

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

WEDNESDAY, JULY 11, 2012 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 12-06 (CHASE BANK)

APPLICANT: Stephen Bull
PROPERTY OWNER: Tarek Berri, NB Oil. 3620 Pacific Coast Highway, No. 200, Torrance, CA 90505
REQUEST: To permit the construction of an approximately 4,335 sq. ft. bank on a 0.57-acre commercial site. The proposed onsite improvements will include the installation of a freestanding automatic teller machine (ATM), 19-space parking lot, and associated site improvements. A minimum of three (3) parking spaces are proposed to be provided on an adjacent commercial property (Target site) through a long-term lease agreement to meet the total minimum parking requirement for the proposed use.
LOCATION: 20001 Brookhurst Street, 92646 (southwest corner of Brookhurst Street and Adams Avenue)
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate 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, inquired with staff if the applicant had any comments or concerns with the staff recommendations. Ms. Nguyen noted that she emailed and left a phone message for the applicant and had not had a response..

THE PUBLIC HEARING WAS OPENED.

Stephen Bull, 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 although he would eliminate Condition No. 8 and combine it with Condition No. 7.

CONDITIONAL USE PERMIT NO. 12-06 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 15303 of the CEQA Guidelines, because the proposed development consists of the construction of a new bank building with 4,335 sq. ft. of floor area not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-06:

1. Conditional Use Permit No. 12-06 for the a) construction of an approximately 4,335 sq. ft. bank on a 0.57-acre commercial site; b) onsite improvements including a freestanding automatic teller machine (ATM), 19-space parking lot, and associated site improvements; and c) a minimum of three (3) parking spaces on an adjacent commercial property (Target site) through a long-term lease agreement to meet the total minimum parking requirement for the proposed use 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 project will not significantly impact adjoining properties because it will be located within an established commercial district containing similar commercial uses to the north, south, east, and west of the subject site. To maximize the distance for vehicle queuing, the drive-through is located to the rear of the building, away from the main entrance and street frontage, providing sufficient vehicle queuing and efficient onsite circulation. The layout of the site and reciprocal access with adjacent properties along the west and south property lines will provide safe conditions for pedestrian and vehicular circulation. The proposed use will be adequately parked and will have minimal impacts onto the adjacent properties. The structure will be setback at least 540 ft. away from the nearest residential properties. Furthermore, the project will not generate significant noise, odors, or other detrimental impacts to the surrounding area.
2. The conditional use permit will be compatible with surrounding uses because the proposed commercial use will serve the surrounding neighborhood and is designed to be consistent with the surrounding neighborhood by providing appropriate scale through a single-story design with appropriate proportion and character through variable façade offsets and harmonious color palette and materials. The project, as proposed, conforms to City of Huntington Beach Urban Design Guidelines for drive-through and general commercial buildings by providing a functional site layout, featuring a variety of roof lines and façade treatments, and providing adequate drive-through queuing. The location of the drive-through will not visually impact the area because it will be partially screened by the building, parking lot, and perimeter and parking lot landscaping.

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. The proposed development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum onsite landscaping, minimum off-street parking, maximum building height, and maximum floor area ratio.
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 CG-F1 (Commercial General – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

B. Economic Development Element

Objective - ED 2.4: Revitalize, renovate and expand existing Huntington Beach commercial facilities while attracting new commercial uses.

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 area.

The proposed project consists of a neighborhood serving commercial use in an area designated for commercial uses. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The project design features quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for drive-through and general commercial buildings, including modulation of building volumes, articulation of elevations, and screening of drive-through lanes.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 12-06:

1. The site plan, floor plans, and elevations received and dated April 27, 2012 shall be the conceptually approved design with the following modification:
 - a. The planter area adjacent to the parking spaces in proximity of the south property line shall be widened by 2 feet for the vehicle overhang area.
 - b. The drive-through aisle shall provide a minimum 25-foot interior radius for any curve.
2. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
3. Prior to issuance of grading permits, the following shall be completed:
 - a. Evidence of an easement (for the subject site's private sewer) running over the adjacent larger commercial development (APN 151-461-28), shall be submitted to Public Works. If said easement does not currently exist, a new easement shall be dedicated by the adjacent development (APN 151-461-28) to allow sanitary sewerage from the subject site to be conveyed through the existing private sewer main. **(PW)**
 - b. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners and tenants on record of properties immediately adjacent to and across the street from the project site. 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 and Building Department.

4. Prior to submittal for building permits, the following shall be completed:
 - a. One set of plans revised in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
 - c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
5. Prior to issuance of building permits, a long-term lease for the three required parking spaces on the adjacent lot shall be submitted to the Planning and Building Department a minimum 30 days prior to the building permit issuance. The long-term lease 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 document stipulating the reservation of the property for parking purposes shall be filed with the Planning and Building Department prior to the issuance of a building permit. No use shall be continued on the subject site if the parking is removed from the adjacent lot unless substitute parking is provided. 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.
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. 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.

7. The structure cannot be occupied, the final building permit(s) cannot be approved, utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following have been completed:
- a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
 - f. Copy of the recorded long-term lease, as specified by Condition No. 5, shall be provided.
 - g. All existing overhead utilities that occur along the project's Adams Avenue and Brookhurst Street frontages, including half street crossings across Adams Avenue and Brookhurst Street from the subject property's frontage, shall be under-grounded. This includes the Southern California Edison (SCE) aerial distribution lines along the entire length of the northerly frontage of the subject project. This condition also applies to all utilities along the entire length of the easterly frontage of the subject project, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. As an alternate to performing the actual undergrounding, the applicant may pay a fair-share fee, in the amount of \$86,000 to the City of Huntington Beach Public Works Department for said undergrounding of the existing overhead utility lines along the project's Adams Avenue and Brookhurst Street frontages. **(PW)**
 - h. All ATMs shall be well lit and visible from either Brookhurst Street or Adams Avenue. **(PD)**
 - i. The address shall be painted on the roof of the building in 3" by 1' ½" numbers. **(PD)**
8. Conditional Use Permit No. 12-06 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.
9. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

10. 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. 11-025 (EDINGER SPRINGDALE RETAIL BUILDING):

APPLICANT: Robert Beery
PROPERTY OWNER: Exxon Mobil Oil Corporation, 3225 Gallows Road, Fairfax, VA 22037
REQUEST: To permit the (a) construction of an approximately 3,400 sq. ft. retail commercial building and (b) reduction of four (4) required onsite parking spaces from a total minimum 17 spaces required for the development of a vacant 0.37-acre commercial site. The proposed project will be constructed in a total of two phases that will include a 2,400 sq. ft. building (Phase 1) and a 1,000 sq. ft. addition (Phase 2).
LOCATION: 6012 Edinger Avenue, 92647 (southeast corner of Edinger and Springdale
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate 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.

Ms. Nguyen stated that she had not received any public comments regarding the proposed project.

Ricky Ramos verified the easement location with staff. He inquired of staff if the parking requirements would need to be changed if a different retail store came in instead of the proposed 7-11. Ms. Nguyen verified the parking spaces met the code requirement for retail.

Mr. Ramos inquired if the requires reciprocal access would create a reduction of available parking spaces. Ms. Nguyen explained that the project will be constructed in two phases. The

reciprocal access will be used in the first phase and parking will not be impacted. During the second phase, the site will be designed to have the reciprocal access area and the four parking space reduction is for the worst case scenario. Mr. Ramos noted that the 13 parking spaces will still be available. Ms. Nguyen verified that the parking requirement will be met.

THE PUBLIC HEARING WAS OPENED.

Robert Beery, 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

CONDITONAL USE PERMIT NO. 11-025 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 15303 of the CEQA Guidelines, because the proposed development consists of construction of a new retail building with 3,400 sq. ft. of floor area not involving the use of significant amounts of hazardous substances, where all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-25:

To permit the construction of an approximately 3,400 sq. ft. retail commercial building on a vacant 0.37-acre commercial site. The proposed project will be constructed in a total of two phases that will include a 2,400 sq. ft. building (Phase 1) and a 1,000 sq. ft. addition (Phase 2).

1. Conditional Use Permit No. 11-25 for the construction of an approximately 3,400 sq. ft. retail commercial building on a vacant 0.37-acre commercial site to be developed in a total of two phases (a 2,400 sq. ft. building-Phase 1 and a 1,000 sq. ft. addition-Phase 2) 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 project is consistent with the permitted uses and development standards within this designation. The project will be located within an established area containing similar commercial uses and is not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject property's commercial zoning. The proposed use will have minimal impacts onto the adjacent properties since the retail center is oriented toward Edinger Avenue, with the main entrances oriented away and setback from residential uses located to the south of the subject site at a distance of approximately 55 ft. Additionally, residential uses are further buffered from the retail center by an 8-ft. high block wall, 10-ft. building setback separation, and a one-story building.

2. The conditional use permit will be compatible with surrounding uses because the proposed commercial use will serve the surrounding neighborhood and is designed to be consistent with the surrounding area by providing appropriate scale through a single-story design with appropriate proportion and character through variable façade offsets and harmonious colors and materials. The project, as proposed, conforms to the design criteria as stipulated within the City of Huntington Beach Urban Design Guidelines for general commercial buildings by providing a functional site layout to accommodate anticipated pedestrian and vehicular circulation patterns. In addition, the project design features quality architecture and exterior finish materials, varying roof lines and façade treatments.
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. The proposed development complies with the development standards and land use provisions in the Commercial General (CG) zoning district including minimum building setbacks, minimum onsite landscaping, maximum building height, and maximum floor area ratio.
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 CN-F1 (Commercial Neighborhood – 0.35 Max. Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals, policies, and objectives of the General Plan:

A. Land Use Element

Goal - LU 10: Achieve the development of a range of commercial uses.

Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.12: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development, including: (a) incorporation of site landscaping, particularly along street frontages and in parking lots; (e) architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

B. Economic Development Element

Objective - ED 2.4: Revitalize, renovate and expand existing Huntington Beach commercial facilities while attracting new commercial uses.

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 area.

The proposed project consists of a neighborhood serving commercial use in an area designated for commercial uses. The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The project design features quality architecture and exterior finish materials, a variety of roof lines and façade treatments, and a functional site layout. The proposed building complies with the City of Huntington Beach Urban Design Guidelines for general commercial buildings, including modulation of building volumes and articulation of elevations.

To permit the reduction of four (4) required onsite parking spaces from a total minimum 17 spaces required for the development of a vacant 0.37-acre commercial site.

1. Conditional Use Permit No. 11-25 for a 4-space reduction in required parking to allow the construction of an approximately 3,400 sq. ft. retail center is based on a parking demand analysis, prepared by Associated Transportation Engineers and Justin Link, a state-registered engineer (May 2012). An analysis was provided between the City's off-street parking requirements for the project and the forecasted parking demand as determined by Institute of Transportation Engineers (ITE), and the observed parking demand of two other existing 7-Eleven locations in Huntington Beach. The study was reviewed and deemed satisfactory by Public Works Traffic Division and Planning Division staff. The study concludes that the code required minimum 17 spaces for the retail use results in 5 more spaces than expected to be utilized during the highest peak parking demand. As a result, the parking demand study supports a 4-space reduction and concludes that adequate on-site parking can be accommodated for the proposed retail uses.
2. The proposed construction of an approximately 3,400 sq. ft. retail uses will generate a total demand of 12 parking based upon a parking demand analysis. The study relied on a survey and analysis of two existing 7-Eleven locations in Huntington Beach which is considered the most parking intensive retail use anticipated at the project site. The study determined that the City's minimum onsite parking requirement for the retail uses is 5 spaces more than the expected peak parking demand and therefore, will not generate additional parking demand.
3. A Transportation Demand Management plan was prepared by Rob Beery (June 15, 2012) for the proposed retail center. The Plan incorporates transportation demand management measures such as bicycle parking and commuter information. The Plan integrates transportation demand management strategies as required by HBZSO Section 230.36 which has been approved by the Director of Planning and Building.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2011-025:

1. The site plan, floor plans, and elevations received and dated May 16, 2012, shall be the conceptually approved design with the modification that the site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers shall not be located in a required front or street side yard. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**

2. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties adjacent to and across the street from the project site. 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 and Building Department.
3. Prior to submittal for building permits, the following shall be completed:
 - a. One set of plans revised in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.
 - c. An "Acceptance of Conditions" form shall be properly executed by the developer and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Division for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
4. Prior to issuance of building permits, the subject property shall provide an irrevocable offer for a reciprocal access easement between the subject site and adjacent easterly property. The location and width of the accessway shall be reviewed and approved by the Planning and Building Department and Public Works Department. The subject property owner shall be responsible for making necessary improvements to implement the reciprocal driveway. The legal instrument shall be submitted to the Planning and Building Department a minimum of 30 days prior to building permit issuance. The document shall be approved by the Planning and Building Department and the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning and Building Department for inclusion in the entitlement file prior to final building permit approval. 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.
(HBZSO Section 231.181.E.4)
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.


- c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. 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.
6. The structure cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following have been completed:
- a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
 - f. Copy of the recorded irrevocable offer to dedicate document, as specified by Condition No. 4, shall be provided.
 - g. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Springdale Street frontages shall be undergrounded. In lieu of compliance with this project Condition, a fair-share fee, in the amount of \$72,000 shall be paid to the City of Huntington Beach Public Works Department. **(PW)**
7. The use shall comply with the following:
- a. The parking lot of the premises, as well as the area around the location, shall be equipped with lighting of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons on or about the parking lot. **(PD)**
 - b. The business shall not allow their patrons or the general public to loiter or congregate in the parking lots adjacent to their licensed business. **(PD)**
 - c. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on the north and west sides of the business. **(PD)**

- d. To reduce the likelihood of thefts, the location shall be equipped with a video surveillance system capable of recording and reproducing images of individuals in the parking lot and entering and exiting the premise. **(PD)**
8. Conditional Use Permit No. 11-25 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.
9. The Director of Planning and Building may approve minor amendments or modifications to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.
10. 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 1:48 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, JULY 18, 2012, AT 1:30 PM.



Ricky Ramos
Zoning Administrator

RR:jd

