

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 7, 2004
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, (Houchen arrived at 5:05 p.m.)
Absent: None

Public Comments

Elsa Greenfield, spoke on behalf of Community Services Program (CSP) Gang Prevention Division regarding the services provided and distributed a Late Communication titled *Huntington Beach Gang Prevention & Youth Development Program*. Ms. Greenfield urged Council to keep the program funded, as it is an alternative for children who may be influenced by gangs or drugs.

Maribel Tapia, a student at Ocean View High School, informed Council that she has joined the CSP program to gain confidence with public speaking and to participate in community events such as Oak View Pride Day. Ms. Tapia hopes the program will be around to help other youths.

Marco Gil spoke about friends in the Oak View Community who are involved in gang and drug related activities. He stated that he is kept out of trouble by CSP through volunteering and community service.

Gerald Lipson spoke regarding a parking officer who gave a little girl an honorary police badge and how the officer had left a positive impression on her.

Bill Borden spoke on behalf of the Huntington Beach Community Clinic regarding the funding recommendation that will provide healthcare to the benefit of citizens. He informed Council that the Clinic also helps clients of Project Self-Sufficiency and the Senior Center Program.

Jim Engle, Community Services Director, spoke on behalf of Project Self Sufficiency (PSS) and urged Council to fully fund the Project Coordinator in order to keep the program going. Director Engle requested additional funding to meet the shortfall and for Council to approve the staff recommendation.

Police Chief Kenneth Small spoke regarding the unique position of the Oak View Community, which he stated is plagued by crimes due to street gang activity. Chief Small informed Council that the City is offering an alternative for children in keeping the Community Services Program (CSP) operational.

Kathy Highstrete, Director of Adult Day Services of Orange County thanked Council for past years of support. Ms. Highstrete spoke about services as critical for those who have no other options and informed of fund raising efforts of this program that takes care of individuals afflicted with dementia.

(City Council/Redevelopment Agency) Study Session Held – Joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council Regarding Recommendations for Community Development Block Grant (CDBG) Allocations for Fiscal Year 2004-2005 (340.70)

A joint Meeting of the Citizens Participation Advisory Board (CPAB) and City Council was held to review recommendations of CPAB and Economic Development staff for Community Development Block Grant (CDBG) allocations for the upcoming 2004-2005 program year.

Roll Call – Citizens Participation Advisory Board –

Present: Jerry Lipson, Chair; Patrick Burns; Diane Campbell; Jackie Canigiani; Linda Couey; Angie Dahman; Steve Garcia; James Hayden; Jim Moreno; Patricia Jacobs-Pilette; Michael Johnson; Michael Moncrief
Absent: Charles Tyler

Economic Development Director David Biggs reported that the Citizens Participation Advisory Board would meet after this study session for final deliberations that would result in recommendations to submit to Council. Director Biggs listed reasons why there are differences on funding recommendations between CPAB and staff. He also introduced Senior Administrative Analyst Luann Brunson of his staff to answer any questions.

Jerry Lipson, CPAB Chairperson, commended Director Biggs and Ms. Brunson from the Economic Development Department for their collaboration with CPAB. He reported that they encourage all applicants to seek outside funding. Mr. Lipson informed Council that the funding necessary for over 160 curb cuts was accomplished and the Public Works Department completed the work. Chair Lipson referred to the matrix titled *City of Huntington Beach – Community Development Block Grant Program*, which was included in the agenda packet. He asked for Council direction whether or not to fund new applicants, and if a Council liaison could attend each CPAB meeting.

Councilmember Boardman responded to Chair Lipson's inquiry regarding Council attendance and Brown Act requirements.

Mayor Green inquired whether the funding for public services could be a higher percentage of the budget and Director Biggs responded that we are at the maximum allowable percentage.

Councilmember Sullivan spoke regarding restrictions on Council not to influence Board activity. He expressed his belief that new projects cannot be funded at this time, and stated that CSP and Adult Day Services are both essential and should be funded at the same amount as last year.

Councilmember Coerper concurred with Sullivan's funding recommendations.

Mayor Pro Tem Hardy asked for more specifics regarding the impact of reductions in funding to specific programs.

Mayor Green thanked the Citizens Participation Advisory Board for their dedication and hard work.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation, which has been initiated formally and to which the city is a party. The title of the litigation is **Mills Land & Water Company v. City of Huntington Beach, et al.**, Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 (“Mills I”). **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 (“Mills II”). Subject: **Mills Land & Water v. City of Huntington Beach.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation, which has been initiated formally and to which the city is a party. The title of the litigation is **Marie Hansen v. City of Huntington Beach, et al.**, Orange County Superior Court Case No. 02CC11272. Subject: **Marie Hansen v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Director of Community Services; Kenneth Small, Chief of Police; Duane Olson, Fire Chief; and Steven M. Berliner, Esq. and Bruce Barsook, Esq. of Liebert Cassidy Whitmore regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

(City Council) Closed Session - Pursuant to Government Code Section 54956.9(c) to confer with City Attorney regarding pending litigation based on existing facts & circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. Number of Potential Cases: one (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

Mayor Green announced that the meeting is dedicated to Ronald Reagan and a personal friend Lowell Karre.

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Green asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required reporting. City Attorney McGrath responded that there were no actions to report.

City Council- Redevelopment Agency Roll Call

Present: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen

Absent: None

Oath of Office to City Clerk

Mayor Green administered the Oath of Office to newly appointed City Clerk Joan L. Flynn.

Pledge of Allegiance – Led by Mayor Cathy Green

Invocation – Led by Deacon Matt Calabrese

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Elsa Greenfield titled *Huntington Beach Gang Prevention & Youth Development Program*, a spiral bound packet stating the mission of Community Services Programs, Inc. (CSP) and illustrating the services provided by the program, was distributed during the study session portion of the meeting.

Communication from the City Clerk's Office regarding pages 6 and 7 that were inadvertently omitted from some of the agenda packets.

Communication submitted by Planning Department regarding a page that was inadvertently omitted and should be inserted after D-4a.180.

Communication submitted by Debora George dated June 3, 2004 titled *We Are Opposed to Pacific City* from Dr. and Mrs. Stan Tsakoumakis.

A 32 page communication submitted by The Robert Mayer Corporation dated June 3, 2004 and titled *Inadequacy of Environmental Impact Report 02-01 ("EIR") (Pacific City) Inadequate Responses to Comments*.

Communication submitted by the City of Costa Mesa dated June 1, 2004 titled *Pacific City Environmental Impact Report* regarding concerns with the impact this project may have on the surrounding transportation network system.

60 Communications submitted in support of Pacific City as follows:

Communication submitted by Mindy Khov-James dated June 3, 2004 titled *Pacific City Support*.

Communication submitted by Charlie Wilson dated June 3, 2004.

Communication submitted by Janice Lynne dated June 3, 2004.

Communication submitted by Lorinda McClure dated June 3, 2004 titled *We want Pacific City in Our City*.

Communication submitted by Joseph Edwards & Cindy King dated June 3, 2004 titled *Pacific City!*

Communication submitted by Jennifer Wong dated June 3, 2004 titled *Pacific Cities*.

Communication submitted by William & Bengie Blum dated June 3, 2004 titled *Pacific City*.

Communication submitted by Manfred and Elizabeth Schultz dated June 3, 2004 titled *Pacific City*.

Communication submitted by John-Paul Do dated June 3, 2004 titled *Support for Pacific City Project*.

Communication submitted by Seni Lawi dated June 3, 2004 titled *Pacific City*.

Communication submitted by Michelle Hardy dated June 3, 2004 titled *Pacific City*.

Communication submitted by Suzanne Christy-Goldberg dated June 3, 2004 titled *Pacific City*.

Communication submitted by Frank Nguyen dated June 3, 2004 titled *Support the Pacific City Building*.

Communication submitted by Mandie Bernthal dated June 3, 2004 titled *Pacific City*.

Communication submitted by David Ascher dated June 3, 2004 titled *Support*.

Communication submitted by Don Williams dated June 3, 2004 titled *Please Support Pacific City*.

Communication submitted by Cathleen Hunter dated June 4, 2004 titled *Pacific City Project*.

Communication submitted by Thomas & Joan Smith dated June 4, 2004 titled *Pacific City-Yes!*

Communication submitted by Anatole & Inna Lokshin dated June 4, 2004 titled *In Support of Pacific City*.

Communication submitted by Kathy Liscom dated June 4, 2004 titled *Pacific City*.

Communication submitted by Dave Larson dated June 4, 2004 titled *Pacific City—Yes*.

Communication submitted by Nicole & Alexander Frank dated June 4, 2004 titled *Support for Pacific City*.

Communication submitted by Denise Allen dated June 4, 2004 titled *June 7th City Council Hearing/Pacific City*.

Communication submitted by Gordon & Nadia Doddridge dated June 4, 2004 titled *We are Looking Forward*.

Communication submitted by Robert Evans dated June 4, 2004 titled *Pacific City*.

Communication submitted by John Partridge dated June 4, 2004 titled *Support*.

Communication submitted by Jack Mossler dated June 4, 2004 titled *Pacific City*.

Communication submitted by Gary Curran dated June 4, 2004 titled *Pacific City H.B.*

Communication submitted by Eric Gut dated June 4, 2004.

Communication submitted by Bill & Paulette Haggerty dated June 4, 2004 titled *Pacific City*.

Communication submitted by Jack Collins dated June 4, 2004 titled *Pacific City Development*.

Communication submitted by Yen & Bao Le dated June 5, 2004 titled *RE: Meeting 6/7/04*.

Communication submitted by Danny Palumbo dated June 5, 2004 titled *Pacific City in Huntington Beach*.

Communication submitted by Arthur & Elaine Rosen dated June 6, 2004 titled *Pacific City Development*.

Communication submitted by Chieu Trankiem dated June 6, 2004 titled *The Trankiem's are support Pacific City H.B.*

Communication submitted by Derick Mitre dated June 6, 2004 titled *Pacific City Project*.

Communication submitted by Jeremy E. Beal dated June 6, 2004 titled *Pacific City*.

Communication submitted by Nancy Glass dated June 7, 2004 titled *Pacific City*.

Communication submitted by Michael Doyle dated June 7, 2004 titled *Pacific City*.

Communication submitted by Kelly McClain dated June 7, 2004 titled *City Council Meeting*.

Communication submitted by Chris Willis dated June 7, 2004 titled *Support of P.C.*

Communication submitted by Michael Eilbert dated June 7, 2004 titled *Support for Pacific City*.

Communication submitted by Kevin Scott dated June 7, 2004 titled *Support for Pacific City*.

Communication submitted by John & Kathleen Ryder dated June 7, 2004 titled *Pacific City*.

Communication submitted by George Villano dated June 7, 2004 titled *Pacific City*.

Communication submitted by Beverly Reilly dated June 7, 2004.

Communication submitted by Dee Dee Brooks dated June 7, 2004 titled *We Cannot Attend Tonight's Meeting, But We Support Pacific City*.

Communication submitted by Jillian Fabian dated June 7, 2004 titled *Pacific City*.

Communication submitted by Devra Barnes dated June 7, 2004 titled *Pacific City*.

Communication submitted by Hector Leano dated June 7, 2004 titled *Pacific City*.

Communication submitted by Maureen Seibel dated June 7, 2004 titled *Pacific City*.

Communication submitted by Jim Read dated June 7, 2004 titled *Pacific City*.

Communication submitted by Mike Pontrelli date June 7, 2004 titled *Pacific City I vote Yes*.

Communication submitted by Steven Phan & Lynn Nguyen dated June 7, 2004.

Communication submitted by William A. Lyons dated June 7, 2004 titled *Pacific City*.

Communication submitted by Leslie Sarac dated June 7, 2004 titled *Strong Support for Pacific City!*

Communication submitted by Kenna Masuda dated June 7, 2004 titled *Pacific City Support*.

Communication submitted by Darin Remsing dated June 7, 2004 titled *I Support Pacific City!*

Communication submitted by Wayne LeFors dated June 7, 2004 titled *Pacific City*.

Communication submitted by Diane Lenning dated June 7, 2004 titled *In Favor of Pacific City*.

Communication submitted from the Planning Department of a fax from the California Coastal Commission dated June 7, 2004 titled *Coastal Development Permit 02-12, Pacific City* regarding the issue of whether the development is appealable to the Coastal Commission.

Communication submitted by David Guido dated June 6, 2004 titled *Settlement litigation between the City and Mills Land and Water Company* urging approval of the amended settlement agreement.

Communication submitted by Frank Alfonso dated June 7, 2004 titled *Downtown Main Street Pedestrian Promenade* in opposition.

Revised PowerPoint submitted by the Public Works Department titled *Main Street Pedestrian Promenade Alternatives Report*.

PowerPoint submitted by the Administrative Services Department dated June 7, 2004, titled *Review of Proposed Memoranda-of-Understanding with HBFA and FMA*.

Communication submitted by Lewis Brisbois Bisgaard & Smith, LLP dated June 7, 2004 titled *Re: Public Comments Re Environmental Impact Report No. 02-01/Tentative Tract Map No. 16338/Conditional Use Permit No. 02-20 With Special Permit No. 02-04/Coastal Development Permit No. 02-12/Conceptual Master Plan (Pacific City) Planning Commission Meeting Dated June 7, 2004*.

The Following Additional Late Communications Were Submitted During the Meeting:

Communication from Steve Bone, representing the Robert Mayer Corporation, titled *Pacific City Actual Code Required Parking* was distributed during the public hearing section.

Communication from Rock Miller, Traffic Engineer representing the Robert Mayer Corporation, dated July 2002 titled *Pacific City Trip Reduction Flow Diagram* was distributed during the public hearing section.

Communication from Rock Miller, Traffic Engineer representing the Robert Mayer Corporation, titled *Weekday Mixed-Use Shared Parking Demand Analysis: Reduced Alternative Plan* was distributed during the public hearing section.

Communication from Bob Stachelski, Transportation Manager, titled *Pacific City Internal Capture and Mode Shift* was distributed during the public hearing section.

Communication from Mike Churchin dated June 7, 2004 titled *Pacific City Action Coalition City Council Presentation* was presented as a PowerPoint report during the public hearing section.

Communication from Gaye Churchin titled *Pacific City Action Coalition Coastal Development Permit Appeal* was distributed during the public hearing section.

Presentation was made by Mayor Cathy Green and Municipal Employee Association Picnic Committee Chair Judy Demers who presented a check for \$1,000 to Mary Ellen Ciancibella from the Huntington Beach Youth Shelter. (160.40)

Presentation was made by Mayor Cathy Green, Public Works Director Robert F. Beardsley and Municipal Water District of Orange County Director Joan Finnegan who presented an award to Huntington Seacliff School Second Grader Wiselie Chang. Wiselie designed a poster for the "Water is Life" Poster/Slogan Contest. Her poster will be featured in the 2004/05 "Water is Life" Calendar to be distributed to all Orange County Schools later this spring. (160.40)

Councilmember Houchen moved to have the discussion about temporary closure of Main Street downtown moved forward on the agenda to directly follow public comments. No action taken due to a lack of second.

Mayor Green announced promotions of individuals in the Fire Department; Eric Engberg to Division Chief/Fire Marshall, Bill Reardon to Battalion Chief, Marty Ortiz to Captain and Don Cone to Captain. She also announced that the Fire Department has received over \$46,000.00, which covers the majority of the costs incurred regarding the Ascon-Nesi oil rupture incident.

Mayor Green announced the winners of the Professional Volleyball Tournament, which was held at the pier the prior weekend and thanked the three Veterans' groups that organized the beautiful Memorial Day Service held at City Hall.

Public Comments

Mark C. Smith spoke in support of the Pacific City project. Mr. Smith also informed the council that there are five 40-yard garbage containers on the beach that are unsightly and odorous.

Tom O'Halloran, Piedmont Brown and Kenny Scheidecker all spoke in favor of the Pacific City project.

Adam Whitlow spoke in favor of the Pacific City project that it will benefit residents and tourists alike.

Victor Long, Local 250 union member, spoke in favor of the Pacific City project using union labor.

Janise Cross spoke in support of Pacific City project as beautifying the City and as connecting the two new hotels.

Steve Marion informed Council of his opposition to the Pacific City Project for reasons of traffic congestion due to lack of a sidewalk and what he believes to be the need for street widening. Mr. Marion is also concerned about the added burden on police and fire services as well as the proposed setbacks in the project.

Frank James Flatt informed Council that he works at the Waste Treatment Plant and spoke in favor of Pacific City, which he stated offers local job opportunities.

Steve Homer, member of the Southeast Neighborhood Association, spoke in opposition to a Banning/19th Street bridge and suggested removing the item from the County Master Plan. Mr. Homer also spoke in favor of higher soil remediation standards be required of the Pacific City project.

Steve Stafford spoke in opposition to the release of bonds for tract 14321, stating in his opinion that the roadway is in dispute and a partial release of the bonds would be prone to problems since the project is only partially completed.

Keith Bohr spoke in support of Zoning Text Amendment No. 03-02 and the Pacific City project. He spoke on behalf of property owner Robert Koury in opposition to the temporary closure of downtown Main Street for a Pedestrian Promenade concerned that business owners would lose business. Mr. Bohr also stated that the notification of the possible closure to the local business owners was inadequate and asked Council to postpone the decision until after the current Strand and Pacific City projects are completed.

Leia Scha, downtown business owner, spoke in opposition to the temporary closure of Main Street downtown, especially three blocks, for a Pedestrian Promenade. Ms Scha spoke on behalf of other merchants who suffered business losses when downtown was closed for one day.

Joe Shaw, downtown business owner of Plaza Greetings spoke in support of a downtown pedestrian mall, but opposed the temporary closure of Main Street downtown if the third block and Orange are not included. Mr. Shaw expressed his concerns, including parking problems and how business in the third block would be adversely affected by the loss of motor traffic and altered foot traffic.

Jim Lane, owner of 127 Main Street, spoke in opposition to the proposed temporary closure of Main Street downtown. He suggested waiting until the Strand project is completed since this project will temporarily eliminate some parking spaces. He estimates concurrent projects would reduce parking by 200 spaces in downtown, which he stated would hurt business. Mr. Lane further stated that, in his opinion, the Downtown Post Office parking is inadequate.

Charlie Bunten spoke in opposition to the temporary closure of Main Street downtown. He suggested looking at the financial impact on each business before moving forward. Mr. Bunten also stated his opinion that a barrier between the second and third blocks would adversely affect the third block business.

Steve Daniel, owner of The Rocky Mountain Chocolate Factory and President of the Downtown Merchants' Association, inquired regarding the purpose of closing Main Street downtown. He named other cities that have open Main Streets. Mr. Daniel also asserted that business downtown is good at this point in time and suggested trying a temporary closure in the fall if the purpose is to attract locals. He spoke in favor of the Pacific City Project.

Moe Kanoudi, property owner on the second block of Main Street, spoke in opposition to the temporary closure of Main Street downtown at this time. He stipulated that the project should be discussed with all local business owners and residents alike. Mr. Kanoudi also stated his opinion that the project would affect traffic patterns downtown and that a traffic impact study should be conducted.

Ron McLin, representing Longboard Restaurant, stated that in his opinion the temporary closure of Main Street downtown is premature. He suggested that the first block remain open to traffic and perhaps just the second block be closed. He also noted the significant cost involved with a two-month closure. Mr. McLin cited problems relative to traffic and would like to see better signage in the downtown area.

Merrilee Madrigal, business owner on the first block of Main Street, stated in her opinion that the proposed Promenade is a good idea but not with the loss of arterial streets downtown and the non-stop, congested pedestrian flow.

Doug Langevin, spoke in opposition to the temporary closure of Main Street and alleged that the Brown Act has been violated since he lives in Oregon and just received notice of the hearing five days ago. He noted that temporary closure was a failure years ago, that parking is already an issue, and that large planters may invite undesirable behavior. Mr. Langevin informed Council that he would suffer business losses due to this project.

Councilmember Cook requested that Mr. Langevin call her to discuss these issues.

Bob Bolen, owner of Huntington Beach Realty, spoke in opposition to the temporary closure of Main Street due to reasons that the proposed timing for the project is adverse. Mr. Bolan also stated his opinion that the funds be better expended on the Fire and Police Departments, on the infrastructure, or to help assist the downtown merchants instead.

Les Draper, downtown business owner, spoke in opposition to temporary closure of Main Street downtown. Mr. Draper expressed his concern of the effect the barriers will have on Third Block businesses.

Joe Daichendt, representing the owner of 300 Pacific Coast Highway, spoke in favor of the Pacific City project. Mr. Daichendt suggested that if the temporary closure of Main Street is approved, it include more signage and a two-lane entry only from Pacific Coast Highway.

Nancy Blacksher, member of the MEA, spoke in opposition to being represented by the Teamsters Union and what she termed as an "agency shop."

Norm "Firecracker" Westwell, member of the Libertarian Party, presented a PowerPoint report in favor of legalizing safe and sane fireworks in Huntington Beach for the Fourth of July. Mr. Westwell requested that the Council place an initiative on the November 2004 ballot to address this issue.

Carl Alvarez spoke in favor of the Pacific City project. He asked Council to address following concerns: soil remediation, population density, widening of Atlanta Street, increased traffic, and water cleanliness. Mr. Alvarez suggested widening the sidewalks, reducing speed limits to 25 mph, and creating a pedestrian zone within the radius of Pacific City.

Elmer Smith, member of the Golden State Mobile Homeowners League (GSMOL), spoke in opposition to the settlement of litigation between the city and Mills Land and Water Company. He stated his concern about the sale of Cabrillo Mobile Home Park and the resulting increase in rent. Mr. Smith asked Council to deny this item, as it would no longer be considered affordable housing. He also inquired about the wetlands and the Coastal Conservancy.

MaryJo Baretich, affiliated with W.E.V.O.T.E., congratulated the Robert Mayer Corporation for its part in preserving the wetlands. She informed Council that Joey Racano is representing residents of Cabrillo Mobile Home Park to preserve it as affordable housing and part of the "Little Shell" wetlands. Ms. Baretich spoke in opposition to the settlement of litigation between the city and Mills Land and Water Company.

Councilmember Boardman informed the speaker that mobile home parks are not included in the affordable housing statistics.

John McGregor spoke in opposition to the settlement of litigation between the city and Mills Land and Water Company. Mr. McGregor asked why Cabrillo Mobile Home Park is not included in the city's affordable housing plan and stated concerns about what the new developer would do with the existing park.

John MacGregor, affiliated with the Alzheimer's Association, distributed a communication that included information about the affliction from which President Reagan recently died. Mr. MacGregor informed Council about the Alzheimer's Association and the government *Safe Return* program.

Doug Traub, President of the Huntington Beach Visitor's Bureau, spoke in favor of Pacific City. He stated that the project unifies neighborhoods, streets and downtown while offering a new mix of commercial and residential that doesn't exist now.

Clem Dominguez spoke in opposition to the temporary closure of Main Street downtown and asked that Council take note that no one spoke in favor of this issue. Mr. Dominguez also spoke in opposition to the Pacific City Project.

Peter Albini rebutted the previous speaker's comments and spoke in favor of the temporary closure of Main Street downtown but stated his concerns about public safety and the business owners' livelihoods. Mr. Albini suggested that the city should get input from all of the Downtown merchants.

(City Council Liaison Report)

Councilmember Boardman announced "Moments in Time," a collaboration between the Art Center and the Historic Resources Board, runs from June 23rd through July 7th. The opening is to be held Saturday, June 26, 2004, 7:00-9:00 p.m. at the Art Center. Vocalist Sandy Graham will perform June 27, 4:00 p.m. at the Art Center. July will bring visitors from our Sister Cities. The Environmental Board is inviting applications for the Environmental Awards and has a July 31st nomination deadline. Please contact Ricky Ramos, Associate Planner, at 714-536-5624 for additional information.

(City Administrator's Report) Presentation Made by the Police Chief - Reviewed the Operational Goals and Strategies for the July 4, 2004 Events; Parade, Craft Fair, and Fireworks Show (960.30)

Police Chief Kenneth Small presented a PowerPoint slide show titled *July 4, 2004* regarding operational goals and strategies for the upcoming July 4, 2004 events to ensure a safe and enjoyable holiday. He welcomed Council to visit the city website for additional information and further updates.

Police Chief Small responded to Councilmember Cook's concern regarding the reopening of Pacific Coast Highway to traffic after the fireworks show.

(City Council) Public Hearing Held – Approved for Introduction Ordinance No. 3654 Granting an Oil Pipeline Franchise Agreement between the City and Pacific Terminals, LLC (per Resolution of Intention No. 2004-24 Adopted at the May 3, 2004 Council Meeting) (600.45)

Mayor Green announced that this was the time noticed for a public hearing to approve for introduction Ordinance No. 3654 Granting an Oil Pipeline Franchise Agreement between the City and Pacific Terminals, LLC.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Public Works Director Robert F. Beardsley presented a PowerPoint report titled *Oil Pipeline Franchise – Adoption of Ordinance Granting Franchise to Pacific Terminals LLC* which was included in the agenda packet.

Mayor Green declared the public hearing open.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Boardman, second Hardy to approve for introduction Ordinance No. 3654 entitled "*An Ordinance of the City Council of the City of Huntington Beach Granting an Oil Pipeline Franchise to Pacific Terminals, LLC.*" The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
 NOES: None
 ABSENT: None

(City Council) Public Hearing Opened and Continued Open from April 19, 2004 to a Study Session on May 17, 2004 – Opened and Closed this Public Hearing – Study Session Scheduled for August 2, 2004 – Approved to Re-advertise Public Hearing to a Date Uncertain to Consider Zoning Text Amendment No. 03-02 (City Wide Entitlement Permit Streamlining Project - Phase II) by Amending 15 Chapters of the Huntington Beach Zoning and Subdivision Code and Sections of the Downtown Specific Plan (450.20)

Applicant: City of Huntington Beach

Request: To amend 15 chapters of the Huntington Beach Zoning and Subdivision Ordinance, codify policies and clarify certain sections of existing codes and amend various sections of the Downtown Specific Plan SP5. The proposed amendments are intended to reduce the overall number of discretionary entitlement applications by allowing the use by right or having a lower level discretionary body review the entitlement.

Location: Citywide

Environmental Status: Notice is hereby given that the Zoning Text Amendment No. 03-02 is categorically exempt pursuant to Class 20, City Council Resolution No. 4501, which supplements the California Environmental Quality Act.

A motion was made by Hardy, second Boardman to **continue the Zoning Text Amendment No. 03-02 Study Session to the August 2, 2004 Council Meeting**, and open and close the public hearing to be re-advertised to a date uncertain. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Public Hearing Held - Approved for Introduction Ordinance No. 3655 for the Huntington Beach Auto Dealers Business Improvement District (BID) Mid-Year Modification and Assessment Increase (per Resolution of Intention No. 2004-22 Adopted at the 5/3/04 Council Meeting) (460.30)

Mayor Green announced that this was the time noticed for a public hearing to consider approval for Introduction Ordinance No. 3655 for the Huntington Beach Auto Dealers Business Improvement District (BID) Mid-Year Modification and Assessment Increase.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Economic Development Director David Biggs presented a PowerPoint report titled *Huntington Beach Auto Dealers Business Improvement District (BID) Mid-Year Assessment Increase for FY 2003-2004* which was included in the agenda packet.

Mayor Green declared the public hearing open.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Sullivan to approve for introduction Ordinance No. 3655 entitled "An Ordinance of the City of Huntington Beach Modifying the Basis and Method of Levying the Assessment Within the Huntington Beach Auto Dealers Business Improvement District." The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook
 NOES: None
 ABSENT: None (Houchen out of room)

Council recessed briefly and then reconvened.

The following public hearing items are inter-related and were presented as part of one public hearing, which remained open until all inter-related matters were heard:

(City Council) Public Hearing Held – Part 1 of 2 Considered Appeals Filed by (1.) The Robert Mayer Corporation and (2.) Lewis Brisbois Bisgaard & Smith, LLP on behalf of South Coast Angus, LLC and Upheld the Planning Commission and Staff Recommendations and Approved the Pacific City Project's Environmental Impact Report (EIR) No. 02-01 (See Agenda Item D-4b. for Appeals of (TTM) Tentative Tract Map No. 16338, (CUP) Conditional Use Permit No. 02-20 with Special Permit No. 02-04, (CDP) Coastal Development Permit No. 02-12, Conceptual Master Plan (CMP) and Related Findings of Fact and California Environmental Quality Act (CEQA) Statement of Overriding Considerations - Located at 21002 Pacific Coast Highway – Applicant/ Property Owner: Makallon Atlanta Huntington Beach, LLC, (Ethen Thacher)- Adopt Resolution No. 2004-37 (420.60)

The City Council considered a communication from the Planning Director on the first part of the two-part Public hearing to consider the following planning and zoning items:

Applicant/Property Owner: Makallon Atlanta Huntington Beach, LLC, Ethen Thacher, 4100 MacArthur Blvd., Ste 200, Newport Beach, CA 92660

Appellants: The Robert Mayer Corporation and Lewis Brisbois, Bisgaard, Smith, LLP on the EIR; Makar Properties, LLC and The Robert Mayer Corporation on the TTM No. 16338, CUP No. 02-20, SP No., 02-04, CDP No. 02-12 and the CMP.

Request: Environmental Impact Report: An analysis of the potential environmental impacts that may occur from development of the Pacific City project. Part 2 of 2 of this set of minutes sets forth Staff Report No. 2, which addresses all of the following:

Tentative Tract Map: A request to subdivide approximately 31.5 acres into three parcels for purposes of developing a mixed-use project. One of the parcels will be for residential condominium purposes and the other two parcels are for a commercial/office/hotel development. In the residential portion of the project, there will be a 2.0-acre village park easement for public usage as well as a lettered lot for a private access road.

Conditional Use Permit/Coastal Development Permit: A request to develop a mixed-use project consisting of retail, office, restaurant, cultural, and entertainment uses (191,100 sq. ft. reduced alternative plan), a 400 room, eight-story hotel, spa and health club; a 2.0-acre open space/park easement; 516 condominium units above subterranean parking and associated infrastructure including the extension of Pacific View Avenue. The request also includes outdoor dining, alcohol

beverage sales, live entertainment indoors and outdoors, and dancing within the proposed restaurants and hotel development; carts and kiosks within the commercial and hotel development; and valet service, parking entrance gates, attendant booths, and/or collection of fees within the below grade parking structures. In addition, the request includes a shared parking analysis which includes a reduction in the number of parking spaces required for the mixed-use project (retail, office, restaurant, cultural, entertainment, hotel, and spa uses), and tandem parking spaces. Included in the request is to permit development on a site that has a grade differential greater than three (3) feet from the low to the high point (approximately 25' from the lowest point to its highest point); and for development in the Coastal Zone. Lastly, the request includes any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, and may include but is not limited to excavation, temporary stockpiling, and on-site remediation.

Three **Special Permit** requests are as follows: 1) to allow commercial buildings to encroach into the required setbacks along Pacific Coast Highway and Pacific View Avenue; 2) to allow three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10%; and 3) to permit retaining walls and private patio walls in the required perimeter residential setback areas. A **Conceptual Master Plan** is included that provides an overall buildout plan of the commercial and residential portions of the site.

Location: 21002 Pacific Coast Highway (31-acre site bounded by Pacific Coast Highway, First Street, Atlanta Avenue, and Huntington Street).

See End of Part 2 for Votes Taken on all Recommended Actions.

(City Council) Public Hearing Held - Part 2 of 2 Considered Appeals Filed by (1.) Makar Properties, LLC and (2.) The Robert Mayer Corporation and Upheld the Planning Commission and Staff Recommendations and Approved Tentative Tract Map (TTM) No. 16338, (CUP) Conditional Use Permit No. 02-20 with Special Permit No. 02-04, (CDP) Coastal Development Permit No. 02-12, Conceptual Master Plan and Related Findings of Fact as Amended and CEQA Statement of Overriding Considerations - Pacific City – Applicant/Property Owner: Makallon Atlanta Huntington Beach, LLC, Ethen Thacher (420.60)

The City Council considered a communication from the Planning Director on the second part of the two-part Public hearing.

Environmental Status: In accordance with CEQA, Environmental Impact Report No. 02-01 was prepared by EIP Associates, a consultant hired by the City to analyze the potential impacts to the project. The EIR was certified by the Planning Commission on March 23, 2004. The EIR must be certified by the City Council prior to any action on Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20 with Special Permits and Coastal Development No. 02-12. Prior to certification and adoption of the EIR by resolution, the City Council may amend the document. However, removal of any of the recommended mitigation measures requires findings and justification.

The initial environmental assessment(s) for the above item was processed and completed in accordance with the California Environmental Quality Act. It was determined that the project may have significant environmental effects and, therefore, an environmental impact report was required. Environmental Impact Report No. 02-01 was prepared in accordance with CEQA and is on file at the City of Huntington Beach Planning Department, 2000 Main Street, and is available for public inspection and comment by contacting the Planning Department, or by telephoning (714) 536-5271.

Non-Appealable Jurisdiction of the Coastal Zone: This agenda item is located in the non-appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 02-12 filed on April 4, 2002 in conjunction with the above request. The Coastal Development Permit hearing will consist of a staff report, public hearing, City Council discussion and action.

PowerPoint presentation titled *Environmental Impact Report No. 02-01 Pacific City Project* is included in the agenda packet.

14 Communications in support of the Pacific City Project as follows:

Submitted by Brendan T. Lenehan dated June 3, 2004 titled *Pacific City Development*.

Submitted by Bryan Ackerman dated June 3, 2004.

Submitted by John & Sarah Thomas dated June 3, 2004 titled *Pacific City-Strong Supporters!*

Submitted by Kerie Dawson dated June 3, 2004 titled *Re: Pacific City*.

Submitted by Dr. Gladys de Barcza dated June 3, 2004 titled *Pacific City*.

Submitted by Matt Kvalheim dated June 3, 2004 titled *Pacific City*.

Submitted by Dr. and Mrs. Lester Goldstein dated June 3, 2004 titled *Pacific City*.

Submitted by Aimee Khan dated June 3, 2004 titled *PACIFIC CITY*.

Submitted by Shirley Commons Long dated June 3, 2004 titled *Pacific City*.

Submitted by Candi Hoffman dated June 3, 2004 titled *Pacific City approval*.

Submitted by Joseph Shelfo dated June 3, 2004 titled *Approval for Pacific City*.

Submitted by Robert Kaminski II dated June 3, 2004 titled *Pacific City*.

Submitted by George Alexander dated June 3, 2004.

Submitted by John Given dated June 3, 2004.

Communication submitted by Paul Cross dated May 27, 2004 titled *Statement on the Record by Paul Cross to the City Council of Huntington Beach on the Subject of the Planning Commission Approval of the Pacific City Development Project* in opposition to the Environmental Impact Report (EIR).

Three Communications submitted by Mark D. Bixby dated May 31, 2004, April 26, 2004 and March 21, 2004 titled *Pacific City* in opposition to the EIR.

Communication submitted by Ronald H. Satterfield dated June 2, 2004 titled *Pacific City Project* in opposition to the EIR.

Communication submitted by Edward Kerins, President Huntington Beach Tomorrow dated June 1, 2004 titled *Pacific City CUP and Conceptual Master Plan* in support of the EIR with recommendations.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Planning Director Howard Zelefsky orally presented the historical background of the project. Director Zelefsky also spoke regarding the March 17, 2004 meeting, which he stated was the cause of a related misunderstanding between the City and Pacific City Action Coalition representatives regarding a consultant for soil remediation.

Planning Manager Scott Hess referred to wall diagrams of the Tentative Tract Map, Conditional Use Permit, Floor Plans, Special Permits, Site Plans and Elevation Plans during his oral presentation of the proposed development.

Principal Planner Mary Beth Broeren reported on the Environmental Impact Report (EIR), which was certified by the Planning Commission and complies with the California Environmental Quality Act (CEQA). Ms. Broeren addressed the appeals filed, introduced Ms. Marianne Tanzer and Ms. Terri Vitar, representatives from the City's consulting firm, EIP Associates, and announced they are available for questions.

Mayor Green declared the public hearing open.

Steve Bone, Appellant (The Robert Mayer Corporation), distributed a Late Communication titled *Pacific City Actual Code Required Parking*. Mr. Bone asserted in his opinion that the project is short parking spaces due to the lack of consideration for parking requirements for the meeting space and spa. He informed Council that he believes the project provides several hundred less parking spaces than the code requires. Mr. Bone asked Council to limit the commercial component of the project or to require the developer to provide more parking if they are considering approval of the EIR.

Rock Miller, Appellant's Consultant (Katz Okitsu & Associates), informed Council that he is a traffic engineer with thirty years' experience in Orange County. He informed Council of his opinion that the traffic generation is below accepted standards. Mr. Miller provided a Late Communication titled *Pacific City Trip Reduction Flow Diagram* to Council with a traffic flow diagram to illustrate this opinion. He also stated his opinion that the parking is insufficient since there is no parking designated for the spa or the meeting rooms. Mr. Miller provided a Late Communication titled *Weekday Mixed-Use Shared Parking Demand Analysis: Reduced Alternative Plan* to Council with a parking graph to illustrate this opinion.

Councilmember Boardman inquired of Mr. Bone what percentage of the Hilton's spa clients are non-guests and he replied that in his estimation the number is about 50%.

City Clerk Joan L. Flynn restated the Late Communications, as announced earlier in the meeting, for the record as it pertains to this public hearing.

Michael Gagnet, Applicant, Makar Properties, spoke in favor of the Pacific City project. He commented on the issues of oil rights on the property, Pacific View Avenue, the water filtration system that will be "state of the art," and wetlands delineation. Mr. Gagnet informed Council of his belief that the property has no wetlands as defined by the California Coastal Commission.

Paul Wilkinson, Applicant's Consultant (Linscott Law & Greenspan), a traffic engineer spoke regarding the shared parking concept. He informed Council that the concept was adopted by the city of Costa Mesa and gave several examples of shared parking situations in which the model was over-estimating the demand. Mr. Wilkinson stated his opinion that the Pacific City project allows for sufficient parking.

Councilmember Cook and Councilmember Boardman inquired regarding mode shift adjustments, referred to in the Pacific City traffic analysis.

Mayor Pro Tem Hardy inquired about the Costa Mesa parking examples.

Public Works Director Beardsley requested Transportation Manager Bob Stachelski report on mode shift, to which he made an oral presentation and distributed a Late Communication titled *Pacific City Internal Capture and Mode Shift*. Mr. Wilkinson also responded to Council's inquiry.

Planning Director Howard Zelefsky informed Council that shared parking is not new to the city and gave examples.

Michael Craddock spoke in opposition to the Pacific City project. He voiced his concern about increased traffic on Atlanta Street and soil abatement issues. Mr. Craddock also expressed his disappointment in the public comment process, as he had to wait to have his turn at speaking.

Pat Davis, Public Relations Consultant for Makar Properties, spoke in favor of the Pacific City project. Ms. Davis expressed her opinion that the required soil cleanup in Huntington Beach is of the highest standards and asked supporters of the project in the Chambers to stand and applaud. She informed Council that the Pacific City Discovery Center on 1st Street and Pacific Coast Highway is open Monday thru Saturday from 10 a.m. to 5 p.m.

Bob Bolen spoke in opposition to the Pacific City project and asked where downtown customers are going to park if Pacific City patrons are going to use downtown parking.

Paul Evans, Local 250 union representative, spoke in favor of the Pacific City project and urged Council's approval.

Bob Croft spoke in favor of the Pacific City project. Mr. Croft asked that Council certify EIR 02-01 and approve Resolution 2004-37 and the related CUP.

Jim Adams, Los Angeles/Orange County Building & Construction Trades Council, spoke in favor of the Pacific City project. Mr. Adams expressed his opinion that local contractors be used and it is his understanding that the developer committed to do so.

Paul Cross asked that the Pacific City project be downsized. Mr. Cross stated his concern about soil cleanup and the development of wetlands. Mr. Cross is opposed to a new bridge across the Santa Ana River, and asked that Council restate their opposition as well.

Ken Maylone spoke in favor of the Pacific City project and expressed his pleasure with the improvements made in the city over the years.

Charlie Bunten, Huntington Beach Chamber of Commerce, spoke in favor of the Pacific City project. He stated his opinion that hundreds of people walk from place to place such as South Coast Plaza to the Performing Arts Center. Mr. Bunten informed Council that this development would provide revenues, create jobs, and offer visitors another reason to stay downtown.

Garry Brown, Orange County Coastkeeper, asserted that his goal is to pursue the best water quality plan and that the developer for Pacific City has been very cooperative. He stated his support of the project and asked the Council to adopt a special condition that the final water quality management plan be returned to Council for approval.

Mike Churchin, Pacific City Action Coalition, gave a PowerPoint presentation titled *Pacific City Action Coalition City Council Presentation* illustrating his concern about the soil remediation and cancer issues. He stated his opposition to approval of the Environmental Impact Report and asserted that Chevron failed to disclose all relevant information.

Gaye Churchin, Pacific City Action Coalition, declared that in her opinion the Environmental Impact Report is out of compliance with city codes and requested that an independent consultant be obtained for soil analysis.

Stacha Khatib, Pacific City Action Coalition, spoke in favor of higher standards for soil cleanup. Ms. Khatib informed Council of her concerns with the high instances of cancer throughout the city.

Monica Schneider, Pacific City Action Coalition, asked Council to consider the repercussions of approving the project without ensuring adequate soil cleanup.

Bob Modica, Plumbers & Pipefitters Local 582, spoke in favor of competition and the Pacific City project. He cited Walt Disney, South Coast Plaza, and The Pond as examples of forward-looking projects once turned away by the city they originally approached.

Dr. Wellington Eng, Jr. spoke in favor of the Pacific City project and also stated that he is looking for a place in Huntington Beach to expand his practice.

Litza Matthews, CPMCA (Mechanical Contractors) spoke in favor of the Pacific City project because it will provide living wage jobs and income for the city.

Merrilee Madrigal asked the Council to scale back the Pacific City project. Ms. Madrigal stated she would like the developer to comply with parking space and setback requirements.

Wendy Grant spoke in opposition to the Pacific City project until an independent environmental survey is done. Ms. Grant asked the Council to look first at the safety and health of the citizens.

Mickey Totten, I.U.O.E. Local 12, spoke in favor of Pacific City and expressed the opinion that Makar will satisfactorily address the issue of soil remediation.

Jan Vandersloot spoke in opposition to the Pacific City project. He stated his concern that the project is too dense and too large for Huntington Beach. Mr. Vandersloot also spoke about resulting traffic into Newport Beach. He asked that the wetlands designation be decided prior to project approval.

Norm "Firecracker" Westwell, Libertarian Party, stated that the Pacific City project either needs to be reduced in size or it needs to include more parking spaces.

Peter Albin spoke in favor of the Pacific City project and promoted bike racks for bicyclists at the site. Mr. Albin stated he is confident that the applicant will clean up the soil prior to building.

Keil Maberry, LLG Engineers, addressed the question asked by Councilmember Cook regarding mode shift relative to parking spaces. Mr. Maberry stated the opinion that the project is only ten spaces short. He advised that there is a distinction between trips and visitors and that each visitor would make more than one visit per trip resulting in a mode shift adjusted number.

Steve Ray Vice Chair, Planning Commission, reported that the Environmental Impact Report is adequate and that he supports Council's certifying the Environmental Impact Report, the Conditional Use Permit, and the reduced alternative commercial plan. Mr. Ray also notified the Council that the developer may apply for a permit to convert the hotel to timeshares.

Dick Harlow clarified that the primary reduction in parking within the Pacific City project occurs in the commercial and office areas. Mr. Harlow also affirmed that Makar is committed to ensuring adequate soil cleanup.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Councilmember Boardman responded to the question of project density by stating that the project is in compliance. She also informed Council that the only reason for the mention of the Banning Bridge was because it is still part of the county master plan, and there is no intention presently to move forward with construction of that bridge. Lastly, Ms. Boardman confirmed that the topic of independent site review is already on the agenda for discussion.

Councilmember Cook acknowledged the changes made to the project and the flexibility Makar has shown, but stated the opinion that people will not walk from Pacific City to downtown.

Councilmember Boardman asked about drainage issues and City Engineer David Webb responded.

Planning Director Howard Zelefsky responded to Councilmember Boardman's inquiry pertaining to the zoning code and use of drought tolerant plants.

A motion was made by Sullivan, second Cook to deny the appeal filed by Lewis Brisbois Bisgaard & Smith, LLP. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

Planning Manager Scott Hess responded to Mayor Pro Tem Jill Hardy regarding bicycle racks and conditions of employee parking.

A motion was made by Boardman, second Coerper to certify the Environmental Impact Report by approving Resolution No. 2004-37. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

Council then proceeded to discuss Part 2 of said Public Hearing regarding: Tentative Tract Map (TTM) No. 16338, (CUP) Conditional Use Permit No. 02-20 with Special Permit No. 02-04, (CDP) Coastal Development Permit No. 02-12, Conceptual Master Plan and Related Findings of Fact and CEQA Statement of Overriding Considerations.

A motion was made by Cook, second Boardman to amend the TTM/CUP/CDP conditions to require meandering sidewalks along the perimeter of the project and for the Planning Department to review the City of Irvine's bike rack requirement and specify the number of bike spaces for Pacific City. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

A motion was made by Cook, second Boardman for staff to review traffic calming alternatives to control traffic and decrease speed along Pacific View Avenue to create a more pedestrian friendly atmosphere and for alternatives to be reviewed by the Design Review Board.

Councilmember Coerper expressed concerns regarding the transition from a four-lane street to a two-lane street, speed limits, the possibility of using speed bumps, and four-way stops. Transportation Manager Bob Stachelski responded to Councilmember Coerper's inquiries.

Mayor Green asked if adding another hotel on Pacific View would result in gridlock, citing the Hilton's valet parking. Staff responded that the hotel at Pacific City has larger setbacks, which will allow for a greater number of vehicles to stop in the drive rather than the street.

Councilmember Boardman also noted that Pacific City would offer Self Parking, which is not currently available at the Hyatt.

The motion was restated and carried by the following roll call vote:

AYES: Coerper, Hardy, Boardman, Cook, Houchen
NOES: Sullivan, Green
ABSENT: None

Councilmember Boardman then discussed her memo and made motions referencing the conditions.

A motion was made by Boardman, second Sullivan to add a condition requiring that 100% of the park land in-lieu fee be paid by the applicant for the project. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

A motion was made by Boardman, second Cook to condition the project to require applicant to build 39 affordable units on-site, 100% that will be for sale at the low-income level of affordability.

Discussion ensued between Council and staff regarding affordable units being built off-site, difficulty in qualifying low-income applicants, and low income versus medium income levels.

The motion **failed** by the following roll call vote:

AYES: Boardman, Cook
NOES: Sullivan, Coerper, Hardy, Green, Houchen
ABSENT: None

A motion was made by Boardman, second Cook to add the following conditions:

“The California Coastal Commission in a letter to staff has expressed concern about re-emergent wetlands on the site. The sites where re-emergent wetlands might be found are around and in the pits that have been dug during the soil remediation process. The condition of approval recommended by staff allows the filling on the pits prior to the new wetlands delineation. This condition alters that to:

The wetland delineation on the site will occur before the remediation pits are filled, and that the criteria used to define wetland be the ones used in the LCP which are *For purposes of this classification. Wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes; or
2. The substrate is predominantly hydric soil; or
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year.”

Council received clarification from representatives of EIP Associates as well as Makar Properties regarding wetlands delineation.

A substitute motion was made by Green, second Sullivan to eliminate the need for the aforementioned conditions. The substitute motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Houchen
NOES: Hardy, Boardman, Cook
ABSENT: None

A motion was made by Boardman, second Hardy to add the following condition:
“In the common areas of the development drought tolerant plants will be used.”

The motion **failed** by the following roll call vote:

AYES: Hardy, Boardman, Cook
NOES: Sullivan, Coerper, Green, Houchen
ABSENT: None

A motion was made by Boardman, second Cook to add the following condition:
“According to the California Coastal Commission, the LCP for this area requires environmentally sensitive habitat be protected from any significant disruption of habitat values and only uses dependent on those resources shall be allowed in those areas. This condition requires that if any environmentally sensitive habitat is found on the site it will be protected from significant disruption, and only uses dependent on those resources shall be allowed in those areas. *California Coastal Commission letter of March 18, 2004 Page D-4a.182 of agenda packet.”

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

A motion was made by Boardman, second Cook to follow the Orange County Coastkeeper recommendation that the water quality management plan be submitted to Council for review and approval. The motion passed by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Boardman, Cook
NOES: Green, Houchen
ABSENT: None

Councilmember Boardman inquired about the lack of sidewalks on the North side of Atlanta Avenue opposite the project site.

A motion was made by Hardy, second Cook that employee parking be on-site and any parking fees for employees not exceed annual parking pass fee at the beach parking lot. The motion passed by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

End of Amended Motions to amend the Conditions of Approval.

A motion was made by Sullivan, second Coerper to approve Tentative Tract Map No.16338, CUP No.02-20, Special Permit No.02-04, Coastal Development Permit No.02-12, Conceptual Master Plan with findings and amended Conditions of Approval; and approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations per the Request for Council Action.

Mayor Pro Tem Hardy announced that although she supports most aspects of the Pacific City project, she would not vote in favor of any project that includes new construction over four stories.

The motion passed by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen
NOES: Hardy
ABSENT: None

**CITY COUNCIL APPROVED
FINDINGS AND CONDITIONS OF APPROVAL
FOR PACIFIC CITY PROJECT**

**(TENTATIVE TRACT MAP NO. 16338/ CONDITIONAL USE PERMIT NO. 02-20/
SPECIAL PERMIT NO. 02-04/ COASTAL DEVELOPMENT PERMIT NO. 02-12/
MASTER PLAN -- PACIFIC CITY MIXED USE PROJECT)
(June 14, 2004)**

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16338:

1. Tentative Tract Map No. 16338 to subdivide approximately 27.8 acres (31.5 gac) into three parcels (a 17.2 acre parcel for residential condominium purposes; a 6.47 acre parcel for retail,

office, restaurant, cultural, and entertainment development; and a 4.12 acre parcel for a hotel development); dedicate a 2.03 acre easement for a Village Green Park/open space, and a 20 foot wide pedestrian corridor easement with public access; and dedicate Pacific View Avenue per the Precise Plan of Street Alignment is consistent with the General Plan Land Use Map designations on the subject site. The commercial portion of the site is designated CV-F7-sp (Commercial Visitor - Max. 3.0 Floor Area Ratio - Specific Plan Overlay) and General Plan Subarea 4C (PCH/Lake Street), and the residential portion of the site is RH-30-sp (High Density Residential - Max. 30 u/gac - Specific Plan Overlay) and General Plan Subarea 4I (Atlanta-First Street). The subdivision will provide for a mixed-use project consistent with the design concept envisioned by the Downtown Specific Plan and General Plan, and will provide for necessary public improvements around the site. In addition, the applicant will pay the full City Park Land In-Lieu Fees.

2. The site is physically suitable for the type and density of development. The 27.8-acre project site provides the necessary area for a mixed-use development (191,100 sq. ft. mixed-use project with retail, office, restaurant, cultural, and entertainment uses, a 400 room, eight story hotel, spa and health club above two levels of subterranean parking, and 516 multiple-family residential condominium units above two levels of subterranean parking) consistent with the intensity and density of the Downtown Specific Plan – District 7A (Visitor-Serving Commercial) and 8A (High Density Residential) with a Coastal Zone overlay, the General Plan designations, and with the implementation of mitigation measures.
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. Notwithstanding the foregoing, the City Council may approve such a tentative map if an environmental impact report was prepared with respect to the project, subject to a finding being made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
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 tentative map provides all the necessary easements and access requirements of the City for the public and provides the necessary public improvements. The improvements include dedications, curbs, gutters, sidewalks, streets, and easements with public access through the development and to a Village Green park/open space easement to adequately serve the site and adjacent properties.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 02-20:

1. Conditional Use Permit No. 02-20 to construct a 191,100 sq. ft. mixed use project consisting of retail, office, restaurant, cultural, and entertainment uses and a 400 room, eight story hotel, spa and health club above two levels of subterranean parking with 1,542 spaces; construct 516 condominium units within a mix of two, three, and four story buildings above two levels of subterranean parking with 1,291 spaces; permit alcohol beverage sales, live entertainment indoors and outdoors, dancing, 10,550 sq. ft. of outdoor dining; carts and kiosks in conjunction with the mixed commercial and hotel development; permit a reduction in the number of parking spaces required for the mixed use project (1,542 spaces in lieu of min. 1,776 spaces) and for tandem parking spaces; permit valet service, parking entrance gates, attendant booths, and/or

collection of fees within the subterranean parking garage; permit any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, which may include but are not limited to excavation, temporary stockpiling, and on-site remediation; permit associated infrastructure improvements including the extension of Pacific View Avenue; permit development on a site with a grade differential of greater than three (3) feet from the low to the high point; improve a 2.03 acre Village Green Park easement; and Master Plan 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 includes perimeter buildings that provide transition and scale to adjacent properties, provides more than code required residential open space and open air commercial amenities, is designed on a pedestrian scale and character, provides the required parking to serve the uses on site, and meets the goals and policies of the General Plan.

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 project 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. The project will provide public improvements to make the project compatible with other adjacent public improvements required of downtown development to provide a consistent streetscape for the project area. The project also is designed with buildings that terraces with the grade, especially along Huntington Street.
3. The conditional use permit for 1,542 parking spaces in lieu of the 1,776 spaces required per Schedule "A" in Section 231.04 of the ZSO for the Reduced Project Alternative Plan (191,100 sq. ft.) is substantiated by the Parking Demand Analysis prepared by Linscott, Law, and Greenspan dated October 15, 2003. This analysis is based on the proposed use of the buildings which will not generate additional parking demand than the proposed 1,542 spaces. In addition, a Transportation Demand Management Plan which exceeds the minimum required by Section 230.36 of the ZSO will be submitted prior to issuance of a building permit.
4. The proposed request will comply with the provisions of the base district and other applicable provisions in the Downtown Specific Plan and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project 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 for the development.
5. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CV-F7-sp (Commercial Visitor - Max. 3.0 Floor Area Ratio - Specific Plan Overlay) and General Plan Subarea 4C (PCH/Lake Street) for the commercial portion of the site, and RH-30-sp (High Density Residential - Max. 30 u/gac - Specific Plan Overlay) and General Plan Subarea 4I (Atlanta-First Street) for the residential portion of the site. In addition, it is consistent with the following goals and policies of the General Plan:

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.

Policy LU 1.1.2: Promote development in accordance with the Economic Development Element.

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

Policy LU 2.1.7: Ensure that development shall not occur without providing for adequate school facilities.

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

Policy LU 4.1.1: Require adherence to or consideration of the policies prescribed for Design and Development in the Huntington Beach General Plan, as appropriate.

Policy LU 4.1.2: Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access and parking.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the American's with Disabilities Act.

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

Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development "Overlay" Schedule, as appropriate.

Policy LU 7.1.5: Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

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

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 appropriate principles.

Policy LU 9.3.1: Permit the development of master-planned residential projects that incorporate a mix of housing types, neighborhood-serving commercial services, schools, parks, open space, and other elements in areas designated for residential on the Land Use Map.

Policy LU 9.3.2: Require the design of new residential subdivisions to consider the following:

- a. Establish a street configuration involving the interconnection of individual streets that emphasizes a pattern of “blocks” rather than cul-de-sacs.
- b. Integrate public squares, mini-parks, or other landscaped elements.
- c. Cluster residential units and, if possible, integrate small clusters of multi-family housing within single-family areas to preserve open space.
- d. Establish a common “gathering” or activity center within a reasonable walking distance of residential neighborhoods. This center may contain services, such as child or adult-care, recreation, public meeting rooms, recreational facilities, small convenience commercial uses, or similar facilities.
- e. Site common facilities around a public park or plaza to encourage a high level of community activity.
- f. Establish a continuous network of sidewalks, bicycle and pedestrian paths, and other elements that link all community areas and provide linkages to land uses in adjacent areas.
- g. Orient housing units to neighborhood and collector streets.
- h. Site and design of units and incorporate elements, such as porches, that emphasize front yards as an activity area and “outdoor living room,” by locating garages in the rear or side yards.
- i. Consider reduced street widths to achieve a more “intimate” relationship between structures, to the extent feasible and in accordance with Huntington Beach Fire Department regulations.
- j. Consider an increase in front yard setbacks, sidewalk widths, and the inclusion of landscaped parkways, especially in neighborhoods where the street width is reduced.
- k. Include alleys or other means to minimize the dominance of garages along the street frontage.
- l. Include setbacks and other design elements that buffer residential units from the impacts of abutting existing commercial and/or industrial development.

Policy LU 9.3.3: Require that nonresidential structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

The mixed-use project consisting of retail, office, restaurant, cultural, entertainment uses and a 400 room, eight-story hotel proposed for the site represents development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, much of which is currently vacant, and provides additional destination uses that would attract and complement new and existing retail, restaurant, and hotel uses.

The design of the project promotes development of commercial buildings that convey a unified, high-quality visual image and character. It is in conformance with the City’s Design Guidelines. The City’s Design Review Board has reviewed the proposed architecture, colors, and materials and recommends approval of the design concept. The project provides for adequate access along all public streets, and required parking pursuant to a parking analysis in a two-level subterranean parking structure.

The proposed multiple family residential buildings are well articulated and have enhanced building elevations along street frontages. Ground floor units along the perimeter of the residential site are oriented towards the street. The design of the residential subdivision includes four district neighborhoods emphasizing a cluster of buildings around a 2.03-acre village green park with recreational areas and a 20-foot wide pedestrian corridor. Connecting the village green park to Pacific View Avenue is a 65-foot entry corridor that is accessible to either crosswalk on Pacific View Avenue providing access to the retail promenade. With subterranean parking, there are no garages to dominate the street scene and front yard/patios become activity areas. In addition, there will be a landscaped parkway adjacent to the curb around the perimeter of the site. The residential project is separate from commercial activities by Pacific View Avenue.

There will be surplus parking for the project; a total of 1,542 commercial parking spaces and 1,291 residential parking spaces are proposed. The number of residential parking spaces is based on Schedule "A" in Section 231.04 of the ZSO, and the number of commercial/hotel parking spaces is based on a Parking Demand Analysis prepared by Linscott, Law, and Greenspan. The Analysis concluded the peak demand for the Reduced Retail Commercial Alternative Plan would be 1,372; thus, there will be 170 surplus parking spaces for the commercial/hotel development.

There will be public improvements made in conjunction with the project to ensure that the development is adequately served with infrastructure. In addition, the developer will be paying required school fees and comply with a Mitigation Agreement with all affected school districts.

B. Coastal Element

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

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

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

Policy C 1.1.7: Encourage cluster development in areas designated for residential use within the Coastal Zone.

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

Policy C 1.2.3: Prior to the issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the proposed development, consistent with policies contained in the Coastal Element, at the time of occupancy.

Policy C 2.2.3: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

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

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

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.

Objective C 4.1: Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced commercial retail project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

C. Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach.

Objective ED 2.6: Expand and enhance the existing visitor-serving uses.

Policy ED 2.6.1: Encourage the attraction of coastal and inland visitor-serving uses to offer a wider spectrum of visitor opportunities

Policy ED 2.6.2: Encourage visitor supported commercial development to concentrate in selected areas of the City, thereby creating identifiable visitor-oriented centers.

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

Objective ED 3.1: Maximize the economic viability of commercial and industrial use through the creation of specialized districts and nodes.

Policy ED 3.1.1: Create differentiated clusters or nodes of retail, industrial, and office uses.

Policy ED 3.2.1: Create commercial-recreation nodes along the inland side of Pacific Coast Highway.

Policy ED 3.2.2: Encourage mixed-use (retail/office/residential) structures on the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

Policy ED 3.2.3: Attract visitor-serving uses near the beach in order to create better linkages between the beach and visitor-supporting retail uses.

The proposed project promotes development in accordance with Huntington Beach's Economic Development Element, as retail, office, restaurant, cultural, entertainment uses, and a 400 room, eight-story hotel development will broaden and stabilize the City's economic base and further diversify the range of overnight accommodations. In addition, the visitor-serving retail and commercial uses would further support the economic needs of the City.

D. Housing Element

Policy H 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

The residential portion of the project is designed for 516 residential units in four different neighborhoods. There will be 15 varied floor plans in a townhome and stacked flat design. The floor plan sizes range from an average of 850 sq. ft. to 2,450 sq. ft. with one, two, and three bedrooms. Also, 15% of the total project units will be affordable for low to moderate-income families. These units will be on-site and off-site.

E. Circulation Element

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

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

The applicant will be constructing Pacific View Avenue, improvements to Atlanta Ave., Huntington Street, First Street, and PCH, and a bus turnout on PCH. The EIR included a detailed traffic analysis to document potential impacts associated with the project. Mitigation would be required for the intersection of PCH and Seapoint, and PCH and Warner, as well as a

traffic signal at 1st and Atlanta. Mitigation Measures TR-1 through TR-3 require the developer to contribute its fair share of the cost of these improvements and construct the signal.

F. *Recreation and Community Services Element*

Goal 5: Provide parks and other open space areas that are efficiently designed to maximize use while providing cost efficient maintenance and operations.

The residential portion of the project is required to provide 4.81 acres of open space area based on 25% of the total residential floor area. The proposal is for 9.28 acres of common and private open space which represents 53.8% of the site. Some of this common area will be accessible by the public including a 2.03 acre Village Green park/open space easement, 65 foot Village Green park entry corridor, and a 20 foot wide pedestrian easement corridor from Atlanta Avenue to PCH. In addition, the applicant will be paying the full (100%) City Park Land In-Lieu Fees.

G. *Subarea Schedule*

Subarea 4C PCH/First Street (Commercial/Hotel Component):

- Permitted Uses: Visitor-serving and community-serving commercial uses, restaurants, entertainment, and other commercial uses.
- Density/Intensity: Maximum 3.0 FAR; maximum height of eight stories
- Establish a unified “village” character, using consistent architecture and highly articulated facades and building masses.
- Require vertical setbacks of structures above the second floor.
- Incorporate pedestrian walkways, plazas, and other common open spaces for public activity.
- Provide pedestrian linkages with surrounding residential and commercial areas.
- Establish a well-defined entry from PCH.
- Maintain views of the shoreline and ocean.

The mixed-use project consists of retail, office, restaurant, cultural, entertainment uses (live entertainment and dancing) and a 400 room, eight-story hotel. The commercial buildings are two to three stories clustered along a crescent shaped pedestrian walkway with a series of gathering areas and plazas for public activity and views to the ocean. A unified, high-quality visual image and character is created by the unique building designs and architecture. There is a 20-foot wide pedestrian walkway through the commercial project from PCH to Pacific View Avenue and then it continues through the residential area connecting Pacific View Avenue to Atlanta Avenue. Along the PCH frontage is a meandering walkway with defined entries at First Street and Huntington Street.

Subarea 4I Atlanta-First Street (Residential Component):

- Permitted Uses: Multi-family residential, parks and other recreational amenities, schools, and open spaces.
- Density/Intensity: Maximum height of four stories; Maximum 30 units per net acre.
- Requires the preparation and conformance to a specific plan or master plan.
- Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for “New Residential Subdivisions” (Policies 9.3.1 – 9.3.4).
- Allow for the clustering of mixed density residential units and integrated commercial sites.

- Require variation in building heights from two to four stories to promote visual interest and ensure compatibility with surrounding land uses.

There are 516 multiple family residential units proposed at a maximum density of 30 units per net acre in accord with the Downtown Specific Plan. The units are in two to four story, well articulated buildings with enhanced building elevations along street frontages. The residential development is consistent with the policies of 9.3.1 to 9.3.3 as noted under the Land Use Element of this section. Incorporated into the project is a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH, which will be open to the public.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 02-04:

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 02-20 is for the following:
 - a. Encroach into the minimum building setback along Pacific Coast Highway (30 ft. in lieu of min. 50 ft.) and along Pacific View Avenue (15 ft. in lieu of min. 20 ft.);
 - b. Exceed the maximum slope percentage for three driveway ramps into the residential below grade parking structures (15% in lieu of maximum 10%); and
 - c. Exceed the maximum height for retaining walls and private patio walls in the required perimeter residential setback areas (3.5 ft. to 6 ft. in lieu of maximum 3.5 ft.).

These Special Permits result in a greater benefit from the project and will promote a better living environment because the arrangement of structures, parking, circulation areas, and open space areas relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project is a blend of the reduced building setbacks along PCH north of the site and the greater setbacks of the hotels along PCH to the south of the site. The placement and design of structures along PCH and Pacific View Avenue with reduced setbacks, except for the hotel, results in a better project because it facilitates and encourages pedestrian activity and conveys a visual link to PCH and Pacific View Avenue. The reduced setbacks, except for the hotel, allow for clustering of buildings to create unique plaza areas throughout the project envisioned by the “Village Concept” of the DTSP. The hotel would not result in better land use planning so therefore it is conditioned to be redesigned to have a minimum 50 ft. setback from the PCH right of way consistent with the DTSP and the Waterfront Hilton development to the south of the subject site.

The increased ramp slope is an acceptable standard for driveways without parking on either side. The increased ramp slope allows for a more efficient use of land and more usable open space area resulting in a better project.

There will be private patio walls, retaining walls, and landscaped planters along Pacific View Ave., First Street, Atlanta Ave., and Huntington Street separating the ground floor private patios with the public sidewalks around the perimeter of the residential project site that will exceed the max. 42 inches required by up to two ft. six inches (2' 6"). This special permit is necessary due to the grade differences between the ground floor patios and adjacent public sidewalk grades, and that there is an EIR mitigation measure that requires walls and barriers around patio areas and open space areas be shielded by at least a five ft., six in. (5' 6") high block wall or Plexiglas sheets to minimize exterior noise levels to these areas.

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 appropriate site planning by the arrangement of structures, parking, circulation areas, and open space areas.
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 surrounding neighborhood and includes perimeter buildings that provide transition and scale to adjacent properties, provides more than code required residential open space and open air commercial amenities, is designed on a pedestrian scale and character, provides the required parking to serve the uses on site, and meets 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 project does include the arrangement of structures, parking, circulation areas, and open space areas that relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project has varied setbacks along PCH that is similar to the existing developments to the north and south. The reduced setbacks allow for clustering of buildings to create unique plaza areas throughout the project envisioned by the "Village Concept" of the DTSP. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown area.
5. The granting of Special Permits is 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 Coastal Element goals, objectives, and policies as noted under the Conditional Use Permit Findings. The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced retail commercial project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel. The proposed special permits in conjunction with Conditional Use Permit No. 02-20, Coastal development Permit No. 02-12, Tentative Tract Map No. 16338, and the incorporation of and implementation of adopted conditions of approval and the Mitigation Monitoring and Reporting Program of Final EIR No. 02-01 will comply with State and Federal Law.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 02-12:

1. Coastal Development Permit No. 02-12 for the development project conforms with the General Plan, including the Local Coastal Program. The proposed project would develop a mix of

commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

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 is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements for the 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 will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, easements and reciprocal access between properties to adequately serve the site and adjacent properties.
4. The development conforms to 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 it will add opportunities for access by improving the perimeter sidewalks and creating lookouts that are consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan as referenced in the Conditional Use Permit Findings.

The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16338:

1. Tentative Tract Map No. 16338 and associated engineering exhibits received and dated February 13, 2004 for the subdivision of 34 gross acres into three lots, one of which is for condominium purposes, shall be the approved layout with the following modifications:
 - a. Identify gross and net acreages for each lot in the summary table.
 - b. Fully dimension the Village Green park area, and identify it as open to the public.
 - c. Identify Lot No. 1 as a lot for residential condominium purposes.
 - d. Meandering public sidewalks shall be provided along the perimeter of the project in lieu of the straight public sidewalks. (CC)
 - e. Traffic calming alternatives to control traffic and decrease speed along Pacific View Ave. to create a more pedestrian friendly atmosphere shall be considered and subject to review and approval by the Design Review Board. (CC)
2. Prior to submittal of the Final Tract Map to the Public Works Department for processing and approval, the following shall be required:
 - a. At least 90 days before City Council action on the final tract map, CC&Rs shall be submitted to the Planning Department for review and approval by the Community Services Department, Public Works Department, and the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the Final Tract Map map.
 - 1) The CC&Rs shall include language to address the right of the public to use the 2.03 acre Village Green park easement, pocket park, minimum 65 foot Village Green park entry corridor, and 20 foot wide pedestrian easement, and further that the right to meander off of the easements, and to walk over, traverse, and otherwise use, for recreational purposes, the areas identified as pedestrian public circulation areas depicted on the Wall & Fence Plan as approved by the Planning Commission, and the right for City to erect signs on the easements or pedestrian public circulation areas designating such property as being open for public use and access.
 - 2) Grantor may not make any improvements to the easements or the pedestrian public circulation areas (including, without limitation, the installation of entry gates, signs prohibiting or restricting entry, or other improvements), or take any action (excluding normal maintenance), that would affect, in any manner, the right of the public to the unimpeded use of the easements or pedestrian public circulation areas without the prior written consent of Grantee, which Grantee may give or withhold in Grantee's sole and absolute discretion. The CC&Rs shall include language that requires the Master Association to maintain the 2.03 acre park easement open space, and public access corridors as identified in the Final Tract Map and approved Improvement Plans.
 - 3) Notwithstanding anything to the contrary contained herein, Grantor shall have the right to install privacy gates to prevent public access to the portions of Lots 1, 2, and 3 which are not identified as pedestrian public circulation areas as depicted on the Wall & Fence Plan as approved by the Planning Commission.

- 4) The CC&Rs shall include the formation of a Master Association that shall govern, oversee, coordinate, and control all individual Homeowner’s Associations and all Business Associations that include all areas of the proposed development for the primary purpose of coordinating and control of uniform maintenance, liability, repair of all common areas, public walkway easements and “A” Street. The Master Association shall also be solely responsible for the maintenance and replacement of the required landscaped medians in First Street, Atlanta Avenue, Huntington Street, and Pacific View Avenue, the decorative pavement within public streets adjacent to the project, and those items specified in the Maintenance License Agreement between the Master Association and the City.
 - 5) The CC&Rs shall address the maintenance of all awnings and rails for the commercial and residential portions of the project. They shall also define allowable uses and structures in the 20-foot pedestrian corridor for the commercial portion of the project; fences and other permanent and temporary barriers shall be prohibited. Exclusive use by any business, carts, kiosks, and tables are not permitted. Benches, potted plants and similar amenities may be permitted subject to the approval of the Departments of Planning and Public Works.
 - 6) The CC&Rs shall refer to the Special Utility Easement Agreement. **(PW)**
 - 7) The CC&Rs shall refer to the Maintenance License Agreement.
- b. A draft Affordable Housing Agreement Plan received and dated Dec. 23, 2003 shall be the conceptually approved plan. It shall be modified as necessary to reflect the requirements below and shall be submitted to the Planning Department for review and approval prior to recordation of the Tract Map. The agreement shall provide for affordable housing on-site, or combination of on-site and off-site. The contents of the agreement shall include the following:
- 1) Minimum 15 percent (78 units) of the total units shall be affordable to families of very low-income (less than 50% of Orange County median), low-income level (less than 80% of Orange County median), and moderate-income level (less than 100% of Orange County median) for a period of sixty years. Section 1 Requirements of the Plan is acceptable with the clarification that it shall be for a period of 60 years.
 - 2) A detailed description of the type, size, location and phasing of the affordable units, on-site and off-site.
 - 3) Off-site affordable units (new or rehabilitated) shall be proportionate in size and bedroom mix to the proposed one, two and three bedroom condominium units, and under the full control of the applicant.
 - 4) The affordable units shall be constructed and/or acquired prior to or concurrent with the market rate units. The affordable units must be entitled, approved, and building permits obtained (and/or restrictive covenant recorded) concurrent with the following development phasing:

PHASE (Exhibit D-007)	RESIDENTIAL UNITS	AFFORDABLE RESIDENTIAL UNITS
IIa	68	10
III	125	20
IV	203	30
Va	120	18

As an example, concurrent with issuing permits for any of the 68 units in phase IIa, at least 10 affordable units must be identified, entitled, approved, and building permits obtained, and/or covenant recorded. All affordable units must be made available for occupancy prior to issuance of building permits for the last phase of development unless such units are included as part of that phase; or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units for the respective phase.

- 5) A minimum of 50% of the required number of affordable housing units shall be on-site and the remaining number of units can be on-site or off-site. An option to the minimum 50% on-site is that the applicant may elect to build these units off-site, provided that the number of units is increased on a 2:1 basis and located within a redevelopment area. (PC)
 - 6) If units are located off-site, the applicant shall consider sites located throughout the City and provide documentation thereof to the Planning Department. (PC)
 - 7) Modify the Off-Site Units section of the Draft Affordable Housing Plan as follows: (PC)
 - Section 2.A. (second bullet) – delete last sentence referencing Oak View area.
 - Section 2.B. – delete last sentence referencing the Center Avenue area.
 - Add Section 4. – Applicant shall notify affected school districts of all projects intended to satisfy the off-site affordable housing requirements so that the school district(s) may identify cumulative impacts. Projects will be required to mitigate impacts to affected schools districts consistent with State law.
3. The following conditions shall be completed prior to recordation of the Final Tract Map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. **(PW)**
- a. Dedicate a minimum 2.03 acres easement for Village Green park purposes to the City of Huntington Beach. The minimum 2.03 acres shall be inclusive of the public park entry corridor between the park and Pacific View Ave. The loop road may be private and include vehicle gates; it shall remain accessible to the public for pedestrian access. The Village Green park entry corridor shall be a minimum of 65 feet in width at its narrowest point and shall be a public easement dedicated on the Final Tract Map.
 - b. An agreement shall be executed between the City and applicant prior to Final Tract Map approval that binds the Master Association and individual Associations in perpetuity for the conditions stated herein and that the Village Green Park will always be for public use and not changed to be for private use.
 - c. The developer shall provide a Maintenance License Agreement to be a part of the Master Association agreement for maintenance of the medians, landscaping in the medians and adjacent to the project for Pacific View Avenue, First Street, Atlanta Avenue, Huntington Street and "A" Street if public. The agreement shall state that the Master Association shall be responsible for all costs associated with maintenance, repair, replacement, and fees imposed by County, City, and the Orange County Sanitation District for pumping, inspection, or other related fees for the dry weather flow diversion and First Flush Water Runoff Treatment Control System approved by the City. Furthermore, the Agreement shall address the Master Association's responsibility for the maintenance of the 2.03-acre park easement,

- all enhanced paving adjacent to public streets, "A" Street, pedestrian easements, sidewalk, parkway landscaping, Edison-owned street lighting and street furniture located behind public street curbs within the project site. Maintenance shall include but not be limited to sidewalk cleaning, trash cans, disposal of trash, signs, the regular maintenance and cleaning of all angled parking areas (i.e., markings, street sweeping) along Pacific View Avenue between First Street and Huntington Street, etc. The Master Association shall be solely responsible for paying the cost of maintenance, inspections, cleanup, operation, monitoring, replacement planting, and equipment replacement of all improvements required for this project. (PW)
- d. The sewer and portions of the storm drain systems located within private streets shall be private and maintained by the Homeowner's Association.
 - e. A bond shall be posted for the potential conversion of Pacific View Avenue to a 4-lane divided roadway as dictated by the General Plan. The bond shall be maintained until such time that the roadway conversion improvements are completed and accepted by the City, or a General Plan Amendment is approved to eliminate the requirement of the conversion, or 10 years from the date of tract acceptance, whichever occurs first. The amount of the bond shall be determined by a preliminary design of full-width street improvements for Pacific View Avenue (in conformance with the Precise Plan of Street Alignment) and cost estimate prepared by the applicant and approved by the City Engineer. (PW)
 - f. The two intersections of "A" Street and Pacific View shall be designed as enhanced intersections per the approved conceptual plan and shall be depicted on the Street Improvement Plans. (PW)
 - g. Agreements with appropriate school districts intending to mitigate the impact on school facilities shall be executed. The Planning Department shall be provided with a copy of the agreement prior to recordation of the final tract map.
 - h. A Letter of No Further Action (or Letter of Closure) shall be obtained from the Fire Department regarding the soil remediation of the entire site prior to recordation of the Final Tract Map, or issuance of any grading permits, whichever occurs first. **(FD)**
4. The water system for the entire project shall be a public system; except, any portion of the fire service water system that is not public shall be maintained by the HOA in accordance with the language to be provided by the Fire Department for the CC&Rs. **(FD)**
 5. Prior to commencing soil remediation or grading operations, the name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number and the City's contact number regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. (PW)
 6. The applicant shall notify all property owners and tenants within 500 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. The project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to

any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; and a telephone number for the noise disturbance coordinator shall be posted conspicuously at the construction site fence and included on the notification sent to neighbors adjacent to the site. (PW)

- a. At least 30 days prior to grading, a notice shall be mailed to all property owners, residents and businesses located within 500 feet of the project site notifying them that the rodent population on site will be disturbed during grading and construction and may create a temporary nuisance to the neighboring area. This notice may be included in the notice of commencement of grading operations as required above.
7. A third party consultant, approved by the City, shall be responsible for monitoring on-site activities during the grading and construction phases of the project and shall serve as an agent for the City. The developer shall reimburse the City for all costs associated with this third party monitoring as determined by the City.
8. A third party remediation consultant will be retained by the City from the Fire Department's approved list of qualified consultants, for the purpose of providing review, recommendations and oversight of future remediation, sampling and closure reports. The consultant's scope shall include review of all documentation of work performed to date, review of any new reports and data, and field and laboratory oversight. The consultant shall work at the direction of the City of Huntington Beach. The applicant shall reimburse the City for all costs submitted by the third party consultant.
9. During the project construction phase, the applicant shall publish an informational newsletter annually and distribute to property owners, residents and businesses within a 1,000-foot radius of the project. (PC)
10. Final on-site grades and elevations on the grading plan may vary by no more than two (2) feet from the on-site grades and elevations, except adjacent to the perimeter of the site which shall vary by no more than one (1) foot from the street grades and elevations on the approved Tentative Map with the approval of the Planning Department.
11. Prior to approval of the Final Tract Map, 100% of the City Park Land In-Lieu Fees for the residential portion of the project shall be paid. (CC)
12. The Departments of Planning, Public Works, Fire, Building & Safety, and Community Services are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to the Final Tract Map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council may be required pursuant to the HBZSO.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 02-20 WITH SPECIAL PERMITS/ COASTAL DEVELOPMENT PERMIT NO. 02-12:

1. The conceptual site plan, floor plans, and elevations for the reduced project alternative plan received and dated December 23, 2003 shall be the conceptually approved layout, with the following modifications:
 - a. The retaining wall/fence combinations along PCH shall not exceed 42” in height.
 - b. The below grade parking structures for the residential and commercial developments shall be redesigned to address the detailed comments identified in the Parking Plan Review by International Parking Design, Inc. dated January 14, 2004. Drive aisles for parking spaces shall be minimum 26 feet in width. Signage shall be provided for residential guest parking areas and guest parking spaces shall be clearly marked and accessible. Identify electric vehicle charging station parking spaces. The redesigned parking structures shall comply with the new 2005 Title 24 regulations (and any subsequent revisions, and shall include “variable volume exhaust fans with CO₂ sensors” subject to review by the Departments of Planning, Building & Safety, Fire, and Public Works.
 - c. Revise Exhibit D-006 as follows: provide minimum 25’ setback from the property lines at the intersection of PCH and First St. for carts and kiosks; provide continuous eight foot wide sidewalk along the PCH frontage without any encroachment of carts and kiosks; provide minimum 20 foot wide entryway (without any carts/kiosks) to the project from the PCH/First St. intersection; and the minimum 20 foot wide public pedestrian easement shall be consistent with the tract map without any encroachment of carts and kiosks.
 - d. The outdoor deck/dining areas for the hotel restaurant along PCH between the Porte Cochere and Huntington Street shall have a minimum setback of 25’ from PCH.
 - e. The hotel at the podium level shall be setback 50’ from the PCH right-of-way and the hotel tower (above the podium level) shall have an upper story setback of minimum ten feet from the podium level consistent with the General Plan, Subarea Schedule.
 - f. Maintain minimum 10’ free and clear (without obstruction) pedestrian path along Pacific View Ave. from First Street to the Porte Cochere entryway for the hotel.
 - g. Identify three areas for bike rack installation on the site plan subject to the review of the Planning Department; one shall be in the residential portion of the site. The number of bike racks shall be comparable to City of Irvine’s standards (CC)
2. The project shall comply with the Mitigation Measures of the Pacific City Environmental Impact Report (EIR No. 02-01).
3. The project shall be developed in accord with the Phasing Diagram (Exhibit D-007). Phase IIa (Residential) and IIb (Commercial Parking Structure) shall be developed concurrently. Building permits for Phase III (Residential) and other residential phases shall not be issued until Phase IIb and IIc are completed, or evidence of the applicant’s reasonable progress towards attainment of completion.
4. If any environmentally sensitive habitat is found on the site it will be protected from significant disruption, and only uses dependent on those resources shall be allowed in those areas. (CC)
5. Prior to the issuance of any grading permits, the following shall be completed:

- a. The applicant shall submit to the Director of Public Works a project WQMP that:
- 1) Addresses site design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, and creating reduced or "zero discharge" areas
 - 2) Incorporates the applicable Routine Source Control BMPs
 - 3) Incorporates Treatment Control BMPs to treat all dry weather flows and the first flush of a storm event (the volume of runoff produced from a 24-hour, 85th percentile storm event)
 - 4) Generally describes the long-term operation and maintenance of the Treatment Control BMPs
 - 5) Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - 6) Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
 - 7) Describes the following management of dry weather, first flush & storm flow discharges:
 - Dry Weather Flows: The system shall be designed to divert all Pacific City dry weather flows into a structural filtration facility for treatment. Drainage areas A., B and the First Street watershed shall then be routed to the Atlanta Stormwater Pump Station (ASWPS) for discharge into Orange County Sanitation District's system
 - First Flush: The drainage system shall be designed to treat the first flush (the volume of runoff produced from a 24-hour, 85th percentile storm event) with a structural filtration system. Following treatment, first flush flows from drainage Area B shall then be discharged into the First Street storm drain; first flush flows from Area A will then be routed to the ASWPS for discharge into the Huntington Beach Flood Control Channel.
 - Storms Flows: Storm flows above the first flush from Area B will be discharged untreated into the First Street storm drain. Storm flows from Area A will be routed untreated to the ASWPS for discharge into the Huntington Beach Flood Control Channel.
- b. The applicant, at their expense, shall develop concept and design plans and costs estimated for a regional urban runoff treatment solution for the First Street watershed storm flows. Upon review and approval by the City, the applicant shall post a minimum 8-year bond for the equivalent of 1/7 of the capital construction cost into an Urban Runoff Treatment Trust Fund for the First Street watershed storm flows. Additionally, the applicant shall include in the Pacific City master CC&Rs that the project shall pay for 1/7 of the on-going annual operation and maintenance cost for this First Street regional treatment system. Upon implementation of this system the Pacific City Homeowners Association will be relieved of the obligation to maintain their on-site treatment system. (PC)

6. Prior to issuance of a precise grading permit, the following conditions shall be complied with:
 - a. A Pedestrian Accessibility Plan for the entire project site, depicting on-site and off-site improvements, shall be submitted for review and approval by the Building & Safety and Public Works Departments and by a third party consultant. The applicant shall reimburse the City for the consultant's review. **(B & PW)**
 - b. At no additional cost to the developer, the City reserves the right to increase the water main pipe sizes necessary to support the proposed development, for the benefit of the City. For example, the City will require that the 12-inch water pipeline in Huntington Street, as required by the approved hydraulic analysis, be increased to an 18-inch pipeline. The City will pay the incremental difference in materials cost between a 12-inch and an 18-inch pipeline. **(PW)**
 - c. The Village Green park area, pocket park, and entry corridor shall be designed and a detailed park improvement plan shall include typical neighborhood amenities including but not limited to tot lot play equipment, open turf play area and picnic tables and benches. All amenities must conform to current Consumer Product Safety Guidelines with certain amenities in compliance with the Americans with Disabilities Act. The entry corridor to the park (from Pacific View Ave.) and all other corridors must incorporate an architectural feature that properly identifies the area as public space. The plan shall identify play equipment, architectural features, plant material, ground cover, sidewalks, lighting, etc. and shall be reviewed and approved by the Community Services Commission, Community Services Director, and Public Works Director prior to installation. **(CS/PW)**
 - d. The median in Atlanta Avenue shall be designed to provide a solid landscaped median barrier through the intersection of Atlanta Avenue and Alabama Street, unless otherwise modified as determined by the Public Works Department and/or the Public Works Commission.
 - e. The project WQMP shall be reviewed and approved by the City Council. **(CC)**
 - f. The landscape plans shall incorporate native and/or drought-resistant plants consistent with what is permitted by the City of Huntington Beach Design Guidelines and Downtown Specific Plan.
7. During grading activities, the following shall be adhered to:
 - a. The project developer(s) shall require contractors to utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) and low-emission diesel construction equipment to the extent that the equipment is readily available in the Southern California area and cost effective. Contract specification language shall be reviewed by the City prior to issuance of a grading permit. **(PC)**
 - b. All trucks hauling dirt, sand, soil onto or off the project site are to be covered. **(PC)**
8. The following conditions shall be completed prior to final building permit inspection, or occupancy, of the first residential unit:

- a. All existing *Washingtonia robusta* located along Pacific Coast Highway within the existing Caltrans right-of-way shall be relocated or replaced with an equivalent total trunk height either within the project, or relocated off-site as approved by the City Landscape Architect. (PW)
 - b. The applicant shall satisfy the project's fair share contribution of 22 percent of the cost of the installation of a third northbound through lane on Pacific Coast Highway at the Warner Avenue intersection. The County of Orange and Caltrans will be responsible to complete this improvement. The costs will be based on estimates prepared by the County of Orange for completion of the project or through a separate preliminary design and cost estimate prepared by the applicant to specifically address the requirements of this condition. (PW)
 - c. The applicant shall satisfy the project's fair share contribution of 26 percent of the cost of the installation of a second westbound right turn lane at the intersection on Seapoint Avenue at Pacific Coast Highway. The City shall ensure completion of this improvement by providing funds for the balance of the cost of the improvement. The applicant shall prepare plans and obtain appropriate permits for the installation, including obtaining encroachment permits from Caltrans, as needed. Final determination of fair share contribution shall be based on the actual design and construction of the improvement. The City shall complete the improvement as a capital project. (PW)
 - d. The applicant shall construct a new traffic signal at the intersection of First Street and Atlanta Avenue unless an alternative intersection design including traffic calming measures, which achieves the same objective as Mitigation Measure TR-3, is reviewed and approved by the Public Works Department and/or Public Works Commission. The applicant shall enter into an agreement with the City to clearly indicate the applicant's responsibility to fund 57% of commitment to the cost of the improvement and the City's reimbursement to the applicant for the balance of the costs. (PW)
 - e. The applicant shall construct a new traffic signal at the intersection of Huntington Street and Atlanta Avenue unless modified to include traffic calming measures such as a roundabout as reviewed and approved by the Public Works Department and/or Public Works Commission. The applicant shall enter into an agreement with the City to clearly indicate the applicant's responsibility to fund 59% of the commitment to the cost of the improvement and the City's reimbursement to applicant for the balance of the costs. (PW)
 - f. The Village Green park, pocket park, and corridor shall be improved prior to the occupancy of the first residential unit (other than the model homes). (PW)
 - g. The applicant shall be responsible for 59% of the costs to improve street and sidewalk conditions on the south side of Atlanta Avenue within the existing right-of-way, between Huntington and Delaware Streets to improve pedestrian and vehicular safety conditions. (PC)
9. Submit detailed plans of the following for final review and approval by the Design Review Board:
- a. Elevations, colors and materials of the hotel.
 - b. Final colors and materials of the commercial and residential buildings.
 - c. Public Art Concept Plan.
 - d. Landscape and hardscape plans on private and public property.

- e. Planned Sign Program.
 - f. Furniture and utilities throughout the project
10. At least 500 parking spaces shall be available for self-parking (not valet) in the commercial parking structure.
 11. Employee parking shall be on-site and any parking fees for employees shall not exceed the annual parking pass fee for beach parking. (CC)
 12. Parking meters shall be provided at all on-street public parking locations within or fronting the project frontage. Meters shall be installed according to City requirements and standards and shall meet the specifications of the City. The City will be responsible for the collection of revenue and maintenance of all parking meters. A plan depicting the location and design of the parking meter layout shall be submitted for review and approval by the Community Services and Public Works Departments.
 13. Hours of construction and related activity shall be limited to between the following hours: (PC)

Construction:	Mon.-Fri. 7AM – 6PM; Clean Up/Securing Area 6PM-8PM
Construction/ Clean-Up:	Sat. 7AM – 5PM
Pile Driving:	Mon.-Fri. 8AM – 6PM
Truck Hauling:	Mon.-Fri. 8AM-5PM; early delivery trucks must park on-site (not on street) with engine not idling between 7AM-8AM
 13. An employee entrance and parking plan during construction shall be submitted to the Planning Director for review and approval. The entrance and parking is to be located in an area that minimizes impacts to surrounding residents.
 14. 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.
 15. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council's may be required pursuant to the HBZSO.

CONDITIONS OF APPROVAL –PACIFIC CITY MASTER PLAN:

1. The Pacific City Master Plan received and dated July 10, 2003 shall be the approved conceptual plan or as modified herein.

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.

Consent Calendar – Items Removed for Separate Discussion

The following item was removed from the Consent Calendar for separate discussion:

(City Council) Amended and Restated Agreement for Settlement of Litigation Between the City and Mills Land and Water Company (Mills Land and Water v. City of Huntington Beach, Case No. OCSC 73 94 12) Located at Pacific Coast Highway between Newland Street and Beach Boulevard (600.10)

Consent Calendar – Items Approved

On motion by Sullivan, second Coerper, Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Adopted Resolution No. 2004-40 to Modify Salary for Calendar Year 2004 for Joan L. Flynn, Appointed City Clerk to Fill the Remainder of Connie Brockway's Unexpired Term Due to Her Retirement (700.60) Adopted Resolution No. 2004-40 - "A Resolution of the City Council of the City of Huntington Beach Modifying Salary for Calendar Year 2004 for the Appointed City Clerk." Submitted by the City Attorney. Funding Source: Funding included in the Fiscal Year 2003-2004 budget,

(City Council) Approved Plans and Specifications and Authorized the Director of Public Works to Advertise for Bids for the 2003-2004 Pavement Rehabilitation Project; CC-1222 (600.50) – Approved the project plans and specifications and authorized the Director of Public Works to request bids for the 2003-2004 pavement rehabilitation project; CC-1222. Submitted by the Public Works Director. Funding Source: Funds for this project are budgeted through Measure M Fund, Street Improvements Account. The Engineer's cost estimate for construction contract is \$2,500,000. (Arterial Locations: 1) Brookhurst Street (s/o Bushard-Hamilton); 2) Bushard Street (Brookhurst-Banning); 3) Edwards Street (Warner-Bolsa); 4) Warner Avenue (Bolsa Chica-Graham) and Residential Street Locations 5) Davenport Island; 6) Hooker Drive (Willett-Standish) and 7) Hughes Drive (Carrie-Edwards).

(City Council) Approved the Release of Securities for Tract No. 14321 Located 800 Feet n/w of the Intersection of 17th Street and Adams Avenue – Approved the Notice of Acceptance of Public Improvements (Developer, Crystal Island, LLC) (420.60) –

1. Accepted the improvements constructed and dedicated for public use with Tract No. 14321; and 2. Accepted Guarantee and Warranty Bond No. 3SM95952600-A; the security furnished for guarantee and warranty of improvements, and instructed the City Clerk to file the bond with the City Treasurer; and 3. Released the Faithful Performance/Labor and Material Bond No. 3SM95952600; and Monument Bond No. 3SM95952700 pursuant to California Government Code Section No. 66499.7(a); and 4. Instructed the City Clerk to notify the developer, Crystal Island, LLC, of this action and the City Treasurer to notify the Surety, **American Motorist Insurance Company**, of this action; and 5. Instructed the City Clerk to record the “Acceptance of Public Improvements” with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved Reappointments of Terry Dolton and Randy Fuhrman to the Environmental Board for a Second Term to Expire June 30, 2008 (110.20) – Approved the reappointments of Terry Dolton and Randy Fuhrman to the Environmental Board for a second term to expire June 30, 2008 as recommended by Council liaisons Councilmember Boardman and Councilmember Sullivan. Submitted by the Planning Director and as recommended by Council Liaisons Councilmember Connie Boardman and Councilmember Dave Sullivan. Funding Source: Not applicable.

(City Council) Approved Professional Service Agreement between the City and Public Resources Management Group, (Brad Wilkes, Sole Proprietor) to Develop an Updated Cost Allocation Plan and User Fee Study (600.10) – Authorized the City Administrator to enter into a *Professional Services Contract Between the City of Huntington Beach and Public Resources Management Group for a Cost Allocation Plan and User Fee Study*, a sole proprietorship, to assist the city in developing an updated cost allocation plan and user fee study. Submitted by the Administrative Services Director. Funding Source: Adopted in fiscal year 2003-2004 budget. The contract is for an amount not-to-exceed \$100,000.

(City Council) Adopted Resolution No. 2004-38 for a Summary Vacation of Excess Right-of-Way Easement Located at 306 Indianapolis Avenue (800.50) – 1. Adopted **Resolution No. 2004-38** - “*A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-Way Easement at 306 Indianapolis Avenue;*” and 2. Instructed the City Clerk to record the said resolution and attached exhibits with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not applicable.

(City Council) Approved Renewal of Agreement (Amendment No. 1) with the City of Fountain Valley for Emergency Preparedness and Disaster Planning Services (600.10) – Approved the professional services contract *Amendment No. 1 Between the City of Huntington Beach and the City of Fountain Valley for Emergency Services Coordinator* for the services of the Huntington Beach Fire Department and authorized the Mayor and City Clerk to execute it. Submitted by the Fire Chief. Funding Source: None required.

(City Council) Adopted Resolution No. 2004-39 Amending the Classification Plan by Modifying the Classification for Deputy City Attorney I, II, and III and Deleting Computer Operator (700.10) – Adopted **Resolution No. 2004-39** - “*A Resolution of the City Council of the City of Huntington Beach to Amend the Classification Plan by Modifying the Classification for Deputy City Attorney I, II, and III and Deleting Computer Operator in the City Classification Plan.*” Submitted by the Administrative Services Director. Funding Source: No fiscal impact to this action.

(City Council) Approved Agreement with GeoSyntec, Inc. for Environmental Consulting for the Pacific City Project Soil Remediation and Authorized Appropriation of \$70,000 (600.10) – Approved and authorized the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and GeoSyntec, Inc. for Environmental Consulting Services* and authorized an appropriation of \$70,000. Submitted by the Fire Chief. Funding Source: Funding for this work is available in the Fire Prevention business unit professional services account. As a condition of approval for the Pacific City Project, the developer, Makallon Atlanta Huntington Beach, LLC, is required to reimburse the City for all costs submitted by the third-party consultant for the soil remediation activities at the site. (See Public Hearing regarding Pacific City.)

(City Council) Approved Amended and Restated Agreement for Settlement of Litigation Between the City and Mills Land and Water Company (Mills Land and Water v. City of Huntington Beach, Case No. OCSC 73 94 12) Located at Pacific Coast Highway between Newland Street and Beach Boulevard (600.10)

Councilmember Boardman requested that this agenda item be removed from the Consent Calendar and received clarification from staff on who has first right of refusal to purchase the Cabrillo Mobile Home Park property from Caltrans.

A motion was made by Boardman, second Sullivan to authorize the Mayor and City Clerk to execute the attached *Amended and Restated Agreement for Settlement of Litigation*.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Continued from the May 3, 2004 Council Meeting – Denied Approval at This Time of Staff Alternatives on Proposed Temporary Closure of Main Street Downtown Between Pacific Coast Highway and Orange Street for a Pedestrian Promenade from Early August to Late October 2004 – Form a Committee Including Council members Sullivan, Coerper and Houchen to Meet With Downtown Business Owners (800.60)

The City Council considered a communication from the Assistant City Administrator and the Director of Public Works, Planning, Economic Development, Community Services, Police Chief and Fire Chief transmitting the following **Statement of Issue (transmitted as a Public Meeting Notice as shown below)**: By action on May 3, 2004, the City Council directed staff to develop alternatives for street closure on up to three blocks of Main Street, between Pacific Coast Highway and Orange Avenue, to create a pedestrian promenade on a trial basis. Presented in this report are two alternatives for a temporary closure of Main Street for this purpose.

Funding Source: Potential funds are available through the Redevelopment Agency for installation and removal of modifications identified for each alternative. Maintenance of the area during the trial period would require appropriations from the General Fund. Some revenue losses are anticipated due to the loss of use of parking meters and citations within any block closure area.

The "second block" closure alternative would result in anticipated costs of between \$62,000 and \$133,000 with \$19,000 to \$88,500 eligible for use of Redevelopment funds, and the remainder (approximately \$42,000 to \$44,000) with a net impact to the General fund (both in expenditures and revenue loss).

The two-block closure alternative would result in anticipated costs of between \$117,000 and \$258,000 with \$33,500 to \$171,500 eligible for use of Redevelopment funds, and the remainder (approximately \$83,500 to \$86,500) with a net impact to the General Fund (both in expenditures and revenue loss).

On Monday, June 7, 2004 at 7:00 p.m., City Council Chambers, 2000 Main Street, Huntington Beach, the City Council will hold a public meeting on the following planning item:

Applicant: City of Huntington Beach

Request: To consider alternatives for the temporary conversion of as many as three blocks of Main Street to a pedestrian promenade.

Location: Main Street, between Pacific Coast Highway and Orange Street (see map on reverse side)

Contact: Laurie Payne, Community Relations Officer at (714) 536-5577

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on (Thursday before meeting) June 3, 2004.

ALL INTERESTED PERSONS are invited to attend said meeting and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City at, or prior to, the meeting. If there are any further questions please call Laurie Payne, Community Relations Officers at (714) 536-5577 and refer to the above item. Direct your written communications to the City Clerk.

The City Council considered a communication submitted by Paul and Letha Strain addressed to the City Clerk regarding the Downtown Main Street Pedestrian Promenade, which is included in the agenda packet.

A motion was made by Houchen, second Coerper to forgo viewing the PowerPoint presentation, a copy of which was included in the agenda, and to **not** approve the proposed closure of Main Street at this time.

Councilmember Sullivan addressed Council and stated that he believes the community would like a pedestrian mall and would like to form a committee to work with the downtown businesses. Councilmember Houchen and Councilmember Coerper informed Councilmember Sullivan that they would like to participate.

Councilmember Cook asked about staffing needs and suggested addressing the issue at next month's budget meeting.

Councilmember Boardman asked about the cleanliness of the sidewalks and what can be done to improve their condition.

Deputy Director of Public Works Paul Emery replied that the Clean Water Act limits the methods used and frequency of sidewalk cleaning. Mr. Emery informed that the technology cost is quite high, and that the current plan is to clean the sidewalks twice a month in the summer and once a month in the winter.

Councilmember Coerper asked staff to research what options are available to clean the sidewalks.

City Administrator Culbreth-Graft replied that staff would report back to Council on the options.

The motion was restated as **amended** by consensus to **not** approve the proposed closure of Main Street at this time and to add the formation of a council subcommittee to meet with downtown business owners and residents, with Council members Sullivan, Coerper and Houchen as subcommittee members. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
 NOES: None
 ABSENT: None

(City Council) Adopted Resolution No. 2004-41 Approving Election of the City to be Subject to the Public Employees' Medical and Hospital Care Act with Respect to FMA (Fire Management Association) (720.20)

The City Council considered communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue**: The city and Huntington Beach Fire Management Association have come to an agreement to have the California Public Employees' Retirement System (CALPERS) administer health insurance through the Public Employees' Medical and Hospital Care Act.

A motion was made by Cook, second Hardy to adopt Resolution No. 2004-41 "A Resolution of the City Council of the City of Huntington Beach Electing to be Subject to Public Employees' Medical and Hospital Care Act with Respect to the Huntington Beach Fire Management Association and Fixing the City's Contribution for Employees and the Contribution for Annuitants at Different Amounts." The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Cook, Houchen
 NOES: Sullivan, Boardman
 ABSENT: None

(City Council) Adopted Resolution No. 2004-44 Approval of Memorandum of Understanding (MOU) Between the City and the Huntington Beach Fire Management Association (FMA) for December 20, 2003 Through December 31, 2004 (720.20)

The City Council considered communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue**: Should the city and the Huntington Beach Fire Management Association enter into a new Memorandum-of-Understanding covering the period of December 20, 2003 through December 31, 2004?

A motion was made by Hardy, second Coerper to adopt Resolution No. 2004-44 "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Fire Management Association (FMA) and the City of Huntington Beach for December 20, 2003 Through December 31, 2004." The motion carried by the following roll call vote:

AYES: Coerper, Hardy, Green, Cook, Houchen
NOES: Sullivan, Boardman
ABSENT: None

(City Council) Adopted Resolution No. 2004-42 Implementing the Memorandum-of-Understanding (MOU) Between the Huntington Beach Firefighters' Association (HBFA) and the City of Huntington Beach from September 27, 2003 Through September 24, 2004 and Adopted Resolution No. 2004-43 Amending the Memorandum-of-Understanding by Adopting Side Letters of Agreement (720.20)

The City Council considered communication from the Assistant City Administrator and Administrative Services Director transmitting the following **Statement of Issue**: Should the city and the Huntington Beach Firefighters Association enter into a new Memorandum-of-Understanding covering the period of September 27, 2003 through September 24 2004?

A motion was made by Boardman, second Coerper to adopt Resolution No. 2004-42 "A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding Between the Huntington Beach Firefighters' Association (HBFA) and the City of Huntington Beach for September 27, 2003 Through September 24, 2004." and to adopt Resolution No. 2004-43 – "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Firefighters' Association (HBFA) by Adopting Side Letters of Agreement." The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None

(City Council) Directed Staff to Provide Policy and Direction to the 4th of July Executive Committee as to Cost Allocations for Perquisites Associated with Elected Officials Participating in the 4th of July Festivities (960.30)

The City Council considered communication from Councilmember Debbie Cook transmitting the following **Statement of Issue**: The 4th of July Executive Committee, a volunteer city sponsored committee, shoulders the burden of organizing, promoting and fundraising for festivities related to the City's celebration of our Nation's birthday. Because of the City's fiscal constraints, this year the Committee has taken on additional responsibilities as the City Council has asked them to reimburse the City for more of the costs associated with Police, Fire, Building and Safety, Community Services, and Public Works Departments.

In previous years, the Committee has generously provided vehicles, food, fireworks tickets, and other perquisites to dignitaries and various elected officials. This year, in order to meet their budget constraints, the Committee is seeking a limit to the types of vehicles and the quantities of tickets that are offered on a complementary basis.

A motion was made by Cook, second Boardman to approve the recommendation to adopt as Council Policy that elected officials purchase additional event tickets at face value, and parade vehicles beyond that which are offered will be arranged and paid for by the individual elected official.

A substitute motion was made by Coerper, second Green that elected officials pay for all event tickets.

Councilmember Houchen clarified that the Gala is not a fundraiser, but is an event meant to serve as a "Thank You" to the Fourth of July Program sponsors.

Community Services Director Jim Engle reported on the Fourth of July budget.

Councilmember Coerper withdrew his substitute motion.

The original motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Boardman, Cook, Houchen
NOES: Green
ABSENT: None

Adjournment – City Council/Redevelopment Agency

Mayor Green adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, June 21, 2004, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman