

MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, MARCH 8, 2016

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Crowe

P P P P P P P

ROLL CALL: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson

PRESENTATION OF PLANNING COMMISSION RESOLUTION NO. 1692 IN APPRECIATION TO OUTGOING ASSOCIATE PLANNER JILL ARABE

Chair Pinchiff presented Jill Arabe, Associate Planner, with Resolution No. 1692 and thanked her for her service to the city.

AGENDA APPROVAL

A MOTION WAS MADE BY SEMETA, SECONDED BY BRENDEN, TO APPROVE THE PLANNING COMMISSION AGENDA OF MARCH 9, 2016, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS – NONE

B. PUBLIC HEARING ITEMS

COMMISSIONER MANDIC RECUSED HERSELF FROM ITEM NO. B-1, DUE TO A POTENTIAL CONFLICT OF INTEREST, AND LEFT THE ROOM.

- B-1. CONDITIONAL USE PERMIT NO. 15-061 (COACH'S GRILLE BEER AND WINE) Applicant: Murat Koc Property Owner: Bijan Sassounian, Beach Promenade LLC Request: To permit the on-site sale, service, and consumption of alcohol (beer and wine) within an existing approximately 1,500 sq. ft. eating and drinking establishment and within a new 160 sq. ft. outdoor dining area. Location: 21006 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue – Beach Promenade) City Contact: Tess Nguyen

STAFF RECOMMENDATION: Motion to: "Approve Conditional Use Permit No. 15-061 with suggested findings and conditions of approval (Attachment No. 1)"

The Commission made the following disclosures:

- Commissioner Crowe visited the site.
- Commissioner Kalmick had no disclosures.
- Vice-Chair Semeta visited the site.
- Chair Pinchiff visited the site.
- Commissioner Brenden visited the site and is familiar with the property owner but did not discuss the project.
- Commissioner Hoskinson had no disclosures.

Tess Nguyen, Associate Planner, gave the staff presentation and an overview of the project.

Ms. Nguyen noted that staff was recommending a modification to Condition No. 2.a. to limit the hours of alcohol service on the patio to 10:00 PM.

Vice- Chair Semeta requested that the Condition No. 2.e. be modified to state that the patio be monitored while alcohol is served.

Chair Pinchiff briefly reviewed several conditions he felt were mistakenly not included in the recommendations. Police Lt. O'Brien noted that Police Department staff had no objections to the inclusions of additional standard conditions regarding restrictions on window coverings and no exterior advertising of alcohol.

THE PUBLIC HEARING WAS OPENED.

Murat Koc, applicant, spoke in support of Item No. B-1 and noted that he was available for questions.

Colleen Sullivan, resident, spoke in opposition to Item No. B-1, noting the number of restaurants with alcohol service on the property and the potential safety impacts related to alcohol use.

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

Commissioner Brenden asked staff for clarification regarding the recommended change to Condition No. 2.a. Ms. Nguyen indicated that the recommended modifications to hours for alcohol service on the patio would be consistent with adjacent restaurants.

A MOTION WAS MADE BY KALMICK, SECONDED BY PINCHIFF, TO APPROVE CONDITIONAL USE PERMIT NO. 15-061 WITH SUGGESTED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL AMENDING CONDITION NO. 2.A. AND 2.E. AND ADDING TWO CONDITIONS REQUIRING NO EXTERIOR ADVERTISEMENT OF ALCOHOL SERVICE AND NO WINDOW COVERINGS REDUCING VISIBILITY WITHIN THE RESTAURANT, BY THE FOLLOWING VOTE:

AYES: Crowe, Semeta, Pinchiff, Kalmick, Brenden, Hoskinson
NOES: None
ABSTAIN: Mandic
ABSENT: None

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, of the CEQA Guidelines, which states that operation and minor alteration to existing structures involving negligible or no expansion are exempt from further environmental review.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 15-061:

1. Conditional Use Permit No. 15-061 to permit the on-site sale, service, and consumption of beer and wine within an existing approximately 1,500 sq. ft. restaurant and a new 160 sq. ft. outdoor dining area in the BECSP zoning will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed use is located within an existing multi-tenant commercial center with other similar commercial uses. The additional service of beer and wine will benefit and serve the other uses in the center and residential uses in the vicinity. The restaurant is not anticipated to generate additional noise, traffic, or other impacts above existing conditions. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for 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 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 beer and wine within an existing approximately 1,500 sq. ft. restaurant and a new 160 sq. ft. outdoor dining area will be compatible with surrounding residential and commercial 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 beer and wine within an existing approximately 1,500 sq. ft. restaurant and a new 160 sq. ft. outdoor dining area will

comply with the Neighborhood Center segment of the BECSP, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The 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 proposed use will comply with all building occupancy/exiting requirements.

4. The General Plan Land Use Map designation on the subject property is currently M-sp-d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with the General Plan land use designation of Mixed Use and the objective and policies of the City's General Plan as follows:

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, serve visitors to the City, 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.

The proposed use is compatible with the existing commercial uses in the shopping center such as retail, restaurants, and offices. It provides for the sales and service of beer and wine within the interior of the restaurant and outdoor dining area. 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 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 place.

The project is located along a major corridor of the City that contains existing restaurants, retail, and entertainment uses. The proposed use will serve to strengthen the existing businesses and facilitate continued viability of the commercial center.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 15-061:

1. The site plan and floor plan received and dated January 5, 2016 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. Restaurant business hours shall be limited to between 8:00 AM to 12:00 AM daily. No dining or consumption of alcoholic beverages shall be permitted in the outdoor patio areas between the hours of 10:00 PM and 8:00 AM daily. (PD)

- b. Prior to sales, service or consumption of alcoholic beverages the business shall obtain an ABC license authorizing alcohol use in the restaurant. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. **(PD)**
- c. A sign shall be posted in a conspicuous space at the exit point in the patio which shall state "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
- d. The front patio shall have a physical barrier 36 inches in height surrounding the outdoor dining area and designed in a manner that will prohibit passing of alcohol through the barrier. **(PD)**
- e. An employee of the establishment must monitor all areas where alcohol is served. **(PD)**
- f. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
- g. No reduced price or promotions of alcoholic beverages shall be allowed after 7:00PM. **(PD)**
- h. 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)**
- i. At all times when the premise is open for business, the sale of alcoholic beverages shall be made only in conjunction with food. **(PD)**
- j. There shall be no entertainment allowed without a valid Entertainment Permit issued by the Huntington Beach Police Department. Entertainment shall not be allowed on the patio. **(PD)**
- k. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
- l. All employees engaged in the sale or service of alcohol shall complete mandatory Responsible Beverage Service (RBS) training and certification. This shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by ABC or an ABC approved RBS trainer. Records of the training shall be maintained on-site for review. **(PD)**
- m. Consumption of alcoholic beverages by on-duty employees, including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
- n. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**
- o. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise at all times. **(PD)**
- p. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability

of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**

- q. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
3. Signage shall be reviewed under separate permits and applicable processing.
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 Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
5. Conditional Use Permit No. 15-061 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
6. The Planning Commission reserves the right to revoke Conditional Use Permit No. 15-061 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.
7. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
8. 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.

COMMISSIONER MANDIC RETURNED TO THE ROOM.

- B-2. CONDITIONAL USE PERMIT NO. 16-001 (BUNGALOW LIVE ENTERTAINMENT AND DANCING) Applicant: Michael Ayaz Property Owner: PC Group Retail LLC Request: To permit live entertainment consisting of a disc jockey, live bands, karaoke, and dancing with a 300 sq. ft. dance floor within an approved approximately 5,941 sq. ft. suite and 2,654 sq. ft. outdoor patio area. Location: 21058 Pacific Coast Highway #240, 92648 (east side of First Street, between Pacific View Avenue and Pacific Coast Highway – Pacific City Retail) City Contact: Jill Arabe**

STAFF RECOMMENDATION: Motion to: " Approve Conditional Use Permit No. 16-001 with suggested findings and conditions of approval (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site and communicated with the property owners of the Bungalow in Santa Monica.
- Commissioner Kalmick spoke with staff and visited the site.
- Vice-Chair Semeta visited the site.
- Chair Pinchiff visited the site.
- Commissioner Mandic visited the site and walked around the Pacific City complex.
- Commissioner Brenden visited site and reviewed the Bungalow in Santa Monica's website.
- Commissioner Hoskinson visited the site.

Jill Arabe, Associate Planner, gave the staff presentation and an overview of the project.

Ms. Arabe noted that staff is recommending modifications to Condition Nos. 2.h. to require monitoring of the patio area and 2.i. to make a minor correction and change the term "parking areas" to "eating areas."

Commissioner Crowe asked staff if the adjacent property owner had expressed any concerns. Ms. Arabe indicated that staff had not received any public comments from the owner of the hotel development.

Commissioner Kalmick requested confirmation that the Police Department will enforce noise standards of the Municipal Code and the revocation process of Entertainment Permits. There was a brief discussion regarding the one year trial period of the Entertainment Permit. Lt. O'Brien confirmed that entertainment permits can be revoked at any time. There was a brief discussion regarding the revocation process for both Entertainment Permit and Conditional Use Permits.

Commissioner Brenden expressed concern with the number of police service calls to the Santa Monica location. Lt. O'Brien reviewed the list of service calls and clarified that the majority of calls were for the hotel in which The Bungalow in Santa Monica is located and not for The Bungalow itself. He indicated that Police Department staff is comfortable with the approval for recommendation.

There was a brief discussion regarding the noise study and the potential noise mitigation.

THE PUBLIC HEARING WAS OPENED.

Michael Ayaz, applicant, spoke in support of Item No. B-2. He thanked staff for their work and gave an overview of the business. He noted that they take the noise concerns seriously and do not anticipate any impacts to adjacent residents.

Brent Bolthouse, owner of The Bungalow, spoke in support of Item No. B-2. He noted that the site in Santa Monica is adjacent to a hotel and that noise impacts to the hotel guests are taken very seriously. He stated that he expected noise to be handled by on-site management personnel and indicated that he would like The Bungalow to become an asset to the City. Mr. Bolthouse spoke briefly regarding the potential for the Pacific City project as a community destination.

Dewey Davide, resident, spoke in opposition to Item No. B-2, citing concerns with potential noise and parking impacts.

Chelsi S., resident, spoke in opposition to Item No. B-2, citing concerns with potential noise, traffic, smoking, and quality of life impacts.

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

At Commissioner Kalmick's request, Mr. Bolthouse spoke briefly regarding the intended atmosphere of the proposed project and described it as a lounge with residential feel and a feminine vibe. Mr. Bolthouse noted that the music onsite would be focused on Motown and the Beatles, not electronic dance music.

At Chair Pinchiff's request, Ms. Arabe reviewed the onsite parking for Pacific City.

A MOTION WAS MADE BY SEMETA, SECONDED BY MANDIC, TO APPROVE CONDITIONAL USE PERMIT NO. 16-001 WITH SUGGESTED FINDINGS AND STAFF RECOMMENDED MODIFICATIONS TO CONDITIONS OF APPROVAL NO. 2.H. AND 2.I., BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSTAIN: None
ABSENT: None

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of an existing development involving negligible expansion of the use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 16-001:

1. Conditional Use Permit No. 16-001 to permit the establishment of live entertainment consisting of a disc jockey, live bands, karaoke, and dancing with a 300 sq. ft. dance floor within an approved approximately 5,941 sq. ft. suite and 2,654 sq. ft. outdoor patio 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 establishment is located within the Pacific City development that consists of a diverse range of commercial uses including a health club, high quality retail shops and restaurants, animated outdoor plaza areas, and a lively indoor marketplace. It will attract residents and visitors to the site with its relaxing and social atmosphere. The Pacific City commercial parcel is approximately 7.18 acres in size and new residences are being constructed north of the site. The closest residential building will be more than 350 ft. away from the location of the lounge and separated by buildings, landscaping, a street, and parking lot. Live entertainment is proposed within the interior of the building and the outdoor patio area. Dancing is proposed within the interior of the building only. The tenant space is located adjacent to Pacific Coast Highway and Pasea hotel. Associated noise and entertainment is oriented south towards the beach so that noise emanating from the live entertainment and dancing activities will travel away from the residential uses to the north. Furthermore, the live entertainment is ancillary to the lounge and will not generate significant negative impacts related to noise, safety, and traffic. Because the establishment is also allowed to serve alcohol under the previous conditional use permit issued for the site, conditions have been added to minimize potential impacts associated to the overall use.
2. The establishment of live entertainment and dancing within an approximately 5,941 sq. ft. suite and 2,654 sq. ft. outdoor patio area will be compatible with surrounding uses. The project is located at the southeast corner of the commercial center on a 7.18 acre site that will consist of other high quality restaurant uses open until 2:00 a.m. Dancing will only occur within the interior of the building and live entertainment will occur indoors and outdoors. The building has a significant buffer to residential uses to the north. Due to the combination of late night operating hours, alcohol, dancing, and live entertainment, additional conditions are imposed on the CUP and the entertainment permit. Conditions include ceasing promotional drink specials after 7:00 p.m., signs posting areas for alcohol consumption, and providing adequate video surveillance system.
3. The establishment of live entertainment within an approximately 5,941 sq. ft. suite will comply with the Downtown Specific Plan (DTSP), Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use. The DTSP allows eating and drinking establishments with live entertainment and dancing subject to review and approval by the Planning Commission. Ancillary alcohol service in conjunction with eating and drinking establishments was previously approved with the conditional use permit for Pacific City. However, tenants requesting ancillary live entertainment and dancing were conditioned to obtain a new CUP and Entertainment Permit.
4. The granting of the conditional use permit to permit the establishment of live entertainment within an approximately 5,941 sq. ft. suite is consistent with the General Plan. The General Plan Land Use Map designation on the subject property is CV-F7-sp (Commercial Visitor – 3.0 Max. Floor Area – Specific Plan Overlay). The proposed project is consistent with this designation and the policies, objectives, and goal of the City's General Plan as follows:

A. Land Use Element

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

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 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.

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.

The social lounge is a visitor-serving use that contributes to the assorted range of land uses in the Pacific City shopping center. The proposed live entertainment and dancing is ancillary to the use and will enhance the atmosphere and experience. Decoratively themed and creatively distinct spaces throughout the establishment provide a comfortable environment coupled with the ocean view. The location of the lounge is at the southeast corner of the seven acre site and is sufficiently buffered from nearby residential uses. Residential uses are located more than 350 ft. from the bar/lounge and are separated by buildings, a parking lot, Pacific View Avenue, and landscaping.

B. Economic Development Element

Objective ED 2.6 Expand and enhance the existing visitor serving uses.

Policy ED 2.6.2 Encourage visitor supported commercial development to concentrate in selected areas of the city, thereby creating identifiable visitor-oriented centers.

Policy ED 3.2.3 Attract visitor-serving uses near the beach in order to create better linkages between the beach and visitor supporting retail uses.

The Pacific City development expands the downtown area as a destination hub of tourist and pedestrian activity. The proposed live entertainment and dancing will support the development and the surrounding community by providing a relaxing lounge unique to the area. It will attract visitors and residents looking for a scenic social gathering place.

C. Noise Element

Objective N 1.8 Minimize the generation of excessive noise level impacts from entertainment and restaurant/bar establishments into adjacent residential or "noise sensitive" land uses.

Policy N 1.8.1 Require that entertainment and restaurant/bar uses take appropriate steps to control the activities of their patrons on-site, as well as within a reasonable and legally justified distance or proximity, to minimize potential noise-related impacts on adjacent residential neighborhoods.

The proposed live entertainment will not significantly impact residential uses as it relates to noise. The establishment is located at the southeastern end of the commercial center and closer to Pacific Coast Highway. Adequate buffers are provided to minimize noise impacts including distance from residential uses, building separation, and location of the dance floor. Additionally, conditions are imposed that will minimize potential significant impacts.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 16-001:

1. The site plan, floor plan, and elevation plan received and dated December 30, 2015 and Entertainment Locations received and dated February 5, 2016, shall be the conceptually approved design.
2. The use shall comply with the following:
 - a. Prior to commencing with live entertainment, an Entertainment Permit shall be obtained from the Police Department. All conditions contained in the Entertainment Permit shall be adhered to. **(PD)**
 - b. Prior to the sales, service, or consumption of alcoholic beverages, the business shall obtain an ABC license authorizing alcohol use in the restaurant and outdoor patio dining area. **(PD)**
 - c. All alcoholic beverages shall remain within the interior of the restaurant and outdoor patio dining area per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant. **(PD)**
 - d. Service of alcoholic beverages for consumption off-site shall not be permitted. **(PD)**
 - e. No reduced price alcoholic beverage promotion shall be allowed after 7:00 PM, including no promotional drink specials or reduced drink specials. **(PD)**
 - f. No loitering shall be permitted within the vicinity of any entrances and exits at any time. **(PD)**
 - g. Signs shall be posted in a conspicuous space at the entrance/exit points of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." **(PD)**
 - h. An employee shall monitor the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. **(PD)**
 - i. The establishment 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 entertainment areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**
 - j. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons. **(PD)**
 - k. Consumption of alcoholic beverages by on-duty employees; including servers, bartenders, kitchen staff, management and supervisory personnel is forbidden. **(PD)**
 - l. Signage, posters, and advertising with "Do Not Drink and Drive" shall be posted in the business. **(PD)**

- m. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition. **(PD)**
 - n. There shall be no window coverings or advertisements that reduce the visibility inside of the business. This will assist officers in observing crimes in progress. **(PD)**
 - o. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. **(PD)**
 - p. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. **(PD)**
3. The Development Services Departments and divisions (Fire, Community Development, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
4. Conditional Use Permit No 16-001 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 16-001 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.

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.

C. CONSENT CALENDAR

C-1. PLANNING COMMISSION MINUTES DATED MAY 26, 2015

RECOMMENDED ACTION: Motion to: "Approve the May 26, 2015, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY BRENDEN, SECONDED BY KALMICK, TO APPROVE THE MAY 26, 2015, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: Semeta

MOTION APPROVED

C-2. PLANNING COMMISSION MINUTES DATED JUNE 9, 2015

RECOMMENDED ACTION: Motion to: "Approve the June 9, 2015, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE THE NOVEMBER 10, 2015, PLANNING COMMISSION MINUTES AS CORRECTED, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-3. PLANNING COMMISSION MINUTES DATED JUNE 23, 2015

RECOMMENDED ACTION: Motion to: "Approve the June 23, 2015, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE THE JUNE 23, 2015, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: Crowe

MOTION APPROVED

C-4. PLANNING COMMISSION MINUTES DATED JULY 14, 2015

RECOMMENDED ACTION: Motion to: "Approve the July 14, 2015, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE THE JULY 14, 2015, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

C-5. PLANNING COMMISSION MINUTES DATED AUGUST 25, 2015

RECOMMENDED ACTION: Motion to: "Approve the August 25, 2015, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY KALMICK, SECONDED BY BRENDEN, TO APPROVE THE AUGUST 25, 2015, PLANNING COMMISSION MINUTES AS SUBMITTED, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Planning and Building - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Planning and Building - reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

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

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Brenden confirmed with staff that the Planning Commission Minute Action regarding the Housing Element was forwarded to the City Council. Commissioner Brenden also reported on the recent Planning Commissioners' Academy and on many upcoming events in the city.

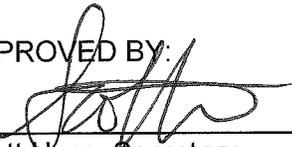
Commissioner Kalmick reported on the recent Planning Commissioners' Academy and thanked staff for processing minutes for approval.

Vice-Chair Semeta reported on the upcoming Design Review Board and wished Jill Arabe, Associate Planner, good luck at her new position in Santa Ana.

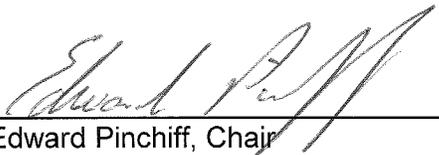
Chair Pinchiff reported on the recent Planning Commissioners' Academy and thanked Ms. Arabe for her service to the city.

ADJOURNMENT: Adjourned at 8:31 PM to the next regularly scheduled meeting on Tuesday, March 22, 2016, at 5:15 PM.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair