

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 11, 2016

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 Mandic

P P P P P P A

ROLL CALL: *Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson*

Commissioner Hoskinson was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BRENDEN, SECONDED BY SEMETA, TO APPROVE THE PLANNING COMMISSION AGENDA OF OCTOBER 11, 2016, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden

NOES: None

ABSENT: Hoskinson

ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

COMMISSIONER MANDIC RECUSED HERSELF FROM ITEM NO. B-1, BECAUSE SHE OWNS PROPERTY WITHIN 500 FT. OF THE SUBJECT SITE, AND LEFT THE ROOM.

- B-1. TENTATIVE TRACT MAP NO. 17661, CONDITIONAL USE PERMIT NO. 13-026, DEVELOPMENT AGREEMENT NO. 16-002 (GARFIELD CONDOMINIUMS Applicant: Ed Bonanni Property Owners: YMCA of Orange County, Jeff McBride, and City of Huntington Beach, Kellee Fritzal Request: CUP: To develop an existing approximately 0.636 net acre site with 10 for-sale townhome units and associated infrastructure consisting of: a) a density bonus for one additional unit above the base density. TTM: To consolidate three parcels into one lot for condominium purposes in order to develop 10 for-sale attached townhome units. DA: To enter into a development agreement to address affordable housing provisions. Location: 7262 Garfield Avenue, 92648 (southeast corner of Garfield Avenue and Gothard Street) Environmental

Status: The proposed project is covered by Holly-Seacliff Specific Plan Final Environmental Impact Report No. 89-1, which was adopted by the City of Huntington Beach on January 8, 1990. **City Contact:** John Ramirez

STAFF RECOMMENDATION: Motion to:

- A. "Approve Tentative Tract Map No. 17661 with findings and suggested conditions of approval (Attachment No. 1);"
- B. "Approve Conditional Use Permit No. 13-026 with findings and suggested conditions of approval (Attachment No. 1)"
- C. "Approve Development Agreement No. 16-002 with findings and suggested conditions of approval (Attachment No. 1)"

The Commission made the following disclosures:

- Commissioner Crowe visited the site.
- Commissioner Kalmick spoke with neighboring residents, attended the Subdivision Committee, and attended a previous Design Review Board meeting.
- Vice-Chair Semeta visited the site.
- Chair Pinchiff visited the site, attended the Subdivision Committee meeting, spoke with staff, members of the public, and Anne Heinke.
- Commissioner Brenden attended the Subdivision Committee meeting, visited the site, and spoke with adjacent residents and one other planning commissioner.

John Ramirez, Contract Planner, gave the staff presentation and an overview of the project.

Commissioner Kalmick confirmed with staff that window alignment was taken into consideration in the design and that the one overlapping window will be obscured for privacy.

There was a brief discussion regarding how staff determines compatibility with the surrounding uses.

At Vice-Chair Semeta's request, Kellee Fritzal, Deputy Director of Economic Development, reviewed the inclusionary housing in-lieu fee program.

There was a brief discussion regarding the parking requirements for the proposed project. Mr. Ramirez noted that restrictions for garage use are usually included in the CC&Rs, to prohibit using garage units for storage.

THE PUBLIC HEARING WAS OPENED.

Ed Bonanni, applicant, spoke in support of Item No. B-1, stating that the project would be an asset to the city. He indicated that garage use would be heavily restricted in the CC&Rs to prohibit storage and that he would not object to that being included in the conditions of approval.

Sandra Long, resident, spoke in opposition to Item No. B-1, citing concerns that the project is not compatible with adjacent residences and that the three story residences will block views. She expressed concern that the units and garage units may be sublet and noted that there may be soil contamination onsite that needs to be addressed.

Robert Johnson, resident, spoke in opposition to Item No. B-1, citing concerns with the management of the city's affordable housing program.

Victor Galich, resident, spoke regarding Item No. B-1, citing concerns with the potential traffic and safety issues. He stressed that the setbacks are very important.

Jared Dominguez, resident, spoke in opposition to Item No. B-1, citing concerns with the neighborhood compatibility, the proposed density and the number of bedrooms in the project, the amount of time that the affordable requirements are in place, the distinct difference between rental and ownership properties, and the public notification process.

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

There was a brief discussion regarding the inclusionary housing program. Ms. Fritzel confirmed that currently the courts have determined that inclusionary housing cannot be required for a rental unit project, therefore, a development agreement is proposed.

There was a brief discussion regarding the onsite parking and parking enforcement. The commission discussed adding a condition requiring storage in the garage units be prohibited in the CC&Rs.

There was a brief discussion regarding the public notification process.

Commissioner Brenden asked the applicant for clarification regarding whether the units would be for rent or for sale. Mr. Bonanni indicated that it would be dependent upon the market once the project is completed. Staff confirmed that the building code requirements are the same for rental and for sale units.

Vice-Chair Semeta asked the applicant if he would be opposed to a condition prohibiting subletting of the bottom or ground floor bedroom units. Mr. Bonanni stated that he was not opposed to that condition and clarified that the ground floor bedroom is not a unit since it does not have a kitchen or direct access.

Chair Pinchiff confirmed with staff that the Planning Commissioner has no discretion regarding the density bonus and that they must adhere to state law.

At Chair Pinchiff's request, staff reviewed the process for potential soil remediation.

A MOTION WAS MADE BY KALMICK, SECONDED BY CROWE, TO APPROVE TENTATIVE TRACT MAP NO. 17661, CONDITIONAL USE PERMIT NO. 13-026, AND DEVELOPMENT AGREEMENT NO. 16-002 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL TO AMEND THE CC&RS TO REQUIRE GARAGES TO BE MAINTAINED TO ALLOW TWO CARS TO BE PARKED AND TRASH BIN STORAGE, TO REQUIRE FIVE GUEST PARKING SPOTS TO BE MARKED, AND REQUIRE THAT REMOVED TREES BE REPLACED AT A TWO TO ONE RATIO, BY THE FOLLOWING VOTE:

**AYES: Crowe Kalmick, Semeta, Brenden
NOES: Pinchiff
ABSTAIN: Mandic
ABSENT: Hoskinson**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project is covered by Holly-Seacliff Specific Plan Final Environmental Impact Report No. 89-1, which was adopted by the City of Huntington Beach on January 8, 1990. The proposed consolidation of three parcels for a one-lot subdivision on an approximately 0.636 net acre site and construction of 10 for-sale townhome condominium units with a density bonus request, along with associated open space and infrastructure is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 89-1. Staff has reviewed the proposed project for compliance and has determined the project is consistent with the adopted mitigation measures contained in the Final EIR.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 17661:

1. Tentative Tract Map No. 17661 for a one lot condominium subdivision on approximately 0.636 acres for development of 10 attached townhome units is consistent with the intent of the General Plan Land Use Element designation of Residential Medium Density, and other applicable provisions of the HBZSO code.
2. The site is physically suitable for the type and density of development. The size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 15.76 units per acre, which is allowed in accordance with State Density Bonus Law and as part of the request for this property designated Residential Medium Density land use designation. The proposed density would be compatible with surrounding multi-family developments.
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 project site is surrounded by residential development, vacant property, light industrial uses and paved roads. The site does not contain any natural open space or any significant biological resources.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-026:

1. Conditional Use Permit No. 13-026 for the development of 10 attached for-sale residential units and associated infrastructure and site improvements, including a density bonus request of one unit, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will provide one unit for families or households of low income for a period of 55 years. Initially the development will be held in single ownership by the developer for an unspecified time period and each of the condominium units will function as rental housing. At some future time, the developer may sell some or all of the units as individual ownership units. The affordable unit will be provided while being held as a rental unit and when it is ultimately sold for home ownership. The project will improve the existing underutilized parcels of land with a development consistent with the underlying General Plan land use and zoning designations. The proposed residential use is similar to those existing uses in the vicinity. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project will be consistent in massing and scale to adjacent residential uses. Proposed improvements include enhanced landscaping, decorative paving, and quality architectural design throughout the site. Furthermore, the layout of the site improves the visual surroundings by providing efficient drive aisles for vehicular access, and minimizing the visibility of parking garages and parking spaces from the street.
2. The conditional use permit will be compatible with surrounding residential uses in terms of setbacks, onsite parking, lot coverage, and allowable building height. Architectural design is composed of the traditional mid-century minimal style consisting of stucco exterior, tile roof, varied offsets and rooflines, and decorative balcony railings. Enhanced landscaping along the site perimeter and within the common open space courtyards will create visual interest and improve the visual image of the community. The project includes two and three story buildings that are compatible with surrounding developments and proportionally relate to the overall mass and scale of the neighborhood. The proposed project is in conformance with applicable code requirements and has been designed to be compatible with existing uses in the vicinity. The project's building scale, architecture, site layout and color palette will complement the surrounding developments.
3. The proposed project will comply with the provisions of the HSSP and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the development standards in terms of minimum onsite parking, height, setbacks, and lot coverage. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.
4. The proposed project, which includes a density bonus, complies with all provisions of the Code. Given the minimal nature of the density bonus being requested, the project will not be detrimental the welfare of persons working or residing in the vicinity. Additionally, the project, inclusive of the density bonus, can be adequately served by local utility systems (water, sewer, storm drain) and will not have a significant or adverse impact on traffic volume, school enrollment or recreational resources in the area. As designed, the project is compatible with the physical character of the surrounding area and the intent of the General Plan.

5. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the intent of General Plan Land Use Element designation of Residential Medium Density. In addition, it is consistent with the following goals, objectives, and policies of the General Plan:

A. Land Use Element

Objective LU 1.1: Provide for the timing of residential, commercial, and industrial development coincident with the availability of adequate market demand to ensure economic vitality.

Objective LU 8.1: Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use, of selected subareas in order to improve their character and identity.

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.

Objective LU 9.3: Provide for the development of new residential subdivisions and projects that incorporate a diversity of uses and are configured to establish a distinct sense of neighborhood and identity.

Policy LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e., infill) be compatible with existing structures.

The proposed project will improve an underutilized and partially vacant property by allowing the development of residential uses within close proximity to compatible uses. The residential project will implement the residential land use category appropriate for the site's General Plan land use designation and establish a development consistent with the size, scale, mass and pattern of existing development in the area. The surrounding residential uses will benefit with the introduction of newly constructed housing in the neighborhood as the existing temporary structures on site will be removed. The development will provide new housing stock in the area and will potentially attract first-time homebuyers by providing an expanded opportunity for ownership in the area.

B. Urban Design Element

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

Objective UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

The project will enhance the character of the neighborhood and improve property values. The proposed buildings will be compatible with existing development at similar heights and massing and incorporate a traditional architectural palette into the area, providing interest and high-quality design to the streetscape. Common open space within the project combined with enhanced landscaping will create visual interest from the frontages along Gothard Street and Garfield Avenue. Garages and open parking spaces are primarily

located facing away from the street frontages. A decorative paving treatment frames the drive aisle entry to the site and creates visual interest for the access into the site.

C. Housing Element

Policy 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.

Policy 3.2: Utilize the City's Inclusionary Housing Ordinance as a tool to integrate affordable units within market rate developments. Continue to prioritize the construction of affordable units on-site, with provision of units off-site or payment of an in-lieu housing fee as a less preferred alternative.

Policy 3.3: Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance, with funding priority to projects that include extremely low income units. Proactively seek out new models and approaches in the provision of affordable housing.

Policy 4.1: Support the use of density bonuses and other incentives, such as fee deferrals/waivers and parking reductions, to offset or reduce the costs of developing affordable housing while ensuring that potential impacts are addressed.

Policy 6.1: Implement the City's Green Building Program to ensure new development is energy and water efficient.

The project consists of 10 residential units, which contributes to the City's housing stock. The project includes a request for a density bonus for one additional unit in exchange for affordable housing as allowed by State Law and the HBZSO. As part of the request for a density bonus, the applicant is entering into a Development Agreement with the City to establish one of the 10 units as affordable units for persons/families of low income for a period of 55 years. The development request as proposed is consistent with the intent of the policies identified above. As such, the project will contribute to the City's overall housing goals. Additionally, sustainable features and construction practices will be incorporated in the project including energy-efficient lighting, water efficient plumbing fixtures and recycling of construction waste.

FINDING FOR APPROVAL – DEVELOPMENT AGREEMENT NO. 16-002

The development agreement is consistent with the General Plan and Holly-Seacliff Specific Plan. Development Agreement No. 16-002 provides for provision one of the 10 units within the development as an affordable unit for persons/families of low income for a period of 55 years and restricts the affordability period on this unit as both a rental unit (held as a rental unit by the developer) and as a condominium unit (sold for ownership at some future time). The proposed development complies with the HSSP and was found to conform to the goals and policies of the General Plan. The development agreement ensures the construction of one affordable housing unit within the project in accordance with the provisions of the Specific Plan for a 55 year period, as well as make an in lieu payment for the remaining increment to fulfill the affordable housing requirement within the HSSP. The development agreement is consistent with the following General Plan goals and polices.

A. Housing Element

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

Goal H 3: Assist in development of affordable housing.

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

B. 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.

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

The development agreement would ensure that affordable housing is developed in accordance with the approved project and condition of approval requiring affordable housing. The project as a whole will provide an alternative housing choice and supplement the variety of housing stock available within the City. The development agreement would guarantee that the project provides one on-site affordable unit as well as contribute to the City's Affordable Housing Trust by way of an in lieu payment for the remaining increment to fulfill the affordable housing requirement within the HSSP. In doing so, these units will satisfy the affordable housing obligation while providing housing for low income households. As such, the development agreement is consistent with the General Plan goals and polices reflected above.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17661:

1. The Tentative Tract Map No. 17661 for consolidation of three existing parcels and the subdivision of the resultant parcel into a 10 unit airspace subdivision for a multiple family residential development and received and dated May 18, 2016, shall be the approved layout, with the following modification:

- a. The existing reservation for "a right to an easement over and along the rear 4 ft. of land for laying, maintaining and repairing water mains for irrigation purposes" shall be quitclaimed to eliminate any encroachment by the proposed residential buildings.
2. The final map for Tentative Tract Map No. 17661 shall not be approved by the City Council until Conditional Use Permit No. 13-026 is approved and in effect.
3. Prior to issuance of a grading permit and 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 Community Development Department.
4. The draft Affordable Agreement received and dated April 25, 2016, identifying one on-site unit for-sale as affordable for persons and families of low income, which includes a density bonus of one unit plus a fractional in-lieu fee of One Hundred Seventy-three Thousand Forty Dollars (\$173,040.00) for a 0.35 unit pursuant to Section 230.14 of the ZSO shall be the conceptually approved agreement. The Affordable Housing Agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Sections 230.14 and 230.26 and include:
 - i. A detailed description of the type, size and location of the affordable housing for-sale unit on-site. There shall be one unit with two bedrooms restricted for rental by a Low-Income Household within the site.
 - ii. There shall be one unit affordable to persons and families of low income (up to 80% of the Orange County median income). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 55 years.

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable unit.
5. Prior to submittal of the final tract and at least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Community Development Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements; maintenance of all walls and common landscape areas by the Homeowners' Association; include a parking management plan to ensure the ongoing control of availability of on-site parking; notice that garages shall be maintained in a state that allows two vehicles to be stored inside at all times; and five guest parking stalls shall be permanently marked and signed. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
6. Pursuant to section 230.14 of the HBZSO, Tentative Tract Map No. 17661 and Conditional Use Permit No. 13-026 shall not be deemed approved until the Affordable Housing Agreement referenced in Condition No. 4 has been approved by the City Council.

7. Comply with all applicable Conditional Use Permit No. 13-026 conditions of approval.
8. 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/index.cfm?fuseaction=guidelines>).
9. 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 Community Development 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.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-026:

1. The site plans, floor plans, and elevations received and dated May 18, 2016, shall be the conceptually approved design with the following modifications:
 - a. Five guest parking stalls shall be marked with signage.
 - b. Any mature trees removed as a result of construction activities shall be replaced at a 2:1 ratio. An inventory of existing on-site trees shall be submitted prior to issuance of grading permits.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - b. Submit three (3) copies of the approved site plan and the processing fee to the Community Development Department for addressing of the new buildings/units.
3. Prior to issuance of building permits, the following shall be completed:
 - a. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Community Development Department. Double walls shall be avoided to the greatest extent feasible. Applicant shall coordinate with adjacent property owners and make reasonable attempts to construct one common property line wall. If coordination between property owners cannot be accomplished, the applicant shall construct up

- to an eight (8') foot tall wall located entirely within the subject property and with a two (2) inch maximum separation from the property line. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.
- b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. An interim parking and building materials storage plan shall be submitted to the Community Development Department 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 applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
 - b. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - 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. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
5. Signage shall be reviewed under separate permits and applicable processing.
6. 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.

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.

COMMISSIONER MANDIC RETURNED TO THE ROOM.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Community Development - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Community Development – 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 Brenden reported on previous and upcoming events within the city. He also stated that he would be unable to attend the November 22, 2016, Planning Commission meeting.

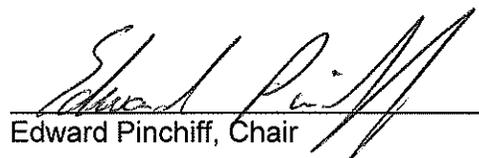
Chair Pinchiff reported on upcoming events in the city and noted that the Southeast Area Committee would be meeting on Wednesday, October 12, 2016.

ADJOURNMENT: Adjourned at 8:28 PM to the next regularly scheduled meeting on Tuesday, October 25, 2016, at 5:15 PM.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair