MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, FEBRUARY 25, 2014
HUNTINGTON BEACH CIVIC CENTER
2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Pinchiff

	P	P	P	P	P	A	P
ROLL CALL:	*Dingwall,*	*Posey,*	*Franklin,*	*Peterson,*	*Pinchiff,*	*Bixby,*	*Kalmick*

Commissioner Bixby was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY PINCHIFF, TO APPROVE THE PLANNING COMMISSION AGENDA OF FEBRUARY 25, 2014, BY THE FOLLOWING VOTE:

AYES: Dingwall, Posey, Franklin, Peterson, Pinchiff, Kalmick
NOES: None
ABSENT: Bixby
ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS

David Ewell, resident, spoke regarding the abandoned Navy railroad right-of-way between Rancho Road and Springdale Avenue and asked that something be done to prevent vehicular traffic along the railroad right of way.

Janet Ewell, resident, spoke regarding the abandoned Navy railroad right of way, citing safety hazards at the site. She also spoke briefly regarding the impacts of late night deliveries in the nearby industrial zone.

Scott Hess, Director of Planning and Building, indicated that city staff would contact the public speakers regarding this issue.

B. PUBLIC HEARING ITEMS

B-1. APPEAL OF ZONING ADMINISTRATOR'S ACTION ON SITE PLAN REVIEW NO. 13-002/ VARIANCE NO. 13-006/ TENTATIVE PARCEL MAP NO. 13-113 (MARRIOTT SPRINGHILL SUITES HOTEL) **Co-Applicants:** Martin Campbell KPHL, LLC and Kellee Fritzal, Successor Agency of the City of Huntington Beach **Property Owner:** Successor Agency of the City of Huntington Beach **Request: SPR:** To permit the development of a four-story 126-room hotel on a 1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan. **VAR:** To allow (a) 5% frontage coverage in lieu of the required 50% for Parkside Lane and 0% frontage coverage in lieu of the required 50% for Aldrich Drive; (b) building not within the build-to-corner zone in lieu of the required build-to-corner for the intersection of Parkside Lane and Aldrich Drive; (c) an exposed surface parking lot type in lieu of the other permitted parking lot types; (d) 26 ft. wide driveways in lieu of the maximum 24 ft. wide driveways; (e) one tree per 10 parking spaces in continuous parking rows in lieu of one tree per 5 parking spaces; (f) 12 ft. long step-off area adjacent to landscape planter in lieu of 17 ft. long; and (g) 8% glazing on the Aldrich Drive facade in lieu of the required minimum 20% glazing. **TPM:** To consolidate 10 lots into one lot. This request was approved by the Zoning Administrator on January 15, 2014. **Location:** 7872 Edinger Avenue, 92647 (southeast corner of Edinger Avenue and Parkside Lane) **City Contact:** Tess Nguyen, Associate Planner

STAFF RECOMMENDATION: Motion to: "Approve Site Plan Review No. 13-003, Variance No. 13-006, and Tentative Parcel Map No. 13-113 with findings and suggested conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Dingwall had no disclosures.
- Commissioner Posey has met with the applicant and staff.
- Vice-Chair Franklin has visited the site, attended the study session, spoken with the applicant, and read the staff report.
- Chair Peterson has attended the study session, met with the applicant, and visited the site.
- Commissioner Pinchiff has visited the site and spoken with the applicant and with staff.
- Commissioner Kalmick has visited the site, spoken with the applicant and staff, and attended the study session.

Tess Nguyen, Associate Planner, and Luis Gomez, Real Property Agent, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the proposed landscaping plan and the public open space for the project.

There was a brief discussion regarding the affect of the potential widening of Edinger Avenue on the proposed project.

THE PUBLIC HEARING WAS OPENED.

Cyril Chok, applicant, spoke in support of Item No. B-1, citing the potential benefits to the city and giving a lengthy overview of the project.

Mike Adams, applicant (with 4 minutes each donated by Martin Campbell and David Schulze), spoke in support of Item No. B-1,citing the potential benefits to the city. He reviewed the variance requests and the constraints presented by the subject site.

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

There was a brief discussion regarding the potential tree choices for the project landscaping.

There was a brief discussion regarding the requested variances.

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE SITE PLAN REVIEW NO. 13-003/ VARIANCE NO. 13-006/ TENTATIVE PARCEL MAP NO. 13-113 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Dingwall, Posey, Franklin, Peterson, Pinchiff, Kalmick**
NOES:	**None**
ABSTAIN:	**None**
ABSENT:	**Bixby**

MOTION APPROVED

FINDINGS FOR CEQA EXEMPTION:

The Project, located at 7872 Edinger Avenue, consists of a four-story 126-room hotel on a 1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan (BECSP) area. The City certified Program EIR No. 08-008 on December 8, 2009 and adopted the BECSP on March 1, 2010. The BECSP anticipates development of 150 hotel rooms on Edinger Avenue. The 126 rooms contemplated by the project are within the total new hotel rooms permitted on Edinger Avenue under the approved BECSP. Compliance with all applicable mitigation measures adopted with the Specific Plan will be required as a condition of approval of the project. Accordingly, no changes requiring revision of the previously certified Program EIR are proposed as part of the project, nor have any circumstances changed requiring revision of the previously certified Program EIR. In addition, no new information identifies that implementation of the BECSP, including the project, will have significant effects that were not discussed in the previously certified Program EIR or that the significant effects identified in the certified BECSP Program EIR will be substantially more severe than determined in the Program EIR.

FINDINGS FOR APPROVAL – SITE PLAN REVIEW NO. 13-002:

1. Site Plan Review No. 13-002 for the construction of a four-story 126-room hotel on a 1.89-acre site and associated improvements 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 hotel development, with the recommended conditions of approval, incorporates architectural and design elements that provide maximum compatibility of design with the existing and anticipated development in the vicinity of the project site, supports the existing commercial development surrounding the site, and promotes the image of Huntington Beach envisioned within the Beach and Edinger Corridors Specific Plan (BECSP). The proposed structure is four stories in height and features enhanced building materials and colors, building recesses and façade offsets, and variation in massing composition. The project's conformance to the Beach and Edinger Corridors Specific Plan, with exception of the requested variance, further ensures that the form, height, and architectural design convey an overall high level of quality.

2. The project will not adversely affect the Circulation Plan of the BECSP. The project will provide public right-of-way improvements along Edinger Avenue, Parkside Lane, and Aldrich Drive pursuant to the BECSP development code. The future dedication for street widening purposes on Edinger Avenue will accommodate the extension of the eastbound right turn lane on Edinger Avenue at Beach Boulevard, facilitating the flow of eastbound traffic on Edinger Avenue. The improvements to Parkside Lane and Aldrich Drive establish a public realm that focuses on pedestrians rather than vehicles and provide a sufficient landscape buffer to separate pedestrians from the Parkside Lane and Aldrich Drive vehicular thoroughfare. The public frontage treatment on Parkside Lane incorporates minimum six-foot wide sidewalks, street trees, and planting areas. The public frontage treatment on Aldrich Drive incorporates minimum five-foot wide sidewalks, street trees, and planting areas. Finally, the project will pay fees commensurate with the project's contribution of traffic on the area-wide roadway system.

3. The proposed hotel development will comply with the applicable provisions of the Beach and Edinger Corridors Specific Plan development code, with exception of the requested variance, as specified in the Town Center Boulevard segment. In addition, the project meets all applicable provisions of Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project meets code requirements in terms of building height, length, orientation, massing and volume, improvements to existing streets, public open space, parking number, and street façade height articulation. The project also ensures that the form and architectural design convey an overall high level of quality materials consistent with the vision of the Specific Plan. A Variance is being processed concurrently to allow deviations in frontage coverage, build-to-corner, parking type, driveway width, parking lot trees, step-off area, and street façade composition.

4. The Project is consistent with the City's General Plan and all applicable requirements of the Municipal Code. The granting of the site plan review will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Mixed Use–Specific Plan Overlay–Design Overlay on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

   A. *Air Quality Element*

      Goal AQ 1: Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

      Policy AQ 1.10.1: Continue to require the utilization and installation of energy conservation features in all new construction.

B. *Circulation Element*

Objective CE 2.3: Ensure that the location, intensity and timing of new development is consistent with the provision of adequate transportation infrastructure and standards as defined in the Land Use Element.

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

C. *Economic Development Element*

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

Policy ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

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

D. *Land Use Element*

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

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

Policy 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.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" form urban development.

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

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

E. *Urban Design Element*

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Objective UD 1.3: Strengthen the visual character of the City's street hierarchy in order to clarify the City's structure and improve Citywide identity.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

F. *Utilities Element*

Objective U 1.2: Ensure that existing development, redevelopment, and new development does not degrade the City's surface waters and groundwater basins.

Objective U 1.3: Minimize water consumption rates through site design, use of efficient systems, proper maintenance, and other techniques.

Policy U. 1.3.2: Continue to require the incorporation of water conservation features in the design of all new and existing uses, such as use of native plants, low flow toilets, and water efficient appliances.

The project would provide an urban infill hotel development with 126 rooms that expands the existing visitor serving uses, enhances economic development, and allows for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial and entertainment uses, employment centers, a transit hub, a community college. Because of its location, the site would be appropriate in accommodating an infill development that serves as a tourist serving use to support the mix of uses surrounding the project site. The project would increase the City's tax revenue through transient occupancy taxes, resulting in the economic well-being of the area and the City's economic base. The project would provide additional overnight accommodations opportunities for visitors seeking to be within walking distance of entertainment, shopping, and dining, thus reducing dependency on their automobiles when traveling. The proposed project would serve the surrounding region, appeal to visitors to the City, and capitalize on Huntington Beach's recreational resources.

The proposed project incorporates architectural and design principles to provide a pedestrian-oriented scale and ensure maximum design compatibility with existing and proposed developments within the surrounding area. The structure on the project site utilizes high quality exterior materials, articulated building volumes, and a variety of building composition through the use of enhanced building colors and materials, building recesses and projections. With exception of the requested variance, the project complies with the development standards and design guidelines of the BECSP, which ensure that form, height, and treatment convey an overall high level of quality. The project building is sited close to Edinger Avenue with building entries fronting onto the public sidewalk. The project also provides a public open space on the roof top of the porte cochere to accommodate the needs of hotel occupants and residents of the surrounding developments.

The project is designed to minimize consumption of natural resources through implementation of sustainability features such as "green" building methods and materials available for insulation, windows, washers, dryers, HVAC systems, pool equipments, and water efficient irrigation system. The project would comply with the BECSP and other City codes to reduce water consumption and stormwater runoff. A preliminary Water Quality Management Plan (WQMP) has been reviewed by Public Works staff. A final WQMP is

required to be submitted for review and approval prior to grading permit issuance. Finally, the project will incorporate sustainable site development strategies, utilize water savings features, and emphasize recycling of resources and materials through design features and community policies.

FINDINGS FOR APPROVAL – VARIANCE NO. 13-006:

1. The granting of Variance No. 13-006 to allow a 5% frontage coverage for Parkside Lane and 0% frontage coverage for Aldrich Drive, a building not within the build-to-corner zone for the intersection of Parkside Lane and Aldrich Drive, an exposed surface parking lot, 26 ft. wide driveways, one tree per 10 parking spaces, a step-off area adjacent to landscape planters for 12 ft. long, and 8% glazing on the Aldrich Drive façade will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Due to the location of the site being surrounded by streets on three sides, restricted access from Edinger Avenue the primary arterial, and by setting aside property on the Edinger frontage for future street improvements, the project would not be able to comply with the required development standards. Having frontages on three streets but no available access from the adjacent arterial and not a desirable access to the residential street to the south restricts the efficient design of a hotel circulation pattern, particularly with the drop-off and pick-up traffic flow. As a result, the site layout and building placement do not conform to the various required development standards. In addition, life and safety requirements from the Fire Department necessitate deviations in development standards. Furthermore, access to the project is not allowed from Edinger Avenue which further limits development options and site plan layout. By setting aside property along Edinger Avenue for future dedication and improvements of a right turn lane, the developable areas of the property are reduced. Therefore, the property yields less land area for landscaping, trees, and complete step-off area. Several property improvements are proposed to off-set the impact of the variances. For example, a gazebo with wing walls is proposed at the corner of Parkside Lane and Aldrich Drive to meet the intent of the build-to-corner requirement. Other properties along Edinger Avenue and within the same zoning district currently include ingress and egress from Edinger Avenue and secondary emergency access to side streets and therefore have more development options. The subject site is not afforded the same development privileges. Approval of the requested deviations will not constitute a grant of special privilege as the variance will allow the development of a hotel to provide a functional use of the property and offer additional overnight accommodations opportunities to complement other uses in the vicinity.

2. Because of special circumstances applicable to the subject property, including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The site is surrounded by three existing public streets, is not permitted to take access from Edinger Avenue for anticipated street widening and improvements that are not currently a requirement of the project. This set-aside area further limits the developable area of the site. Because of its location, the property would not be able to comply with development standards as compared to other sites with fewer street frontages, more flexible ingress and egress options, and full development potential. Granting the deviations in frontage coverage, landscaping, and other standards allow the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested Variance is necessary to allow the proposed project to be developed with a hotel, a tourist serving use to support the mix of uses

surrounding the project site. Granting the requested Variance will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. Although the site does not provide the minimum number of trees within the parking lot, the trees that would otherwise be required will be provided in the landscape planters along the perimeter of the project site. In an effort to improve the frontage coverage requirements, wing walls, landscaping, and a gazebo have been incorporated into the site design. These additional visual improvements connect to the street edge and serve to activate the adjacent sidewalk in accordance with the intent of the BECSP. With approval of the variance, the subject site is able to enjoy the right to develop the site in accordance with the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.

4. The granting of the Variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a hotel will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed hotel provides the minimum number of parking stalls, appropriate ingress and egress to public street system, adequate emergency access, proper landscape screening, adequate separation from the residential uses to the south, and enhanced architectural design on all four building sides. The proposed four-story structure would be consistent with the established development pattern in the vicinity. The granting of the Variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use-Specific Plan Overlay-Design Overlay) on the subject property.

FINDINGS FOR APPROVAL – TENTATIVE PARCEL MAP NO. 13-113:

1. Tentative Parcel Map No. 13-113 for the consolidation of 10 lots into one lot is consistent with the General Plan Land Use Element designation of Mixed Use on the subject property. The proposed consolidation complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The proposed consolidation will facilitate the construction of a four-story 126-room hotel on a 1.89-acre site within the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.

2. The site is physically suitable for the type and density of development. The 10-lot consolidation will provide the necessary area for the hotel development consistent with the intensity and density of the Town Center Boulevard Segment of the Beach and Edinger Corridors Specific Plan.

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. The lot consolidation is proposed on a property previously developed with commercial buildings and located in an urbanized area. The site does not serve as habitat for fish or wildlife.

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. Easements for sidewalk purposes on Parkside Lane and Aldrich Drive will be dedicated to the City as a part of this proposed tentative parcel map. To accommodate the extension of the eastbound right turn lane on Edinger Avenue at Beach Boulevard, the site has been designed to include a 7-foot future dedication along Edinger Avenue.

CONDITIONS OF APPROVAL – SITE PLAN REVIEW NO. 13-002/ VARIANCE NO. 13-006/ TENTATIVE PARCEL MAP NO. 13-113:

1. The site plan, floor plans, elevations, and colored renderings received and dated November 1, 2013 shall be the conceptually approved design with following modifications:

   a. Pedestrian-scale decorative street lighting shall be provided at a maximum spacing of ninety (90) feet on-center in the pedestrian zone along Parkside Lane and Aldrich Drive. Light source should be located twelve to fourteen (12-14) feet above finished grade. **(BECSP Section 2.5.1(7))**

   b. Moderately large shade trees shall be provided with a maximum spacing of thirty (30) feet on-center along Parkside Lane and Aldrich Drive. Where no on street parking is present, trees must be located in continuous planting strips located along the back of curb (to buffer pedestrians from the adjacent roadway). Native/water efficient, low groundcovers and shrubs, which require minimal irrigation and a low level of maintenance, must be located within planting strips. **(BECSP Section 2.5.1(7))**

   c. Plant materials should always be incorporated into new development site design (in the open space landscaping planted areas). **(BECSP Section 2.6.8(3))**

   d. Parking lots shall be buffered from adjacent development with moderate screening (see Section 2.6.9). One (1) tree per thirty (30) linear feet of property line shall be spaced regularly along the applicable property line. One (1) shrub per five (5) linear feet of frontage shall be spaced regularly. **(BECSP Section 2.7.3(2))**

   e. Parking lots shall be designed with convenient, safe, and efficient pedestrian circulation routes to buildings, main building entrances and sidewalks. These routes shall be designed to include sidewalks and walkways with a minimum five foot width. **(BECSP Section 2.7.3(2))**

   f. Parking lots shall be illuminated to increase safety and provide clear views both to and within the site. Lighting and planting plans shall be coordinated to avoid light pole and tree conflicts. **(BECSP Section 2.7.3(2))**

   g. "True divided light" windows or sectional windows shall be used where multi-pane windows are utilized. "Snap-in" muntins (i.e. detachable vertical or horizontal glass plan dividers or glass pane dividers sandwiched between layers of glass) shall not be used. **(BECSP Section 2.8.2(1))**

   h. Portions of building facades containing service or truck doors visible from the public street shall be designed to include attractive and durable materials and be integrated into the architectural composition of the larger building façade design. **(BECSP Section 2.8.2(1))**

2. The Tentative Parcel Map received and dated March 29, 2013 shall be the approved layout.

3. Per BECSP Section 2.7.3, one tree is required for every five parking spaces. The proposed design is for one tree for every ten parking spaces. The trees that would otherwise be required in the parking lot shall be provided in the landscaping planters along the perimeter of the project site.

4. The structure covering the staircase leading up to the public open space shall be constructed with "wood-like" building materials, creating an enhanced design element that provides the desired visual interest required by the Beach and Edinger Corridors Specific Plan. The structure shall be designed to be open and inviting to the public.

5. The project shall comply with all mitigation measures adopted for the project in conjunction with Environmental Impact Report No. 08-008.

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

7. Prior to issuance of a precise grading permit, an interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.

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

    a. One set of project plans, including colored renderings, elevations, and materials sample, revised pursuant to Conditions of Approval and Code Requirements, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.

    b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

    c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning and Building Department for addressing purposes. The address assignment shall be reviewed and approved prior to submittal for building permits.

9. Prior to issuance of building permits, an "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning and Building Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

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

a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.

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

c. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.

d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.

e. All existing overhead utilities that currently cross over the subject site's parcels as well as those overhead utilities the currently occur along the project's Parkside Lane frontage shall be under-grounded. This includes the Southern California Edison (SCE) aerial distribution lines (12kV) along the entire length of the westerly frontage of the subject project. This condition also applies to all other overhead utilities, including but not limited to telephone, electric, Cable TV and fiber optic lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**

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

12. 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 and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

13. 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.

14. Site Plan Review No. 13-002, Variance No. 13-006, and Tentative Parcel Map No. 13-113 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

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

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED SEPTEMBER 10, 2013

RECOMMENDED ACTION: Motion to: "Approve the September 10, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY PETERSON, TO APPROVE THE SEPTEMBER 10, 2013 PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Dingwall, Posey, Franklin, Peterson, Kalmick
NOES: None
ABSTAIN: Pinchiff
ABSENT: Bixby

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED SEPTEMBER 24, 2013

RECOMMENDED ACTION: Motion to: "Approve the September 24, 2013, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY FRANKLIN, TO APPROVE THE SEPTEMBER 24, 2013 PLANNING COMMISSION MINUTES AS AMENDED, BY THE FOLLOWING VOTE:

AYES: Dingwall, Posey, Franklin, Peterson, Kalmick
NOES: None
ABSTAIN: Pinchiff
ABSENT: Bixby

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

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

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

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING
Jane James, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Pinchiff stated that he attended the recent Downtown Economic Development Committee and spoke briefly regarding the information provided regarding hotel occupancy. He noted that the Marketing and Visitor's Bureau received an award for its efforts in the campaign to preserve the beach firepits. Commissioner Pinchiff noted that the 3-1 Run will be held on March 15, 2014 and the Vans Skate Park will be opening on March 22, 2014.

Commissioner Franklin noted that the public comments speakers had briefly spoke with him regarding the railroad right-of-way and thanked staff for agreeing to follow up with them.

Chair Peterson congratulated Dane Peterson and Matthew Harris on becoming Eagle Scouts.

Scott Hess, Director of Planning and Building, introduced the new Assistant City Manager, Ken Domer.

ADJOURNMENT: Adjourned at 7:52 PM to the next regularly scheduled meeting of Tuesday, March 25, 2014. The March 11, 2014 meeting is cancelled.

APPROVED BY:

Scott Hess, Secretary

Erik Peterson, Chairperson