

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, AUGUST 7, 2013 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Kristi Rojas, Hayden Beckman, Ethan Edwards,, Judy Demers
(recording secretary)

MINUTES: April 4, 2012
November 7, 2012
December 5, 2012
December 19, 2012

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 13-017 (ACHIOTE GRILL ALCOHOL)

APPLICANT: John Corcoran, 16691 Gothard Street, Suite K, Huntington Beach, CA 92647
PROPERTY OWNER: Gothard Business Center Associates, 3500 W. Orangewood Avenue, Orange, CA 92868
REQUEST: To permit alcohol (beer and wine) sales, service, and consumption at an existing 1,034 sq. ft. eating and drinking establishment.
LOCATION: 16691 Gothard Street, Suite K, 92647 (west of Gothard Street, between Heil and Warner Avenue)
PROJECT PLANNER: Kristi Rojas

Kristi Rojas, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. She also noted that the Entitlement number was incorrect and provided the new number.

Ricky Ramos, Zoning Administrator, verified with staff that Condition 2 (h) was not applicable and could be deleted. Ms. Rojas stated that the condition was not applicable and could be deleted.

THE PUBLIC HEARING WAS OPENED.

John Corcoran, applicant, stated that he had no comments or concerns with staff's recommendations.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 13-017 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 15301 of the CEQA Guidelines, because the project consists of no expansion in the overall floor area of the existing restaurant.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-017:

1. Conditional Use Permit No. 13-017 to permit an approximately 1,034 sq. ft. existing eating and drinking establishment with onsite sales, service and consumption of alcohol (beer and wine) located within an existing industrial complex 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 alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.
2. The conditional use permit will be compatible with surrounding uses because the existing restaurant is surrounded by a majority of industrial uses as office and warehousing uses. The operation of the conditional use permit will occur entirely within the interior of the business and will be required to comply with conditions of approval pertaining to alcohol service and hours of operation. Additionally, the use is subject to noise regulations to further ensure compatibility with surrounding properties.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of I-F2-d (Industrial-0.50 FAR—Design Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.
 - b. Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales area for manufacturers and

photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.

The conditional use permit will be consistent with the Land Use Element designation and will help to increase the economic viability of the existing eating and drinking establishment. The service of beer and wine is not anticipated to result in negative impacts on surrounding businesses and adjacent properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-017:

1. The site plan, floor plans, and elevations received and July 5, 2013 shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. The sales and consumption of alcoholic beverages shall be permitted between the following hours:
 - i. Monday – Sunday: 8:00 AM and 10:00 PM
 - b. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are provided by the City. **(PD)**
 - c. All alcoholic beverages shall remain within the interior of the restaurant 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. **(PD)**
 - d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time. **(PD)**
 - e. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for offsite consumption shall be prohibited. **(PD)**
 - f. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the confines of the restaurant. **(PD)**
 - g. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
 - h. No Happy Hour or reduced priced alcoholic beverage specials shall be offered after 7:00 PM. **(PD)**
3. CUP No. 13-017 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 Department a minimum 30 days prior to the expiration date.
4. 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/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.

ITEM 2: CONDITIONAL USE PERMIT NO. 13-018 (LOCAL BENCH GRILL ALCOHOL)

APPLICANT: Bulent Gundogar,
PROPERTY OWNER: Jay Le Rue, Pierside Pavillion LLC, 300 Pacific Coast Highway, Huntington Beach, CA 92648
REQUEST: To permit alcohol (beer and wine) sales, service, and consumption at an existing 861 sq. ft. eating and drinking establishment.
LOCATION: 300 Pacific Coast Highway, Unit 107B, 92648 (east side of Pacific Coast Highway, south of Main Street)
PROJECT PLANNER: Hayden Beckman

Hayden Beckman, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary. Mr. Beckman noted that he had received one letter opposing the project citing concern with the City allowing an additional alcohol establishment in the downtown area.

Ricky Ramos, Zoning Administrator, stated that he did not have questions for staff.

THE PUBLIC HEARING WAS OPENED.

Bulent Gundogar, applicant, stated that he had no comments or concerns with staff's recommendations.

Richardson Gray, downtown resident, stated that he opposed the proposed permit citing concerns with the number of alcohol establishments in the downtown area, potential increase in noise, and crime.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

CONDITIONAL USE PERMIT NO. 13-018 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 15301 of the CEQA Guidelines, because the project consists of no expansion of the existing restaurant use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-018:

1. Conditional Use Permit No. 13-018 to permit the sales, service, and consumption of alcoholic beverages (beer and wine) within an existing 1,276 sq. ft. restaurant 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 alcohol sales and service, as conditioned, will not generate noise, traffic, demand for parking or other impacts above that which currently exists or be inconsistent with the subject property's zoning. The restaurant will continue to serve food and beverages in conjunction with the proposed use.
2. The conditional use permit will be compatible with surrounding uses because the subject tenant suite is located within a Specific Plan area designated for mixed-use pedestrian-oriented development. The proposed restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible with adjacent properties. The use is required to comply with conditions of approval pertaining to alcohol service and hours of operation to assure that any potential impacts to the surrounding properties is minimized.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. The proposed project as conditioned complies with the base district and other applicable provisions. There is no physical expansion that includes additional floor area to the existing building as a part of this request and the use will comply with all building occupancy/exiting requirements.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-sp-pd (Mixed Use – >30 du/ac – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a 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, 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 from urban development.

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

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.

Policy LU 15.2.2: Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed project is consistent with the Land Use Density Schedules for the Downtown and increases the economic viability of the establishment by offering the sales and service of alcoholic beverages. The expansion of services captures and enhances visitor and tourist activity within the downtown. The site is located in a mixed-use district of the downtown area and within walking distance of several downtown-parking facility as well as residential uses, thus reducing the need for vehicular travel.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-018:

1. The site plan and floor plan received and dated June 6, 2013, shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Hours of operation shall be limited to between 9:00 AM and 11:00 PM Monday through Thursday and between 9:00 AM and 12:00 AM Friday through Sunday.
 - b. Outdoor dining shall be limited to a maximum of 20% of the restaurant area per Downtown Specific Plan Section 3.2.24.4, unless otherwise permitted.
 - c. Alcohol service or consumption within any outdoor dining area shall be prohibited unless approval is obtained from the City.
 - d. Consumption of alcohol on the premises shall be limited to the conditions contained in the ABC Type 41 license (On Sale Eating Place – Beer and Wine). **(PD)**
 - e. To reduce the likelihood of alcoholic beverage consumption by minors, all alcoholic beverages shall be served in distinctive vessels, different than those containing non-alcoholic beverages. **(PD)**
 - f. The business will be located in a highly visible location along Pacific Coast Highway. To maintain a clean public image, no items shall be placed in the windows advertising the availability of alcoholic beverages, nor shall any displays or advertisements in the interior be directed to the exterior promoting the availability of alcoholic beverages. **(PD)**
 - g. To comply with the Downtown Specific Plan #5, no alcohol shall be served after midnight. **(PD)**
 - h. Alcohol sales are limited to purchases in conjunction with food. Purchases of alcohol only are prohibited. **(PD)**
 - i. Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City. **(Resolution No. 2011-16)**
 - j. A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for

- cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas. **(Resolution No. 2011-16)**
- k. To ensure the location maintains a restaurant atmosphere, full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times. **(Resolution No. 2011-16)**
 - l. Alcoholic drinks shall not be included in the price of admission to any establishment. **(Resolution No. 2011-16)**
 - m. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks. **(Resolution No. 2011-16)**
 - n. All alcohol shall remain on the establishment's premises, including within outdoor dining areas. **(Resolution No. 2011-16)**
 - o. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served. **(Resolution No. 2011-16)**
 - p. All areas of the business that are accessible to patrons shall be illuminated to make easily discernable the appearance and conduct of all people in the business. **(Resolution No. 2011-16)**
 - q. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited. **(Resolution No. 2011-16)**
 - r. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code. **(Resolution No. 2011-16)**
3. Conditional Use Permit No. 13-018 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. **(HBZSO Section 241.16.A)**
4. 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/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.

ITEM 3: RECONSIDERATION OF CONDITIONAL USE PERMIT NO. 12-013/ COASTAL DEVELOPMENT PERMIT NO. 13-007 (BARK CITY DOG DAYCARE FACILITY)

APPLICANT: Bryson Berryman, 2120 Pacific Coast Highway, Huntington Beach, CA 92648
PROPERTY OWNER: Daniel Brimlow, 1820 NW Carty Road, Ridgefield, WA 986427
REQUEST: To permit the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. within the appealable area of the Coastal Zone.
LOCATION: 8451 Edison, 92646 (north side of Edison Drive, between Newland Street and Beach Maintenance Yard))
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Project Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, stated that he did not have any questions for staff.

THE PUBLIC HEARING WAS OPENED.

Bryson Berryman, applicant, stated that he had no comments or concerns with staff's recommendations. He gave a brief summary of the proposed project.

Mr. Ramos stated that the modified design is a design that allows him to make the necessary findings to approve the request.

COASTAL DEVELOPMENT PERMIT NO. 13-007/ CONDITIONAL USE PERMIT NO. 12-013 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WDAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator 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 15303 of the CEQA Guidelines, because the use will establish and operate modular buildings for animal boarding not exceeding 10,000 sq. ft. in floor area on a site zoned for such a use with approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-007

1. Coastal Development Permit No. 13-007 for the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. conforms with the General Plan, including the Local Coastal Program designation of Industrial General. The proposed project is consistent with Coastal Element Policy C 1.2.1 to accommodate existing uses and new development oriented towards coastal activities and the needs of local residents and city visitors. The establishment of a dog daycare facility promotes the re-use of an underutilized site which is consistent with General Plan goals, policies, and objectives, encouraging the establishment

of new businesses and creation of job opportunities including those that support the needs of Huntington Beach residents, proposed modular structures that provide a high level of quality and distinctive architecture, and development of new animal boarding services that are compatible with adjacent land uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development standards, including on-site parking requirements. The placement of two, 1-story modular structures will comply with all building code regulations including occupancy/exiting requirements.
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 involve site improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-013:

1. Conditional Use Permit No. 12-013 for the establishment of a dog daycare facility, including the placement and operation of two, 1-story modular structures totaling approximately 2,160 sq. ft. 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 use will not generate traffic or other impacts detrimental to surrounding properties and inconsistent with the adjacent property's zoning. The project site is approximately 425 ft. northeast from the nearest residential use (mobile home park) and separated by Newland Street, which provides an adequate buffer from potential negative impacts associated with the use. Additionally, a proposed 10 ft. landscape planter along Edison Drive will help buffer the proposed parking area; and an 8 ft. high fence will be installed along the northern property line to screen the proposed use from the existing industrial uses to the north.
2. The conditional use permit will be compatible with surrounding uses because the animal boarding facility will be located within a primarily industrial use neighborhood containing manufacturing, animal hospital, power generation facility, and storage yards. The use will be conducted within enclosed modular buildings and outside within fenced play yards. Noise generated from outside activity is required to comply with the City's Noise Ordinance (Municipal Code Chapter 8.40). The proposed use will not detrimentally impact the surrounding uses; and will be consistent and compatible with the nearby neighborhood.
3. The proposed conditional use permit will comply with the provisions of the base district, other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, and any specific condition required for the proposed use in the district in which it would be located. Animal boarding facilities are permitted in the IG (Industrial General) zone, subject to the approval of a conditional use permit. The placement and operation of modular buildings will comply with required site development standards for nonresidential development including minimum setbacks, maximum height of structures and floor area ratio.

4. The granting of the conditional use permit for the proposed animal boarding facility will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Industrial on the subject property. In addition, it is consistent with the following goal and policies of the General Plan:
 - a. Goal LU 12: Achieve the development of industrial uses that provide job opportunities for existing and future residents, as well as the surrounding sub region, and generate revenues for the City.
 - b. Policy LU 12.1.1: Accommodate the continuation of existing and development of new manufacturing, research and development, professional offices, supporting retail commercial (including, but not limited to, sales area for manufacturers and photocopy stores), restaurants, financial institutions, and similar uses consistent with the Land Use and Density Schedules in the General Plan.
 - c. Policy LU 12.1.4: Require that new and recycled industrial projects be designed and developed to achieve a high level of quality, distinctive character, and be compatible with existing uses.
 - d. Policy LU 12.1.5: Require that new and recycled industrial structures and sites be designed to convey visual interest and character and to be compatible with adjacent uses, considering the: a.) use of multiple building masses and volumes to provide visual interest and minimize the visual sense of bulk and mass and b.) architectural design treatment of all building elevations.

The conditional use permit will accommodate a new business by allowing the establishment of an animal boarding facility. The proposed use will provide new job opportunities for existing and future residents, including those located within the surrounding region. The proposed modular structures provide a high level of quality, distinctive character, visual interest, and uniqueness in modular building architecture which complements the adjacent animal hospital and contributes to the improving neighborhood aesthetics. The animal boarding facility will operate within two proposed modular building and fenced outdoor play yards, which is surrounded by industrial uses that is consistent with the Land Use and Density Schedules in the General Plan.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-007/
CONDITIONAL USE PERMIT NO. 12-013:**

1. The site plan, elevations, and rendering plans received and dated July 29, 2013 shall be the conceptually approved design.
2. The hours of operation (open to the public) shall be between 6:00 AM and 9:00 PM daily.
3. Conditional Use Permit No. 12-013 in conjunction with Coastal Development Permit No. 13-007 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, 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 Department a minimum 30 days prior to the expiration date.

4. 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/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.

THE MEETING WAS ADJOURNED AT 1:53 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, AUGUST 21, 2013, AT 1:30 P. M.



Ricky Ramos
Zoning Administrator

RR:jd