MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 9, 2012
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

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

CALL PLANNING COMMISSION MEETING TO ORDER

A	*P*	*P*	*P*	*P*	*A*	*P*

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

Commissioners Shier Burnett and Franklin were absent.

Commissioner Shier Burnett arrived at 5:37 PM.

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY BIXBY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF OCTOBER 9, 2012, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

A-1-a. ENVIRONMENTAL IMPACT REPORT NO. 09-001 (CIRCULATION ELEMENT UPDATE) – Ricky Ramos, Senior Planner

A-1-b. GENERAL PLAN AMENDMENT NO. 11-001 (CIRCULATION ELEMENT UPDATE) – Ricky Ramos, Senior Planner

Ricky Ramos, Senior Planner, and Bob Stachelski, Transportation Manager, gave a brief overview of the proposed projects.

There was a brief discussion regarding the function of technical advisory reports and the number of critical intersections in the city.

A-2. MITIGATED NEGATIVE DECLARATION NO. 12-004/ ZONING MAP AMENDMENT NO. 08-001/ CONDITIONAL USE PERMIT NO. 08-014/ COASTAL DEVELOPMENT PERMIT NO. 08-008/ VARIANCE NO. 11-007/ TENTATIVE PARCEL MAP NO. 11-138 (HARMONY COVE DEVELOPMENT) – Tess Nguyen, Associate Planner

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

There was a brief discussion regarding the establishment of the pierhead line and public access signage.

There was a brief review of the ownership and zoning designation history of the site.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS - NONE

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reported that there is one Late Communication for Public Hearing Item No. B-1.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:00 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE- Led by Commissioner Delgleize

P	*P*	*P*	*P*	*P*	*A*	*P*

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

Commissioner Franklin was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 9, 2012, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PUBLIC COMMENTS

Mike Palikan, resident, addressed the commission regarding neighborhood compatibility in new developments.

B. PUBLIC HEARING ITEMS

B-1. MITIGATED NEGATIVE DECLARATION NO. 08-12, GENERAL PLAN AMENDMENT NO. 08-04, ZONING MAP AMENDMENT NO. 08-04, TENTATIVE TRACT MAP NO. 17239, CONDITIONAL USE PERMIT NO. 08-25 (WARDLOW RESIDENTIAL SUBDIVISION) Applicant: Michael Adams, Michael C. Adams Associates, and Thomas Grable, Tri Pointe Homes, LLC **Property Owner:** Fountain Valley School District **Request: MND:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **GPA:** To amend the existing Land Use Element designation of an approximately 8.35-acre site from Public with an underlying designation of Residential Low Density (P-RL) to Residential Low Density (RL-7), which allows a maximum density of seven units per net acre. **ZMA:** To amend the existing zoning designation of an approximately 8.35-acre site from Public-Semipublic (PS) to Residential Low Density (RL) to be consistent with the proposed General Plan Land Use Element designation. **TTM:** To subdivide approximately 8.35 acres of the subject property to accommodate 49 numbered lots with varying lot sizes for new detached single-family homes and seven lettered lots A-G for streets with standard and reduced widths, landscaped areas, and a public parking lot to be dedicated to the City for Wardlow Park. **CUP:** To permit the development of a 49 unit single-family residential subdivision proposed as a Planned Unit Development (PUD) with varying lot sizes (min. 4,152 square feet, max. 5,864 square feet) that average approximately 4,250 square feet (50 feet wide by 85 feet deep) and associated infrastructure and site improvements, including offsite sewer, water and storm drain improvements and development of an approximately 0.82 acre portion of land for the construction of an 80-space public parking lot. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/ privacy issues, such as window alignments, building pad height, and floor plan layout. **Location:** 9191 Pioneer Drive, 92646 (north side of Pioneer Drive, east of Magnolia Avenue) **Project Planner:** Andrew Gonzales

STAFF RECOMMENDATION: Motion to:

A. "Approve Mitigated Negative Declaration No. 08-12 with findings and mitigation measures (Attachment No. 1);"

B. "Approve General Plan Amendment No. 08-04 by approving draft City Council Resolution No. _____ (Attachment No. 7) and forward to the City Council for adoption;"

C. "Approve Zoning Map Amendment No. 08-04 with findings (Attachment No. 1) by approving draft City Council Ordinance No. _____ (Attachment No. 8) and forward to the City Council for adoption;"

D. "Approve Tentative Tract Map No. 17239 with findings and suggested conditions of approval (Attachment No. 1);"

E. "Approve Conditional Use Permit No. 08-25 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, spoken with the applicant, and Mr. Adams.
- Commissioner Peterson has visited the site and attended the study session.
- Vice Chair Bixby has visited the site, attended the Subdivision Committee meeting, attended the study session, spoken with the applicant, and spoken with staff.
- Chair Mantini has visited the site, attended the Subdivision Committee meeting, spoken with the applicant, and spoken with staff.
- Commissioner Delgleize has visited the site, spoken to residents, attended the study session, and spoken with the property owner's representative and consultant.
- Commissioner Ryan has visited the site, spoken with residents, spoken with the applicant and the consultant and attended the study session.

Herb Fauland, Planning Manager, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Tom Grable, Tri Pointe Homes, spoke in support of Item No. B-1, stating the project would be a positive for the community, noting the proposed park improvements, proposed parking lot improvements, and the proposed undergrounding of utilities on Pioneer Drive.

Judi Schweitzer, Schweitzer and Associates- consultant for Tri Pointe Homes, spoke in support of Item No. B-1, citing the benefits of the green building program for the project .

Stephen McMahon, Fountain Valley School District, spoke in support of Item No. B-1, citing potential benefits to the school district and the city. He noted that the applicant tried to accommodate neighboring residents requests where possible.

Alan Gandall, resident, spoke in opposition to Item No. B-1, citing potential noise, impacts and the loss of open space.

Craig Young, Huntington Valley Little League, spoke in support of Item No. B-1, citing the proposed parking lot improvements and relocated snack bar.

Patti Pantoja, resident, spoke in opposition to Item No. B-1, citing potential parking, lighting, and traffic impacts.

Dave Smythe, resident, spoke in opposition to Item No. B-1, citing concerns with potential storm water runoff, traffic and parking impacts.

Chris Gandall, resident, spoke in opposition to Item No. B-1, citing parking and traffic impacts. She expressed concern with the sizes of the proposed lots.

Kimo Gandall, resident, spoke in opposition to Item No. B-1, citing the potential loss of current park space, and potential traffic and parking impacts.

Dave Moritz, resident, spoke in opposition to Item No. B-1, citing concerns with the flow of pedestrian access and potential incompatibility with the current neighborhood.

Kim Burns, resident, spoke in support of Item No. B-1, citing the proposed parking lot and storm drain improvements.

Katie Kelly, resident, spoke in support of Item No. B-1, citing potential increased property values for the area, increased revenue for the city, and potential revitalization for the neighborhood.

Mike Adams, applicant, spoke in support of Item No. B-1, citing potential benefits to the community. He stated that the potential traffic will not increase beyond the capacity of the street design.

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

There was a brief discussion regarding the cost of relocating the snack bar and Mr. Grable indicated that the cost would be well below the threshold that triggers Measure C.

There was a brief discussion of the potential traffic impacts.

A MOTION WAS MADE BY MANTINI SECONDED BY DELGLEIZE, TO APPROVE MITIGATED NEGATIVE DECLARATION NO. 08-012 WITH SUGGESTED FINDINGS AND MITIGATION MEASURES, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY DELGLEIZE SECONDED BY PETERSON, TO APPROVE GENERAL PLAN AMENDMENT NO. 08-004 AND FORWARD TO THE CITY COUNCIL, APPROVE ZONING MAP AMENDMENT NO. 08-004 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, APPROVE TENTATIVE TRACT MAP NO. 17239 WITH FINDINGS AND CONDITIONS OF APPROVAL, AND APPROVE CONDITIONAL USE PERMIT NO. 08-025 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 08-04:

1. Zoning Map Amendment No. 08-04 to rezone the 8.35-acre project site from Public-Semipublic (PS) to Residential Low Density (RL) is consistent with the goals, objectives, and land use policies of the General Plan as identified below. The proposed change is also consistent with General Plan Amendment No. 08-04, which is being processed concurrently. The land uses in the surrounding area are consistent with the proposed change in zoning because surrounding land uses include low density residential uses to the north, south, and east (across the storm channel), and Public-Semipublic (PS) to the west (Wardlow Park). As discussed in the environmental assessment for this project, there will be appropriate infrastructure and services available to support the proposed development.

   A. *Land Use Element*

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

      There will be improvements made in conjunction with the project including private streets, storm drainage improvements and flood control protection to ensure that the development is adequately served with infrastructure.

      Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the use of complimentary building materials, colors, and forms, while allowing flexibility for unique design solutions and maintenance of privacy on abutting residences.

      The proposed homes are compatible with existing homes in the area in terms of style, materials, and colors. They are well articulated and will have enhanced architectural elevations along street frontages. Although all the proposed homes will be two-story and, in some cases, taller than the homes located to the north of the site, there will be increased rear setbacks of a minimum 21 feet (twice the minimum distance of ten feet permitted within the RL zoning district) and greater second floor setbacks that will alleviate potential privacy intrusions onto existing residences. Furthermore, the proposed placement of the windows will avoid direct views onto existing residential properties.

      Policy LU 9.3.2: Require that residential subdivisions consider reduced street widths to achieve a more "intimate" relationship between structures, to the extent feasible and in accordance with the Huntington Beach Fire Department regulations.

      The width of the streets for the proposed subdivision is 40 feet and 36 feet (curb face-to-curb face) and meet the minimum allowed with an approved Fire Master Plan by the Fire Department. The street width is in scale with the proposed residential units and creates a relationship between the scale and architecture of adjacent structures. The buildings will include fire sprinklers and the development will include increased fire protection measures.

   B. *Housing Element*

      Policy H 2.4: Utilize surplus school and park sites for residential use where appropriate and consistent with the City's General Plan.

The project will result in development of a residential PUD on a vacant school site and contributes to the City's housing stock. The project includes affordable housing units as required by existing City requirements, thereby assisting to achieve the City's overall housing goals.

Policy H 3.6: Encourage use of sustainable and green building design in new and existing housing.

The project is proposing the incorporation of green building strategies into the construction of the buildings that will meet all mandatory measures of State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards.

C. *Circulation Element*

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

The project proposes to dedicate 0.82 acres of land located at the southwest portion of the project site to construct a new parking lot containing 80 parking spaces for patrons of Wardlow Park. Additionally, the project provides 64 additional on-street parking spaces. Appropriate wording will be placed in the CC&Rs specifically allowing and guaranteeing the ability of the general public to park on and use the private streets within the project. The parking demands that would be generated by the proposed residential development would be accommodated within the project boundaries in the private garages and driveways and along the internal streets. The construction of the 80-space parking lot and allowance for public on-street parking within the project will assist in alleviating ongoing parking deficiencies within the neighboring area.

D. *Utilities Element*

Policy U 3.1.1: Maintain existing public storm drains and flood control facilities upgrade and expand storm drain and flood control facilities.

A storm drain will be constructed underneath the 80-space parking lot with a detention facility and a drain inlet located at the northeast corner of Wardlow Park to alleviate an ongoing problem of cross lot drainage and flooding. Additionally, a new 36 inch and 42 inch reinforced concrete storm drain in accordance with the Master Plan of Drainage will be constructed and run approximately 1,905 linear feet to tie into the existing storm drain in Adams Avenue.

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

All existing overhead lines located on the subject property will be undergrounded. As a part of the project's mutual public benefits requirements, the project will relocate the streetlights currently located on the south side of Pioneer Drive and serviced by an overhead electrical line, to the north side of Pioneer Drive. The power line that run along the north side of Pioneer Drive along the southerly edge of HVLL ball fields from Magnolia Street to the former Wardlow School buildings will be removed and placed underground in an above ground vault on the City's park property.

E. *Recreation and Community Services Element*

Objective 4.1: Improve and modernize existing parks and facilities to overcome existing design deficiencies and deteriorated conditions.

The project will dedicate and improve 0.82 acre of land for the purposes of providing an 80-space parking lot for patrons of Wardlow Park. The park was developed utilizing on street parking and a 70-space parking lot at Wardlow School to supplement the park's overall parking demand. Although the development of the project will eliminate an existing school parking lot, it will provide additional parking opportunities with a new parking lot and the allowance for public parking within the private streets of the new development. Other park improvements includes the construction of a new snack bar/equipment room/public restroom facility to replace one that will be demolished on the project site, installation of a detention facility or depression and a drain inlet located at the northeast corner of Wardlow Park that will serve to alleviate an ongoing problem of cross lot drainage, installation of an overhead light fixture in the northeast corner of the park for security purposes, and removal and replacement of a chain link fence along the south edge of the ball fields.

2. Zoning Map Amendment No 08-04 would only change the land use designation rather than a general land use provision and would not affect the uses authorized in and the standards prescribed for the proposed zoning district.

3. A community need is demonstrated for the change proposed. The changes would expand the opportunities for housing and address the needs of a growing population. It will also expand the amount of park area for the purposes of constructing an approximately 0.82 acre parking lot consisting of 80 parking spaces.

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

FINDINGS FOR APPROVAL – MITIGATE NEGATIVE DECLARATION NO. 08-12:

1. Mitigated Negative Declaration No. 08-12 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration No. 08-12, General Plan Amendment No. 08-04, Zoning Map Amendment No. 08-04, Tentative Tract Map No. 17239, and Conditional Use Permit No. 08-25.

2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Mitigation measures are incorporated to address impacts to geology/soils, hydrology/water quality, biological resources, hazards and hazardous materials, cultural resources, and mandatory findings of significance. The proposed geology/soils mitigation measures would incorporate measures with site preparation, fill placement and compaction, seismic design features, excavation and shoring requirements, foundation design, concrete

slabs and pavement, surface drainage, trench backfill, and geotechnical observation in order to mitigate against impacts to liquefaction and settlement at the subject site. The proposed hydrology/water quality mitigation measure would require that a Hydrology and Hydraulic analysis be prepared, reviewed and approved by the City with specifications that drainage improvements be designed and constructed to mitigate against potential impacts of increased runoff during development, or deficient downstream systems in accordance with the Department of Public Works. The proposed biological resources mitigation measure would incorporate a measure that would ensure that impacts to nesting birds in the project area are protected during site development and result in a less than significant impact. The hazards and hazardous materials mitigation measure requires that a soils survey be prepared for the project site to ensure that any potential hazardous materials do not remain on site. The proposed noise mitigation measure will ensure that adjacent sensitive noise receptors (i.e., residential) are protect during site development through the incorporation of sound attenuation devices on construction machinery, requirements for properly maintained construction equipment, and that stationary equipment are directed away from sensitive noise receptors. The mitigation measures also specify procedures for the projection of cultural and paleontological resources are discovered during the development of the project. However, the mitigation measures would ensure that impacts would be less than significant in the unlikely event these resources are discovered during grading and construction activities.

3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated, will not have a significant effect on the environment. Potential impacts from the project are minimized to a less than significant level through the project design, standard code requirements and the recommended mitigation measures.

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 17239:

1. Tentative Tract Map No. 17239 for the subdivision of approximately 8.35 acres of land into 49 numbered lots for the purpose of constructing 49 detached single-family residences and 7 lettered lots for streets, landscaped areas, and a parking lot is consistent with the requirements of the RL zoning district with exceptions that are proposed as part of the Planned Unit Development (PUD) design for the project. These exceptions include deviations to minimum lot width and size and are permissible with development of a PUD pursuant to Huntington Beach and Subdivision Ordinance (HBZSO). The proposed subdivision is consistent with goals, policies, and objectives of the General Plan Land Use Element that govern new subdivisions and residential development.

2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The proposed subdivision will result in a density of 6.5 units per net acre (5.9 units/gross acre). The proposed density is below the allowable density of 7 units per acre of Residential Low Density land uses designation for which the project is proposing to be designated. The proposed density would be consistent with, or lower than existing surrounding developments.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site has been previously used as a public elementary school by the Fountain Valley School District. The site does not contain any significant habitat for

wildlife or fish. Design features of the project as well as compliance with the provisions of Chapter 221 of the Huntington Beach Zoning and Subdivision Ordinance will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site. The project will comply with all mitigation measures identified in Mitigated Negative Declaration No. 08-12.

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. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-25:

1. Conditional Use Permit No. 08-25 for the development of a 49 unit single-family residential subdivision proposed as a Planned Unit Development (PUD) with varying lot sizes (min. 4,152 square feet, max. 5,864 square feet) that average approximately 4,250 square feet (50 feet wide by 85 feet deep) and associated infrastructure and site improvements, including offsite sewer, water and storm drain improvements and development of an approximately 0.82 acre portion of land for the construction of an 80-space public parking lot 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, with conditions, will result in less than significant impacts related to traffic, noise, lighting, aesthetics, including privacy. The project will have greater setbacks at a minimum of 20 ft. along the first floor and upper story setbacks to protect privacy impacts onto existing residences located to the north of the subject development. The project will provide mutual benefits for the residents of the project and the general public. The mutual benefits include a 0.82-acre dedication and improvements exceed by 27% what would normally be required from a developer based upon Quimby Act requirements. Additional public benefits consist of allowing park uses to park on the tracts' private streets, water quality and storm drain improvements including construction of a 1,905 linear foot storm drain, replacement of existing snack bar and fencing, and lighting improvements. Based upon the conditions impose and mitigation measures, the proposed project will not result in significant impacts onto adjacent properties.

2. The conditional use permit will be compatible with surrounding single family residential in terms of setbacks, onsite parking, lot coverage, and allowable building height. The project includes two-story homes that are compatible with surrounding developments in terms of each building's overall mass and scale. Increased rear setbacks will be provided for those lots located adjacent to existing homes. Enhanced landscaping will be provided throughout the development. An 80-space parking lot will be developed along the westerly portion of the subject lot to provide public paring for patrons of Wardlow Park. The location of parking lot will provide a compatible transition between the proposed development and the park.

3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Variations to lot size and width are permitted by conditional use permit as part of a Planned Unit Development.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed General Plan Land Use Element designation of Residential Low Density. In addition, it is consistent with the following policy of the General Plan:

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures, including the use of building heights, grade elevations, orientation and bulk that are compatible with the surrounding development.

The proposed homes are compatible with existing homes in the area in term of style, materials, and colors. The buildings are will articulated and will have enhanced building elevations along street frontages. The building are provided with a setback buffer along the north property line.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. The grading plan prepared for the proposed project shall contain the recommendations included in the reports listed below. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, seismic design features, excavation and shoring requirements, foundation design, concrete slabs and pavement, surface drainage, trench backfill, and geotechnical observation :
   i) The August 23, 2007, Geotechnical Investigation and Liquefaction Evaluation Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.
   ii) The October 17, 2007, Additional Subsurface Exploration and Laboratory Testing Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.
   iii) February 17, 2012, Geotechnical Review and Commentary of Existing Reports and Plans for the Wardlow School School Site Project. **(Mitigation Measure)**

2. Prior to issuance of building permits for the project, in order to complete the soils information in areas of the site where existing structures and improvements have prevented easy access to deeper soil, additional subsurface borings shall be conducted. The project shall comply with any additional recommendations resulting from this additional subsurface investigation. **(Mitigation Measure)**

3. Prior to issuance of a grading permit , Hydrology and Hydraulic analysis shall be submitted for Public Works review and approval (10, 25, and 100-year storms shall be analyzed as applicable). The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. Runoff shall be limited to existing 25-year flows, which must be established in the hydrology study. If the analysis shows that the City's current drainage system cannot meet the volume needs of the project runoff, the developer shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm as determined by the hydrology study. As an option, the developer may choose to explore low-flow design alternatives, onsite attenuation or detention, or upgrade the City's storm drain system to accommodate the impacts of the new development, at no cost to the City. **(Mitigation Measure)**

4. Prior to ground disturbance, the applicant shall provide the City of Huntington Beach proof that a certified biologist has been retained to determine if nesting birds are present within

the Project footprint or within a 250-foot buffer around the site. If nesting birds are present, construction activity shall be avoided in the area until nesting activity is complete (generally February 1 to August 31), as determined by the biologist. If ground or vegetation disturbance would occur between February and August, a preconstruction nesting bird survey shall be conducted seven days prior to any ground or vegetation disturbance. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the biologist determines that the young have fledged. Construction activity may occur within the buffer area at the discretion of the biological monitor. **(Mitigation Measure)**

5. Prior to issuance of a grading permit, the project applicant shall have a soils survey conducted for the proposed project site to determine if any agricultural chemicals (herbicides, insecticides, pesticides and metals) remain at the project site from past agricultural use. The applicant shall implement the mitigation recommendations in the soils report. **(Mitigation Measure)**

6. All construction equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drivetrain, and other components. **(Mitigation Measure)**

7. During the construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors and as far as possible from the boundary of the residential use. **(Mitigation Measure)**

8. Prior to demolition, the whole of the existing Wardlow School shall be fully recorded onto DPR523 form sets and the form set delivered to the South Coastal Central Information Center at CSU-Fullerton. Delivery of the data to the Center mitigates for potential direct and unavoidable impacts to the existing structure complex. **(Mitigation Measure)**

9. The project applicant shall ensure that during ground-disturbing activities an archaeological mitigation monitoring program shall be implemented within the project boundaries. Full-time monitoring shall continue until the project archaeologist determines that the overall sensitivity of the project area has been reduced from high to low, as a result of mitigation monitoring. Should the monitor determine that there are no cultural resources within the impacted areas, or should the sensitivity be reduced to low during monitoring, all monitoring shall cease.

   Specifically, prior to issuance of the first rough grading permit, and for any subsequent permit involving excavation to increased depth, the landowner or subsequent project applicant shall provide evidence to the City of Huntington Beach that a qualified archaeologist has been retained by the landowner or subsequent project applicant, and that the consultant(s) will be present during all grading and other significant ground disturbing activities. **(Mitigation Measure)**

10. The project applicant shall ensure that during excavation a qualified paleontoligic monitor is present to observe excavation in areas identified as likely to contain paleontologic resources. Based upon this review, areas of concern include undisturbed older Quaternary deposits. Paleontologic monitors should be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to

contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced or eliminated if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources, or if the parameters of the proposed project will not impact potentially fossiliferous units. This decision is at the discretion of the qualified paleontologic monitor. If the monitoring program results in positive findings, then refer to PR-2 to PR-4. **(Mitigation Measure)**

11. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources. **(Mitigation Measure)**

12. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented. **(Mitigation Measure)**

13. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources. **(Mitigation Measure)**

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17239:

1. The Tentative Tract Map No. 17239 received and dated May 18, 2012, shall be the approved layout except with the following exception:

   a. Increase the right-of-way width between Lot Nos. 9, 12, and 13 to 56 ft.

2. Prior to submittal of the tract map to the Public Works Department for processing and approval, the following shall be required:

   a. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning and Building Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. A total of 4.9 affordable housing units will be required at an offsite location that will be under the full control of Tri Pointe Homes or another City approved party. Tri Pointe Homes may consider new construction or substantial rehabilitation (as defined by Government Code Section 33413 affordable housing production requirements) of existing non-restricted units with the condition that upon completion of the rehabilitation the units become restricted to long-term affordability in compliance with City requirements.

3. The final map for Tentative Tract Map No. 17239 shall not be approved by the City Council until General Plan Amendment No. 08-04, Zoning Map Amendment No. 08-04 are approved and in effect.

4. The following conditions shall be completed prior to recordation of the final map unless otherwise stated. The following shall be dedicated to the City of Huntington Beach:

   a. An approximately 0.82 acre portion of land (Lot No F) and construction of a new landscaped parking lot containing 80-parking spaces located at the southwest portion of the project site. The parking lot will encompass the entire 0.82 acre lot. The land will be dedicated to the City for purposes of public parking. **(Public Benefit)**

5. The following conditions shall be completed prior to recordation of the final map:

   a. At least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Departments of Planning and Building, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:

      i. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.

      ii. Incorporate a Fire Master Plan that provides a strategic plan for overall fire protection within the project with general guidelines outlining the creation and maintenance of fire access roadways, access walkways to and around buildings, and hydrant quantity and placement as required by the California Fire and Building Codes (CFC and CBC).

      iii. Prohibit the blocking or screening of fire hydrants or fire service facilities located in public right-of-way or onsite.

      iv. Provide funding sources for implementation, monitoring and maintenance of water quality treatment train BMP's and appurtenances per the approved Water Quality Management Plan (WQMP). The approved WQMP shall be incorporated into the CC&R's by reference, and shall be updated as required by local, state or federal law or regulation and the City of Huntington Beach Local Implementation Plan (LIP).

      v. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state or federal law and the LIP.

      vi. Appropriate language shall be placed into the project CC&Rs specifically allowing and guaranteeing the ongoing ability of the general public to utilize on street parking within the development. **(Public Benefit)**

      vii. Appropriate language shall be incorporated into the project CC&R's restricting on-street parking for recreational vehicles. **(FD)**

   b. Portions of the backyards of several existing homes adjacent to the proposed development currently drain through chain-link fences and to the subject property. The blockage of this flow by the proposed development walls could result in potential flooding of said adjacent backyards. The applicant shall provide to the City of Huntington Beach Public Works Department for review and approval the proposed method to address this issue. **(PW)**

6. The following conditions shall be completed prior to issuance of a Grading Permit:

   a. 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.

   b. The proposed detention basin within the City Park shall be designed for a maximum ponding depth of 2 feet with minimum side slopes of 4:1. The maximum detention allowed shall be 1.5 hours. The proposed turf section for the detention area shall be designed by a Registered Landscape Architect for proper function as both water detention basin and playing surface. **(PW)**

   c. The grading plan prepared for the proposed project shall contain the recommendations included in the reports listed below. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, seismic design features, excavation and shoring requirements, foundation design, concrete slabs and pavement, surface drainage, trench backfill, and geotechnical observation:

      i) The August 23, 2007, Geotechnical Investigation and Liquefaction Evaluation Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.

      ii) The October 17, 2007, Additional Subsurface Exploration and Laboratory Testing Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.

      iii) February 17, 2012, Geotechnical Review and Commentary of Existing Reports and Plans for the Wardlow School School Site Project. **(Mitigation Measure)**

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:

   a. A water quality basin shall be installed that will treat water from the project site before being released into the public's downstream storm drain system. **(Public Benefit)**

   b. A storm drain underneath the 80-space parking lot in combination with a detention facility or depression and a drain inlet located at the northeast corner of Wardlow Park shall be installed. **(Public Benefit)**

   c. A new 36 inch and 42 inch reinforced concrete storm drain shall be constructed in accordance with the Master Plan of Drainage that will run for approximately 1,905 linear feet to tie into the existing storm drain in Adams Avenue. **(Public Benefit)**

   d. The streetlights currently located on the south side of Pioneer Drive and serviced by an overhead electrical line shall be removed and installed on the north side of Pioneer Drive. **(Public Benefit)**

   e. The power line currently located along the north side of Pioneer Drive at the southerly edge of HVLL ball fields between Magnolia Street and the former Wardlow School buildings shall be removed and relocated underground in an above ground vault on the City's Wardow Park property. **(Public Benefit)**

f. The final map shall be recorded with the County of Orange.

8. Comply with all mitigation measures adopted for the project in conjunction with Mitigated Negative Declaration No. 08-12.

9. 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/).

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-25:

1. The site plan, floor plans, and elevations received and dated May 15, 2012, shall be the conceptually approved design with the following modifications:
   a. All Plan 3 models shall depict lot coverage no greater than 50%. **(HBZSO Sect. 210.06)**
   b. All Plan 1C models shall depict a maximum building height no greater than 30 ft. **(HBZSO Sect. 210.06)**
   c. Any building elevations visible from public view or along the periphery of the development shall be architectural enhanced in a similar fashion to the front elevations (i.e., enhanced window and door treatments and contrasting building materials).
   d. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
   e. Incorporate a 10' by 10' visibility triangle for the intersection between Lots B and E and Lots C and E. The visibility triangles pertain to the intersecting points adjacent to Lot Nos. 22 and 39. **(HBZSO Sect. 233.88C)**

2. Green building strategies shall be incorporated into the construction of the residential units that meet all mandatory measures of the State of California Housing and Community Development's 2010 California Green Building Code, including providing energy efficiency 30 percent greater than the 2008 California Energy Commission Title 24 code standards. 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/index.cfm?fuseaction=guidelines). **(Public Benefit)**

3. Prior to issuance of demolition permits, the whole of the existing Wardlow School shall be fully recorded onto DPR523 form sets and the form set delivered to the South Coastal Central Information Center at CSU-Fullerton. Delivery of the data to the Center mitigates for

potential direct and unavoidable impacts to the existing structure complex. **(Mitigation Measure)**

4. Prior to ground disturbance activity, the following shall be completed:

   a. The applicant shall provide the City of Huntington Beach proof that a certified biologist has been retained to determine if nesting birds are present within the Project footprint or within a 250-foot buffer around the site. If nesting birds are present, construction activity shall be avoided in the area until nesting activity is complete (generally February 1 to August 31), as determined by the biologist. If ground or vegetation disturbance would occur between February and August, a preconstruction nesting bird survey shall be conducted seven days prior to any ground or vegetation disturbance. Any active nests identified shall have a buffer area established within a 100-foot radius (200 foot for birds of prey) of the active nest. Disturbance shall not occur within the buffer area until the biologist determines that the young have fledged. Construction activity may occur within the buffer area at the discretion of the biological monitor. **(Mitigation Measure)**

   b. The project applicant shall ensure that during ground-disturbing activities an archaeological mitigation monitoring program shall be implemented within the project boundaries. Full-time monitoring shall continue until the project archaeologist determines that the overall sensitivity of the project area has been reduced from high to low, as a result of mitigation monitoring. Should the monitor determine that there are no cultural resources within the impacted areas, or should the sensitivity be reduced to low during monitoring, all monitoring shall cease.

      Specifically, prior to issuance of the first rough grading permit, and for any subsequent permit involving excavation to increased depth, the landowner or subsequent project applicant shall provide evidence to the City of Huntington Beach that a qualified archaeologist has been retained by the landowner or subsequent project applicant, and that the consultant(s) will be present during all grading and other significant ground disturbing activities. **(Mitigation Measure)**

   c. The project applicant shall ensure that during excavation a qualified paleontoligic monitor is present to observe excavation in areas identified as likely to contain paleontologic resources. Based upon this review, areas of concern include undisturbed older Quaternary deposits. Paleontologic monitors should be equipped to salvage fossils as they are unearthed, to avoid construction delays, and to remove samples of sediments likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced or eliminated if the potentially fossiliferous units described herein are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources, or if the parameters of the proposed project will not impact potentially fossiliferous units. This decision is at the discretion of the qualified paleontologic monitor. If the monitoring program results in positive findings, then refer to PR-2 to PR-4. **(Mitigation Measure)**

   d. Preparation of recovered specimens to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates. Preparation and stabilization of all recovered fossils are essential in order to fully mitigate adverse impacts to the resources. **(Mitigation Measure)**

   e. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. These procedures are also essential steps in effective paleontologic mitigation and CEQA compliance. The

paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impacts to significant paleontologic resources is not complete until such curation into an established museum repository has been fully completed and documented. **(Mitigation Measure)**

f. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the appropriate Lead Agency along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontologic resources. **(Mitigation Measure)**

5. During demolition, grading, site development, and/or construction, the following shall be adhered to:

   a. Construction equipment shall be maintained in peak operating condition to reduce emissions.

   b. Use low sulfur (0.5%) fuel by weight for construction equipment.

   c. Truck idling shall be prohibited for periods longer than 10 minutes.

   d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.

   e. Discontinue operation during second stage smog alerts.

   f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

   g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.

   h. All construction equipment shall use available noise suppression devices and properly maintained mufflers. All internal combustion engines used in the project area shall be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment shall be maintained in good mechanical condition to minimize noise created by faulty or poorly maintained engine, drivetrain, and other components. **(Mitigation Measure)**

   i. Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receptors and as far as possible from the boundary of the residential use. **(Mitigation Measure)**

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

   a. 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.

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 and Building Department. Double walls shall be avoided to the greatest extent feasible. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up to a six (6') foot tall wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

c. The grading plan prepared for the proposed project shall contain the recommendations included in the reports listed below. These recommendations shall be implemented in the design of the project and include measures associated with site preparation, fill placement and compaction, seismic design features, excavation and shoring requirements, foundation design, concrete slabs and pavement, surface drainage, trench backfill, and geotechnical observation:

   i) The August 23, 2007, Geotechnical Investigation and Liquefaction Evaluation Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.

   ii) The October 17, 2007, Additional Subsurface Exploration and Laboratory Testing Proposed Residential Development Wardlow School Site, prepared by Southern California Geotechnical.

   iii) February 17, 2012, Geotechnical Review and Commentary of Existing Reports and Plans for the Wardlow School School Site Project. **(Mitigation Measure)**

d. Hydrology and Hydraulic analysis shall be submitted for Public Works review and approval (10, 25, and 100-year storms shall be analyzed as applicable). The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. Runoff shall be limited to existing 25-year flows, which must be established in the hydrology study. If the analysis shows that the City's current drainage system cannot meet the volume needs of the project runoff, the developer shall be required to attenuate site runoff to an amount not to exceed the existing 25-year storm as determined by the hydrology study. As an option, the developer may choose to explore low-flow design alternatives, onsite attenuation or detention, or upgrade the City's storm drain system to accommodate the impacts of the new development, at no cost to the City. **(Mitigation Measure)**

e. The project applicant shall have a soils survey conducted for the proposed project site to determine if any agricultural chemicals (herbicides, insecticides, pesticides and metals) remain at the project site from past agricultural use. The applicant shall implement the mitigation recommendations in the soils report. **(Mitigation Measure)**

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

   a. Zoning entitlement conditions of approval 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.

b. Submit three (3) copies of the site plan and the processing fee to the Planning and Building Department for addressing purposes after street name approval by the Fire Department.

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

d. In order to complete the soils information in areas of the site where existing structures and improvements have prevented easy access to deeper soil, additional subsurface borings shall be conducted. The project shall comply with any additional recommendations resulting from this additional subsurface investigation. **(Mitigation Measure)**

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

a. Submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning and Building Department; and submit 8 inch by 10 inch colored photographs of all colored renderings, elevations, materials sample board, and massing model to the Planning and Building Department for inclusion in the entitlement file.

b. An interim parking and building materials storage plan shall be submitted to the Planning Department 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 applicant shall obtain any necessary encroachment permits from the Department of Public Works.

c. A Fire Master Plan shall be submitted and approved by the Fire Department. The Fire Master Plan shall include but is not limited to the following:

i. Building locations, height and stories, addresses, and construction type;

ii. Property dimensions or accurate scale;

iii. Location of the following:

1. Hydrants with travel distance between called out;

2. Red curbing;

3. Gate locations or opticoms (if required) and fences; and

4. Fire land dimensions, lengths, signage and striping, turning radii at corners and circles/cul-de-sacs.

iv. A list of Alternative Materials and Methods (per the 2010 C.F.C. Section 104.9) of compliance to the road width requirements. The items the developer shall provide for the Fire Department include, but are not limited to the following:

1. Reduced hydrant spacing (increased water availability) provided at strategic locations to accommodate Fire Department Operations;

2. Red curbing (additional red curbing beyond what's required in the Fire Department's City Specifications) to prevent parking near hydrants;

3. Signage at development entrances identifying the Fire Road locations, red curb areas, hydrant locations;
4. Increased Fire Protection System standards (i.e. Bell provided on each side of homes, instead of just one side, that will activate upon fire sprinkler water flow); and
5. Restrictions shall be incorporated into the development's CC&R's restricting on street parking for recreational vehicles. **(FD)**

d. A public art element shall be reviewed and approved by the Design Review Board, the Planning Director, and the Cultural Services Division Manager prior to issuance of any building permit for the project. The public art shall be in place at the subject site prior to final building inspection. The public art element shall be integrated and be in a location that is visible to the public within the Wardlow residential project. Public art shall incorporate the following:
   i. Artistic excellence and innovation;
   ii. Appropriate to the design of the project; and
   iii. Indicative of the community's cultural identity (ecology, history, society).

9. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
   a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning and Building Department.
   b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning and Building Department.
   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 new snack bar/equipment room/public restroom facility shall be constructed on the Wardlow Park grounds to replace one that will be demolished on the subject property. **(Public Benefit)**
   e. An overhead light fixture shall be installed in the northeast corner of Wardlow Park to provide illumination as an additional security feature to improve overall visibility. **(Public Benefit)**
   f. The chain link fence on the south edge of the ball fields shall be removed and replaced. **(Public Benefit)**

10. Conditional Use Permit No. 08-25 shall become null and void unless exercised within two years of the date of the 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.

11. The development services departments (Planning and Building, 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.

12. 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.

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

C-1. PLANNING COMMISSION MINUTES DATED JANUARY 10, 2012

RECOMMENDED ACTION: Motion to: "Approve the January 10, 2012, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY DELGLEIZE, TO APPROVE THE JANUARY 10, 2012 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED FEBRUARY 14, 2012

RECOMMENDED ACTION: Motion to: "Approve the February 14, 2012, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BIXBY, SECONDED BY RYAN, TO APPROVE THE FEBRUARY 14, 2012 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
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 Delgleize noted that she had recently attended the farmer's market at Peter's Landing and recommended it to her fellow commissioners.

Commissioner Ryan echoed Commissioner Delgleize's comments.

Scott Hess, Director of Planning and Building, thanked Andrew Gonzales, Associate Planner, for his work on Item No. B-1 and thanked him for his years of service with the city.

Vice-Chair Bixby concurred with Mr. Hess's comments.

Chair Mantini thanked staff for their work on Item No. B-1.

ADJOURNMENT: Adjourned at 8:33 PM to the next regularly scheduled meeting of Tuesday, October 23, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson