleize reported on her attendance at the Cell Tower Facility Workshop held at Fountain Valley City Hall on April 23, 2010. She noted that it was presented by the Orange County Division of the League of California Cities.

Commissioner Scandura noted that he will be making a motion to move Item No. D-1 before Item No. B-1.

Commissioner Scandura asked if the City Council's approval of T-Mobile Conditional Use Permit No. 09-015 had been appealed. Deputy City Attorney III Mike Vigliotta said no, but noted that the 60 day appeal period is still open.

5:42 PM – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Delgleize

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

AGENDA APPROVAL

A MOTION WAS MADE BY SCANDURA, SECONDED BY SPEAKER, TO MOVE ITEM NO. D-1 BEFORE ITEM NO. B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 27, 2010, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. ORAL COMMUNICATIONS - NONE

B. PUBLIC HEARING ITEMS

B-1. RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-016/GENERAL PLAN AMENDMENT NO. 08-011/ZONING MAP AMENDMENT NO. 08-007/ZONING TEXT AMENDMENT NO. 09-008/LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002/TENTATIVE TRACT MAP No. 17294/COASTAL DEVELOPMENT PERMIT NO. 08-022/CONDITIONAL USE PERMIT NO. 08-046 (The "Ridge" 22-unit Planned Unit Development (PUD)

Applicant: Ed Mountford, Hearthside Homes **Request: Recirculated MND:** to analyze the potential environmental impacts associated with the project and legislative amendments; **GPA:** to amend the Land Use Designation from Open Space – Park (OS-P) to Residential Low Density (RL); **ZMA**: to amend the existing zoning designation of Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ); **ZTA**: to amend Chapter 210.12 – *PUD Supplemental Standards and Provisions* to allow flexibility in accommodating the total number of required parking spaces within a PUD development; **LCPA**: to amend the certified Land Use Plan from Open Space – Park (OS-P) to Residential Low Density (RL) and to reflect the proposed Zoning Map and Text Amendments; **TTM**: to subdivide the approximately 5-acre lot into 22 single-family residential parcels and nine lettered lots; **CDP**: to subdivide the subject property and construct 22 single-family residences, common open space and associated infrastructure in the coastal zone; and **CUP**: to permit construction on a site with greater than a three-foot grade differential. The applicant, as part of the proposed public benefit for the PUD development, is also proposing to improve an existing 30-foot wide City-owned parcel north of the project site to enhance public coastal access. The City-owned parcel extends from Bolsa Chica Street to the eastern boundary of the subject property. **Location:** 17202 Bolsa Chica Street (5-acre site located southeast of the intersection of Bolsa Chica Street and Los Patos Avenue) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION:

Motion to:

A. "Approve Recirculated Mitigated Negative Declaration No. 08-016 with findings (Attachment No. 1);"

B. "Approve General Plan Amendment No. 08-011 by approving the draft City Council Resolution No. ____ (Attachment No. 2) and forward to the City Council for adoption;"

C. "Approve Zoning Map Amendment No. 08-007 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. ____ (Attachment No. 3) and forward to the City Council for adoption;"

D. "Approve Zoning Text Amendment No. 09-008 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. ____ (Attachment No. 4) and forward to the City Council for adoption;"

E. "Approve Local Coastal Program Amendment No. 09-002 with findings for approval (Attachment No. 1) by approving the draft City Council Resolution No. _____ (Attachment No. 5) and forward to the City Council for adoption;"

F. "Approve Tentative Tract Map No. 17294 with findings and suggested conditions of approval (Attachment No. 1);"

G. "Approve Coastal Development Permit No. 08-022 with findings and suggested conditions of approval (Attachment No. 1)."

H. "Approve Conditional Use Permit No. 08-046 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Mantini has attended the study session, visited the site, attended the November 10, 2009 Planning Commission meeting when the Mitigated Negative Declaration was appealed, spoken to members of the Bolsa Chica Land Trust (BCLT) and spoken to Ed Mountford.
- Commissioner Scandura has visited the site, attended the study session, spoken to Flossie Horgan of the BCLT, spoken to Ed Mountford, spoken to Commissioner Shier Burnett, attended the Subdivision Committee meeting on January 28, 2010 and voted on the nearby Goodell site project.
- Vice Chair Speaker has visited the site, attended the study session, spoken to Dr. Gerald Chapman of the BCLT, spoken to Ed Mountford, and attended the November 10, 2009 Planning Commission meeting when the Mitigated Negative Declaration was appealed.
- Chair Farley was the appellant when the Mitigated Negative Declaration was appealed, has attended the study session, visited the site and spoken to members of the BCLT.
- Commissioner Shier Burnett has attended the study session, visited the site with Joe Shaw from the BCLT, spoken to staff, attended the November 10, 2009 Planning Commission meeting when the Mitigated Negative Declaration was appealed, spoken to members of the Bolsa Chica Land Trust (BCLT), spoken to Commissioner Scandura and spoken to Ed Mountford.
- Commissioner Delgleize has visited the site, attended the study session, toured the site with Mark Bixby of the BCLT, toured the site with Ed Mountford, and spoken to Flossie Horgan of the BCLT.
- Commissioner Livengood has visited the site, attended the study session, attended the Subdivision Committee meeting on January 28, 2010, attended the November 10, 2009 Planning Commission meeting when the Mitigated Negative Declaration was appealed, met with members of the BCLT, met with Ed Mountford and met with staff.

Jennifer Villasenor, Acting Senior Planner, gave the staff presentation and an overview of the project.

Commissioner Livengood discussed proposed lot widths and tandem parking. Ms. Villasenor noted Lot #17 is 30' wide and proposes tandem parking.

Ms. Villasenor briefly discussed the Environmentally Sensitive Habitat Area (ESHA) buffer and noted that the buffer is based on site specific access.

Commissioner Livengood discussed the Biological Resources Assessment referenced in pages 6 and 11 of the staff report.

Mr. Livengood directed the Planning Commission's attention to page 10 of the staff report, which addresses public open space. Ms. Villasenor noted that the streets in the proposed development will be open to the public. Mr. Livengood asked if the applicant would be receiving credit for providing this public open space. Ms. Villasenor said that the applicant must pay the full park (Park-land) fee.

Commissioner Scandura discussed the Late Communication from Mark Bixby of the Bolsa Chica Land Trust (BCLT). Planning Manager Mary Beth Broeren noted Mr. Bixby references the Bolsa Chica Mesa bluffs as being on the northwestern side, but she noted the proposed project site is on the northeastern side.

Commissioner Delgleize asked if any building permits have been issued. Ms. Broeren noted that 111 building permits have been issued, and Certificates of Occupancy have been issued for 79 of those.

Ms. Villasenor noted that developments with less than 30 units are eligible to pay in-lieu fees as an alternative to providing on-site affordable housing.

Commissioner Shier Burnett questioned the process for this project. Ms. Villasenor noted that the eight separate entitlements are at the request of the applicant.

Ms. Villasenor noted that there has been no agricultural activity on the project site for at least five years. Ms. Shier Burnett concurred and noted that the land was barren. She asked if this was due to pesticide use. Ms. Villasenor said that this is unknown, as no permit is required for pesticide usage. She also noted that the Biological Resources Assessment acknowledges the potential of pesticide usage.

Chair Farley spoke regarding staff report page 10, which references minimal site grading. Ms. Villasenor noted that the grading from the project's boundary to the residential area would be minimal and that there would be no grading beyond the project's boundary.

Mr. Farley also discussed the lot widths and referenced page 13 of the staff report. Ms. Villasenor noted that all the proposed lots would be 22' wide, with the exception of Lot #17.

Mr. Farley asked about the minimal grading from the project's boundary to the residential area. Ms. Villasenor said that the grading from the western portion of the site to the eastern portion would be between 9' and 15'. She also noted that on-site dirt would be used for filler.

Mr. Farley asked about Leadership in Energy and Environmental Design (LEED) goals referenced on staff report page 15. Ms. Villasenor said that the project proposes to be LEED Silver Certified and that the applicant must provide proof of this certification.

General discussion ensued regarding the use of pervious (or permeable) pavement. Mr. Farley questioned if the pavement would be maintained by the Homeowner's Association (HOA). Planning Manager Mary Beth Broeren noted that the performance standard for pavement would be documented and maintained by the HOA and would be in compliance with the city's Water Quality Management Plan. Mr. Farley asked for an example. Senior Civil Engineer Steve Bogart noted that there are a few permeable pavement test sites in the city. Mr. Farley asked how performance was measured. Ms. Broeren noted that the Water Quality Regulations are under development and that the city has an engineer dedicated to water quality.

Mr. Farley asked about storm drainage. Ms. Villasenor noted that the excess water would be captured in a vault.

Mr. Farley discussed the peer review portion of this project. Ms. Villasenor noted that the applicant had the Biological Resources Assessment performed and then the city chose a consultant for the peer review.

THE PUBLIC HEARING WAS OPENED.

Joe Shaw, Bolsa Chica Land Trust, spoke regarding Item No. B-1 and gave a PowerPoint presentation. He said that the proposed site should be preserved due to its archaeological significance.

Ed Mountford, the applicant, spoke regarding Item No. B-1 and gave a PowerPoint presentation. He noted that the proposed project would be "Build It Green" compliant and LEED Silver Certified. Ms. Shier Burnett asked him if he has used pesticides at the site. Mr. Mountford said that he has not used pesticides, but has used herbicides. Ms. Shier Burnett asked who owns the site. Mr. Mountford said that Signal Landmark has owned the property since the 1970s.

Mr. Farley asked Mr. Mountford about pervious pavement for driveways. Mr. Mountford said that pervious pavement is part of the proposed plan.

Jennifer Robins, Amigos De Bolsa Chica, spoke in opposition to Item No. B-1. She cited concerns with the ESHA buffer and foraging raptors.

Connie Boardman, Bolsa Chica Land Trust, spoke in opposition to Item No. B-1. She said that she is against the proposed Zoning Amendment change. She said that she has concerns with raptor foraging and with the financial stability of Hearthside Homes.

Julie Bixby, Bolsa Chica Land Trust, spoke in opposition to Item No. B-1. She cited issues with open park space usage.

Brenda Lee, resident, spoke in opposition to Item No. B-1. She cited concerns with raptor foraging, increased traffic, litter, pollution and wildlife preservation.

Bob Winchell, resident, spoke against Item No. B-1. He recommended that the project site be maintained as open space and habitat for wildlife.

Sandra Geris, Bolsa Chica Land Trust, spoke in opposition to Item No. B-1. She cited concerns with air quality, noise, the potential obstruction of views, and residential parking.

Carrie Thomas, resident, spoke against Item No. B-1. She cited concerns with wildlife preservation and open space usage.

Virginia Bickford, California Cultural Resource Preservation Alliance, spoke in opposition to Item No. B-1. She cited concerns with site preservation due to its archaeological significance.

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

Commissioner Livengood questioned the need for an Environmental Impact Report (EIR). Ms. Villasenor said that the need for an EIR was not triggered. She noted that staff report attachments 8.51 and 8.52 address the Mitigation Measures for the proposed project. Mr. Livengood asked if these Mitigation Measures are adequate. He noted that staff report attachments 9.31 and 9.32 describe the errata to Recirculated Draft Mitigated Negative Declaration No. 08-016. He said that the Planning Commission should be aware that the errata are changes to the Negative Declaration and it is part of the Planning Commission's purview to approve or deny them.

Commissioner Scandura discussed archaeological resources. He said that no new findings have been presented at tonight's meeting. He also noted that if archaeological resources are discovered during the project's development, experts will be on site to properly process those resources.

Chair Farley noted that during the development at the Brightwater project, archaeological resources were discovered.

Mr. Scandura noted that Bolsa Chica sites ORA-83 and ORA-86 are non-contiguous sites.

Mr. Livengood asked if the Mitigation Measures are adequate, or if an EIR should be done for the project. He noted that the Planning Commission asked for the Biological Resources Assessment in November 2009. He also said that he has concerns with the proposed ESHA buffer.

Ms. Villasenor noted that the proposed ESHA buffer ranges from 150' to 263'. Mr. Livengood noted that the California Coastal Commission (CCC) requests a minimum ESHA buffer of 240'.

Mr. Livengood said that he has three main concerns with the project: the adequacy of the Mitigation Measures as they address archaeological resources, the ESHA buffer distance, and the adequacy of the Biological Resources Assessment.

Commissioner Speaker noted that the CCC will determine the project's buffer width, not the Planning Commission.

Commissioner Mantini asked for further details on the ESHA buffer. Ms. Villasenor noted that the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) recommends a minimum buffer of 100', and the CCC recommends a minimum buffer of 240'. She also said that the CCC has concerns with the city's minimum buffer requirements, but that the Biological Resources Assessment will justify staff's recommended 150' to 263' buffer.

Ms. Shier Burnett directed the Planning Commission's attention to staff report attachment 8.31, which details the peer review of the Biological Resources Assessment done by SWCA Environmental Consultants in February of 2010. She noted that the peer review disagreed with the Biological Resources Assessment regarding the number of potentially impacted species, and that should have been included in the Mitigated Negative Declaration. She also discussed attachment 8.33, which addresses the ESHA buffer and how the presence of people and pets can affect wildlife. She also discussed the last sentence on attachment 8.38, which reads "The proposed zoning text amendment will not have any impact on public resources." She said that she does not agree with that statement.

Ms. Broeren briefly discussed the proposed Zoning Text Amendment. She noted that proposed tandem parking is referenced in the Planned Unit Development (PUD) portion of the staff report.

Mr. Livengood asked about the ESHA buffer as referenced in the Biological Resources Assessment. He also discussed the difference between "The Ridge" project and the Shea Homes project. Ms. Villasenor noted that the Biological Resources Assessment and staff's recommendation regarding the ESHA buffer for "The Ridge" would go before the CCC.

Ms. Broeren noted that the CCC's starting recommendation for a buffer zone is 328' and that Shea Homes' minimum buffer is 247'. She said that when "The Ridge" goes before the CCC, the CCC may request further study and may agree or disagree with staff's buffer recommendation. She noted that a credentialed biologist did the Biological Resources Assessment and that staff stands by its recommendation of a 150' to 263' project buffer.

Ms. Broeren gave a brief overview of the Biological Resources Assessment process. She said the Biological Resources Assessment was done by LSA, Inc. and then went to SWCA Environmental Consultants for a peer review. She noted that the original Biological Resources Assessment was revised in response to SWCA's comments before the Recirculated Mitigated Negative Declaration was released. She further stated that the CCC generally prefers Biological Resources Assessments which are less than a year old.

Chair Farley said that an EIR probably would not have provided any additional information. Ms. Broeren concurred.

Mr. Scandura noted that the Brightwater project and "The Ridge" project buffers are similar in size.

STRAW VOTE #1

A MOTION WAS MADE BY FARLEY, SECONDED BY SHIER BURNETT, TO DENY THE MITIGATED NEGATIVE DECLARATION AND REQUIRE FURTHER STUDY ON THE ESHA BUFFER AND THE BIOLOGICAL RESOURCES ASSESSMENT.

AYES:	FARLEY, SHIER BURNETT
NOES:	MANTINI, SCANDURA, SPEAKER, DELGLEIZE, LIVENGOOD
ABSTAIN:	NONE
ABSENT:	NONE

MOTION FAILED

A MOTION WAS MADE BY SCANDURA, SECONDED BY MANTINI, TO APPROVE RECIRCULATED MITIGATED NEGATIVE DECLARATION NO. 08-016 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

Commissioner Scandura noted that he wants to make a motion on Items B through E. Commissioner Livengood recommending voting on Item B separately.

Commissioner Shier Burnett said that the Planning Commission's purview is to approve the highest and best use for the land. She said that the land is currently zoned correctly. She asked the Planning Commission to deny the project and to preserve the archaeological resources.

A MOTION WAS MADE BY SCANDURA, SECONDED BY FARLEY, TO APPROVE GENERAL PLAN AMENDMENT NO. 08-011 BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE ZONING MAP AMENDMENT NO. 08-007 WITH FINDINGS FOR APPROVAL BY APPROVING THE DRAFT CITY COUNCIL ORDINANCE NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE ZONING TEXT AMENDMENT NO. 09-008 WITH FINDINGS FOR APPROVAL BY APPROVING THE DRAFT CITY COUNCIL ORDINANCE NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY SCANDURA, SECONDED BY DELGLEIZE, TO APPROVE LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002 WITH FINDINGS FOR APPROVAL BY APPROVING THE DRAFT CITY COUNCIL RESOLUTION NO. ___ AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SPEAKER, TO APPROVE TENTATIVE TRACT MAP NO. 17294 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SPEAKER, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 08-022 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY MANTINI, TO APPROVE CONDITIONAL USE PERMIT NO. 08-046 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL – RECIRCULATED DRAFT MND NO. 08-016:

1. Recirculated Mitigated Negative Declaration No. 08-016 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 thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on Recirculated Mitigated Negative Declaration No. 08-016, General Plan Amendment No. 08-011, Zoning Map Amendment No. 08-007, Local Coastal Program Amendment No. 09-002, Zoning Text Amendment No. 09-008, Tentative Tract Map No. 17294, Coastal Development Permit No. 08-022 and Conditional Use Permit No. 08-046.

2. Mitigation measures avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to biological and cultural resources. The proposed biological resources mitigation measures would ensure that impacts to two special status species, burrowing owls and southern Tarplant, with the potential to occur on the site would be less than significant. The cultural resources mitigation measures require archeological and Native American monitoring during ground disturbing activities. The mitigation measures also specify procedures if human remains are discovered during construction of the project. The project site has undergone archeological testing and excavation and it is not anticipated that intact deposits remain on the site. However, the mitigation measures would ensure that impacts would be less than significant in the unlikely event that resources are discovered during grading and construction activities.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will have a significant effect on the environment. The project consists of an amendment to the existing General Plan and zoning land use designations as well as the Coastal Land Use Plan for the subdivision of the project site and

construction of 22 single-family residences and associated open space, street and infrastructure improvements in the coastal zone. The project also consists of an amendment to the Chapter 210.12 – PUD Supplemental Standards and Provisions to allow alternative parking configurations for planned unit developments. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements and the recommended mitigation measures.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 08-007:

1. Zoning Map Amendment No. 08-007 represents a change to the Huntington Beach Zoning Map (District Map #33) to rezone the project site from Residential Agricultural – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ). The proposed amendment is consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program. The proposed change is also consistent with General Plan Amendment No. 08-011, which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include low density residential to the west, high density residential uses to the north and low density and open space uses to the east. In addition, the City recently approved pre-zoning and annexation of existing County property south of the project site. The approved pre-zoning designations include low density and open space uses. As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development.

2. In the case of a general land use provision, the zoning map amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The change proposed would be compatible with the uses in the vicinity, which include low density residential uses. The project's design and compliance with applicable code requirements would ensure that impacts to existing preserved open space areas east of the project site are minimized.

3. A community need is demonstrated for the change proposed. The change would expand opportunities for housing and address the needs of a growing population. The proposed development associated with the zoning map amendment will contribute to existing recreational resources in the area through the provision of a 0.13-acre passive open space area consistent with the City's General Plan and Local Coastal Program. The project will also provide for enhanced coastal access through the improvement of an existing 30-foot wide City-owned parcel and the addition of 13 parking spaces that would be available for the general public.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The zoning map amendment would provide for compatible land uses and eliminate an existing zoning designation that is no longer appropriate for the site. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another and would allow the property to be rightfully developed.

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 09-008 :

1. Zoning Text Amendment No. 08-004 will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because the proposed changes to the Planned Unit Development Supplemental Standards and Provisions would allow projects to provide required enclosed parking spaces in a tandem configuration that would minimize the width of driveway paving and garage access that may otherwise dominate the front yard. Reduction in a project's potential for garages to dominate the street frontage would then allow for front yards to have more of an emphasis on architectural quality by incorporating more landscaping, porch elements and other architectural features consistent with the Land Use Element of the General Plan. In addition, the proposed zoning text amendment would clarify the requirement for a planned unit development to provide a public benefit.

2. In the case of general land use provisions, the proposed zoning text amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed changes would not allow reductions in the number of parking spaces required for a project, but would allow required parking spaces to be provided in an alternative configuration as long as the total number of parking spaces required is provided within the development site. The new standards would only be applicable to PUD projects and would be evaluated on a project-specific basis to ensure that projects designed to incorporate the new standards would not be detrimental to the overall design or surrounding properties.

3. A community need is demonstrated for the change proposed. The proposed changes to the Planned Unit Development Supplemental Standards and Provisions would allow for flexibility in land use regulations so that a more distinct development can be provided with a greater emphasis on public benefits. The proposed amendment would reduce a project's potential for garages to dominate the street frontage, which then could allow for front yards to have more of an emphasis as an activity area with landscaping and porch elements. The proposed amendment would allow for more diversity in a project's site layout and result in a better overall design while still providing for adequate parking.

4. The proposed changes would be in conformity with public convenience, general welfare and good zoning practice in that the provisions would allow for alternative configurations in the provision of parking spaces, while still providing for adequate parking facilities within a development project. PUD projects could achieve a more diverse development configuration, provide more open space and propose more distinct features with the flexibility the proposed amendment would provide. The allowance to permit tandem parking configurations and satisfy open parking space requirements through the availability of on-street parking would be consistent with the nature of PUD projects. Finally, the new standard to allow tandem parking configurations is consistent with previous City decisions to allow tandem parking configurations for residential uses.

FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 09-002:

1. Local Coastal Program Amendment No. 09-002 proposes to amend the Huntington Beach Local Coastal Program to reflect the proposed General Plan, Zoning Map and Zoning Text amendments. The amendments will allow single-family residential uses on the subject property. Although single-family residential is a lower priority use than recreational uses, the project site is not existing or planned for public recreational uses. The amendment would allow the property owner to develop the site and, in doing so, would contribute to the provision of enhanced coastal access and additional recreational resources through the proposed development consistent with the policies of the City's General Plan and California Coastal Act.

2. Local Coastal Program Amendment No. 09-002 is in accordance with the policies, standards and provisions of the California Coastal Act relative to residential development, land resources and public access. The Local Coastal Program Amendment promotes the City's Local Coastal Program goals and objectives by allowing low density residential uses while promoting preservation of coastal views and enhancing public coastal access.

3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project proposes a 0.13-acre passive open space area and would provide 13 parking spaces available to the public that do not currently exist. The project will preserve existing public views of the slope along the eastern perimeter of the site and views from an existing 30-foot wide City-owned parcel that is proposed to be improved with development of the project site. No existing coastal access will be impacted. In fact, coastal access would be enhanced through the proposed development project associated with the amendment.

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 17294:

1. Tentative Tract Map No. 17294 for the subdivision of approximately 5 acres into 22 single-family residential lots and nine lettered lots for streets, open space and landscaped areas is consistent with the requirements of the RL zoning district with exceptions that are proposed as part of the Planned Unit Development (PUD) design for the project. These exceptions include deviations to minimum lot width and size and are permissible with development of a PUD pursuant to the Huntington Beach Zoning and Subdivision Ordinance. The proposed subdivision is consistent with goals, policies and objectives of the General Plan Land Use Element and Coastal Element that govern new subdivisions and residential development. These goals and policies call for development that protects and enhances coastal resources, promotes public access and is in close proximity to other developments with adequate public services available.

2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation and drainage perspective. The proposed subdivision will result in a density of 6.4 units per net acre (4.4 units/gross acre). The proposed density is below the allowable density of 7 per acre of the Residential Low Density land use designation for which the project is proposing to be designated. The proposed density would be consistent with, or lower than, existing surrounding developments.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously used for farming and has served as a construction staging area for an adjacent single-family residential project. The site does not contain significant habitat for wildlife or fish. Mitigation measures require pre-construction surveys to determine the presence of special status species on the project site. If special

status species are present, further mitigation is required including avoidance measures and relocation techniques in accordance with established protocols for the respective species to ensure that no significant adverse impacts would occur. Design features of the project as well as compliance with the provisions of Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of existing resources adjacent to the project site.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No existing easements for the public at large will be affected by the project. The project will provide enhanced public coastal access through the improvement of an existing City-owned parcel north of the subject site.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 08-022:

1. Coastal Development Permit No. 08-022 for the subdivision a 5-acre parcel for the development of a 22-unit single family residential project and associated infrastructure in the coastal zone, conforms with the General Plan, including the Local Coastal Program. The project layout is consistent with the proposed Low Density Residential land use designation on the property and the applicable provisions of the Coastal Zone overlay standards of the City's certified Local Coastal Program as well as the Residential Low Density zoning standards, including exceptions allowed for PUD projects.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed development complies with all development standards except for the minimum lot width and size, which are permitted deviations for PUD projects.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will provide all required infrastructure consistent with the Local Coastal Program and City requirements.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact existing public access or recreation opportunities in the coastal zone. The project will preserve existing public views of the slope on the eastern perimeter of the project site as well as views from the 30-foot wide parcel north of the project site. The project will enhance existing coastal access opportunities within the vicinity through the improvement of an existing 30-foot wide City-owned parcel as well as the provision of 13 parking spaces that would be available to the general public.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-046:

1. Conditional Use Permit No. 08-046 for the development of the proposed 22-unit single-family Planned Unit Development (PUD) on a site with a grade differential of greater than three (3) feet from the low to the high point will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be graded to minimize impacts from erosion and drainage. The proposed grade differential to adjacent properties will not adversely impact surrounding undeveloped properties and open space areas. The resulting elevation will be the same as the adjacent elevation of Bolsa Chica Street and result in a development that is compatible with existing development west and north of the project site.

2. The conditional use permit will be compatible with surrounding single family residential and open space land uses. The project includes two-story homes that are similar to the surrounding developments; it also incorporates an adequate buffer area to preserve an existing slope along the eastern perimeter of the project site and provide for protection of environmentally sensitive habitat area east of the project site.

3. The proposed project 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 (HBZSO). The HBZSO requires projects proposed to be located on a site where the difference in grade is greater than three feet to obtain a conditional use permit. The project is not proposing to deviate from any other aspect of the HBZSO except for minimum lot size and width, which is allowed as part of a planned unit development.

4. The granting of the conditional use permit will not adversely affect the General Plan. The project, including the proposed grading design is consistent with existing policies of the General Plan Land Use Element that require developments to be compatible with the surrounding developments and properties. The proposed project, including the proposed grading concept, would result in a development compatible with other developments in the surrounding area while being sensitive to existing resources below the project site. In addition, it is consistent with the following goals and policies of the General Plan:

   Policy ERC 6.1.6: Ensure that post development runoff rates and velocities from a site have no significant adverse impact on downstream erosion and stream habitat.

   Although, the site includes a grade differential greater than three feet, the project is designed such that the existing eastern slope would be preserved. In addition, the project's drainage concept is designed such that the slope and existing resources below the slope on the Shea property to the east would not be negatively impacted from development of the project site, including the project's grading design.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The Applicant shall arrange for a qualified professional archaeological monitor to be present during all project-related ground-disturbing activities. The Applicant shall also arrange for a qualified Native American monitor or a rotation of monitors from the interested bands to be present during all project-related ground-disturbing construction activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel shall also be informed that unauthorized collection of cultural resources is prohibited. If archaeological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist evaluates the significance of the resource. In the absence of a determination, all archaeological resources shall be considered significant. If the resource is determined to be significant, the archaeologist shall prepare a research design and recovery plan for the resources.

2. If human remains are discovered during construction or any earth-moving activities, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner must notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete

the inspection of the site and may recommend in-situ preservation or scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

3. Prior to construction-related ground disturbing activity, a qualified biologist shall survey the project site for presence of Southern tarplant during the appropriate blooming period, May – November. If feasible, the survey shall be conducted during the peak blooming period for the year. Any substantial occurrence (at least 500 mature individuals) shall be preserved on-site or relocated to open space areas in the Bolsa Chica area. If relocation is required, a Southern tarplant relocation program shall be prepared by a qualified biologist and implemented prior to the onset of construction.

4. Prior to construction-related ground disturbing activity, focused burrowing owl surveys shall be conducted in accordance with the CBOC and Department of Fish and Game (DFG) established protocols on the project site.

    - If no occupied burrows are found, the methods and findings of the surveys shall be reported to the City and DFG for review and approval and no further mitigation would be required.
    - If unoccupied burrows are found during the nonbreeding season, the burrows shall be collapsed or otherwise obstructed to prevent owls from entering and nesting in the burrows.
    - If occupied burrows are found, a buffer of 165 feet (during the nonbreeding season of September 1 through January 31) or 250 feet (during the breeding season of February 1 through August 31) shall be provided. The buffer area may be adjusted based on recommendations by a qualified biologist in consultation with the DFG. No activity shall occur within the buffer area until a qualified biologist confirms that the burrow is no longer occupied.
    - If the burrow is occupied by a nesting pair, a minimum of 7.5 acres of foraging habitat contiguous to the burrow shall be maintained until the breeding season is over. Because the site is only approximately 5 acres in area, property outside of the project site would need to be provided in order to provided 7.5 acres. If off-site property is not available then the entire subject site will serve as foraging area.
    - If avoidance of an occupied burrow is not feasible, on-site passive relocation techniques approved by the DFG shall be used to encourage the owls to move to an alternative borrow outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through noninvasive methods that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17294:

1. Tentative Tract Map No. 17294 dated May 4, 2009, shall be the approved layout except as amended per the conditions stated herein.

2. The final map for Tentative Tract Map No. 17294 shall not be approved by the City Council until Zoning Map Amendment No. 08-007, General Plan Amendment No. 08-011 and Zoning Text Amendment No. 09-008 are approved and in effect, and Local Coastal Program Amendment No. 09-002 has been approved by the California Coastal Commission.

3. At least 90 days before City Council action on the final maps, CC&Rs shall be submitted to the Departments of Planning and Building, Public Works and City Attorney's office for review and approval. The CC&Rs shall reflect all access easements and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the final map. The CC&Rs shall include the following:

    a. The Homeowners' Association (HOA) shall enter into a Special Utility Easement Agreement with the City of Huntington Beach for maintenance and control of the area within the public water and sewer easements, which shall address repair to any enhanced pavement, etc., if the public water and sewer pipelines and/or appurtenances require repair or maintenance. The HOA shall be responsible for repair and replacement of any enhanced paving due to work performed by the City in the maintenance and repair of any public water or sewer pipelines. The Special Utility Easement Agreement shall be referenced in the CC&R's. (Resolution 2003-29)

    b. The CC&Rs shall specify that landscaping for individual housing lots and recreation areas that are directly adjacent to a resource protection area shall not include any exotic invasive plant species. The CC&Rs shall be binding on each of the lots, shall run with the land affected by the subdivision and shall be included or incorporated by reference in every deed transferring one or more lots in the subdivision.

4. Comply with all applicable Conditional Use Permit No. 2008-046 and Coastal Development Permit No. 08-022 conditions of approval.

5. Comply with all mitigation measures adopted for the project in conjunction with EA No. 08-016.

6. *PRIOR TO SUBMITTAL OF THE FINAL TRACT MAP TO THE PUBLIC WORKS DEPARTMENT FOR PROCESSING AND APPROVAL, THE FOLLOWING SHALL BE REQUIRED:*

    a. An Affordable Housing Agreement in accord with Section 230.26 of the ZSO.

    b. Final tract map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning and Building Department Fee Schedule*). (HBZSO Section 254.16)

    c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications.* The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning and Building Department Fee Schedule*).

    d. All applicable Public Works fees shall be paid. (ZSO 250.16)

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT 08-022/ CONDITIONAL USE PERMIT NO. 08-046:

1. The site plan, floor plans, and elevations received and dated May 4, 2009, shall be the conceptually approved design.

2. The project entitlements shall not be effective until Local Coastal Program Amendment No. 09-002 is certified by the California Coastal Commission.

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

4. The project shall comply with all mitigation measures adopted in conjunction with Recirculated Draft Mitigated Negative Declaration No. 08-016.

5. Prior to plan check submittal, the applicant shall submit a report, prepared by an accredited third party, that the project plans have been prepared in accordance with the criteria to achieve a LEED – Silver rating and exceed Title 24 requirements by 15 percent. The applicant shall also provide proof of retention of a third party inspector to ensure that the project is constructed according to all specifications as they relate to the LEED criteria. Prior to occupancy of the first residence, the applicant shall submit a final report by an accredited third party, stating that the project has achieved LEED – Silver certification including a breakdown of how certification was achieved and exceeded Title 24 requirements by at least 15 percent.

6. Prior to occupancy of the first residence, the 30-foot wide City-owned parcel north of the project site shall be improved with a landscaping and access trail. The applicant shall include language in the CC&Rs for the project that the trail shall remain open for public access and will not be closed off for the exclusive use of the residents of the proposed development.

7. Plans for the coastal access trail shall be submitted to the City of Huntington Beach concurrent with the project's plan check submittal. The plans for the trail shall include signage indicating public access and shall provide informational details about the entire coastal access path including length of the entire path to the Bolsa Chica Wetlands and nature of the terrain beyond the landscaped trail.

8. The developer shall design and improve, and "The Ridge" Homeowners Association (HOA) shall maintain the linear open space along the north property line to the City of Huntington Beach design and maintenance standards for landscaped areas. The soil within the linear open space shall be tested and the results shall be acceptable to the City for landscape improvements. If the soil tests reveal unacceptable and/or un-mitigable agricultural soil conditions, the developer shall remove all soil within the linear open space area to a depth of thirty six inches and replace that soil with Class A topsoil that has been tested and approved by an approved testing laboratory and by the City for importation. All materials used for irrigation and planting shall be approved by the City, and all installation shall be reviewed and approved by the City prior to final inspection of the first dwelling unit within the tract.

9. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.

10. The project shall ensure compliance with the following requirements:

    a. All street lighting, exterior residential lighting and recreational lighting adjacent to resource protection areas shall minimize impacts to wildlife within the resource protection areas.

    b. Uses allowed adjacent to designated Environmentally Sensitive Habitat Areas shall assure the continuance of the habitat value and function of preserved and restored wetlands and ESHA.

    c. Prior to final inspection of the first residential unit, with exception of the model homes, the following requirements shall be completed:

        i. Landscape plans shall be prepared that prohibits the planting, naturalization or persistence of invasive plants, and encourages low-water plants, and plants primarily native to coastal Orange County. The plans shall be reviewed and approved by the City's landscape architect.

        ii. A Domestic Animal Control Plan shall be submitted to and approved by the City of Huntington Beach that details methods to be used to prevent pets from entering any resource protection areas, including, but not limited to appropriate fencing and barrier plantings.

        iii. A Pest Management Plan shall be submitted to and approved by the City of Huntington Beach that, at a minimum, prohibits the use of rodenticides, and restricts the use of pesticides, and herbicides in outdoor areas, except necessary Vector Control conducted by the City or County.

        iv. Covenants, Conditions and Restrictions (CC&Rs) in a form approved by the Office of the City Attorney shall be recorded. The CC&Rs shall be binding on each of the lots, shall run with the land affected by the subdivision and shall be included or incorporated by reference in every deed transferring one or more lots in the subdivision.

        v. The project applicant shall provide any buyer of a housing unit within the project an information packet that explains the sensitivity of the natural habitats adjacent to the project site and the need to minimize impacts on the designated resource protection areas, and the prohibition on landscaping that includes exotic invasive plant species on lots that are directly adjacent to a resource protection area. The information packet shall include a copy of the Domestic Animal Control Plan and Pest Management Plan and be required for all sales of housing units pursuant to the CC&Rs. The project applicant shall provide the City with a copy of the information packet.

        vi. Protective fencing or barriers shall be installed and maintained between the resource protection areas and areas developed for homes and recreational use for purpose of minimizing human and domestic animal presence in resource protection areas, including restored and preserved wetland and ESHA buffer areas; however, public access to designated passive recreational use areas shall be provided. Visual impacts created from any

walls or barriers adjacent to open space conservation and passive recreational use areas shall be minimized through measures such as open fencing/wall design, landscape screening, use of undulating or off-set wall features, etc.

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 9, 2010

RECOMMENDED ACTION: Motion to: "Approve the February 9, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY DELGLEIZE, TO APPROVE THE FEBRUARY 9, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED FEBRUARY 23, 2010

RECOMMENDED ACTION: Motion to: "Approve the February 23, 2010, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SPEAKER, SECONDED BY LIVENGOOD, TO APPROVE THE FEBRUARY 23, 2010, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 09-008 (HB DENTAL ALLEY VACATION – CONTINUED FROM THE FEBRUARY 23, 2010 MEETING AT THE APPLICANT'S REQUEST) Applicant: City of Huntington Beach **Request:** To determine if the vacation of an approximately 2,864 square foot portion of an unimproved alley right-of-way is in conformance with the goals, objectives, and policies of the General Plan. **Location:** South of Warner Avenue, West of Ash Lane **Project Planner:** Hayden Beckman

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1642, approving General Plan Conformance No. 09-008 with findings (Attachment No. 1)."

Hayden Beckman, Planning Aide, gave the staff presentation and an overview of the project.

Commissioner Livengood asked staff if the Fire Department had reviewed the project. Fire Division Chief Bill Reardon said yes, and noted that the Fire Department recommends approval of the project.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DELGLEIZE, TO ADOPT RESOLUTION NO. 1642, APPROVING GENERAL PLAN CONFORMANCE NO. 09-008 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Mary Beth Broeren, Planning Manager – reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Mantini thanked staff for their efforts on Item No. B-1.

Commissioner Shier Burnett wished her daughter a Happy 7th Birthday.

Commissioner Delgleize thanked staff for their efforts on Item No. B-1.

Commissioner Livengood noted that he will not be in attendance at the Planning Commission meeting of May 25, 2010.

ADJOURNMENT: Adjourned at 10:15 PM to the next regularly scheduled meeting of Tuesday, May 11, 2010.

APPROVED BY:

Scott Hess, Secretary

Blair Farley, Chairperson