

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Ethan Edwards, Associate Planner
DATE: October 17, 2012

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 12-03; CONDITIONAL USE PERMIT NO. 12-05; VARIANCE NO. 12-06; TENTATIVE TRACT MAP NO. 17481 (SUNSET MIXED USE)**

LOCATION: 818 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and 9th Street)

Applicant: Jeff Bergsma, Team Design, 221 Main Street, Unit S, Huntington Beach, CA 92648

Property Owner: Brett Blanchard, 26342 Oso Parkway, Mission Viejo, CA 92691

Request: **CDP/CUP:** To permit the demolition of a vacant drive-thru restaurant and construction of a four-story, 48 ft. 6 in. high, approximately 38,400 sq. ft. mixed-use building consisting of one visitor-serving commercial retail unit and one live work unit on the ground floor and a total of 12 residential units on the second, third, and fourth floors. Parking for the mixed-use building will be provided in an at-grade and subterranean parking garage that includes 13 surface level spaces and 20 subterranean spaces. **VAR:** To allow an overall building height of 48 ft. 6 in. in lieu of a maximum height of 45 ft. permitted. The portions of the building exceeding the 45 ft. height limit result from three fourth floor mezzanine areas that comprise 8.4% (764 sq. ft.) of the subject building's overall roof area. **TTM:** To permit the consolidation of three lots into one lot measuring approximately 11,378 sq. ft. of net lot area for condominium purposes. The project will result in one commercial, one live/work, and 12 residential condominium units.

Environmental Status: This request is covered by Final Environmental Impact report 08-01, subject to the adopted mitigation measures contained in the Final EIR No. 08-01.

Zone: SP5 – O – CZ (Downtown Specific Plan – District No. 1 – Oil Overlay – Coastal Zone Overlay)

General Plan: M - >30 – d – sp - pd (Mixed Use - +30 Dwelling Units – Design Overlay – Specific Plan Overlay – Pedestrian Overlay)

Existing Use: Vacant drive-thru restaurant

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR CEQA:

The proposed project is covered by Final Environmental Impact Report No. 08-01, which was certified by the California Coastal Commission on October 6, 2011. The proposed development project is subject to compliance with the adopted mitigation measures contain in the Final Environmental Impact Report No. 08-01. Staff review the proposed project and has determined that project is consistent with the adopted mitigated measures contain in the Final EIR.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 17239:

1. Tentative Tract Map No. 17481 for the consolidation of three parcels totaling 11,378 sq. ft. of net lot area into one lot for condominium purposes is consistent with the General Plan Land Use Element designation of M>30-d-sp-pd (Mixed Use - +30 Dwelling Units Per Acre – Design Overlay – Specific Plan Overlay – Pedestrian Overlay) on the subject property and other applicable provisions of the Downtown Specific Plan (SP5) and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the proposed subdivision will create a total of one commercial, one live/work, and 12 residential condominium units.
2. The site is physically suitable for the type and density of development within SP5. The site consists of one parcel of land of approximately 11,378 sq. ft of net lot area, which is proposed for the construction of an approximately 38,400 sq. ft., 4-story, mixed use building, containing a one commercial, one live/work, and 12 residential units. The project involves the subdivision of these units for condominium purposes. The site will comply with minimum lot area and maximum density requirements of the SP5.
3. The design of the subdivision 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 on a property currently zoned for mixed-use development and located in an urbanized area. The site does not serve as habitat for fish or wildlife. The proposed condominium map will comply with the HBZSO.
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 easement acquired by the public at large for access through or use of the property exists within the proposed subdivision.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-03:

1. Coastal Development Permit No. 12-03 for the demolition of a vacant drive-thru restaurant and construction of a four-story, 48 ft. 6 in. high, approximately 38,400 sq. ft. mixed-use building consisting of one visitor-serving commercial retail unit and one live work unit on the ground floor and a total of 12 residential units on the second, third, and fourth floors, including an at-grade and subterranean parking garage that includes 13 surface level spaces and 20 subterranean spaces, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The proposed project would develop a mix of commercial uses on parcels contiguous to similar uses in an established,

urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. Additionally, the proposed project would develop visitor-serving commercial uses in the City's Downtown Core Mixed Use district, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established, and include uses generally similar to those proposed by the project. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

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. The proposed project as conditioned and with the variance request provides a development that is consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.
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 as conditioned and with the implementation of all mitigation measures will provide all necessary infrastructures to adequately service the site and not impact adjacent developments. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, alleys.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all existing and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 12-05:

1. Conditional Use Permit No. 12-05 construction of a four-story, 48 ft. 6 in. high, approximately 38,400 sq. ft. mixed-use building consisting of one visitor-serving commercial retail unit and one live work unit on the ground floor and a total of 12 residential units on the second, third, and fourth floors, including an at-grade and subterranean parking garage that includes 13 surface level spaces and 20 subterranean spaces, as modified by conditions of approval, 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 has been evaluated for compatibility with the surrounding neighborhood and with the conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the project is designed with a an architectural design theme that is compatible with the Downtown Design Guidelines and will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project incorporates the proper massing and scale, the design features of the project's architectural

style with colors and materials recommended by the Design Guidelines for the Downtown Core Mixed Use district.

3. The proposed mixed use development 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 proposed project as conditioned and with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements.
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 M - >30 - d - sp - pd (Mixed Use - 30 Dwelling Units - Design Overlay - Specific Plan Overlay - Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Goal LU9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

Policy LU 15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks, in consideration of the following guidelines:

- 1) Incorporation of uses that stimulate pedestrian activity in the first floor along the street frontage, encouraging professional offices, data computing, and other

similar uses to be located in the rear or above the first floor unless economically infeasible;

- 2) Siting of the linear frontage of the building along the front yard property line to maintain a “building wall” character, except for areas contiguous with the structure use for outdoor dining or courtyards;
- 3) Assurance that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians, except as may be required for landscape and security;
- 4) Extensive articulation of the building façade and use of multiple building volumes and planes;
- 5) Incorporation of landscape and other elements such as planter beds, planters, and window boxes that visually distinguish the site and structure;
- 6) Incorporation of arcades, courtyards, and other recesses along the street elevation to provide visual relief and interest;
- 7) Use of roofline and height variation to break up the massing and provide visual interest;
- 8) Visual differentiation of upper and lower floors;
- 9) Distinct treatment of building entrances; and
- 10) Use of pedestrian-oriented signage.

Along the street frontages, the proposed design incorporates roofline variations and articulation and decorative architectural details/elements. The project also provides visual interest while enhancing the pedestrian experience in the downtown area. The visitor serving commercial (retail) and residential uses proposed for the site represent development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, which is on a blighted and underutilized site containing a vacant drive-thru restaurant, and provides additional destination uses that would attract and complement visitor commercial uses.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City’s historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme

Policies - UD 1.4.1: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces/courtyard

The project complies with the Urban Design Guidelines. Along the street frontages the project provides an articulated facade and a pedestrian-oriented design through the use of design elements such as building siting along the sidewalk and decorative stone and a glass storefront used to distinguish the ground floor commercial from upper floor residential uses. The proposed mixed-use structure incorporates pedestrian oriented storefronts, and distinction between lower and upper floors. The architecture adopts a stone looking facade on the first floor, contrasting building materials, building offsets, decorative cornices, and window treatments above the second and third floor windows, and wrap around balconies. Furthermore, the proposed development storefront will be

close to the public sidewalk to encourage a pedestrian oriented design that provides window-shopping and an intimate downtown atmosphere. In addition, the building storefront extends around to the west elevation along Ninth Street to extend the pedestrian activities.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

The development consists of a mixed-use project, which provides for ground floor for visitor-serving commercial establishments. Public services and infrastructure are currently available to the project site, as well as the surrounding parcels. Additionally, the proposed project would develop visitor-serving commercial uses at the periphery of the City’s Downtown Core Mixed Use district, which has been targeted for redevelopment as a destination location. Portions of the downtown core have already been established. The proposed project provides for a transition between the downtown core and surrounding residential areas which would help further establish the area. The project site is also located near other established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 12-06:

1. The granting of Variance No. 12-06 to allow an overall building height of 48 ft. 6 in. in lieu of a maximum height of 45 ft. permitted will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The subject property is located adjacent to an oil production facility which requires a greater level of fire-resistance rated construction than similar properties. Additionally, The Huntington Beach Fire Code requires that the wall facing the oil production facility be setback a minimum of 5 ft. in lieu of a minimum of 0’ pursuant to the Downtown Specific Plan. Approximately 1,740 sq. ft. of building area is lost due to the additional setback requirement to meet minimum fire-resistance rated construction requirements. The portions of the building exceeding the 45 ft. height limit result from three fourth floor mezzanine areas that comprise 8.4% (764 sq. ft.) of the proposed building’s overall roof area. The mezzanine areas are integrated within the architecture of the proposed mixed-use building and will be 6 ft. 6 in. lower in height than other areas of the proposed building (i.e., elevator shaft and stairway enclosures including architectural projections). The proposed deviation will not exceed the height of other newly redeveloped properties in the

surrounding area or be inconsistent with height variances granted for newly developed buildings in the Downtown Core Mixed Use area.

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 located adjacent to an oil production facility which requires a greater level of fire-resistance rated construction than similar properties. Additionally, The Huntington Beach Fire Code requires that the wall facing the oil production facility be setback a minimum of 5 ft. in lieu of a minimum of 0' pursuant to the Downtown Specific Plan. Approximately 1,740 sq. ft. of building area is lost due to the additional setback requirement to meet minimum fire-resistance rated construction requirements. The portions of the building exceeding the 45 ft. height limit result from three fourth floor mezzanine areas that comprise 8.4% (764 sq. ft.) of the proposed building's overall roof area. In an attempt to offset the size constraints of the lot, mezzanines are incorporated into the fourth floor units building to provide a range of unit sizes that are consistent with newly constructed units of larger developed sites within the area.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The variance will allow the project to be developed with a specific architectural style and unique interior design layout. In light of the additional setback required due to the greater level of fire-resistance rated construction and compliance with the Huntington Beach Fire Code, the building will be afforded the ability to provide variations in unit sizes which are in line with unit sizes afforded to other properties within the Down Core Mixed Use area.
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 development of the site with a proposed height of 48 ft. 6 in. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Uses Element designation of MV M – >30 – d – sp - pd (Mixed Use – 30 Dwelling Units – Design Overlay – Specific Plan Overlay – Pedestrian Overlay) on the subject property. The height variance will not result in any significant lighting, noise, traffic, and parking impacts in the surrounding area.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 17481:

1. The Tentative Tract Map No. 17481 for condominium purposes received and dated June 25, 2012, shall be the conceptually approved layout with the following modification that the alley dedication be accurately depicted to accommodate a right-of-way line of 14 feet from alley centerline. **(SP5-3.2.6)**
2. The following conditions shall be completed prior to recordation of the final map unless otherwise stated:
 - a. At least 90 days before the recordation of the final tract map, CC&Rs shall be submitted to the Planning and Building Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association, and other requirements listed in Public Works Code Requirements. The CC&Rs shall also address assignment of parking spaces in the residential

parking garage and disclosure statements to the tenants/prospective buyers regarding the mixed use nature of the project pursuant to the Conditions of Approval of Coastal Development Permit No. 12-03 and Conditional Use Permit No. 12-05. The CC&Rs must be in recordable form prior to recordation of the map.

- b. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications* or as may be otherwise required in accordance with a separate Development Agreement that may be entered into between the City and developer. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning and Building Department Fee Schedule*). If no Final Tract Map is proposed, the applicable Park Land In-Lieu Fees shall be paid prior to issuance of building permits.
- c. All applicable Affordable Housing In-Lieu Fees shall be paid. If it is deemed necessary, the property owner shall submit an Affordable Housing Agreement to the Planning and Building Department for the required in-lieu fee. The agreement shall be reviewed and approved by the City Attorney as to form and content and, when approved, shall be recorded in the Office of the Orange County Recorder.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-03 /CONDITIONAL USE PERMIT NO. 12-05 /VARIANCE NO. 12-06:

- 1. The site plan, floor plans, elevations, section drawings, and colored renderings received and dated September 25, 2012, including the colors and materials board received and dated July 5, 2012, shall be the conceptually approved design with the following modifications:
 - a. On Sheet A0, the transition ramp serving the subterranean parking garage shall provide an unobstructed two-way path of travel. The aisle width shall be a minimum of 20 ft. wide and provided with a minimum 25-foot interior radius for any curve providing vehicular ingress and egress to the garage. The final garage design layout shall be submitted to both the Planning Division and the Public Works Traffic Division for review and final approval.
 - b. On Sheet A1, depict that a 9 feet wide and 19 feet deep vehicle can be accommodated within parking space no. 1.
 - c. On Sheet A7, continue the proposed “Lap Siding” within all the recessed balcony areas along the Pacific Coast Highway and 9th Street elevations. The proposed sand color for the lap siding shall be darkened to provide a distinct contrast from other colors proposed for the building’s exterior elevations.
 - d. On Sheet A7, install architecturally enhanced awning along the ground floor windows facing 9th Street. The awning design shall be similar to the awning located above the lobby entrance.
 - e. On Sheet A7, the roof top architectural pop up that encloses the stairway area along the 9th Street building elevation shall provide symmetrical building margins around the window panes.
 - f. All windows shall be inset a minimum of three inches from the surface of the exterior wall to add relief to the wall surface. Window frame and sills shall not count toward this recess dimension.

1. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
3. Prior to the issuance of grading permits, the following shall be completed:
 - a. At least 14 days prior to any grading activity, 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 Planning and Building Department.
 - b. A precise grading plan shall be submitted which includes a notation that any damaged sidewalk along the project frontage shall be removed and replaced per Public Works Standard Plans Nos. 202 and 207. **(PW)**
4. Prior to submittal for building permits, the following shall be completed:
 - a. A plan depicting the design of the subterranean transition ramp shall be submitted to both the Planning Division and Public Works Traffic Division for review and final approval pursuant to Condition of Approval No. 1(a).
 - b. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
 - c. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Planning and Building, Fire, and Public Works 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.

5. Prior to issuance of building permits, the following shall be completed:
 - a. A public art element shall be integrated and be in a publicly accessible place within the proposed project. Public art shall include art of:
 - Artistic excellence and innovation,
 - Appropriate to the design of the project,
 - Reflective of the community's cultural identity, (ecology, history, society).The public art element shall be reviewed and approved by the Design Review Board, the Planning Department, and the Cultural Services Division Manager prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final inspection.
 - b. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be reviewed and approved by the Design Review Board prior to the issuance of the first sign permit.
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
7. The structure cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released and issuance of a Certificate of Occupancy until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. Damaged curb and gutter at the adjacent curb return shall be removed and replaced, per Public Works Standard Plan Nos. 202 and 207. **(PW)**
8. The development services departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and

conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Director of Planning and Building's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Planning and Building may be required pursuant to the provisions of HBZSO Section 241.18.

9. Coastal Development Permit No. 12-03, Conditional Use Permit No. 12-05, and Variance No. 12-06 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
10. 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/index.cfm?fuseaction=guidelines>). Prior to submittal for building permits, the following shall be completed:

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.