

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

**WEDNESDAY, JUNE 28, 2006 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Mary Beth Broeren

**STAFF MEMBER:** Rami Talleh, Jennifer Villasenor, Paul Da Veiga,  
Ron Santos, Ramona Kohlmann

**MINUTES:** April 19, 2006  
May 31, 2006  
June 7, 2006  
Continued from the June 21, 2006 Meeting  
**APPROVED**

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

*Please note that the Public Hearing for Items 3 and 4 was combined.*

**ITEM 1: CONDITIONAL USE PERMIT NO. 2006-019 (TOYOTA TEMPORARY STORAGE LOT)**

**APPLICANT:** Bob Miller, Toyota of Huntington Beach, 18881 Beach Boulevard,  
Huntington Beach, CA 92648  
**PROPERTY OWNER:** Mountain View Properties, 18851 Stewart Street, Huntington  
Beach, CA 92648  
**REQUEST:** To permit a temporary parking lot for the storage of new cars on  
an unimproved lot with a 6 ft. high chain-link fence located at the  
perimeter of the site for a period of two and a half years.  
**LOCATION:** 19070 Holly Street (bounded by Holly Street, Main Street and  
Garfield 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 an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that the applicant modified the request to include parking for employees of the dealership and employees of the contractor when necessary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that the request was noticed within a 500-foot radius. Opposition to the proposed project was received in the

form of two letters, six telephone calls and one counter inquiry. Staff stated that the opposition was based upon concern related to visual impact and storage surrounding a residential neighborhood. Staff stated that one neighbor requested a decorative type fence and a neutral type screen instead of the proposed green mesh. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the email received from Casey Griffin, Logan Asset Management, dated June 26, 2006, addressing the revised project narrative. Ms. Broeren confirmed the original request with staff and that the proposed hours are 7:00 a.m. to 7:00 p.m.

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

Jamie Hamilton, 19132 Shoreline Lane, neighboring property owner, spoke in opposition to the proposed project, stated disagreement with the findings and presented a petition with 37 signatures from neighboring residents opposing the proposed project. The petition stated concerns related to the unsightly fence, the need for landscaping and a request for opaque fabric fencing.

Stephanie Almaguer, 7322 Berry Court, neighboring property owner, spoke in opposition to the proposed project. Ms. Almaguer voiced concerns related to the unsightliness of the subject site.

#### **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. Discussion ensued with staff concerning whether or not a permit was issued for the existing fence.

Ms. Broeren, Casey Griffin and Dennis Prado, both representatives of the applicant, engaged in discussions concerning how many dealership and construction employees would use the subject facility for parking and what constitutes parking as necessary. Mr. Prado stated that they intend to avoid situations where employees would be in and out of the subject facility. Further discussion ensued concerning the construction timeframe.

Ms. Broeren stated that she visited the subject site and found it to be unattractive, in need of erosion control and clean up.

Further discussion ensued concerning the mesh screen with colors of black or green and placement of boxed plants or palm equivalent.

Ms. Broeren asked staff to modify the suggested findings and conditions of approval as follows:

Suggested Finding for Approval No. 1 incorporate the following sentence:

[The perimeter of the site will be temporarily landscaped.](#)

Suggested Conditions of Approval add the following:

5. [One 36-inch box tree or palm equivalent shall be provided for every 75 ft. of street frontage. The trees shall be temporarily placed behind the perimeter fencing.](#)
6. [The existing fence shall be repaired where necessary.](#)

**CONDITIONAL USE PERMIT NO. 2006-019 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) 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 15304 of the CEQA Guidelines. The temporary parking lot is proposed for a period of up to 2 and one half years and does not consist of alterations in the condition of land and does not involve the removal of healthy, mature scenic trees. No grading or excavation is proposed. Furthermore, there are no sensitive resources that will be removed or impacted.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-019**

1. Conditional Use Permit No. 2006-019 for a temporary parking lot for the storage of new cars on an unimproved lot with a 6 ft. high chain-link fence located at the perimeter of the site for a period of two and a half years 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. Main St., Garfield Ave., and Holly St. bound the proposed temporary parking lot and provide an adequate buffer for the adjacent residential uses. The site will be accessed off of Holly St, a local street; thus, vehicles entering and exiting the site will not obstruct vehicular traffic on Garfield Ave. and Main St. The perimeter of the site will be temporarily landscaped. The proposed use will not generate noise, traffic, light or other impacts at levels inconsistent with the commercial zoning applicable to the subject property and surrounding residential areas.
2. The conditional use permit will be compatible with surrounding uses because the temporary parking lot is a short-term use on an undeveloped parcel of land where no physical alterations to the existing conditions of the site are proposed. Other parking facilities can be found on surrounding properties. The lot shall be for parking/storage purposes only with no truck deliveries, customer pick-up, or vehicle repair, sales, washing or other uses incompatible with the surrounding residential neighborhood.
3. The proposed Conditional Use Permit No. 2006-019 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 (HBZSO) and the Holly-Seacliff Specific Plan. The proposed temporary parking lot complies with the applicable development standards such as paving surface, boundary fencing, and aisle widths. The HBZSO authorizes the establishment of temporary parking lots with approval of a conditional use permit for period of up to five years.
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 CN-F1 (Neighborhood Commercial – 0.35 maximum Floor Area Ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

- 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.
- ED 1.1.1: Maintain and expand economic and business development programs that encourage and stimulate business opportunities within the City.
- ED 2.4.3: Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The proposed interim parking lot will facilitate the expansion and reconstruction of an existing new car dealer located on Beach Blvd. by providing for a short-term storage area of vehicle inventory during construction. The proposed use will allow the car dealer to remain open to the public during construction.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-019:**

1. The site plan received and dated June 7, 2006, shall be the conceptually approved design.
2. Only the uses described in the narrative received and dated May 17, 2006, shall be approved.
3. If the use remains for a period of more than two and one half years from the date of this approval, a minimum three-foot wide landscaped planter shall be provided around the perimeter of the site.
4. The temporary parking lot shall comply with all Public Works and Fire Department requirements within 90 days after approval of this conditional use permit. **(PW/FD)**
5. One 36-inch box tree or palm equivalent shall be provided for every 75 ft. of street frontage. The trees shall be temporarily placed behind the perimeter fencing.
6. The existing fence shall be repaired where necessary.

**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: VARIANCE NO. 2006-003 (HILGEN RESIDENCE)**

APPLICANT: Louie Hernandez, 19092 Callaway Circle, Huntington Beach, CA 92648  
PROPERTY OWNER: Terry Hilgen, 28072 Camino La Ronda, San Juan Capistrano, CA 92675  
REQUEST: **(a)** to permit the construction of a single-family dwelling with a 2.5-ft. side yard setback for the dwelling and a 0.5-ft. side yard setback for the detached garage in lieu of the required 3-ft. side yard setback on the east property line adjacent to an alley; and **(b)** to permit a 15.5 ft. width for the front portion of the dwelling in lieu of the required 17 ft.; and **(c)** to permit a 22.5-ft. lot width after required dedication for alley widening in lieu of the required 25 ft. minimum.  
LOCATION: 222 Lincoln Avenue (south side of Lincoln Avenue between Alabama and Huntington Streets)  
PROJECT PLANNER: Jennifer Villasenor

Jennifer Villasenor, Staff Planner, displayed project plans and photographs 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 presented in the executive summary emphasizing the suggested modifications to the plans as stated in Suggested Condition of Approval No. 1.a.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the request meets all development standards prior to dedication. Staff stated that one inquiry was received at the zoning counter concerning relocation of a utility pole. No other written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and photographs. Ms. Broeren and staff engaged in a discussion concerning Suggested Condition of Approval No. 1.a, and staff advised that no new fencing is proposed.

**THE PUBLIC HEARING WAS OPENED.**

Louie Hernandez, 19092 Callaway Circle, applicant, addressed Suggested Condition of Approval No. 1.a and presented reasons for the requested 15.5 ft. width for the front portion of the dwelling as requested and depicted in the proposed floor plan.

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

Discussion ensued concerning the basis for the code required 17 ft. minimum and reasons for the requested variance for 15.5 feet.

Ms. Broeren stated that she appreciates the reasons for the code required 17 ft. minimum and staff's reasons for maintaining the code in this particular case. She stated, however, that based upon today's discussions and given the fact that the owner requested the variance in order to make the livable area more possible, she was going to approve the request as originally submitted.

Ms. Broeren asked staff to modify the suggested findings and conditions of approval as follows:

Suggested Findings For Approval incorporate the following:

1. The granting of Variance No. 2006-003 for the construction of a single-family dwelling with a 2.5-ft. side yard setback for the dwelling and a 0.5-ft. side yard setback for the detached garage in lieu of the required 3-ft. side yard setback on the east property line adjacent to an alley, a 15.5 ft. width for the front portion of the dwelling in lieu of the required 17 ft., and 22.5-ft. lot width after required dedication for alley widening in lieu of the required 25 ft. minimum will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

Suggested Conditions Of Approval revise as follows:

1. The site plan, floor plans, and elevations received and dated April 18, 2006 shall be the conceptually approved design ~~with the following modifications.~~

a. 

**Deleted:** The applicant shall revise the floor plan to meet the 17 feet minimum required for the width of the dwelling unit.

**VARIANCE NO. 2006-003 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 15305 of the CEQA Guidelines, because the project consists of a variance in an area with an average slope of less than 20% and does not result in any changes in land use or density.

**FINDINGS FOR APPROVAL - VARIANCE NO. 2006-003:**

1. The granting of Variance No. 2006-003 for the construction of a single-family dwelling with a 2.5-ft. side yard setback for the dwelling and a 0.5-ft. side yard setback for the detached garage in lieu of the required 3-ft. side yard setback on the east property line adjacent to an alley, a 15.5 ft. width for the front portion of the dwelling in lieu of the required 17 ft., and 22.5-ft. lot width after required dedication for alley widening in lieu of the required 25 ft. minimum will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

The requested variance will provide for construction of one single-family dwelling on a 2812.5 square foot lot (after required dedications for alley widening). The proposed development is consistent with the development density standard applicable to the subject property (one dwelling unit per 2,500 square feet of lot area). Moreover, the subject property, which complies with the minimum lot width and side yard setback standards before required dedication for public alley widening purposes, is made substandard in width and side yard setback only as a result of the required dedication.

2. Because of special circumstances applicable to the subject property, including size, shape, location and surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is required to provide alley dedications on two sides. The effect of the required dedication is a reduction in the lot width to less than the minimum required in the RMH-A zoning district. Strict application of the zoning ordinance would render the subject property undevelopable after required dedications; thus depriving the subject property of development rights enjoyed by identically zoned properties in the vicinity.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right is contingent upon dedication for public alley purposes, which renders the lot width substandard. Consequently, the requested variance to allow construction of a single family dwelling with less than the required side yard setback on a property with a substandard lot width is necessary to preserve the development rights afforded by the corresponding residential land use designation.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance will not adversely affect the General Plan. The proposed project of one dwelling unit on a 2,812.5 square foot lot (after required dedications) is consistent with the Land Use Element designation of RMH-25-d (Residential Medium High Density – 25 units/acre – design overlay) on the subject property. In addition, the proposed project is consistent with the following General Plan policy:

LU 9.1.1 Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules in the General Plan Land Use Element.

**CONDITIONS OF APPROVAL VARIANCE NO. 2006-003:**

1. The site plan, floor plans, and elevations received and dated April 18, 2006 shall be the conceptually approved design.
2. Prior to issuance of grading permits, the following shall be completed:
  - a. The design of the proposed dwelling and garage shall be distinguished from the design of the adjacent proposed dwelling at 220 Lincoln Avenue by incorporation of the following design modifications: a stone (or other approved/distinct exterior finish) wainscot, or other similar accent treatment shall be applied to the front elevation. In addition, the proposed building color(s), roofing material, garage door, front property line fence and balcony rail shall be appreciably distinguished from that of the dwelling proposed at 220 Lincoln Avenue.
  - b. The applicant shall relocate any utility poles that are in conflict with the proposed driveway.

**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: CONDITIONAL USE PERMIT NO. 2006-008 (FLISTER WOOD FENCE)**

APPLICANT: Mike Flister, 2623 England Street, Huntington Beach, CA 92648  
PROPERTY OWNER: Patricia Cuthbert, 2623 England Street, Huntington Beach, CA 92648  
REQUEST: To permit a 6 ft. high wood fence at zero setback in lieu of 15 ft. within the front yard setback.  
LOCATION: 2623 England Street (terminus of England Street, north of Yorktown Avenue)  
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and photographs 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 presented in the executive summary. Staff emphasized the suggested modifications to the project plans requiring a five-foot landscape setback.

Staff stated that the request is the result of a Code Enforcement (CE) citation for a non-permitted fence.

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

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and aerial photographs. Discussion ensued with staff concerning the parcel's unusual cul-de-sac configuration and the history of the CE citation.

**THE PUBLIC HEARING WAS OPENED.**

Terry Hutchison, 2624 England Street, property owner, reiterated comments contained in her letter addressed to Code Enforcement, dated July 31, 2005, which stated reasons for the fence. Ms. Hutchison apologized for the non-permitted fence, stated a desire to rectify the situation and urged the Zoning Administrator's approval as submitted with a zero setback.

Chad Geibe, 2624 England Street, applicant and son of Ms. Hutchison, spoke in support of the proposed project.

Mike Flister, 2623 England Street, property owner, stated that when they purchased the property, it was not disclosed that the fence was non-permitted.

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

Ms. Broeren inquired into the circumstances on how the cul-de-sac and wall came to be. She explored alternatives to avoid having the entire wall pulled out and reconstructed at the suggested five-foot setback per staff's suggestion. She emphasized compliance with what the City is trying to achieve in maintaining a landscaped view that would be visible from the street without encroaching into the subject site's privacy and open space.

Ms. Broeren further reviewed the project plans and aerial photograph and engaged in discussions with staff, the applicant and property owner. She stated that she was going to approve the request and asked staff to modify the suggested findings and conditions for approval as follows:

Suggested Findings for Approval:

1. Conditional Use Permit No. 06-008 to permit six-foot tall wood fence with pilasters at a zero setback within the front yard setback, in lieu of a maximum height of 42-inches within the required 15-foot front yard setback, 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. Based upon the conditions imposed, the proposed fence will be setback five feet for a minimum of 10 lineal feet along the front property line in order to improve the view from the adjacent street by providing landscaping within the five-foot setback.
2. The conditional use permit will be compatible with surrounding uses since the proposed fence will be constructed of quality, decorative building materials and will incorporate a five-

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foot wide landscape planter for a minimum of 10 lineal feet along the front property line. The conditional use permit, as conditioned, is consistent with numerous previously approved entitlements for fencing within the required front yard setback in the residential zoning districts.

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#### Suggested Conditions of Approval:

- a. The plans shall be modified to provide a five-foot wide landscaped setback between the fence and front property line for a minimum of 10 lineal feet along the front property line. The remainder of the fence shall be permitted at a zero setback.
- b. The site plan shall incorporate a planting legend that indicates the type of landscaping that is proposed with the landscape planter. The proposed landscaping shall be reviewed and approved by the Planning Department.

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**CONDITIONAL USE PERMIT NO. 2006-008 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 construction of a small accessory structure on a previously developed site.

#### FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 06-008:

1. Conditional Use Permit No. 06-008 to permit six-foot tall wood fence with pilasters at a zero setback within the front yard setback, in lieu of a maximum height of 42-inches within the required 15-foot front yard setback, 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. Based upon the conditions imposed, the proposed fence will be setback five feet for a minimum of 10 lineal feet along the front property line in order to improve the view from the adjacent street by providing landscaping within the five-foot setback.
2. The conditional use permit will be compatible with surrounding uses since the proposed fence will be constructed of quality, decorative building materials and will incorporate a five-foot wide landscape planter for a minimum of 10 lineal feet along the front property line. The conditional use permit, as conditioned, is consistent with numerous previously approved entitlements for fencing within the required front yard setback in the residential zoning districts.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO permits fences exceeding 42-inches in height within the required front setback, with approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. L.U. 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.
  - b. L.U. 9.2.1: Require that all new residential developments within existing residential neighborhoods be compatible with existing structures, including the maintenance of the predominant or median existing front yard setbacks.

The proposed wall/fence will meet the City's objectives for community character by incorporating quality design and materials and by maintaining a landscaped setback with a minimum dimension of five feet between the proposed fence and the public sidewalk.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-008:**

1. The site plan, floor plans, and elevations received and dated February 22, 2006 shall be the conceptually approved design with the following modifications:
  - a. The plans shall be modified to provide a five-foot wide landscaped setback between the fence and front property line for a minimum of 10 lineal feet along the front property line. The remainder of the fence shall be permitted at a zero setback.
  - b. The site plan shall incorporate a planting legend that indicates the type of landscaping that is proposed with the landscape planter. The proposed landscaping shall be reviewed and approved by the Planning Department.
2. The applicant shall apply for a building permit for construction of the fence/wall within 30 days of issuance of the conditional use permit.

**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 4: CONDITIONAL USE PERMIT NO. 2005-023 (SIMON WOOD FENCE)**

APPLICANT: Chad Geibe, 2624 England Street, Huntington Beach, CA 92648  
PROPERTY OWNER: Margaret Simon, 2624 England Street, Huntington Beach, CA 92648

REQUEST: To permit a 6 ft. high wood fence at zero setback in lieu of 15 ft. within the front yard setback.  
LOCATION: 2624 England Street (terminus of England Street, north of Yorktown Avenue)  
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, Staff Planner, displayed project plans and photographs 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 presented in the executive summary. Staff emphasized the suggested modifications to the project plans requiring a five-foot landscape setback.

Staff stated that the request is the result of a Code Enforcement (CE) citation for a non-permitted fence.

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

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and aerial photographs. Discussion ensued with staff concerning the parcel's unusual cul-de-sac configuration and the history of the CE citation.

**THE PUBLIC HEARING WAS OPENED.**

Terry Hutchison, 2624 England Street, property owner, reiterated comments contained in her letter dated July 31, 2005, addressed to Code Enforcement, which stated reasons for the fence. Ms. Hutchison apologized for the non-permitted fence, stated a desire to rectify the situation and urged the Zoning Administrator's approval as submitted.

Chad Geibe, 2624 England Street, son of Ms. Hutchison, spoke in support of the proposed project.

Mike Flister, 2623 England Street, applicant, stated that when they purchased the property at 2623 England Street, it was not disclosed that the fence was non-permitted.

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

Ms. Broeren inquired into the circumstances on how the cul-de-sac and wall came to be. She explored alternatives to avoid having the entire wall pulled out and reconstructed at the suggested five-foot setback per staff's suggestion. She emphasized compliance with what the City is trying to achieve in maintaining a landscaped view that would be visible from the street without encroaching into the subject site's privacy and open space.

Ms. Broeren further reviewed the project plans and aerial photograph and engaged in discussions with staff, the applicant and property owner. She stated that she was going to approve the request and asked staff to modify the suggested findings and conditions for approval as follows:

Suggested Findings for Approval:

1. Conditional Use Permit No. 2005-023 to permit six-foot tall wood fence with pilasters at a zero setback within the front yard setback, in lieu of a maximum height of 42-inches within the required 15-foot front yard setback, 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. Based upon the conditions imposed, the proposed fence will be setback five feet for a minimum of 10 lineal feet along the front property line in order to improve the view from the adjacent street by providing landscaping within the five-foot setback.

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3. The conditional use permit will be compatible with surrounding uses since the proposed fence will be constructed of quality, decorative building materials and will incorporate a five-foot wide landscape planter for a minimum of 10 lineal feet along the front property line. The conditional use permit, as conditioned, is consistent with numerous previously approved entitlements for fencing within the required front yard setback in the residential zoning districts.

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Suggested Conditions of Approval:

a. The plans shall be modified to provide a five-foot wide landscaped setback between the fence and front property line for a minimum of 10 lineal feet along the front property line. The remainder of the fence shall be permitted at a zero setback.

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b. The site plan shall incorporate a planting legend that indicates the type of landscaping that is proposed with the landscape planter. The proposed landscaping shall be reviewed and approved by the Planning Department.

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**CONDITIONAL USE PERMIT NO. 2005-023 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 construction of a small accessory structure on a previously developed site.

### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2005-023:**

1. Conditional Use Permit No. 2005-023 to permit six-foot tall wood fence with pilasters at a zero setback within the front yard setback, in lieu of a maximum height of 42-inches within the required 15-foot front yard setback, 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. Based upon the conditions imposed, the proposed fence will be setback five feet for a minimum of 10 lineal feet along the front property line in order to improve the view from the adjacent street by providing landscaping within the five-foot setback.
2. The conditional use permit will be compatible with surrounding uses since the proposed fence will be constructed of quality, decorative building materials and will incorporate a five-foot wide landscape planter for a minimum of 10 lineal feet along the front property line. The conditional use permit, as conditioned, is consistent with numerous previously approved entitlements for fencing within the required front yard setback in the residential zoning districts.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The HBZSO permits fences exceeding 42-inches in height within the required front setback, with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
  - a. L.U. 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character as appropriate.
  - b. L.U. 9.2.1: Require that all new residential developments within existing residential neighborhoods be compatible with existing structures, including the maintenance of the predominant or median existing front yard setbacks.

The proposed wall/fence will meet the City's objectives for community character by incorporating quality design and materials and by maintaining a landscaped setback with a minimum dimension of five feet between the proposed fence and the public sidewalk.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2005-023:**

1. The site plan, floor plans, and elevations received and dated August 1, 2005 shall be the conceptually approved design with the following modifications:
  - a. The plans shall be modified to provide a five-foot wide landscaped setback between the fence and front property line for a minimum of 10 lineal feet along the front property line. The remainder of the fence shall be permitted at a zero setback.
  - b. The site plan shall incorporate a planting legend that indicates the type of landscaping that is proposed with the landscape planter. The proposed landscaping shall be reviewed and approved by the Planning Department.
2. The applicant shall apply for a building permit for construction of the fence/wall within 30 days of issuance of the conditional use permit.

**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 5: TENTATIVE PARCEL MAP NO. 2006-125 (TRAN SUBDIVISION)**

APPLICANT/  
PROPERTY OWNER: Dai Quang Tran, 2300 E Artesia Boulevard, Long Beach, CA  
90805  
REQUEST: To permit the consolidation of three parcels into two lots with each  
measuring 27 ft. in width and approximately 3,105 sq. ft. in area.  
LOCATION: 310 2<sup>nd</sup> Street (east side of 2<sup>nd</sup> Street, north of Olive Avenue)  
PROJECT PLANNER: Paul Da Veiga

Paul Da Veiga, 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 presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the proposed project complies with the City Zoning and Subdivision Ordinance and is consistent with previous subdivisions in the vicinity.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans.

**THE PUBLIC HEARING WAS OPENED.**

The project surveyor questioned conditions set forth in the code requirements letter. He was referred to the Public Works Department.

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

**TENTATIVE PARCEL MAP NO. 2006-125 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) 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 15315 of the CEQA Guidelines, because the project consists of the division of property in an urbanized area zoned for residential use into four or fewer parcels, in conformance with the General Plan and zoning, with no variances or exceptions required; and with all services and access to the proposed parcels available.

**FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2006-125:**

1. Tentative Parcel Map No. 2006-125 to permit the consolidation of three parcels into two lots, each measuring 27 ft. in width and approximately 3,105 sq. ft. in area, is consistent with the General Plan Land Use Element designation of Residential Medium-High Density on the subject property. The proposed subdivision complies with all applicable provisions of the Subdivision Map Act and the HBZSO and is consistent with previous subdivisions in the surrounding neighborhood. The project includes demolition of the existing residential structures and will provide for the future development of two new single-family dwellings, in accordance with applicable land use, density and development standards.
2. The site is physically suitable for the type and density of development allowed by the corresponding zoning designation. The proposed lot consolidation will comply with all applicable code provision of the Downtown Specific Plan (SP-5) including the minimum parcel size of 2,500 sq. ft. and minimum lot width of 25 feet, as required in District 4. The proposed lots are level, rectangular and present no significant constraints to development. The site is accessible from an existing public street and all necessary public utilities and services are available.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subdivision is proposed for a property previously developed for residential use. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No

easements acquired by the public at large for access through or use of the property exist within the proposed subdivision.

**CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2006-125:**

Tentative Parcel Map No. 2006-125 to permit the consolidation of three parcels into two lots, each measuring 27 ft. in width and approximately 3,105 sq. ft. in area and received and dated February 3, 2006, shall be the approved layout.

**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 6: COASTAL DEVELOPMENT PERMIT NO. 2006-009 / VARIANCE NO. 2006-006 / SPECIAL PERMIT NO. 2006-001 (CAMPBELL/REED RESIDENCE)**

APPLICANT:	Robert Reed, 7573 Slater Avenue, Unit J, Huntington Beach, CA 92647
PROPERTY OWNER:	Melvin Heckman, 303 Alabama Street, Huntington Beach, CA 92648
REQUEST:	<b>CDP:</b> To permit construction of a 2,349 sq. ft., three-story single-family dwelling with a 419 sq. ft. attached garage; <b>VAR:</b> to permit a 22.5-ft. lot width after required dedication for alley widening, in lieu of the required 25-ft. minimum width; <b>SP:</b> to permit a zero side yard setback, in lieu of three ft., for an attached garage. This request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.
LOCATION:	111 Seventh Street (north side of 7th Street, between Pacific Coast Highway and Walnut Avenue)
PROJECT PLANNER:	Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs 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 presented in the executive summary.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary and because the proposed project is in compliance with the applicable provisions of the Municipal Code as well as the

development standards addressed in the variance and special permit. No written or verbal comments were received in response to the public notification.

Mary Beth Broeren, Zoning Administrator, reviewed the project plans and engaged in a discussion with staff concerning the remaining two properties of the subject parcel that are not part of this request.

**THE PUBLIC HEARING WAS OPENED.**

Michael C. Adams, 21190 Beach Boulevard, stated that he was present to represent the applicant.

Ms. Broeren and Mr. Adams engaged in a discussion concerning plans for the remaining two properties and the requested special permit for a zero setback for the garage. Mr. Adams confirmed that there are no plans for the two properties and that they have no issues related to the requested special permit.

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

Ms. Broeren stated that she was going to approve the request and asked staff to modify the suggested findings for approval for the special permit as follows:

Findings for Approval / Special Permit:

- b. The granting of the special permit will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The special permit will allow for construction of single-family dwelling otherwise (excepting the requested variance) designed in accordance with the applicable zoning and General Plan regulations, on a site currently ~~zoned for residential use~~. The special permit addresses unique requirements for dedication for street and alley widening on three sides of the subject lot.

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- 5. The granting of the special permit will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act.

Deleted: They also comply with State and Federal Law.

**COASTAL DEVELOPMENT PERMIT NO. 2006-009 / VARIANCE NO. 2006-006 / SPECIAL PERMIT NO. 2006-001 WERE 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) 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 construction of one single-family residence in a residential zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-009:**

1. Coastal Development Permit No. 2006-009 to permit construction of a 2,349 sq. ft., three-story single-family dwelling with a 419 sq. ft. attached garage as proposed conforms with the General Plan, including the Local Coastal Program land use designation of RH-30-d-sp (Residential High-Density – 30 units/acre – design overlay – specific plan). 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 single-family dwelling will occur on a site designated for residential use and surrounded by existing development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of development standards addressed by the requested variance and special permit. The project consists of construction of a single-family dwelling – a permitted use in District 2 of the Downtown Specific Plan. In addition, the project complies with the applicable on-site parking requirements, height limits, maximum lot coverage and floor area ratio and other applicable development standards.
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 on a previously developed lot 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 to coastal resources. Dedications for street and alley widening, which will improve public access to coastal resources, are requirements of this project. 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.

**FINDINGS FOR APPROVAL - VARIANCE NO. 2006-006:**

1. The granting of Variance No. 2006-006 to permit a 22.5-ft. lot width after required dedication for alley widening, in lieu of the required 25-ft. minimum width will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The requested variance will provide for construction of one single-family dwelling on a 2,531 square-foot lot (after required dedications for street and alley widening). The proposed development is consistent with the development density standard applicable to the subject property (one dwelling unit per 2,500 square-feet of lot area). Moreover, the subject property, which complies with the minimum lot width standard before required dedication for public alley widening purposes, is made substandard in width

only as a result of the required dedication, which in turn is a consequence of its somewhat unique location adjacent to an alley on two sides.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is subject to required dedications for street and alley widening on three sides. The effect of the required dedication is to reduce the width of the subject lot to less than the required minimum. Strict application of the zoning ordinance would render the subject property undevelopable after required dedications; thus depriving the subject property of development rights enjoyed by other properties in the vicinity of identical size and configuration.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. Based on the applicable zoning and General Plan designation, and the existing lot size and dimensions, the subject property is afforded the right to construct one single-family dwelling. The exercise of this substantial property right (development of the subject property for single-family residential use) is contingent upon dedication for public alley widening purposes, which in turn renders the lot width substandard. Consequently, the requested variance to allow a substandard lot width is necessary in order to preserve development rights afforded by the corresponding residential land use designation.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development or impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RH-30-d-sp (Residential High Density – 30 units/acre – design overlay – specific plan) on the subject property. In addition, the proposed project is consistent with the following General Plan policy:

LU 9.1 Accommodate the development of single- and multi-family residential units in areas designated by the Land Use Plan Map, as stipulated by the Land Use and Density Schedules.

**FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 2006-001:**

1. The granting of Special Permit No. 2006-001 (pursuant to Section 4.1.02 of the DTSP) in conjunction with Coastal Development Permit No. 06-09/ Variance No. 06-06 is for the following:
  - a. To permit a zero side yard setback, in lieu of three ft., for an attached garage.

The special permit results in a greater benefit from the project and will promote a better living environment because the variance will allow for construction of a garage providing the minimum parking stall dimensions to meet the requirements for construction of a single-family dwelling.

2. The granting of the special permit will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The special permit will allow for construction of single-family dwelling otherwise (excepting the requested variance) designed in accordance with the applicable zoning and General Plan regulations. The special permit addresses unique requirements for dedication for street and alley widening on three sides of the subject lot.
3. The granting of the special permit will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The special permit will allow for construction of a garage at zero side yard setback at the rear of the property; adjacent to an undeveloped adjoining property. Consequently, no impacts to privacy will result. Moreover, the proposed garage will provide the required minimum vision clearance for vehicular safety at the intersection of alleys along the side and rear property lines and at the intersection of the driveway to the garage and the alley.
4. The granting of the special permit will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The granting of the special permit will allow for development of a single-family dwelling and garage, comparable in size to dwellings existing in the neighborhood, but adapted to the substandard lot width. Moreover, the special permit will allow for development of a single-family dwelling while achieving the objectives of street and alley widening to improve access and circulation in the Downtown district.
5. The granting of the special permit will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2006-009 /  
VARIANCE NO. 2006-006 / SPECIAL PERMIT NO. 2006-001:**

1. The site plan, floor plans, and elevations received and dated May 12, 2006 shall be the conceptually approved design.
2. Prior to issuance of building permits a maintenance easement agreement, approved as to form by the City Attorney, shall be recorded between the subject property owner and the owner of the adjacent lot to which access is required, which provides for maintenance and repair of the zero setback structure. Said easement shall be an irrevocable covenant running with the land, binding to all future property owners.

**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 2:55 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JULY 5, 2006 AT 1:30 PM.**

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Mary Beth Broeren  
Zoning Administrator

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