



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, OCTOBER 23, 2018

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - COUNCIL CHAMBERS

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Garcia

P P P P P P P
ROLL CALL: Crowe, Ray, Garcia, Scandura, Kalmick, Mandic, Grant

AGENDA APPROVAL

A MOTION WAS MADE BY KALMICK, SECONDED BY GRANT, TO APPROVE THE OCTOBER 23, 2018, PLANNING COMMISSION MEETING AGENDA, BY THE FOLLOWING VOTE:

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

MOTION APPROVED

PUBLIC COMMENTS - NONE

PUBLIC HEARING ITEMS

18-338 **CONDITIONAL USE PERMIT NO. 18-028 (SHANGHAI'D ROOM ALCOHOL):** To approve the sale, service, and consumption of alcohol (ABC Type 48 License) within an existing eating and drinking establishment and find the project exempt from CEQA.

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;
- B) Approve Conditional Use Permit No. 18-028 with suggested findings and conditions of approval (Attachment No.1).

The Commission made the following disclosures:

- Commissioner Crowe had no disclosures.
- Commissioner Ray had no disclosures.
- Vice-Chair Garcia visited the site.
- Chair Scandura spoke with staff and visited the site.
- Commissioner Kalmick visited the site.
- Commissioner Mandic spoke with staff and visited the site.
- Commissioner Grant visited the site and spoke with an employee.

Jessica Bui, Associate Planner, gave the staff presentation and an overview of the project.

There was discussion on the following items: Police Department calls for service, noise complaints, the previously approved entertainment permit, and proposed hours of operation.

THE PUBLIC HEARING WAS OPENED.

Dave Hay, business owner, spoke in support of Item No. 18-338, stating that he had reviewed and was in agreement with the proposed conditions of approval.

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

There was discussion on the following items: restricting alcohol advertising, and eliminating reduced drink prices after 7:00 PM.

A MOTION WAS MADE BY GRANT, SECONDED BY MANDIC, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, CLASS 1 AND APPROVE CONDITIONAL USE PERMIT NO. 18-028 WITH SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	Crowe, Ray, Garcia, Scandura, Kalmick, Mandic, Grant
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 because the project involves negligible or no expansion of the existing use and structure.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-028:

1. Conditional Use Permit No. 18-028 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 828 sq. ft. eating and drinking establishment in the Beach and Edinger Corridors Specific Plan (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 because the proposed use is located within an existing commercial center with other similar uses. The sale, service, and consumption of alcohol provides an additional service to the community and surrounding regional area which will benefit and serve customers within the community and the surrounding regional area. The eating and drinking establishment is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The BECSP and General Plan land use designation anticipated eating and drinking establishment uses with alcohol service, sale and consumption in this area. The request for alcohol is an upgrade to an existing eating and drinking establishment use and will serve to augment the overall customer experience. Furthermore, the consumption of alcoholic beverages will be contained within the building's interior only, and will not generate detrimental impacts onto surrounding properties.
2. Conditional Use Permit No. 18-028 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 828 sq. ft. eating and drinking establishment will be compatible with surrounding residential and commercial uses because the project is located within an existing commercial center. The eating and drinking establishment is abutting retail uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The nearest residential use is approximately 75 ft. to the west of the subject site and is buffered by the 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. 18-028 to permit the onsite sale, service, and consumption of alcohol (ABC Type 48 License) within an approved approximately 828 sq. ft. eating and drinking establishment 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 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 an upgrade to an existing eating and drinking establishment and will serve to augment the overall customer 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 (ABC Type 48 License) within an approved approximately 828 sq. ft. eating and drinking establishment is consistent with this designation and the goals, policies, and objectives 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.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

The proposed conditional use permit will expand the range of goods and services provided in the area by permitting the upgrade from the on-site sales, service and consumption of beer and wine only to full alcohol within an existing approximately 828 sq. ft. eating and drinking establishment. The use will operate in a safe manner for residents and customers from the surrounding area because the hours of operation and business functions will remain the same and be contained within the interior of the building. 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 will be compatible with the surrounding neighborhood while providing a service that will meet the needs of the community and increase sales tax revenue.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-028:

1. The site plan and floor plan received and dated October 10, 2018 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. The hours of operation shall be limited to 10:00AM to 2:00AM, daily.
 - b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the bar. **(PD)**
 - c. All alcoholic beverages shall remain within the interior of the restaurant per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
 - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - e. No reduced price alcoholic beverage promotion shall be allowed after 7:00 PM, including no promotional drink specials or reduced drink specials. **(PD)**
 - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - g. Signs shall be posted in a conspicuous space at the exit points, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT". **(PD)**
 - h. The establishment shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and entertainment areas 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 officers conducting investigations. **(PD)**

- i. 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)**
 - j. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management, and supervisory personnel is forbidden. **(PD)**
 - k. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
 - l. 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. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
 - m. 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)**
 - n. Mandatory Responsible Beverage Service (RBS) training and certification 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)**
 - o. 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 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.

OTHER REQUIREMENTS:

- 1. Signage shall be reviewed under separate permits and applicable processing.
- 2. Conditional Use Permit No. 18-028 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.

3. Conditional Use Permit No. 18-028 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
4. The Planning Commission reserves the right to revoke Conditional Use Permit No. 18-028 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.
5. 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.

18-358 CONDITIONAL USE PERMIT NO. 17-044 AND VARIANCE NO. 18-003 (O.C. COSMETIC AND RECONSTRUCTIVE SURGERY CENTER): To approve an approximately 8,663 sq. ft. two story medical office building with a reduced parking facility landscape planter and find the project exempt from CEQA.

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 (Attachment No. 1);
- B) Approve Conditional Use Permit No. 17-044 and Variance No. 18-003 with findings and suggested conditions of approval (Attachment No. 1).

The Commission made the following disclosures:

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

Lindsay Ortega, Contract Planner, gave the staff presentation and an overview of the project. Ms. Ortega stated that staff recommended correcting Variance Finding No. 3 to reflect 18 percent landscaping. Debbie DeBow, Principal Civil Engineer, reported that staff is recommending removing Condition No. 3, since underground utilities is already in process by Southern California Edison.

The following items were discussed: the proposed garden wall, the setbacks, the parking, and the proposed landscaping.

THE PUBLIC HEARING WAS OPENED.

Tony Sellas, with four minutes of time donated by Kelly Sellas, spoke in opposition to Item No. 18-358, citing concerns with the proposed parking and the lack of Design Review Board review. Mr. Sellas stated that he felt that parking structure requirements should have been applied to this project proposal.

Vinnie Tran, applicant, spoke in support of Item No. 18-358, stating that the project did not include a parking structure and noting that Design Review Board review was not required for this type of project.

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

There was discussion on the following: the proposed parking, the definition of a parking structure, the parking requirements, ADA access, Fire Department requirements, pedestrian access, elevator width, and security lighting.

A MOTION WAS MADE BY KALMICK, SECONDED BY GRANT, TO FIND THE PROPOSED PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15303, CLASS 3 AND APPROVE CONDITIONAL USE PERMIT NO. 17-044 AND VARIANCE NO. 18-003 WITH FINDINGS AND SUGGESTED CONDITIONS OF APPROVAL WITH STAFF RECOMMENDED MODIFICATIONS , BY THE FOLLOWING VOTE:

AYES: Crowe, Ray, Garcia, Scandura, Kalmick, Mandic, Grant
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 15303, Class 3 – *New Construction or Conversion of Small Structures* of the CEQA Guidelines as the project involves the construction of one commercial building that is less than 10,000 sq. ft. in an urbanized area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 17-044:

1. Conditional Use Permit No. 17-044 to construct an approximately 8,663 sq. ft., two-story commercial building to accommodate a medical office complex with a reduced parking facility landscape planter on a site with a grade differential, 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 an existing deteriorating area with a development consistent with the General Plan land use and zoning designations. The proposed project will replace a vacant plant nursery and is compatible in the proportion, scale, and character of the adjoining uses. The subject site is surrounded by commercial uses to the north, south, east, and provides an 89 ft. setback to the residential uses to the west. The two-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. Additionally, the design of the building is attractive with articulated rooflines to reduce massing and will incorporate varied building materials, such as wood siding and stone veneer accents. The proposed building is setback from the existing property line by 55 ft. including a 17 ft. landscape planter along the frontage of the property, exceed the minimum setback of 10 ft. The proposed project will provide an increase in landscaping along the frontage, as well as a decorative driveway to enhance the entry aesthetic.

2. The General Plan Land Use Map designation on the subject property is currently CN (Commercial Neighborhood). Conditional Use Permit No. 17-044 to construct an approximately 8,663 sq. ft., two-story commercial building to accommodate a medical office complex with a reduced parking facility landscape planter on a site with a grade differential, 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(C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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.

The proposed medical office building will be consistent with the goals, policies, and objectives of the Land Use Element of the General Plan because the project consists of the development of an underutilized urban property and the infill development will be compatible in proportion, scale, and character with the adjoining uses. The two-story commercial building complies with the height and floor area ratio requirements of the

General Plan, which are more restrictive than that of the zoning district. The new development complements the adjacent one-story commercial buildings to the north and east, as well as the two-story commercial building to the south, and is sufficiently setback from the residential uses located to the west of the proposed project. Additionally, the commercial building provides for high quality and enhanced architectural design, materials, and colors. The proposed architectural elements, such as the wood siding and stone veneer, will be complementary to the surrounding properties, and will replace an aging building on an oddly shaped and sized lot which limits the sites potential development. The new commercial building will meet both a regional and local need as the proposed use will be a medical building with sufficient on-site parking provided.

3. Conditional Use Permit No. 17-044 to construct an approximately 8,663 sq. ft., two-story commercial building to accommodate a medical office complex with a reduced parking facility landscape planter will comply with requirements of the General Commercial zone, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of the required 5-foot landscape planter along parking facilities with a dimension of more than 100 feet adjacent to side or rear property lines, in that the project complies with all other setback standards, building height, and parking. The reduced parking facility landscape planter is appropriate, as the full use of the property is restricted due to the flag shape of the lot and narrow width of the property. The narrow width of the lot restricts the design of the property to allow for use of the rear of the property as it would not typically allow for both the required driveway aisle widths required for two-way traffic to access the property, which limits the full use of the property. Additionally, the use will comply with all building occupancy and exiting requirements.

FINDINGS FOR APPROVAL – VARIANCE NO. 18-003:

1. The granting of Variance No. 18-003 for a reduced parking facility landscape planter of 4 ft.-9 in. along the northern property line and zero ft. along the southern property line will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because the flag lot shape of the lot, as well as the narrow width of the property significantly restricts use of the property as it does not allow for the required planter width, parking stall depth, and driveway aisle widths required for two-way traffic to access the property. The narrow property width limits access to the rear of the property, therefore limiting full use of the property. Additionally, the property includes a significant grade differential toward the rear of the property, which further restricts development possibilities of the site. To compensate for the narrow landscape perimeter, the project provides 18% percent site landscaping where 8% is required. The majority of landscaping is proposed along the frontage and entryway, as well as along the rear of the property, which softens the streetscape and provides a substantial buffer between the building and the adjacent residential land use.
2. Because of special circumstances applicable to the subject property including the size, shape, topography, location or surroundings, the strict application of the zoning

ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications because the flag shaped lot, the width of the parcel, and the significant grade differential limits the buildable area of the lot more significantly than typical commercial lots in the surrounding area.

3. The granting of Variance No. 18-003 for a reduced parking facility landscape planter of 4 ft.-9 in. along the northern property line and zero ft. along the southern property line is necessary to preserve the enjoyment of one or more substantial property rights because the requested variance will allow the subject to be improved in the same manner consistent with other properties within the area with identical zoning classification. The flag lot shape of the lot, as well as the narrow width of the property significantly restricts use of the property as it does not allow for the required planter width, parking stall depth, and driveway aisle widths required for two-way traffic to access the property. The narrow lot limits access to the rear of the property, therefore limiting full use of the property. Additionally, the property includes a significant grade differential toward the rear of the property, which further restricts development possibilities of the site. To compensate for the narrow landscape perimeter, the project provides 18% percent site landscaping where 8% is required. The majority of landscaping is proposed along the frontage and entryway, as well as along the rear of the property, which softens the streetscape and provides a substantial buffer between the building and the adjacent residential land use.
4. The granting of Variance No. 18-003 for a reduced parking facility landscape planter of 4 ft.-9 in. along the northern property line and zero ft. along the southern property line will not be materially detrimental to the public welfare or injurious to property in the on the same zone classification because the requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the lot size and width.
5. The granting of Variance No. 18-003 for a reduced parking facility landscape planter of 4 ft.-9 in. along the northern property line and zero ft. along the southern property line will not adversely affect the General Plan because the proposed development is consistent with the Land Use Element designation of CN (Commercial Neighborhood) on the subject property. In addition, the proposed project is consistent with the following General Plan goals and policies:

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(C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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.

The proposed medical office building and landscape variance will be consistent with the goals, policies, and objectives of the Land Use Element of the General Plan because the project consists of the development of an underutilized urban property and the infill development will be compatible in proportion, scale, and character with the adjoining uses. The two-story commercial building complies with the height and floor area ratio requirements of the General Plan, which are more restrictive than that of the zoning district. The new development complements the adjacent one-story commercial buildings to the north and east, as well as the two-story commercial building to the south, and is sufficiently setback from the residential uses located to the west of the proposed project. Additionally, the commercial building provides for high quality and enhanced architectural design, materials, and colors. The proposed architectural elements, such as the wood siding and stone veneer, will be complementary to the surrounding properties, and will replace an aging building on an oddly shaped and sized lot, which limits the site's potential development. The new commercial building will meet both a regional and local need as the proposed use will be a medical building with sufficient on-site parking provided.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 17-044 AND VARIANCE NO. 18-003:

1. The site plan, floor plan, and elevations received and dated October 11, 2018 shall be the conceptually approved layout, with the following modification:
 - a. The sloped landscaped area of the property shall terrace downward with the natural grade.
2. Hours of operation shall be limited to 8:00 AM to 8:00 PM, Monday through Sunday.
3. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
4. 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.
5. 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.
6. Conditional Use Permit No. 17-044 and Variance No. 18-003 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.

OTHER REQUIREMENTS

1. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, utilities cannot be released, nor an 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 must be approved by the Planning Division and issued by the Building and Safety Division.
2. New signage shall be reviewed under separate permits and applicable processing.
3. Conditional Use Permit No. 17-044 and Variance No. 18-003 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
4. The Planning Commission reserves the right to revoke Conditional Use Permit No. 17-044 and Variance No. 18-003 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.
5. 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.
6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

CONSENT CALENDAR

18-460 APPROVE PLANNING COMMISSION MINUTES DATED JUNE 26, 2018

Recommended Action:

That the Planning Commission take the following action:

Approve the June 26, 2018, Planning Commission Minutes as submitted.

A MOTION WAS MADE BY GRANT, SECONDED BY RAY, TO APPROVE THE JUNE 26, 2018, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Crowe, Ray, Garcia, Scandura, Grant

NOES: None

ABSENT: None

ABSTAIN: Mandic, Kalmick

MOTION APPROVED

NON-PUBLIC HEARING ITEMS - NONE

PLANNING ITEMS

Ursula Luna-Reynosa, Director of Community Development, reported on the items from the previous and upcoming City Council Meetings.

Jane James, Planning Manager, reported on the items for the next Planning Commission Meeting.

PLANNING COMMISSION ITEMS

Chair Scandura reported that he would not be attending the November 13, 2018 Planning Commission meeting.

ADJOURNMENT: Adjourned at 8:06 PM to the next regularly scheduled meeting of Tuesday, November 13, 2018.

APPROVED BY:

Ursula Luna-Reynosa, Secretary

Pat Garcia, Chairperson