

ATTACHMENT #7

ATTACHMENT NO. 7

ALTERNATIVE

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

DESIGN REVIEW NO. 12-010

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The City Council finds that the project will not have any significant effect on the environment and is Categorical 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.

SUGGESTED FINDINGS FOR APPROVAL – DESIGN REVIEW NO. 12-010:

1. Design Review No. 12-010 to permit the installation of a 9/11 memorial sculpture replacing the existing fountain. The sculpture installation at the Civic Center is designed at a height of 19 ft and a circumference of 19 ft with a water feature and illuminated base 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 and will not result in noise, safety, or compatibility issues as the Civic Center is identified as an internal node in the General Plan and design to accommodate visitors. The installation of the memorial will not generate detrimental impacts onto surrounding properties as the sculpture will be placed within the security surveillance of the Civic Center facility.
2. The installation of a 9/11 memorial at the Civic Center, which is surrounded by commercial, public, and office uses, 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 regarding installation and operation to ensure that any potential impacts to the surrounding properties are minimized.
3. The installation of the 9/11 memorial is in conformance with the General Plan land use designation of public uses. The proposed 9/11 memorial will comply with all building code installation requirements. The installation of public art benefits both the citizens and visitors to Huntington Beach by creating a destination place to view the 9/11 memorial sculpture. Additionally, the sculpture was designed by an award winning artist.
4. The granting of the design review application for the installation of the 9/11 memorial is consistent with the General Plan because the General Plan Urban Design Guidelines designation for the Civic Center identifies City Hall as one of ten Internal Nodes. A node acts as a significant focal point and as a center of movement and activity. The proposed project to add public art in the form of a memorial sculpture contributes to this standard and is therefore consis-

tent with this designation and the goals and objectives of the City's General Plan based on the following:

Urban Design Element

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

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

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

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

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

1. The elevation received and dated July 3, 2012 shall be the conceptually approved design with the following modifications.
 - a. Sculpture shall be installed to replace the existing fountain located at the Civic Center upper level.
 - b. Final plans shall be reviewed and approved the Director of Planning and Building prior to plan check submittal.
 - c. Water feature and light components shall be energy efficient.
2. Applicant is responsible for the maintenance of the sculpture and all utility costs unless the applicant enters into an agreement with the City for the maintenance of the sculpture including the utility costs prior to the issuance of building permits.
3. Bollards shall be installed along the driveway frontage directly fronting the sculpture in order to block vehicular entry and protect pedestrians viewing the sculpture.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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