



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

WEDNESDAY, MAY 21, 2014, 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBERS: Hayden Beckman, Ethan Edwards, Judy Demers (recording secretary)

MINUTES: November 6, 2013
November 20, 2013

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 14-011/ COASTAL DEVELOPMENT PERMIT NO. 13-010/ VARIANCE NO. 14-004 (TRINIDAD PARK SEWER LIFT STATION RELOCATION)**
- APPLICANT:** Andrew Ferrigno, P.E., Public Works Department, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
- PROPERTY OWNER:** City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648
- REQUEST:** **CUP/CDP:** To permit: a) the demolition and removal of the existing sewer Lift Station No. 29, and b) the construction of a new sewer lift station approximately 155 linear feet north of Lift Station No. 29. **VAR:** To permit the installation of three (3) 48-inch high utility cabinets at a 5 ft. front setback in lieu of minimum 25 ft.
- LOCATION:** Trinidad Park, 3601 Sagamore Drive, 92648 (South of Davenport Dr., west of Bolero Ln.)
- CITY CONTACT:** Hayden Beckman
- STAFF RECOMMENDS:** Approval based upon suggested findings and conditions of approval

AGENDA
(Continued)

2. **PETITION DOCUMENT:** **CONDITIONAL USE PERMIT NO. 14-008/ COASTAL DEVELOPMENT PERMIT NO. 14-007 (HIMALAYAN GRILL RESTAURANT EXPANSION AND ALCOHOL SALES)**
- APPLICANT: Dinesh Poudel, 16400 Pacific Coast Highway, Ste. 110, Huntington Beach, CA 92649
- PROPERTY OWNER: Taki Sun, Inc., 6621 E. Pacific Coast Highway, Ste. 280, Long Beach, CA 90803
- REQUEST: **CUP:** To permit the sales and consumption of alcohol (beer and wine) within the new dining area of a proposed restaurant expansion. **CDP:** To permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space.
- LOCATION: 16400 Pacific Coast Highway, Suites 110 & 101 (East side of PCH, south of Anderson St.)
- CITY CONTACT: Hayden Beckman
- STAFF RECOMMENDS: Approval 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 Nine Hundred Seventeen Dollars (\$1,917.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Five Hundred One Dollars (\$2,501.00) 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: Hayden Beckman, Assistant Planner
DATE: May 21, 2014

SUBJECT: **CONDITIONAL USE PERMIT 14-011/ COASTAL DEVELOPMENT PERMIT NO. 13-010/ VARIANCE NO. 14-004 (TRINIDAD PARK SEWER LIFT STATION RELOCATION)**

LOCATION: Trinidad Park, 3601 Sagamore Drive, 92648 (South of Davenport Dr., west of Bolero Ln.)

Applicant: Andrew Ferrigno, P.E., Public Works Department, City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Property Owner: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

Request: **CUP/CDP:** To permit: a) the demolition and removal of the existing sewer Lift Station No. 29, and b) the construction of a new sewer lift station approximately 155 linear feet north of Lift Station No. 29. **VAR:** To permit the installation of three (3) 48-inch high utility cabinets at a 5 ft. front setback in lieu of minimum 25 ft.

Environmental Status: This request is covered by Categorical Exemption, Section 15303, Class 3, California Environmental Quality Act.

Zone: Existing LS 29: Right of Way (ROW)
Proposed Lift Station: OS-PR-CZ (Open Space – Public Recreation – Coastal Zone)

General Plan: Existing LS 29: Right of Way (ROW)
Proposed Lift Station: OS-P (Open Space – Public)

Existing Use: Lift Station No. 29 within existing ROW and Proposed relocation within existing Trinidad Park public open space.

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 15303 of the CEQA Guidelines, because the project consists of the demolition of an existing sewer lift station and construction of a new sewer lift station and small accessory structures.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-010:

1. Coastal Development Permit No. 13-010 for the demolition of an existing sewer lift station and construction of a new sewer lift station conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following goal and objectives of the Coastal Element:

Objective C 4.7.2 Continue to locate new and relocated utilities underground when possible. All others shall be placed and screened to minimize public viewing.

Goal C 9 Provide water, sewer and drainage systems that are able to support permitted land uses; upgrade existing deficient systems; and pursue funding sources to reduce costs of wastewater service provision in the City.

Objective C 9.1 Provide and maintain water, sewer and drainage systems that adequately serve planned land uses at a maximized cost efficiency.

The proposed project will remove the existing sewer lift station currently located in Conrad Park and install a new sewer lift station in the adjacent Trinidad Park located within the Coastal Zone. Upon removal, the areas of Conrad Park supporting the existing sewer lift station will be returned to their original condition through the construction of new curb, gutter, sidewalk and landscaping. The new sewer lift station will be located within the adjacent Trinidad Park, where most of the necessary infrastructure will be placed underground with the exception of two minor above ground structures. The above ground structures are designed to be placed in the least visually and physically obtrusive location possible to reduce impacts to surrounding properties and users of Trinidad Park. An equipment enclosure containing an emergency generator and other associated equipment is located adjacent to an existing public restroom facility in a manner that will not impede access to the restroom facility. Additionally, the materials of the enclosure are similar to that of the restroom structure. The second above ground structure will be screened from view on three sides by vegetated landscaping. Both structures are located outside the public right-of-way, away from the primary entrances and pedestrian paths of the park, and landscaping will be maintained regularly to blend into the surrounding Trinidad Park.

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 with the exception of a 5 foot front yard setback in lieu of minimum 25 feet along Trinidad Lane. The proposed demolition of an existing and installation of a new sewer lift station is permitted within the Open Space – Public Recreation (OS-PR) zone subject to the approval of a Conditional Use Permit. A significant portion of the new sewer lift station infrastructure will be located underground and two minor accessory structures placed above ground will be located in the least obtrusive manner possible. The new lift station will not be located within the public

right of way and will not impede coastal access. No environmentally sensitive habitat areas exist within the project area and therefore, no significant impacts are anticipated.

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 new sewer lift station will be constructed in an urbanized area and will provide upgraded sewer service capacity to surrounding residents and public facilities. All other necessary services and infrastructure are available including roadways, water and electricity.
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. A significant portion of the new sewer facility will be placed underground and the minor above ground structures will be located in a manner that will not impact public access or activities within Trinidad Park.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 14-011:

1. Conditional Use Permit No. 14-011 for the demolition and removal of the existing sewer Lift Station No. 29 and the construction of a new sewer lift station 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 new sewer lift station facility to be located in Trinidad Park will replace and upgrade the service and capacity of the existing lift station facility located in Conrad Park. Based upon the conditions imposed, the location of the minor above ground structures will not visually or physically impact public access to or activities within Trinidad Park.
2. The conditional use permit will be compatible with surrounding uses because a significant portion of the new sewer lift station will be placed underground and two minor above ground structures will be placed in a manner that is least obtrusive to the park users and surrounding residential neighborhood. An emergency generator and other associated equipment will be placed inside a 345 sq. ft. area enclosed by a 6 ft. high masonry block wall that will be constructed with similar colors and materials of the existing adjacent public restroom facility. This proposed above ground equipment enclosure is located behind the setback, and will not be located within any pedestrian path or encroach into a public right-of-way. A second above ground accessory structure will be located at a 5 foot front setback in lieu of 25 feet in a manner that is consistent with the previous sewer lift station and is supported by the home owner association of the surrounding Huntington Harbour residential neighborhood.
3. The proposed demolition and removal of the existing sewer Lift Station No. 29 and the construction of a new sewer lift station 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 project complies with all applicable code requirements and minimum setbacks for the Open Space – Public Recreation zone, with the exception of an accessory structure placed at a 5 foot setback in lieu of minimum 25 foot setback along Trinidad Lane. The Zoning and Subdivision Ordinance authorizes minor utility construction projects within public parks with 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 OS – P (Open Space – Park) on the

subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 2 Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.1 Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

Policy LU 14.1.3 Require that structures located in the City's parks and other open spaces be designed to maintain the environmental character in which they are located.

B. Growth Management Element

Goal GM 8 Balance development needs with the provision of adequate public facilities and services.

The new sewer lift station located within Trinidad Park will replace an existing lift station in Conrad Park that currently does not provide satisfactory capacity service for the surrounding residential neighborhood and associated uses. A significant portion of the proposed sewer lift station will be installed underground and along the boundary of Trinidad Park and the Trinidad Lane public right of way. Two minor accessory structures will be placed within the park boundary in locations that will not impede public use or access to the park areas. A generator and equipment enclosure serving the sewer lift station will be located adjacent to an existing public restroom facility and will match the colors and materials to blend with the surrounding structure. A second minor accessory structure will be located 5 feet from the property line in lieu of minimum 25 feet in the front setback area. However, this structure will be landscaped and screened from view by vehicular and pedestrian traffic.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 14-004:

1. The granting of Variance No. 14-004 for a minor accessory structure located at a 5 foot front yard setback in lieu of minimum 25 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The existing sewer lift station features a similar electrical equipment cabinet structure located within the front yard setback area of Conrad Park, which is also zoned Open Space – Public Recreation. The existing cabinets have been screened from view by adequately maintained landscaping since its installation without creating negative impacts to surrounding uses, including Conrad Park. The proposed sewer lift station is required to provide above ground electrical equipment access in the form of the proposed cabinets. The applicant is proposing to locate the cabinet at a minimum 5 foot setback to provide enough space for adequate landscaped screening and at a distance from the facility to allow routine and required maintenance and monitoring. Similar accessory structures including utility equipment and backflow devices have been approved at a 5 foot setback in lieu of 25 feet elsewhere in the City.

2. Because of special circumstances applicable to the subject property, including 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 zone classification. The subject site is Trinidad Park; a City owned and maintained open space facility providing outdoor recreation opportunities to the surrounding residential neighborhood. The park is abnormally shaped, and has dedicated pedestrian paths providing access through the park which must be preserved as much as possible. As such, the applicant has designed the placement of the new sewer lift station and associated minor accessory structures in a manner that reduces impacts to the existing park. Compliance with the minimum 25 foot front yard setback for structures within the Open Space – Parks and Recreation (OS-PR) zone would place one of the minor accessory structures within the interior of the park, negatively impacting public access to and through the park. Placing a minor accessory structure at a 5 foot front yard setback in lieu of minimum 25 feet allows for necessary access to the facility for maintenance, as well as a sufficient buffer between the public sidewalk and the structure to provide adequate screening from view.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Trinidad Park is a City owned and maintained public park, and the proposed project will provide an upgrade of sewer service to the surrounding neighborhood. The proposed 5 foot setback in lieu of minimum 25 feet will allow the placement of necessary facility infrastructure in a manner that is least obtrusive to the park and allow regular maintenance of the lift station.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The proposed variance will allow for the relocation and construction of a necessary public sewer facility that is otherwise consistent with the General Plan, Zoning and Subdivision Ordinance, and applicable code requirements. The variance to the front yard setback facilitates a new sewer lift station that is predominately located underground. The location of the electrical equipment cabinets at a 5 foot front yard setback in lieu of a minimum 25 ft. front yard setback is necessary to ensure the facility's location in the least obtrusive manner possible. Existing public access and use of Trinidad Park will be preserved.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS – P (Open Space – Park) on the subject property, including the following policy:
 - LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.

The requested variance accounts for the unique configuration, minimum setbacks, and land use limitations of the subject property resulting from the property's shape and current use as a public park. Granting a reduced setback for the proposed minor accessory structure would allow the City the opportunity to design a new sewer lift station facility in the same quality and manner as the nearby utility infrastructure with similar configuration under the identical zone classification.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 13-010/CONDITIONAL USE PERMIT NO. 14-011- /VARIANCE NO. 14-004:

1. The site plan, floor plans, and elevations received and dated March 31, 2014 shall be the conceptually approved design with the following modifications:
 - a. Revise the location and provide a dimension measurement of the electrical equipment cabinets to reflect a minimum 5 ft. setback from the front property line along Trinidad Lane.
 - b. Provide a note on the plans indicating that the masonry walls of the generator enclosure shall match the colors and materials of the adjacent public restroom facility.
2. Conditional Use Permit No. 14-011 and Variance No. 14-004 in conjunction with Coastal Development Permit No. 13-010 shall become null and void unless exercised within two years of the date of final approval by the City Council, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, 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.
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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
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: Hayden Beckman, Assistant Planner
DATE: May 21, 2014

SUBJECT: **CONDITIONAL USE PERMIT NO. 14-008/ COASTAL DEVELOPMENT PERMIT NO. 14-007 (HIMALAYAN GRILL RESTAURANT EXPANSION AND ALCOHOL SALES)**

LOCATION: 16400 Pacific Coast Highway, Suites 110 & 101 (East side of PCH, south of Anderson St.)

Applicant: Dinesh Poudel, 16400 Pacific Coast Highway, Ste. 110, Huntington Beach, CA 92649

Property Owner: Taki Sun, Inc., 6621 E. Pacific Coast Highway, Ste. 280, Long Beach, CA 90803

Request: **CUP:** To permit the sales and consumption of alcohol (beer and wine) within the new dining area of a proposed restaurant expansion. **CDP:** To permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space.

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

Zone: CV – CZ (Commercial Visitor – Coastal Zone)

General Plan: CV – F2 – d (Commercial Visitor – Max Floor Area Ratio 0.50 – Design Overlay)

Existing Use: Existing restaurant and adjacent retail tenant space

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. 14-007:

1. Coastal Development Permit No. 14-007 to permit the expansion of an existing 1,200 sq. ft. restaurant into an adjacent 668 sq. ft. commercial tenant space 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 Peter's Landing shopping center. It will be located within the interior of an existing commercial building to serve the residents in the community as well as visitors to the area.

2. The expansion of an existing restaurant 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 involves interior 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. 14-008:

1. Conditional Use Permit No. 14-008 to permit the onsite sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The existing restaurant received approval for onsite alcohol (beer and wine) sales and consumption via Conditional Use Permit No. 07-018. The proposed restaurant expansion area is located

within the interior of the commercial building and more than 250 feet from the nearest residential uses. Nearby residences will be buffered from the restaurant by parking lots, buildings, and Pacific Coast Highway. The proposed restaurant expansion will not generate additional noise, traffic, or safety impacts beyond that which already exists in the surrounding area.

2. The conditional use permit will be compatible with surrounding uses because the onsite sales, service, and consumption of alcohol will be ancillary to the restaurant use. The proposed use will occur entirely within the restaurant and operate during business hours similar to other commercial uses within the vicinity. The restaurant is located within an existing multi-tenant shopping center and will be compatible with adjacent uses which provide services to nearby residents and visitors.
3. The proposed sales, service, and consumption of alcoholic beverages within an approximately 668 sq. ft. restaurant expansion area 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 expansion with alcoholic beverage service is located within an existing commercial center, which conforms to applicable site development standards in terms of minimum off-site parking requirements. The sales, service and consumption of alcoholic beverages are permitted in the CV (Commercial Visitor) 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 Visitor (CV) on the subject property. In addition, it is consistent with the following objective 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, and other restaurants. Based upon the operational conditions imposed, the restaurant is not anticipated to result in negative impacts on adjacent properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 14-008 / COASTAL DEVELOPMENT PERMIT NO. 14-007:

1. The site plan, floor plans, and elevations received and dated February 27, 2014 shall be the conceptually approved design with the following modification:
 - a. Depict the existing outdoor dining area on the site plan with dimensioned measurements. The outdoor dining area shall not exceed 400 square feet unless additional parking is provided for the entire outdoor area.
2. The use shall comply with the following:
 - a. The hours of operation shall be between 11:00AM and 10:00PM Monday through Sunday.
 - b. All alcoholic beverages shall remain within the interior of the restaurant per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site will not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside the restaurant. **(PD)**
 - c. 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)**
 - d. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - e. The business shall employ a video surveillance 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 parking 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)**
 - f. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. **(PD)**
 - g. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, 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. Conditional Use Permit No. 14-008 in conjunction with Coastal Development Permit No. 14-007 shall become null and void unless exercised within two years of the date of final approval by the City Council, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, 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. 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
5. 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.