MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, NOVEMBER 27, 2012
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 Shier Burnett**

	P	P	P	P	P	P	A
ROLL CALL:	***Shier Burnett,***	***Peterson,***	***Bixby,***	***Mantini,***	***Delgleize,***	***Franklin,***	***Ryan***

Commissioner Ryan was absent.

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1664 IN APPRECIATION TO OUTGOING PLANNING MANAGER HERB FAULAND

Chair Mantini presented Resolution No. 1664 to Outgoing Planning Manager Herb Fauland.

AGENDA APPROVAL

A MOTION WAS MADE BY PETERSON, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION AGENDA OF NOVEMBER 27, 2012, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Franklin**
NOES:	**None**
ABSENT:	**Ryan**
ABSTAIN:	**None**

MOTION APPROVED

A. PUBLIC COMMENTS

Councilmember Keith Bohr thanked Commissioner Shier Burnett for her eight years of service and thanked her fellow commissioners for their work on the commission.

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 12-021 (BRUXIE GOURMET WAFFLES)

Applicant: T. S. Voelker Architecture, Todd Voelker **Property Owner:** CIM Huntington Beach LLC **Request:** To permit the establishment of a 2,575 sq. ft. gourmet waffles restaurant with 385 sq. ft. of outdoor dining area. **Location:** 180 5th Street, Ste 120 (southeast corner of 5th Street and Walnut Ave.) **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 12-021 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commisioner Shier Burnett has visited the site.
- Commissioner Peterson has visited the site.
- Vice Chair Bixby has visited the site.
- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site.
- Commissioner Franklin has visited the site.

Rosemary Medel, Associate Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Bill Fancher, applicant, spoke in support of Item No. B-1 and indicated he was available for commission questions.

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

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY FRANKLIN, TO APPROVE CONDITIONAL USE PERMIT NO. 12-021 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Franklin**
NOES:	**None**
ABSENT:	**Ryan**
ABSTAIN:	**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, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-021:

1. Conditional Use Permit No. 12-021 for the establishment, maintenance, and operation of the 2,575 sq. ft. Bruxie Gourmet Waffle restaurant is located within The Strand development. The proposed hours of 8:00 AM to 10:00 PM Monday through Sunday is in keeping with surrounding restaurants in District 1 of the Downtown Specific Plan and therefore will not negatively impact the area. The proposed use will not create adverse noise or safety impacts to the surrounding businesses and residents based on the hours of operation and no alcohol sales are proposed.

2. The proposed restaurant and outdoor dining will be compatible with surrounding uses because the 40 square foot outdoor dining area on Walnut Avenue is within the required five foot setback and a minimum of 6 feet of pedestrian free and clear pathway will remain. The 345 square foot outdoor dining area on 5th Street will not encroach into the required 10 foot free and clear pedestrian path. Both sidewalk areas will remain open to pedestrians. The proposed use is consistent with the mixed use development of The Strand and of the commercial uses of the Downtown.

3. The proposed restaurant and outdoor dining will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed uses in the district in which they will be located. The proposed project as conditioned complies with the base district and other applicable provisions including parking. There is no physical expansion of the approved development proposed as part of the request and the uses will comply with all building occupancy/exiting requirements. In addition, the project will comply with the public open space requirements as specified in the Downtown Specific Plan.

4. The granting of the conditional use permit will not adversely affect the General Plan. They are consistent with the Land Use Element designation of Mixed Use Vertical on the subject property including the following policies and objectives identified in the General Plan:

A. *Land Use Element*

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

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

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

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance pedestrian activity along the sidewalks. Create visual differentiation of upper and lower floors and distinct treatment of building entrances and use of pedestrian oriented signage.

The proposed use will establish a new restaurant within the Downtown Core District that is consistent with the Land Use Density Schedules for The Strand development and is compatible with surrounding mixed-use development. The additional outdoor seating will assist in the activation of Walnut Avenue and 5th Street and further the pedestrian experience in the Downtown.

B. *Coastal Element*

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

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

The proposed use will promote the commercial viability of The Strand and will occupy vacant lease space as a restaurant use with outdoor seating, climate controlled canopies and creative signage.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-021:

1. The site plan, floor plans and elevations received and dated November 19, 2012 shall be the conceptually approved layout with the following modifications:

    a. The outdoor dining area on Walnut Avenue shall be reduced by one foot and recessed into the building where necessary in order to maintain a minimum of a 6 foot pedestrian free and clear pathway.

    b. Potted planters on Walnut Avenue shall be relocated to provide a minimum of 6 ft. for better pedestrian circulation on Walnut.

2. An encroachment permit shall be obtained for the one and one-half foot canopy projection of the public right-of-way.

3. Outdoor dining shall have only fixed seating. **(DRB)**

4. Construction/tenant improvements shall not interfere with scheduled City events. Applicant shall contact Community Service prior to commencement. **(CS)**

5. Applicant should check with the Community Services Department and downtown BID to make sure that construction activity is not in conflict with scheduled Specific events or other downtown events. **(CS)**

6. Parking meters on Walnut Street to the north of the project should be kept available for use by the public during construction activity. **(CS)**

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

Green Building Guidelines and Rating Systems (http://www.builditgreen.org/index.cfm?fuseaction=guidelines).

8. Applicant shall apply for a Sign Code Exception to amend the planned sign program to allow a sign that exceeds the allowable square feet restricted in Planned Sign Program No. 04-07 (R), number of signs or changes as stated in the Huntington Beach Zoning and Subdivision Ordinance, Chapter 230 Signs.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

B-2. SITE PLAN REVIEW NO. 2012-003, CONDITIONAL USE PERMIT NO. 2012-009, VARIANCE NO. 2012-004 (SKATE PARK PROJECT) **Applicant:** VF Outdoor, Inc. **Property Owner:** City of Huntington Beach **Request:** **SPR:** To permit the development of a skate park consisting of a 14,500 sq. ft. skate plaza, an 11,800 sq. ft. skate bowl, a 3,500 sq. ft. skate shop, a 185 sq. ft. restroom structure, a 150 sq. ft. skate park entrance kiosk, and 26 parking spaces. **CUP:** To permit the reduction of required on-site parking and to permit off-site parking at the Huntington Beach Sports Complex during special events. **VAR:** To permit deviations in the distance of joint use parking during special events to be 2.8 miles in lieu of 250 ft., driveway width to be 26 ft. in lieu of maximum 24 ft., parking lot setbacks to be two ft. in lieu of required five ft., zero parking lot landscaping screening in lieu of required three ft., one light standard for frontage street lighting in lieu of two requiredm light standards, and 47% frontage coverage in lieu of minimum required 90%. **Location:** 7461 Center Avenue, Huntington Beach, CA 92647 (2.7-acre vacant site on Center Avenue, approximately 500 ft. east of Gothard Street) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to:

A. "Approve CEQA Findings of Fact with a Statement of Overriding Considerations – EIR No. 10-009 (Attachment No. 7)"

B. "Approve Site Plan Review No. 2012-003, Conditional Use Permit No. 2012-009, and Variance No. 2012-004 as modified with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has served on the Planning Commission during previous hearings for the project.
- Commissioner Peterson has served on the Planning Commission during previous hearings for the project, visited the site, spoken with proponents, representatives from Jack's Surfboards; and staff.
- Vice Chair Bixby has served on the Planning Commission during previous hearings for the project , spoken with staff, and visited the site.
- Chair Mantini has visited the site, spoken to staff, and served on the Planning Commission during previous hearings for the project.
- Commissioner Delgleize has attended the study sessions, visited the site and spoken with staff.
- Commissioner Franklin has visited the site.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project. Staff recommended adding a reference to the 15 special event days in Finding No. 1.

There was a brief discussion regarding the special event days and the parking plan for those days.

THE PUBLIC HEARING WAS OPENED.

Joe Ciaglia, developer, spoke in support of the project 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 maximum number of special event days.

STRAW VOTE #1
A motion was made by Bixby, seconded by Franklin, to amend Condition No. 7.d. to read "The Skate Park shall remain free of charge and open to the public with the exception of special event days, of which there shall be no more than 15 per year."

AYES:	**Shier Burnett, Peterson, Bixby, Mantini, Franklin**
NOES:	**Delgleize**
ABSTAIN:	**None**
ABSENT:	**Ryan**

MOTION APPROVED

There was a brief discussion regarding the potential parking impacts for special event days. Commissioner Bixby indicated that he would be voting to deny the project due to the potential parking and noise impacts.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY PETERSON, TO APPROVE CEQA FINDINGS OF FACT WITH A STATEMENT OF OVERRIDING CONSIDERATION, APPROVE SITE PLAN REVIEW NO. 12-003, APPROVE CONDITIONAL USE PERMIT NO. 12-009 AND VARIANCE NO. 12-004 AS MODIFIED WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Peterson, Delgleize, Franklin**
NOES:	**Bixby, Mantini**
ABSENT:	**Ryan**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 2012-003:

1. Site Plan Review No. 12-003 for the construction of a skate park consisting of a 14,500 sq. ft. skate plaza, an 11,800 sq. ft. skate bowl, a 3,500 sq. ft. skate shop, a 185 sq. ft. restroom structure, a 150 sq. ft. skate park entrance kiosk, 26 parking spaces, associated improvements and 15 special event days per year 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 skate park development, with the recommended conditions of approval, incorporates architectural and design elements that provide maximum compatibility of design with the existing and anticipated development surrounding the project site, promotes pedestrian accessibility, and promotes the image of the Huntington Beach envisioned within the Beach and Edinger Corridors Specific Plan (BECSP). Structures on the project site are one and two stories in height and feature enhanced building materials and colors, building recesses and façade offsets, and variation in massing composition. 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 Center Avenue pursuant to the BECSP development code. The improvements to Center Avenue establish a public realm that focuses on pedestrians rather than vehicles and provide a sufficient landscape buffer to separate pedestrians from the Center Avenue vehicular thoroughfare. The public frontage treatments incorporate minimum six-foot wide sidewalks, street trees and planting areas. No additional street improvements are required to improve capacity/efficiency on intersection operations; however, the project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

3. The proposed skate park development will comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan development code as specified in the Town Center – Neighborhood 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, length, orientation, massing and volume, setbacks, parking types, and setback area landscaping types. The project also ensures that the form and architectural design convey an overall high level of quality materials consistent with the vision of the Specific Plan. A Variance is being processed concurrently to allow deviations in the distance of joint use parking during special events,

driveway width, driveway setback, parking lot landscaping screening, frontage street lighting, and frontage coverage.

4. 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, policies, and objectives of the General Plan:

   A. *Air Quality Element*

      Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

      Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

   B. *Circulation Element*

      Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

      Goal CE 2.3.4: Require new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

      Policy CE 6.1.6: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

   C. *Land Use Element*

      Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

      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.

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

   D. *Recreation and Community Services Element*

Goal RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective RCS1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

E. *Urban Design Element*

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

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: 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 project would provide a new state-of-the art skate park and associated retail use that enriches the quality of life for residents of the City, enhances economic development, allows for more efficient use of land resources, and achieves high quality public open spaces in the City. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial and entertainment uses, employment centers, a transit hub, a community college. Because of its location, the site would be appropriate in accommodating an infill development that serves as a recreational amenity to support the residential communities (i.e. Village at Bella Terra, the Boardwalk and Archstone HB Lofts mixed use projects) surrounding the project site. The project would increase the City's tax revenue through sales tax from retail sales and periodic special events. In doing so, multiple sustainable development principles are achieved, resulting in the recreational and economic well-being of the area. The project provides access to recreational opportunities for residents seeking to be within walking distance of work, entertainment, and recreation, thus reducing dependency on their automobile and having access to multiple amenities for an active and mobile lifestyle. The proposed project would appeal to nearby residents as well as those in the City at-large. Located to the east of the Goldenwest Transit Center, the development would promote the use of transit services as an alternative mode of travel in addition to walking and biking rather than relying on the automobile as the primary mode of transportation.

The proposed project incorporates architectural and design principles to provide a pedestrian-oriented scale and ensure maximum design compatibility with existing and proposed developments within the surrounding area. Structures on the project site utilize high quality exterior materials, articulated building volumes, and building composition through the use of building recesses and awnings. The project complies with the development standards and design guidelines of the BECSP, which ensure that form, height, and treatment convey an overall high level of quality. The retail structure is sited close to streets with a retail entry fronting onto the public sidewalk.

The project is designed to minimize consumption of natural resources through implementation of sustainability features such as recycled corrugated steel shipping

containers as building materials, drought-tolerant landscaping, efficient lighting and plumbing fixtures, skylights, and waste recycling facilities. The project would comply with the BECSP and other City codes to reduce water consumption and stormwater runoff. A preliminary Water Quality Management Plan (WQMP) has been reviewed by Public Works staff. A final WQMP is required to be submitted for review and approval prior to grading permit issuance. Finally, the project will incorporate sustainable site development strategies, utilize water savings features, and emphasize recycling of resources and materials through design features and community policies.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2012-009:

1. Conditional Use Permit No. 2012-009 to permit a parking reduction of 64 parking spaces in conjunction with a 14,500 sq. ft. skate plaza, an 11,800 sq. ft. skate bowl, and a 3,500 sq. ft. skate shop and to permit required parking during special events to be accommodated off-site at the Huntington Beach Sports Complex (2.8 miles from the project site) are based on a parking demand analyses, prepared by Translutions, Inc. and Joseph Jimenez, a state-registered traffic engineer (September 2012). An analysis for the on-site reduction of required parking was provided between the City's off-street parking requirements of the Beach and Edinger Corridors Specific Plan and two parking surveys of similar skate parks (Etnies Skate Park in Lake Forest and Carmel Valley Skate Park in San Diego). The study concludes that 14 parking spaces would be required for uses proposed for the skate park. However, the project is proposing to provide 26 parking spaces. Based on the study, there would be a surplus of 12 parking spaces onsite. The study determined that parking for the skate park will not result in insufficient parking capacity. An analysis for the off-site parking at the Huntington Beach Sports Complex was conducted based on discussions with the City of Lake Forest staff at the Etnies Skate Park facility and the forecasted parking rates for other large congregation areas as determined by Institute of Transportation Engineers (ITE) Parking Generation Manual. The study concludes that the parking demand is anticipated to be 125 parking spaces for small events of up to 500 attendees and 625 parking spaces for large events of up to 2,500 attendees. Since there are 850 available parking spaces at the Sports Complex, there would be a surplus of 725 parking spaces during small events and 125 parking spaces during large events. The study determined that the Sports Complex could accommodate the parking demand generated during the proposed skate park special events.

2. The proposed skate park will generate a demand of 14 parking spaces based on a parking demand analysis prepared by Translutions, Inc. and Joseph Jimenez. The study relied on two parking surveys of similar skate parks (Etnies Skate Park in Lake Forest and Carmel Valley Skate Park in San Diego). The study determined that the proposed skate park will not result in a parking deficiency at the project site. The special events parking will generate a demand of 125 parking spaces for small events of up to 500 attendees and 625 parking spaces for large events of up to 2,500 attendees based on a parking demand analysis prepared by Translutions, Inc. and Joseph Jimenez. The study was conducted based on discussions with the City of Lake Forest staff at the Etnies Skate Park facility and the forecasted parking rates for other large congregation areas as determined by ITE Parking Generation Manual. The study determined that the Sports Complex could accommodate the parking demand generated during the proposed skate park special events.

3. A Transportation Demand Management Plan was prepared by Cristal Garcia of SITE Design Group, Inc. (November 2012) for the proposed skate park. The Plan incorporates transportation demand management measures such as bicycle racks, transit information.

The Plan integrates the transportation demand management strategies required by HBZSO Section 230.36 and has been approved by the Director of Planning and Building.

FINDINGS FOR APPROVAL – VARIANCE NO. 2012-004:

1. The granting of Variance No. 2012-004 to allow a 2.8 mile-distance for joint use parking during special events, a 26 ft.-wide driveway, a 2-foot setback for driveways, zero landscaping screening for parking area, one light standard for frontage street lighting, and 47% frontage coverage for the primary building facade will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the narrow lot configuration (100 ft. by 1,190 ft.), the project would not be able to comply with the required development standards. The available buildable area is reduced further by the railroad easement and the transit reserve area. In addition, life and safety requirements from the Fire Department necessitate deviations in development standards. Approval of the requested deviations will not constitute a grant of special privilege as the variance will allow the development of a skate park to provide a functional use of the property and offer additional recreational opportunities to complement other uses in the vicinity.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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 site has a narrow and long configuration with a width of 100 ft. and a length of 1,190 ft. Because of its size and shape, the property would not be able to provide the setbacks or comply with other development standards as compared to a larger site with a standard shape. Granting the deviations in setbacks, landscaping, and other standards allow the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variances are necessary to allow the proposed project to be developed with a skate park a public recreational amenity to serve the residential communities in close proximity to the subject site. Granting the requested variances 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 the Town Center – Neighborhood segment of the Beach and Edinger Corridors Specific Plan.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a skate park 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 and one-story structures would be consistent with the established development pattern in the vicinity. The granting of the variances will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 2012-003/CONDITIONAL USE PERMIT NO. 2012-009/VARIANCE NO. 2012-004:

1. The site plan, floor plans, and elevations received and dated September 27, 2012, shall be the conceptually approved design with following modifications:

   a. The primary volume of the south facing building façade shall incorporate a major façade offset, notch, and façade composition change. **(BECSP Section 2.3.5(3))**

   b. The ground level retail shopfront of the south facing building façade shall contain a minimum of 70% clear-glass display windows framed within storefront pilasters and base. **(BECSP Section 2.4.2(3))**

   c. The metal panel base of the south facing building façade shall be provided for the entire building façade facing the street. **(BECSP Section 2.8.1(3)(a))**

   d. A substantial horizontal articulation of the south facing building façade shall be provided at the top of the uppermost floor of the façade. The horizontal articulation shall be reviewed and approved by the Director of Planning and Building. **(BECSP Section 2.8.1(3)(b))**

   e. The wall composition of the south facing building façade shall contain a minimum of twenty (20) percent and a maximum of sixty (60) percent glazing (percentage does not include parapet height). **(BECSP Section 2.8.2(1))**

2. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 10-009.

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

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

   a. One set of project plans, revised pursuant to Condition of Approval No. 1, 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 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 and Building Department for addressing purposes. The address assignment shall be reviewed and approved prior to submittal for building permits.

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

   a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning and Building Department 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.

   b. Prior to connection of the subject site's sanitary sewer lateral to the existing sewer main in McFadden Avenue, the *Provision of Sewer Agreement* shall be executed between the City and the Midway City Sanitation District (MCSD). Copies of all related connection approvals and proof of payment of applicable MCSD fees shall be provided to the City Department of Public Works. **(PW)**

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

   a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.

   b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

   c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

   d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.

7. The skate park use shall comply with the following:

   a. The hours of operation of the skate park shall be from 10:00 AM to 10:00 PM seven days a week.

   b. The Transit Reserve Area for potential future development of a transit platform shall consist of a 20 foot wide by 300 foot long area as illustrated on the site plan and shall be clear of permanent structures.

   c. The public address system may be used periodically during normal daily operations. During special events, amplified music and announcements from the public address system may continue through the duration of the event.

   d. The skate park shall remain free of charge and open to the public, with the exception of special event days, of which there shall be no more than 15 per year.

e. Up to six shuttle buses shall be utilized to provide transportation from the Huntington Beach Sports Complex to the project site for skate park attendants during special events. The shuttle buses shall follow the specified shuttle route on Gothard Street between Center Avenue and Talbert Avenue.

8. Signage shall be reviewed under separate permits and applicable processing.

9. 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 Commission may be required pursuant to the provisions of HBZSO Section 241.18.

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

11. Site Plan Review No. 2012-003, Conditional Use Permit No. 2012-0009 and Variance No. 2012-004 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 Department a minimum 30 days prior to the expiration date.

12. Incorporation of 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 – NONE7

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

Herb Fauland, 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 Shier Burnett asked her fellow commissioners to consider an H-Item in 2013 to limit the number of political signs for any one person/measure at a given intersection or location. She thanked her fellow commissioners for their years on the commission, expressed appreciation for the work of City staff, and congratulated Mr. Fauland on his retirement.

Commissioner Peterson thanked Commissioners Shier Burnett, Delgleize and Chair Mantini for their work on the commission.

Vice-Chair Bixby expressed best wishes for the outgoing commissioners.

Chair Mantini thanked Mr. Fauland for his guidance during her time on the commission and thanked Councilmember Dwyer for appointing her to the commission.

Commissioner Delgleize recommended that her fellow commissioners attend the Farmer's Market at Peter's Landing. She thanked Mayor Hansen for appointing her to the commission, thanked her fellow commissioners for their service and thanked staff for their work.

ADJOURNMENT: Adjourned at 8:03 PM to the holiday celebration at SeaLegs Wine Bar at 21022 Beach Blvd. #105 on December 11, 2012 at 6:00 PM and then adjourn to the next regularly scheduled meeting of Tuesday, January 8, 2013.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson