MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 27, 2013
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: *P P A P P P P*
Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin, Pinchiff

Vice-Chair Peterson was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY PINCHIFF, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 27, 2013, BY THE FOLLOWING VOTE:

AYES: **Dingwall, Posey, Bixby, Kalmick, Franklin, Pinchiff**
NOES: **None**
ABSENT: **Peterson**
ABSTAIN: **None**

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1. ENVIRONMENTAL IMPACT REPORT 01-003 (GUN RANGE) – Ricky Ramos, Senior Planner

Ricky Ramos, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the contamination onsite, the remediation process, and the remediation levels analyzed.

There was a brief discussion regarding the potential funding for remediation.

Chair Bixby recused himself on Study Session Item No. A-2 due to his involvement in prior litigation and left the room.

A-2. ENTITLEMENT PLAN AMENDMENT NO. 13-001/ VARIANCE NO. 13-008/ SPECIAL PERMIT NO. 13-001 (PACIFIC CITY COMMERCIAL) – Jill Arabe, Associate Planner

Jill Arabe, Associate Planner, gave a brief overview of the proposed project.

There was a lengthy discussion regarding the potential parking impacts for the project and the shared parking analysis.

There was a brief discussion regarding emergency services access for the project.

There was a discussion regarding the differences between code requirements and conditions of approval.

Chair Bixby returned to the room.

B. STUDY SESSION ITEMS – NONE

C. PUBLIC COMMENTS – NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Jane James, Planning Manager, reported that there were Late Communications for Item Nos. B-1, B-2, and B-3.

E. PLANNING COMMISSION COMMITTEE REPORTS – NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:15 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE– Led by Vice-Chair Peterson

P	*P*	*P*	*P*	*P*	*P*	*P*

ROLL CALL: ***Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin, Pinchiff***

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY DINGWALL, TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 27, 2013, BY THE FOLLOWING VOTE:

AYES: **Dingwall, Posey, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES: **None**
ABSENT: **None**
ABSTAIN: **None**

MOTION APPROVED

A. PUBLIC COMMENTS

Clint Orr, resident, addressed the commission regarding the lack of entertainment amenities in the downtown area, and encouraged the development of Block 163 as a new surf museum.

B. PUBLIC HEARING ITEMS

B-1. GENERAL PLAN AMENDMENT NO. 12-001/ NEGATIVE DECLARATION NO. 12-007 (2013-2021 GENERAL PLAN HOUSING ELEMENT UPDATE)

Applicant: City of Huntington Beach **Request:** **GPA:** To update the General Plan Housing Element for the 2013-2021 planning period pursuant to California Government Code Section 65588; **ND:** To analyze the potential environmental impacts associated with the proposed Housing Element Update **Location:** Citywide **City Contact:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to:

A. "Approve Negative Declaration No. 12-007 with findings (Attachment No.1); and"

B. "Approve General Plan Amendment No. 12-001 and forward Draft Resolution (Attachment No. 2) to the City Council for adoption." "

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Posey had no disclosures.
- Vice-Chair Peterson had no disclosures.
- Chair Bixby has attended the Planning Commission meetings on this item.
- Commissioner Kalmick had no disclosures.
- Commissioner Franklin had no disclosures.
- Commissioner Pinchiff had no disclosures.

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

THE PUBLIC HEARING WAS OPENED.

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

There was a brief discussion regarding the waiver of entitlement processing fees and the Regional Housing Needs Assessment requirements.

A MOTION WAS MADE BY PINCHIFF, SECONDED BY FRANKLIN, TO APPROVE NEGATIVE DECLARATION NO. 12-007 WITH SUGGESTED FINDINGS, BY THE FOLLOWING VOTE:

AYES: **Posey, Bixby, Kalmick, Franklin, Pinchiff**
NOES: **Dingwall, Peterson**
ABSTAIN: **None**
ABSENT: **None**

MOTION APPROVED

A MOTION WAS MADE BY PINCHIFF, SECONDED BY FRANKLIN, TO APPROVE GENERAL PLAN AMENDMENT NO. 12-001 AND FORWARD

DRAFT RESOLUTION TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

AYES:	**Posey, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**Dingwall, Peterson**
ABSTAIN:	**None**
ABSENT:	**None**

MOTION APPROVED

FINDINGS FOR NEGATIVE DECLARATION NO. 12-007

1. Negative Declaration No. 12-007 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 30 days. Comments received during the comment period were from State agencies and generally provided jurisdictional information and issues for consideration during the environmental review of individual housing projects as they relate to that particular agency's jurisdiction. The comment letters and responses were considered by the Planning Commission prior to action on the Negative Declaration and General Plan Amendment No. 12-001.

2. There is no substantial evidence in light of the whole record before the Planning Commission that the project will have a significant effect on the environment. The Housing Element is a policy document that is consistent with growth identified in the 1996 General Plan and includes policies and programs to help conserve, improve and develop housing within the City, including affordable housing. Its policies and programs are consistent with the other General Plan elements. The specific environmental effects of future development discussed in the Housing Element policies and programs will be evaluated as individual project proposals or plans are submitted, with any needed mitigation measures or conditions of approval identified at that time.

Commissioners Posey and Pinchiff each recused themselves from Item No. B-2 because their respective residences are within 500 ft. of the subject site and both left the room.

B-2. **VARIANCE NO. 13-007 (RESNICK RESIDENCE)** **Applicant:** Louie Hernandez **Property Owner:** Barnet Resnick **Request:** To permit a garage addition and a new second story deck with a three foot side yard setback in lieu of a minimum five foot required setback. **Location:** 613 7th Street (east side of 7th Street, between Acacia and Palm Avenues) **City Contact:** Kristi Rojas, Project Planner

STAFF RECOMMENDATION: Motion to: "Approve Variance No. 13-007 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Vice-Chair Peterson had no disclosures.
- Chair Bixby has visited the site and spoken with staff.
- Commissioner Kalmick has visited the site.
- Commissioner Franklin has visited the site.

Kristi Rojas, Contract Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Louie Hernandez, applicant, spoke in support of Item No. B-2 and indicated that he was available for questions.

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

There was a brief discussion regarding the special circumstances on the property.

There was a brief discussion regarding amending the findings to clarify that approval is based upon the request for a single-story addition.

A MOTION WAS MADE BY PETERSON, SECONDED BY FRANKLIN, TO APPROVE VARIANCE NO. 13-007 WITH AMENDED FINDINGS AND CONDITIONS, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Peterson, Kalmick, Franklin**
NOES:	**Bixby**
ABSTAIN:	**Posey, Pinchiff**
ABSENT:	**None**

MOTION APPROVED

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 15305, Class 5 of the CEQA Guidelines, which states that minor setback variances not resulting in the creation of any new parcel are exempt from further environmental review.

FINDINGS FOR APPROVAL VARIANCE NO. 13-007:

1. The granting of Variance No. 13-007 to permit a single story garage addition and a new second story deck with a three foot side yard setback in lieu of a minimum five foot required setback would not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The proposed project is to construct a non-habitable single story garage addition with a second story deck that will encroach into the side yard setback at the same distance as surrounding parcels. The reduced setback is consistent with other properties in the same zoning classification.

2. The special circumstance applicable to the subject property is that the surrounding commercial uses impede the property owner of privileges enjoyed by other properties in the vicinity. The applicant has the opportunity to improve the circumstances of the neighborhood with the construction of the additional single story enclosed garage.

3. The granting of the variance is necessary to preserve the enjoyment of one or more substantial property rights. The subject property, which is 5,750 square foot in area and 50 foot in width, is both larger and wider than the minimum lot area (2,500 square foot) and width (25 foot) required in the RMH-A Zone. The subject residence currently does not

maximize lot coverage or massing, but the side yard setback is larger than small lots that surround the site. By allowing the request to construct a non-habitable space at the same setback enjoyed by narrower properties the surrounding neighborhood benefits from the additional parking space out of the public right-of-way and improves the quality of life.

4. The granting of the variance will not substantially be detrimental to the public welfare or injurious to property in the same zone classification. Maintaining a three foot interior side setback for the single story garage and second floor deck is consistent and compatible land use pattern in the neighborhood.

5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of is RMH-25-d (Residential Medium High Density – 25 units/acre – Design Overlay) on the subject property because it requires that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations. Approval of the requested variance furthers the General Plan Objectives and Policies by ensuring that new construction is consistent with the community character and is designed to enhance the subject site. In addition, the request is consistent with the following goals, policies, and objectives of the General Plan:

   A. *Land Use Element*

      Policies LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objective for community character as appropriate.

      Policies LU 9.1.2a: Modulate and articulate building elevation, facades, and masses (avoiding undifferentiated "box-like" structures).

      Policies LU 9.1.2e: Locate and design garages so that they do not dominate the street frontage.

      The subject site is rectangular in shape and double the width of surrounding lots; however, the applicant is proposing a non-habitable space and is limited based on the current configuration of the lot and residence. The surrounding neighborhood would benefit from the additional enclosed parking space this would provide and is designed in a way to not impact the overall building elevation, façade and massing. The proposed garage will not dominate the street frontage because the proposed location of the new garage parking will be directly off the existing alley. Approval of the requested variance furthers the General Plan Objectives and Policies.

CONDITIONS OF APPROVAL – VARIANCE NO. 13-007:

1. The site plan, floor plans, and elevations received and June 13, 2013 shall be the conceptually approved design.

2. Variance No. 13-007 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

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.

Commissioners Posey and Pinchiff returned to the room.

Chair Bixby recused himself on Item No. B-3 due to his involvement in prior litigation and left the room.

B-3. **ENTITLEMENT PLAN AMENDMENT NO. 13-001/ VARIANCE NO. 13-008/ SPECIAL PERMIT NO. 13-001 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 02-20, SPECIAL PERMIT NO. 02-04, AND COASTAL DEVELOPMENT PERMIT NO. 02-12 - PACIFIC CITY COMMERCIAL)** **Applicant:** Becky Sullivan, DJM Capital Partners Inc. **Property Owner:** PC Group Retail LLC **Request: EPA:** To amend the site plan, floor plans, and elevations for the commercial development originally approved under Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and Tentative Tract Map No. 16338 for the Pacific City project. The Pacific City project is approved for 191,100 square feet of retail, office, restaurant, cultural, and entertainment uses; an eight-story 250 room hotel, spa, and health club; a 2.03 acre open space/park easement; and 516 multifamily residential units above subterranean parking. The applicant proposes to amend plans for the 10.6 acre commercial portion and condition of approval No. 11 (for employee parking fees) at this time. The proposed modifications include redesigning the site layout, relocating the pedestrian corridor from the center of the commercial parcel easterly between the hotel and commercial parcels, expanding the total gross floor area and changing the mix of uses, separating the subterranean parking structure between the hotel and commercial parcels, reducing the required number of parking spaces with a shared parking analysis and valet parking, removing angled street parking and constructing a surface parking lot. Access points for the PCH frontage parcels will change along First Street and Pacific View Avenue. Changes to the elevations, building colors and materials consist of amending the project design from traditional Mediterranean to a contemporary coastal aesthetic. **VAR:** To permit a reduction in the drive aisle width of 17 feet in lieu of a minimum of 26 feet for valet parking. **SP:** To permit a) reduced street side yard landscaping with a minimum of five feet in lieu of a minimum of 10 feet and b) utilities located within street side yard setbacks. **Location:** 21002 Pacific Coast Highway, 92648 (bounded by Pacific Coast Highway, First Street, Pacific View Avenue, and Huntington Street) **City Contact:** Jill Arabe, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Entitlement Plan Amendment No. 13-001/ Special Permit No. 13-001/ Variance No. 13-008 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall has been to the study session and spoken with the applicant.

- Commissioner Posey has toured the site, and spoken with Dick Harlow and the applicant.
- Vice-Chair Peterson has attended the study session, attended Design Review Board, spoken with Dick Harlow, and visited the site.
- Commissioner Kalmick has visited the site, spoken with staff, and spoken with the applicant.
- Commissioner Franklin has visited the site and attended the study session.
- Commissioner Pinchiff has visited the site and surrounding neighborhoods, and spoken with various community leaders such as Jerry Wheeler, Susan Welfringer, RJ Mayer, Steve Bone, and Dick Harlow on behalf of the applicant.

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

THE PUBLIC HEARING WAS OPENED.

Lindsay Parton, DJM Capital Partners Inc., spoke in support of Item No. B-3, reviewed the project proposal and cited the potential benefits for the community.

Jerry Wheeler, Huntington Beach Chamber, spoke in support of Item No. B-3 and cited potential benefits to the city.

Louise Fiorillo, resident, spoke in opposition to Item No. B-3, citing concerns with potential parking impacts to adjacent residents.

Dianne Thompson, Chamber of Commerce, spoke in support of Item No. B-3, citing potential benefits to the city.

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

There was a lengthy discussion regarding the proposed parking for the project.

There was a lengthy discussion regarding the approval of alcohol service for a set number of restaurants in the previous Conditional Use Permit.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY DINGWALL, TO APPROVE ENTITLEMENT PLAN AMENDMENT NO. 13-001 AND SPECIAL PERMIT NO. 13-001 AND VARIANCE NO. 13-008 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Posey, Peterson, Kalmick, Franklin, Pinchiff**
NOES:	**None**
ABSTAIN:	**Bixby**
ABSENT:	**None**

MOTION APPROVED

FINDINGS FOR CEQA:

The Planning Commission finds and determines all of the following, based on substantial evidence in light of the whole record:

A. Pacific City Environmental Impact Report No. 02-01 ("EIR") was certified by the City Council on June 7, 2004;

B. No substantial changes are proposed to the project, as proposed to be modified by this entitlement plan amendment, which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

C. No substantial changes have occurred with respect to the circumstances under which the project, as proposed to be modified by this entitlement plan amendment, is undertaken which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

D. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete, shows any of the following:
   (1) The project, as proposed to be modified by this entitlement plan amendment, will have one or more significant effects not discussed in the EIR; or

   (2) Significant effects previously examined will be substantially more severe than shown in the EIR; or

   (3) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, as proposed to be modified by this entitlement plan amendment, but the project proponents decline to adopt the mitigation measures or alternative; or

   (4) Mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

E. In accordance with CEQA Guidelines Section 15162 and 15163, no subsequent environmental impact report or supplement to the EIR need be prepared for this entitlement plan amendment and no further environmental review or documentation is required.

As documented in the staff report, the project was evaluated in conformance with the certified EIR and the proposed changes would not constitute a substantial change. The applicant has provided an analysis that the trip generation of the revised commercial project is essentially equal to the reduced project alternative that was adopted with the certified EIR. Because the hotel was reduced in size to 250 rooms, the trip generation of the hotel is also significantly less than the reduced project alternative plan. Overall the Average Daily Trips (ADT) and AM/PM peak hours of the proposed commercial component with the reduced 250-room hotel do not exceed the trip generation analyzed in the certified EIR.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 13-001:

1. Entitlement Plan Amendment No. 13-001 is a request to permit modifications to the commercial site plan, floor plans, and elevations originally approved under Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal

Development Permit No. 02-12. The proposed amendment 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 modifications will update the 2004 project entitlements for consistency with current standards regarding building layout and architectural design but will maintain compatibility with the surrounding area. The building layout provides greater viewing areas of the coast and terracing decks to encourage outdoor activities. Surface parking has been incorporated into the project to provide convenient access for patrons to the site. The modifications to amend the site plans and elevations maintain compatibility with the surrounding area by abiding by the previously approved reduced setbacks, building height, and public open space areas. The project relocates the pedestrian corridor to improve accessibility and visibility. Greater connection and pedestrian activity between the hotel and commercial sites is achieved with the relocated pedestrian corridor near the market onsite. The modifications will not generate significant traffic, air quality, noise, odors, or other detrimental impacts onto surrounding properties.

2. The entitlement plan amendment will be compatible with surrounding uses because the modifications utilize similar architectural treatments as proposed with the residential component of Pacific City and maintain building heights consistent with surrounding commercial uses. The project encourages increased pedestrian activity with wider sidewalks buffered by wider landscaped planters adjacent to streets. Meandering walkways along the perimeter of the site are linked to pedestrian paths within the project. The buildings incorporate enhanced building materials, colors, decorative green walls for screening service areas, and a high volume of storefront windows. The combination of gable roofs, flat roofs, and varying parapet heights articulate vertical planes. Horizontal articulation is integrated with differentiation of materials at each story, building offsets and projections, the terracing effect and rhythm between the buildings.

3. The proposed entitlement plan amendment will comply with the provisions of the base district and other applicable provisions in SP5 (Downtown Specific Plan), Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, and any specific condition required for the proposed use in the district in which it is located with exception of the variance and special permits. The proposed modifications will update the 2004 project entitlements for consistency with current design aesthetics and site layout. The special permits provide greater benefits for parking and public open space. Wider sidewalks buffered by wider landscape planters along street frontages improve pedestrian access. The varying landscape widths create larger attractive spaces to soften the visibility of the vehicles, utilities, and improve the street frontages. The variance will provide additional parking to meet the peak parking demand for the commercial uses. It is not uncommon to incorporate valet parking in retail centers. Due to the site's location within close proximity of the beach and downtown, it is anticipated that customers will also walk and bike to the site.

4. The granting of the entitlement plan amendment will not adversely affect the General Plan. The project is consistent with the Land Use Element designation of CV-F7-sp (Commercial Visitor – 3.0 Max. FAR – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

   A. *Land Use Element*

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

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

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

Objective LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

Policy LU 9.3.3: Require that nonresidential structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

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

The entitlement plan amendment supports the needs and reflects market demand of City residents and visitors. It will improve the project site, which is currently vacant, and provides additional destination uses that would attract and complement new and existing retail, restaurant, and hotel uses. The design promotes development of commercial buildings that convey a unified, high-quality visual image and character. It is in conformance with the City's Design Guidelines. The City's Design Review Board has reviewed the proposed architecture, colors, and materials and recommends approval of the design concept. The project provides adequate access along all public streets, and adequate parking pursuant to a parking analysis and the incorporation of valet parking. The number of required commercial parking spaces is based on a Parking Demand Analysis prepared by Linscott, Law, and Greenspan. The Analysis concluded that peak demand for the commercial uses will be 1,059 parking spaces. Valet service is included in the request to accommodate the peak demand and park additional vehicles within the lowest garage level.

B. *Coastal Element*

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

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas

are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy C 1.1.7: Encourage cluster development in areas designated for residential use within the Coastal Zone.

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

Policy C 1.2.3: Prior to the issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the proposed development, consistent with policies contained in the Coastal Element, at the time of occupancy.

Policy C 2.2.3: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences.

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including but not limited to, shops, restaurants, hotels and motels, and day spas.

Objective C 4.1: Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

The entitlement plan amendment will include commercial uses similar to those established in the urban downtown area to support the existing and new residential uses. Public services are available to the project site, as well as the surrounding properties, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. A 20-foot wide pedestrian corridor will be continued from the north side of Pacific View Avenue along the Village Green park easterly towards Huntington Street and run south between the hotel and commercial parcels. The corridor will be available to the public. Parking is provided within a two level subterranean parking structure. Views of the beach/ocean will be

available from locations along the public sidewalk, along the inland side of PCH and from lookout decks within the retail development.

C. *Urban Design Element*

Goal UD1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy (i.e., major, primary, etc.) in order to clarify the City's structure and to improve Citywide identity.

Policy UD 1.3.1: Require a consistent design theme and/or landscape design character along the community's corridors, that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

Pacific Coast Highway is designated as a scenic corridor in the General Plan. The commercial development enhances the corridor by incorporating terraced landscaping and pedestrian walkways consistent with PCH frontage developments such as the Waterfront and Hilton Hotels. The design and placement of the buildings will maximize views of the coast and facilitate pedestrian activity. The commercial buildings are clustered in a manner to create plazas and visual links to the street and sidewalks. The architecture will consist of a combination of contemporary and coastal styles and materials including light colors, green walls, and reclaimed wood. Although a parking lot is proposed behind the buildings, it will be screened with adequate landscaping along the street frontages. Parking is primarily provided within a subterranean parking structure. Entries into the commercial development are proposed throughout the property with adequate accessibility.

D. *Economic Development Element*

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach.

Objective ED 2.6: Expand and enhance the existing visitor-serving uses.

Policy ED 2.6.1: Encourage the attraction of coastal and inland visitor-serving uses to offer a wider spectrum of visitor opportunities.

Policy ED 2.6.2: Encourage visitor supported commercial development to concentrate in selected areas of the City, thereby creating identifiable visitor-oriented centers.

Goal ED 3: Enhance Huntington Beach's economic development potential through strategic and land use planning and sound urban design practices.

Objective ED 3.1: Maximize the economic viability of commercial and industrial use through the creation of specialized districts and nodes.

Policy ED 3.1.1: Create differentiated clusters or nodes of retail, industrial, and office uses.

Policy ED 3.2.1: Create commercial-recreation nodes along the inland side of Pacific Coast Highway.

Policy ED 3.2.2: Encourage mixed-use (retail/office/residential) structures on the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

Policy ED 3.2.3: Attract visitor-serving uses near the beach in order to create better linkages between the beach and visitor-supporting retail uses.

Policy ED 3.3.1: Work with land owners, businesses, and tenants located along the primary corridors and at the principal nodes to define the market character and to create district themes for market recognition purposes.

The project promotes development in accordance with Huntington Beach's Economic Development Element. The visitor-serving commercial uses will broaden and stabilize the City's economic base.

FINDINGS OF APPROVAL – SPECIAL PERMIT NO. 13-001:

1. The granting of Special Permits pursuant to Section 2.5.6 of the Downtown Specific Plan in conjunction with Entitlement Plan Amendment No. 13-001 is for the following:

   a. Reduce the minimum landscape width along Pacific View Avenue (5 ft. in lieu of min. 10 ft.);
   b. Encroach electrical transformers and one pay machine into the minimum street side yard setbacks of Pacific View Avenue (min. 5 ft. and 11 ft., respectively in lieu of min. 15 ft.).

   These special permits result in a greater benefit from the project and will promote a better living environment because the arrangement of the landscaping and buildings relate to the character of the site. The project offers large public plazas and pedestrian links along the perimeter and interior of the retail center which enhances pedestrian activity. Landscaping adjacent to sidewalks and distributed throughout the property screens the parking lot, accents building design, and creates attractive spaces. Pedestrians will be buffered and protected from vehicular traffic with the incorporation of wider sidewalks and wider landscaped areas. Varying landscape widths creates interest in the design of the parking lot frontage. A combination of ground cover, low berming, and medium height shrubs and trees will help contribute to natural surveillance of the area and aesthetically beautify the surroundings.

   The placement of above-ground electrical transformers and pay machine along Pacific View Avenue results in a better project because they will be adequately screened within increased landscaped planters. Hedges and trees will be designed to limit the visibility of these structures. Relocating the utilities would increase their visibility near highly traveled pedestrian paths within the mall, adjacent to retail, or within the parking lot. Utilities are less intrusive aesthetically and functionally within landscaped planters. As conditioned, the utilities will be clustered together and minimized in height to the maximum extent feasible so as to reduce the frequency of utilities along the parking lot frontage. Furthermore, the pay machine located at a minimum 11 ft. setback will primarily serve the parking stalls near the valet drop-off area. The location is within a landscape planter between the parking stalls and conveniently accessible for patrons. It will be screened from the street by landscaping.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due

to the use of appropriate site planning by the arrangement of structures, parking, circulation areas, and open space areas. The special permits allow for the installation of surface parking behind the buildings. Landscaping is integrated into the plan through parking lot and service area screening, enhancing building design, creating attractive public spaces, improving pedestrian access and views.

3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the surrounding neighborhood and incorporates designs that appeal to pedestrians. Landscaping is proposed for the project on both sides of the Pacific View Avenue sidewalk, which softens the visual appearance of the parking lot from the street and residences across the street. Increased landscape planter widths also provide larger areas to integrate landscape screening for the above ground utilities and pay machine.

4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The frontage of the development along Pacific View Avenue provides the environmentally-friendly pedestrian-oriented experience by incorporating wider landscape planters with wider sidewalks. It makes walking safer and more appealing by averaging the widths of the landscape planters adjacent to the parking lot. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown area.

5. The granting of Special Permits is consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Entitlement Plan Amendment findings. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Views of the beach/ocean will be available from locations along the public sidewalk, along the inland side of PCH, and from terraced decks within the commercial development. The proposed special permits in conjunction with Entitlement Plan Amendment No. 13-001 and Variance No. 13-008 will comply with State and Federal Law.

FINDINGS OF APPROVAL – VARIANCE NO. 13-008:

6. The granting of Variance No. 13-008 for a minimum 17 ft. wide drive aisle in lieu of 26 ft. for valet parking in the lower level of the garage will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The variance addresses unique development constraints related to the subject property including its surroundings, existing improvements, and grade differential. The variance will not constitute a grant of special privilege because the property's existing physical conditions limit the location of new structures. Additionally, other properties in the vicinity have been designed with tandem valet stalls to maximize efficiency of their parking structures.

7. Because of special circumstances applicable to the subject property, including topography, location, or surroundings and existing improvements the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject site is located in the

coastal zone, has a significant grade differential, contains an existing partially constructed subterranean garage, and is subject to a high water table. Additional parking is not feasible within the partially constructed garage footprint without compromising the integrity of the building and site. Other properties in the vicinity do not have existing improvements limiting the proposed improvements. Granting the deviation in drive aisle widths for valet parking in the lower level of the garage allows the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

8. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to allow the proposed project to be developed with a visitor-serving commercial shopping center to serve the downtown area. Granting the requested variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. The subject site is able to enjoy the right to develop the site in accordance with District 2 of the Downtown Specific Plan and adequate parking to serve the needs of the project will be provided according to the Parking Demand Analysis.

9. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and will not adversely affect the General Plan. The development of the commercial retail center will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed two-story structures will be consistent with the established development pattern in the vicinity. Additionally, adequate parking to serve the needs of the project will be provided according to the Parking Demand Analysis. The granting of the variance is consistent with the Land Use Element designation of CV-F7-sp (Commercial Visitor- 3.0 FAR – Specific Plan Overlay) on the subject property.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 13-001/SPECIAL PERMIT NO. 13-001/VARIANCE NO. 13-008:

3. The site plan, floor plans, and elevations received and dated August 1, 2013 shall be the conceptually approved design with the following modifications:

    a. The interior of the parking structure shall be painted in white and lighting shall be located directly between parking stalls or in the center of parking structure aisles. Cameras shall be placed at the entrance and exit of the parking structure as well as elevator waiting areas, stairwells, trash areas, and bicycle areas. The cameras shall record 24 hours, seven days a week. Minimum 800 MHz radio antennas shall be installed so that emergency personnel can effectively receive/transmit in the parking structure. **(PD)**

    b. The Police Substation shall be depicted on the floor plan. Two of the onsite parking spaces shall be designated for police vehicles. **(PD)**

    c. The elevator equipment shaft on the east elevation shall be architecturally integrated with the design of the building. **(DRB)**

    d. The stairwell locations (west elevation at the health club and north elevation near the east ramp) shall incorporate visibility (i.e., windows), as feasible, into the stairwell. **(DRB)**

    e. The entrances to the restrooms shall be flush to the building walls rather than setback from the alcove design. **(DRB)**

f. The relocated pedestrian corridor easement shall incorporate a minimum 8 ft. wide walkway.

g. The plans shall depict the continuation of the 20 ft. wide pedestrian corridor easement along the north side of Pacific View Avenue connecting with the subject site.

h. A minimum 6 ft. wide sidewalk shall meander along the east side of First Street with a minimum 4 ft. wide landscape planter adjacent to the curb.

i. Utilities located in landscaped planters along Pacific View Avenue and First Street shall be adequately screened by landscaping subject to review and approval by the Planning Division, Fire Department, and Public Works Department. Utilities shall be grouped together and reduced in height, to the maximum extent feasible, and shall not be located within sidewalks.

j. Bicycle parking shall be provided for a minimum storage of 57 bicycles onsite.

k. The "Pay & Display" stations within the parking lot shall be located a minimum of 15 ft. from the north property line, except for one pay station between the parallel parking stalls located at a minimum setback of 11 ft.

l. The below grade parking structure for the commercial development shall be redesigned to address the detailed recommendations per Condition of Approval No. 5f.

4. The Parking Demand Analysis received and dated August 8, 2013, and Parking Management Plan dated July 30, 2013, shall be the approved parking analysis and parking plan with the applicable revisions per Condition of Approval No. 1.

5. 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/green-building-guidelines-rating).

6. Prior to issuance of grading permits, the following shall be completed:

   a. The final hardscape and landscape design of the relocated pedestrian corridor along the east property line shall be subject to review and approval by the Director of Planning and Building.

   b. 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 Division.

c. All project and entitlement related mitigation measures, code requirements, and conditions of approval of the original Pacific City project shall remain in effect (including but not limited to: street and frontage improvements, sewer, water and storm drain infrastructure improvements, traffic mitigation fair share contributions, traffic signals, signing and striping, completion of Pacific View Avenue, medians, traffic impact fees, decorative paving, street lighting, street dedications, pedestrian easements, et. al). **(PW)**

d. All existing Agreements between the City of Huntington Beach and the original Pacific City property owner shall be replaced with comparable agreement(s) to be approved by and executed with the City and the new property owner(s). **(PW)**

7. Prior to submittal for building permits, the following shall be completed:

a. One set of project plans and one 11 inch by 17 inch set of all colored renderings and elevations, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, and approval and inclusion in the entitlement file, to the Planning Division.

b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

d. The applicant shall submit written consent from the Pacific City Residential property owner for the continuation of the 20 ft. wide pedestrian corridor along the northern edge of Pacific View Avenue and crossing the second intersection of the street near the proposed relocation of the pedestrian corridor easement on the subject site.

e. The subject property shall enter in an irrevocable offer to dedicate access between the subject site and adjacent easterly property (hotel). The location and width of the accessway shall be reviewed and approved by the Planning Division and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted for review and approval by the Planning Division and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

f. A Parking Review Plan shall be submitted to the Planning and Building Department for review and approval by the Planning Division and Public Works Department. The Parking Review Plan shall be prepared by a third party parking consultant that

includes recommendations and detailed comments regarding the circulation and design layout of the below grade parking structure for the commercial development.

8. Upon acceptance of the irrevocable offer for reciprocal access by the adjacent easterly property owner at a future date, the subject property shall complete the improvements on the subject site.

9. Prior to the issuance of building permits for any new building on the podium level, the following shall be completed:

    a. A Lot Line Adjustment to move the lot line between Parcel 2 (subject site) and Parcel 3 (hotel) shall be reviewed and approved by the Planning Division and submitted to the Public Works Department.

    b. A Legal Description and Plat of the proposed Public Pedestrian Easement dedication to the City shall be prepared by a licensed surveyor or registered Civil Engineer authorized to practice land surveying and submitted to the Public Works Department for review and approval. **(PW)**

    c. A Legal Description and Plat of the existing Public Pedestrian Easement areas (from recorded Tract Map No. 16338) to be vacated shall be submitted to the Public Works Department for further processing of this easement vacation. **(PW)**

    d. The southerly 9 feet of the existing Pacific View Avenue right-of-way (from recorded Tract Map No. 16338) shall be vacated. A Legal Description and Plat of this vacation area shall be submitted to the Public Works Department for further processing. **(PW)**

    e. A public art element, approved by the Design Review Board, Director of Planning and Building, and the Cultural Services Supervisor, shall be depicted on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).

    f. To control large groups from gathering, provide an outdoor seating/furniture and landscape plan that incorporates Crime Prevention through Environmental Design methods, subject to review and approval by the Police Department and Planning Division.

10. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and Certificate of Occupancy cannot be issued until the following has been completed:

    a. If the hotel is not under construction when the retail requests a final building permit inspection, then the retail property owner shall submit an interim improvement plan for the hardscape/landscaped area east of the market building to the Planning and Building Department for review and approval.

    b. A Lot Line Adjustment to move the lot line between Parcel 2 (subject site) and Parcel 3 (hotel) of Tract Map No. 16338 shall be approved and recorded. **(PW)**

    c. Any portion of the proposed public sidewalk along the project's First Street frontage which is shown on private property shall require a Public Pedestrian Easement

dedication to the City. Said dedication shall be approved and recorded prior to final inspection or occupancy. **(PW)**

d. The project's existing License and Maintenance Agreement shall be amended (including both agreement verbiage and associated exhibits) to address the revised Public Pedestrian Easements. **(PW)**

e. Relocation of the Public Pedestrian Easement (from that shown on recorded Tract Map No. 16338) shall be recorded. **(PW)**

f. A Planned Sign Program shall be submitted under separate application, subject to review by the Design Review Board, which includes signage for the tenants, retail development, and subterranean parking structure. Signage within the parking structure shall include phone numbers for security and police. The program shall be reviewed and approved prior to the installation of any new sign.

g. All improvements are completed in accordance with approved plans, except as provided for by conditions of approval.

11. All conditions of approval and mitigation measures required under Environmental Impact Report No. 02-01, Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, Entitlement Plan Amendment No. 06-02, Entitlement Plan Amendment No. 08-01, Entitlement Plan Amendment No. 12-005, Entitlement Plan Amendment No. 12-007, and Entitlement Plan Amendment No. 12-009 for Pacific City shall remain valid, with exception of the conditions of approval identified in No. 1 above, as modified herein.

12. The use shall comply with the following:

    a. Valet parking shall be required for employees commuting to work in vehicles.

    b. The hours of operation for outdoor live entertainment within the public plazas/open space areas shall be limited to between 10:00 AM and 10:00 PM.

13. A Conditional Use Permit and Entertainment Permit shall be required for restaurants/nightclubs requesting for live entertainment and/or dancing.

14. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning may be required pursuant to the provisions of HBZSO Section 241.18.

15. Entitlement Plan Amendment No. 13-001/ Special Permit No. 13-001/ Variance No. 13-008 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission or such extension of time as may be granted by the Director

pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

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.

Chair Bixby returned to the room.

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING
Scott Hess, Director of Planning 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
Jane James, 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 - NONE

ADJOURNMENT: Adjourned at 9:00 PM to the next regularly scheduled meeting of Tuesday, September 10, 2013.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chairperson