



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *CE*
DATE: November 13, 2012

SUBJECT: CONDITIONAL USE PERMIT NO. 12-020 (BOARDWALK BURGERS ON-SITE ALCOHOL SALES)

APPLICANT: Sheryl Brady, Permit Place, 13400 Riverside Drive, #202, Sherman Oaks, CA 91423

PROPERTY

OWNER: Bijan Sassounian, 21022 Beach Boulevard, #101, Huntington Beach, CA 92748

LOCATION: 21020 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue – Beach Promenade Commercial Center)

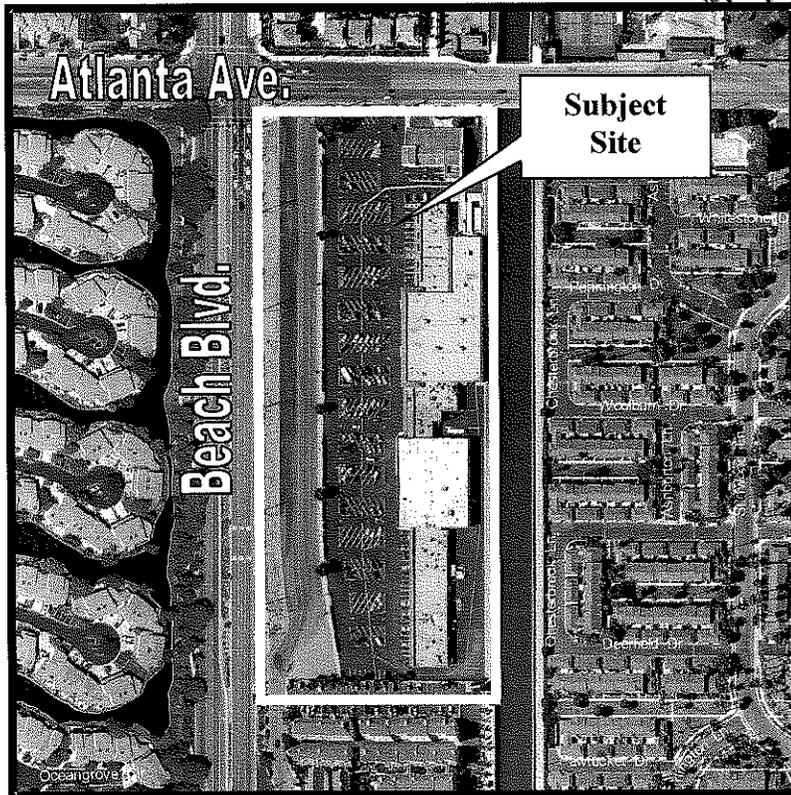
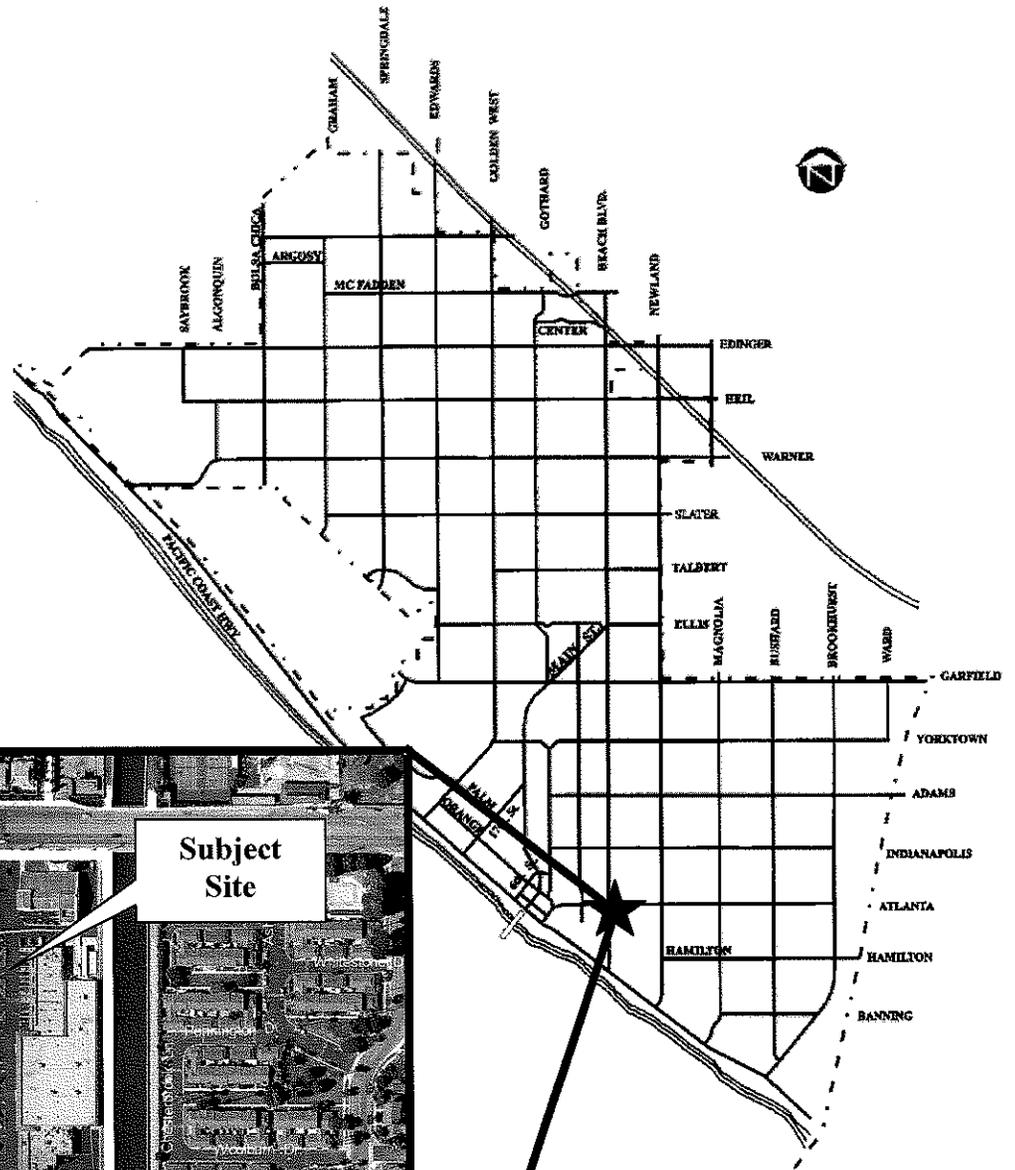
STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 12-020 request:
 - To permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment.
- ◆ Staff's Recommendation: Approve Conditional Use Permit No. 12-020 based upon the following:
 - Compliance with the General Plan designation of Mixed Use.
 - With conditions, the alcohol sales, service, and consumption at the restaurant and outdoor dining, will not generate negative impacts to adjacent uses.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 12-020 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP
 CONDITIONAL USE PERMIT NO. 12-020
 (BOARDWALK RESTAURANT – 21020 BEACH BOULEVARD)**

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Continue Conditional Use Permit No. 12-020 and direct staff accordingly."
- B. "Deny Conditional Use Permit No. 12-020 with findings for denial."

PROJECT PROPOSAL:

Conditional Use Permit No. 12-020 represents a request to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment pursuant to Section 2.2 of the Beach & Edinger Corridors Specific Plan. The project site consists of approximately 9.4 acres located on the southeast corner of Beach Boulevard and Atlanta Avenue known as the Beach Promenade Center. The project site was recently reconfigured and remodeled to include a 123,761 sq. ft. multi-tenant commercial center with new retail and eating and drinking establishments. The restaurant is located within a one-story commercial pad building at the northwest corner of the site fronting Beach Boulevard. The subject suite is at the southern end of the building and includes approximately 2,000 sq. ft. of interior restaurant area and a 976 sq. ft. outdoor dining patio area. The establishment of alcohol sales at the vacant restaurant and outdoor patio requires review and approval of a conditional use permit by the Planning Commission. Other related ancillary uses such as dancing and live entertainment are not part of the subject request.

The restaurant will employ approximately 25 people. The proposed hours of operation are between 10:00 AM and 12:00 AM (midnight) every day of the week. The sales, service, and consumption of alcohol is proposed to occur within the interior of the proposed restaurant and designated outdoor dining area only. The project will involve interior modifications typical for restaurant use improvements.

Study Session: Not Applicable.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Site:	M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP14 (Beach and Edinger Corridors Specific Plan – Neighborhood Center)	Commercial Center
North (across Atlanta Avenue), South, and West (across Beach Boulevard) of Subject Property:	RM-15 (Residential Medium Density—15 Dwelling Units per Acre)	RM (Residential Medium Density)	Multi-Family Residential Uses
East (across the flood channel) of Subject Property:	RMH-25 (Residential Medium High Density—25 Dwelling Units per Acre)	RMH (Residential Medium High Density)	Multi-Family Residential Uses

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will permit the sale, service and consumption of alcoholic beverages within an existing restaurant suite and outdoor dining area at the Beach Promenade commercial center. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment in a safe manner for customers and residents of the surrounding area.

B. Economic Element

Policy – ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to expand the range of goods and services provided in the area and facilitate continued viability of the commercial center.

Zoning Compliance:

The proposed project is located within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP) and the request complies with the requirements of that designation. The project location and subject building was originally approved for restaurant uses via Entitlement Plan Amendment No. 09-009; however it did not include alcohol or outdoor dining. The proposed outdoor dining and alcohol requires approval of a conditional use permit by the Planning Commission. The project will not increase existing building area and will not exceed the maximum restaurant square footage allocated to the subject building. Therefore, the restaurant with new outdoor dining and alcohol sales, service and consumption does not constitute an increase in required parking spaces.

Urban Design Guidelines Conformance: Not Applicable.

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

Coastal Status: Not Applicable.

Redevelopment Status: Not Applicable.

Design Review Board: Not Applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Police Department has reviewed the project proposal and has identified a list of recommended operational restrictions associated with the proposed restaurant with alcohol service (Attachment No. 1). The applicant has reviewed the proposed conditions and expressed their understanding and willingness to comply with these conditions.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on November 1, 2012, and notices were sent to property owners and occupants of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), tenants, applicant, and interested parties. As of November 6, 2012, staff has received no comments in support or opposition to the request.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

October 15, 2012

MANDATORY PROCESSING DATE(S):

December 30, 2012

Conditional Use Permit No. 12-020 was filed on July 30, 2012 and deemed complete on October 15, 2012. The application is scheduled for public hearing before the Planning Commission on November 13, 2012.

ANALYSIS:

The restaurant is located within a new free-standing commercial building at an existing commercial center. The location is suitable for the sale, service and consumption of alcohol due to the mix of uses existing and allowed on and surrounding the site. The operation of a restaurant with alcohol will occur within the interior of the building and designated outdoor dining patio area and is proposed in an area designated and designed for this type of use. The BECSP and General Plan land use designation

anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment preserves a restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption.

The use will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized. The nearest residential uses are approximately 250 feet away to the west. Therefore, with the suggested conditions of approval, the subject request will not result in noise, safety, or compatibility issues. The request to permit a restaurant and outdoor dining with alcohol service, sales and consumption is consistent with the scope and intent of development in the BECSP designation and supported by the General Plan. Accordingly, staff recommends approval of the request.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – CUP No. 12-020
2. Site Plans, Floor Plan, and Elevations received and dated July 30, 2012
3. Project Narrative received and dated September 13, 2012
4. Code Requirements Letter dated October 30, 2012

SH:JJ:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 12-020

SUGGESTED 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 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 12-020:

1. Conditional Use Permit No. 12-012 to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment at an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan zoning designation 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 sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request will not result in noise, safety, or compatibility issues. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and designated outdoor dining area and will not generate detrimental impacts onto surrounding properties.
2. The request to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment will be compatible with surrounding uses because the project is located within an existing mixed-use center. The restaurant is surrounded by commercial, office, 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. The request to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment will comply with the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (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 BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the

overall dining experience. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit to permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant and existing approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment is consistent with the General Plan. The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will permit the on-site sale, service, and consumption of alcoholic beverages (beer and wine) within a vacant approximately 2,000 sq. ft. indoor and 976 sq. ft. outdoor eating and drinking establishment within the Beach and Edinger Corridors Special Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by permitting the sale of alcoholic beverages in a safe manner for customers and residents of the surrounding area.

B. Economic Element

Policy– ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-012:

1. The site plan, floor plan, and elevation plan received and dated July 30, 2012, shall be the conceptually approved design.
2. The restaurant use shall comply with the following:
 - a. Hours of operation for the interior restaurant shall be limited to between 10:00 AM and 12:00 AM (midnight) every day of the week.
 - b. Use of the outdoor dining patio area shall be prohibited between 10:00 PM and 7:00 AM every day of the week. **(PD)**
 - c. A sign shall be posted stating that alcoholic beverages are not allowed outside of the restaurant/patio areas. **(PD)**
 - d. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public until at least one hour prior to the scheduled closing time. **(PD)**
 - e. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - f. No loitering shall be permitted within the vicinity of any entrance or exit at any time. **(PD)**
 - g. Dancing and entertainment shall be prohibited. **(PD)**
 - h. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. 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 Planning and Building 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. 12-020 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-020 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.

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/index.cfm?fuseaction=guidelines>).

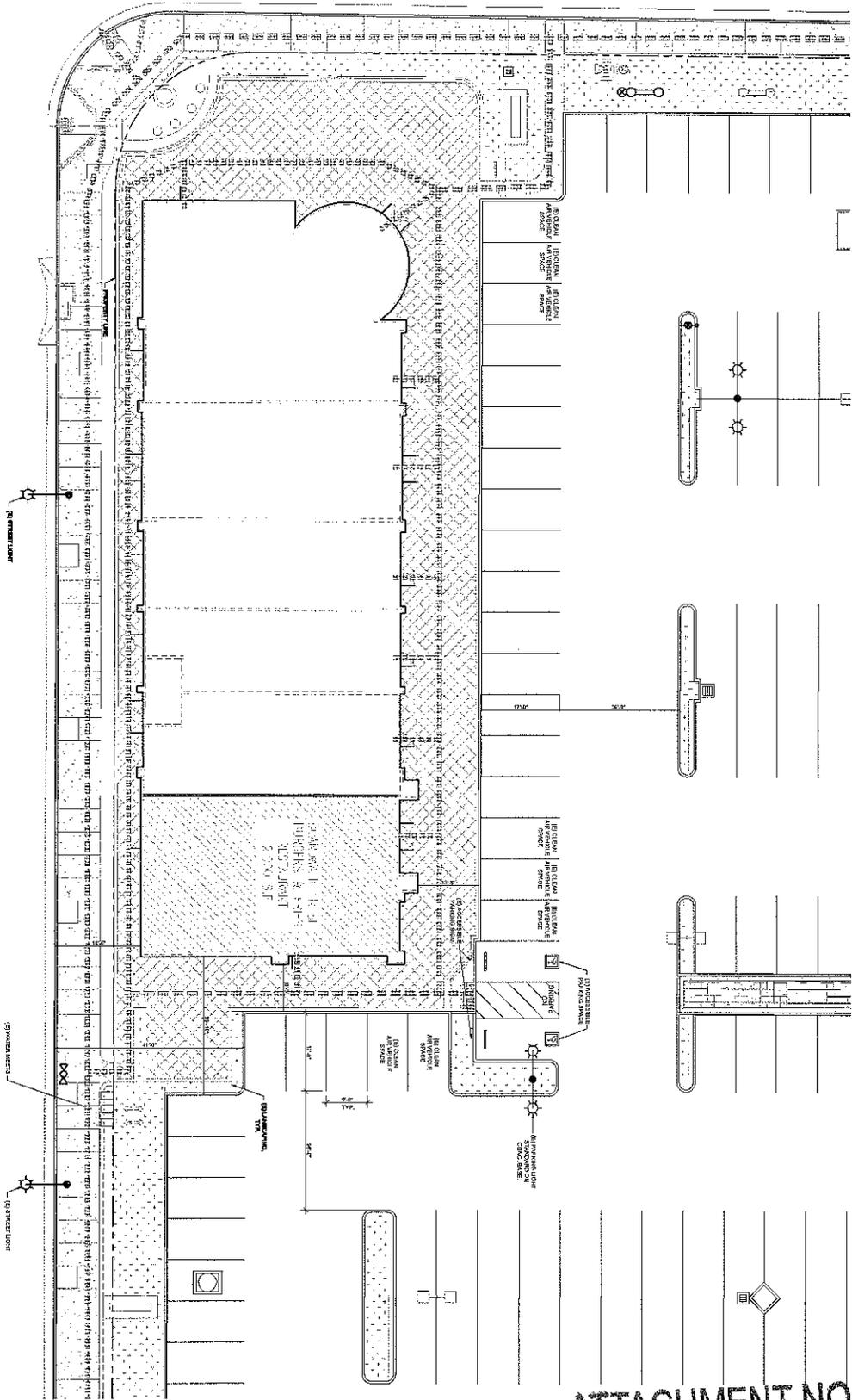
INDEMNIFICATION AND HOLD HARMLESS CONDITION:

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.

RECEIVED
 JUL 30 2012
 Dept. of Planning
 & Building

ATLANTA AVE.

BEACH BLV.



SITE PLAN
 SCALE: 3/32"=1'-0"



ATTACHMENT NO. 2.1

A1.0	DATE PERMITS: 4-25-12
	DATE REVISION: 6-14-12
	DESIGNER: AS NOTED
	DRAWING NUMBER: 1203-RFR-007
	SHEET NO. 5 of 10

BOARDWALK
 FRESH BURGERS & FRIES

21020 BEACH BOULEVARD
 HUNTINGTON BEACH, CA 92648

CARDINAL POINT

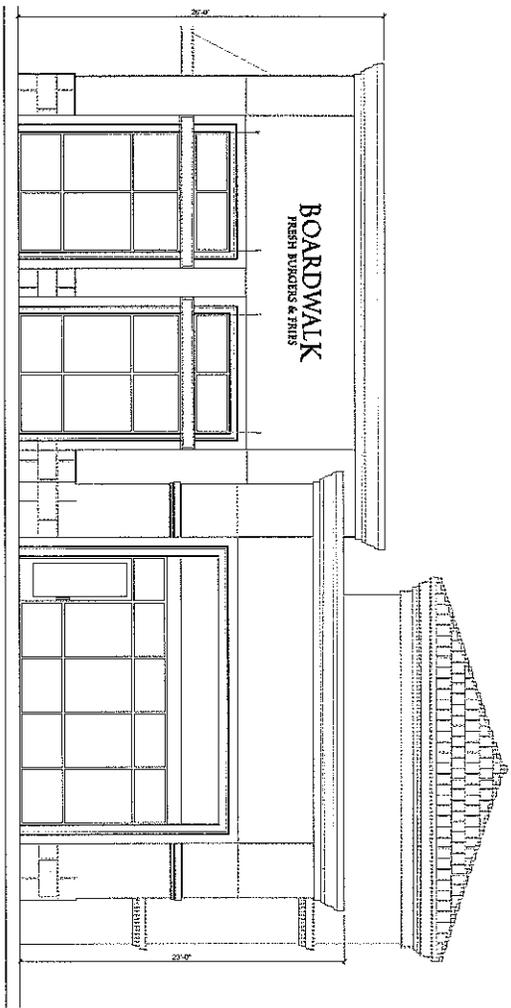
CHARLOTTEVILLE, VA - LEXINGTON, KY
 919.424.1916 - cp.arch@cardinalpoint.com

DARREN MACHULSKY
 ARCHITECT

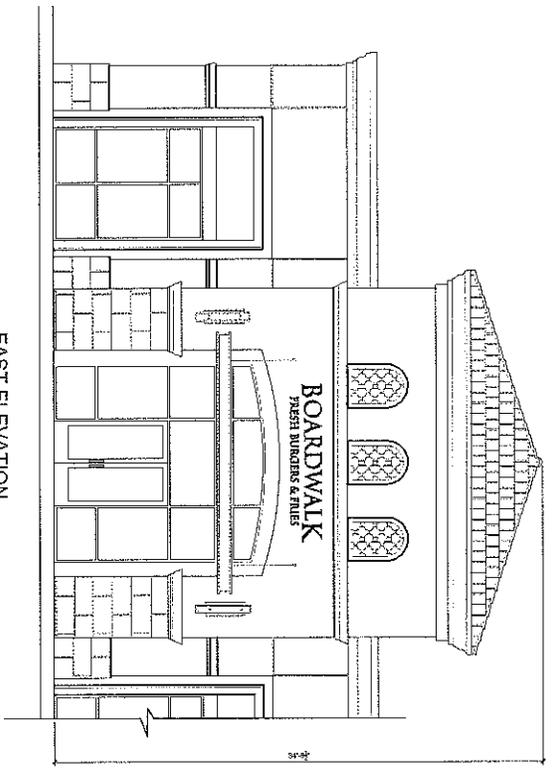
10101 WOODBRIDGE BLVD
 SUITE 100
 FALLS CHURCH, VA 22034

DARREN MACHULSKY
 ARCHITECT

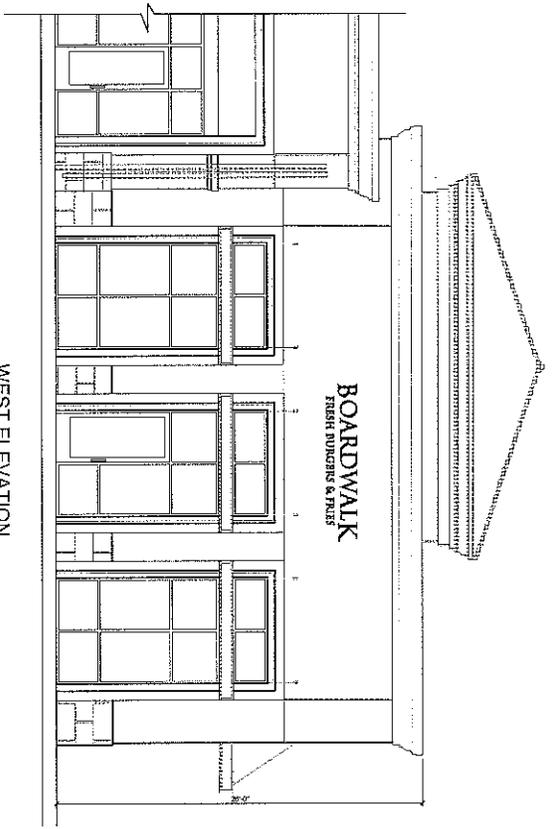
10101 WOODBRIDGE BLVD
 SUITE 100
 FALLS CHURCH, VA 22034



SOUTH ELEVATION
SCALE: 1/2" = 1'-0"



EAST ELEVATION
SCALE: 1/2" = 1'-0"



WEST ELEVATION
SCALE: 1/2" = 1'-0"

SHEET NOTES

1. ELEVATIONS ARE FOR REFERENCE ONLY.
2. DIMENSIONS BY SQUARE COMPANY, INC TO COORDINATE WITH ARCHITECT'S PLAN.
3. ALL EXISTING SHOP DRAWINGS SUBMITTED BY VISITOR TO BE REVIEWED AND APPROVED BY ARCHITECT UNDER ARCHITECT'S SUPERVISION.

ATTACHMENT NO. 2.3

DATE DESIGNED	4/28/12
DATE REVISED	10-4-12
SCALE	AS NOTED
PROJECT NO.	12004PR-007
PROJECT NO.	13 OF 30

BOARDWALK
FRESH BURGERS & FRIES

21020 BEACH BOULEVARD
HUNTINGTON BEACH, CA 92648

CARDINALPOINT

CHARLOTTESVILLE, VA - LEWINGTON, KY
774.249.1916 - cp.arch@gmail.com

DARREN MACHULSKY
ARCHITECT

A3.1

EXTERIOR ELEVATIONS

Boardwalk Fresh Burgers & Fries
21020 Beach Blvd
Huntington Beach, CA 92748
Conditional Use Permit

RECEIVED
SEP 13 2012
Dept. of Planning
& Building

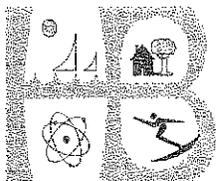
Project Description

Conditional Use Permit (CUP) to allow for the on-site consumption of beer and wine at the proposed "Boardwalk Fresh Burgers & Fries" restaurant.

Boardwalk Fresh Burgers & Fries will be open seven (7) days a week between the hours of 10:00am – 12:00am (midnight). The average patron capacity is 300 patrons per day. The restaurant will employ approximately 25 employees. The number of employees per work shifts will vary depending on the time of day.

Beer and wine will be available during hours of operation. It will be served inside the 2,000 square foot space in addition to the 976 square foot patio area. Patrons order the beer and wine to complement the meal.

Alcohol sales will typically not exceed 5% of the restaurant's total sales.



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271
October 15, 2012

Building Division

714.536.5241

Sheryl Brady
Permit Place
13400 Riverside Drive, #202
Sherman Oaks, CA 91423

SUBJECT: Conditional Use Permit No. 12-020 (Boardwalk Burgers)

Dear Ms. Brady,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Director of Planning and Building has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at ethan.edwards@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
Associate Planner

Enclosure

cc: Steve Fong, Police Department – 714-536-5960
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Bijan Sassounian, Property Owner, 21022 Beach Boulevard, #101, Huntington Beach, CA 92748
Project File



HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: OCTOBER 15, 2012
PROJECT NAME: BOARDWALK BURGERS
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 12-127
ENTITLEMENTS: CUP 12-020
DATE OF PLANS: JULY 30, 2012
PROJECT LOCATION: 7862 Warner Avenue, Suite 101
PLAN REVIEWER: ETHAN EDWARDS
TELEPHONE/E-MAIL: (714) 536-5561, ETHAN.EDWARDS@SURFCITY-HB.ORG
PROJECT DESCRIPTION: To permit an approximately 2,000 sq. ft. interior and 526 sq. ft. patio area eating and drinking establishment with alcohol.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 12-020:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. **(HBMC 17.04.036)**
3. The use shall comply with the following:
 - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74)**
4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions

of approval. The Director of Planning & Building 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. **(HBZSO Section 241.18)**

5. Conditional Use Permit No. 12-020 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
6. Conditional Use Permit No. 12-020 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-020 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**