



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MAY 26, 2020

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

4:30 P.M. - COUNCIL CHAMBERS

CALL PLANNING COMMISSION STUDY SESSION TO ORDER

P P P P P P P

ROLL CALL: Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic

AGENDA APPROVAL

A MOTION WAS MADE BY MANDIC, SECONDED BY RAY, TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF MAY 26, 2020, BY THE FOLLOWING VOTE:

AYES: Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

PUBLIC COMMENTS - None

PROJECT REVIEW (FUTURE AGENDA ITEMS)

20-1637 ZONING TEXT AMENDMENT NO. 19-005 (GROUP HOMES)

REQUEST:

To provide a general overview of the proposed zoning text and municipal code amendments with regards to the regulation of group homes.

LOCATION:

Residential Zoning Districts Citywide

Hayden Beckman, Senior Planner, gave the staff presentation for the proposed project.

There was discussion on the following items: the required distance between group homes, the definitions of various group residential uses, the appeal process, the revocation language, eviction responsibility, referral facilities, permit expirations, the entitlement processes for Special Use Permits versus Conditional Use Permits, and

potential parking restrictions.

STUDY SESSION ITEMS - NONE

AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS)

Jane James, Planning Manager, reported that there were no Late Communication items for the public hearing portion of the meeting.

5:35 P.M. – RECESS FOR DINNER

6:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Vice-Chair Ray

P P P P P P P

ROLL CALL: Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY PERKINS, TO APPROVE THE PLANNING COMMISSION AGENDA OF MAY 26, 2020, BY THE FOLLOWING VOTE:

AYES: Scandura, Ray, Grant, Garcia, Kalmick, Perkins, Mandic

NOES: None

ABSENT: None

ABSTAIN: None

MOTION APPROVED

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

20-1529 ENTITLEMENT PLAN AMENDMENT NO. 20-021 (BEACH HUT DELI PATIO EXPANSION)

REQUEST:

To amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area.

LOCATION:

19025 Beach Boulevard, 92648 (southwest corner of Beach Blvd. and Garfield Ave.)

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities.
- B) Approve Entitlement Plan Amendment No. 20-021 with suggested findings and conditions of approval (Attachment No.1).

The Commission made the following disclosures:

- Commissioner Scandura spoke with staff and visited the site.
- Commissioner Perkins drove by the site.
- Vice-Chair Ray visited the site.
- Chair Grant spoke to staff, visited the site, and ate at the restaurant recently.
- Commissioner Garcia visited the site.
- Commissioner Kalmick voted on the previous entitlement approval and visited the site.
- Commissioner Mandic visited the site.

Jane James, Planning Manager, gave the staff presentation and overview of the proposed project. Ms. James reported that no written comments had been received for the project.

There was discussion on the following items: Police calls for service, hours of operation, current enforcement processes for alcohol service during the pandemic, jurisdiction over alcohol service, and the operation of the outside gate.

THE PUBLIC HEARING WAS OPENED.

Katherine Baker, architect, spoke in support of Item No. 20-1529, giving a brief overview of the proposal.

Jake Raymond, property manager for center, spoke in support of Item No. 20-1529 and made himself available for any questions.

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

There was a brief discussion on changing the hours of operation and the potential for allowing alcohol permits in the Beach Edinger Corridors Specific Plan be heard by Zoning Administrator.

A MOTION WAS MADE BY KALMICK, SECONDED BY SCANDURA, TO FIND THE PROPOSED PROJECT EXEMPT FROM CEQA AND APPROVE ENTITLEMENT PLAN AMENDMENT NO. 20-021 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL WITH MODIFIED OPERATING HOURS, BY THE FOLLOWING VOTE:

AYES: Scandura, Perkins, Ray, Grant, Garcia, Kalmick, Mandic
NOES: None
ABSENT: None
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 15301, Class 1 – *Existing Facilities* of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 20-021:

1. Entitlement Plan Amendment No. 20-021 to amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area 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 an existing commercial center with other similar uses. The addition to the existing outdoor dining area and the service of beer and wine within the expanded outdoor dining area will benefit and serve the other uses in the center and residential uses in the vicinity. The expanded outdoor dining area and the service of beer and wine is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. In addition, the BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The expanded outdoor dining area with the sales, service and consumption of beer and wine is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of beer and wine will be contained within the interior of the building and in the outdoor dining area facing Garfield Avenue and will not generate detrimental impacts onto surrounding properties.
2. The General Plan Land Use Map designation on the subject property is currently M – sp (Mixed Use – Specific Plan Overlay). The request to amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area is consistent with this designation and the goals and policies of the City's General Plan as follows:

Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed entitlement plan amendment will continue to expand the range of goods and services provided in the area by allowing the expansion of an existing outdoor dining area with the onsite sales, service and consumption of beer and wine in a safe manner for residents and customers from the surrounding area. Conditions have been added to the request that limit the use and manner in which the expanded outdoor dining area operates to ensure the proposed request will be compatible with the surrounding neighborhood while providing a service that meets the needs of the community and creating an opportunity to increase the capture of sales tax revenue.

3. Entitlement Plan Amendment No. 20-021 to amend Conditional Use Permit No. 13-001 to add approximately 447 sq. ft. to an existing 447 sq. ft. outdoor dining area for a total of 894 sq. ft. and to allow the existing onsite sales, service and consumption of beer and wine (Type 41 ABC License) within the expanded outdoor dining area will comply with the Neighborhood Center Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) such as setbacks and parking. The BECSP allows eating and drinking establishments with outdoor dining areas and beer and wine service subject to approval of an entitlement plan amendment of an approved conditional use permit. The General Plan land use designation and the BECSP anticipated restaurant uses with outdoor dining areas and beer and wine service in this area. The request to expand an existing outdoor dining area with the sales, service and consumption of beer and wine is ancillary to the primary restaurant use and will serve to augment the overall dining experience. The proposed use will comply with all building occupancy/exiting requirements.

CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 20-021:

1. The site plan and floor plan received and dated February 3, 2020 shall be the conceptually approved layout with the following modification: update the parking matrix to show the Beach and Edinger Corridors Specific Plan (Neighborhood Center Segment) parking requirements and update the required spaces accordingly.
2. The use shall comply with the following:
 - a. Interior restaurant business hours shall be limited to the following (PC):
 - Sunday – Thursday from 7:00 AM to 10:00 PM
 - Friday – Saturday from 7:00 AM to 12:00 AM
 - b. Exterior outdoor dining patio business hours shall be limited to the following (PC):
 - Daily from 7:00 AM to 10:00 PM
 - c. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM to 7:00 AM. (PD)
 - d. Dancing shall be prohibited. (PD)
 - e. All live entertainment shall be enclosed within the interior of the building only and shall be prohibited within the outdoor patio area.
 - f. Live entertainment must adhere to conditions contained within the Entertainment Permit issued by the Police Department. (PD)
 - g. All perimeter doors (e.g. outdoor dining patio door and main entrance door, etc.) shall be self-closing and not be held open or ajar during live entertainment.

- h. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. (PD)
- i. The outdoor dining/patio area shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining areas and designed in a manner that will prohibit passing alcohol through the barrier. (PD)
- j. An employee of the establishment must monitor all areas where alcohol is served. (PD)
- k. No loitering shall be permitted within the vicinity of any entrance or exit at any time. (PD)
- l. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. (PD)
- m. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. (PD)
- n. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. (PD)
- o. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. (PD)
- p. Clearly legible signage shall be affixed inside the restaurant and outdoor dining/patio area entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." (PD)
- q. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. (PD)
- r. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. (PD)
- s. The establishment shall employ a video surveillance security system with a minimum of one-month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. (PD)
- t. 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)

3. The Development Services Departments (Community Development, Fire, and Police Department) 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.
4. Entitlement Plan Amendment No. 20-021 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.
5. Entitlement Plan Amendment No. 20-021 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
6. The Planning Commission reserves the right to revoke Entitlement Plan Amendment No. 20-021 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.
7. 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.

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 proceeding, 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.

20-1619 CONDITIONAL USE PERMIT NO. 19-035 (MAZIA RESTAURANT ALCOHOL SERVICE)

REQUEST:

To permit the on-site sales, service, and consumption of alcohol (ABC Type 47 license) within an approximately 6,564 sq. ft. existing restaurant building and a 2,028 sq. ft. outdoor dining area.

LOCATION:

8082 Adams Avenue, 92646 (south side of Adams Ave. near the intersection with Beach Blvd.)

RECOMMENDED ACTION:

That the Planning Commission take the following actions:

- A) Find the proposed project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 - Existing Facilities.
- B) Approve Conditional Use Permit No. 19-035 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Scandura visited the site and spoke with staff and a nearby resident.
- Commissioner Perkins visited the site.
- Vice-Chair Ray visited the site.
- Chair Grant visited the site.
- Commissioner Garcia had no disclosures.
- Commissioner Kalmick spoke with staff.
- Commissioner Mandic visited the site.

Nicolle Aube, Associate Planner, gave the staff presentation of the proposed project.

There was a brief discussion regarding the location of the patios and the police calls for service.

THE PUBLIC HEARING WAS OPENED.

John Han, applicant, spoke in support of Item No. 20-1619, and made himself available for questions.

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

Commissioner Mandic confirmed with staff that there are two patios.

A MOTION WAS MADE BY SCANDURA, SECONDED BY MANDIC, TO FIND THE PROPOSED PROJECT EXEMPT FROM CEQA AND APPROVE CONDITIONAL USE PERMIT NO. 19-035 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Scandura, Perkins, Ray, Grant, Garcia, Kalmick, Mandic

NOES: None

ABSENT: None

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 15301, Class 1 – *Existing Facilities* of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19- 035:

1. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area in the BECSP zoning 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 in that the proposed use is located within an existing commercial center with other similar uses. The additional service of alcohol to the restaurant will benefit and serve the other uses in the center and residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be contained within the interior of the building and in the outdoor dining areas facing Adams Avenue and the commercial parking lot, and will not generate detrimental impacts onto surrounding properties.
2. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area will be compatible with surrounding residential and commercial uses because the project is located within an existing commercial center. The restaurant is surrounded by office and commercial uses and therefore 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 alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
3. Conditional Use Permit No. 19-035 to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. restaurant and 2,028 sq. ft. outdoor dining area will comply with the Neighborhood Parkway Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) in that the BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The General Plan land use designation and the BECSP anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. The proposed use will comply with all building occupancy/exiting requirements.
4. The General Plan Land Use Map designation on the subject property is currently M-SP (Mixed Use – Specific Plan Overlay). The request to permit the onsite sale, service, and consumption of alcohol (Type 47 ABC License) within an existing 6,564 sq. ft. eating and drinking establishment and 2,028 sq. ft. outdoor dining area is consistent with this designation and the goals and policies of the City's General Plan as follows:

Land Use Element

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed conditional use permit will expand the range of goods and services provided in the area by permitting the ancillary sale of alcohol in conjunction with an eating and drinking establishment in a safe manner for residents and customers from the surrounding area. Conditions have been added to the request which limit the use and manner in which alcohol may be sold and consumed to ensure the proposed use will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sales tax revenues.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19- 035:

1. The site plan and floor plan received and dated December 20, 2019 shall be the conceptually approved layout.
2. Prior to issuance of building permit or Certificate of Occupancy, submit a copy of the most recent reciprocal access and parking agreement to the Community Development Department.
3. The use shall comply with the following:
 - a. Outdoor dining areas business hours shall be limited to 7:00 AM – 10:00 PM daily. Interior restaurant business hours shall be limited to the following:
 - Sunday – Thursday: 7:00 AM – 10:00 PM
 - Friday and Saturday: 7:00 AM – 12:00 AM
 - b. The business shall obtain an Alcoholic Beverage Control (ABC) license authorizing alcohol use in the business. The ABC license shall be limited to a Type 47 ABC License. All ABC requirements shall be met prior to sales, service, or consumption of alcoholic beverages. (PD)
 - c. The outdoor dining/patio area shall have a physical barrier of no less than 36 inches in height surrounding the outdoor dining areas and designed in a manner that will prohibit passing alcohol through the barrier. (PD)
 - d. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. (PD)
 - e. No carryout alcohol sales shall be permitted. All alcoholic beverages shall be consumed within the restaurant or outdoor dining/patio area. (PD)
 - f. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00 PM. (PD)

- g. No games or contests requiring or involving the consumption of alcoholic beverages shall be permitted. (PD)
- h. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. (PD)
- i. Consumption of alcoholic beverages by on-duty employees and supervisory personnel is forbidden, except when training for knowledge of food pairing, if applicable. (PD)
- j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment which would require modification of plans dated 12/20/19 or that require addition parking, like dancing, would need approval by the Planning Department and may require a Permit for that specific use. (PD)
- k. Clearly legible signage shall be affixed inside the restaurant and outdoor dining/patio area entrances/exits points which shall state "NO OPEN ALCOHOLIC BEVERAGES BEYOND THIS POINT." (PD)
- l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. (PD)
- m. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. (PD)
- n. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. (PD)
- o. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. (PD)
- p. The establishment shall employ a video surveillance security system with a minimum of one month video library recorded to a DVR or Cloud based system. The cameras minimum requirements will be: clear, color, digital and able to record in low light. The business shall ensure all public areas, entrances, exits, parking areas to the front and adjacent to the business are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police personnel conducting investigations. You are required to have someone able to operate the system on duty during all business hours. (PD)
- q. 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)

4. The Development Services Departments (Community Development, Fire, and Police Department) 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.
5. Conditional Use Permit No. 19-035 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.
6. Conditional Use Permit No. 19-035 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 19-035 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.
8. 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.

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.

CONSENT CALENDAR

20-1662 APPROVE PLANNING COMMISSION MINUTES DATED DECEMBER 10, 2019

Recommended Action:

That the Planning Commission take the following action:

"Approve the December 10, 2019 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY MANDIC, SECONDED BY RAY, TO APPROVE THE DECEMBER 10, 2019, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Perkins, Scandura, Ray, Grant, Kalmick, Mandic, Garcia

NOES: None

ABSENT: None

ABSTAIN: None

MOTION APPROVED

NON-PUBLIC HEARING ITEMS - NONE

PLANNING ITEMS

Jane James, Planning Manager, reported on the items from the previous and upcoming City Council Meetings and for the next Planning Commission Meeting.

PLANNING COMMISSION ITEMS

There was a brief discussion regarding an item at the upcoming City Council meeting.

ADJOURNMENT: Adjourned at 6:49 PM to the next regularly scheduled meeting of Tuesday, June 9, 2020.

APPROVED BY:



Jennifer Villasenor, Acting Secretary



Alan Ray, Chairperson