



## CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** 3/18/2013  
**SUBMITTED TO:** Honorable Mayor and City Council Members  
**SUBMITTED BY:** Fred A. Wilson, City Manager  
**PREPARED BY:** Scott Hess, AICP, Director of Planning and Building  
**SUBJECT:** Approve Design Review No. 2012-010 (9/11 Memorial) at the Civic Center Lower Level Amphitheater (Referred by the Planning Commission)

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### **Statement of Issue:**

Transmitted for your consideration is a proposal by Pat Vogel, Patrick Vogel Designs, Inc. representing the Huntington Beach Police Officers' Foundation (POF) and Firefighters' Association (FFA) to construct a 9/11 Memorial at the Civic Center at the fountain area between the Civic Center building and the Police Department (**Alternative - 1**). The Planning Commission referred the project to City Council on January 23, 2013. Staff is recommending the City Council approve the 9/11 Memorial in the lower level amphitheater (**Recommended Action**).

**Financial Impact:** Not applicable

### **Recommended Action:**

### **STAFF RECOMMENDATION:**

Motion to:

Approve Design Review No. 12-010 to permit the construction of a 9/11 Memorial at the Civic Center lower level amphitheater with suggested findings and conditions of approval (ATTACHMENT NO. 1).

### **Alternative Action(s):**

The City Council may make the following alternative motion(s):

1. Approve Design Review No. 12-010 to permit the replacement of the existing fountain on the upper level of the Civic Center with construction of a 9/11 Memorial with findings and revised conditions of approval (ATTACHMENT NO.7) (Applicant's Request)
2. Continue Design Review No. 12-010 and direct staff accordingly.

## **Analysis:**

### **A. PROJECT PROPOSAL:**

**Applicant:** Pat Vogel, Vogel Designs, Inc.

**Property Owner:** City of Huntington Beach

**Location:** 2000 Main Street, Civic Center (south of Yorktown Ave., between Main Street and Lake Street)

Design Review No. 12-010 represents a request to review the design, colors, and materials for the construction of a 9/11 Memorial to replace the fountain at the Civic Center. The sculpture incorporates two small I-beam sections (approximately 4 feet in length) from the World Trade Center recovered by the New York City Fire Department. The sculpture design symbolizes the New York City Twin Towers. The sculpture is designed to appear to have two separate 19 foot high towers when viewed from the front but are connected at the back of the sculpture to accommodate a recessed waterfall feature located between the two towers. A 19 foot wide round base serves to anchor the sculpture and also serves to accommodate lighting which will illuminate the sculpture. (Attachment No. 3.)

### **B. HISTORY:**

The City of Huntington Beach sent emergency response staff to New York City in response to the September 11, 2001, attack. As a thank you for the City's participation, the Police Officers' Foundation and the Huntington Beach Firefighters' Association each received one four-foot length section of the Twin Towers I-beam. The associations formed a committee comprised of these associations, a City representative, and citizens to select an artist to design a sculpture for the display of the I-beams. The awarding winning artist, Patrick Vogel Designs, Inc. was selected. Various potential citywide locations were considered but ultimately the Civic Center was believed to be the best location. Two areas at City Hall were analyzed as potential options: 1) the fountain area (Attachment No. 6), and 2) the lower plaza amphitheater area near the Council Chambers (Attachment No. 3). The fountain area was the preferred location by the applicant/associations and represented as such in the proposal presented to the Design Review Board (DRB). The DRB discussed relocating the sculpture to the lower level plaza area but ultimately recommended that the Director of Planning and Building approve the sculpture at the fountain area location. A condition of approval states that the applicant (HB Police Officers' Foundation and HB Firefighters' Association) will be responsible for the maintenance of the sculpture and payment of all associated utilities. Alternatively, the associations may enter into a maintenance agreement with the City prior to issuance of building permits.

Design Review No. 12-010 was approved by the Design Review Board/Planning and Building Director on September 13, 2012, at the fountain location as originally proposed by the applicant. On Tuesday, September 18, 2012, former Mayor Pro Tem Devin Dwyer and City Council Member Joe Shaw appealed the Design Review Board/Planning Director's approval of Design Review No. 12-10 (Attachment No. 2). The primary reason for the appeal was to allow the City Council an opportunity to review the aesthetics and consider alternative locations. On November 1, 2012, Council Members Dwyer, Shaw and staff met with representatives of the Huntington Beach Police Officers' Foundation (HBPO) to discuss and select a potential alternative location. The HBPO Foundation stated that they prefer the memorial be located at the fountain between the Civic Center building and the Police Department building, as submitted and approved in the Design Review application.

### C. PLANNING COMMISSION MEETING:

On January 23, 2013, the Planning Commission considered the appeal by Mayor Pro Tem Devin Dwyer and Council Member Joe Shaw but no one was present to speak and the public hearing was closed. Staff recommended that the item be referred to the City Council because of the request stated in the appeal memo. There was a brief discussion regarding potential action on the item. The Planning Commission voted to refer the matter to the City Council.

#### Planning Commission Action on January 23, 2013:

The motion made by Bixby, seconded by Franklin, to refer Design Review No. 12-010 to City Council for discussion and action carried by the following vote:

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

### **MOTION PASSED**

### D. STAFF ANALYSIS AND RECOMMENDATION:

Since the appeal by then Mayor Pro Tem Devin Dwyer and Council Member Joe Shaw, both locations were analyzed further for consideration of the 9/11 Memorial. The following is a discussion of both locations.

#### Fountain Location:

Alternative No. 1 is to locate the sculpture at the fountain area would make the sculpture immediately visible to the public. In this location, the sculpture becomes a focal point from the primary vehicular entrance to the Civic Center from Yorktown Avenue. However, a significant amount of landscaping will be lost by removing the existing planters and the fountain to accommodate installation of the sculpture. Removal of the fountain creates a stand-alone feature of the Anjo lantern, which was a gift from Huntington Beach's sister city, Anjo, Japan. The Anjo lantern, installed in 1985, was integrated into the design of the fountain and now serves as a low scale focal point at the entry to the Civic Center campus. Therefore, the removal of the fountain affects the aesthetic of this significant art piece from the City's sister city. Installation of the memorial sculpture in this location would also change the scale and character of the upper level entry to the Civic Center. The proposed sculpture is much larger in size than the smaller scale fountain, lantern, peace pole, and benches that are currently found in the open entrance plaza area.

Additionally, this location offers no seating for visitors to view the sculpture for any length of time and would only accommodate standing room for larger memorial gatherings. For security reasons, bollards should be considered in order to protect the sculpture and visitors from vehicles and would detract from the aesthetics of the public art piece. Also, with the sculpture placed in this location, vehicles could potentially stop on the main driveway and block traffic flow in an effort to view the sculpture, which would create a traffic circulation problem.

#### Lower Level Amphitheater Location:

The General Plan Urban Design Guidelines designates the Civic Center as one of ten Internal Nodes found in the City of Huntington Beach. A node by definition acts as a significant focal point and as a center of movement and activity. Based on this definition, staff believes the lower level

amphitheater is the best location within the Civic Center for such activity and display of the 9/11 Memorial even though it will be less immediately visible than the upper plaza. The lower level amphitheater provides a buffer from street and parking lot noise for quiet reflection when experiencing the sculpture and can easily accommodate larger gatherings for memorial purposes. The amphitheater is the central open air meeting place of the Civic Center and provides seating in the form of the existing stairs potentially offering visitors an opportunity to sit, reflect and enjoy the sculpture. In this case, the proposed 19 foot tall and 19 feet wide sculpture is more consistent with the surrounding scale and character of adjacent improvements. At this location, the sculpture would complement the surrounding structures rather than visually dominate the area as it would in the upper plaza.

The sculpture and the associated lighting provides additional illumination for visitors attending evening meetings at the Civic Center and makes the lower level more inviting to the public. The amphitheater location also offers the sculpture and visitors more protection from accidental vehicular access and the elements because it would be primarily surrounded by existing buildings. Because it is immediately adjacent to the Police Department, this location offers continuous surveillance from the Civic Center cameras and offices that look onto the area. The amphitheater location would not necessitate the removal of the fountain or require relocation of the Anjo lantern.

Therefore, based on this analysis, staff recommends approval of DR No. 12-010 for the 9/11 Memorial at the lower level plaza amphitheater.

**Environmental Status:**

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

**Strategic Plan Goal:**

Enhance economic development

**Attachment(s):**

1. Findings and Suggested Conditions of Approval (Staff's Recommendation)
2. Appeal letter from Mayor Pro Tem Devin Dwyer and Council Member Joe Shaw dated September 18, 2012
3. Site Plan and Elevations received and dated July 3, 2012 and February 14, 2013 (Recommended Action)
4. Narrative dated July 3, 2012
5. Planning Commission Staff Report dated January 23, 2013
6. Alternative Site Plan and Elevations dated July 3, 2012 (Applicant's Request)
7. Findings and Suggested Conditions of Approval for Alternative Action (Applicant's Request)
8. Power Point Presentation

SH:KDC:JJ: RM