

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

**WEDNESDAY, AUGUST 15, 2012 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Jill Arabe, Andrew Gonzales, Judy Demers (recording secretary)

**MINUTES:** **NONE**

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

**ITEM 1: TEMPORARY USE PERMIT NO. 12-05 (STS. SIMON AND JUDE FESTIVAL)**

**APPLICANT:** Colleen Murray, Sts. Simon and Jude. 20444 Magnolia Street, Huntington Beach, CA 92646

**PROPERTY OWNER:** Roman Catholic Bishop of Orange, 20444 Magnolis Street, Huntington Beach, CA 92646

**REQUEST:** To permit an annual Church festival for three days during the month of October, for a five year period (2012-2016). The event will include live entertainment, food and alcohol sales, crafts, games, and carnival rides. .

**LOCATION:** 20444 Magnolia Street, 92646 (northeast corner of Magnolia Street and Indianapolis Avenue)

**PROJECT PLANNER:** Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ricky Ramos, Zoning Administrator, stated that he had no questions of staff.

**THE PUBLIC HEARING WAS OPENED.**

Colleen Murray, applicant stated that she had no comments or concerns with staff's recommendations.

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

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**TEMPORARY USE PERMIT NO. 12-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY 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, because the project consists of a minor temporary use of land having no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

## **FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 12-05:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following objectives and policies:

### **Land Use Element**

**Objective LU 7.1:** Accommodate the development of a balance of land uses that provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents.

**Policy LU 13.1.1:** Allow for the continuation of existing public and private institutional, cultural, educational, and health uses at their present locations and development of new uses in areas designated on the Land Use Plan Map in accordance with Policy LU 7.1.1.

### **Noise Element**

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

The festival has been held for several years as a fundraiser for the school and church to assist the community. The event provides a variety of recreational opportunities for a period of three days per year with limited hours of operation. The festival is located in the same vicinity on the subject property as previous years with adequate setbacks provided for the rides and tents.

2. Approval of the application for an annual church festival for three days during the month of October for a five year period (2012-2016) will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed temporary structures such as booths and rides will be located with adequate separation from adjacent residential uses and removed upon completion of the event. The main tent, which includes a stage and amplified music, will be located a minimum of 54 ft. from the nearest residential property. As conditioned, the project will not generate additional impacts above existing conditions. The temporary festival will not alter any existing property in the area as the event will occur entirely on the church's property. No complaints regarding the festival from neighbors have been recorded with the Police Department and Code Enforcement Division.

**CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 12-05:**

1. The site plan, floor plans, and elevations received and dated May 31, 2012 shall be the conceptually approved design.
2. Prior to the commencement of the festival, the following shall be completed:
  - a. The applicant shall obtain clearance from the Public Liability Claims Coordinator, Administrative Services Department, and/or shall provide a Certificate of Insurance and Hold Harmless Agreement to be executed at least five (5) days prior to the event.
  - b. Prior to operation of any equipment used in conjunction with the amusement rides, the City shall be in receipt of State Certification and permits showing inspection within a one (1) year period, stating that the rides meet all requirements of the State Industrial Safety Division.
  - c. The applicant shall request a Code Enforcement Section inspection of the site for compliance with conditions of approval prior to 10:00 AM on opening day.
  - d. During all church services and events, an announcement shall be made to parishioners requesting that they refrain from parking on neighborhood streets.
3. The use shall comply with the following:

- a. Hours of operation shall be limited as follows:

	<u>Open</u>	<u>Rides Close</u>	<u>Close</u>
Friday	5:00 PM	10:00 PM	11:00 PM
Saturday	Noon	10:00 PM	11:00 PM
Sunday	Noon	8:00 PM	9:00 PM

- b. A minimum of 10 days prior to the commencement of the festival, the applicant shall submit to the Planning Division an outline describing a security plan and implementation procedure during the event including the number of security staff, shift hours and staff responsibilities for review and approval by the Planning Division and Police Department.
- c. Beer and wine consumption shall be limited to an area for adults which shall be roped off and controlled by Church personnel. **(PD)**
- d. Servers shall check the identification of all patrons purchasing alcoholic beverages to ensure they are a minimum of 21 years of age. **(PD)**
- e. Servers shall be at least 21 years of age and shall not consume alcoholic beverages while serving alcohol. **(PD)**

- f. Beer cups shall be 16 ounces or less and wine/spirit cups shall be eight ounces or less. All cups utilized for alcoholic beverages shall be distinguishable from non-alcoholic beverages. **(PD)**
  - g. Patrons may only be served two drinks at one time. **(PD)**
  - h. A minimum of two security guards shall be required during alcohol sales and live entertainment. Security shall remain at the event until one hour after close. An additional security guard shall be required for every 250 attendees. **(PD)**
  - i. All security guards must be clearly identifiable as security guards and shall be licensed with the California Department of Consumer Affairs, Bureau of Security & Investigative Services. **(PD)**
  - j. All games and raffles must comply with state law. **(PD)**
  - k. All machinery, except the refrigeration truck, shall be turned off between the hours of 10:00 PM and 8:00 AM.
  - l. If a refrigeration truck is provided, it shall be placed as far away from the residential properties as possible to minimize noise.
  - m. Use of amplifiers, speakers, musical instruments and playing of recorded music shall be limited to the tent area and shall be discontinued as of 10:00 PM each evening. Speakers shall not be directed toward any housing area.
  - n. Breakdown of stands, equipment, apparatus and rides shall be prohibited after 10:00 PM and shall conform to the provisions of the Huntington Beach Municipal Code regarding noise.
  - o. The applicant shall provide for clean-up of areas after the closing of the event. Clean-up of the site after 10:00 PM shall not include the use of any machinery or equipment that may disturb the residents in the area. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site within two (2) days of closing of the event.
  - p. The applicant shall provide professional clean-up crews to clear the adjacent streets of trash and debris each evening after the festival closes. Clean-up shall not commence prior to 7:00 AM each morning.
4. All Alcoholic Beverage Control requirements shall be met.
  5. Sts. Simon & Jude Church personnel shall provide direction of traffic and on-site parking.
  6. Church personnel shall monitor parking lots. When parking lots become full, a "lot full" sign shall be placed at the entrance to the parking lots.
  7. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the festival activity may be terminated by any Police Officer, Fire Inspector or authorized personnel from the Department of Planning & Building.

8. Requests for subsequent festival shall be made no later than sixty (60) days prior to the event, with review and public hearing by the Zoning Administrator. The Zoning Administrator shall review and evaluate past events for compliance with all conditions of approval and determine the need for new or modification of conditions of approval. The Zoning Administrator may approve, conditionally approve or deny such requests.
9. The Planning & Building Director ensures that all conditions of approval herein are complied with. The Planning & Building Director shall be notified in writing of any changes to the event. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
10. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

**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: COASTAL DEVELOPMENT PERMIT NO. 12-05 (RUSSO AND STEELE AUTO AUCTION)**

APPLICANT: Dave Alcazar, Russo and Steele  
 PROPERTY OWNER: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648  
 REQUEST: To permit an annual automobile auction for a period of 11 days during the month of June for five years (2013-2017). The main event will take place for four days and include amplified music, auction announcements, food and alcohol sales. The event will be held within the beach parking lot located between Huntington Street and the Hyatt pedestrian bridge and temporarily displace up to 588 parking spaces. The request also includes a parking management plan with shuttle services to remote parking lots located at Rodgers Senior Center, City Hall, Edison Park, Edison High School, and Newland Barn. Parking within the hotel parking lots will be available for event participants, attendees, and staff.  
 LOCATION: 21101 Pacific Coast Highway, 92648 (ocean side of Pacific Coast Highway, between Huntington Street and Beach Boulevard)  
 PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff provided an overview of the proposed project and the suggested findings for approval

Ms. Arabe stated that she received one letter in opposition of the project. She also noted that she received one phone call in opposition of the proposed project due to concerns with potential impacts to beach parking access.

Ricky Ramos, Zoning Administrator, inquired of staff that there would not be other events scheduled that could impact the remote parking locations. Ms. Arabe verified that the City would not allow other events to be scheduled that could impact the parking.

Mr. Ramos verified with staff that beach cleanup is part of the conditions for the proposed project. Ms. Arabe verified that the beach cleanup is part of the conditions for the proposed project.

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

Mike Adams, representing the applicant, commented that he had no comments or concerns with staff's recommended conditions. He also noted that this event would be one that would attract older visitors to the City.

Shaun Millburn, Robert Mayer Corporation, spoke in support of the proposed project. He stated that this event would attract a family oriented clientele.

John Lennox, resident, spoke in opposition of the project, citing concerns with the impact to the public beach parking area as well as his concern with a lack of financial return to the City. Mr. Adams, explained that the fee for the use of beach parking spaces is negotiated between the applicant and City.

James Donahue, resident, spoke in opposition of the project citing concerns with the negative impact to the beach parking spaces. He stated that the event would be a positive one if held during the off seasons.

Jack Krabb, business owner, spoke in opposition of the proposed project. He cited concerns with the negative impact to his business. He noted that the project would create a negative impact to the beach parking spaces. He noted he would be in favor of having the event at a different time of the year.

Mr. Ramos stated that the analysis of the parking area demonstrates that there would only be two days with significant impact to the parking area which are the days that the shuttles would be available. A brief discussion regarding the parking spaces availability during the duration of the event took place.

Dave Dominguez, City of Huntington Beach, stated that the the proposed 588 spaces would not be utilized for the entire 11 days. He noted that the large event, which is two days, is the only time that the full amount of spaces would be impacted. He also noted that the City negotiates a fee with the applicant to allow the use of the area. He noted that the any discussion of a 5 year agreement would include many conditions to allow the City the authority to cancel the event if the conditions are not met.

A brief discussion took place regarding the proposed timing of the event.

Mr. Adams noted that the applicant would be able to ensure that the vendors providing food would not be in competition with the existing vendors. He also noted that the opportunity to be a vendor at the event would be extended to the existing vendors first.

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

Mr. Ramos stated that, based on the information provided, including the beach parking analysis, availability of public access to the beach, and the free shuttles provided, he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 12-05 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having no permanent effects on the environment, similar in nature to such temporary uses as carnivals, sales of Christmas trees, etc.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-05:**

1. Coastal Development Permit No. 12-05 to permit an annual automobile auction for a period of 11 days during the month of June for five years (2013-2017) conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following General Plan objectives and policies:

*A. Land Use Element*

*Policy LU 14.1.3:* Require that structures located in the City's parks and other open spaces be designed to maintain the environmental character in which they are located.

*B. 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.

*Policy C 1.1.6:* Temporary and seasonal activities within the coastal zone which do not qualify as exempt activities pursuant to the Commission's guidelines adopted by the commission pursuant to Section 30610(i) of the Coastal Act shall be monitored and regulated through the coastal development permit process to protect coastal resources from adverse impacts associated with the seasonal or temporary activities.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

C. Recreation and Community Services Element

Objective RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

The proposed automobile auction is a visitor-serving commercial use and provides a recreational opportunity for classic car enthusiasts and tourists. It is proposed within close proximity of the downtown area, which comprises of other visitor-serving commercial uses. The event is located within an existing beach parking lot and will temporarily displace up to 588 parking spaces. A total of 795 parking spaces will be provided and maintained at five remote parking lots including City Hall, Edison High School and Park, Rodgers Senior Center, and Newland Barn with shuttle services to and from the lots. No other events will impact parking at the remote lots. Furthermore, the demand for additional parking for the event is not anticipated because the majority of attendees will reside as guests at the Hilton and Hyatt hotels across the street. Approximately 1,300 hotel parking spaces are available for guests and visitors, which adequately supplies parking for the event. As conditioned, event participants and spectators will be notified to park within the hotel parking lots.

The auction event will not permanently alter the property. Associated temporary improvements such as the fencing, canopies, and tent will be removed upon completion of the event. Public access to coastal waters will be available to the general public, as the event does not encroach into sidewalks, parking lot entrances, or the shoreline. The general public may visit the vendor/sponsor areas with no charge, but paid admission will be required for viewing vehicles and participating in the auction. The visual presence of the event near the iconic downtown and pier will attract tourists and increased revenue.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of SP5 (Downtown Specific Plan), the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and the Huntington Beach Municipal Code (HBMC). The automobile auction is located within District No. 7 (Beach) of SP5, which allows for beach open space uses or other related uses subject to the review and approval of the City's Design Review Board. The project is also subject to approval of a Specific Events Permit. Although the temporary event will displace up to 588 parking spaces, coastal resources including the beach, boardwalk, and all remaining parking facilities will be accessible to the general public. Pedestrian and vehicular access will be available around the event site. Free parking and shuttle service at remote parking lots will be provided to replace the temporary loss of parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will provide a temporary visitor-serving use that will not significantly change the physical environment. No permanent alterations to the site are proposed. Onsite improvements are limited to the main tent, fencing, canopies, and signage. The project is within a previously developed site in an urbanized area with all necessary services and infrastructure available. Upon completion of the event, all associated equipment and improvements will be removed and returned to its previous condition.

The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. Adequate access to coastal resources is provided around the event site including beach parking lot entrances, nearby public right-of-ways, the pedestrian overpass, and adjacent parking lots. The project includes the replacement of parking with remote parking lots at City Hall, Edison Park, Edison High School, Rodgers Senior Center, and Newland Barn. The remote parking lots are accompanied by shuttle services to the beach and event site which will be free and available for use by the general public.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 12-05:**

1. The site plans received and dated April 24, 2012, the project narrative received and dated July 24, 2012, shall be the conceptually approved design and proposal, and the parking study received and dated July 26, 2012, shall be the conceptually approved study.
2. A minimum of six months prior to the first day of the event scheduled in June 2013, the applicant shall submit to the Planning Division a detailed narrative of the shuttle services and remote parking lot operations program approved by a traffic engineer for review and approval by the Directors of Public Works and Planning & Building. The program shall address, but not be limited to, hours of operation for the shuttle, the number of shuttle buses being provided for the event, anticipated shuttle occurrence/interval time, the route (i.e., pick up/drop off areas) for shuttle buses, coordination between remote parking lots, and a traffic control plan. At the City's discretion, additional information may be required to be incorporated into the program.
3. Five months prior to the first day of the event scheduled in June 2013, the applicant shall submit to the Planning Division a complete signage program in compliance with the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Downtown Specific Plan (SP5). The signage program shall include, but not be limited to, signs posted at the event site, within the public right-of-way, and within remote parking lots, the proposed sign types, the location of proposed signs, and the information provided on the signs. Signage for the shuttle service at the remote parking lots shall identify hours of operation, and emergency and program contact information. The signage program shall be subject to review and approval by the Departments of Public Works and Planning and Building.
4. Upon approval of the shuttle program and signage program, the applicant shall promote and distribute informational materials of the auction including the remote parking lots and shuttle services during the event to sources such as the City website, Russo and Steele website, and event attendees.
5. One week prior to the first day of the event, the applicant shall provide the following:
  - a. Written notification to all the hotels and visitor accommodations within the City of Huntington Beach (including Sunset Beach) regarding the event. The notification shall include information about the partial closure of a portion of the beach parking lot, the location of free parking lots during the event, parking for the event within the Hyatt and Hilton hotel parking lots, and shuttle maps and alternative routes to the beach.
  - b. Written notification to all City beach parking pass holders regarding the event. The notification shall include information about the partial closure of a portion of the

beach parking lot, the location of free parking lots during the event, and shuttle maps and alternative routes to the beach.

6. Prior to the commencement of the use, the following shall be completed:
  - a. The Specific Events Permit shall be obtained.
  - b. Two months prior to the first day of the scheduled event, signage and fencing shall be reviewed and approved by the Design Review Board (**DRB**).
  - c. The applicant shall coordinate with the Hyatt and Hilton hotels for providing parking for event participants and spectators during the event. Written consent from the hotels for the provision of parking for event participants and spectators shall be submitted to the Planning Division.
  - d. Event participants and spectators shall be notified of available parking at the Hyatt and Hilton hotel parking lots.
  - e. Written authorization from Edison High School to reserve and utilize a minimum of 178 parking spaces for the event shall be submitted to the Planning Division.

7. The use shall comply with the following requirements:

- a. All conditions required under the Specific Events Permit issued for this event shall remain in effect.
- b. The event days including setup and takedown shall not exceed a period of 11 days in June, commencing on a Monday for setup and terminating on the following Thursday for takedown.
- c. The event shall not prohibit vehicular or pedestrian access into the beach parking lots.
- d. The hours of operation for the four-day main event shall be as follows:

	<u>OPEN</u>	<u>CLOSE</u>
Thursday	9:00 AM	10:00 PM
Friday	9:00 AM	11:00 PM
Saturday	9:00 AM	11:00 PM
Sunday	9:00 AM	4:00 PM

- e. Only the schedule of activities described in the project narrative received and dated July 24, 2012, shall be permitted.
- f. All five remote parking lots as proposed shall remain open and available for use during the event with shuttle operations per the approved program in Condition No. 2.
- g. The applicant shall maintain all remote parking lots clear of trash and debris during and after the event on Saturday and Sunday.

- h. No other events shall occur at proposed remote parking lots during the event on weekends.
  - i. Use of amplifiers, speakers, and playing of recorded music shall be limited to the event area and shall be discontinued pursuant to the closing time under Condition No. 7d. Speakers shall not be directed toward any housing area.
  - j. Any portable/fixed event lighting and theatrical lighting sets shall be positioned and aimed so that they do not shine towards or impair on-coming street traffic.
  - k. The applicant shall provide for clean-up of the subject site and adjacent streets of trash and debris after the closing of each day. Clean-up of the site between 10:00 PM and 7:00 AM shall not include the use of any machinery or equipment that may disturb the vicinity. All trash, debris and garbage, as well as special dumpsters, shall be removed from the site each day after the closing of each event.
  - l. An event liaison shall be permanently established and available to assist event attendees with issues regarding overall site operations. A sign shall be clearly posted on-site identifying the event contact and telephone number.
  - m. All construction and events activities shall comply with the noise thresholds as established by the City Noise Ordinance (Chapter 8.40 Noise Control).
8. CDP No. 12-05 shall become null and void unless exercised within two years of the date of final approval by the Zoning Administrator, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
  9. The applicant and City shall monitor the 4-day event operations which may include beach parking lot observations, tracking of ridership for shuttles, parking capacity, and public complaints. A review of the use shall be conducted by the Zoning Administrator with a publically noticed hearing within one (1) year of operation to verify compliance with all conditions of approval, applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance, and the Municipal Code. At that time the Zoning Administrator may consider modifications to the conditions of approval. In the event that the City determines there is a parking deficiency or if all remote parking lots reach full capacity for two hours as a result of the event, a subsequent review of the use shall be conducted with a publically noticed hearing prior to commencement of the event the following year.
  10. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the event may be terminated by any Police Officer, Fire Inspector, or authorized personnel of the Departments of Community Services and Planning and Building.
  11. Minor modifications to the plans shall be reviewed and approved by the Departments of Planning and Building, Community Services, and Public Works for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required.

12. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

**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 2:13 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, SEPTEMBER 5, 2012, AT 1:30 PM.**

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Ricky Ramos  
Zoning Administrator

RR:jd