



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP Director of Planning and Building  
**BY:** Rosemary Medel, Associate Planner *RM*  
**DATE:** January 23, 2013

**SUBJECT:** **APPEAL OF DESIGN REVIEW NO. 12-010 (9/11 MEMORIAL SCULPTURE)**

**APPLICANT:** Patrick Vogel, 3180 East Willow Street, Signal Hill, CA 90755

**APPELLANT:** Former Mayor Pro Tem Devin Dwyer, City Council Member Joe Shaw

**PROPERTY OWNER:** City of Huntington Beach

**LOCATION:** 2000 Main St., Civic Center

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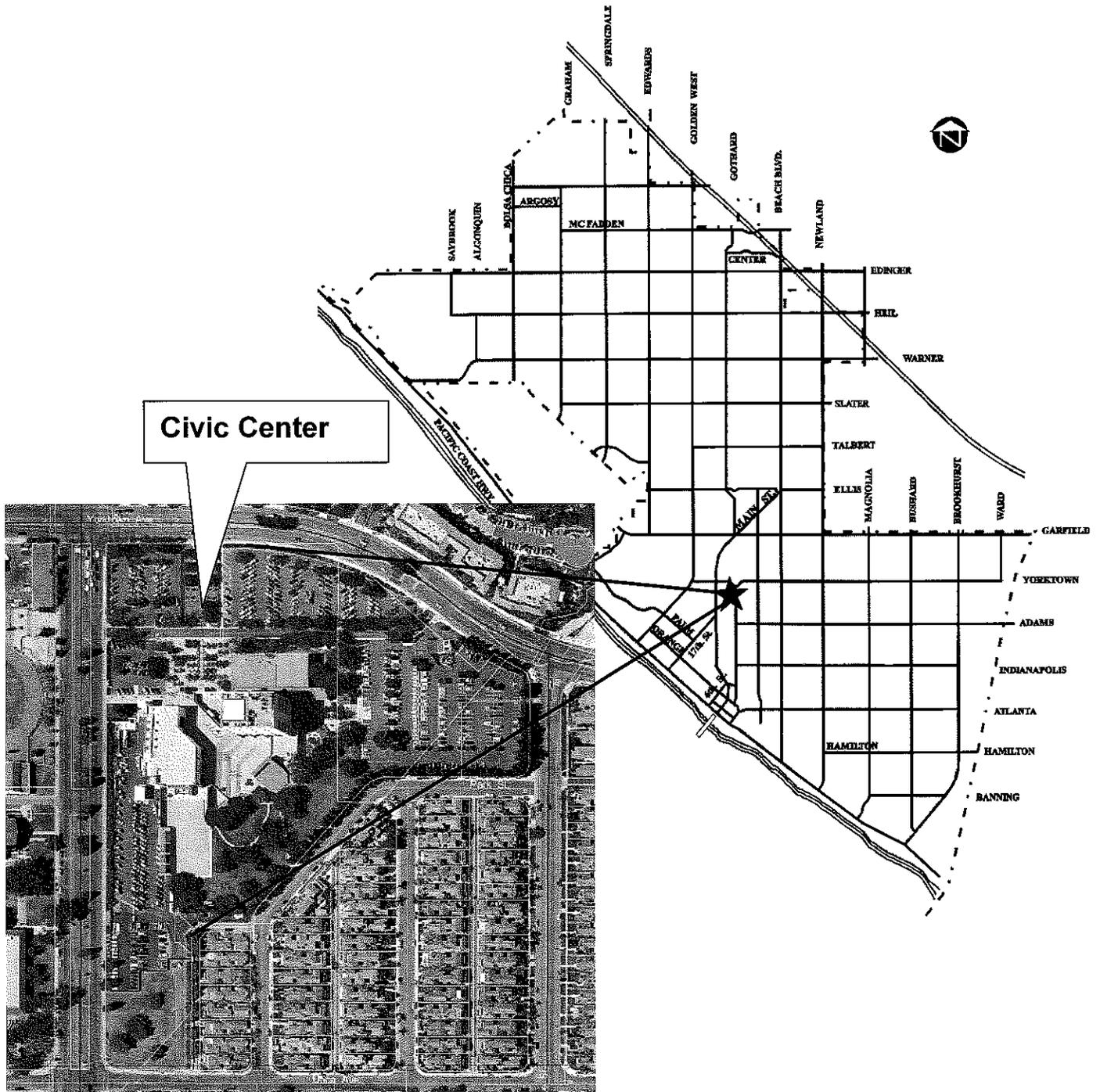
**STATEMENT OF ISSUE:**

- ◆ Design Review No. 12-010 request:
  - Review the design, colors, and materials for the construction of a 9/11 memorial sculpture at City Hall by removing the existing water fountain between the Police Department and City Hall buildings. The sculpture incorporates two I-beam sections of World Trade Center recovered by the New York City Fire Department. The sculpture design symbolizes the Twin Towers and is proposed at a height of 19 feet and 19 feet wide. The sculpture incorporates a water feature, which will be illuminated from the base.
  
- ◆ Staff Recommendation:
  - Staff recommends that the Planning Commission refer the item to the City Council for discussion and action.

**RECOMMENDATION:**

Motion to:

“Refer Design Review No. 12-010 to the City Council for discussion and action”



**VICINITY MAP  
 APPEAL OF DESIGN REVIEW NO. 12-010  
 (9/11 MEMORIAL – 2000 MAIN STREET)**

## **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative action such as:

- A. "Approve DR No. 12-010 with findings at the existing water fountain location as approved by Design Review Board (Applicant's Request)."
- B. "Approve DR No. 12-010 with findings in the plaza area on the lower level of City Hall."
- C. "Continue Design Review No. 12-010 and direct staff accordingly."

## **PROJECT PROPOSAL:**

Design Review No. 12-010 represents a request to review the design, colors, and materials for the construction of a 9/11 memorial sculpture at City Hall by removing the existing water fountain between the Police Department and City Hall buildings. The sculpture incorporates two I-beam sections of the World Trade Center recovered by the New York City Fire Department. The sculpture design symbolizes the Twin Towers and is proposed at a height of 19 feet with a 19 foot wide base. The sculpture incorporates a water feature and will be illuminated from the base (Attachment No. 1).

### **Design Review Board Action and Recommendation:**

On Thursday, September 13, 2012, the Design Review Board (DRB) reviewed the proposed 9/11 Memorial design and proposed location. DRB Member Peterson, made a motion to approve the design of the sculpture and relocate the Memorial to a location selected at a later date. The motion failed by a 1-3-1 vote. Upon discussion with the applicant, the DRB voted to recommend approval of the proposed design and location for the installation of the 9/11 Memorial as proposed (Attachment No. 2).

### **Appeal:**

On Tuesday, September 18, 2012, Mayor Pro Tem Devin Dwyer and City Council Member Joe Shaw appealed the Design Review Board/Planning Director's approval of Design Review No. 12-10 (Attachment No. 3). The primary reason for the appeal is to allow the City Council an opportunity to review the aesthetics and consider alternative locations. Since the filing of the appeal, Council Members Dwyer, Shaw and staff have met with representatives of the Huntington Beach Police Officers Foundation (HBPO) to discuss and select a location. The HBPO Foundation stated that they prefer the memorial at the fountain as submitted and approved in the Design Review application.

**ISSUES:**

**Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Site:	Public (P)	Public-Semipublic (PS)	Huntington Beach Civic Center
North (across Yorktown) of Subject Site:	Commercial Office (CO-F2)/Public (P)	(CO) / Public-Semipublic (PS)	Commercial Office/ Vacant Land
South of Subject Site	Residential Low Density (RL-7) Residential Medium High Density (RMH-25-d)	(RL) / Qualified Classification – Residential Medium High Density –Small Lot Subdistrict (Q) (RMH-A)	Single Family Residential
East of Subject Site	Residential Medium Density (RM-15) Residential Medium High Density (RMH-25-d)	(RM) / Residential, Medium High Density-Small Lot Subdistrict (RM/RMH-A)	Multi-family and Single Family Residential
West of Subject Site:	Public/Residential Low Density (P/RL)	Public-Semipublic (PS)	Huntington Beach High School

**General Plan Conformance:**

The General Plan Urban Design Guidelines designation for the Civic Center identifies City Hall as one of ten Internal Nodes. A node acts as a significant focal point and as a center of movement and activity. The proposed project to add public art in the form of a memorial sculpture contributes to this standard and is therefore consistent with this designation and the goals and objectives of the City’s General Plan based on the following:

**Urban Design Element**

**Objective 1.4:** Intensify the use and strengthen the role of public art to enhance the visual image of Huntington Beach Civic Center by:

- a. Establishing incentives for incorporating art in private development; and
- b. Require that persons proficient in the visual arts be included on the design of public entry identification, public signage and graphics design.

**Policy UD 1.4.2:** Coordinate the involvement of artists and the role of art in the image of the City with the provisions of the Historic and Cultural Resources Element.

**Policy HCR 3.1.1:** Increase community representation and input into the decision making about arts and culture.

The Urban Design Element of the General Plan, states that public art can be used as a tool to enhance the visual image of Huntington Beach. The Design Review Board comprised of Huntington Beach residents, recommended approval of the proposed design and location of the 9/11 sculpture to the Director. The installation of public art benefits both the citizens and visitors to Huntington Beach by creating a destination place to view the 9/11 memorial sculpture. Additionally, the sculpture was designed by an award winning artist.

**Zoning Compliance:** The proposed public art project complies with the development standards of the Public/Semi-Public zone including the minimum setbacks and the maximum height requirements.

**Urban Design Guidelines Conformance:** The public art project complies with the Public Art Guidelines by revitalizing the public space, engaging the mind, eye and spirit of the observer, providing artwork that is clearly visible and accessible to the public and contributing to the inventory of artworks within the City of Huntington Beach.

**Environmental Status:**

The proposed project is categorically exempt pursuant to Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act because the project involves operation and minor alteration to an existing structure involving negligible or no expansion of use.

**Coastal Element:** Not Applicable

**Redevelopment Status:** Not applicable

**Subdivision Committee:** Not applicable

**Other Departments Concerns and Requirements:**

The other City departments have reviewed the proposed request and have no special or unique suggested conditions of approval.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on January 10, 2013 and notices were sent to property owners of record within a 300 ft. radius of the perimeter of Civic Center, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. As of January 16, 2013 no further communication in support or opposition to the request has been received.

**Application Processing Dates:**

<b><u>DATE OF COMPLETE APPLICATION:</u></b>	<b><u>MANDATORY PROCESSING DATE(S):</u></b>
August 2, 2012	October 1, 2012

Design Review No. 12-010 was filed on July 3, 2012 and deemed complete on August 2, 2012. The DRB reviewed and acted on the proposed project within the mandatory processing timeline and the application was subsequently appealed.

**ANALYSIS:**

***Project Issues – Design and Location of the 9/11 Memorial Sculpture***

The City of Huntington Beach sent emergency response staff to New York City in response to the 9/11 attack. As a thank you for the City's participation, the Police Officers' Foundation and the Huntington Beach Firefighters' Association each received a portion of the Twin Towers I-beam. The associations formed a committee comprised of these associations, a City representative, and citizens to select an artist to design a sculpture for the display of the I-beams. Patrick Vogel Designs, Inc. was selected. Various potential citywide locations were considered but ultimately City Hall was believed to be the best location. Two areas at City Hall were analyzed as options: 1) the lower plaza area near the Council Chambers, and 2) the fountain area. The fountain area was the preferred location for the associations and represented as such in the proposal presented to the Design Review Board. Mr. Vogel has elected not to charge for his design services as his contribution to this significant art piece. DRB discussed relocating the sculpture to the lower level plaza area but ultimately voted to recommend that the Director of Planning and Building approve the sculpture at the fountain area location.

Staff does not have a preference on the location but concurs with the artist that the sculpture is a significant art piece at the height and elements designed into the sculpture and believes that wherever it is installed, it will become a Huntington Beach visitor destination point. That said, the lower plaza provides seating in the form of the existing stairs offering visitors an opportunity to sit, reflect and enjoy the sculpture. The lower area also provides the opportunity for the plaza area to be illuminated, as a result of the sculpture illumination. This may also be of benefit for visitors attending evening meetings at the lower level of City Hall. On the other hand, the fountain area would make the sculpture more immediately visible. However, no seating has been proposed. Additionally, bollard installation should be considered to protect the sculpture and visitors from vehicles.

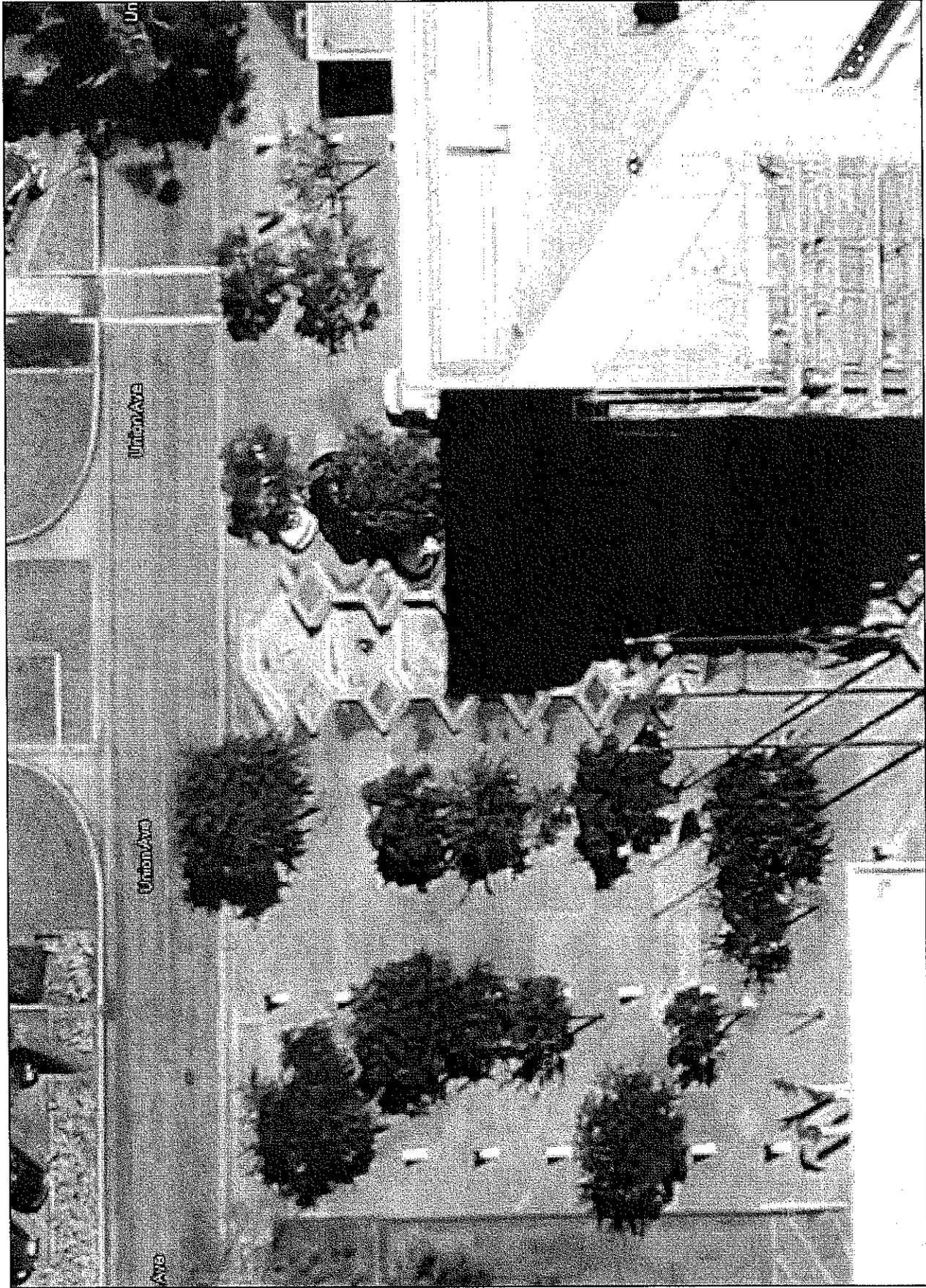
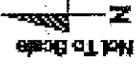
Staff recommends that the Planning Commission refer the appeal of DR No. 12-010 to the City Council for discussion and final action on the proposed design and location of the memorial sculpture.

**ATTACHMENTS:**

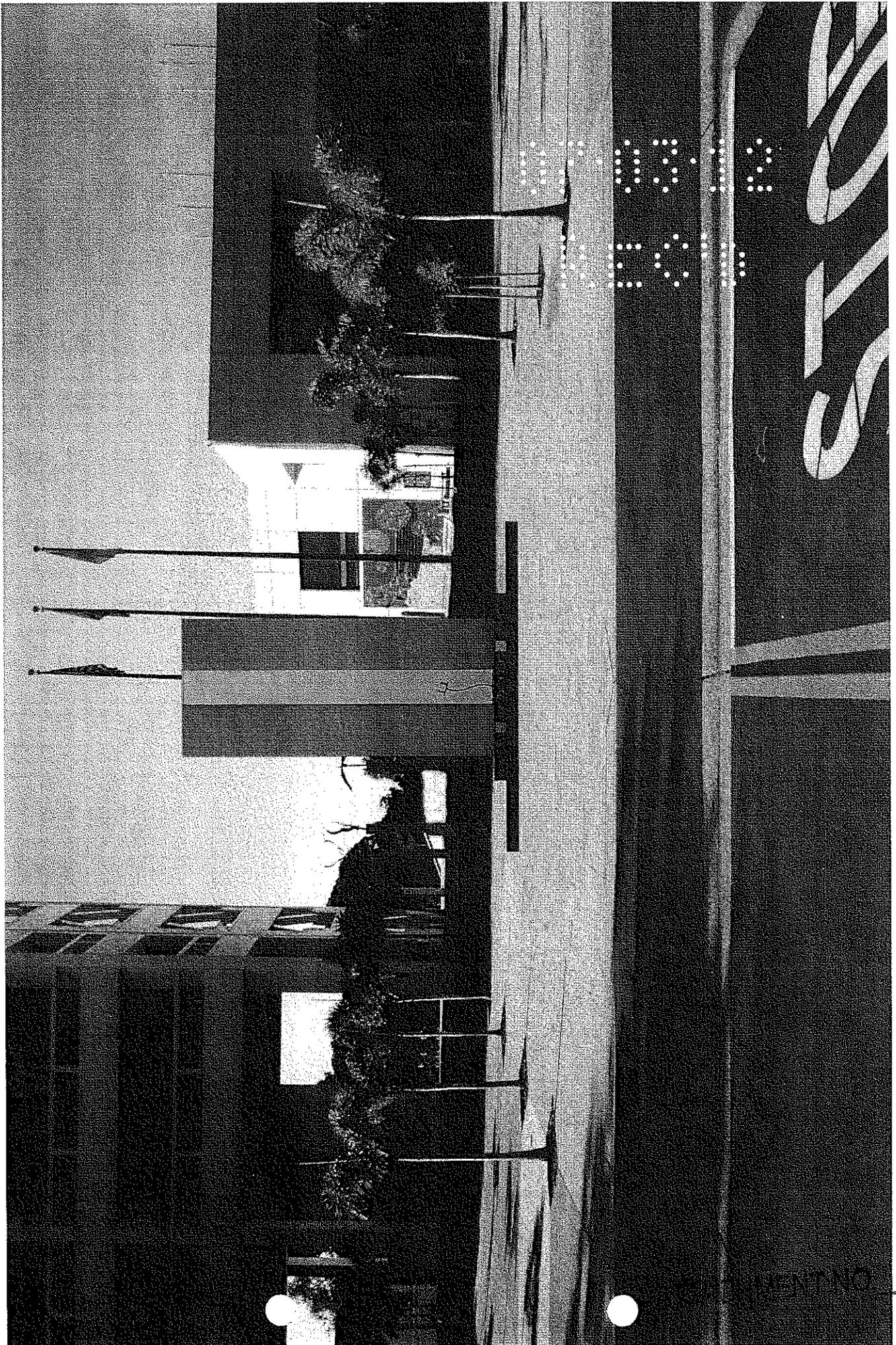
1. Design Review Board Approved Site Plan and Elevations dated July 3, 2012
2. Design Review Board Notice of Action dated September 13, 2012
3. Appeal letter dated September 18, 2012



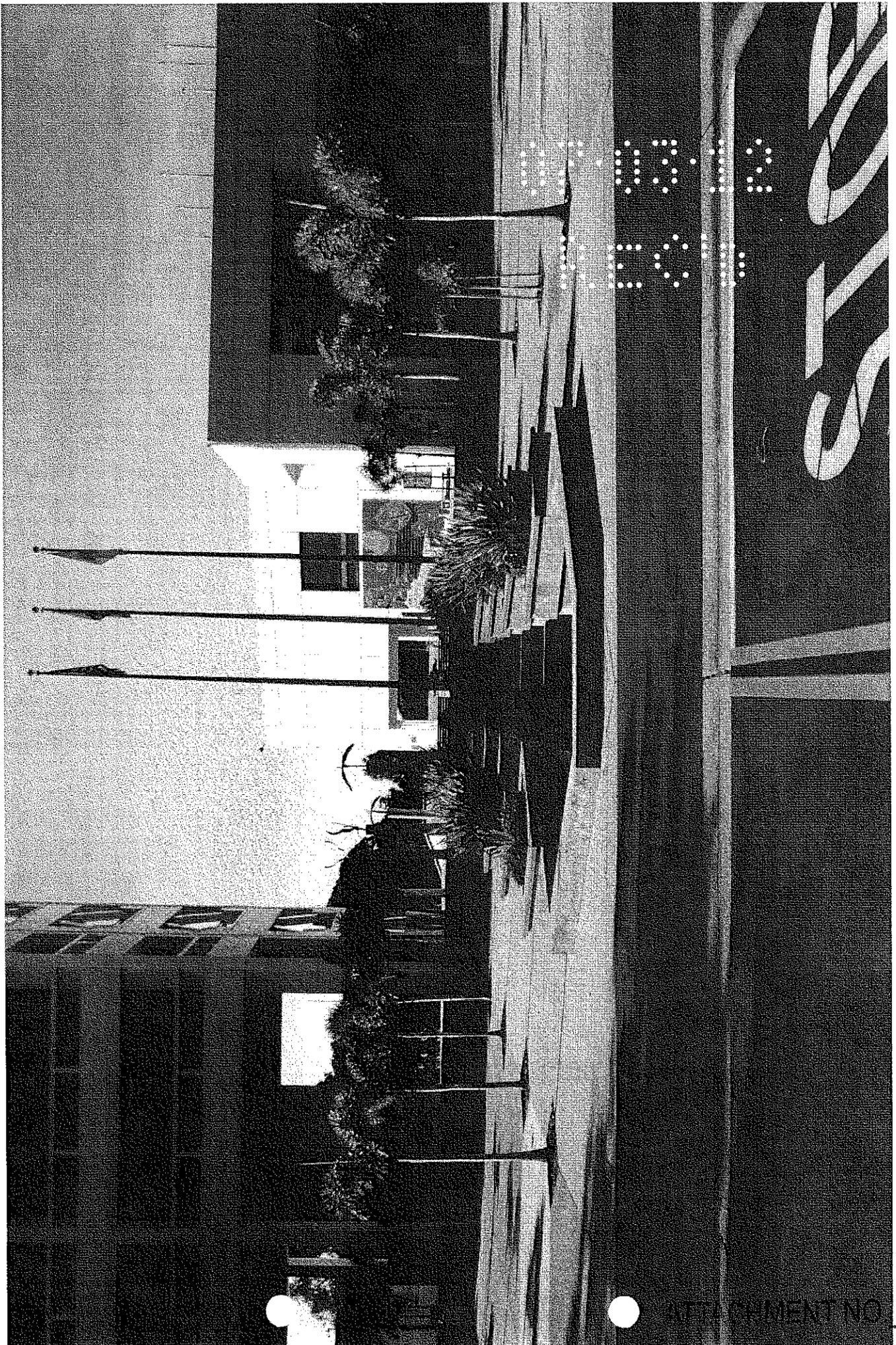
Huntington Beach 911 Memorial - Site Plan

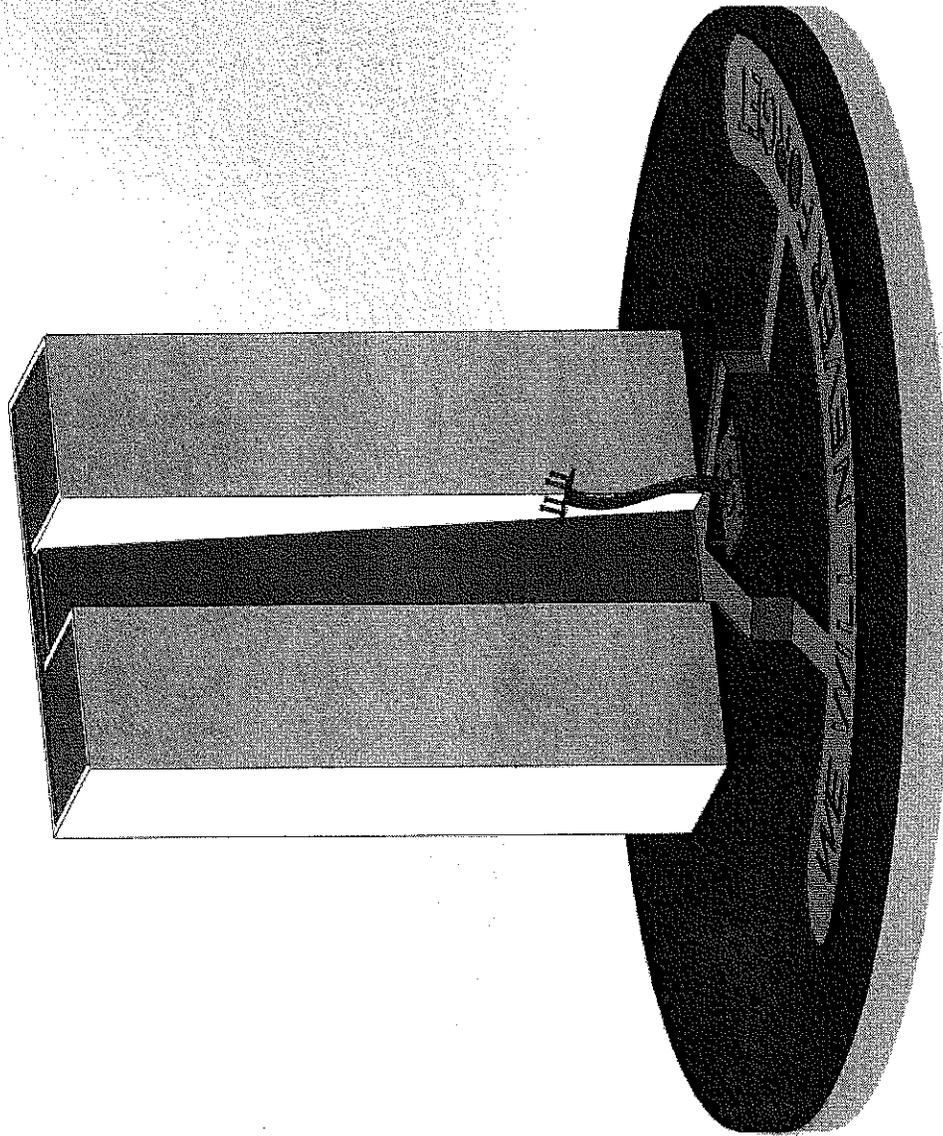


Huntington Beach 911 Memorial - Site Plan (Before)



NO. 1-3





ATTACHMENT NO. 1.5



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

## DESIGN REVIEW BOARD

Phone 536-5271  
Fax 374-1540  
374-1648

### NOTICE OF ACTION

September 13, 2012

Patrick Vogel,  
Patrick Vogel Designs Inc.  
3180 Willow Street  
Signal Hill, CA 90755

**APPLICATION:** DESIGN REVIEW NO. 12-010 (9/11 MEMORIAL SCULPTURE)

**PROPERTY OWNER:** City of Huntington Beach, 200 Main Street, Huntington Beach CA 92648

**REQUEST:** Review the design, colors, and materials for the construction of a 9/11 Memorial sculpture at City Hall incorporating two actual sections of the World Trade Center steel beams that were recovered by the New York Fire Department. The sculpture is 19 feet in height, designed of steel and incorporates a water element. Lighting installed at the base will illuminate the sculpture.

**PROJECT LOCATION:** 2000 Main Street, 92648 (southeast corner of Yorktown Avenue and Main Street (City Hall Civic Center))

**DATE OF ACTION:** September 13, 2012

The Design Review Board of the City of Huntington Beach took action on your application on **September 13, 2012**, and your application was recommended for **approval** to the Director of Planning and Building. On **September 13, 2012**, the Director of Planning and Building approved your application. Attached to this letter are the conditions of approval of your application.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning and Building Department becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Planning and Building Department's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the basis for the appeal. A filing fee of \$494 shall also accompany the notice of appeal. In your case, the last day for filing an appeal and paying the filing fee is **Monday, September 24, 2012**.

ATTACHMENT NO. 2.1

Please be advised that the Director of Planning and Building reviews the conceptual plan as a basic request for entitlement. The action taken by the Director of Planning and Building does not presume issuance of building permits. Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one year after final approval, unless actual construction has started. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing of your building permit application and the completion of your project. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements. Please note that there may be additional requirements prior to commencement of the project.

Excepting those actions commenced pursuant to the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions, please contact Rosemary Medel, Associate Planner at (714) 374-1684 or via [rmedel@surfcity-hb.org](mailto:rmedel@surfcity-hb.org) or the Planning Division Planning and Zoning Information Counter at (714) 536-5271.

Sincerely,



Tess Nguyen, Secretary  
Design Review Board

TN:RM

**ATTACHMENT(S):**

Conditions of Approval – DR No. 12-010

- c: Honorable Mayor and City Council
- Chair and Planning Commission
- Fred A. Wilson, City Manager
- Scott Hess, Director of Planning and Building
- Herb Fauland, Planning Manager
- William H. Reardon, Division Chief/Fire Marshal
- Debbie DeBow, Principal Civil Engineer
- Mark Carnahan, Inspection Manager
- Todd Broussard, Principal Engineer
- Project File

**ATTACHMENT NO. 1**

**CONDITIONS OF APPROVAL**

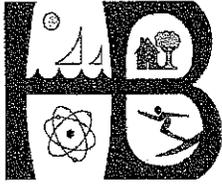
**DESIGN REVIEW NO. 12-010**

**CONDITIONS OF APPROVAL - DESIGN REVIEW NO. 12-010:**

1. The elevation received and dated July 3, 2012, shall be the conceptually approved design.
2. Applicant shall enter into an agreement with the City for the maintenance of the sculpture prior to the issuance of building permits.
3. Bollards shall be installed along the driveway frontage directly fronting the sculpture in order to block vehicular entry and protect pedestrians viewing the sculpture.

**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 defense thereof.



# CITY OF HUNTINGTON BEACH

## City Council Interoffice Communication

**TO:** Scott Hess, AICP, Director of Planning and Building

**FROM:** Mayor Pro Tem Devin Dwyer and City Council Member Joe Shaw

**DATE:** Tuesday, September 18, 2012

**SUBJECT:** APPEAL OF THE DESIGN REVIEW BOARD/PLANNING AND BUILDING DIRECTOR'S APPROVAL OF DESIGN REVIEW NO. 12-010 (9/11 MEMORIAL)

A handwritten signature in black ink, appearing to be 'S. Hess', is located to the right of the 'TO:' line.

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We hereby appeal the Design Review Board and Planning and Building Director's approval of the 9/11 Memorial, Design Review No. 12-010. On September 13, 2012, the Design Review Board recommended approval of DR No. 12-010 with a 3-1-1 vote. The primary reason for our appeal is to allow an opportunity to review the aesthetics of the memorial and consider alternative locations.

Pursuant to Section 248.18 of the Huntington Beach Zoning and Subdivision Ordinance, the Planning Commission shall hear an appeal from the decision of the Design Review Board.

SH:HF:rm

cc: City Council Members  
Chair and Planning Commission  
Fred A. Wilson, City Manager  
Bob Hall, Deputy City Administrator  
Scott Hess, Director of Planning and Building  
Travis Hopkins, Director of Public Works  
Herb Fauland, Planning Manager  
Mary Beth Broeren, Planning Manager  
Robin Lugar, Deputy City Clerk  
Rosemary Medel, Associate Planner  
Kim De Coite, Administrative Assistant

RECEIVED  
SEP 24 2012  
Dept. of Planning  
& Building