

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Council Chambers - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**WEDNESDAY, June 5, 2024 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Wayne Carvalho

**STAFF MEMBER:** Madalyn Welch, Hayden Beckman Michelle Romero

**PUBLIC COMMENTS:** **NONE**

**ITEM 1: ADMINISTRATIVE PERMIT NO. 23-014/COASTAL DEVELOPMENT PERMIT NO. 23-009 (NGUYEN LIVE/WORK):**

**APPLICANT:** Frank Le, FL Design Group, 14211 Riata Street, Westminster, CA 92683

**PROPERTY OWNER:** Thomas Nguyen, 9863 Hamilton Avenue, Fountain Valley, CA 92708

**REQUEST:** **AP:** To establish a live/work unit including an accessory dwelling unit within District 1 of the Downtown Specific Plan (SP5). **CDP:** To demolish an existing single-story residence and construct a new three-story, approximately 2,519 sq. ft. residence with second and third floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, and a 288 sq. ft. visitor-serving commercial space at an overall height of 33'-6" located in the Coastal Zone.

**ENVIRONMENTAL STATUS:** This request is covered by Categorical Exemption, Class 3, Section 15303 of the California Environmental Quality Act.

**LOCATION:** 121 6th Street, 92648 (west side of 6th Street, south of Walnut Avenue)

**CITY CONTACT:** Madalyn Welch

Madalyn Welch, Associate Planner, displayed project plans 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. Staff stated that there is no ADU included in the request.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

**THE PUBLIC HEARING WAS OPENED.**

Frank Le, applicant, had no comments or concerns with staff's recommendations.

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

**ADMINISTRATIVE PERMIT NO. 23-014/COASTAL DEVELOPMENT PERMIT NO. 23-009 WERE 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 15303 of the CEQA Guidelines, because the project consists of the construction of one live/work unit within a mixed-use zone.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-009:**

1. Coastal Development Permit No. 23-009 to construct a new 2,803 sq. ft. three-story live work unit with second-floor and third-floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, 288 sq. ft. of ground floor visitor-serving commercial at an overall height of 33 feet 6 inches conforms with the General Plan, including the Local Coastal Program land use designation of the Downtown Specific Plan because the project is consistent with Coastal Element Policy C.1.1.1, which encourages development within, or contiguous to or in close proximity to existing developed areas able to accommodate it. The project's location as an interior lot would not result in an impact to public views of the ocean. The proposed construction of a new live/work unit will occur on a previously developed site, contiguous to existing residential and commercial developments that are compatible with live/work and mixed uses.
2. Coastal Development Permit No. 23-009 to construct a new 2,803 sq. ft. three-story live work unit with second-floor and third-floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, 288 sq. ft. of ground floor visitor-serving commercial at an overall height of 33 feet 6 inches is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project complies with minimum onsite parking, minimum building setbacks, maximum square footages of the live/work units, including the non-residential area, and building height requirements. The Downtown Specific Plan permits the development of a live/work unit with approval of an administrative permit. As such, the applicant is seeking approval of an administrative permit in conjunction with a coastal development permit.
3. At the time of occupancy, Coastal Development Permit No. 23-009 to construct a new 2,803 sq. ft. three-story live work unit with second-floor and third-floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, 288 sq. ft. of ground floor visitor-serving commercial at an overall height of 33 feet 6 inches can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that the proposed live/work units will be constructed on a previously developed site located within an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 23-009 to construct a new 2,803 sq. ft. three-story live work unit with second-floor and third-floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, 288 sq. ft. of ground floor visitor-serving commercial at an overall height of 33 feet 6 inches conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the proposed live/work unit is designed to be compatible in design, massing, and scale of the surrounding neighborhood and will not impede public access, recreation, or public views to coastal resources as an interior lot.

**FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 23-014:**

1. Administrative Permit No. 23-014 to construct a new 2,803 sq. ft. three-story live work unit with second-floor and third-floor balconies, a rooftop deck, an attached 582 sq. ft. three-car garage, 288 sq. ft. of ground floor visitor-serving commercial at an overall height of 33 feet 6 inches 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 because the project is designed to be compatible with the surrounding mix of commercial and residential uses. In addition, there are necessary services and infrastructure in place to accommodate the live/work uses, and the project will not impede public access, recreation, or views to coastal resources. Lastly, the project complies with the minimum onsite parking, minimum building setbacks, maximum square footage of the live/work unit, maximum square footage of non-residential area, and the building height requirements.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-009 /ADMINISTRATIVE PERMIT NO. 23-014:**

1. The plans received April 30, 2024 and the renderings received April 26, 2024 shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval from the Departments of Fire, Community Development, 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.
3. During demolition, grading, site development, and/or construction, the following shall be completed:
  - 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 10 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.
4. The structure cannot be occupied and the final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must be completed in accordance with approved plans.

- b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. 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.
5. 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.
  6. Coastal Development Permit No. 23-009 and Administrative Permit No. 23-014 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or 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 Community Development Department a minimum 30 days prior to the expiration date.
  7. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the 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 pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**ITEM 2: CONDITIONAL USE PERMIT NO. 23-019/COASTAL DEVELOPMENT PERMIT NO. 23-007 (PHAN RESIDENCE):**

APPLICANT:	Baray Karim, 15375 Barranca Pkwy. Suite B-106, Irvine, CA 92618
PROPERTY OWNER:	Nancy Ngo, 3798 Mistral Drive, Huntington Beach, CA 92649
REQUEST:	To demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 feet.
ENVIRONMENTAL STATUS:	This request is covered by Categorical Exemption, Class 3, Section 15303 of the California Environmental Quality Act.

LOCATION: 3798 Mistral Drive, 92649 (southeast corner of Mistral Dr. and Wanderer Ln.)  
CITY CONTACT: Hayden Beckman

Hayden Beckman, Senior Planner, displayed project plans 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. Staff received 20 written comment letters on this item, expressing opposition to the overall size and massing of the proposed residence. Many comments citing incompatibility with the surrounding area. Many comments referenced a false rumor that the project upon completion would operate as a sober living home.

Wayne Carvalho, Zoning Administrator, had no questions for staff.

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

Bradley Phan, property owner, stated that this project is following all the requirements on height limit and that setbacks were made on the 3<sup>rd</sup> floor to comply. Also stated that this will be his primary home and will never be a sober living home.

Baray Karim, applicant, cited that this project meets all coastal commission, building, and planning requirements. He commented that he tried to make a design that is cohesive with the surrounding properties and that the 3<sup>rd</sup> floor usage is mainly for recreational use, praying space, and to overlook the ocean view.

George Kopchok, resident, spoke in opposition to Item No. 2, citing the size of the proposed building is too big and is not appropriate for the location. He also stated privacy concerns.

Gayla Totaro, resident, spoke in opposition to Item No. 2, citing concerns with possible sober living use of the property in the future.

Mr. Carvalho addressed the speakers concerns noting that the city's sober living ordinance states that it allows any home in the residential low-density district or any single-family track home to permit a sober living facility for up to six people with the city's approval of a special use permit, which is a separate process.

Phil Gironda, resident, spoke in opposition to Item No. 2, stated that the structure will look like an institution and will change the complexion of the neighborhood.

Steve Bogart, resident, spoke in opposition to Item No. 2, citing concerns with the size of the proposed building obstructing the scenery of the community, privacy, and parking concerns.

Kathy Mulcahy, resident, spoke in opposition to Item No. 2, expressed concerns with the size of proposed residence and privacy. Also noted that the architecture isn't cohesive with the surrounding properties.

Rickey Cole, adjacent property owner, spoke in opposition to Item No. 2, stated that approving this item would be granting the property owner permission to build something that is against the rules. He noted that there will be a commercial aspect to this project and the trees on this property are a habitat for the blue heron.

David Spriggs, resident, spoke in opposition to Item No. 2, regarding concerns with proposed size and privacy.

Bill Booth, resident, spoke in opposition to Item No. 2, stating that looking at the blueprints he believes that the proposed property will never be owner-occupied and will be used for commercial purposes.

Lee Crecelius, adjacent property owner, spoke in opposition to Item No. 2, expressed that their needs to be a modified plan for the item, with a reduction in square footage and mass, to be cohesive with the surrounding properties.

Amir Farahani, resident, spoke in opposition to Item No. 2, citing the proposed size of the building is too big and is not appropriate for the location. He also stated privacy concerns and traffic impact. Also noted that the size of the home would create a load to the manmade island and soil settlements.

Lorraine Levitan, resident, spoke in opposition to Item No. 2, concerned with the infrastructure of the project causing sink holes and the flooding of storm drains.

Tamara Devitt, resident, spoke in opposition to Item No. 2, stated that size and scope of proposed building aren't consistent with off water properties and had concerns with possible sober living home use.

Mr. Beckman addressed the speakers concerns, stating that there hasn't been an application filed for a sober living facility with the city or anything at the state level.

Mary Lund, adjacent property owner, spoke in opposition to Item No. 2, expressed concerns for the size of the proposed home causing too much weight on the island and causing more sink holes. Stated the property is located on top of a drain and that residents currently deal with during floods, which create driving hazards. Also stated concern with the amount of people that will inhabit the home.

Sara Mckinney, adjacent property owner, spoke in opposition to Item No. 2, citing concerns for the overall height of the project.

Mr. Beckman addressed the speakers concerns, noting that the project plans display the measurement of the structure is taken from a finish floor elevation of two (2) feet above the top of curb, in which they are correctly designing within the parameters that the code allows.

Henriette Rieffel, engineer, spoke in opposition to Item No. 2, cited possible environmental threats.

Marc Rieffel, engineer, spoke in opposition to Item No. 2, stating that the proposed structure isn't consistent with the other properties on the island.

Rick Umbarger, adjacent property owner, spoke in opposition to Item No. 2, expressed concerns with the size of the proposed structure and parking impacts.

Bryan W., resident, spoke in opposition to Item No. 2, stating concern with the size of the proposed building.

Kathee Miller, resident, spoke in opposition to Item No. 2, noting concerns with the size of the proposed structure, nonconforming to the existing neighborhood, amount of people that will inhabit the home, environmental impacts, and the overall height of the project.

Craig Durfee, resident, spoke in opposition to Item No. 2, citing concerns with nuisance, parking impacts, and property setbacks.

Diana Zimmer, resident, spoke in opposition to Item No. 2, stated concerns with proposed building size and doesn't want to set the wrong precedent if approved.

Bradley Phan, property owner, stated that this property will house his kids, in-laws, and brother. He stated he doesn't want to invade anyone's privacy and is trying to accommodate his neighbors and went through the survey process. Stated he will agree with a condition of approval stating he or any future owner will only use the property as a single-family home and never for commercial use.

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

Mr. Carvalho clarified that the applications are before this hearing body because of the proposed third-story floor area only, and that a coastal development permit was required in conjunction with the conditional use permit because the property is in the coastal zone. He stated all the homes on the island are zoned as single-family residential. Noted that this application meets all site coverage, setbacks, and height requirements, and conforms to the third-story and residential privacy standards. He briefly explained the history of the third-story ordinance adopted in the 90's and that this project was designed to conform to the city's zoning provisions. He addressed the CEQA environmental requirement by stating that single-family homes are categorically exempt from further review. He commented on the soils issue by stating that conceptual plans were routed to the public works department for review and comment, and that the project would be required to comply with all city requirements. Lastly, he addressed the privacy concern by citing that our code has privacy standards requiring all bedroom and bathroom windows above the first floor not align with neighboring bedroom and bathroom windows.

Mr. Carvalho stated that he would approve the request as recommended by staff with added conditions to restrict the use of the property to single-family residential only, and prohibit any type of commercial use of the property in perpetuity, that there be a declaration signed and recorded with the county that this property will not be used for commercial use by current or any future owner in the event of the sale. A second condition was included restricting the grade between the finished floor and highest adjacent curb to a maximum of two (2) feet.

**CONDITIONAL USE PERMIT NO. 23-019 & COASTAL DEVELOPMENT PERMIT NO. 23-007 WERE APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED 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 15303 of the CEQA Guidelines because the project would develop a single-family residence within an existing urbanized residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 23-019:**

1. Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. 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 because the third floor space is designed to be confined within the second floor volume, which facilitates the structure's resemblance to a two-story home with a mass and scale that is similar to the proportion and scale of homes in the surrounding neighborhood. In addition, the third-floor deck is setback 5 ft. from the building exterior and is oriented towards the public right-of-way, which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences. Furthermore, the deck does not exceed the height limit and will only be accessible via the interior of the residence.
2. The granting of the Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Policy LU-1(A): Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-4(D): Ensure that single-family residences are of compatible proportion, scale, and character to surrounding neighborhoods.

The proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed third-floor space will be integrated within the confines of the second-story roof volume to ensure that the proposed residence will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the proposed third-floor deck will be oriented towards the street and will be setback five ft. from the building exterior, ensuring privacy is maintained for abutting residences.

3. The proposed Conditional Use Permit No. 23-019 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. 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) because the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the third-floor area is designed to be within the confines of the second story roof volume and the new third floor deck will be set back five ft. from the building façade, as required by the HBZSO. Third floor habitable area is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-007:**

1. Coastal Development Permit No. 23-007 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program because the request to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a developed site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and privacy design 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 because Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 23-007 to demolish an existing two-story single-family residence and construct an 8,655 sq. ft. three-story single-family residence at an overall height of 30 ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-019/ COASTAL DEVELOPMENT PERMIT NO. 23-007:**

1. The site plan, floor plans, and elevations received April 8, 2024 shall be the conceptually approved layout.
2. The differential between top of subfloor (finished floor) and datum (highest adjacent curb) shall be a maximum of two feet as determined by Public Works. In the event that any subfloor, stem wall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the proposed 30-foot maximum allowable ridgeline height. **(Code Requirement HBZSO 230.70 (B))**

3. Prior to issuance of building permits, the owner shall provide the Director evidence of a covenant agreement filed and recorded with the County of Orange upon the subject property that stipulates that only a single-family residence will exist on the property, and that no commercial, quasi-residential, or institutional land uses including a group home or sober living home will be established. The covenant agreement shall be effective in perpetuity with the subject property.
4. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval 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. During demolition, grading, site development, and/or construction, the following shall be completed:
  - 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 10 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.
6. Prior to issuance of final building permits, the following shall be completed:
  - a. All improvements must be completed in accordance with approved plans.
  - b. Compliance with all conditions of approval specified herein shall be verified by the Community Development Department.
  - c. 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.
7. 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.
8. Conditional Use Permit No. 23-019 in conjunction with Coastal Development Permit No. 23-007 shall become null and void unless exercised within two years of the date of final approval 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 Community Development Department a minimum 30 days prior to the expiration date.

9. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Community Development may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the 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 pursuant to the provisions of HBZSO Section 241.18.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**THE MEETING WAS ADJOURNED AT 3:02 P.M. TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, June 19, 2024, AT 1:30 P. M.**

  
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Wayne Carvalho  
Zoning Administrator

WC:mr