MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JULY 10, 2012
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

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

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF JULY 10, 2012, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS)

Vice-Chair Bixby recused himself due to a possible conflict of interest and left the room.

A-1. DEVELOPMENT AGREEMENT NO. 12-01/ ENTITLEMENT PLAN AMENDMENT NO. 12-05 (PACIFIC CITY) – Jane James, Senior Planner

Staff Presentation - NO ACTION TAKEN

Jane James, Senior Planner, gave a brief overview of the proposed project.

There was a brief discussion regarding the affordable housing element of the project.

Vice-Chair Bixby returned to the meeting.

B. STUDY SESSION ITEMS - NONE

C. PUBLIC COMMENTS

Tim Geddes, resident, spoke in opposition to study session Item No. A-1, citing potential traffic, parking, and density impacts.

D. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Herb Fauland, Planning Manager, reviewed items for the public hearing portion of the meeting. He noted that there is one Late Communication each for Item Nos. B-1 and B-2.

E. PLANNING COMMISSION COMMITTEE REPORTS - NONE

F. PLANNING COMMISSION COMMENTS

Chair Mantini noted that the Subdivision Committee would be meeting at 4:00 PM in Room B-7 on Wednesday, July 11, 2012 to discuss the proposed subdivisions for the closed Wardlow and Lamb school sites.

6:17 P.M – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE - Led by Commissioner Ryan

ROLL CALL: ***Shier (P) Burnett (P), Peterson (P), Bixby (P), Mantini (P), Delgleize (A), Farley (P), Ryan***

Commissioner Farley was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY RYAN, SECONDED BY DELGLEIZE, TO APPROVE THE PLANNING COMMISSION AGENDA OF JULY 10, 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. CONDITIONAL USE PERMIT NO. 11-031 (GREEN & CLEAN DEVELOPMENT) **Applicant:** Jeff Bergsma **Property Owner:** Freeway Industrial Park **Request:** To permit 1) the construction of an approximately 3,200 sq. ft. express carwash and 3,400 sq. ft. retail building, and 2) the sales, service, and onsite consumption of alcohol within the proposed 2,650 sq. ft. restaurant and 400 sq. ft. outdoor dining area. **Location:** 7311 Edinger Ave., 92647 (northwest corner of Edinger Avenue and Gothard Street) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 11-031 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commisioner Shier Burnett has visited the site
- Commissioner Peterson has visited the site.
- Vice Chair Bixby has previously eaten at the restaurant formerly located at the site.
- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site.
- Commissioner Ryan has visited the site and spoken with Brett Blanchard and Jeff Bergsma.

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

THE PUBLIC HEARING WAS OPENED.

Jeff Bergsma, applicant, spoke in support of Item No. B-1, reviewing the carwash use and the additional retail.

Brett Blanchard, developer, spoke in support of Item No. B-1. He asked the Commission to consider extending the closing hours to 9:00 PM during the summer.

Vice-Chair Bixby asked when the lease on the property expires. Jeannette Dittowsky, property owner, confirmed that the lease runs until 2019 and can be extended to 2069.

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

There was a brief discussion regarding the closing hours and potential noise impacts.

Vice-chair Bixby stated that he is not in favor of extending the hours to 9:00 PM.

A MOTION WAS MADE BY DELGLEIZE SECONDED BY SHIER BURNETT, TO APPROVE CONDITIONAL USE PERMIT NO. 11-031 WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed project consists of the construction of two commercial buildings not exceeding 10,000 square feet in floor area on a site zoned for such use. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the Final EIR for the Beach and Edinger Corridors Specific Plan. Compliance with all applicable mitigation measures adopted with the Specific Plan will be required of the project.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-031:

1. Conditional Use Permit No. 11-031 to permit: 1) the construction of a 6,600 square feet commercial development consisting of 3,200 square feet express carwash building and 3,400 square feet retail building, and 2) the establishment of alcohol sales and service within 2,650 square feet restaurant space and 400 square feet outdoor dining area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact surrounding commercial uses or the future residential uses to the northeast of the subject property. The proposed commercial uses are similar to those existing uses in the vicinity. Potential impacts related to safety, noise, and traffic, are not anticipated because the site was previously used for commercial purposes and sufficient setbacks are provided from residential uses. The project is located at the corner of two arterial streets with the primary retail building sited near the intersection, which attracts higher visibility of the proposed commercial businesses. Other uses along this corridor are primarily tucked behind parking lots, reducing their visibility. The project is proposed to overall operate between the hours of 6 a.m. and 2 a.m.; however the express carwash including the vacuums will be limited to between 7 a.m. and 9 p.m. to minimize noise impacts. The carwash building will also incorporate sound attenuating materials within its design. Furthermore, the layout of the site improves the visual surroundings by providing safer walkways for pedestrians and minimizing parking lot visibility along the corridor. Alcohol service and consumption are appropriate ancillary to a restaurant use when located within a commercial development. The proposed alcohol use will not require additional parking above the requirement for the development.

2. The conditional use permit will be compatible with surrounding uses because the project consists of commercial uses similar to those found in the vicinity. Alcohol service and consumption are ancillary to the restaurant use and will not generate significant impacts related to parking, traffic, or noise. The project integrates sufficient setbacks and sound attenuation within the carwash building is designed for consideration of future residential development northeast of the subject site. The hours of operation for the proposed uses are consistent with surrounding businesses. Project design will incorporate site features such as outdoor seating areas, wider sidewalks, pedestrian scale lighting, and enhanced paving that promote a pedestrian environment and encourage alternative transportation consistent with the intent of the specific plan. The development provides adequate site circulation for both vehicles and pedestrians by locating vehicular site access and the parking lot behind the building and widening sidewalks along the street frontages. The building's architecture is enhanced with a stone base at the pedestrian scale, variable façade offsets, material changes, and horizontal articulation.

3. The proposed conditional use permit will comply with the provisions of the Beach and Edinger Corridors Specific Plan and other applicable regulations. The project complies with the development standards in terms of minimum onsite parking, height, setbacks, and architectural regulations among others. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use – Specific Plan Overlay – Design Overlay on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

   A. *Land Use Element*

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

   Goal LU 15: Achieve new development that enhances the City's quality of development and sense of place, goals for community character, and preserves significant historical resources.

   Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate safety measures to prevent negative impacts on adjacent properties.

   The proposed project is a small commercial development located within close proximity of anticipated development of residential uses including the Boardwalk site, Bella Terra, and Huntington Beach Lofts. The site layout is oriented to pedestrians by providing the retail building closer to the street, locating the parking lot behind the building, expanding sidewalk widths, and activating the street corner by including site furniture for outdoor seating areas. Pedestrian walkways are also buffered from the arterial streets by shade trees, landscaped parkways, and the new frontage road. In addition, the proposed restaurant serving alcoholic beverages will market its services to local residents and visitors in the surrounding region. The ancillary use of alcohol service and consumption is appropriate to a restaurant when it is located within a commercial development and is surrounded by similar commercial uses. New residential or mixed use development will be sufficiently buffered by arterial streets and landscaping.

   B. *Urban Design Element*

   Policy UD 1.2.1: Require public improvements to enhance the existing setting for all key nodes and pedestrian areas through the consideration of the following:

   a) provide pedestrian connections and visual continuity between the node and the surrounding neighborhoods;
   b) incorporate shade trees to shelter pedestrians;
   c) incorporate the use of enhanced paving materials at the pedestrian crosswalks;
   d) widen the sidewalks at intersections, where feasible, to minimize the length of pedestrian crossings;
   e) enhance the connections, where feasible, between the public sidewalk and private commercial interior open spaces/courtyards.

The Edinger Avenue street frontage is activated by the Classic Boulevard improvement which includes the development of a 12 feet wide sidewalk, angled parking spaces, decorative boulevard-scale street lights, and the retail building. The building entrances are oriented to the street to encourage a walkable environment and pedestrians are buffered from traffic by new planting strips between the curb and sidewalk.

C. *Noise Element*

Objective N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Policy N 1.5.1: Require that commercial and residential mixed-use structures minimize the transfer or transmission of noise and vibration from the commercial land use to the residential land use. The design measures used may include: 1) the use of materials which mitigate sound transmission; or 2) the configuration of interior spaces to minimize sound amplification and transmission.

The project, as conditioned, will contain sound attenuating materials within the drying room of the carwash building as recommended in the submitted noise study. As a result, potential noise generated by the use will not exceed existing noise levels and will comply with the City's noise ordinance. The carwash is conditioned to only operate between 7 a.m. and 9 p.m. daily. Future development of residential uses across Gothard Street (Boardwalk site) will be buffered from potential noise by the street and sound attenuation applied to the building.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 11-031:

1. The site plan, floor plans, and elevations received and dated July 2, 2012 shall be the conceptually approved design.

2. Comply with all applicable mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.

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

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

    a. A sewer study shall be prepared and submitted to Public Works for review and approval. The project is proposing to sewer to the sanitary sewer system on Gothard Street. This system, which flows southerly to Heil Avenue and westerly to Goldenwest where it connects to a 36 inch OCSD trunk line, has been identified as deficient in the ultimate buildout condition of the Beach and Edinger Corridors Specific Plan (BECSP). If the sewer study shows that the proposed project triggers that deficiency, the developer shall be required to upgrade the system per the recommendations of the BECSP and could be reimbursed proportionally as other

future contributing developments within the corridor are developed. If the proposed development does not trigger the anticipated deficiency, the developer shall be required to pay their fair-shre portion for the future upgrade of the sewer system. **(PW)**

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

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

   a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Building 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. A reduced copy of the approved site plan and processing fee shall be submitted to the Planning Division for addressing of the new buildings/suites.

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

   a. The plans shall demonstrate 100% coverage of acoustical treatment (noise abatement) on the interior surfaces of the dryer room of the carwash building pursuant to the noise study submitted June 26, 2012.

   b. A Landscape Maintenance License Agreement shall be submitted to the Public Works Department to address the continuing maintenance and liability for all landscaping, irrigation, furniture and enhanced hardscape that encroaches into the Edinger Avenue and Gothard Street Rights-of-Way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees. **(PW)**

   c. The property owner/developer shall provide an irrevocable offer to dedicate a reciprocal accessway between the subject site and adjacent westerly property. The design, location, and width of the accessway(s) shall be reviewed and approved by the Planning Division and Public Works Department. Accessway design shall consist of vehicular, pedestrian and bicycle access and landscaping consistent with the Classic Boulevard improvement. In the event the adjacent property west of the subject site develops, pursuant to the development, zoning and design standards of the Beach and Edinger Corridors Specific Plan, the developer and future developer of the adjacent property (if the developer entity is different from the subject property)

shall be responsible for making the necessary improvements to implement the reciprocal accessway. The cost of such improvements shall be shared between the developer and future developer as negotiated between the two parties. The legal instrument shall be submitted to the Planning Division a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with 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, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

d. Detailed landscaping plans complying with the Beach and Edinger Corridors Specific Plan shall be submitted to the Planning Division for review and approval.

e. The landscaping and ADA access improvements between the westerly property and subject property and between the northerly property and subject property may be allowed, provided that all City regulations are met and the property owner submits a written agreement to remove said improvements when each adjacent property develops. The written agreement shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorded prior to final building permit approval. A copy of the recorded agreement 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, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

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

a. All improvements are 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 Division.

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.

e. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.

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

9. The use shall comply with the following:

a. The daily hours of operation shall be limited as follows:

i. Express Carwash: 7:00 a.m. to 9:00 p.m. (including vacuums)

ii. Restaurant: 7:00 a.m. to 2:00 a.m.

- Outdoor dining: 7:00 a.m. to 10:00 p.m.

iii. Retail: 6:00 a.m. to 12:00 a.m.

b. The carwash operators shall require that patrons turn off car radios while in the carwash entrance queue line pursuant to noise study submitted June 26, 2012.

c. Signage shall be posted requesting patron cooperation in minimizing car door slams, loud talking, car radios and consideration for residential neighbors.

d. Prior to the sale of alcoholic beverages for the restaurant, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning & Building Department for the entitlement file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

e. The restaurant shall employ a video surveillance security system and a one-month video library. **(PD)**

f. All alcoholic beverages shall be limited to within the interior of the restaurant and the fenced outdoor dining area. **(PD)**

g. The outdoor dining area shall not exceed 400 square feet.

h. A protective barrier along the perimeter of the outdoor dining area shall be maintained at all times. **(PD)**

i. A sign shall be clearly posted prohibiting alcoholic beverages outside of the outdoor dining area. **(PD)**

j. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**

k. Dancing and entertainment shall be prohibited unless approved by a conditional use permit.

l. The restaurant's use conditions listed herein shall be clearly posted on the premises at all times.

10. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & 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.

11. Conditional Use Permit No. 11-031 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

B-2. DEVELOPMENT AGREEMENT NO. 12-002 (BEACH WALK APARTMENTS) **Applicant:** Harry Alcock, UDR **Property Owner:** DCO Beach Walk LLC **Request:** Development Agreement No. 12-002 represents a request to enter into a Development Agreement between the City of Huntington Beach and DCO Beach Walk LLC (developer) pursuant to approvals for the Beach Walk Apartments Project (Site Plan Review No. 11-005). The Beach Walk Apartments Project site is located within the Beach and Edinger Corridors Specific Plan (BECSP) and is approved for 173 multi-family apartment units, a leasing office, resident fitness and recreation areas and public open space. On March 27, 2012, the Planning and Building Director approved Site Plan Review No. 11-005 for the Beach Walk Apartments Project subject to conditions requiring a development agreement to provide for affordable dwelling units in accordance with Section 2.2.3 of the BECSP and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) as well as specify required traffic mitigation fees. **Location:** 19891 and 19895 Beach Boulevard, 92648 (west side of Beach Boulevard between Utica Avenue and Adams Avenue) **Project Planner:** Jennifer Villasenor

STAFF RECOMMENDATION: Motion to: "Approve Development Agreement No. 12-002 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Shier Burnett has driven by the site.
- Commissioner Peterson has no disclosures.
- Vice Chair Bixby shopped at Newland Center.
- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site and driven by the site.
- Commissioner Ryan has visited the site.

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

THE PUBLIC HEARING WAS OPENED.

Don Mackenzie, DCO Beach Walk, LLC, spoke in support of Item No. B-1 and stated that he was available for questions.

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

A MOTION WAS MADE BY RYAN, SECONDED BY PETERSON, TO APPROVE DEVELOPMENT AGREEMENT NO. 12-002 WITH SUGGESTED FINDINGS AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

FINDINGS FOR CEQA:

The Planning Commission finds that the development agreement was included in the scope of the Beach Walk Apartments Project, which was determined to be consistent with the Beach and Edinger Corridors Specific Plan Program Environmental Impact Report (EIR No. 08-008) and is exempt from further environmental review pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines.

FINDING FOR APPROVAL – DEVELOPMENT AGREEMENT NO. 12-002:

The development agreement is consistent with the General Plan and Beach and Edinger Corridors Specific Plan (BECSP). Development Agreement No. 12-002 provides for the construction of the Beach Walk Apartments Project, which complies with the BECSP development code and was found to conform to the goals and policies of the General Plan as approved by the Planning and Building Director on March 27, 2012. The development agreement ensures the construction of 17 affordable housing units within the project in accordance with the provisions of the BECSP for a 55-year period. The development agreement is consistent with the following General Plan goals and policies:

A. *Circulation Element*

Goal CE 2: Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.

B. *Housing Element*

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

Goal H 3: Assist in development of affordable housing.

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

C. *Land Use Element*

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

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the principles discussed below:

a. Not applicable
b. Vary uses and densities along the City's extended commercial corridors, such as Beach Boulevard.
c. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.
e. Intermix uses and densities in large-scale development projects.
f. Site development to capitalize upon potential long-term transit improvements.
g. Establish linkages among community areas, which may include pedestrian and vehicular paths, landscape, signage, other streetscape elements, open space, transitions, in form, scale, and density of development, and other elements.

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

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

The development agreement would ensure that the project is developed in accordance with the approved Beach Walk development plan, which provides a housing choice adjacent to an existing public transit route and provides an alternative for residents seeking to be within walking distance of work, services or commercial uses and reduce dependency on their automobile. The development agreement would guarantee that the project provides 17 on-site affordable housing units. These units would help the City to satisfy its affordable housing obligations while providing housing for moderate income households. The development agreement specifies the project's traffic mitigation fees, which would provide the project's fair share contribution for improvements to the circulation system that are necessary to mitigate cumulative traffic impacts from development within the BECSP.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR – NONE

D. NON-PUBLIC HEARING ITEMS – 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- NONE

ADJOURNMENT: Adjourned at 7:30 PM to the next regularly scheduled meeting of Tuesday, July 24, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson