

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JANUARY 28, 2020

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Perkins

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

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY SCANDURA, TO APPROVE THE JANUARY 28, 2020, PLANNING COMMISSION MEETING AGENDA, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

19-1287 CONDITIONAL USE PERMIT NO. 19-014 (7-11 GAS STATION AND CONVENIENCE STORE)

REQUEST:

To demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station.

LOCATION:

16171 Beach Boulevard (west side of Beach Boulevard at the intersection of Stark Drive)

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 15303, Class 3 - New Construction or Conversion of Small Structures.
- B) Approve Conditional Use Permit No. 19-014 with suggested findings and conditions of approval (Attachment No. 1)

The Commission made the following disclosures:

- Commissioner Perkins visited the site.
- Scandura spoke with staff, a resident, and visited the site.
- Vice-Chair Ray visited the site.
- Chair Grant had no disclosures.
- Commissioner Kalmick spoke with staff, and drives by the site regularly.
- Commissioner Garcia is familiar with the property.
- Commissioner Mandic had no disclosures.

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

There was discussion on the following items: public restroom requirements, the plumbing code, noise impacts, delivery hours, lighting impacts, ABC license requirements, and safety impacts.

THE PUBLIC HEARING WAS OPENED.

Adan Madrid, applicant, spoke in support of Item No. 19-1287, stating that there would be a public restroom, clean air separator, and tire pump with no noise impacts.

Eric Lizardo, adjacent tenant, asked for information about any potential barrier between his building and the proposed project. He indicated that a lack of such boundary would force him to change his kenneling procedures and build a boundary of his own. Mr. Lizardo stated that he is currently experiencing an abundance of homeless trespassing and vandalism daily from the subject site.

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

There was discussion on the following items: the potential impacts to Mr. Lizardo's adjacent business, the potential environmental concerns on the property, neighborhood compatibility, potential traffic impacts, hours of alcohol sales, the proposed wall heights along the property line, potential light impacts, and delivery times.

A MOTION WAS MADE BY KALMICK, SECONDED BY PERKINS, TO DENY CONDITIONAL USE PERMIT NO. 19-014 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Perkins, Scandura, Kalmick

NOES: Ray, Grant, Mandic, Garcia
ABSENT: None
ABSTAIN: None

MOTION FAILED

A MOTION WAS MADE BY MANDIC, SECONDED BY GARCIA, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA, AND TO APPROVE CONDITIONAL USE PERMIT NO. 19-014 WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL WITH NO ALCOHOL ADVERTISEMENT IN THE WINDOWS, PROHIBIT LIGHT SPILLAGE ONTO ADJACENT PROPERTIES, NO IDLING FOR DELIVERY TRUCKS, A REQUIRED EIGHT FOOT WALL WITH ADDITIONAL LANDSCAPING, AND MODIFIED HOURS OF ALCOHOL SALES, DELIVERIES, TRASH DISPOSAL, AND AIR AND WATER UNIT OPERATIONS PURSUANT TO STATE CODE, BY THE FOLLOWING VOTE:

AYES: Ray, Grant, Mandic, Garcia
NOES: Perkins, Scandura, Kalmick
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 Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3 – *New Construction of Conversion of Small Structures*, because the project involves the construction of one commercial building that is less than 10,000 sq. ft. where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-014:

1. Conditional Use Permit No. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station in the Beach and Edinger Corridors Specific Plan (BECSP) 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 because the proposed use is located within an existing commercial area with other similar uses. The sale of alcohol provides an additional convenient service to the community and surrounding regional area. The convenience store and fueling station is not anticipated to generate significant noise, traffic, or other impacts that would be detrimental to the surrounding area residents and businesses. The BECSP and General Plan land use designation anticipated convenience store and fueling station uses with alcohol sales in this area. The request for alcohol will serve to augment the overall customer experience by providing an additional convenience for patrons. Furthermore, alcoholic beverages will sold for off-site consumption only, and will not generate detrimental impacts to surrounding properties.

2. Conditional Use Permit No. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station will be compatible with surrounding multifamily residential and commercial uses because the project is located within an existing commercial area. The convenience store and fueling station abuts other retail uses to the north, east, and south and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The nearest residential use is adjacent to the west of the subject site and is buffered by the proposed building, drive aisle, and block wall. 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. 19-014 to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station will comply with the Town Center Boulevard Segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the BECSP allows for the operation of convenience stores and fueling stations with alcohol sales subject to approval of a conditional use permit. The General Plan land use designation and the BECSP anticipated convenience stores and fueling stations with alcohol sales in this area. The request for alcohol sales will serve to augment the overall customer experience by providing an additional convenience for patrons.
4. The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay). The request to demolish an existing auto repair building and construct a 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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

Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Policy LU-12(B): Encourage renovation or revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed construction of an approximately 2,323 s.f. convenience store operating 24 hours per day with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station is coordinated to ensure the land use pattern is consistent with the goals and needs of the community. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses. The proposed architectural elements such as the pronounced corner with clerestory windows, awnings, and stone veneer is compatible with and enhances the character of the adjoining uses. Furthermore, the proposed development of a new, approximately 2,323 s.f. convenience store with Type 20 (Off-Sale Beer and Wine) ABC license and an eight pump fueling station offers a service that meets the regional and local community needs on an underutilized commercial property with an optimal location and accessibility along a state highway and major commercial/mixed use corridor.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-014:

1. The site plan, floor plan, and elevations received and dated November 22, 2019 shall be the conceptually approved layout with the following modifications:
 - a. An eight ft. high block wall shall be constructed along the southern and western property lines, except where prohibited by setback requirements, with vines for additional landscaping. **(PC)**
 - b. Additional landscaping/trees shall be added along the western setback area to screen the property from adjacent residents. **(PC)**
2. The use shall comply with the following:
 - a. The water, air, and air pressure gauge shall only be operational for use between 8:00 AM and 6:00 PM, unless otherwise preempted by state law. **(PC)**
 - b. All deliveries to the property, including fuel and retail products, shall be limited to the hours of 8:00 AM – 6:00 PM. **(PC)**
 - c. Fuel trucks and delivery trucks shall not idle for any length of time while delivering. **(PC)**
 - d. Employees shall remove trash and dispose of it outside the building only between 8:00 AM and 10:00 PM. **(PC)**
 - e. Lights from fuel canopy and parking lot shall not spill over beyond the property lines in any direction. **(PC)**
 - f. 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. **(PC)**
 - g. 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. **(PC)**
 - h. Prior to the sales of alcoholic beverages, the business shall obtain a California Department of Alcoholic Beverage Control (ABC) license authorizing off sale alcohol sales. The ABC license shall be limited to "Off-sale" Type 20 – Beer and Wine Off-sale. All conditions contained in the ABC license shall be adhered to. **(PD)**

- i. Hours of alcohol sales shall be limited to between 6:00 AM and 12:00 AM. **(PC)**
 - j. Refrigerators and cabinets where alcohol is located must be locked to customers between 12:00 AM to 6:00 AM. **(PC)**
 - k. All persons engaged in the sale of alcohol shall complete a 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 an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
 - l. 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: 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)**
 - m. Live entertainment is prohibited. **(PD)**
 - n. In an effort to reduce the likelihood of alcohol related crimes, the display or sale of the following items shall be prohibited **(PD)**:
 - Wine containers of less than 750 milliliters.
 - Wine with alcoholic content greater than 14 percent by volume unless corked bottles and aged at least two years.
 - Beer or malt liquor products sold individually in containers of less than 40 ounces, except for small production craft-type beer only available in 40 ounces or less containers.
 - Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
 - Cooler products, either wine or malt liquor beverage based, in less than three-pack quantities.
3. Signage shall be reviewed under separate permits and applicable processing.
 4. 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 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.
 5. Prior to issuance of a grading permit, the following shall be completed:
 - a. A right-of-way dedication for pedestrian access and public utilities along the Beach Boulevard frontage to provide a curb-to-property line width of 10 feet. **(PW)**

- b. A two (2) foot right-of-way dedication for pedestrian access and public utilities along the Stark Drive frontage to provide a curb-to-property line width of 12 feet. **(PW)**
 - c. An interim parking and building materials storage plan shall be submitted to the Planning Division to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The property owner/developer shall obtain any necessary encroachment permits from the Department of Public Works.
 - d. All design and construction shall be per the City Standard codes and street configuration and specifications of the Beach and Edinger Corridors Specific Plan. The frontage along Stark Drive shall comply with the "Neighborhood Streets" configuration and the frontage along Beach Boulevard shall comply with the "Palm Tree Boulevard" configuration.
 - e. A lighting plan depicting the boulevard-scale street lighting and pedestrian-scale street lighting along Beach Blvd. shall be submitted to the Community Development Department for review and approval by the Planning Division and Public Works Department.
6. Prior to final inspection or occupancy, the following shall be completed:
- a. The Developer shall provide a Landscape Maintenance License Agreement for the continuing maintenance and liability of all landscaping, irrigation, street lighting, furniture, and hardscape that is located along the project frontage within the public right of way. The agreement shall describe all aspects of maintenance such as enhanced sidewalk cleaning, trash cans, disposal of trash, signs, tree or palm replacement, and any other aspect of maintenance that is warranted by the development plan improvements proposed. The agreement shall state that the property ownership shall be responsible for all costs associated with maintenance, repair, replacement, liability and fees imposed by the City. **(PW)**
 - b. All existing overhead utilities that occur along the project's westerly property line shall be under-grounded. This includes the Southern California Edison (SCE) aerial distribution lines (12kV) and poles (nos. 102601NG and 1039478E) along the entire length of the westerly property line of the subject project. This condition also applies to all utilities, 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. **(PW)**
7. During demolition, grading, site development, and/or construction, the following shall be adhered to: All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
8. Conditional Use Permit No. 19-014 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.

9. Conditional Use Permit No. 19-014 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
10. The Planning Commission reserves the right to revoke Conditional Use Permit No. 19-014 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.
11. 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.
12. The Development Services Departments (Community Development, Fire, 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.

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.

19-1295 CONDITIONAL USE PERMIT NO. 19-024 (THAI GULF RESTAURANT ALCOHOL SERVICE)

REQUEST:

To permit the onsite sale, service, and consumption of beer and wine (ABC Type 41 License) within an approximately 1,935 sq. ft. eating and drinking establishment and 400 sq. ft. outdoor dining area.

LOCATION:

19072 Beach Boulevard # A, 92648 (east side of Beach Boulevard, south of Garfield Avenue)

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. 19-024 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Perkins had no disclosures.
- Commissioner Scandura had no disclosures.
- Vice-Chair Ray visited the site.
- Chair Grant had no disclosures.
- Commissioner Kalmick had no disclosures.
- Commissioner Garcia had no disclosures.
- Commissioner Mandic had no disclosures.

Tess Nguyen, Associate Planner, gave the staff presentation of the proposed project.

There was a brief discussion regarding the restrictions on alcohol service in the patio area.

THE PUBLIC HEARING WAS OPENED.

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

A MOTION WAS MADE BY SCANDURA, SECONDED BY PERKINS, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA AND APPROVE CONDITIONAL USE PERMIT NO. 19-024 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Perkins, Scandura, Ray, Grant, Kalmick, Mandic, Garcia
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. 19-024:

1. Conditional Use Permit No. 19-024 to permit the onsite sale, service, and consumption of

alcohol (Type 41 ABC License) within an existing 1,935 sq. ft. restaurant and 400 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. The proposed use is located within an existing commercial center with other similar uses. The additional service of beer and wine 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 beer and wine 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 area facing Beach Boulevard, and will not generate detrimental impacts onto surrounding properties.

2. Conditional Use Permit No. 19-024 to permit the onsite sale, service, and consumption of alcohol (Type 41 ABC License) within an existing 1,935 sq. ft. restaurant and 400 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 retail and restaurant 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. 19-024 to permit the onsite sale, service, and consumption of alcohol (Type 41 ABC License) within an existing 1,935 sq. ft. restaurant and 400 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). 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 41 ABC License) within an existing 1,935 sq. ft. eating and drinking establishment and 400 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. 19-024:

1. The site plan and floor plan received and dated October 21, 2019 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to the following:
 - Monday – Sunday from 11:00 AM to 3:30 PM for lunch
 - Monday – Saturday from 4:30 PM to 10:00 PM for dinner
 - Sunday from 4:30 PM to 9:30 PM for dinner
 - b. 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)**
 - 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 shall be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**
 - e. No off-sale 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 7:00PM. **(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 10/21/19 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)**
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. Conditional Use Permit No. 19-024 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. Conditional Use Permit No. 19-024 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 Conditional Use Permit No. 19-024 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 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.

20-1303 APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 19-010 (AT&T GOLDENWEST SMALL CELL)

REQUEST:

To remove an existing 30 ft.-6 in. high light pole and replace it with a new 29 ft.-3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft.-9 in. and new underground infrastructure in the public right-of-way within the Coastal Zone.

LOCATION:

East side of Goldenwest Street, approximately 110 linear feet to the north of Pacific Coast Highway

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 15302, Class 2 and Section 15303, Class 3.
- B) Approve Coastal Development Permit No. 19-010 with findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Perkins visited the site.
- Commissioner Scandura spoke with staff and visited the site.
- Vice-Chair Ray visited the site.
- Chair Grant visited the site.
- Commissioner Kalmick visited the site, spoke with staff, is an electrical engineer, and read the appeal letter early.
- Commissioner Garcia had no disclosures.
- Commissioner Mandic had no disclosures.

Joanna Cortez, Associate Planner, gave the staff presentation for the proposed project.

There was discussion on the following items: the location reservation process for cell sites, potential vehicular and pedestrian traffic impacts from the construction process, additional construction impacts, undergrounding utilities, the requirement for the coastal development permit, and the potential for alternative sites.

THE PUBLIC HEARING WAS OPENED.

Franklin Orozco, applicant, spoke in support of item No 20-1303, reviewing the need for a cell tower at the proposed location.

Bob Corona, resident, spoke in opposition to item No 20-1303, citing concerns with the proximity to the homes, and safety concerns with the pole's history of being replaced multiple times due to car accidents.

Jessica Robinson, appellant, spoke in opposition to item No. 20-1303; stating that the cell coverage simulations lack accuracy and did not provide data to back up the simulation. She noted that the simulations also neglected to include already planned towers within 1000 feet of the proposed site.

Alexis Reeves, resident, spoke in opposition to Item No. 20-1303, citing concerns with the proximity to residential, the city's pole reservation process, and the exclusion of nearby poles in the coverage simulation data.

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

There was discussion on the following items: the differences between the existing pole and proposed replacement, the jurisdiction over the light poles in the vicinity, conformance with the general plan, the regulation of wireless facilities, and the need for additional wireless access in the area.

A MOTION WAS MADE BY KALMICK, SECONDED BY SCANDURA, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA AND APPROVE COASTAL DEVELOPMENT PERMIT NO. 19-010 WITH FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

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 15302 and 15303 of the CEQA Guidelines, because the project involves the removal of an existing street light pole and the replacement of a new street light pole on the same site, and includes the installation of small new equipment for a wireless communication facility.

FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 19-010:

1. Coastal Development Permit No. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the Coastal Zone conforms with the General Plan, including the Local Coastal Program in that it is consistent with Coastal Element Land Use Policy C 4.2.4, that wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. The proposed wireless communication facility's stealth design will minimize any visual impacts by co-locating on a new street light pole, painting the facility to match the pole, and locate accessory equipment below ground. The proposed wireless telecommunication facility will occur within the public right of way contiguous to existing residential development and will enhance the provision of personal communication capacity within the Coastal Zone.
2. The granting of Coastal Development Permit No. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the Coastal Zone is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the proposed light pole replacement, including small cell wireless communications facility equipment, will comply with all applicable stealth design regulations to minimize visual impacts of the equipment.
3. Coastal Development Permit No. 19-010 to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the Coastal Zone can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because the wireless telecommunication facility will be within the public right-of-way in an urbanized area with all necessary services and infrastructure available, including electricity and roadways.
4. The proposed permit to remove an existing 30 ft. 6 in. high light pole and replace it with a new 29 ft. 3 in. high light pole to install small cell wireless equipment at an overall height of 34 ft. 9in. and new underground infrastructure in the public right-of-way within the Coastal Zone conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-010:

1. The site plan, photo simulations, and elevations received and dated July 31, 2019 shall be the conceptually approved design.
2. Prior to the issuance of a building permit, site specific traffic control plans shall be prepared and submitted for review and approved by Public Works prior to obtaining an encroachment permit. **(PW)**

3. Construction plans shall be prepared for review and approval by Public Works. The plan shall comply with Huntington Beach codes, standards and specifications. Plan shall include, but is not limited to:
 - a. The WTR/FSB (cut-off switch) shall be located no more than 20-feet from the base of the utility pole. Pull-box cover shall be permanently engraved with emergency contact phone number and address of site served by cut-off switch. **(PW)**
 - b. Fiber optic conduit plans and SCE power plans shall be prepared and approved prior to issuance of an Encroachment Permit. **(PW)**
 - c. New street light poles shall be coated with Amershield anti-graffiti coating. **(PW)**
4. 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.
 - g. Existing fire protection systems on the site shall be maintained operational.
 - h. The electrical service to the site shall be installed underground (MC 17.64.050).
5. CDP No. 19-010 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 Community Development Department a minimum 30 days prior to the expiration date.
6. 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

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.

20-1320 ENTITLEMENT PLAN AMENDMENT NO. 18-002 (THE HEBREW ACADEMY CAMPUS REMODEL)

REQUEST:

To permit a campus remodel and install four prefabricated modular buildings (approximately 9,990 sq. ft.) to create seven classrooms; repurpose existing buildings to create two new classrooms; add 1,550 sq. ft. to an existing multi-purpose room; expand an existing parking lot on the north side of the campus (27 parking spaces); and construct a new faculty parking lot on the south side of the campus (34 parking spaces).

LOCATION:

14401 Willow Lane, 92647 (east of Willow Lane at the terminus of Maple Avenue)

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 15314, Class 14.
- B) Approve Entitlement Plan Amendment No. 18-002 with suggested findings and conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

- Commissioner Perkins visited the site.
- Commissioner Scandura spoke with staff and visited the site.
- Vice-Chair Ray visited the site.
- Chair Grant visited the site, and attended the Design Review Board meeting.
- Commissioner Kalmick had no disclosures.
- Commissioner Garcia had no disclosures.
- Commissioner Mandic had no disclosures.

Joanna Cortez, Associate Planner, gave the staff presentation on the proposed project.

There was discussion on the following items: the current fence materials onsite, fire lane access requirements, and the suggested condition requiring bollards.

THE PUBLIC HEARING WAS OPENED.

Joseph Newman, Hebrew Academy, spoke in support of Item No. 20-1320, citing the history of school, the need for additional special subject rooms and larger assembly room, the need for additional parking due to impacts from adjacent new development. He indicated that the wrought iron fence was recommended in a recent security report and that the school has received grants from the Department of Homeland Security.

Dave Street, applicant, spoke in support of Item No. 20-1320, and indicated that he was available to answer any questions.

Bryn Harrari, resident and principal of Hebrew Academy, spoke in support spoke in support of Item No. 20-1320, stating that the proposals will help improve the educational programs and facilities for the students.

Connie Mehling, resident, spoke in opposition to Item No. 20-1320, citing concerns with potential noise, light, and traffic impacts and stated that there have been issues in getting responses from the school in the past.

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

There was discussion on the following items: the review process for the entitlement submittal, the proposed trellis, potential for light spillage, staff outreach for evening events, and traffic impacts.

A MOTION WAS MADE BY KALMICK, SECONDED BY MANDIC, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM CEQA AND APPROVE ENTITLEMENT PLAN AMENDMENT NO. 18-002 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES: Perkins, Scandura, Ray, Grant, Kalmick, Mandic, Garcia
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 15314, Class 14 – Minor Additions to Schools of the CEQA Guidelines as the project is located at an existing school and involves the construction of a small parking lot and two new buildings that will not increase original student capacity by more than 25% or 10 classrooms.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 18-002:

1. Entitlement Plan Amendment No. 18-002 to permit a campus remodel and install four prefabricated modular buildings (approximately 9,990 sq. ft.) to create seven classrooms;

repurpose existing buildings to create two new classrooms; add 1,550 sq. ft. to an existing multi-purpose room; expand an existing parking lot on the north side of the campus; and construct a new faculty parking lot on the south side of the campus will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood because the project will revitalize and modernize an existing school with improvements consistent with the General Plan land use and zoning designations. The proposed project will add new buildings and modify existing buildings in a manner that is compatible in the proportion, scale, and character of the remaining school buildings as well as the adjoining residential uses. The new modular buildings and repurposed buildings will house classrooms and labs for various grade levels. The one-story school buildings are consistent with height requirements and complement the adjacent uses. Additionally, the design of the new classroom buildings will incorporate architectural elements such as streamline metal roofs, stucco façade with brick veneer accents, and decorative wood trellises. The northern classroom buildings will be oriented in a manner that will create a courtyard with new landscape for the students. The multi-purpose room addition will incorporate architectural elements such as clerestory windows, varying rooflines, brick façade with stucco accents, and new storefront windows and doors. All proposed buildings are conditioned to match colors and materials of the existing school buildings. The day to day school activities will continue to operate with no changes and the school, as conditioned, will not increase student enrollment. Although, classroom count will increase, the additional onsite parking added with this request will accommodate the new classrooms. The northern parking lot expansion will allow more onsite parking for all of the student's need. In addition, the new faculty parking lot along the southern portion of the campus will ultimately reduce the need to park offsite by allowing approximately 61 more cars to park onsite. Previously approved student drop-off plans will continue to operate with no changes.

2. The General Plan Land Use Map designation on the subject property is currently PS (RL) (Public Semipublic/Residential Low Density). Entitlement Plan Amendment No. 18-002 to permit a campus remodel and install four prefabricated modular buildings (approximately 9,990 sq. ft.) to create seven classrooms; repurpose existing buildings to create two new classrooms; add 1,550 sq. ft. to an existing multi-purpose room; expand an existing parking lot on the north side of the campus; and construct a new faculty parking lot on the south side of the campus is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-6: Neighborhood school sites adapt over time to meet the changing needs of the community.

The project will revitalize and modernize an existing school with improvements consistent with the General Plan land use of PS (RL). The proposed project will add nine classrooms in new buildings that are compatible in the proportion, scale, and character of the remaining school buildings and adjoining residential uses. The new modular buildings and repurposed buildings will house classrooms and labs for various grade levels. The one-story school buildings are consistent with height requirements and complement the adjacent uses. Additionally, the design of the new classroom buildings will incorporate architectural

elements such as streamline metal roofs, stucco façade with brick veneer accents, and decorative wood trellises. The northern classroom buildings will be oriented in a manner that will create a courtyard with new landscape for the students. The multi-purpose room addition will incorporate architectural elements such as clerestory windows, varying rooflines, brick façade with stucco accents, and new storefront windows and doors. A new eight ft. high wrought iron fence is proposed around the perimeter (approximately 1,800 linear ft.) to match the newer fencing along the front property line. The proposed improvements will allow the expansion of a private school facility, thereby enhancing the educational opportunities available to the youth of the community without affecting surrounding residential development.

Circulation Element Goal CIRC-1c: Through ongoing evaluation of jurisdiction, efficient transportation management provides the highest level of safety, service, and resources.

Policy CIRC-1c(G): Limit driveway access points, require driveways to be wide enough to accommodate traffic flow from and to arterial roadways, and establish mechanisms to consolidate driveways where feasible and necessary to minimize impacts to the smooth, efficient, and controlled flow of vehicles, bicycles, and pedestrians.

The expansion of the northern parking lot will allow more onsite parking for the school's needs and will not add any new driveways. The addition of the new faculty parking lot on the southern portion of the campus in addition to the 27-space expansion of the existing parking lot will reduce traffic flow along the local streets because 61 more cars will park onsite and improve the traffic experience for the school and the neighborhood.

3. Entitlement Plan Amendment No. 18-002 to permit a campus remodel and install four prefabricated modular buildings (approximately 9,990 sq. ft.) to create seven classrooms; repurpose existing buildings to create two new classrooms; add 1,550 sq. ft. to an existing multi-purpose room; expand an existing parking lot on the north side of the campus; and construct a new faculty parking lot on the south side of the campus will comply with the provisions of the base zoning district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) such as setbacks, building height, floor area ratio, landscape, and parking. Parking for educational use is calculated based on the number of classrooms, which is increasing. The proposed parking lot improvements will create sufficient parking to accommodate the increased number of classrooms, as required by the HBZSO.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 18- 002:

1. The site plan, floor plan, and elevations received and dated October 8, 2019, the Campus Classroom Map received and dated January 7, 2020, the title page received and dated January 17, 2020, and the new building and fence rendering received and dated January 16, 2020, shall be the conceptually approved layout with the following modifications:
 - a) The proposed parking stalls shall be double striped as depicted in HBZSO Section 231.14 Parking Space Dimensions, Diagram A;
 - b) The site plan shall be updated to reflect the proposed number of parking spaces as depicted in the Campus Classroom Map and indicated in the updated title page of the plans (Page CS.01);
 - c) The site plan shall depict safety bollards in addition to the low wall separating the parking lot and from the campus (PD); and

- d) The elevations shall note the paint colors and details for the proposed buildings, addition, and perimeter fencing **(DRB)**.
2. The school enrollment shall be limited to no more than 400 students. Any expansion in number shall require approval of the Planning Commission.
3. The applicant shall construct their new perimeter fence entirely within the subject property and with a two (2) inch maximum separation from the property line.
4. All other conditions of approval for Conditional Use Permit No. 77-019, 88-029, 94-007, and 98-090 shall remain in effect.
5. All construction staging and parking shall occur on the school's property and shall not impede required parking spaces and/or drop off and pick up areas.
5. At least 14 days prior to any grading activity associated with each phase, 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. Prior to submittal for building permits, the following shall be completed: a. 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. b. The property owner/developer shall include a list on the plans to identify which sustainable or "green" building practices will be incorporated into the project from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Building It Green's Green Building Guidelines and Rating Systems.
7. Prior to issuance of building permits, the following shall be included: An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
8. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of Certificate of Occupancy until the following has been completed:
 - a) Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b) All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

- c) 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.
 - d) A Certificate of Occupancy for each phase must be approved by the Planning Division and issued by the Building and Safety Division.
9. New signage shall be reviewed under separate permits and applicable processing.
10. 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.
11. Entitlement Plan Amendment No. 18-002 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.

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

20-1367 APPROVE PLANNING COMMISSION MINUTES DATED JULY 23, 2019

Recommended Action:

That the Planning Commission take the following action:

"Approve the July 23, 2019 Planning Commission Minutes as submitted."

A MOTION WAS MADE BY SCANDURA, SECONDED BY RAY, TO APPROVE THE JULY 23, 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

20-1366 APPROVE PLANNING COMMISSION MINUTES DATED AUGUST 13, 2019

Recommended Action:

That the Planning Commission take the following action:

“Approve the August 13, 2019 Planning Commission Minutes as submitted.”

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE AUGUST 13, 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

20-1365 APPROVE PLANNING COMMISSION MINUTES DATED AUGUST 27, 2019

Recommended Action:

That the Planning Commission take the following action:

“Approve the August 27, 2019 Planning Commission Minutes as submitted.”

A MOTION WAS MADE BY PERKINS, SECONDED BY KALMICK, TO APPROVE THE AUGUST 27, 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 recent and upcoming City Council meetings and reported on items scheduled for upcoming Planning Commission meetings.

PLANNING COMMISSION ITEMS

20-1365 PLANNING COMMISSION ADVISORY BOARDS AND COMMITTEES

Recommended Action:

That the Planning Commission take the following action:

“Discuss the 2020 Advisory Boards and Committee Assignments”

Chair Grant announced committee assignments.

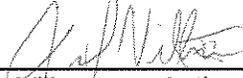
Commissioner Scandura thanked Chair Grant for his assignment to the Environmental Board and reported on the recent Environmental Board meeting.

Chair Grant reported on the recent Sunset Beach Committee meeting.

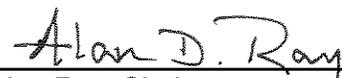
Commissioner Kalmick reported on the recent Southeast Area Committee meeting.

ADJOURNMENT: Adjourned at 9:44 PM to the next regularly scheduled meeting of Tuesday, February 11, 2020.

APPROVED BY:



Jennifer Villasenor, Acting Secretary



Alan Ray, Chairperson