



City of Huntington Beach Community Development Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Community Development
BY: John P. Ramirez, Project Planner
DATE: August 09, 2016

SUBJECT: CONDITIONAL USE PERMIT NO. 16-009 (Continued From the May 10, July 12 and July 26, 2016 Planning Commission Meetings) (SUNSET BEACH MIXED USE)

APPLICANT: Julio Gener, Studio Architects, PO Box 3793 Costa Mesa CA 92628

PROPERTY

OWNER: Jimmy Yanez, 7581B Hazard Avenue, Westminster CA 92683

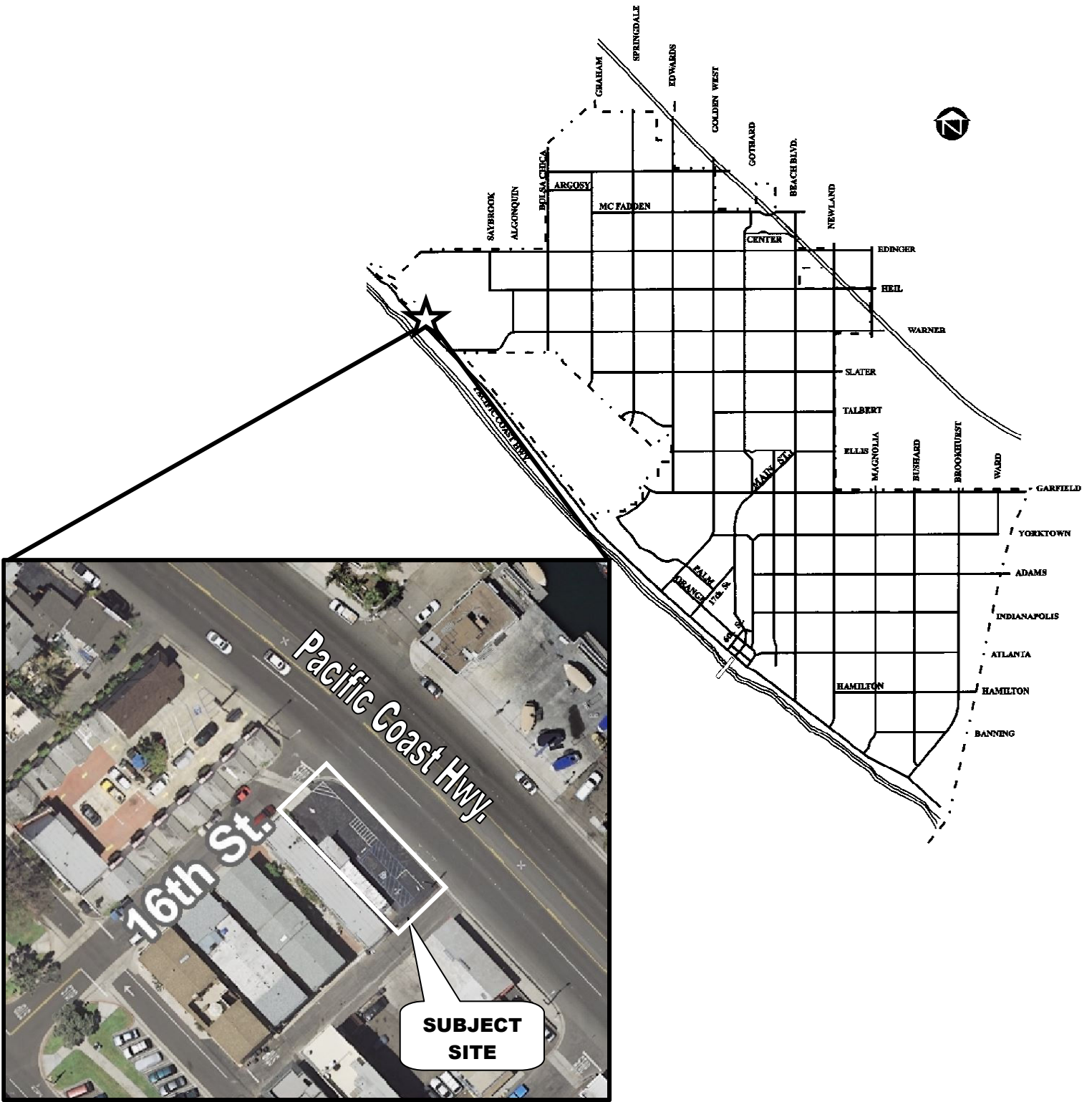
LOCATION: 16741 Pacific Coast Highway, 90742 (at the southwest corner of PCH and 16th St., Sunset Beach)

STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 16-009 revised request:
 - To construct an 1,821 sq. ft. furniture store and an 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot including:
 - A request for a corner visibility triangle of nine feet, six inches in lieu of the required 17 x 17 foot corner visibility triangle.
 - A request for 25% of the commercial parking to be provided in a tandem arrangement.
 - To conduct an “Approval in Concept” review process for the overall project and for the reduced corner visibility triangle.
- ◆ Continued Item
 - Planning Commission meeting May 10, 2016. Applicant requested and was granted a continuance to the July 12, 2016 Planning Commission meeting in order to provide the project’s history related to the County and Coastal Commission submittals and to address design and variance issues raised by staff and the Planning Commission at the public hearing. The item was continued from the July 12 and July 26 Planning Commission meetings to allow the applicant time to finalize the revised project design.
- ◆ Staff’s Recommendation:

Approve Conditional Use Permit 16-009 and the request for an “Approval in Concept” based on the following:

 - The mixed use project provides adequate space for access and parking since the updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site.



VICINITY MAP
CONDITIONAL USE PERMIT NO. 16-009
VARIANCE NO. 16-001
(SUNSET BEACH MIXED USE – 16741 PACIFIC COAST HIGHWAY)

- The parking layout and site plan for the proposed furniture store and residential unit will create a site design that will be adequate to serve the proposed on site uses and will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads.
- As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City's unique identity and contribute to a positive physical image for the City.
- The request for the reduction in the required corner site visibility triangle includes a six foot wide window along the PCH elevation to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. This visibility triangle would provide adequate visibility in the event that bicycle or pedestrian traffic is traveling westbound on PCH approaching the intersection.

RECOMMENDATION:

Motion to:

“Approve Conditional Use Permit No. 16-009 and the request for an “Approval in Concept,” with the attached findings and conditions for approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 16-009 and the request for an “Approval in Concept.”
- B. “Continue Conditional Use Permit No. 16-009 and the request for an “Approval in Concept,” and direct staff accordingly.”

REVISED PROJECT PROPOSAL:

At the May 10, 2016 Planning Commission meeting, this item was continued with direction to: 1) provide background information on the project's history related to the previous submittals to the County of Orange and California Coastal Commission and; 2) to revise the project proposal to reduce or eliminate design issues and variance requests.

Background and Project History

At the last public hearing, the applicant spoke regarding the lengthy history of the project and many changes in the development's design as a result of the transition of development review in Sunset Beach from the County to the City during their application process.

The applicant has provided a review letter from Orange County Public Works dated October 6, 2014 (Attachment No. 6). The letter summarizes the County's preliminary review of the project and describes the proposal as two residential units totaling 3,432 square feet (one unit proposed as live/work), a 1,397 sq. ft. commercial space and seven parking spaces, two of which were to be accommodated by mechanical lifts. The County's letter noted that the proposed design required modifications to the size of the proposed residential space and either modifications or exceptions to parking standards for car lifts and tandem

spaces. In their conclusion, the County determined that aside from a Coastal Development Permit approval by the CCC and the modifications or exceptions noted above, no other discretionary approvals were required.

The applicant also provided several documents related to their application for coastal development permit to the Coastal Commission (Attachment No. 9). These attachments reflect an application submittal and fee payment to the Coastal Commission on May 22, 2014 and correspondence with CCC staff related to the project and the proposed parking. The final document reflects a request for withdrawal of the application on May 11, 2015. The letter indicates the applicant's intent to resubmit a coastal development permit application for the same project without the need to pay another application fee. The applicant has indicated that the Coastal Commission review has been placed on hold pending approval by the City (this conditional use permit and approval in concept process) even though the County had already provided preliminary approval prior to the City assuming development review responsibility in Sunset Beach.

Revised Project Design

Since the last public hearing, the project was redesigned to eliminate the previous variance requests for reduction in number of parking spaces, tandem arrangement for commercial and residential spaces, an excess of 40% of the commercial spaces proposed in tandem, and a lack of onsite access for the parking area. The applicant redesigned the project to include a furniture retail and display shop on the first floor, second and third floors, and maintaining a three-bedroom residential unit on the on the second and third floors.

Based on the updated floor plan for a retail furniture store, a total of six parking spaces are required for both uses based on commercial square footage and the residential unit and six parking spaces are proposed. The residential unit will have one enclosed parking space and one covered outdoor space in tandem arrangement with each other, as allowed by code. The commercial use requires and proposes four parking spaces. One of these spaces will be an accessible parking space, and one of the remaining three spaces will be in tandem arrangement (a total of 25% tandem commercial parking). The redesigned parking area addresses concerns related to onsite vehicular circulation and access and is in conformance with City standards.

The request still includes a proposed corner site visibility triangle of 9.5 x 17 feet in lieu of the minimum required 17 x 17 feet. However, the redesigned plan proposes a larger triangle and includes an open window along the PCH building elevation to further enhance visibility and bring the site design in to closer conformance with the Sunset Beach Specific Plan. The Sunset Beach Specific Plan requires that any building site abutting Pacific Coast Highway provide a corner cut-off of 17 x 17 feet unless a deviation is provided for by an approved Coastal Development Permit. The City's review of this item will be limited to an "Approval In Concept" since the project is located within the uncertified portion of the Local Coastal Program and a Coastal Development Permit is not part of this entitlement.

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is CV-mu (Commercial Visitor – Mixed Use Overlay). Mixed use projects are allowed within the property zoning and land use

designations, and the project, as redesigned, is consistent with the General Plan goals and policies identified below:

A. Land Use Element

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Policy LU 11.1.5: Require that mixed use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

B. Circulation Element

Policy CE 2.3: Require additional right-of-way and restrict parking on segments adjacent to principal intersections to allow for future intersection improvements and turning movements as needed to satisfy performance standards.

Policy CE 2.5: Require development projects to mitigate to the maximum extent feasible, traffic impacts to adjacent land uses and neighborhoods as well as vehicular conflicts related to the project.

Policy CE 8.7: Require that development projects adjacent to a designated scenic corridor include open spaces, plazas, gardens and/or landscaping that enhance the corridor and create a buffer between the building site and the roadway.

C. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The mixed use project provides adequate space for access and parking. The updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site. The revised tandem design was reduced significantly (from 75% to 25% as allowed by the Specific Plan) and the tandem arrangement of commercial and residential parking spaces has been eliminated. The reduced parking demand for the proposed furniture store and the reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City's unique identity and contribute to a positive physical image for the City.

The request for the reduction in the required corner site visibility triangle has been modified with a larger visibility triangle to enhance visibility for vehicle traffic approaching the intersection of PCH and 16th Street. Although the required 17 ft. x 17 ft. site visibility triangle is not fully provided, the first floor elevation along PCH includes a six foot wide window to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. This modified visibility triangle would provide adequate visibility in the event that bicycle or pedestrian traffic is traveling westbound on PCH approaching the intersection.

Zoning Compliance:

This project complies with the requirements of the Sunset Beach Specific Plan and the HBZSO and proposes tandem parking and the site visibility triangle within the parameter allowed by the Specific Plan. A zoning conformance table (Attachment No. 4) shows an overview of the project's conformance relative to the applicable development standards. In addition, a list of City Code Requirements of the applicable provisions of the Sunset Beach Specific Plan, HBZSO and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only. A detailed discussion of the project's zoning compliance is provided in the Analysis section of this staff report.

Urban Design Guidelines Conformance:

The project is required to comply with the Urban Design Guidelines within the General Plan. Staff evaluated the project's building and site design in the context of the Urban Design Guidelines, Design Objectives from Chapter 6 Special Consideration Commercial Guidelines (Mixed Use) and identified four design objectives with which the project is consistent. These objectives are as follows:

- Separate site access drive and parking facilities should be provided for residential uses and commercial uses.
- The architectural style and use of materials should be consistent throughout the entire mixed-use project. Differences in use of architectural details may occur where the intent is to differentiate between the residential and commercial/office scale and character of the structure(s).
- Projects three stories or less in height should incorporate full roofs on at least 50% of the roof area.
- When residential and commercial uses are combined in the same structure, separate entrances should be provided for each use.

The proposed building architecture and design is in keeping with other objectives of the Design Guidelines. The proposed building includes varied rooflines and wall planes, and the use of architectural elements such as recessed and projecting balconies, wall plane offsets, and varied materials to add visual interest and character to the building. In addition to the high quality building design, the proposed site design is consistent with the objectives of the Design Guidelines above by providing separate site access and parking for residential and commercial uses and providing separate entrances for the different uses as well. The mixed use project provides adequate space for access and parking. The updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site. The revised tandem design was reduced significantly (from 75% to 25% as allowed by the Specific Plan) and the tandem arrangement of commercial and residential parking spaces has been eliminated. The reduced parking demand for the proposed furniture and the reduction in tandem spaces and no combination of tandem spaces for commercial and residential result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding

roads. As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City's unique identity and contribute to a positive physical image for the City.

Environmental Status:

The proposed project is categorically exempt pursuant to Section 15303, Class 3, *New Construction or Conversion of Small Structures* of the California Environmental Quality Act (CEQA) Guidelines, because the project involves construction of a 3,642 sq. ft. mixed use structure within an urbanized area.

Coastal Status:

The City's review is limited to an "Approval In Concept" since the project is located within the uncertified portion of the Local Coastal Program. The applicant will submit a coastal development permit application to the California Coastal Commission for the proposed development if final City action results in approval of the project.

Design Review Board: Not applicable

Subdivision Committee: Not applicable.

Sunset Beach Local Coastal Program Review Board:

The Sunset Beach Local Coastal Program (LCP) Review Board reviewed and commented on the proposal as required by the Draft Sunset Beach Specific Plan. The LCP Review Board expressed the possibility of a positive recommendation of the request, but expressed concern with certain significant issues before they would consider a positive recommendation. These issues included:

- Tandem parking for the business;
- Parking and safety as critical concerns of the community;
- Safety of the egress in and out of the tandem spaces onto 16th street, which contains street parking and limited view; and
- The specific nature of the retail business.

Due to time constraints related to the redesign of the project, the Sunset Beach Local Coastal Program (LCP) Review Board did not review the updated design of the project but may provide comments prior to the public hearing. However, the redesigned project addresses (either wholly or in part) all of the issues expressed as concerns by the LCP Review Board.

Other Departments Concerns and Requirements:

The Departments of Public Works, Police, Fire, Office of Business Development, and Community Development have reviewed the project and identified a list of recommended conditions that are incorporated into the suggested conditions of approval as well as code requirements (Attachment No. 6) applicable to the project.

Public Notification:

After the Planning Commission continued this item from the May 10, 2016 Planning Commission meeting, and the item was subsequently continued from the July 12 and July 26 Planning Commission meetings, updated Legal notices were published in the Huntington Beach Wave on July 28, 2016, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division’s Notification Matrix), applicant, and interested parties. As of August 1, 2016, staff received one letter regarding the project (Attachment No. 7).

Application Processing Dates:

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
March 28, 2016	May 27, 2016
One time 90-day extension	August 26, 2016

ANALYSIS:

Compliance with the Draft Sunset Beach Specific Plan and HBZSO

The redesigned project complies with the requirements of the Draft Sunset Beach Specific Plan and the HBZSO. The updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site. The revised tandem design was reduced significantly (from 75% to 25% as allowed by the Specific Plan) and the tandem arrangement of commercial and residential parking spaces has been eliminated. The reduced parking demand for the proposed furniture store and the reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. As a result of the redesign, concerns related to the parking area design’s potential traffic impacts to adjacent land uses and neighborhoods and vehicular conflicts have been eliminated.

Although the redesigned project complies with the requirements of the Draft Sunset Beach Specific Plan and the HBZSO, there are some concerns related to the limiting the tenancy of the commercial space to a furniture retail store in perpetuity. Given these concerns, staff has included a condition of approval for a covenant to be recorded on the property to limit the commercial use to a furniture store or other use with the same parking requirement as well as ensure the second and third floors remain as support space to the first floor retail area. Maintaining the second and third floor areas as part of the furniture retail establishment is important since the maximum allowable size of the residential unit cannot be more than 50% of the entire structure. This covenant will ensure the onsite parking will be adequate and that the uses on site will remain in compliance with the Draft Sunset Beach Specific Plan and the HBZSO.

The request for the reduction in the required corner site visibility triangle has been modified with a larger visibility triangle to enhance visibility for vehicle traffic approaching the intersection of PCH and 16th Street. Although the required 17 ft. x 17 ft. site visibility triangle is not fully provided, the first floor elevation along PCH includes a six foot wide window to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. This modified visibility triangle would

provide adequate visibility in the event that bicycle or pedestrian traffic is traveling westbound on PCH approaching the intersection.

The updated project design enabled the applicant to address issues related to onsite parking, vehicle circulation, and elimination of variance requests and provide a project in compliance with the General Plan, Local Coastal Program, Sunset Beach Specific Plan, and the Urban Design Guidelines. Staff recommends approval of Conditional Use Permit 16-009 and the request for an “Approval in Concept” based on the following:

- The mixed use project provides adequate space for access and parking since the updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site.
- The parking layout and site plan for the proposed furniture store and residential unit will create a site design that will be adequate to serve the proposed on site uses and will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads.
- As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City’s unique identity and contribute to a positive physical image for the City.
- The request for the reduction in the required corner site visibility triangle includes a six foot wide window along the PCH elevation to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. This visibility triangle would provide adequate visibility in the event that bicycle or pedestrian traffic is traveling westbound on PCH approaching the intersection.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval for Conditional Use Permit No. 16-009
2. Site Plan, Floor Plans and Elevations dated and received July 29, 2016
3. May 10, 2016 Planning Commission Meeting Staff Report
4. Zoning Conformance Table
5. Narrative received and dated February 09, 2016
6. Code Requirements Letter (for informational purposes only) dated April 25, 2016
7. Letter Regarding the Project received and dated July 29, 2016
8. OC Public Works Review Letter dated October 6, 2014
9. Coastal Commission Documents

SH:JJ:JR

ATTACHMENT NO. 1

SUGGESTED FINDINGS FOR APPROVAL

CONDITIONAL USE PERMIT NO. 16-009

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, of the CEQA Guidelines, which states that new construction or conversion of small structures are exempt from further environmental review.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 16-009:

1. Conditional Use Permit No. 16-009 to construct 3,642 sq. ft. 3 story mixed use building consisting of a 1,821 sq. ft. retail business and one 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot, along with an “Approval In Concept” for the overall project and for the request for a corner visibility triangle of 9.5 x 17 feet in lieu of the required minimum 17 x 17 feet and tandem parking arrangement for 25% of the commercial parking 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 reduced parking demand for the proposed furniture store and the reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. The request for the reduction in the required corner site visibility triangle has been modified with a larger visibility triangle to enhance visibility for vehicle traffic approaching the intersection of PCH and 16th Street. Although the required 17x17 site visibility triangle is not fully provided, the first floor elevation along PCH includes a six foot wide window to further provide visibility for vehicular/pedestrian/bicycle traffic approaching the intersection. The updated design addresses vehicular/pedestrian/bicycle traffic safety, provides sufficient parking to accommodate on site uses and does not impact coastal access in the vicinity.
2. The conditional use permit to construct 3,642 sq. ft. 3 story mixed use building consisting of a 1,821 sq. ft. retail business and one 1,821 sq. ft. residential unit above the first floor on an existing 2,700 sq. ft. lot, along with an “Approval In Concept” for the overall project and for the request for a corner visibility triangle of 9.5 x 17 feet in lieu of the required minimum 17 x 17 feet and tandem parking arrangement for 25% of the commercial parking will be compatible with surrounding uses the project is proposed to be a visitor and local serving furniture store and residential apartment. The proposed use is not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. The operation of the mixed use project will occur entirely indoors and therefore will not increase impacts to adjacent noise-sensitive uses above the existing conditions.
3. The proposed project will comply with the provisions of the Draft Sunset Beach Specific Plan and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the development standards in terms of minimum onsite

parking, height, setbacks, and lot coverage. Adequate vehicular circulation and access are provided for the project.

4. The granting of the conditional use permit will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is currently CV-mu (Commercial Visitor – Mixed Use Overlay). Mixed use projects are allowed within the property zoning and land use designation, and the project as designed is consistent the General Plan goals and policies identified below:

A. Land Use Element

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Policy LU 11.1.5: Require that mixed use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

B. Circulation Element

Policy CE 2.3: Require additional right-of-way and restrict parking on segments adjacent to principal intersections to allow for future intersection improvements and turning movements as needed to satisfy performance standards.

Policy CE 2.5: Require development projects to mitigate to the maximum extent feasible, traffic impacts to adjacent land uses and neighborhoods as well as vehicular conflicts related to the project.

Policy CE 8.7: Require that development projects adjacent to a designated scenic corridor include open spaces, plazas, gardens and/or landscaping that enhance the corridor and create a buffer between the building site and the roadway.

C. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

Policy UD 1.1.3: Require a consistent design theme and/or landscape design character along the community's corridors that reflects the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

The mixed use project provides adequate space for access and parking. The updated design of the proposed mixed use project provides the minimum number of code required parking and adequate space for ingress/egress on and off the site. The revised tandem design was reduced significantly (from 75% to 25% as allowed by the Specific Plan) and the tandem arrangement of commercial and residential parking spaces has been eliminated. The reduced parking demand for the proposed furniture store and the

reduction in tandem spaces result in a site design that will not impact adjacent uses or create the potential for vehicular conflicts on nearby and surrounding roads. As proposed, the mixed use project would result in a quality development that would implement the goals, objectives or policies of the General Plan, enhance the City's unique identity and contribute to a positive physical image for the City.

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SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 16-007:

1. The site plan, floor plans and elevations received and dated July 29, 2016, shall be the conceptually approved design.
2. The commercial parking shall be clearly signed and identified as parking available for the commercial use on site. This information shall be indicated on the plans prior to issuance of building permits and the signage installed prior to final occupancy.
3. Prior to submittal for building permits, the following shall be completed:
 - a. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
 - b. Zoning entitlement conditions of approval, California Coastal Commission conditions of approval, and code requirements 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.
4. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
5. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.

6. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
7. Prior to occupancy of either portion of the mixed use project, a covenant shall be recorded on the property limiting the commercial use on site to furniture retail store, or another similar allowed use with the same parking requirement (1 space per each 500 gross square feet of floor area). The covenant shall also indicate that at no such time shall any openings in the structure be allowed between the commercial and residential uses on the property. Additionally, the covenant shall indicate that the second and third levels of the retail area shall be devoted to serve as support space (office and storage) for the ground floor retail furniture store only. The legal instrument shall be submitted to the Community Development Department a minimum of 60 days prior to occupancy. A copy of the legal instrument shall be approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the County Recorder. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
8. The development/subdivision shall comply with all applicable requirements of the Municipal Code, Community Development Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
9. Conditional Use Permit No. 16-009 shall become null and void unless exercised within two years of the date of final Coastal Commission 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.
10. 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 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.
11. 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.