

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, AUGUST 31, 2005 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Rosemary Medel, Rami Talleh Ron Santos,  
Ramona Kohlmann (recording secretary)

**MINUTES:** August 10, 2005  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: COASTAL DEVELOPMENT PERMIT NO. 05-16 (ASCON LANDFILL)**

**APPLICANT:** Tamera Zeier, Project Navigator, One Point Drive, Ste. 320, Brea, CA 92821

**PROPERTY OWNER:** Cannery Hamilton Properties, LLC, 6001 Bollinger Canyon Rd. Rm K2098, San Ramon, CA 94583-2324

**REQUEST:** To permit the repair of the existing berms at the Ascon Landfill. The permit is pursuant to a condition of approval of Emergency Coastal Development Permit-Administrative Permit No. 05-04 issued by the Director of Planning on July 19, 2005.

**LOCATION:** 21641 Magnolia Street (Southwest corner of Magnolia Street and Hamilton Avenue)

**PROJECT PLANNER:** Rosemary Medel

Rosemary Medel, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that two telephone calls were received in response to the half-mile radius notification. No other written or verbal comments were received in response to the public notification.

**THE PUBLIC HEARING WAS OPENED.**

Armida Brashears, 21632 Hanakai Lane, neighboring property owner, asked what provisions would be made to stop seepage from the subject site into the storm drains and ocean.

Dennis McDonald, 9102 Bermuda Drive, neighboring property owner, voiced concerns related to raw fuel odors during a rain and runoff from the southeast portion of the subject site through

and into the tract. Mr. McDonald questioned plans to install a sewer line on Hamilton Avenue without a means to divert the runoff on Magnolia Street.

James Zisch, 9021 Niguel Circle, neighboring property owner, voiced concerns related to the odors from the Talbert Channel and dust. Mr. Zisch stated a need for communication between the City and responsible parties within the residence as well as sufficient follow-up.

David Coffman, 9021 Regatta Drive, neighboring property owner, voiced concerns related to residents within the tract who have been diagnosed with cancer. Mr. Coffman stated that he has relocated to another part of town because of odors and concerns from the chemicals used on weeds at the subject site. He asked if there is a provision to collect relocation costs from the City. He stated that their family pets and puppies have died or been born with deformities thereby questioning the quality of the water and air. Mr. Coffman questioned the route currently being used by the trucks and requested further feedback from ASCON concerning samples taken by the AQMD.

Deborah Zisch, 9021 Niguel Circle, neighboring property owner and realtor, stated that the subject site affects property values and creates health issues. Ms. Zisch sought advice on what to tell her clients concerning her duty to disclose at the time of a real property contract of sale. She stated that the subject emergency act is to strengthen the berms; however, substances are being removed.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mary Beth Broeren, Zoning Administrator, addressed the public comments.

Ms. Broeren confirmed with Mr. McDonald that the runoff he witnessed was during the last winter storm and not during the remediation effort.

Ms. Broeren asked the applicant to address the Magnolia Avenue runoff concerns.

Considerable discussions ensued with staff, the Public Works Department (PW), the applicant, and a representative from the Department of Toxic Substances Control (DTSC). Ms. Broeren received confirmation from PW that they have reviewed the emergency action work plan and the improvements to ensure that any drainage issues would be addressed appropriately.

Ms. Broeren stated that the supplemental storm water drainage plan could affect the City's right-of-way and will need to be coordinated with PW for review.

Further discussions with the applicant concerning the Magnolia Avenue water runoff confirmed re-grading of the site for storm water and sandbagging for surface water.

Ms. Broeren confirmed with the applicant their intent that no storm water runoff from the subject site would occur on to the City streets.

Discussions ensued concerning the public comments related to petroleum odors. Ms. Broeren stated that she was copied on an e-mail from the City Administrator's office and that it was not the City's intent to state that the odor was not related to the Nesi site and only the channel.

Ms. Broeren asked the applicant how they intend to accomplish communication with the public. Christy Chiu, DTSC, stated that they are in the process of developing a website at www.asconhb.com in order to facilitate communication with the public.

Ms. Broeren asked the applicant, barring unforeseen events, if the proposed project would be completed on schedule. The applicant stated that they anticipate completion on schedule in November.

Ms. Broeren stated that she was going to approve the request and asked staff to modify Suggested Finding for Approval No. 2 by adding the following sentence:

The project is consistent with the operational requirements for Public Works Department and Fire Department.

**COASTAL DEVELOPMENT PERMIT NO. 05-16 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**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(d) of the CEQA Guidelines, which exempts project consisting of the restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards for public health and safety.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-16:**

1. The project as, modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 8.3.12 to protect against the spillage of crude oil, gas, petroleum products, or hazardous substances. The project provides for effective containment and cleanup facilities and procedures for accidental spills, which may occur.
2. The project is consistent with the requirements of the CZ Overlay District, the base district, as well as other applicable provisions of the Municipal Code. The project as proposed to repair the existing berms ensures that until such time that the remediation of the entire site is commenced, the containment of the hazardous materials will be the priority. The project is consistent with the operational requirements for Public Works Department and Fire Department.
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 does not include development. Development will not occur until the site is remediated and released for construction by the Department of Toxic Substances Control. No infrastructure is required to serve to project site.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site consists of a toxic dump site. The project

consists of the repair of existing containment berms. No public access to the site is required or desirable, no public recreation facilities exist at the site and no opportunities for providing public recreation facilities at the site are present. The project will not alter public views to coastal resources.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-16:**

1. The revised Emergency Action Workplan dated July 6, 2005, and approved on July 13, 2005 by Department of Toxic Substances Control shall be the conceptually approved Coastal Development Permit workplan.
2. Hydroseeding of the re-graded berm shall begin prior to the rainy season using native species that are adapted to rapid growth. A watering truck may be used to irrigate and initiate growth. Approval of the plant selection shall be through the Public Works Department. **(PW)**
3. The erosion control of the re-seeded and re-shaped berms shall be done by hydroseed methods including the placement of jute mats to further control erosion. Approval of the proposed erosion control plan shall be obtained from the Department of Public Works. **(PW)**
4. The City of Huntington Beach Public Works Department shall review the study conducted by Project Navigator to evaluate the existing roadway state of Magnolia Street prior to the commencement of hauling off site. **(PW)**
5. Flagmen shall be used to control ingress and egress traffic. **(PW)**
6. Special Purpose & Discharge: Drain water from the toe drain shall be routed back onto the site. In the event that unusual rainfall occurs in the 2005-2006 season, an encroachment permit shall be obtained from the Department of Public Works. **(PW)**

**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.

**ITEM 2: CONDITIONAL USE PERMIT NO. 05-05 / DESIGN REVIEW NO. 05-05 (HSU RETAIL BUILDING)**

APPLICANT: Simon Lee, 140 W. Valley Boulevard, Ste 215, San Gabriel, CA 91776  
PROPERTY OWNER: Andy Hsu, PO Box 2003, Artesia, CA 90702  
REQUEST: To permit the construction of a 6,000 sq. ft. commercial building on a 44,200 sq. ft. vacant lot. The request includes the establishment and operation of up to four eating and drinking establishments on the site.

LOCATION: 19432 Beach Boulevard (east side of Beach Boulevard, north of Yorktown Avenue)  
PROJECT PLANNER: Rami Talleh

Rami Talleh, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary, in particular, landscaping, shared driveways, and a reciprocal access agreement, which was recorded in 1979. Staff stated that the property owner to the north had concerns with the proposed shared driveway and cross-access points, primarily reconstruction of public improvements along Beach Boulevard, loss of parking on their site, and the cost of construction or implementing the previously agreed upon cross access.

Staff stated reasons for the suggested modifications to the project plans including recommendations by the Design Review Board as provided in the suggested conditions of approval. Staff stated that one letter was received from an adjacent property owner concerning primarily impact associated with noise and light from the subject site.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans. In-depth discussions ensued concerning the front and rear elevations, shared parking per the reciprocal access agreement, proposed uses, parking requirements, landscaping and landscape planter locations, and code requirements.

Members of the audience approached, reviewed the elevations and received handouts containing the elevations.

### **THE PUBLIC HEARING WAS OPENED.**

Terry Trabant, 8077 and 8071 ½ Yorktown Avenue, neighboring property owner, voiced concerns related to noise, lighting, potential for alcohol, and management of the parking area.

Susan Cole, 8082 Yorktown Avenue No. 106, neighboring property owner, voiced concern that alcohol would be served and traffic and noise would increase.

Alex Lorente, 19480 Beach Boulevard, attorney for Maria Yee, property owner to the north of the subject site, voiced concerns related to possible removal of a street light and storm drain. Mr. Lorente voiced objection to the proposed project and elimination of a common parking easement. He referenced the common parking easement of 1979 and the stipulated judgment of 1993. He stated that his client, Ms. Yee, would be subjected to a loss of eleven parking spaces and a planter.

Walter Johnson, 8081 Yorktown Avenue, neighboring property owner, voiced concern related to lighting, hours, noise, and potential for alcohol.

Ms. Heon, 19421 Worchester Lane, voiced concerns related to lighting, parking, garbage, and potential for alcohol.

Robert Clayton, 19490 Beach Boulevard, neighboring business and property owner, spoke in opposition to the proposed project voicing concerns related to access and interference with visibility to the existing businesses. Mr. Clayton questioned the validity of the west elevation depicting a tree.

Stanley Kosalka, 19381 Worchester Lane, neighboring property owner, voiced concerns related to parking, traffic through the parking lot and garbage.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Ms. Broeren reviewed the project plans with staff and responded to the public comments.

Ms. Broeren, staff and the applicant engaged in discussions concerning loss of parking and reciprocal access and cross access points between the subject site and the property to the north. Ms. Broeren stated that while reciprocal access is a City code requirement, multiple access is not. The applicant agreed to a reduction to one in combination with the shared driveway and was advised it would have to be approved by the Public Works and Fire departments and coordinated during the plan check process. Mr. Lorente stated that the aforementioned was acceptable. Further discussion ensued concerning the 1979 parking easement. Ms. Broeren confirmed with staff that the agreement is not restrictive and confirmed a land use configuration.

Ms. Broeren further explained the reciprocal access and irrevocable offer code requirements and stated that it does not give right to access property. She confirmed Mr. Clayton's understanding that the offer gets recorded but doesn't require Mr. Clayton to do anything nor does it give the applicant any rights to access his property.

Ms. Broeren stated that any use or sale of alcohol would require ABC compliance as well as a conditional use permit with a public hearing. She stated that the only way that the City can react to problems is by the public contacting the City Code Enforcement or Police Department (after hours).

Ms. Broeren asked the applicant if a property manager would be on site. Mr. Lee responded that the owner would manager the property. He advised that he does not have a business in Huntington Beach.

Ms. Broeren stated that she was going to approve the proposed project. She stated how the proposed project would improve the area, referenced the Urban Design Guidelines, and stated that the landscaping would increase a buffer between commercial and residential uses. She acknowledged understanding for the concern related to the reciprocal access.

Ms. Broeren asked staff to modify the suggested findings and condition as follows:

Modify the following sentence in Suggested Finding for Approval No. 1:

A eight foot wide (three feet above the minimum required planter width) and five foot wide landscaped planter shall be provided along the easterly and southerly property lines, respectively and will be planted with landscaping to provide additional screening.

Modify the following sentence in Suggested Finding for Approval No. 2:

The conditional use permit will be compatible with surrounding uses because the project is proposed on a commercially zoned property surrounded primarily with other commercial developments with similar characteristics including building layout, building height, and setbacks.

Add a new Condition of Approval No. 1.d:

- d. The number of cross access points between the subject site and the property to the north may be reduced to one and combined with the shared driveway if approved by the Public Works and Fire Department. Final design of the reciprocal access and shared driveway shall be reviewed and approved by the Planning Department.

**CONDITIONAL USE PERMIT NO. 05-05 / DESIGN REVIEW NO. 05-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND CONDITIONS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.**

**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 a commercial development with less than 10,000 square feet in floor area.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-05:**

1. Conditional Use Permit No. 05-05 for the construction of a 6,000 sq. ft. commercial building on a 44,200 sq. ft. vacant lot and the establishment and operation of up to four eating and drinking establishments on the site 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 project will develop a vacant infill site. The proposed development will provide a common driveway and reciprocal access with the existing shopping center to the north in order to minimize the number of driveways along Beach Boulevard, thus reducing traffic impacts. Beach Boulevard, a major arterial street, is capable of accommodating traffic generated by the development. The adjacent residential uses will be buffered from the commercial building by perimeter fencing, landscape planters, and parking lot. The building is sited along Beach Boulevard approximately 100 feet from the nearest residence. A ten foot wide (five feet above the minimum required planter width) and five foot wide landscaped planter shall be provided along the easterly and southerly property lines, respectively and will be planted with landscaping to provide additional screening. The perimeter fencing separating the site from the adjacent residential uses is conditioned to be 8 feet in height to provide additional screening of the parking lot and reduce impacts associated noise, and light.
2. The conditional use permit will be compatible with surrounding uses because the project is proposed on a commercially zoned property surrounded primarily with other commercial developments with similar characteristics including building layout, building height, and setbacks. Furthermore, the abutting residential uses to the south and east will be adequately screened and separated from the proposed building.

3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance including setbacks, maximum floor area ratio, building height, and parking.
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 CG-F1 (General Commercial – 0.35 FAR). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

- 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 residences, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.
- LU 10.1.12 Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including the consideration of incorporation of site landscape, particularly along street frontages and in parking lots.
- 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.
- CE 2.3.3 Require, where appropriate, an irrevocable offer of mutual access across adjacent non-residential properties fronting arterial roadways and require use of shared driveway access.

The application allows for the establishment of a new commercial building providing for, but not limited to, restaurant uses. The project will provide the opportunity for prospective business to move to or relocate within the City. The design of the project will be compatible with other commercial buildings in the area by siting the building along the street frontage, providing quality architectural features, and providing sufficient landscaping along the street frontage and within the parking area. In addition the site will include the construction of a shared driveway with the adjacent site to the north.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-05:**

1. The site plan, floor plans, and elevations received and dated May 12, 2005, shall be the conceptually approved design with the following modifications:
  - a. The building insets located on the southern elevation shall be enhanced with additional architectural features including but not limited to one or more of the following:
    - i. Patterned stucco projections featuring a darker color
    - ii. Decorative stone veneer, or
    - iii. Patterned score lines consisting of a darker color.

The final design of the southern elevation shall be reviewed and approved by the Planning Department.

- b. Eight-foot high decorative block walls shall be provided along the southerly and easterly property lines adjacent to residential uses. The final design of the block wall shall be reviewed and approved by the Planning Department and Building and Safety Department.
- c. The shared driveway shall incorporate a minimum throat length of 40 feet.
- d. The number of cross access points between the subject site and the property to the north may be reduced to one and combined with the shared driveway if approved by the Public Works and Fire Department. Final design of the reciprocal access and shared driveway shall be reviewed and approved by the Planning Department.

**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.

**ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 05-08 (NGO RESIDENCE)**

APPLICANT: Louis Hernandez, The Louie Group, 19092 Callaway Circle, Huntington Beach, CA 92648  
PROPERTY OWNER: Robert Ngo, 16702 Baruna Lane, Huntington Beach, CA 92649  
REQUEST: To permit a 683 sq. ft. first and second-story addition to an existing single-family dwelling and a 180 sq. ft. garage addition.  
LOCATION: 16702 Baruna Lane (east side of Baruna Lane, at intersection with Sea Witch Lane)  
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented a review of the proposed project and the suggested findings and conditions of approval as outlined in the executive summary.

Staff stated that Suggested Condition of Approval No. 1 is recommended because the rough draft demolition plan received is unclear. Staff stated the intent of the demolition plan.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as outlined in the executive summary. No written or verbal comments were received in response to the public notification.

**THE PUBLIC HEARING WAS OPENED.**

**THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mary Beth Broeren, Zoning Administrator, confirmed with the applicant that the homeowner's association has been contacted and that the applicant understands the demolition condition.

Staff stated that if there is a separate demolition permit, the demolition plan should also be included in the building plan for reference purposes.

**COASTAL DEVELOPMENT PERMIT NO. 05-08 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**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 an addition to an existing single-family dwelling involving negligible or no expansion of the existing use.

### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-08:**

1. Coastal Development Permit No. 05-08 to permit a 683 sq. ft. first and second-story addition to an existing single-family dwelling and a 180 sq. ft. garage addition, as proposed, conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a previously developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as applicable provisions of the Municipal Code. The project, as conditioned, complies with all applicable development regulations, including maximum building height, minimum yard setbacks, maximum lot coverage and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer 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 or impact public views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public park land for recreational use.

### **CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-08:**

1. The site plan, floor plans, and elevations received and dated July 21, 2005, shall be the conceptually approved design with the following modification(s):
  - The floor plans and elevations shall be revised as necessary for accuracy and consistency with the demolition plan required pursuant to Condition of Approval No. 3(a).
2. Prior to issuance of demolition permits, a demolition plan consistent with the requirements of Condition of Approval No. 3(a) shall be reviewed and approved by the Planning Department.
3. Prior to submittal for building permits, the following shall be completed:
  - a. Each set of plans submitted for building permits shall include a separate, fully dimensioned demolition plan demonstrating that less than 50 percent (linear feet) of the existing walls of the dwelling will be demolished, consistent with the plan/tabulations received and dated August 2, 2005. The demolition plan shall depict and identify existing walls to be demolished and existing walls to remain and include a tabulation in linear feet of each.
  - b. A letter from the property owner's association shall be submitted indicating that the proposed project has been approved, denied or that CC&Rs do not require association review. In the event the association fails to provide a letter in a timely manner, the applicant may submit evidence documenting efforts to inform the association of the

proposed project and obtain a letter, as an alternative to submittal of a letter from the association.

**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.

**THE MEETING WAS ADJOURNED AT 3:15 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, SEPTEMBER 7, 2005 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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