



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 9, 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 Kalmick

P P P P P A A

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

Commissioners Brenden and Hoskinson were absent.

AGENDA APPROVAL

A MOTION WAS MADE BY CROWE, SECONDED BY MANDIC, TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 9, 2016, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic

NOES: None

ABSENT: Brenden, Hoskinson

ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

B-1. CONDITIONAL USE PERMIT NO. 16-009 (SUNSET BEACH MIXED USE - CONTINUED FROM THE JULY 26, 2016 PLANNING COMMISSION MEETING)

Applicant: Julio Gener, Studio Architects **Property Owner:** Jimmy Yanez

Request: To construct a 1,821 sq. ft. furniture store and a 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot and a request for a corner visibility triangle of nine feet, six inches in lieu of the required 17 x 17 foot corner visibility triangle. The project includes a request for 25% of the commercial parking to be provided in a tandem arrangement. The project is located in the non-certified Sunset Beach Specific Plan area and includes a review via an "Approval in Concept" process. **Location:** 16741 Pacific Coast Highway, Sunset Beach (at the southwest corner of PCH and 16th Street) **Environmental Status:** The project is categorically exempt pursuant to Section 15303, Class 3 of the California Environmental Quality Act. **City Contact:** John P. Ramirez

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 16-009 and the request for an "Approval in Concept," with the attached findings and conditions for approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site, spoke with staff, and spoke with Commissioner Semeta regarding the late communications from the public.
- Commissioner Kalmick visited the site, spoke with staff, members of the public and the applicant.
- Vice-Chair Semeta visited the site, and spoke with Mike Adams, residents, and members of staff.
- Chair Pinchiff visited the site, spoke with staff, and Mike Adams.
- Commissioner Mandic spoke with staff and with the applicant's representative.

John Ramirez, Contract Planner, gave the staff presentation and an overview of the revised project including the request to establish the use as a furniture store with the corresponding parking ratio. He noted that the previously proposed parking variances have been eliminated with the revised design. He also stated that staff is recommending two minor modifications to the suggested conditions of approval.

Commissioner Crowe noted that the project narrative should be amended to reflect the changes to the proposed project for the permanent record.

Mr. Ramirez gave a brief review of the visibility triangle. There was a discussion regarding the landscaping and Mr. Ramirez indicated that staff found the proposed landscaping to be sufficient.

At Vice-Chair Semeta's request, staff gave an overview of the zoning for the subject site, the allowable uses in that zone, and how parking for a furniture store would be calculated.

THE PUBLIC HEARING WAS OPENED.

Julio Gener, applicant, spoke in support of Item No. B-1. He reviewed the proposed parking and the proposed visibility triangle. He noted that he would need more information about available fire hydrants on adjacent properties before agreeing to provide a hydrant on site.

Tony Sellas, resident (time donated by Lisa Johnston and David Johnston), spoke in opposition Item No. B-1, citing concerns that the parking may be inconsistent with requirements. He also stated that the proposed project may be inconsistent with the Sunset Beach Specific Plan and questioned how the project meets the maximum residential and commercial square footage ratios.

Mike Adams, representative for the applicant, spoke in support of Item No. B-1, and made himself available for questions.

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

There was a brief discussion regarding the layout of the proposed development. Staff confirmed that residential is permitted above the garage in the Sunset Beach Specific Plan area.

Vice-Chair Semeta recommended adding a requirement to the covenant to prohibit any obstruction of the visibility triangle opening.

There was a brief discussion regarding the proposed landscaping and Commissioner Mandic asked that a condition be added requiring the applicant to work with the Community Development Director if the opportunity arises for any additional landscaping.

A MOTION WAS MADE BY KALMICK, SECONDED BY MANDIC, TO APPROVE CONDITIONAL USE PERMIT NO. 16-009 AND THE REQUEST FOR AN "APPROVAL IN CONCEPT," WITH THE ATTACHED FINDINGS AND MODIFIED CONDITIONS FOR APPROVAL AMENDING CONDITION NOS. 1, 3, AND 7, AND ADDING A REQUIREMENT TO THE COVENANT TO PREVENT THE OBSTRUCTION OF THE VISIBILITY TRIANGLE, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic
NOES: None
ABSENT: Brenden, Hoskinson
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 15303, Class 3, of the CEQA Guidelines, which states that new construction or conversion of small structures are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-009:

1. Conditional Use Permit No. 16-009 to construct 3,642 sq. ft. 3 story mixed use building consisting of a 1,821 sq. ft. retail business and one 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot, along with an "Approval In Concept" for the overall project and for the request for a corner visibility triangle of 9.5 x 17 feet in lieu of the required minimum 17 x 17 feet and tandem parking arrangement for 25% of the commercial parking 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 reduced parking demand for the proposed furniture store and the reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. The request for the reduction in the required corner site visibility triangle has been modified with a larger visibility triangle to enhance visibility for vehicle traffic approaching the intersection of PCH and 16th Street. Although the required 17x17 site visibility triangle is not fully provided, the first floor elevation

along PCH includes a six foot wide window to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. The updated design addresses vehicular/pedestrian/bicycle traffic safety, provides sufficient parking to accommodate on site uses and does not impact coastal access in the vicinity.

2. The conditional use permit to construct 3,642 sq. ft. 3 story mixed use building consisting of a 1,821 sq. ft. retail business and one 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot, along with an "Approval In Concept" for the overall project and for the request for a corner visibility triangle of 9.5 x 17 feet in lieu of the required minimum 17 x 17 feet and tandem parking arrangement for 25% of the commercial parking will be compatible with surrounding uses the project is proposed to be a visitor and local serving furniture store and residential apartment. The proposed use is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. The operation of the mixed use project will occur entirely indoors and therefore will not increase impacts to adjacent noise-sensitive uses above the existing conditions.
3. The proposed project will comply with the provisions of the Draft Sunset Beach Specific Plan 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 circulation and access are provided for the project.
4. The granting of the conditional use permit will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is currently CV-mu (Commercial Visitor – Mixed Use Overlay). Mixed use projects are allowed within the property zoning and land use designation, and the project as designed is consistent the General Plan goals and policies identified below:

A. Land Use Element

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.

Policy LU 11.1.5: Require that mixed use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

B. Circulation Element

Policy CE 2.3: Require additional right-of-way and restrict parking on segments adjacent to principal intersections to allow for future intersection improvements and turning movements as needed to satisfy performance standards.

Policy CE 2.5: Require development projects to mitigate to the maximum extent feasible, traffic impacts to adjacent land uses and neighborhoods as well as vehicular conflicts related to the project.

Policy CE 8.7: Require that development projects adjacent to a designated scenic corridor include open spaces, plazas, gardens and/or landscaping that enhance the corridor and create a buffer between the building site and the roadway.

C. Urban Design Element

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

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The mixed use project provides adequate space for access and parking. The updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site. The revised tandem design was reduced significantly (from 75% to 25% as allowed by the Specific Plan) and the tandem arrangement of commercial and residential parking spaces has been eliminated. The reduced parking demand for the proposed furniture store and the reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City's unique identity and contribute to a positive physical image for the City.

The request for the reduction in the required corner site visibility triangle has been modified with a larger visibility triangle to enhance visibility for vehicle traffic approaching the intersection of PCH and 16th Street. Although the required 17 ft. x 17 ft. site visibility triangle is not fully provided, the first floor elevation along PCH includes a six foot wide window to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. This modified visibility triangle would provide adequate visibility in the event that bicycle or pedestrian traffic is traveling westbound on PCH approaching the intersection.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 16-007:

1. The site plan, floor plans and elevations received and dated July 29, 2016, shall be the conceptually approved design, with the following modification:
 - a. The applicant will make best efforts to provide additional landscaping along the Pacific Coast Highway frontage/elevation of the project.
2. The commercial parking shall be clearly signed and identified as parking available for the commercial use on site. This information shall be indicated on the plans prior to issuance of building permits and the signage installed prior to final occupancy.
3. Prior to issuance for building permits, the following shall be completed:
 - a. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
 - b. Zoning entitlement conditions of approval, California Coastal Commission conditions of approval, and code requirements 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.
4. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.

5. 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.
6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
7. Prior to occupancy of either portion of the mixed use project, a covenant shall be recorded on the property limiting the commercial use on site to furniture retail store, or another similar allowed use with the same parking requirement (1 space per each 500 gross square feet of floor area). The covenant shall also indicate that at no such time shall any openings in the structure be allowed between the commercial and residential uses on the property. Additionally, the covenant shall indicate that the second and third levels of the retail area shall be devoted to retail and/or to serve as support space (office and storage) for the ground floor furniture retail, or another similar allowed use, only. The covenant shall also indicate that the opening on the first floor elevation along Pacific Coast Highway shall remain open and unobstructed to maximize corner visibility. The legal instrument shall be submitted to the Community Development Department a minimum of 60 days prior to occupancy. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
8. The development/subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
9. Conditional Use Permit No. 16-009 shall become null and void unless exercised within two years of the date of final Coastal Commission approval, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
10. 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 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.
11. 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.

- B-2. CONDITIONAL USE PERMIT NO. 16-020 (REPLACEMENT OF WATER WELL NO. 1) Applicant/Property Owner:** Andrew Ferrigno, City of Huntington Beach
Request: To permit the removal and replacement of a water well and equipment and the construction of a new 1,890 sq. ft. structure to house the new well and equipment. The new structure is designed to mimic the appearance of a single family residence. **Location:** 15041 Capetown Lane, 92647 (near the south east corner of Bolsa Ave. and Springdale St.) **Environmental Status:** The project is categorically exempt pursuant to Section 15302, Class 2 of the California Environmental Quality Act. **City Contact:** Joanna Cortez

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 16-020 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site.
- Commissioner Kalmick spoke with staff.
- Vice-Chair Semeta visited the site, toured a similar facility, spoke with staff, and spoke with an adjacent homeowner.
- Chair Pinchiff visited the site.
- Commissioner Mandic visited the site.

Joanna Cortez, Assistant Planner, gave the staff presentation and an overview of the project. Public Works staff Duncan Lee and Andrew Ferrigno were present along with consultant Terry Watkins, Geoscience.

There was a brief discussion regarding potential noise and quality of life impacts to the adjacent residents during the drilling process. Andrew Ferrigno, Senior Civil Engineer, indicated that there are contingency plans should the adjacent residents need to be relocated during the drilling process.

There was a brief discussion regarding design compatibility with the surrounding neighborhood. Mr. Ferrigno indicated that the metal roof is removable and would

allow for maintenance on the well. Mr. Ferrigno noted that the new facility would have less of a noise impact than the previous well that operated on that site.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY SEMETA, SECONDED BY KALMICK, TO APPROVE CONDITIONAL USE PERMIT NO. 16-020 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic
NOES: None
ABSENT: Brenden, Hoskinson
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 15302, Class 2, of the CEQA Guidelines, that the removal and replacement of a utility facility (water well and associated equipment) involving no expansion of capacity are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-020:

1. Conditional Use Permit No. 16-020 to permit the removal and replacement of an existing water well and associated equipment, enclosed within a new 21 ft. high, 1,890 sq. ft. structure designed to mimic the appearance of a single-family residence in the RL zone 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 is located within a site that has an existing water well treatment facility. The new request to replace the well and associated equipment and structures will benefit and serve the residential uses in the vicinity. As proposed with 24 ft. high sound curtain, the construction of the new facility is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The RL and General Plan land use designation anticipated major utility uses in residential area. The request to replace a water well facility will serve to meet the water demands of the City. Other departments have reviewed the request and provided comments/requirements to ensure that the design and construction complies with all regulations. Additionally, the use will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized.
2. The request to permit the removal and replacement of an existing water well and associated equipment, enclosed within a new 21 ft. high, 1,890 sq. ft. structure designed to mimic the appearance of a single-family residence will be compatible with surrounding residential uses because the project is located within an existing water well treatment facility. The existing water well facility will be improved by being housed in a structure that mimics the neighboring residential use and 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 its construction to assure that any potential impacts to the surrounding properties are minimized.

3. The request to permit the removal and replacement of an existing water well and associated equipment, enclosed within a new 21 ft. high, 1,890 sq. ft. structure designed to mimic the appearance of a single-family residence will comply with the Residential Low Density, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The request will remove a non-functioning well and replace it to bring the well to its original capacity, thereby meeting the water demands of the City. Additionally, the proposed use will comply with all building and fire requirements.
4. The General Plan Land Use Map designation on the subject property is currently RL-7 (Residential Low Density – 7 Dwelling Units per Acre). The proposed project is consistent with this General Plan land use designation, and the objective and policies of the City's General Plan as follows:

A. Land Use Element

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

Objective LU 2.1: Review development with the ability of the City and other service providers to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, storm drainage) and quality public services (governmental, police, fire, recreational, cultural, and public educational system).

Policy LU 2.1.1: Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan.

The proposed development is compatible with the existing residential uses. It will provide adequate water service needed for the residential uses in the area. The site is located within the RL designation and the use is consistent with applicable Building Use Regulations and compatible with the surrounding residential uses. The proposed conditional use permit will provide for the infrastructure needs of the neighborhood by permitting a major utility facility that will be screened in a manner that is compatible of the residential area.

B. Utilities Element

Goal LU 1: Provide a water supply system which is able to meet the projected water demands; upgrade deficient systems and expand water treatment, supply, and distribution facilities; and pursue funding sources to reduce the costs of water provision in the City and develop fair rate structures to ensure high quality water service.

Objective U 1.1: Maintain a system of water supply and distribution facilities capable of meeting existing and future daily and peak demands, including fire flow requirements in a timely and cost efficient manner.

Policy U 1.1.1: Monitor the demands on the water system, manage the development to mitigate impacts and/or facilitate improvements to the water supply and distribution system, and maintain and expand water supply and distribution facilities.

The request will remove a non-functioning well and replace it with a new well that will bring it up to its original capacity. In doing so, it will provide high quality water to meet the demand of the City.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 16-020:

1. The site plan, floor plan, and elevations received and dated April 26, 2016 shall be the conceptually approved layout.
2. 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.
3. During demolition, grading, site development, and/or construction, the following shall be completed:
 - a. A sound curtain around the perimeter of the well drilling area shall be maintained during Phase 1 of the project.
 - b. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - c. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - d. Truck idling shall be prohibited for periods longer than 10 minutes.
 - e. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - f. Discontinue operation during second stage smog alerts.
 - g. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
4. The following condition shall be completed prior to issuance of a grading permit: 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 immediately adjacent to and across the street from 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 Planning Division
5. The applicant shall communicate with the adjacent property owners/tenants located to the north and south of the subject site prior to and during Phase I well drilling. The applicant shall temporarily relocate the adjacent property owners/tenants during Phase I well drilling if desired by the residents due to nuisance noise conditions.

6. 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.
7. Conditional Use Permit No. 16-020 shall become null and void unless exercised within two (2) 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 Community Development Department a minimum 30 days prior to the expiration date.
8. The Planning Commission reserves the right to revoke Conditional Use Permit No. 16-020 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.
9. 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.

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 - NONE

ADJOURNMENT: Adjourned at 8:55 PM to the next regularly scheduled meeting on Tuesday, August 23, 2016, at 5:15 PM.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair