AGENDA
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 – Lower Level - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, February 16, 2011, 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBERS: Tess Nguyen, Ethan Edwards, Jill Arabe, Andrew Gonzales, Judy Demers (recording secretary)

MINUTES: None

ORAL COMMUNICATION: Anyone wishing to speak on an item not on the agenda may do so. No action can be taken by the Zoning Administrator on items not on the agenda.

SCHEDULED ITEMS:

1. **PETITION DOCUMENT:** **CONDITIONAL USE PERMIT NO. 10-031 (MAMA'S ON 39 AND MALIBU FISH GRILL ALCOHOL SALES)**

   APPLICANT: Bijan Sassounian, Malibu Fish and Grill; and Pete Truxaw, Mama's on 39

   PROPERTY OWNER: Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648

   REQUEST: To permit the sales and service of alcoholic beverages for on-site consumption within (a) an existing 5,000 sq. ft. restaurant and 900 sq. ft. outdoor dining area (**Mama's on 39 Restaurant**); and (b) an existing 3,450 sq. ft. restaurant and an approximately 400 sq. ft. outdoor dining area (**Malibu Fish Grill Restaurant**).

   LOCATION: 21022 Beach Boulevard, Suite No. 101 (Mama's on 39) and Suite No. 105 (Malibu Fish Grill), 92646 (southeast corner of Beach Boulevard and Atlanta Avenue)

   PROJECT PLANNER: Tess Nguyen

   STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval.

2. **PETITION DOCUMENT:** **COASTAL DEVELOPMENT PERMIT NO. 10-018 (POONSAENGSATHIT ADDITION)**

   APPLICANT: Bob Thornton, Architect

   PROPERTY OWNER: Angeli Poonsaengsathit, 16841 Marina Bay Drive, Huntington Beach, CA 92649

   REQUEST: To permit a 169 sq. ft. 1st floor and 497 sq. ft. 2nd floor addition to an existing 3,653 sq. ft., two-story, single family residence.

   LOCATION: 16872 Marina Bay Drive, 92649 (near the terminus of Marina Bay Drive, west of Coral Cay Drive- Huntington Harbour)

   PROJECT PLANNER: Ethan Edwards

   STAFF RECOMMENDS: Approval based upon suggested findings and conditions of approval.

AGENDA
(Continued)

3.	**PETITION DOCUMENT:**	**COASTAL DEVELOPMENT PERMIT NO. 10-019 / CONDITIONAL USE PERMIT NO. 10-030 (RED TABLE RESTAURANT)**
	APPLICANT/ PROPERTY OWNER:	D.D. Dunlap Companies, Inc., c/o Sandy Bauer
	REQUEST:	**CDP:** To permit the conversion of an existing retail space into a new 3,850 sq. ft. restaurant with a 343 sq. ft. outdoor dining area. **CUP:** To permit the sales and service of alcoholic beverages for on-site consumption within a proposed restaurant and outdoor dining area.
	LOCATION:	16821 Algonquin Street, Suite No.105, 92649 (northwest corner of Davenport Drive and Algonquin Street- Huntington Harbour Mall)
	PROJECT PLANNER:	Jill Arabe
	STAFF RECOMMENDS:	Approval with modifications based upon suggested findings and conditions of approval.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator is final unless an appeal is filed to the Planning Commission by you or by an interested party. Said appeal must be in writing and must set forth in detail the action and grounds by which the applicant or interested party deems himself aggrieved. Said appeal must be accompanied by a filing fee of One Thousand Seven Hundred Twenty-Five Dollars ($1,725.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Two Hundred Fifty-Two Dollars ($2,252.00) if the appeal is filed by any other party. The appeal shall be submitted to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action or ten (10) working days for a coastal development permit.

HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY

TO: Zoning Administrator
FROM: Tess Nguyen, Associate Planner
DATE: February 16, 2010

SUBJECT: **CONDITIONAL USE PERMIT NO. 10-031 (MAMA'S ON 39 AND MALIBU FISH GRILL ALCOHOL SALES)**

LOCATION: 21022 Beach Boulevard, Suite No. 101 (Mama's on 39) and Suite No. 105 (Malibu Fish Grill), 92646 (southeast corner of Beach Boulevard and Atlanta Avenue)

Applicant: Bijan Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92649 (Malibu Fish Grill)

Pete Truxaw, 21022 Beach Boulevard, #101, Huntington Beach, CA 92649 (Mamas on 39)

Property Owner: Bijan Sassounian

Request: To permit the sales and service of alcoholic beverages for on-site consumption within (a) an existing 5,000 sq. ft. restaurant and 900 sq. ft. outdoor dining area (**Mama's on 39 Restaurant**); and (b) an existing 3,450 sq. ft. restaurant and an approximately 400 sq. ft. outdoor dining area (**Malibu Fish Grill Restaurant**)

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: SP14 (Beach and Edinger Corridors Specific Plan – Neighborhood Center)

General Plan: M-sp-d (Mixed Use- Specific Plan- Design Overlay)

Existing Use: Vacant Commercial Suites

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 15301 of the CEQA Guidelines, because the project consists of minor alteration to a commercial suite within an existing shopping center.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-031:

1. Conditional Use Permit No. 10-031 to permit the sales and service of alcoholic beverages for on-site consumption within (a) an existing 5,000 sq. ft. restaurant and 900 sq. ft. outdoor dining area (Mama's on 39 Restaurant) and (b) an existing 3,450 sq. ft. restaurant and an approximately 400 sq. ft. outdoor dining area (Malibu Fish Grill Restaurant) 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 of alcohol within the restaurant and outdoor dining area are not anticipated to generate additional noise, traffic, or other impacts detrimental to surrounding properties and inconsistent with the subject properties' Beach and Edinger Corridors Specific Plan (SP 14) zoning. The main entrances of the restaurants and outdoor dining areas are oriented toward Beach Boulevard and Atlanta Avenue, away from residential uses located to the south and east of the subject site. The outdoor dining area shall be enclosed by a minimum 3 ft. high wall/fence. Residential uses are adequately buffered from the restaurants and outdoor dining areas by two adjoining roadways (Atlanta Avenue and Beach Boulevard) which provide a minimum 100 ft. separation, including a 110 ft. separation across an adjacent flood control channel to the east and a 900 ft. separation to the south.

2. The conditional use permits will be compatible with surrounding uses because the onsite sale and consumption of alcohol will be ancillary to a restaurant use and occur entirely within the building and outdoor dining area within an established commercial shopping center containing similar and complementary uses. The onsite alcoholic sales and consumption represents a negligible expansion of a restaurant use.

3. The proposed conditional use permits will comply with the provisions of the base district of SP 14 (Beach and Edinger Corridors Specific Plan—Neighborhood Center) and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. Alcohol sales are permitted within SP 14 zoning district with approval of a conditional use permit. The restaurant and outdoor dining area with alcohol sales will be located at an existing shopping center, which conforms to applicable site development standards in terms of minimum yard setbacks and minimum landscaping, and maximum floor area ratio.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp-d (Mixed Use—Specific Plan Overlay—Design Overlay) on the subject property. In addition, it is consistent with the following policy and objective of the General Plan:

A. *Land Use Element*

Goal LU 7 Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

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

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

B. *Economic Development 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 area.

The proposed uses increase the economic viability of the establishments by offering the sales and service of alcoholic beverages to accommodate the entertainment and recreation needs of residents and visitors. The proposed uses will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. The uses will be located within an existing shopping center, which includes service related uses.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 10-031:

1. The floor plans received and dated December 3, 2010 shall be the conceptually approved design.

2. The use shall comply with the following:

   a. Alcohol service and consumption shall be limited to the interior of the restaurant and bar, and within the confines of the fenced outdoor dining area. **(PD)**

   b. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside of the restaurant/patio. **(PD)**

   c. No dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM. **(PD)**

   d. Food service from the regular menu shall be available from the time the business opens to the public, until at least one (1) hour prior to the scheduled closing time. **(PD)**

   e. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**

f. The rear door shall be kept closed at all times during the operation of the premises, except in cases of emergency. Said door shall not consist solely of a ventilated or security screen door. **(PD)**

g. 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.

h. Prior to the sales of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

i. The use conditions listed herein shall be clearly posted on the premises at all times.

3. Conditional Use Permit No. 2010-031 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 Department a minimum 30 days prior to the expiration date.

4. 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.

HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: February 16, 2011

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 10-018 (POONSAENGSATHIT ADDITION)**

LOCATION: 16872 Marina Bay Drive, 92649 (near the terminus of Marina Bay Drive, west of Coral Cay Drive- Huntington Harbour)

Applicant: Bob Thornton, P.O. Box 1512, Newport Beach, CA 92659

Property Owner: Angeli Poonsaengsathit, 16841 Marina Bay Drive, Huntington Beach, CA 92649

Request: To permit a 169 sq. ft. 1st floor and 497 sq. ft. 2nd floor addition to an existing 3,653 sq. ft., two-story, single family residence.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: RL-CZ (Residential Low Density – Coastal Zone Overlay)

General Plan: RL-7 (Residential Low Density)

Existing Use: Single Family Residence

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 15301 of the CEQA Guidelines, because additions to existing structures are exempt provided that they are less than 50% of the existing floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-018:

1. Coastal Development Permit No. 10-018 to permit an approximately 169 sq. ft. 1st floor and 497 sq. ft. 2nd floor residential addition conforms to the General Plan, including the Local Coastal Program Land Use Designation of Residential Low Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The project includes a minor addition to an existing two-story single-family home on a previously developed site, contiguous to existing residential developments.

2. The project is consistent with the requirements of the Coastal Zone Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The addition will be within the allowable building envelope with no increase in overall building height or total number of bedrooms. The project complies with all applicable development regulations, including maximum building height and site coverage, and minimum yard setbacks and on-site parking.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-018:

1. The site plan, floor plans, and elevations received and dated December 21, 2010, shall be the conceptually approved design.

2. Prior to submittal for building permits, zoning entitlement conditions of approval 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.

3. 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 10 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.

4. The structure(s) cannot be occupied and the final building permit(s) cannot be approved, until the following has been completed:

   a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

   b. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.

   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.

5. Coastal Development Permit No. 10-018 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.

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.

HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: February 16, 2011

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 10-019/CONDITIONAL USE PERMIT NO. 10-030 (RED TABLE RESTAURANT)**

LOCATION: 17032 Bolsa Chica Street, 92649 (south east corner of Bolsa Chica Street and Warner Avenue)

Applicant/ Property Owner: D.D. Dunlap Companies, Inc., c/o Sandy Bauer, 210 Quincy Avenue, Long Beach, CA 90803

Request: **CDP:** To permit the conversion of an existing retail space into a new 3,850 sq. ft. restaurant with a 343 sq. ft. outdoor dining area. **CUP:** To permit the sales and service of alcoholic beverages for on-site consumption within a proposed restaurant and outdoor dining area.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: CG-CZ (Commercial General – Coastal Zone)

General Plan: CG-F1 (Commercial General - 0.35 Maximum Floor Area Ratio)

Existing Use: Retail

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED 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 15301 of the CEQA Guidelines, because the project consists of minor alterations to an existing commercial building involving no expansion in the overall floor area of the structure.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-019:

1. Coastal Development Permit No. 10-019 to permit the conversion of existing retail space into a new 3,850 sq. ft. restaurant with 343 sq. ft. outdoor dining area conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following policies:

   Policy – C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

   Policy – C.1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

   The proposed use is similar to and compatible with existing uses in the Huntington Harbour Mall. The project will be located within an existing commercial center to serve the residents in the community and visitors to the area.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable land use controls and development standards, including on-site parking requirements.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will involve tenant improvements on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 10-030:

1. Conditional Use Permit No. 10-030 to permit the sales and service of alcoholic beverages for on-site consumption within a proposed restaurant and outdoor dining area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Alcohol consumption will occur within the interior of the business and the outdoor dining area. The outdoor dining area is oriented toward the interior corridor of the mall and away from nearby residences, which minimizes any potential noise impacts. It will be surrounded by minimum 42 inch high barriers which will separate the restaurant use from the public walkways. The subject tenant space is located approximately 180 feet from the nearest residential uses to the north. Residential uses are buffered from the restaurant by streets and a parking lot. Based upon the conditions imposed, the proposed use is not anticipated to generate additional noise, traffic, and safety impacts beyond which already exists in the surrounding area.

2. The conditional use permit will be compatible with surrounding uses because the sales and consumption of alcohol will be ancillary to a restaurant use. The proposed use will occur entirely within the restaurant and outdoor dining area and operate during business hours

similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant commercial shopping center and will be consistent with adjacent uses which provide service to nearby residents and visitors.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The restaurant with alcohol sales is located within an existing commercial center, which conforms to applicable site development standards in terms minimum on-site parking requirements. Alcohol sales are permitted in the CG (Commercial General) zoning district subject to approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General (CG) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

   A. Land Use Element

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

   Policy LU 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.

   B. Economic Development 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 area.

   The proposed use will market its services to local residents and residents in the surrounding region thereby expanding the service-based commercial opportunities in the City. It will be located within an existing commercial center, which includes service and retail uses. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-019 /CONDITIONAL USE PERMIT NO. 10-030:

1. The site plan, floor plan, and elevations received and dated November 12, 2010, shall be the conceptually approved design with the modification that the site plan be amended to correctly depict the number of parking spaces provided on-site and the proposed restaurant area of 3,850 sq. ft.

2. The use shall comply with the following:

   a. Alcohol service and consumption shall be limited to the interior of the restaurant and within the confines of the fenced outdoor dining area. **(PD)**

b. No dining or consumption of alcoholic beverages shall be permitted in the outdoor dining area between the hours of 10:00 PM and 7:00 AM. **(PD)**

c. Food from the regular menu shall be available during regular business hours up until at least 30 minutes prior to the scheduled closing time. **(PD)**

d. A sign shall be clearly posted identifying that alcoholic beverages are not allowed outside the restaurant and outdoor dining area. **(PD)**

e. A protective barrier along the perimeter of the outdoor dining area shall be maintained at all times. **(PD)**

f. All areas to be utilized for the sales, service and consumption of alcoholic beverages shall be sufficiently illuminated to allow for the clear identification of patrons. **(PD)**

g. Dancing and entertainment without the approval of a conditional use permit 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 & Building Department. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.

i. The use conditions listed herein shall be clearly posted on the premises at all times.

3. CUP No. 10-030 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 & Building Department a minimum 30 days prior to the expiration date.

4. 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.