MINUTES
HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, SEPTEMBER 25, 2012
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 Vice Chair Bixby

P	*A*	*P*	*P*	*P*	*P*	*P*

ROLL CALL: ***Shier Burnett, Peterson, Bixby, Mantini, Delgleize, Franklin, Ryan***

Commissioner Peterson was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE THE PLANNING COMMISSION AGENDA OF SEPTEMBER 25, 2012, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Bixby, Mantini, Delgleize, Franklin, Ryan**
NOES:	**None**
ABSENT:	**Peterson**
ABSTAIN:	**None**

MOTION APPROVED

Chair Mantini welcomed Commissioner Franklin to the Planning Commission.

A. PUBLIC COMMENTS - NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 12-003 (HASHIGO SUSHI RESTAURANT OUTDOOR ALCOHOL SERVICE) Applicant/Business Owner: Jimmy Suh **Property Owner:** Sher Five Points LLC **Request:** To permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 398 sq. ft. outdoor dining area to be located in front of an existing 2,000 sq. ft. restaurant with interior alcohol sales and service. **Location:** 18685 Main Street, Suite 106, 92648 (west side of Main Street, south of Ellis Avenue—Five Points Shopping Center) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 12-003 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commisioner Shier Burnett has visited the site.
- Vice Chair Bixby has visited the site, eaten at the restaurant , and spoken with staff.
- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site, eaten at the restaurant, and spoken to staff.
- Commissioner Franklin has visited the site.
- Commissioner Ryan has visited the site.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY RYAN, SECONDED BY DELGLEIZE, TO APPROVE CONDITIONAL USE PERMIT NO. 12-003 WITH SUGGESTED FINDINGS AND REVISED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Bixby, Mantini, Delgleize, Franklin, Ryan**
NOES:	**None**
ABSENT:	**Peterson**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 12-003:

1. Conditional Use Permit No. 12-003 to permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 398 sq. ft. outdoor dining area to be located in front of an existing 2,000 sq. ft. restaurant on an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan zoning designation 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 sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request for expanded alcohol sales and service in the outdoor dining area will not result in noise, safety, or parking issues. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and proposed outdoor dining areas of the restaurant and will not generate detrimental impacts onto surrounding properties.

2. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will be compatible with surrounding uses because the project is located within an existing mixed-use center. The restaurant is surrounded by commercial and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.

3. The request for alcohol sales and consumption within a proposed outdoor dining area located in front of an existing restaurant will comply with the Town Center – Core segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows the establishment of alcohol service within outdoor dining areas subject to approval of a conditional use permit. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit for the sales and consumption of alcohol within a proposed outdoor dining area will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is M–sp–d (Mixed Use–Specific Plan Overlay–Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City's General Plan as follows:
   A. *Land Use Element*

      Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

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

      Policy – 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will provide for the sales and service of alcoholic beverages within a proposed outdoor dining area in front of an existing restaurant use within the Beach and Edinger Corridors Specific Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by allowing the expansion of beverage services within an outdoor area in a safe manner for customers and residents of the surrounding area.

B. *Economic Element*

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 place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-003:

1. The site plan and floor plan received and dated August 3, 2012 shall be the conceptually approved design.

2. The use shall comply with the following:

   a. Hours of operation shall be limited to between 11:30 AM and 1:00 AM seven days a week for the restaurant and between 11:30 AM and 12:00 AM seven days a week for the outdoor dining area. The sale, service, and consumption of alcoholic beverages within the outdoor dining area shall be limited to between 5:00 PM and 12:00 AM (midnight) seven days a week. **(PD)**

   b. The patio area shall be for the sole use of Hashigo Sushi customers to prevent alcohol from being easily handed from the outdoor dining area to the surrounding sidewalks and walkways where people may loiter. **(PD)**

   c. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entry/exit point of the outdoor dining area, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**

   d. All alcoholic beverages shall remain within the interior of the restaurant and bar, or within the confines of the fenced-in patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio area. **(PD)**

   e. The sale of alcoholic beverages in the outdoor dining area shall be made only in conjunction with the sale of food to the person ordering the beverage. **(PD)**

f. No patrons/customers shall be allowed to carry an alcoholic beverage from the interior portion of the restaurant to the outdoor dining area, nor from the outdoor dining area to the interior portion of the restaurant. **(PD)**

g. An employee shall maintain continuous supervision of the patio area at all times when the outdoor dining area is being utilized for the sales, service, and consumption of alcoholic beverages. **(PD)**

h. No dining or consumption of alcoholic beverages shall be permitted on the outdoor patio area between the hours of 12:00 AM (midnight) and 7:00 AM the following day. **(PD)**

i. All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**

j. Dancing and entertainment shall be prohibited. **(PD)**

k. Prior to the sale, service, and consumption of alcoholic beverages in the outdoor dining area, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

3. The Development Services Departments and divisions (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.

4. Conditional Use Permit No. 12-003 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-003 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.

6. Incorporating 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).

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.

B-2. **DEVELOPMENT AGREEMENT NO. 12-003 (ARCHSTONE HB LOFTS DEVELOPMENT AGREEMENT)** **Applicant:** Archstone Apartments and Red Oak Investments **Property Owner:** Archstone Huntington Beach College Park LLC **Request:** Development Agreement No. 12-003 represents a request to enter into a Development Agreement between the City of Huntington Beach and Archstone Huntington Beach College Park LLC (developer) pursuant to approvals for the Archstone HB Lofts Project (Conditional Use Permit No. 07-043). The Project is approved for 385 multi-family apartment units, including live work units, 10,000 sq. ft. of retail space, a leasing office, resident fitness and recreation areas and public open space. The project, formerly known as The Ripcurl, was approved by the Planning Commission and the City Council in 2008. Condition No. 4.a. requires an affordable housing agreement to be approved by the City Council and recorded to provide for affordable dwelling units in accordance with the Huntington Beach Zoning and Subdivision Ordinance. **Location:** 7400 Center Avenue, Huntington Beach, CA 92647 (southeast corner of Center Avenue and Gothard Street) **Project Planner:** Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Development Agreement No. 12-003 with findings for approval (Attachment No. 1) and forward Draft Ordinance (Attachment No. 2) to the City Council for adoption."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and served on the Planning Commission during previous hearings for the project.
- Vice Chair Bixby has visited the site and spoken to staff.
- Chair Mantini has visited the site and served on the Planning Commission during previous hearings for the project.
- Commissioner Delgleize has visited the site and served on the Planning Commission during previous hearings for the project.
- Commissioner Franklin has visited the site.
- Commissioner Ryan has visited the site.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

There was a brief discussion on the affordable unit requirements for the project.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY SHIER BURNETT, SECONDED BY DELGLEIZE, TO APPROVE DEVELOPMENT AGREEMENT NO. 12-003 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Bixby, Mantini, Delgleize, Franklin, Ryan**
NOES:	**None**
ABSENT:	**Peterson**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR CEQA:

The Planning Commission finds that the proposed development agreement, which executes the required affordable housing agreement, is included in the scope of the proposed project's Environmental Impact Report (EIR No. 07-004) certified by the City Council on November 10, 2008.

FINDING FOR APPROVAL – DEVELOPMENT AGREEMENT NO. 12-003:

The development agreement is consistent with the General Plan and Huntington Beach Zoning and Subdivision Ordinance. Development Agreement No. 12-003 provides for the construction of the Archstone HB Lofts Project, which complies with approved Conditional Use Permit No. 07-043 and was found to conform to the goals and policies of the General Plan as approved by the City Council on November 10, 2008. The development agreement ensures the construction of 39 affordable housing units within the project in accordance with the provisions of the HBZSO for a 55-year period. The development agreement is consistent with the following General Plan goals and policies:

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

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:

a. Not applicable

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.

e. Intermix uses and densities in large-scale development projects.

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

g. Establish linkages among community areas, which may include pedestrian and vehicular paths, landscape, signage, other streetscape elements, open space, transitions, in form, scale, and density of development, and other elements.

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.

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 the project is developed in accordance with the approved project development plan, which provides a housing choice adjacent to an existing public transit center and provides an alternative for residents seeking to be within walking distance of work, services or commercial uses and reduce dependency on their automobile. The development agreement would guarantee that the project provides 39 on-site affordable housing units. These units would help the City to satisfy its affordable housing obligations while providing housing for moderate income households.

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.

B-3. **APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 12-005 (RUSSO AND STEELE AUTO AUCTION)** **Applicant:** Drew Alcazar **Property Owner:** City of Huntington Beach **Appellant:** Planning Commissioner Mark Bixby **Request:** To permit an annual automobile auction for a period of 11 days during the month of June for five years (2013-2017). The main event will take place for four days and include amplified music, auction announcements, food and alcohol sales. The event will be held within the beach parking lot located between Huntington Street and the Hyatt pedestrian bridge and temporarily displace up to 588 parking spaces. The request also includes a parking management plan with shuttle services to remote parking lots located at Rodgers Senior Center, City Hall, Edison Park, Edison High School, and Newland Barn. Parking within the hotel parking lots will be available for event participants, attendees, and staff. **Location:** 21101 Pacific Coast Highway, 92648 (ocean side of Pacific Coast Highway, between Huntington Street and Beach Boulevard) **Project Planner:** Jill Arabe

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 12-05 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Shier Burnett has visited the site and served on the Planning Commission for hearings on adjacent sites.
- Vice Chair Bixby attended the Zoning Administrator hearing on the project and has spoken with Jack Clapp.
- Chair Mantini has visited the site.
- Commissioner Delgleize has visited the site and has spoken with Mike Adams.
- Commissioner Franklin has visited the site.
- Commissioner Ryan has visited the site and has spoken with Mike Adams and Jack Clapp.

Jill Arabe, Assistant Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Mike Adams, applicant, spoke in support of Item No. B-3, citing potential benefits to the city. He noted that the applicant is intending to work with staff and adjacent sites to alleviate the potential parking impacts.

Drew Alcazar, Russo and Steele, spoke in support of Item No. B-3, citing the potential benefits to the city, including sales tax revenue, and the intention to have this be an annual event in the city.

John Von Holle, resident, spoke in support of Item No. B-3, citing potential benefits to the city.

John Lejnieks, resident spoke in opposition to item No. B-3, citing concerns with potential parking impacts, and potential inconsistencies with the use of the site.

Shawn Millbern, Hilton and Hyatt Regency, spoke in support of Item No. B-3, citing the opportunity to diversify the City's image and other benefits to the city.

Jack Clapp, Jack's Beach Concession, spoke in opposition to item No. B-3, citing potential parking and business impacts to Jack's Beach Concession.

Dustin Clapp, Jack's Beach Concession, spoke in opposition to item No. B-3, citing impacts to their business.

Victor Galich, retired City of Huntington Beach employee, spoke in support of Item No. B-3 citing potential benefits to the city.

Darryl Nance, resident, spoke in support of Item No. B-3, citing potential benefits to the community, noting that he holds a carshow at that lot and has received only positive comments.

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

There was a brief discussion regarding the parking analysis and the proposed shuttle system.

Vice-Chair Bixby stated that he felt the project degrades coastal access, will displace a coastal dependent use for a non-coastal dependent use, and would potentially impact parking. He stated that he would be voting to deny the project.

Commissioner Ryan and Chair Mantini indicated that they would be voting in favor of the project.

Commissioner Shier Burnett stated that she felt this project would be a positive for the city and the potential impacts would be temporary.

A MOTION WAS MADE BY DELGLEIZE, SECONDED BY RYAN, TO APPROVE COASTAL DEVELOPMENT NO. 12-005 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	**Shier Burnett, Mantini, Delgleize, Ryan**
NOES:	**Bixby, Franklin**
ABSENT:	**Peterson**
ABSTAIN:	**None**

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having no permanent effects on the environment, similar in nature to such temporary uses as carnivals, sales of Christmas trees, etc.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-05:

1. Coastal Development Permit No. 12-05 to permit an annual automobile auction for a period of 11 days during the month of June for five years (2013-2017) conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following General Plan objectives and policies:

   A. *Land Use Element*

   Policy LU 14.1.3: Require that structures located in the City's parks and other open spaces be designed to maintain the environmental character in which they are located.

   B. *Coastal Element*

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

   Policy C 1.1.6: Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Commission's guidelines adopted by the commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

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

   C. *Recreation and Community Services Element*

   Objective RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

   The proposed event is consistent with the General Plan objectives and policies because the use is a visitor-serving commercial/recreational use and provides a recreational opportunity for classic car enthusiasts and tourists. The event is located within an existing beach parking lot and will temporarily displace up to 588 parking spaces. It is proposed within close proximity to the downtown area and the hotels (Hilton and Hyatt), which are comprised of other visitor-serving commercial uses. The visual presence of the event near the iconic downtown, pier, and hotels will attract tourists and increased revenue. Furthermore, the use is temporary and will maintain adequate public access to coastal resources, as the event does not encroach into sidewalks, parking lot entrances, public access points or the shoreline. Associated temporary improvements such as the fencing, canopies, and tent will be removed upon completion of the event. Based on parking surveys provided by the applicant, potential parking impacts during the event may occur on the weekend (Attachment No. 5), but will be mitigated through free shuttle services and remote parking lots supplied by the applicant. A total of 795 parking spaces will be provided and maintained at five remote parking lots including City Hall, Edison High School and Park, Rodgers Senior Center, and Newland Barn with shuttle services to and from the lots. No other events will

impact parking at the remote lots. The demand for additional parking for the event is not anticipated because the majority of attendees will be guests at the Hilton and Hyatt hotels across the street. Approximately 1,300 hotel parking spaces are available for guests and visitors, which adequately supplies parking for the hotel and the proposed event. As conditioned, event participants and spectators will be notified to park within the hotel parking lots.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of SP5 (Downtown Specific Plan), the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and the Huntington Beach Municipal Code (HBMC). The automobile auction is located within District No. 7 (Beach) of SP5, which allows for beach open space uses or other related uses subject to the review and approval of the City's Design Review Board. The project is also subject to approval of a Specific Events Permit. Although the temporary event will displace up to 588 parking spaces, coastal resources including the beach, boardwalk, and all remaining parking facilities will be accessible to the general public. Pedestrian and vehicular access will be available around the event site. Free parking and shuttle service at remote parking lots will be provided to replace the temporary loss of parking.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will provide a temporary visitor-serving use that will not significantly change the physical environment. No permanent alterations to the site are proposed. Onsite improvements are limited to the main tent, fencing, canopies, and signage. The project is within a previously developed site in an urbanized area with all necessary services and infrastructure available. Upon completion of the event, all associated equipment and improvements will be removed and returned to its previous condition.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. Adequate access to coastal resources is provided around the event site including beach parking lot entrances, nearby public right-of-ways, the pedestrian overpass, and adjacent parking lots. The project includes the replacement of parking with remote parking lots at City Hall, Edison Park, Edison High School, Rodgers Senior Center, and Newland Barn. The remote parking lots are accompanied by shuttle services to the beach and event site which will be free and available for use by the general public.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-05:

1. The site plans received and dated April 24, 2012, the project narrative received and dated July 24, 2012, shall be the conceptually approved design and proposal, and the parking study received and dated July 26, 2012, shall be the conceptually approved study.

2. A minimum of six months prior to the first day of the event scheduled in June 2013, the applicant shall submit to the Planning Division a detailed narrative of the shuttle services and remote parking lot operations program approved by a traffic engineer for review and approval by the Directors of Public Works and Planning & Building. The program shall address, but not be limited to, hours of operation for the shuttle, the number of shuttle buses being provided for the event, anticipated shuttle occurrence/interval time, the route (i.e., pick up/drop off areas) for shuttle buses, coordination between remote parking lots,

and a traffic control plan. At the City's discretion, additional information may be required to be incorporated into the program.

3. Five months prior to the first day of the event scheduled in June 2013, the applicant shall submit to the Planning Division a complete signage program in compliance with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Downtown Specific Plan (SP5). The signage program shall include, but not be limited to, signs posted at the event site, within the public right-of-way, and within remote parking lots, the proposed sign types, the location of proposed signs, and the information provided on the signs. Signage for the shuttle service at the remote parking lots shall identify hours of operation, and emergency and program contact information. The signage program shall be subject to review and approval by the Departments of Public Works and Planning and Building.

4. Upon approval of the shuttle program and signage program, the applicant shall promote and distribute informational materials of the auction including the remote parking lots and shuttle services during the event to sources such as the City website, Russo and Steele website, and event attendees.

5. One week prior to the first day of the event, the applicant shall provide the following:

    a. Written notification to all the hotels and visitor accommodations within the City of Huntington Beach (including Sunset Beach) regarding the event. The notification shall include information about the partial closure of a portion of the beach parking lot, the location of free parking lots during the event, parking for the event within the Hyatt and Hilton hotel parking lots, and shuttle maps and alternative routes to the beach.

    b. Written notification to all City beach parking pass holders regarding the event. The notification shall include information about the partial closure of a portion of the beach parking lot, the location of free parking lots during the event, and shuttle maps and alternative routes to the beach.

6. Prior to the commencement of the use, the following shall be completed:

    a. The Specific Events Permit shall be obtained.

    b. Two months prior to the first day of the scheduled event, signage and fencing shall be reviewed and approved by the Design Review Board **(DRB)**.

    c. The applicant shall coordinate with the Hyatt and Hilton hotels for providing parking for event participants and spectators during the event. Written consent from the hotels for the provision of parking for event participants and spectators shall be submitted to the Planning Division.

    d. Event participants and spectators shall be notified of available parking at the Hyatt and Hilton hotel parking lots.

    e. Written authorization from Edison High School to reserve and utilize a minimum of 178 parking spaces for the event shall be submitted to the Planning Division.

7. The use shall comply with the following requirements:

a. All conditions required under the Specific Events Permit issued for this event shall remain in effect.

b. The event days including setup and takedown shall not exceed a period of 11 days in June, commencing on a Monday for setup and terminating on the following Thursday for takedown.

c. The event shall not prohibit vehicular or pedestrian access into the beach parking lots.

d. The hours of operation for the four-day main event shall be as follows:

	OPEN	CLOSE
Thursday	9:00 AM	10:00 PM
Friday	9:00 AM	11:00 PM
Saturday	9:00 AM	11:00 PM
Sunday	9:00 AM	4:00 PM

e. Only the schedule of activities described in the project narrative received and dated July 24, 2012, shall be permitted.

f. All five remote parking lots as proposed shall remain open and available for use during the event with shuttle operations per the approved program in Condition No. 2.

g. The applicant shall maintain all remote parking lots clear of trash and debris during and after the event on Saturday and Sunday.

h. No other events shall occur at proposed remote parking lots during the event on weekends.

i. Use of amplifiers, speakers, and playing of recorded music shall be limited to the event area and shall be discontinued pursuant to the closing time under Condition No. 7d. Speakers shall not be directed toward any housing area.

j. Any portable/fixed event lighting and theatrical lighting sets shall be positioned and aimed so that they do not shine towards or impair on-coming street traffic.

k. The applicant shall provide for clean-up of the subject site and adjacent streets of trash and debris after the closing of each day. Clean-up of the site between 10:00 PM and 7:00 AM shall not include the use of any machinery or equipment that may disturb the vicinity. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site each day after the closing of each event.

l. An event liaison shall be permanently established and available to assist event attendees with issues regarding overall site operations. A sign shall be clearly posted on-site identifying the event contact and telephone number.

m. All construction and events activities shall comply with the noise thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control).

8. CDP No. 12-05 shall become null and void unless exercised within two years of the date of final approval by the Planning Commission, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.

9. The applicant and City shall monitor the 4-day event operations which may include beach parking lot observations, tracking of ridership for shuttles, parking capacity, and public complaints. A review of the use shall be conducted by the Planning Commission with a publically noticed hearing within one (1) year of operation to verify compliance with all conditions of approval, applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance, and the Municipal Code. At that time the Planning Commission may consider modifications to the conditions of approval. In the event that the City determines there is a parking deficiency or if all remote parking lots reach full capacity for two hours as a result of the event, a subsequent review of the use shall be conducted with a publically noticed hearing prior to commencement of the event the following year.

10. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the event may be terminated by any Police Officer, Fire Inspector, or authorized personnel of the Departments of Community Services and Planning and Building.

11. Minor modifications to the plans shall be reviewed and approved by the Departments of Planning and Building, Community Services, and Public Works for conformance with the intent of the Planning Commision'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.

12. 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.

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 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
Herb Fauland, 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 Shier Burnett thanked staff for their work in streamlining the agenda process.

Chair Mantini thanked staff for their work on Agenda Item No. B-3. Commissioner Delgleize echoed Chair Mantini's comments.

ADJOURNMENT: Adjourned at 8:37 PM to the next regularly scheduled meeting of Tuesday, October 9, 2012.

APPROVED BY:

Scott Hess, Secretary

Janis Mantini, Chairperson