MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 9, 2013
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Franklin

ROLL CALL: *P Dingwall, P Mandic, P Peterson, P Bixby, P Kalmick, P Franklin, P Pinchiff*

AGENDA APPROVAL

A MOTION WAS MADE BY BIXBY, SECONDED BY KALMICK, TO MOVE ITEM NO. D-1 BEFORE ITEM NO. B-1, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER.

A. PUBLIC COMMENTS

Brady Bratcher, Jobs with Justice, spoke regarding poor working conditions with Millennium Reinforcing at the Beachwalk and Elan projects.

Edgar Perez, employee of Millennium Reinforcing, spoke regarding poor working conditions with Millennium Reinforcing at the Beachwalk and Elan projects. He cited lack of appropriate overtime compensation and racial discrimination.

Alfredo Perez-Gonzales, spoke regarding poor working conditions with Millennium Reinforcing at the Beachwalk and Elan projects.

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 13-006 (CRUNCH FITNESS HEALTH CLUB)

Applicant: Bill Fancher, Fancher Development **Property Owner:** Todd Buckstein, Kimco Realty **Request:** To establish a commercial recreation and entertainment use (health club) within five existing suites totaling 16,960 sq. ft., including personal instruction areas, locker rooms, free weights, and cardio areas within an existing multi-tenant commercial shopping center. **Location:** 5894-5910 Edinger Avenue, 92647 (southwest corner of Edinger Avenue and Springdale Street) **City Contact:** Tess Nguyen, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 13-006 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Mandic has visited the site.
- Vice-Chair Peterson has driven by the site.
- Chair Bixby utilized the previous gym at the site.
- Commissioner Kalmick has driven by the site, used some in the facility, and has a doctor in the area.
- Commissioner Franklin has driven by the site.
- Commissioner Pinchiff has driven by the site.

Jane James, Planning Manager, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the parking at the site.

THE PUBLIC HEARING WAS OPENED.

Shilah and Ivan Tsai, Huntington Beach Optometry, expressed concern with the potential noise impacts of Item No. B-1. They asked that speakers not be hung on the common wall.

Bill Fancher, applicant, spoke in support of Item No. B-1. There was a brief discussion regarding the tenants at the project site and mitigating noise impacts for adjacent businesses.

Bobby Patel, adjacent business owner, noted that his business would be displaced for this proposed project. There was a brief discussion regarding potential relocation.

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

There was a brief discussion regarding the potential noise impacts of the proposed project.

There was a brief discussion regarding the potential parking impacts. Commissioner Kalmick recommended conditioning that staff park in the rear of the site.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY KALMICK, TO APPROVE CONDITIONAL USE PERMIT NO. 13-006 WITH FINDINGS AND AMENDED CONDITIONS OF APPROVAL TO REQUIRE A PARKING MANAGEMENT PLAN WITH STAFF PARKING IN THE SIDE AND REAR LOTS SUBJECT TO STAFF APPROVAL, SOUND ATTENUATION FOR ADJACENT BUSINESSES, AND NO SPEAKERS LOCATED ON COMMON WALL BETWEEN TENANTS, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Peterson, Bixby, Kalmick, Franklin, Pinchiff**
NOES:	**Mandic**
ABSTAIN:	**None**
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 15301, Class 1—*Existing Facilities*, of the CEQA Guidelines, which states that minor alterations to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-006:

1. Conditional Use Permit (CUP) No. 13-006 for the establishment, maintenance, and operation of a 16,960 sq. ft. commercial recreation and entertainment use (health club) consisting of personal instruction areas, free weights, and cardio areas within an existing multi-tenant commercial shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will be within five suites of an existing multi-tenant commercial shopping center in an area comprised of similar commercial uses. The project will be fully contained within the interior of the tenant space and will not result in additional building floor area. The project will not modify onsite vehicular circulation and will be provided with efficient vehicular ingress/egress from the adjacent right-of-way. With the provision of 13 additional parking spaces, the project will be adequately parked and will not have any significant impacts onto abutting properties. The proposed use is not anticipated to generate additional noise, traffic, or other detrimental impacts onto surrounding properties inconsistent with the subject property's Commercial General zoning. In addition, adjacent residential properties to the south are adequately buffered from subject building by an approximately 100-ft. wide parking lot and a minimum six ft. high block wall.

2. The conditional use permit will be compatible with surrounding uses because it is located entirely within the building in an existing commercial center and surrounded by similar and complementary commercial uses. Since a large portion of the project site was previously occupied by a fitness center, the proposed health club is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. Additional parking will be provided to comply with the parking requirement for the proposed health club. The proposed hours of operation are also consistent with existing commercial uses and therefore will not generate impacts to adjacent noise-sensitive uses above the existing conditions.

3. The proposed facility will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and

any specific condition required for the proposed use in the district in which it is located. The existing building conforms to applicable site development standards including required minimum setbacks, maximum building height, and minimum onsite parking with the provision of 13 additional parking spaces. Commercial recreation and entertainment use in the CG (Commercial General) zoning district requires a conditional use permit subject to review and approval by the Planning Commission.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 Max Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

   Land Use Element

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

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

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

   Policy LU 10.1.17 Require the inclusion of uses and elements that contribute amenities for visitors, such as public activity areas and onsite recreational facilities (health clubs, spas, etc.).

   Policy LU 13.1.1 Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

   The establishment of the Crunch Fitness health club promotes re-use of prior commercial suites in a manner that will be consistent with the aforementioned policies, goals, and objectives of the City's General Plan. The project is consistent with General Plan Land Use goals, objectives, and policies, which encourage additional recreational amenities such as health clubs and advocate development of new facilities where they are compatible with adjacent uses. The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitates continued viability of the commercial center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-006:

1. The site plan and floor plan received and dated April 25, 2013 shall be the conceptually approved design with the following modifications:

   a. Additional insulation for sound attenuation shall be provided along the two shared walls with adjacent tenants and speakers shall be prohibited to hang from or face those same walls.

2. Prior to issuance of building permits, a Parking Management Plan shall be submitted for review and approval by the Department of Planning and Building. At a minimum, the Parking Management Plan shall specify that all fitness center employees will park at the rear (south) and side (west) parking lots.

3. Conditional Use Permit No. 13-006 shall become null and void unless exercised within two (2) 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 and Building Department a minimum 30 days prior to the expiration date.

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

B-2a. APPEAL OF ENVIRONMENTAL ASSESSMENT COMMITTEE'S DECISION TO EXEMPT ENVIRONMENTAL ASSESSMENT NO. 12-003 (PEDIGO APARTMENTS) **Applicant:** Pedigo Products, Inc. and Pedigo South, Inc., c/o Ken Keefe & Rick Lamprecht, ArchRock Development Group, LLC **Property Owner:** Pedigo Products, Inc. and Pedigo South, Inc. and George and Helen Psaros **Request:** **EA:** To review the potential environmental impacts associated with the development of a 510-unit multi-family residential project at the subject site. The Planning Commission will consider the Environmental Assessment Committee's decision that all potentially significant effects of the project can be mitigated pursuant to applicable mitigation measures adopted for the BECSP Program EIR and make a determination as to whether the exemption is the appropriate level of environmental review for the project pursuant to Section 15182 of the CEQA Guidelines. **Location:** 7262, 7266, 7280 Edinger Avenue and 16001, 17091 Gothard Street (five parcels located at the southwest corner of Edinger Avenue and Gothard Street encompassing approximately 8.5 acres) **City Contact:** Jill Arabe, Associate Planner

STAFF RECOMMENDATION: Motion to: "Continue processing exemption pursuant to Beach and Edinger Corridors Specific Plan EIR for Environmental Assessment No. 12-003."

B-2b. SITE PLAN REVIEW NO. 12-002/ TENTATIVE PARCEL MAP NO. 12-113/ DEVELOPMENT AGREEMENT NO. 13-002 (PEDIGO APARTMENTS) **Applicant:** Pedigo Products, Inc. and Pedigo South, Inc., c/o Ken Keefe & Rick Lamprecht, ArchRock Development Group, LLC **Property Owner:** Pedigo Products, Inc. and Pedigo South, Inc. and George and Helen Psaros **Request: SPR:** To permit the development of a four-story with lofts apartment building consisting of 510 dwelling units, 25,815 sq. ft. of public open space, 55,396 sq. ft. of private open space, and approximately 5,097 sq. ft. of leasing office wrapped around a six-level 862-space parking structure and associated infrastructure. The request includes onsite improvements to construct street improvements along Edinger Avenue and an East-West street along the south property line including parking consistent with City requirements. In addition, the project will include a net import of 44,261 cubic yards of soil to raise the project site above the flood plain. **TPM:** To consolidate five parcels into one parcel. **DA:** To enter into a development agreement between the City of Huntington Beach and Pedigo Gothard, LLC, Pedigo South Edinger, LLC, and George W. Psaros Trust (property owners) to ensure the provision of 10 percent of the total units as affordable to moderate and low income households. **Location:** 7262, 7266, 7280 Edinger Avenue and 16001, 17091 Gothard Street (five parcels located at the southwest corner of Edinger Avenue and Gothard Street encompassing approximately 8.5 acres) **City Contact:** Jill Arabe, Associate Planner

STAFF RECOMMENDATION: Motion to:

A. "Approve Site Plan Review No. 12-002 and Tentative Parcel Map No. 12-113 with findings and suggested conditions of approval (Attachment No. 1);"

B. "Approve Development Agreement No. 13-002 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 7) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Mandic has visited the site, and spoken with the applicant and staff.
- Vice-Chair Peterson has visited the site and attends the gym across the street.
- Chair Bixby has visited the site, attended the study session, and spoken with the applicant and staff.
- Commissioner Kalmick has visited the site with the applicant, attended the study session, and spoken with the applicant and staff.
- Commissioner Franklin has visited the site
- Commissioner Pinchiff has driven by the site, attended the last City Council study session regarding the updates of projects in the Beach and Edinger Corridor specific plan area, and spoken with the applicants and staff.

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

There was a brief discussion regarding the fire code requirements for the site.

There was a brief discussion regarding the soil contamination on site and the annual traffic ambient growth rate used in the study.

THE PUBLIC HEARING WAS OPENED.

Rick Lamprecht, applicant, spoke in support of Item No. B-2, citing walkability and sufficient parking.

Dennis Pascua, Arch Beach Consulting, spoke in support of Item No. B-2 and reviewed the parking and traffic analysis.

Sarah Denton, Blackstone Consulting LLC, spoke in support of Item No. B-2 and provided an overview of the soil analysis.

William Devine, Pedigo, spoke in support of Item No. B-2, and briefly reponsed to the concerns of the Ocean View School District; and discussed the potential effects on the district.

Jerry Wheeler, Huntington Beach Chamber of Commerce, spoke in support of Item No. B-2, citing the potential benefits of the project to the city's economy and the project's consistency with the General Plan.

Victor Cao, Building Industry Association of Orange County, spoke in support of Item No. B-2 and cited the potential economic benefits of the project.

Gustavo Balderas, Ocean View School District, spoke regarding Item No. B-2 and indicated that the district would be completing new demographic and developer impact fee studies. Superintendent Balderas also indicated that enrollment in the district is now declining.

Jeanette Justes, Pedigo, spoke in support of Item No. B-2 and briefly reviewed potential impacts to the school district, noting that the current enrollment is in decline for the district.

Rick Lamprecht, applicant, asked that Condition 6.d. be amended to allow the fair share fee to be predetermined.

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

There was a brief discussion regarding the school district's position on the project.

There was a brief discussion regarding the soil contamination analysis.

There was a lengthy discussion regarding the fire prevention/access on the site.

A MOTION WAS MADE BY PINCHIFF, SECONDED BY BIXBY, TO CONTINUE PROCESSING EXEMPTION PURSUANT TO BEACH AND EDINGER CORRIDORS SPECIFIC PLAN EIR FOR ENVIRONMENTAL ASSESSMENT NO. 12-003, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

There was a brief discussion regarding vehicular access to the site and potential traffic impact fees.

There was a brief discussion regarding nearby retail to support the project being entirely residential.

There was a brief discussion regarding calculating the fees noted in Condition No. 6b. It was agreed to amend Condition No. 6.d. to set a fee to be paid at time of Certificate of Occupancy.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO APPROVE SITE PLAN REVIEW NO. 12-002 AND TENTATIVE PARCEL MAP NO. 12-113 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO APPROVE DEVELOPMENT AGREEMENT NO. 13-002 WITH FINIDNGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR CEQA EXEMPTION:

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 15182 of the CEQA Guidelines and Government Code 65457, because the project is a residential development that conforms with the Beach and Edinger

Corridors Specific Plan for which Program EIR No. 08-008 was adopted and implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the Final EIR for the BECSP. Compliance with all applicable mitigation measures adopted for the Specific Plan will be required of the project. In light of the whole record, none of the circumstances described under Section 15162 of the CEQA Guidelines or 65457 of the Government Code are present and, therefore, no EIR or MND is required.

The Project, located at the southwest corner of Edinger Avenue and Gothard Street, consists of a four-story with lofts, 510-unit multi-family residential apartment development with on-site public and private open space and a six-level parking structure. The development site is located within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The City certified Program EIR No. 08-008 on December 8, 2009 and adopted the BECSP on March 1, 2010. The BECSP anticipates development of 4,500 total new dwelling units including 1,745 units on Edinger Avenue. The 510 units contemplated by the project is within the total new dwelling units permitted on Edinger Avenue under the approved BECSP. The project conforms to all standards and regulations of the BECSP development code. Accordingly, no changes requiring revision of the previously certified Program EIR are proposed as part of the project, nor have any circumstances changed requiring revision of the previously certified Program EIR. In addition, no new information identifies that implementation of the BECSP, including the project, will have significant effects that were not discussed in the previously certified Program EIR or that the significant effects identified in the certified Program EIR will be substantially more severe than determined in the Program EIR. Nor is there new information showing that mitigation measures or alternatives not previously adopted would substantially reduce one or more significant effects of the Project.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 12-113:

1. Tentative Parcel Map No. 12-113 for the consolidation of five parcels into one 8.5 acre parcel is consistent with the General Plan Land Use Element designation of Mixed Use on the subject property. The project complies with all applicable code provisions of the Subdivision Map Act, Huntington Beach Zoning and Subdivision Ordinance, and Beach and Edinger Corridors Specific Plan. The project will result in the demolition of five existing commercial and industrial buildings and facilitate the development of a 510 unit apartment building, allowed by code.

2. The site is physically suitable for the type and density of development. It is located within the Beach and Edinger Corridors Specific Plan, which permits residential uses within close proximity of commercial uses. The specific plan is a form-based code that does not rely on density to limit development, but rather the building form to create an attractive public experience appealing to pedestrians. By merging the five lots into one, the site will function as an integrated development compatible with the vision of the growing urban Edinger corridor.

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 was previously developed and does not contain any significant habitat for wildlife or fish. In accordance with the California Environmental Quality Act, the project will mitigate potential impacts to less than significant levels. Design features of the project as well as compliance with the provisions of the Beach and Edinger Corridors Specific Plan will ensure that the project will not significantly impact the function and value of any resources adjacent to the project site. The project will comply with applicable mitigation measures pursuant to Program EIR No. 08-008.

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. Vehicular access is provided throughout the project including the creation of a frontage road abutting Edinger Avenue and East-West street along the south property line. The project will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 12-002:

1. Site Plan Review No. 12-002 for the construction of a multi-family residential development consisting of 510 dwelling units and associated improvements including public and private open space areas, a leasing office, fitness and clubhouse amenities and a six-level parking structure, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project will replace existing site improvements, which include five commercial and industrial buildings and surface parking. The multi-family residential development, with the recommended conditions of approval incorporates architectural and design elements that provide maximum compatibility of use and design with the existing and anticipated development in the vicinity of the project site, promotes the revitalization and restructuring of an aging segment of Edinger Avenue, and supports the existing commercial development surrounding the site. The proposed structure is four stories in height with lofts on the fourth floor and features enhanced building materials and colors, building recesses and façade offsets, variation in massing composition and connections between arterial streets and public open spaces. The project's conformance to the Beach and Edinger Corridors Specific Plan (BECSP) further ensures that the form, height, and architectural design convey an overall high level of quality.

2. The project will not adversely affect the Circulation Plan of the BECSP. The project will provide public right-of-way improvements along Edinger Avenue and Gothard Street pursuant to the BECSP development code. The improvements to Edinger Avenue create continuity with the vision of the corridor which is to provide a protected parking access lane with slow moving traffic and amenities that buffer the sidewalk from the central fast-moving center of Edinger Avenue. The improvements to Gothard Street create a neighborhood scene with a six-foot wide sidewalk buffered by six-foot wide landscaping and low pedestrian street lighting. The public frontages of the arterial streets establish public realms that focus on pedestrians rather than vehicles. Pedestrian connectivity from the development's public open spaces to the public streets will be enhanced with signage, as conditioned, and landscaping to attract activity into and around the site. The project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

3. The proposed multi-family residential development will comply with the provisions of the BECSP development code as specified in the Town Center Boulevard Segment. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project meets code requirements in terms of building height, massing and volume, setbacks, landscaping, streetscape improvements, public and private open space, and parking.

4. The project is consistent with the City's General Plan and applicable requirements of the Municipal Code. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan

Overlay – Design 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.

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

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

The proposed development is consistent with the Beach and Edinger Corridors Specific Plan which encourages buildings closer to the streets, wider walkways, and large open space areas to enhance the pedestrian and public experience. Approximately 25,815 sq. ft. of public open space will be provided in paseos and courtyard plazas. These areas will be designed with enhanced landscaping, seating areas, and visually appealing amenities. The architecture of the building is contemporary, incorporating notches, major façade offsets, and façade composition changes to break up the massing of the building at street frontages. A combination of stone and brick veneer is applied along the base of the building with canopies at entrances to cater to the pedestrian scale. The façade skyline is then capped with parapets and articulating rooflines. Moreover, this residential development is proposed within close proximity of new and existing commercial uses thus reducing the need for automobile use. By permitting a mix of land uses closer together, greater interaction will occur between developments and further the vision and viability of the specific plan.

B. *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.

The demolition of the existing buildings and surface parking lots along Edinger Avenue will allow for the emergence of residential and pedestrian activity closer to commercial uses. The proposed building incorporates design features consistent with the BECSP including varied building articulation and height, compatible colors and materials, usable open space, and wider sidewalks thus improving the visual image along the arterial streets. A Classic Boulevard frontage road will be constructed onsite consisting of a

protected parking access lane with slow moving traffic and amenities that buffer the sidewalk from the fast-moving center lanes of Edinger Avenue. Greater pedestrian activity will happen as development continues to progress consistent with the specific plan along the Edinger corridor. Public improvements are proposed to existing streets which involve wider sidewalks and parkways with pedestrian oriented street lights and enhanced landscaping.

C. *Economic Development Element*

Objective ED 3.3: Upgrade and modernize high-activity nodes and districts.

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 existing parcels that make up the subject site currently function independently of each other with separate parking lots and connection via public sidewalks. Two of the buildings are vacant; one building is utilized as a recreation gym, and the other two buildings are occupied by retail and offices/warehouses. Overall the 8.5 acre site is underutilized and is envisioned to improve connections between developments with a more efficient land use pattern. The consolidation of these parcels would enhance the functionality of the site and it would be upgraded to promote greater pedestrian activity consistent with the intended and developing urban environment of the specific plan. The proposed project is consistent with the vision for Edinger corridor by providing housing within close proximity of commercial uses.

D. *Circulation Element*

Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.
Objective CE 3.2: Encourage new development that promotes and expands the use of transit services.

The proposed Edinger Avenue streetscape will create continuity with new development along this corridor by providing a protected parking access lane with landscaping to buffer pedestrians from the vehicular thoroughfare. Existing street medians will be reconfigured to adequately serve the project site and existing commercial site across the street. Pedestrian connectivity is improved with abundant landscaping and architectural elements through public open spaces, paseos, and wider sidewalks. Also, the project would pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

E. *Housing Element*

Goal H 2: Provide adequate housing to accommodate regional housing needs.

Goal H 3: Assist in development of affordable housing.

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

The development agreement would ensure that the project is developed in accordance with the development plan and guarantee that the project provides 51 onsite affordable housing units. The project represents new housing in the City that will help to fulfill the City's share of the regional housing need. The proposed project would accommodate and is designed to appeal to different age groups, and household types. Ten percent of the units will be provided for affordable housing with 43 units for moderate income levels and 8 for low income levels. Residents will benefit from the proximity of the project to different activities and uses; it provides opportunities and convenience for many households to use alternate travel modes such as walking and bicycling to complete their daily routines and run errands, thereby serving the need for affordable housing for this segment of the population.

FINDINGS FOR APPROVAL - DEVELOPMENT AGREEMENT NO. 13-002:

1. The development agreement is consistent with the General Plan and Beach and Edinger Corridors Specific Plan. Development Agreement No. 13-002 provides for construction of the Pedigo Apartment project with approval for Site Plan Review No. 12-002 and will conform to the goals and policies of the General Plan. The development agreement ensures the construction of 51 affordable housing units within the project in accordance with the provisions of the Specific Plan for a 55 year period. The development agreement is consistent with the following goals and policies of the General Plan:

   A. *Housing Element*

   Goal H 2: Provide adequate housing sites to accommodate regional housing needs.

   Goal H 3: Assist in development of affordable housing.
   Policy H 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

   B. *Land Use Element*

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

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

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

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

   The project represents new housing in the City that will help to fulfill the City's share of the regional housing need. Ten percent of the units will be provided for affordable housing with 43 units for moderate income levels and 8 units for low income levels. Residents will benefit from the proximity of the project to different activities and uses. It provides opportunities and convenience for many households to use alternate travel

modes such as walking and bicycling to complete their daily routines and run errands, thereby serving the need for affordable housing for this segment of the population. The Edinger Corridor will be revived with the incorporation of housing closer to commercial projects to generate activity in an area that was previously viewed as underutilized and declining.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 12-113:

1. The Tentative Parcel Map No. 12-113 for the consolidation of five parcels into one 8.5 acre parcel received and dated May 20, 2013 shall be the approved layout.

2. Prior to recordation of the final map, building permits shall be obtained and finaled for demolition of the existing structures.

3. Prior to issuance of building permits, the final parcel map shall be recorded with the County of Orange.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 12-002:

1. The site plan, floor plans, and elevations received and dated June 10, 2013 shall be the conceptually approved design with the following modifications:

    a. Signage shall be posted at entrances of the paseos and throughout the public open spaces identifying public access and use. The signage plan shall be reviewed and approved by the Departments of Public Works, Community Services, and Planning and Building.

    b. The public open spaces shall be improved with amenities such as bike racks, public art element, benches, trash receptacles, and shade trees. The final design for the public open space shall be reviewed and approved by the Planning Division and Community Services Department.

    c. A minimum of 10 parking spaces shall be designated for Electric Vehicle (EV) charging stations.

    d. 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, bicycle areas, fitness center and clubhouse. 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.

    e. All new utilities such as backflow devices, Edison transformers, and double check detector assembly devices shall be relocated outside of the front yard setbacks and screened from view by landscaping subject to review and approval by the Planning and Building Department.

2. Comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008 as specified in the Mitigation Monitoring Program for Pedigo Apartments.

3. At least 14 days prior to any grading activity, the property owner/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.

4. Prior to issuance of a precise grading permit, the following shall be completed:

    a. An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.

    b. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Division. Double walls shall be prohibited. Interior property line walls (west, south) shall be a maximum of six feet in height and comply with Section 2.6.8 (4) of the BECSP. Prior to construction of any new walls, a plan must be submitted identifying the removal of any existing walls/fences next to the new walls, and shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

    c. All design and construction shall be per the City Standard codes and street configuration and specifications of the Beach and Edinger Corridors Specific Plan. The frontage along Edinger Avenue shall comply with the "Classic Boulevard" configuration and the frontage along Gothard Street shall comply with the "Neighborhood Street" configuration. **(PW)**

    d. A lighting plan depicting the boulevard-scale street lighting and pedestrian-scale street lighting along street frontages shall be submitted to the Planning and Building Department for review and approval by the Planning Division and Public Works Department.

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

    a. One set of project plans and one 8 ½ inch by 11 inch set of all colored renderings, elevations, and materials sample and color palette, revised pursuant to Condition of Approvals and Code Requirements, shall be submitted for review, 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, Building, 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. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning Division for addressing purposes.

d. Contact the United States Postal Service for approval of mailbox location(s).

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

a. The Developer shall provide a Landscape Maintenance License Agreement for the continuing maintenance and liability of all landscaping, irrigation, furniture and enhanced hardscape that is located along the project frontage within the public right of way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees imposed by the County, City and/or Caltrans. **(PW)**

b. 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).

c. The developer shall underground all overhead 12kV electrical distribution and any overhead communication line along the Edinger Avenue frontage. **(PW)**

d. The subject property shall provide an irrevocable offer to dedicate a reciprocal accessway (East-West street) between the subject site and westerly property. The legal instrument shall be submitted to the Planning Division a minimum of 30 days prior to building permit issuance. The document shall be approved 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.

The cost of improvements to implement the future reciprocal accessway shall be determined by a fair share amount and shared by the two property owners. The accessway design shall consist of vehicular access, pedestrian access, and landscaping consistent with the existing streetscape and the design, location, and width shall be reviewed by the Planning and Building Department and Public Works Department.

Prior to submittal for building permits, the applicant shall submit three construction cost estimates, prepared by licensed contractors, for the design and construction costs to implement the reciprocal accessway. The cost estimate shall include a contingency amount to cover estimated inflation and rising construction costs (based on CPI and PPI) over a ten year period and shall be subject to review and approval by the Public Works and Planning and Building Departments.

Prior to issuance of building permits, the applicant, Public Works Department, and Planning and Building Department shall determine and finalize the estimated construction cost and fair share amount due by the applicant.

Prior to final inspection of the first residential unit, the applicant shall deposit the fair share amount in an account with the Public Works Department. The payment shall be on reserve with the City until the improvements will be constructed between the developments.

7. Prior to occupancy of the first dwelling unit, the following shall be completed:

   a. Enhanced paving materials shall be provided at vehicular entrances to the parking structure and pedestrian connections.

   b. A Parking Management Plan, approved by the property owner/developer shall be submitted for review and approval by the Planning Division. Said plan shall depict designated (residents, employees/guests) parking space locations.

8. The use shall comply with the following:

   a. All entry points to residences, fitness area, and clubhouse shall be monitored by secured FOB type entries and security cameras. **(PD)**

9. The developer or developer's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

10. SPR 12-002 shall become null and void pursuant to the terms of the Development Agreement.

11. 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).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS

D-1. GENERAL PLAN CONFORMANCE NO. 13-03 (BROOKHURST STREET UNDERGROUND UTILITY DISTRICT) Applicant: Public Works Department, City of Huntington Beach **Property Owner:** City of Huntington Beach **Request:** To determine if a proposed underground utility district on Brookhurst Street, from

Garfield Avenue to 900 ft. south of Adams Avenue is in conformance with the goals and policies of the General Plan. **Location:** Brookhurst Street (from Garfield Avenue to 900 ft. south of Adams Avenue) **City Contact:** Hayden Beckman, Planning Aide

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1672, approving General Plan Conformance No. 13-03 with findings (Attachment Nos. 1 and 2)."

Jane James, Planning Manager, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the number of poles that would not be able to be undergrounded.

A MOTION WAS MADE BY FRANKLIN, SECONDED BY BIXBY, TO ADOPT RESOLUTION NO. 1672, APPROVING GENERAL PLAN CONFORMANCE NO. 13-003 WITH FINDINGS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed 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 15302, Class 2 (d) of the CEQA Guidelines because, "Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding," is exempt from environmental review.

FINDINGS FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 13-003:

The General Plan Land Use Map designation for the subject property is public right-of-way. The proposed project is consistent with this designation and goals, objectives, and policies of the City's General Plan as follows:

A. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.3.2: Provide for the implementation of streetscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

Policy UD 2.2.4: Require the undergrounding of utility lines.

The removal of existing Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along Brookhurst Street will enhance the

appearance of the Brookhurst Street streetscape by eliminating structures that detract from the visual image of the corridor and significant public views.

B. Utilities Element

Policy U 5.1.2: Continue to underground above ground electrical transmission lines.

The Underground Utility Committee has identified Brookhurst Street, from Garfield Avenue to 900 ft. south of Adams Avenue as a qualified district due to the high level of use of Brookhurst Street and the visual and safety impacts associated with utility poles and overhead wires. The proposed Underground Utility District will allow for the undergrounding of Southern California Edison power poles and associated overhead wires for Time Warner and Verizon along a segment of Brookhurst Street.

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

Commissioner Pinchiff noted that he had attended the Amigos de Bolsa Chica brunch fundraiser and praised the work by the Amigos de Bolsa Chica. Commissioner Pinchiff stated that there will be a hearing on July 12, 2013 at the Air Quality Management District office in Diamond Bar regarding the beach bonfire issue and encouraged those interested to attend.

Chair Bixby reported that the State Supreme Court ruled that GIS data is considered public information.

ADJOURNMENT: Adjourned at 9:25 PM to the next regularly scheduled meeting of Tuesday, July 23, 2013.

APPROVED BY:

Scott Hess, Secretary

Mark D. Bixby

Mark Bixby, Chairperson