MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 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 Vice-Chair Bixby

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

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

AGENDA APPROVAL

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

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

MOTION APPROVED

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. DEVELOPMENT AGREEMENT NO. 11-002/ COASTAL DEVELOPMENT PERMIT NO. 09-011/ CONDITIONAL USE PERMIT NO. 09-037/ SPECIAL PERMIT NO. 12-001 (WATERFRONT DEVELOPMENT AGREEMENT & HILTON EXPANSION – CONTINUED FROM THE MARCH 13, 2012 MEETING WITH THE PUBLIC HEARING TO BE OPENED) **Applicant:** Shawn Millbern, The Robert Mayer Corporation **Property Owner:** City of Huntington Beach **Request: DA:** To permit a 5 year extension of time to the existing Amended and Restated Development Agreement adopted on October 21, 1998. The existing Development Agreement is set to expire on October 21, 2013 and the 5-year extension would permit the Development Agreement to expire on October 21, 2018. **CDP/CUP:** To permit: a) the expansion of the Hilton Waterfront Beach Resort including a nine-story tower providing a total of 156 new guestrooms with appurtenant facilities. It will also include approximately 13,700 sq. ft. of meeting space, business center, restaurants, grocery/gift store, retail/recreational services store, health spa, and two pools. The project will host all inclusive events such as

weddings, conferences, parties, meetings and permit dancing, live entertainment, and sale and consumption of alcoholic beverages at the restaurants, ballrooms, meeting rooms, lounges, pool deck, and function lawns. The hotel expansion proposes a one level semi-subterranean parking structure with 261 parking spaces, a loading dock and other back-of-house facilities. b) To permit 100% valet parking service (no self-parking) with approximately 35% tandem parking spaces; and, c) To permit the term of Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011/Special Permit No. 12-001 to run concurrently with the term of the Development Agreement. **SP:** a) To permit a combination of landscaping materials including: trees and plants and decorative hardscape (paving for the secondary driveway) treatments within the minimum 20 ft. building setback area fronting Pacific View Avenue in lieu of the setback entirely landscaped. b) To permit the encroachment of structures exceeding 42 inches in height into the minimum perimeter setback areas including: glass windscreens, landscape retaining walls along Pacific Coast Highway, exterior exit stair at Twin Dolphin Drive, and an enclosure for Edison equipment at Pacific Avenue; c) To permit approximately 32% of the parking stalls with a dimension of 9 ft. wide by 18 ft. deep; d) To permit approximately 21% of the parking stalls with less than the required 3 ft. clearance to adjacent walls or columns; and, e) To permit a 13% maximum ramp slope within the parking garage in lieu of 10%. **Location:** 21100 Pacific Coast Highway, 92648 (bounded on the north by Pacific Avenue, on the east by Twin Dolphin Drive, on the south by Pacific Coast Highway, and on the west by the existing Hilton Waterfront Beach Resort) **Project Planner:** Ethan Edwards

STAFF RECOMMENDATION: Motion to:

A. "Approve Development Agreement No. 11-002 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 6) to the City Council for adoption."

B. "Approve Coastal Development Permit No. 09-011, Conditional Use Permit No. 09-037, and Special Permit No. 12-001 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site, attended the study session, and met with the applicant.
- Commissioner Peterson has visited the site, met with the applicant, and attended the study session.
- Vice Chair Bixby has visited the site with the applicant and attended the study session.
- Chair Mantini has visited the site with the applicant, reviewed the site, and attended the study session.
- Commissioner Delgleize has visited the site, toured the site with the applicant, attended the study session, and spoken with staff.
- Commissioner Ryan has attended the study session and met with the applicant.

Ethan Edwards, Associate Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Shawn Milbern, applicant, spoke in support of Item No. B-1, stating the he felt the project would benefit the city.

Robert Wentworth, Huntington Beach Marketing and Visitors' Bureau, spoke in support of Item No. B-1, stating that the project would generate new jobs in the city and would be a benefit to the city.

Brett Barnes, Duke's and Sandy's restaurants, spoke in support of Item No. B-1, stating the he felt this project would enhance business in the downtown area.

Margie Bunten, Golden West College, spoke in support of Item No. B-1, noting that the Hilton Company has internship positions that allow local students to learn about the hospitality industry. She stated that hotel capacity directly benefits local businesses..

Jeff Wilson, Quicksilver, spoke in support of Item No. B-1, noting that the additional meeting space and guest rooms are a benefit to local businesses.

Julie Powers, resident, spoke in support of Item No. B-1, noting that there are room limitations at the current site and the expansion would be a benefit to potential clients.

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

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SHIER BURNETT, TO APPROVE DEVELOPMENT AGREEMENT NO. 11-002 WITH SUGGESTED FINDINGS AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SHIER BURNETT, TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 09-011, CONDITIONAL USE PERMIT NO. 09-037, AND SPECIAL PERMIT NO. 12-001 WITH SUGGESTED FINDINGS AND CONDITIONS, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDING FOR CEQA:

The Planning Commission finds that the project is covered by Supplemental Environmental Impact Report (SEIR) No. 82-02, and certified by the City Council on August 15, 1988, as well as, Addendum to SEIR No. 82-02 dated March 5, 2012, pursuant to the provisions of the California Environmental Quality Act.

FINDINGS FOR APPROVAL - DEVELOPMENT AGREEMENT NO. 11-002:

The Minor Amendment to permit a 5 year extension of time to The Waterfront Development Agreement is consistent with the General Plan Land Use Map designation on the subject property of CV-F7-sp (Commercial Visitor – 3.0 Floor Area Ratio – specific plan overlay). The proposed project is consistent with this designation and the goals, policies, objectives, and implementation program of the City's General Plan as follows:

A. *Land Use Element*

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

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

Goal 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 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 LU11: 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.

Implementation Program I-LU 7: Where appropriate, the City may use Development Agreements as binding implementation tools. Development Agreements are authorized by State law to enable a city to enter into a binding contract with a developer that assures the city as to the type, character, and quality of development and additional "benefits" that may be contributed and assures the developer that the necessary development permits will be issued regardless of changes in regulations.

B. *Economic Development Element*

Goal - ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Objective - ED 1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Goal - ED 1.2: Seek to create a cumulative economic growth that provides a balance throughout the community.

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

C. *Urban Design Element*

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtown's historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

D. *Coastal Element*

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

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

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.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The proposed project would expand an existing full service hotel and represents the fourth and final phase of The Waterfront master planned development. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels; and is located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district. The proposed project is consistent with the goals, policies, objectives, and implementation program of the City's General Plan and the Land Use Element designation of CV (Commercial-Visitor) on the subject property. The subject property is located within Community Subarea 4D (Waterfront) and complies with the Permitted Uses (Hotels/Motels and supporting visitor-serving commercial uses (in accordance with Development Agreement)), Density/Intensity (Category: "-F7", Hotel/motel rooms: 1,690, Commercial: 75,000 square feet), and Design and Development (Category: Specific Plan ("-sp") as defined by the adopted Development Agreement). The proposed project is consistent with the existing Amended and Restated Development Agreement and the Waterfront Commercial Master Plan adopted on October 21, 1998. By extending the term of the Development Agreement, the City will continue to receive substantial benefits, including: development of an intensity or density and aesthetic quality desired by the community, additional employment opportunities, increased property and sales tax revenues, and the provision of desired public facilities. The proposed project is in substantial conformance with the Downtown Design Guidelines for public and private improvements. Concepts found

in the Downtown Design Guidelines such as: appropriate mass and form; creating a pedestrian experience; preserving views; and appropriate colors, materials and architectural features have been considered and incorporated into The Waterfront master-planned development. The proposed expansion project is consistent by providing contemporary Mediterranean architecture with arched windows, tile roofs, open walkways, and ocean view courtyards with panoramic views. The overall building forms, architectural details, colors, landscaping, and style are intended to be consistent with the existing property. The proposed expansion project provides an architectural style and site design envisioned by the Downtown Design Guidelines.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 09-011:

1. Coastal Development Permit No. 09-011 to permit: a) the expansion of the Hilton Waterfront Beach Resort including a nine-story tower providing a total of 156 new guestrooms with appurtenant facilities including approximately 13,700 sq. ft. of meeting space, business center, restaurants, grocery/gift store, retail/recreational services store, health spa, two pools, one level semi-subterranean parking structure with 261 parking spaces, a loading dock and other back-of-house facilities; that will host all inclusive events such as weddings, conferences, parties, meetings; b) permit dancing, live entertainment, and sale and consumption of alcoholic beverages at the restaurants, ballrooms, meeting rooms, lounges, pool deck, and function lawns; c) 100% valet parking service (no self-parking) with approximately 35% tandem parking spaces; d) permit the term of Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011/Special Permit No. 12-001 to run concurrently with the term of the Development Agreement conforms with the General Plan, including the Local Coastal Program.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for any special permits approved concurrently. The proposed project as conditioned provides development that is consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project site currently supports or will provide all necessary infrastructures to adequately service the site and not impact adjacent development.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project does not conflict with any public recreation policies and will add opportunities for access by improving pedestrian connections and creating view opportunities that are consistent with the City's General Plan, Coastal Element, Downtown Specific Plan and Waterfront Commercial Master Plan.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 09-037:

1. Conditional Use Permit No. 09-037 to permit: a) the expansion of the Hilton Waterfront Beach Resort including a nine-story tower providing a total of 156 new guestrooms with appurtenant facilities including approximately 13,700 sq. ft. of meeting space, business center, restaurants, grocery/gift store, retail/recreational services store, health spa, two pools, one level semi-subterranean parking structure with 261 parking spaces, a loading dock and other back-of-house facilities; that will host all inclusive events such as weddings,

conferences, parties, meetings; b) permit dancing, live entertainment, and sale and consumption of alcoholic beverages at the restaurants, ballrooms, meeting rooms, lounges, pool deck, and function lawns; c) 100% valet parking service (no self-parking) with approximately 35% tandem parking spaces; d) permit the term of Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011/Special Permit No. 12-001 to run concurrently with the term of the Development Agreement 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 has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, be designed on a pedestrian scale and character, and will provide the required parking to serve the uses on site.

2. The conditional use permit will be compatible with surrounding uses because the project is designed with a contemporary Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and the existing uses. The proposed expansion will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown.

3. The proposed hotel expansion 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. The proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the General Plan Land Use Map designation on the subject property of CV-F7-sp (Commercial Visitor – 3.0 Floor Area Ratio – specific plan overlay). The proposed project is consistent with this designation and the goals, policies, objectives, and implementation program of the City's General Plan as follows:

   A. *Land Use Element*

      Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

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

      Goal 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 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 LU11: 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.

Implementation Program I-LU 7: Where appropriate, the City may use Development Agreements as binding implementation tools. Development Agreements are authorized by State law to enable a city to enter into a binding contract with a developer that assures the city as to the type, character, and quality of development and additional "benefits" that may be contributed and assures the developer that the necessary development permits will be issued regardless of changes in regulations.

B. *Economic Development Element*

Goal - ED 1: Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.

Objective - ED 1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Goal - ED 1.2: Seek to create a cumulative economic growth that provides a balance throughout the community.

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

C. *Urban Design Element*

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtown's historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

D. *Coastal Element*

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

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

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.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The proposed project would expand an existing full service hotel and represents the fourth and final phase of The Waterfront master planned development. Public services

and infrastructure are currently available to the project site, as well as the surrounding parcels; and is located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district. The proposed project is consistent with the goals, policies, objectives, and implementation program of the City's General Plan and the Land Use Element designation of CV (Commercial-Visitor) on the subject property. The subject property is located within Community Subarea 4D (Waterfront) and complies with the Permitted Uses (Hotels/Motels and supporting visitor-serving commercial uses (in accordance with Development Agreement)), Density/Intensity (Category: "-F7", Hotel/motel rooms: 1,690, Commercial: 75,000 square feet), and Design and Development (Category: Specific Plan ("-sp") as defined by the adopted Development Agreement). The proposed project is consistent with the existing Amended and Restated Development Agreement and the Waterfront Commercial Master Plan adopted on October 21, 1998. By extending the term of the Development Agreement, the City will continue to receive substantial benefits, including: development of an intensity or density and aesthetic quality desired by the community, additional employment opportunities, increased property and sales tax revenues, and the provision of desired public facilities. The proposed project is in substantial conformance with the Downtown Design Guidelines for public and private improvements. Concepts found in the Downtown Design Guidelines such as: appropriate mass and form; creating a pedestrian experience; preserving views; and appropriate colors, materials and architectural features have been considered and incorporated into The Waterfront master-planned development. The proposed expansion project is consistent by providing contemporary Mediterranean architecture with arched windows, tile roofs, open walkways, and ocean view courtyards with panoramic views. The overall building forms, architectural details, colors, landscaping, and style are intended to be consistent with the existing property. The proposed expansion project provides an architectural style and site design envisioned by the Downtown Design Guidelines.

FINDINGS FOR APPROVAL – SPECIAL PERMITS 12-001:

1. The granting of Special Permits (pursuant to Section 4.1.02 of the DTSP) in conjunction with Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011 is for the following:

   a. To permit a combination of landscaping materials including: trees and plants and decorative hardscape (paving for the secondary driveway) treatments within the minimum 20 ft. building setback area fronting Pacific View Avenue in lieu of the setback entirely landscaped.
   b. To permit the encroachment of structures exceeding 42 inches in height into the minimum perimeter setback areas including: glass windscreens, landscape retaining walls along Pacific Coast Highway, exterior exit stair at Twin Dolphin Drive, and an enclosure for Edison equipment at Pacific Avenue.
   c. To permit approximately 21% of the parking stalls with less than the required 3 ft. clearance to adjacent walls or columns.
   d. To permit a 13% maximum ramp slope within the parking garage in lieu of 10%.

   These Special Permits result in a greater benefit from the project and will promote a better living environment because it provides for enhanced building site orientation and access while maintaining an attractive pedestrian-level experience, allows for various encroachments for greater design flexibility, and provides for relief of parking space

development requirements for more efficient valet-only semi-subterranean parking and circulation.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the use of more efficient and appropriate site planning by placing buildings to enhance views, the use of Mediterranean architecture, the incorporation of semi-subterranean parking, and overall compatibility with the overall design theme of The Waterfront master planned development.

3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been evaluated for compatibility with the Downtown Specific Plan and Waterfront Commercial Master Plan and with the conditions of approval imposed, the project is designed appropriately and cognizant of adjacent properties, designed with a high-level of pedestrian scale amenities and visual experiences, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.

4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The proposed development complies with the purpose, permitted uses, and site development requirements of District No. 9, Commercial/Recreation. The project will comply with the development standards set forth by the base zoning district in terms of maximum density, maximum height, maximum site coverage, minimum setbacks, minimum open space, and minimum onsite parking and provisions found within the Waterfront Commercial Master Plan.

5. The granting of Special Permits will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with the following Coastal Element goal and policies:

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

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

   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.

   Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

   The proposed project would expand an existing full service hotel and represents the fourth and final phase of The Waterfront master planned development. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels; and is located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 09-011/CONDITIONAL USE PERMIT NO. 09-037/ SPECIAL PERMIT NO. 12-001:

1. The site plan, floor plans, elevations, and section elevations dated December 18, 2009, shall be the conceptually approved design with the following modifications:
   a. Additional landscaping (i.e. undercanopy shrubbery, ground-cover, etc.) shall be provided between loading/parking activities and adjacent residential across Pacific View Ave. **(DRB)**
   b. Decorative concrete, pavers, or similar hardscaping shall be provided at all portions of the access drive (between the existing Hilton driveway to the west and driveway terminus to the east, and landscape planter to the north and landscape planter or building edge to the south) with contrasting color and texture at the arrival area and pedestrian zone under the porte-cochere. **(PL)**

2. Prior to issuance of demolition permits, the following shall be completed:
   a. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
   b. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
   c. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.

3. Prior to the 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.

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 Planning and Building, 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.

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 5 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.

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

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

   b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.

   c. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.

   d. 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.

7. A covenant agreement shall be submitted to the Planning Division encumbering Lot 1 of Tract 13045 and Lot 2 of Tract 15535 to hold as one parcel for purposes of permitting construction over property line(s) under one ownership. The legal instrument shall be submitted to the Planning Division a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Division as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, expect as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. **(PL)**

8. Prior to commencing live entertainment activities, an Entertainment Permit shall be obtained from the Police Department. All conditions contained in the Entertainment Permit shall be adhered to. **(PD)**

9. Prior to the sale of alcoholic beverages, a license shall be obtained from the Alcoholic Beverage control (ABC). All conditions contained in the ABC license shall be adhered to. **(PD)**

10. The facility shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**

11. 24-hour security shall be maintained at the facility. **(PD)**

12. The development services departments (Planning & Building, Fire, 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.

13. Conditional Use Permit No. 09-037/Coastal Development Permit No. 09-011/Special Permit No. 12-001 to shall run concurrently with the term of the Development Agreement and DDA (October 21, 2018) pursuant to Section 241.16.A of the HBZSO.

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

B-2a. ENVIRONMENTAL IMPACT REPORT NO. 10-009 (SKATE PARK PROJECT)
Applicant: VF Outdoor, Inc. **Property Owner:** City of Huntington Beach **Request:** To analyze the potential environmental impacts associated with the implementation of the proposed skate park project that includes a 14,000 sq. ft. skate plaza area, a 13,000 sq. ft. skate bowl area, a 3,500 sq. ft. skate shop/concession/restroom building, a 15,000 sq. ft. turf/walking area, a 480 sq. ft. restroom structure, and a 200 sq. ft. entrance kiosk. The main parking lot (approximately 27 spaces) is accessed from Center Avenue and a secondary parking area (approximately 39 spaces), which is used only for special events, is accessed from McFadden Avenue. The project includes up to 15 special event days throughout the year, expected to draw between 300 to 2,500 spectators with overflow parking located at the Huntington Beach Sports Complex. In order to allow for potential future development of a transit stop, the proposed project includes a 20-foot wide by 300-foot long "transit reserve area" at the southeast

corner of the site. **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: "Certify EIR No. 10-009 as adequate and complete in accordance with CEQA requirements by approving Resolution No. 1660 (Attachment No. 1)."

B-2b. GENERAL PLAN AMENDMENT NO. 11-002/ZONING TEXT AMENDMENT NO. 11-002 (SKATE PARK PROJECT) **Applicant:** VF Outdoor, Inc. **Property Owner:** City of Huntington Beach **Request: GPA:** To amend the Housing Element: 1) to remove the reference to the project site on Page IV-16; 2) to remove Site #5 from Table IV-7 (Sites for Potential Rezoning to Exclusively Residential Use) on Page IV-17; and 3) to remove the discussion of Site #5 on Page IV-18. **ZTA:** To amend the Beach and Edinger Corridors Specific Plan to remove the "Residential Required" designation (yellow dashed lines) from the subject property. **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 General Plan Amendment No. 11-002 by approving the draft City Council Resolution (Attachment No. 1) and forward to the City Council for adoption."

B. "Approve Zoning Text Amendment No. 11-002 with findings for approval (Attachment No. 2) and forward the draft ordinance (Attachment No. 3) to the City Council for adoption."

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

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and attended the study session.
- Commissioner Peterson has visited the site, visited other skate parks, and spoken with Ron Abdel Fattah.
- Vice Chair Bixby has attended the study session, visited the site, attended the public comment meeting, spoken with staff, visited the alternate site, and visited other skate parks.
- Chair Mantini has visited the site, visited the alternate site, and attended the study session.
- Commissioner Delgleize has visited the site, attended the study session, and spoken with skateboarders.
- Commissioner Ryan has visited the site and attended the study session.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding exceptions to the noise ordinance.

Vice-Chair Bixby asked staff if permit parking for neighboring residents has been explored. Dave Cook, PCR, stated that permit parking would need to be discussed with the City of Westminster. There was a brief discussion regarding the potential parking impacts.

There was a brief discussion regarding the potential fair share traffic impacts.

THE PUBLIC HEARING WAS OPENED.

Steve Van Dorn, Vans, spoke in support of Item No. B-2 (with 4 minutes donated by Ron Abdel Fattah).

Joe Ciaglia, applicant, spoke in support of Item No. B-2 (with 4 minutes each donated by Kristy Van Dorn and Jamal Abdelmuti) noting that the goal is to create a world class skate park to serve the community.

Dakota Roche, resident, spoke in support of Item No. B-2, noting that different sports facilities are located throughout the city for the community and this would serve the same function. He stated that the lack of a skate park is an issue for the kids in the community.

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

Commissioner Peterson indicated that he supported the project and preferred the proposed site to the alternate site.

Vice-Chair Bixby expressed concern with the potential noise and parking impacts. There was a brief discussion regarding exceeding the noise ordinance. He stated that he considered the alternative site to be the superior site.

Commissioner Delgleize stated that she would be in favor of the project.

Commissioner Shier Burnett stated that she felt the EIR was adequate and that she would vote in favor of the project.

Chair Mantini stated that she felt the EIR did not adequately analyze the potential parking and noise impacts.

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 10-009 AS ADEQUATE AND COMPLETE IN ACCORDANCE WITH CEQA REQUIREMENTS BY APPROVING RESOLUTION NO. 1660, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE GENERAL PLAN AMENDMENT NO 11-002 BY APPROVING DRAFT CITY COUNCIL RESOLUTION AND FORWARD TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE ZONING TEXT AMENDMENT NO. 11-002 WITH FINDINGS FOR APPROVAL AND FORWARD DRAFT ORDINANCE TO THE CITY COUNCIL FOR ADOPTION, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE CEQA FINDINGS OF FACT WITH A STATEMENT OF OVERRIDING CONSIDERATIONS – EIR NO. 10-009, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 11-002:

1. Zoning Text Amendment No. 11-002 amends the Beach and Edinger Corridors Specific Plan (BECSP) Town Center – Neighborhood segment to remove the "Residential Required" designation (yellow dashed lines) from the Skate Park Project site. Although the "Residential Required" designation is removed, a range of allowable uses would remain for the Town Center – Neighborhood segment, including housing, and the subject request does not change the allowed density of the site. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because the allowable uses will sustain the City's economic viability and provide for the commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future City residents and visitors. The loss of the site for potential housing is offset by seven other candidate sites that could be rezoned for housing only as identified in General Plan Amendment No. 11-002.

2. In the case of general land use provisions, the proposed change is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed.

Zoning Text Amendment No. 11-002 will remove the "Residential Required" designation for the project site. However, a range of allowable uses would remain for the project site in the Town Center – Neighborhood segment of the BECSP. Those land uses allow for mixed-use developments consistent with the General Plan.

3. A community need is demonstrated for the change proposed. Zoning Text Amendment No. 11-002 will facilitate the development of a public skate park to provide additional recreational opportunities for the community. The facility will improve the City's fiscal viability by stimulating tourism and increasing tax revenues in conjunction with the skate park special events. The skate park will be developed with a high quality architectural and landscape design to complement a diversity of surrounding uses and developments, particularly along the Center Avenue corridor. In addition, the City has adequate other sites that can accommodate housing to address the City's share of regional housing needs.

4. Its adoption will be in conformity of public convenience, general welfare and good zoning practice because Zoning Text Amendment No. 11-002 will facilitate the development of a public skate park that contributes to the livability of the surrounding areas by meeting the recreational needs of residents and visitors and is already a permitted use in the Town Center-Neighborhood district. The proposed change to not require residential on the site will result in rezoning of other parcels in the BECSP for residential only. Residential uses are already permitted in all BECSP districts and therefore would be consistent with established zoning.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED OCTOBER 11, 2011

RECOMMENDED ACTION: Motion to: "Approve the October 11, 2011, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RYAN, SECONDED BY BIXBY, TO APPROVE THE OCTOBER 11, 2011 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS

D-1. PROJECT REVIEW PROCESS (AMENDMENT TO APPLICABILITY SECTION) – Herb Fauland, Planning Manager

STAFF RECOMMENDATION: Motion to: "Approve Project Review Process as amended."

Scott Hess, Director of Planning and Building, gave the staff presentation and a brief overview of the proposed amendments to the project review process.

Vice-Chair Bixby thanked staff for their work on this item.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY SHIER BURNETT, TO APPROVE PROJECT REVIEW PROCESS AS AMENDED, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Scott Hess, Director of Planning and Building – 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 Ryan noted that he was runner up in the Mr. Huntington Beach contest.

Commissioner Delgleize noted that she attended the Mr. Huntington Beach contest.

ADJOURNMENT: Adjourned at 8:30 PM to the next regularly scheduled meeting of Tuesday, April 24, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson