

Minutes
Special Meeting - 11/10/2008
City Council/Redevelopment Agency
City of Huntington Beach

Monday, November 10, 2008
6:00 PM - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

**A video recording of the 6:00 PM portion of this meeting
is on file in the Office of the City Clerk and is archived at
www.surfcity-hb.org/government/agendas/**

CALL TO ORDER

Mayor Cook called the special meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 6:03 PM, in the City Council Chambers.

ROLL CALL

Present: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio
Absent: None

ANNOUNCEMENT OF LATE COMMUNICATION

Pursuant to the Brown "Open" Meetings Act, City Clerk Joan Flynn announced late communications received by her office following distribution of the Council agenda packet:

Communication submitted by Scott Hess, AICP, Director of Planning dated November 10, 2008 entitled *Additional Information Regarding General Plan Growth Buildout, Density, and Traffic Characteristics*

Communications received in support/opposition to EIR No. 07-004, ZTA No. 07-004, GPA No. 07-003, ZMA No. 07-001, CUP 07-043 and CEQA Statement of Findings of Fact with a Statement of Overriding Considerations for the Ripcurl Project located at the southeast corner of Gothard Street and Center Avenue by the following individuals:

Barbara and Dick Gallegos, Dave Harris, Julie Bixby, Mary Baley, Mark Webber, Martin and Janice Olsiewski, Marge and Robert Payne, Bob and Tanya Hoxsie, Ken Obitz, Ray and Mary Baroglio, Drew Kovacs, Jerrold Clarke, Norm Sebby, Vickie Hamilton, J. Mellow, Peter and Rhonda Wainwright, Candace Michelle Tennison, Margie and Dick Keddy, Stacy Olberding, Carol Parham, Patrick J. and Patricia M. Coponiti, Rick Morgan, and Sharon Bowers.

COMMUNICATION RECEIVED AT THE MEETING

PowerPoint presentation submitted by Tom Livengood, Planning Commission Chair dated November 10, 2008 and entitled *Form Based Codes*.

PowerPoint presentation submitted by Andrew Nelson, applicant/appellant, Red Oak Investments, undated and untitled.

PUBLIC HEARING

1. (City Council) Public Hearing Held to Consider an Appeal of the Planning Commission's Approval of Environmental Impact Report (EIR) No. 07-004, Zoning Text Amendment (ZTA) No. 07-004, General Plan Amendment (GPA) No. 07-003, Zoning Map Amendment (ZMA) No. 07-001, Conditional Use Permit (CUP) No. 07-043, and CEQA Statement of Findings of Fact with a Statement of Overriding Considerations for the Ripcurl Project located on a 3.8 acre site at the southeast corner of Gothard Street and Center Avenue.

City Administrator Fred Wilson introduced Scott Hess, Director of Planning to make a staff report presentation to the Council. Director Hess introduced Tess Nguyen, Associate Planner, Mary Beth Broeren, Planning Manager, Ruta Thomas, PBS&J, Bob Stachelski, Traffic Manager, Terri Oston, Oston Faust & Associates. Planner Nguyen provided a PowerPoint presentation that gave an overview of information on the proposed project's Environmental Impact Report (EIR), requests for entitlement including Zoning Text Amendment (ZTA), General Plan Amendment, (GPA), Zoning Map Amendment (ZMA), and Conditional Use Permit (CUP), project location, Planning Commission's action, appeals filed by Councilmember Jill Hardy and the applicant, Red Oak Investments, and project analysis on the EIR.

Traffic Manager Bob Stachelski discussed the feasibility of mitigating significant and unavoidable impacts identified within the EIR involving traffic/transportation, specifically addressing the I-405 northbound loop from Beach Boulevard in AM and PM peak hours, and the intersection at the I-405 southbound ramps during the PM at the peak intersection near the southbound ramp at Center Avenue (specific and cumulative). Manager Stachelski discussed the current status of I-405 Freeway Improvement Project by OCTA and CalTrans, funding, and how the EIR assumes long-term completion of interchange improvements. He also discussed traffic generating characteristics, referring to late communication that provides detail on contrasting mixed use versus retail development.

Councilmember Green discussed a letter from the OCTA regarding widening of the I-405 Freeway that received engineering approval in July 2008, approved funding for EIR and engineering work, and the extensive public outreach that will include meetings in neighboring cities. Discussion ensued on securing full funding on the I-405 Improvement Project.

Planner Nguyen continued with project analysis of the ZTA (objectives of mixed use development, transit oriented development/location criteria, proposed development standards), GPA, ZMA, CUP (compatibility with surrounding uses, density, site layout and architectural treatment, compliance with development standards, affordable housing). She addressed the applicant's appeal of condition of approval 1.a (number of units), appeal of conditions of approval 3.a, 3.b, and 5.a (staff recommends language modification, a condition for a public art element, and a condition to allow the Planning Director authority to approve minor amendments as appropriate).

Mayor Cook opened the public hearing.

Tom Livengood, Planning Commission Chair, provided a PowerPoint presentation entitled *Form Based Code* that addressed the 3.8 acre site project site, its cumulative affect with other surrounding area projects (Murdy Commons and Bella Terra), units per acre, and the Beach/Edinger Specific Plan. He presented surveyed results on density compared with similar projects in Buena Park and Pasadena. He discussed rail transit and mixed use/commercial projects in other Orange County cities.

Council/Livengood discussed surrounding cities and the maximum number of units per acre, square footage per unit, and consideration of the Beach/Edinger Corridor Specific Plan. Chair Livengood concluded by stating the Planning Commission supports a mixed-use concept, but has concerns regarding high density.

Andrew Nelson, Red Oak Investments (applicant/appellant), thanked Council for the opportunity to present the project. He praised staff and consultants with PBS&J, members of the public for their feedback, and encouraged public participation. He provided a PowerPoint that discussed the Beach/Edinger Specific Plan, showed slides of the proposed site in its current condition, discussed vandalism experiences on site, vacancies and graffiti. He outlined development options and goal comparisons available for Council consideration including *Option 1*, accepting the proposal as is; *Option 2*, Commercial; *Option 3*: Mixed Use. He produced slides depicting design characteristics, and discussed luxury rental housing, architecture, design, open space, landscaping, indoor amenities, green building features, transit access, affordable housing, tandem parking, identified collaboration and significant changes to the original application. He also summarized community outreach efforts and constituent response.

Councilmember Hardy, Mr. Nelson, and architect Navy Banvard discussed the applicant's recommendation for tandem parking, its benefits, compatibility with live/work design structure and separation.

Discussion ensued on allowable uses. Alex Wong, Red Oak Investments, cited Newport Beach and Artists' Village in Santa Ana as prominent examples of live/work developments. Manager Broeren explained that spaces are analyzed as retail for traffic purposes. Mayor Cook asked for retail space height and staff responded a maximum of 18 feet.

City Clerk Flynn restated for the record late communications received on the item and requested that copies of PowerPoint presentations by be provided to the Clerk.

Barbara Delgleize, resident and member of the Orange County Association of Realtors, spoke in favor of the project to serve as a demonstration project setting standards for urban excellence in housing. She discussed Class A market rate rental housing in north Huntington Beach, incorporating green building principals, and thanked the applicant for their vision.

Dave Sullivan congratulated Councilmembers Bohr and Hansen on their recent re-election to the City Council. He voiced concerns about the public being unaware of the project's increased density and how it will set a standard for excessive density throughout the area. He discussed sales tax leakage, favorable retail developments with 405 Freeway exposure, increased traffic congestion and public transportation provided by the OCTA. He referenced a letter from Richard Morgan on density, and concluded by asking those opposed to the project to stand.

Charlie Bunten, 33-year resident of Huntington Beach and current Plaza Almeria resident, thanked Mayor Cook for her service and voiced support for the project. He discussed the parcel's outdated condition, vehicle trip information, project amenities, green building elements and increased sales tax revenues.

Robert Sternberg, 17-year resident and President of the Goldenwest Neighborhood Association, voiced concerns about density and setting a development standard. He explained his understanding of property owner's rights to develop, but suggested that density be regulated. He also voiced concerns related to traffic and the project's 10,000 square foot retail component. He concluded by stating his opinion that Huntington Beach wants smart change, not another apartment complex.

Joyce Riddell, resident and President of the Huntington Beach Chamber of Commerce, spoke in support of the project and described her attendance at all Beach/Edinger Corridor meetings. She discussed how the project fits into the town center concept for the area, will provide increased tax revenue, and provide walkability to surrounding amenities. She also discussed how the project's housing component will help recruit young professionals to the area, and urged Council to approve a financially viable project.

Anat Friedman, spoke in favor of the project as an example of an environmentally sustainable development in the City. She discussed her past opposition to allowing a big box retailer to be built on the Goldenwest campus garden area but supports the proposed project occupying that area because of its environmental features.

Pam Vallot, representing Citizens Against Ripcurl, submitted a petition opposing the project and voiced concerns for College Country Corner tenants fearing forced eviction, business being deterred from the center, disproportionate street frontage, obtaining full occupancy when residing near railroad tracks and electrical towers, and how the proposed green-friendly elements do not outweigh the project's comprehensive impacts to the surrounding environment.

Janette Ditkowsky, Chief Operating Officer for Freeway Industrial Park, discussed her family's Huntington Beach lineage and embrace for change. She stated support for concepts identified within the Beach/Edinger Specific Plan, discussed the importance of new investment and direction, and urged Council to approve both the Ripcurl project and Beach/Edinger Specific Plan.

Karen Jackle, resident and business owner, discussed tandem parking and voiced concerns related to density, luxury residential units adjacent to a college, ample retail parking, affordability of residential units, and increased vehicle trips.

Dave Harris spoke in opposition to the project, voicing concerns about the number of people in support of the project who have financial interests, densification, multi-use developments causing parking and traffic overflow, and increased congestion to surrounding areas. He questioned why Goldenwest soccer fields are being rezoned mixed-use, and stated concern regarding Council's decision so close to an election.

Bryant Hall, local business owner and current tenant of the College Country Corner, voiced support for the proposed project because he believes it will enhance the City and eliminate the hazardous activities that take place within the center by transients and drug users.

Dave Mootchnik, member of the Huntington Beach Environmental Board, discussed EIR findings for deficiency in the areas of traffic circulation and intersection analysis. He also voiced concerns related to open space, crime, density, and parking, and stated that the Environmental Board does recognize density as a significant issue.

Councilmember Hansen questioned if the Environmental Board's skill set in traffic analysis is equal or superior to the City's Traffic Engineer. Mr. Mootchnik explained that some members do have significant traffic background, but wasn't able to make a comparison, repeating the elements the Environmental Board found to be deficient.

Bobbe Mootchnik, 40-year resident, discussed density (units/per acre) and the EIR's failure to consider the combined density for the Bella Terra and Levitz properties. She voiced concerns regarding what she believed to be a deficient traffic analysis, building height, crime, low-income housing, and 405 Freeway access.

Brad Perozzi, spoke in support of the project and the Beach/Edinger Specific Plan, stating that housing built near jobs and transportation constitutes smart growth.

Sue Hobbs, 40-year resident, voiced concerns about density affecting traffic. She discussed how the City attracts 11,000,000 visitors every year and her opinion that the Bella Terra center is a traffic nightmare. She also discussed a similar use in Long Beach that has presented parking problems, suggesting that the Council reduce density and increase parking to deliver successful results.

Mike Adams, planning consultant, discussed the centralized focus of the Beach/ Edinger Specific Plan. He described the property owner's intent to invest in something that will provide an economic stimulus, and also discussed zoning incentives never before available. He stated his opinion that the project's benefits outweigh the issues, and that building height was appropriate for the location. He also discussed how it serves as a visitors' destination that attracts employees from entry levels to high paying positions, and how it will attract patrons to Bella Terra.

Dan McAllister spoke in support of the project, describing it as a smart growth, a sustainable project at an ideal location, transit-oriented, and replacing the worn and tattered architecture that currently exists.

Joe Shaw, member of the Huntington Beach Planning Commission, spoke favorably about staff's abilities and recommendations. He addressed public fear of density, suggesting people consider the big picture throughout the Beach/Edinger Specific Plan. He described the project as transit friendly and economically vital with an urban feel and walkability. He urged Council to plan for the future of transit in Huntington Beach.

Laura Rea, resident of Westminster, spoke in support of the project with green building features and sustainability. She discussed the Governor's 20% reduction in water usage and how legislation is moving forward to conserve natural resources. She stated her opinion that the project will be at the front of the wave of change, and create opportunities for a stronger community and relationship building between neighbors through walkability.

Josef Bischof, developer of Old World, spoke in support of the project.

Dr. Les Mittleman distributed a communication to Council and requested that they closely consider Planning Commission Chair Livengood's comments on increased density. He described his knowledge of the project, complimented Planning Commission members who he believed held their integrity by voting against the project, and voiced concerns about the Red Oak projects visited in Pasadena being converted to condominiums. He closed by referencing EIR findings that suggest the project would increase green house gas emissions and storm water pollutants.

Timothy Nomer, past resident, discussed decreased levels of carbon dioxide associated with high density housing developments. He supports getting to know your neighbor and high density development in certain areas, stating that all land use types/clusters (commercial, residential, open space) be connected by high speed transit. He concluded by describing the livable characteristic experienced during a visit to a similar project in the City of Pasadena.

Mimi Des Forges, voiced concerns about the project's high density, modifying the City's density code regulations and guidelines that will set future standards for other developers. She urged Council to act responsibly and enforce the City's current density regulations.

Allen Baylis, resident, voiced concerns about Council rescuing a developer from owning an underproductive piece of property and creating new development standards that will affect all projects in the future. He opposes development on existing open space, and has doubts that people will actually use mass transit. He closed by voicing concerns related to traffic, and stated that Council has a responsibility to the residents who live here.

Todd Laplant, resident and business owner, spoke in support of the project. He stated that the Beach/Edinger corridor is currently underutilized, and commented on the City's vested interest in the larger vision identified within the Beach/Edinger Specific Plan. He discussed market competition with surrounding cities, retail sales at a 35-year low, sustainable development, managed and controlled growth, allowing the market to dictate density and tenants to drive the project.

Steve Dodge, Huntington Executive Park, property owner at Beach/Edinger, spoke in support of the project and discussed his involvement with the Beach/Edinger Specific Plan and how the project fits into the market. He supports Red Oak and requested that Council supply the necessary tools to revitalize the area.

Maury Panza, commercial real estate broker who represented Red Oak Investments during the purchase of the subject property addressed resident's concerns about redevelopment, describing difficulty in finding an appropriate property for the appropriate development. He stated the project's location is appropriate, and described Red Oak's credible experience and history of quality development.

Steve Stafford voiced concerns about an article he read in the Orange County Register that indicated funding problems experienced by the developer, and the developer not disclosing such information. He also stated his opinion that the developer should address mass transit and financially contribute to road improvements.

William Dawson, resident, voiced opposition to adopting the EIR because of visual impacts (building height, density, light and glare), air quality (increased traffic, unresolved freeway improvements, intersections), and parking not in compliance with current requirements.

Kirk Roloff, Shea Properties, spoke in support of the project and discussed Red Oak projects with similar density range where square footage per unit drives density. He discussed similar developments in Orange County, his support of luxury apartments and the site being appropriate for the proposed use, and the project's walkability to surrounding amenities.

Pat Dawson, resident, voiced concerns about project compliance with City parking requirements and similar issues experienced in Los Angeles. She questioned if ambient noise was considered within the EIR, voiced opposition to the zone change related to density proposed in Ordinance No. 3820, and increased traffic without mitigation. She urged Council to act responsibly and not ignore traffic concerns.

Larry Schiel, resident who resides near the proposed project, voiced concerns about the present condition of the College Country Corner, but does not support the project as proposed. He voiced concerns about future tenants creating more traffic, problematic freeway access, and lack of bike paths.

Nancy Gibson, 38-year resident, voiced opposition to expanding the density code and stated the issue deserves a vote of the people. She discussed the number of letters submitted in opposition to the project, her opinion that people will not be interested in living near the existing electrical towers, and the increase to water use caused by the project.

Mark Winburn, 17-year resident, business owner and Goldenwest Neighborhood Association member, commended Red Oak Investment for reaching out to the community and encouraging public input. He voiced concerns that the EIR does not adequately account for all the surrounding development and states significant problems are present (traffic, increased need for public safety, deficient parking). He also feels rezoning the Goldenwest soccer fields is inappropriate, and stated that responsible development cannot be accomplished when infrastructure problems remain.

Norm Westwell, speaking on behalf of the Ocean View School District, stated the Board's opinion that the EIR was neither adequate nor complete, and requested that the City consider school district input on future projects. Speaking as a resident, he supports development, but not this project because of its plan to change/increase residential density. He voiced concerns about loss of state funding, fairness to residents, and tandem parking, and requested that the City keep current density regulations in place.

Jo Ann Purcell voiced concerns about lack of information as to whether children will reside in the proposed development, in addition to sale, rent, style, and square footage of units. She opposes development on Goldenwest soccer fields, voiced concerns about the current state of the economy, high density apartments with children, increased traffic and her perception that there is an ill-conceived notion that the development enables people to live where they work.

Naheed Aziz, current tenant of the College Country Corner, discussed her investments to date for the salon business she owns, and the lease renewal she signed without knowledge of future development plans for the center. She expressed distress about finding out about the project

from the newspaper and her neighbors, and not the property owner. She also stated she was denied permission to reside as a tenant in the new development and fears losing her investments.

Robert Parker, spoke in opposition to the project stating that luxury apartments next to a freeway, 460 square feet in area, that rent for \$3,000/month will not work. He suggested studying the elements collectively, not individually, for the associated impacts of high density, traffic and parking to the surrounding area. He concluded by stating the residents of the area do not support the project.

Tim Mulrenan, 25-year resident and member of a firm that provides economic advisory services to the City on the Beach/Edinger project, described the project as a feasible alternative for redevelopment in that area. He addressed retail leakage and aggressive efforts made by surrounding cities for retail draw. He concluded by stating his hopes that the development will create a more exciting environment that will attract younger people to relocate to the area.

Monica Hamilton, representing HB Tomorrow, discussed the concept of mixed-use development, stating that the project lacks a compelling reason for high density and does not represent smart growth. She expressed concerns that the project's commercial below residential element will not draw visitors, that the project sets a negative precedence, and with current buildout figures, does not have the appropriate infrastructure to support it.

Andrew Nelson, Red Oak Investments (applicant and appellant), commended all who participated in the hearing, and acknowledged concerns from College Country Corner tenants who fear eviction. He discussed Trio Apartments developed by Shea Properties, and City Place Apartments developed by Tramal Crow Residential in Pasadena, stating there are no plans to convert the developments to condominiums. He stated those speaking in favor of the project were not paid by the developer, the developer is not asking for relief from any City fees and has a full set of mitigations conditioned in the project. He addressed potential concerns related to traffic, density, and the Beach/Edinger Specific Plan. He addressed concerns about traffic impacts identified in the EIR, density vs. floor area ratio (FAR), four residential stories with ground floor retail and loft portion. He concluded by providing statistics on constituent responses that represent residents in Huntington Beach and Westminster, community leaders and organizations, neighboring business and current tenants, neighboring property owners, Design Review Board, Planning Commission, Beach/Edinger Specific Plan, and City Staff.

Mayor Pro Tem Bohr, Mr. Nelson and Mr. Wong discussed the demographic that best represents the residential occupant of the project, square footage, rental fees, and how the project will be competitive with similar developments in other Orange County cities. Mr. Wong also addressed speakers concerns regarding the possibility of converting units into condominiums and the project's proximity to electrical towers.

Councilmember Hardy and Mr. Wong discussed restrictions on the number of occupants per unit, including a process involving vehicle registration to monitor residential occupancy. Discussion ensued on special building features provided to units that exist adjacent to the railroad tracks, and the project's inclusion of air conditioning.

Councilmember Carchio and Mr. Wong discussed the eventuality of selling the project, given the

economic barriers in place that will extend entitlement/construction activity, project density related to a range in the project's economics that make it viable, and the possibility of increasing the amount of affordable units onsite. Councilmember Carchio discussed the Council's responsibility to make informed, responsible decisions.

Councilmember Hardy and Mr. Wong discussed successes of 4-story developments, the economically viable range of units, and the end result of approving either the recommendation made by staff or the Planning Commission.

Councilmember Hansen and Manager Broeren discussed analysis within the EIR that speaks to the number of units per acre and traffic impacts. Discussion ensued on mitigation agreed upon for two intersections identified within the EIR, whether the project fits in the revitalization efforts of the Beach/Edinger Corridor, and the allowable number of units identified within the Specific Plan. Manager Broeren provided initial study figures derived by consultants looking at reasonable development potential for vulnerable sites within the corridor, and discussed maximum new development (MAND) as a key component of the Beach/Edinger Specific Plan that identifies new development tied to infrastructure improvements. Manager Broeren also explained that the EIR clearly provided a cumulative analysis of all projects within the area.

Councilmember Hansen provide his opinion on high density being appropriate at the project site location, the potential for transit, form based codes and diversity in the marketplace, forward-thinking solutions, and tired strip centers with under-performing retail, vandalism, vacancies and limited sales tax revenue.

A motion was made by Hansen, failed due to lack of a second. to approve the original proposal with the applicant's request for 440 Units.

Councilmember Green and Ruta Thomas discussed the cumulative impact analysis provided in the EIR. Traffic Manager Stachelski discussed arterial street analysis, updating the circulation element, and a comprehensive traffic analysis. Discussion ensued on regulation authority by the Public Utilities Commission (PUC) and Southern California Edison of a development residing next to high electrical towers, and the differences in project expense to build more stories. Councilmember Green and staff discussed special zoning and density within a transit district, and bus and shuttle projects that may go forward through the "Go Local" project.

Mayor Cook and Manager Broeren discussed project consistency within the Beach/Edinger Specific Plan with regard to massing, development standards, parking, articulation and architectural treatment. Mayor Cook voiced concerns related to inadequate access points and ensuring the fire lane is pedestrian friendly. Discussion continued on SB 375 and how it ties transportation funding to land use plans, local governments maintaining control of their general plans, maintaining a competitive position for funding, and whether or not the City will receive credit for the project at a later date.

Councilmember Hardy, Planner Nguyen and Director Hess discussed Planning Commission's recommendation for tandem parking, and parking standards in other structures (apartments/condominiums) in the immediate area. Director Hess also explained the Planning Commission's deviation from current standards on guest parking, and Councilmember Hardy suggested that current standards remain. Discussion continued regarding encouraging the developer to add more affordable housing units onsite at a moderate level. Councilmember

Hardy and Manager Stachelski discussed vehicle trips from the project to Beach Blvd.

Discussion ensued on the potential of converting apartments to condominiums, parking restrictions governed by Goldenwest College on the campus, and clarification that the ground level of the development doesn't affect residential height requirements.

Councilmember Coerper and Director Hess discussed information within the City's General Plan that addresses density, current City projects that exceed 25 units per acre, and zoning regulations that predict density.

Councilmember Coerper, Mr. Nelson and Mr. Wong discussed staff's recommendation for 100 units per acre, the applicant's position on selling the property to a big box retailer, and the percentage of affordable housing units built on site.

Councilmember Green and Mr. Wong discussed walkability between projects. Discussion ensued on guest and joint-use parking during AM and PM hours, staff explanation of when tandem and compact parking is supported and appropriate, consideration of open space, and the EIR's support of 385 units.

Mayor Pro Tem Bohr discussed revitalization of the area to improve the current condition of project sites within the Specific Plan area. He also discussed finding a balance for guest parking, recommending a 1-8 space ratio, 20% tandem parking, and 20% compact parking. He expressed the need for improvements on freeway on/off ramps, north/south pedestrian access, and improvements along Center Avenue. He also stated support for additional moderate-level affordable housing units built onsite.

Councilmember Carchio, Mr. Nelson and Manager Stachelski discussed consideration of short term parking on Gothard Street or Center Avenue to support retail tenants. Discussion ensued regarding the demographic expected to inhabit the residential portion of the project, Boeing's support of the residential element, and student-serving retail.

Councilmember Hardy and Manager Broeren discussed using the Edison property as open space, conversations between the applicant and Edison about temporary uses, and Edison's requirement that the existing electrical towers be no less than 100 feet clear from an adjacent use.

Mayor Cook expressed concerns with lack of connectivity between this project and adjacent sites and not building 100% of affordable housing units onsite. Discussion ensued on proposed street dedication along Gothard and the possibility of physically separating the bike lane.

Mayor Pro Tem Bohr discussed the importance of approving a financially viable project and addressed concerns relating to increased use of public safety resources, establishing number of parking spaces, vehicle trips related to retail visits and mass transit.

A motion was made by Bohr to approve the STAFF RECOMMENDED ACTION:

a) Certify Environmental Impact Report No. 07-004 as adequate and complete in accordance with CEQA requirements by adopting Resolution No. 2008-66, "Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report (SCH #2008011069) for the Ripcurl Project;" and, b) Approve Zoning Text Amendment No. 07-004 with findings for approval and adopt Ordinance No. 3819, "An Ordinance of the City of

Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Adding Chapter 218, Mixed Use-Transit Center District (Zoning Text Amendment No. 07-004);" and, c) Approve General Plan Amendment No. 07-003 by adopting Resolution No. 2008-67, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 07-003;" and, d) Approve Zoning Map Amendment No. 07-001 with findings for approval and adopt Ordinance No. 3820, "An Ordinance of the City of Huntington Beach Amending District Map 15 (Sectional District Map 14-5-11) to Rezone the Real Property Generally Located at the Southeast Corner of Gothard Street and Center Avenue from CG (Commercial General) to MU-TCD (Mixed Use-Transit Center District) (Zoning Map Amendment No. 07-001);" and, e) Approve Conditional Use Permit No. 07-043 with findings and suggested conditions or approval to allow 385 residential units and 10,000 square feet of commercial uses; and, f) Approve CEQA Statement of Findings of Fact with a Statement of Overriding Considerations.

Modified to include: Visitor parking 1/8 units; studio units a minimum of 500 square feet; affordable housing 50% onsite moderate, 50% offsite low to moderate; 50% of units w/60 sq. ft. balconies.

No second was received.

Councilmember Green, Manager Broeren and Mr. Wong discussed affordable housing unit location and how affordable housing units impact the rate of return of investment on the project. Discussion ensued on percentage of units with balconies, guest parking ratio, tandem parking for residential, and percentage of affordable housing units on and off site.

Mayor Cook stressed the importance of north/south pedestrian access between buildings on the project site. Discussion ensued on the north/south emergency vehicle access lane, block size, building length, walkability plan in the Beach/Edinger Specific Plan, restricted public use of green area near the railroad tracks, and future plans for railroad crossing.

A motion was made by Coerper, second Carchio to call for the question. The motion failed by the following roll call vote:

AYES: Coerper
NOES: Hansen, Hardy, Bohr, Cook, Green, and Carchio

Discussion continued on providing north/south pedestrian access between buildings, the applicant's future responsibility to record an irrevocable offer to dedicate access to the southern property and Specific Plan vision.

Councilmember Coerper and Captain Chuck Thomas of the Police Department discussed bidirectional antennas and the importance of visibility in relation to pedestrian access, lighting, and property surveillance. Discussion ensued on security personnel, 24-hour surveillance cameras and products that can minimize skate board activities.

Councilmember Coerper and Mr. Wong clarified the applicant's support for all concessions brought forth tonight, including the north/south public access between buildings.

Mayor Pro Tem Bohr discussed 20% tandem parking as a reasonable figure.

Mayor Cook discussed her past experience and involvement in development projects, passion for the environment, and personal reasons to support a mixed-use project that includes walkability.

A motion was made by Green, second Carchio to:

Certify Environmental Impact Report No. 07-004 as adequate and complete in accordance with CEQA requirements by adopting Resolution No. 2008-66, "Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report (SCH #2008011069) for the Ripcurl Project" The motion carried by the following roll call vote:

AYES: Hansen, Hardy, Bohr, Cook, Coerper, Green, and Carchio
NOES: None

A substitute to Mayor Pro Tem Bohr's motion was made by Green, second Carchio to approve the STAFF RECOMMENDED ACTION with modifications:

Approve a) Zoning Text Amendment No. 07-004 with findings for approval and adopt Ordinance No. 3819, "An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning and Subdivision Ordinance by Adding Chapter 218, Mixed Use-Transit Center District (Zoning Text Amendment No. 07-004);" b) Approve General Plan Amendment No. 07-003 by adopting Resolution No. 2008-67, "A Resolution of the City Council of the City of Huntington Beach Approving General Plan Amendment No. 07-003;" c) Approve Zoning Map Amendment No. 07-001 with findings for approval and adopt Ordinance No. 3820, "An Ordinance of the City of Huntington Beach Amending District Map 15 (Sectional District Map 14-5-11) to Rezone the Real Property Generally Located at the Southeast Corner of Gothard Street and Center Avenue from CG (Commercial General) to MU-TCD (Mixed Use-Transit Center District) (Zoning Map Amendment No. 07-001);" d) Approve Conditional Use Permit No. 07-043 with findings and suggested conditions or approval to allow 385 residential units and 10,000 square feet of commercial uses; e) Approve CEQA Statement of Findings of Fact with a Statement of Overriding Considerations; and

Amend Bohr's motion: Visitor parking 1/5 units; affordable housing minimum 50% onsite (moderate), with no more that 50% offsite (low), providing an incentive to build onsite; 75% of units w/60 sq. ft. balconies; 20% tandem parking for residential @ half credit; provide north/south public access between buildings on project site, with restricted access hours. The motion carried by the following roll call vote:

AYES: Hansen, Bohr, Cook, Coerper, Green, and Carchio
NOES: Hardy

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-043:

1. Conditional Use Permit No. 07-043 for the construction of 385 residential units and 10,000 sq. ft. of commercial/retail space 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 proposed transit-oriented development would produce an environment which is both attractive and sustainable by increasing housing options, promoting alternative modes of transportation, and creating a local sense of place. The adjacency to a variety of commercial, entertainment, educational, and transportation

uses allows the project to have a more compact and higher density development while minimizing adverse environmental effects. The mix of land uses contemplated by the proposed project as well as those already existing in the vicinity would create a dynamic environment where people can live, work, and play within a walking distance. The population increase would enhance the economic viability of the area by supplying a customer base for the area businesses. In addition, the architectural treatment of the buildings includes numerous features that contribute to an attractive design and convey a high quality visual image and character of the development. The provision of centrally located courtyards and open space amenities add to the appeal of the development. Given these project features, the project would fit within the surrounding neighborhood.

2. The conditional use permit will be compatible with surrounding uses and anticipated land uses because the proposed mixed-use project is complementary to existing uses in the vicinity. The area in proximity to the project site is targeted for revitalization efforts, incorporating more intense mixed use development. Because of its unique location, the project will accommodate the proposed growth that is compatible with surrounding uses. The project is designed to convey a high quality visual image and attractive pedestrian atmosphere to harmonize with developments in the vicinity. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 05-01 and code provisions will ensure that the project will be compatible with other area developments.
3. The proposed mixed use project will comply with the provisions of the base district and other applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed development will comply with all code provisions, including setbacks, building height, open space, parking, and building design standards. Compliance with the development standards will ensure a high quality development that would be compatible with the surrounding land uses.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed Land Use Element designation of Mixed Use on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Circulation Element

Objective CE 3.2: Encourage new development that promotes and expands the use of transit services.

Policy CE 2.1.: Comply with City's performance standards for acceptable levels of service.

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

B. Growth Management Element

Policy GM 3.1.8: Promote traffic reduction strategies including alternate travel modes, alternate work hours, and a decrease of vehicle trips throughout the city.

C. Housing Element

Policy H 2.2: Facilitate the development of mixed-use projects in appropriate commercial areas, including stand-alone residential development (horizontal mixed-use) and housing above ground floor commercial uses (vertical mixed-use). Establish mixed use zoning regulations.

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

Goal H 5: Provide equal housing opportunity.

D. Land Use Element

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

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

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

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the 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 principles discussed below:

b. Vary uses and densities along the City's extended commercial corridors, such as Beach Boulevard.

c. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.

f. Site development to capitalize upon potential long-term transit improvements.

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

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

Goal LU 10: Achieve the development of a range of commercial uses.

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

Policy LU 11.1.2: Limit commercial uses in mixed-use development projects to those uses that are compatible with the residences.

Policy LU 11.1.4: Require the incorporation of adequate onsite open space and recreational facilities to serve the needs of the residents in mixed-use development projects.

Policy LU 11.1.5: Require that mixed-use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

Policy LU 11.1.6: Require that the ground floor of structures that horizontally integrate housing with commercial uses locate commercial uses along the street frontage (housing may be located to the rear and/or on upper floors).

Policy LU 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the:

a. Visual and physical integration among the commercial and residential uses (Plates LU-3 and LU-4);

b. Architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts and residential units.

E. Noise Element

Policy N 1.3.10: Require that mechanical equipment, such as air conditioning units or pool equipment, comply with the City's Noise Ordinance and Zoning and Subdivision Ordinance.

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

F. Urban Design Element

Goal UD 1.1: Enhance the visual image of the City of Huntington Beach

G. Utilities Element

Objective U 5.1: Ensure that adequate natural gas, telecommunication, and electrical systems are provided.

The proposed amendments to the General Plan and Zoning land use designations are a mechanism to achieve the goals of smart growth and sustainable development. The amendments would allow for a mixed use, transit-oriented, high density development thereby increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as commercial and entertainment uses,

employment centers, a transit hub, and a school. Because of its location and unique features, the site would be appropriate in accommodating an infill development that is more compact in design and higher in density and compatible with the surrounding area. In doing so, multiple sustainable development principles are achieved, resulting in the social and economic well-being of the area. The benefits of mixed use developments include creating better places to live, work, and play, reducing dependence on the automobile, and lessening pollution and environmental degradation. Mixed use development is about widening the choices on where to live and how to travel, rejuvenating urban neighborhoods, bringing more people into everyday social interactions, and ensuring that communities continue to thrive.

The proposed project would be a mixed-use, transit-oriented, and high-density development that offers a wide range of housing opportunities and options, accommodating different age groups, income levels, and household types. The project is required to meet the City's affordable housing ordinance obligations providing the equivalent of 10 percent of the units (on-site and/or off-site) as affordable. In addition, the project provides a concentration of living, shopping, entertainment, educational, and employment opportunities within walking distance of the Golden West Transportation Center. This development promotes the use of transit services as an alternative to reliance on the automobile as the primary mode of transportation. Because the project is located in close proximity to different activities and uses, it provides opportunities and convenience for many households to use alternate travel modes such as walking and biking to complete their daily routines and run errands.

The structures of the proposed project are designed to convey a high quality visual image and character and ensure compatibility of residential and commercial uses. The project is designed with retail storefronts on the ground level and residential units above, incorporating design elements, building materials, and colors to differentiate and complement the residential and commercial components of the project. The proposed mix of retail and residential uses at the project site, along with high quality design and attractive pedestrian atmosphere, would activate the urban environment and revitalize community life.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-043:

1. The site plan, floor plans, elevations, and other site plan exhibits received and dated August 6, 2008 shall be the conceptually approved design with the following modifications.
 - a. The project shall be revised to reduce the number of residential units from 440 units to 385 units and retain the 10,000 sq. ft. of commercial/retail space.
 - b. The number of onsite parking spaces shall be increased to comply with the minimum parking requirements of the MU-TCD development standards.
 - c. The minimum open space areas shall be provided to comply with the open space requirements of the MU-TCD development standards.
 - d. The minimum private storage space shall be provided to comply with the private storage space requirements of the MU-TCD development standards.
 - e. Architectural projections and recesses shall be provided on all building elevations except for the building elevations that face each other (i.e. the east elevation of the west building and west elevation of the east building).

- f. The height of parapet walls shall be reduced to two feet and maintain the score-line design.
 - g. A walkability/pedestrian access plan within the project site and to adjacent sites and landscape plans shall be submitted for Design Review Board approval. The plan shall include a north/south pedestrian/bicycle access path extending from Center Avenue to the southerly property line between the two buildings. The access path shall be open to the public but may have restricted hours such as being closed in the evening/early morning hours subject to review and approval by the Planning Department.
 - h. The recreation room shall be designed to have windows looking out onto the courtyard and the elevator waiting area to provide more visibility. (PD)
2. Prior to receiving a precise grading and building permit, the following shall be submitted and approved:
- a. The applicant shall prepare a site Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering as well as for surface drainage. (PW)
 - b. A Shoring Plan prepared by a Civil or Structural Engineer shall be submitted to the Public Works Department (for reference only) with first submittal of the Precise Grading Plan. (PW)
3. During grading and construction, the following shall be completed:
- a. Raker braces per the preliminary Geotechnical Report (dated December 12, 2006) shall be used for lateral support of the temporary shoring during the construction phase of the project as deemed necessary by the Public Works Director. (PW)
 - b. Tie-back anchors will not be allowed in the public right-of-way (under Gothard Street or Center Avenue) or under any adjacent private property (Levitz and Southern California Edison) as deemed necessary by the Public Works Director. (PW)
4. Prior to issuance of building permits, the following shall be approved:
- a. The Affordable Housing Agreement shall be approved and recorded by the City prior to issuance of building permits. The Agreement shall provide for a minimum of 50 percent of the affordable housing requirement on-site. On-site affordable units may be rented at moderate income levels; any off-site affordable units shall be at low income levels, pursuant to the HBZSO, and the method and location of off-site compliance shall be set forth in the Agreement.
 - b. The subject property shall provide an irrevocable offer to dedicate a reciprocal accessway between the subject site and adjacent southerly property. The design, location and width of the accessway shall be reviewed and approved by the Planning Department and Public Works Department. The accessway design shall consist of vehicular access, pedestrian access, bicycle access, and landscaping. The pedestrian and bicycle access shall be separated from the vehicular access and shall be attractively landscaped. The subject property owner shall be responsible for making necessary

improvements to implement the reciprocal accessway. The legal instrument shall be submitted to the Planning Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Department for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

- c. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).

5. Prior to final inspection, the following shall be completed:

- a. The project developer shall construct an underground storm drain pipe along the east side of Gothard Street from Center Avenue to Edinger Avenue to connect to the existing, underground Edinger Avenue storm drain pipe as deemed necessary based on a Final Hydrology and Hydraulics Report. As deemed necessary, the new Gothard Street, underground storm drain facility sizing and design shall be targeted to convey the highest storm event exceedance flow rates along Gothard Street at full build-out of the General Plan, including contributions from any permanent groundwater dewatering system. The proposed project onsite storm drainage system shall be designed to convey all water quality treated flow directly into the new underground storm drain pipe along Gothard Street, as deemed necessary. (PW)
 - b. An antenna shall be installed within the underground parking structure to relay Police and Fire Department radio transmissions. (PD)
 - c. Lighting in the parking structure shall be placed over and between parking stalls. (PD)
 - d. Surveillance cameras shall be installed at the elevator areas, stairwells, and main residential lobby and recorded 24 hours a day, every day. (PD)
 - e. Elevators and stairwells shall be adequately lighted. (PD)
 - f. Products shall be attached to areas vulnerable to skateboarding opportunities near the northwest side of the building in order to prevent noise and damage to property. (PD)
6. The City reserves the right to require the property owner to dedicate a portion of the private onsite fire water system to become a future public water system that will be owned and maintained by the City; and shall require the property owner to dedicate a minimum ten (10) feet water utility easement (five feet on either side of the water pipeline and appurtenances) for any portion of the private onsite fire water system that will become public and any new water pipelines/facilities constructed within the subject property that will be part of the public water system. (PW)

7. The City reserves the right to require the property owner to enter into a Special Utility Easement Agreement (SUEA) with the City for any portion of the private on-site fire water system that will be converted to a public water system and any new water pipelines/facilities constructed within the subject property that will be part of the public water system. (PW)
8. To be consistent with the City's condition to convert a portion of the private onsite fire water system to a future public water system, backflow protection devices are required on all individual water service connections (domestic, irrigation and fire) served from the private on-site domestic and fire water pipelines. (PW)
9. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 07-004.
10. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the City Council's action. 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 provisions of HBZSO Section 241.18.

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.

FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 07-004:

1. Zoning Text Amendment No. 07-004 amends the HBZSO by adding Chapter 218 that establishes the Mixed Use-Transit Center District zoning and development standards. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan because it fosters mixed use development that is optimally located near existing transit.
2. In the case of general land use provisions, the Zoning Text Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Mixed Use-Transit Center District land use designation are consistent with the General Plan.

3. A community need is demonstrated for the change proposed. The proposed mixed use-transit center district zoning provides the standards necessary to develop a high quality of mixed use land uses complementing and enhancing surrounding land uses. The existing Commercial General Land Use and Zoning designations do not facilitate the development of mixed-use projects. The mixed use-transit center district land use designation allows for the development of a mixed-use project that produces an environment which is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.
4. The adoption of the Mixed Use-Transit Center District zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of potential benefits of this type of development in the larger context of directing future growth. The adoption of this zoning design would implement the goals of smart growth and sustainable development.

FINDINGS FOR APPROVAL – ZONING MAP AMENDMENT NO. 07-001:

1. Zoning Map Amendment No. 07-001 amends the existing zoning designation by changing the CG (Commercial General) zoning designation on the subject site to MU-TCD (Mixed Use-Transit Center District). The adoption of this amendment will establish the Mixed Use-Transit Center District zoning and development standards for the property and will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan as well as the proposed General Plan Amendment No. 07-003.

The proposed Mixed Use-Transit Center District zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. In the case of general land use provisions, the Zoning Map Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Mixed Use-Transit Center District land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 07-003.
3. A community need is demonstrated for the change proposed. The proposed mixed use-transit center district zoning provides the standards necessary to develop a high quality of mixed use land uses complementing and enhancing surrounding land uses. The existing Commercial General Land Use and Zoning designations do not facilitate the development of mixed-use projects. The mixed use-transit center district land use designation allows for the development of a mixed-use project that produces an environment which is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.
4. The adoption of the Mixed Use-Transit Center District zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of

potential benefits of this type of development in the larger context of directing future growth. The adoption of this zoning design would implement the goals of smart growth and sustainable development.

COUNCILMEMBER COMMENTS (Not Agendized) - None.

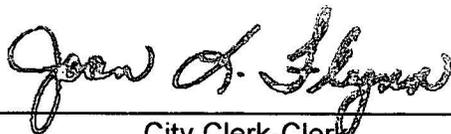
ADJOURNMENT

Mayor Cook adjourned the Special Meeting of the City Council/Redevelopment Agency at 11:35 p.m. to the next regular meeting of November 17, 2008.



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-Chair