

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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Long Beach, CA 90802
PHONE: (562) 590-5071
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W9b

5-17-0226 (TEAM HALEY, LP)

JUNE 5, 2017

CORRESPONDENCE

From: tony sellas [<mailto:tony.sellas@gmail.com>]

Sent: Friday, June 02, 2017 1:16 AM

To: Turnbull-Sanders, Effie@Coastal; Brownsey, Donne@Coastal; Vargas, Mark@Coastal; Uranga, Roberto@Coastal

Cc: Ainsworth, John@Coastal; Vaughn, Meg@Coastal; Posner, Chuck@Coastal

Subject: Consent Calendar: for Application No. 5-17-0226 (Team Haley, LP, Sunset Beach)

Dear Commissioners and Staff,

I am requesting the removal of Application No. 5-17-0226 (Team Haley, LP, Sunset Beach) from the consent calendar.

Please find my attached documents challenging the zoning for this project.

Thanks you very much,

If you have any questions please let me know.

Sincerely,

Tony Sellas

STAFF REPORT: CONSENT CALENDAR 5-17-0226 Filed: 4/25/2017 Hearing Date for June 8th.

This document is to challenge the zoning issues for this project.

Zoning inconsistencies	Sunset Beach Specific Plan	Proposed Project	Explanation slide #
Huntington Beach zoning definitions			2
Calculating the 50% max residential allowed above the principle permitted use.	Requires using the calculation method of <u>"Gross Square Foot"</u> which only measures the <u>"area of a nonresidential development"</u> The max residential allowed is 1,628 sq. ft x 50% = <u>814 sq.ft of residential allowed.</u>	1,121 sq. ft.	3
Required parking for commercial and Residential.	Requires using the calculation method of <u>"Gross Floor Area"</u> <u>The total enclosed area of all floors of a building measured</u> the outside face of the structural members in exterior walls," Proposed structure is; 1) Commercial + Residential = Total sq.ft. 1,628 + 1,121 = 2,749 2) One spot for 225 sq. ft for general retail 3) So 2,749 / 225 = 12.21 spot for <u>"Gross Floor Area"</u> 4) Add two spots for residential = <u>14.21 spots</u>	This project is using the calculation method of <u>"Gross Square Foot"</u> which only <u>area of a nonresidential development"</u> 1) Commercial = 1,628 2) One spot for 225 sq. ft for general retail 3) 1,628 / 225 = 7.23 spots required 4) Add two spots for residential = <u>9.23 spots</u>	4
The real Lot size	The SBSP and Orange County APN map show the lot size to be roughly around 4,000 sq. ft.	7,628 sq. ft.	5,6
Recommendations			7

City of Huntington Beach's definitions from the zoning codes

1. **Floor Area, Gross**. The total enclosed *area* of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each *floor* level, service and mechanical equipment rooms, and habitable basement or attic areas, but excluding *area* for vehicle parking and loading.
2. **"Gross square feet" or "gsf"** means the *area of a nonresidential development* measured from the exterior building lines of each floor with respect to enclosed spaces but excluding parking spaces whether or not enclosed. For purposes of this chapter, the term "enclosed spaces" specifically includes, but is not limited to, an area available to and customarily used by the general public and all areas of business establishments generally accessible to the public such as fenced, or partially fenced in areas of garden centers attached to and serving the primary structure.

Very Important:

1. For 50% max residential – The SBSP requires using the **Gross Square Feet** measurement to determine the 50% max residential. But the City and this project are using the calculation of **Gross Floor Area** to maximize the residential.
2. For parking – the SBSP requires using **Gross Floor Area**. But the City and this project are using the **Gross Square Feet** calculation to reduce the required parking spots.

11. Bed and breakfast.

C. Other Permitted Uses

Other permitted uses subject to a Coastal Development Permit and a Conditional Use Permit by the Zoning Administrator.

1. Civic and government uses.
2. Community facility.
3. Public/private utility buildings and structures.
4. Residential Uses:
 - a. Located above the first floor of a Principal Permitted Use.
 - b. Parking for both the primary commercial uses and the residential use conforms to Section 3.3.4 of these regulations.
 - c. Such residential use shall not exceed 50 percent of the gross square footage of the entire structure. Additions to lawful nonconforming residential uses are permitted if their cost does not exceed 50 percent of the market value of the residential use.

1. **Other Permitted Uses** is a special permit for the mix use commercial district.

Very important:

1. **"Gross Square Footage"** is only use once in the entire Sunset Beach Specific plan.
 1. The reason I think the **"Gross Square Footage"** calculation was use is to make the CV have a higher priority than residential. So the residential can never exceed 50% of the nonresidential of a structure. This is important on small lot and reduced parking.
2. The City of Huntington Beach uses the calculation of **"Gross Floor Area"** to determine the max 50% residential above commercial. The reason is Scott Hess said since the **"Gross Square Foot"** definition is not in the Sunset Beach Specific Plan so it is up to his discretion to use **Gross Floor Area**.
3. Using **"Gross floor Area"** allows the CV to be equal to the residential, therefore taking away the higher priority of CV and reducing parking.

A. PROJECT DESCRIPTION

The proposed project is located on a 7,628 square foot harbor-front lot at 16832 Pacific Coast Highway, in the Sunset Beach area of the City of Huntington Beach, Orange County (Exhibit 1). The proposed development is the reconstruction of an existing fire damaged structure, resulting in a 2,886 square foot structure, including a 1,628 square foot first floor commercial space, a 1,121 square foot second floor, single residential unit. An existing parking lot is proposed to remain.

The subject site is a harbor-front, bulkheaded lot. A boat dock also currently exists at the site. The existing bulkhead at the subject site was permitted pursuant to Coastal Development Permit No. 5-83-826 and 5-83-826-A. The boat dock at the subject site was permitted pursuant to Coastal Development Permit No. 5-83-826-A2. No work is proposed to the existing bulkhead or boat dock.

B. PARKING AND PUBLIC ACCESS

A twenty-space parking lot currently exists at the subject site. The parking lot will be re-stripped in order to accommodate required relocation of a handicapped space nearer to the building. Even with the reduction of one parking space, the 19 parking spaces are adequate to support the parking demands of the proposed structure. The Commission's typically imposed parking standards include two spaces per residential unit and one space per 225 square feet of gross floor area for general retail space. This is also consistent with the County's previously certified LCP for Sunset Beach.

9

The SBSP requires using the calculation method of **"Gross Square Foot"** which only measures the **"area of a nonresidential development"**

The max residential allowed is

- The nonresidential = 1,628 sq. ft.
- $1,628 \text{ sq. ft} \times 50\% = \mathbf{814 \text{ sq.ft of residential allowed.}}$

This is an example of using **Gross Floor Area** to calculate the 50% max residential.

The max residential allowed is

- The nonresidential = 1,628 sq. ft.
- Propose residential = 1,121 sq. ft.
- So the sum of **area of all floors of a building measured is $1,628 + 1,121 = 2,749$**
- The max residential is $2,749 \times 50\% = 1,375 \text{ sq. ft.}$
- **To conclude**
- **Gross Square Feet** allows 814 sq.ft of residential
- **Gross Floor Area** allows 1,375 sq. ft. of residential.

3. Minimum parking stalls required by specific use within Sunset Beach are set out as follows:

- | | | |
|----|---|--|
| k. | General retail stores, except as otherwise noted. | 1 space for each 225 sq. ft. gross floor area. |
| l. | Laundromats. | 1 space for each 4 machines. |
| m. | Medical/dental office or clinic. | 1 space for each 150 sq. ft. of gross floor area |
| n. | Motel or hotel. | 1 space for each guest unit. 2 spaces for any unit having facilities other than bathroom, e.g., kitchen, wet bar, etc. |
| o. | Private golf course, swim club, | 1 space for each 4 persons based |

January 2017

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Sunset Beach Specific Plan

country club, tennis club, recreation center, or similar use. upon maximum capacity of all facilities capable of simultaneous use as determined by the staff, plus 1 space for each 2 employees.

- | | | |
|----|--------------|---------------------------------|
| p. | Residential. | 2 spaces for each dwelling unit |
|----|--------------|---------------------------------|

Very Important

The Sunset Beach Specific plan requires parking to be calculated by **Gross Floor Area**.

The City of Huntington Beach and this project are using the calculation of "**Gross Square feet**"

This is a perfect example of how **Gross Square Feet** is being used instead of the required **Gross Floor Area** to reduce the required parking spots.

The residential is being counted as two spots and the **nonresidential only is being divided by 225** (1,628/225)

Per the definition of **Gross Floor Area** the residential and nonresidential are added up. Then divided by 225. Then add two additional spots for residential.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Parking

- A. The nineteen (19) parking spaces on the subject site shall be available to serve only the development approved under this coastal development permit 5-17-0226, except as provided below in subsection B of this condition. Any reduction in the number of spaces available at the subject site shall require an amendment to this permit or a new coastal development permit, unless the Executive Director determines that none is legally required.
- B. Any shared use of the on-site parking spaces for a use other than that approved under this permit shall be allowed only when a Parking Management Plan, prepared by an appropriately licensed professional, has been submitted for the review and approval of the Executive Director. The Parking Management Plan shall include, but is not necessarily limited to:
- a detailed description of each type of the use and the related area in gross square feet that will be sharing the on-site parking (including the residential and commercial uses approved at the site);
 - the hours each use will have access to the on-site parking;

Based upon these typically imposed parking standards, the proposed residence would require two parking spaces and the proposed retail commercial space would require 8 spaces (1628 square feet x 1 space/225 square feet = 7.235 or 8 spaces). However, the subject parking lot has previously been shared by surrounding uses including the immediately adjacent office/commercial structure and a nearby restaurant which if continued may result in a shortage of onsite parking spaces for the proposed development here.

Sunset Beach is generally short of parking due to development of the area prior to imposition of current parking standards; many existing uses are not able to accommodate adequate parking on-site. Thus, in cases where additional parking is available, shared use parking may be appropriate.

- This project's states the lot size is 7,628 sq. ft.
- Per the Orange County APN map the lot is next to two empty lots.
- Please see the next slide. I used Google maps to determine the lot size and it is roughly 3,960 sq. ft.

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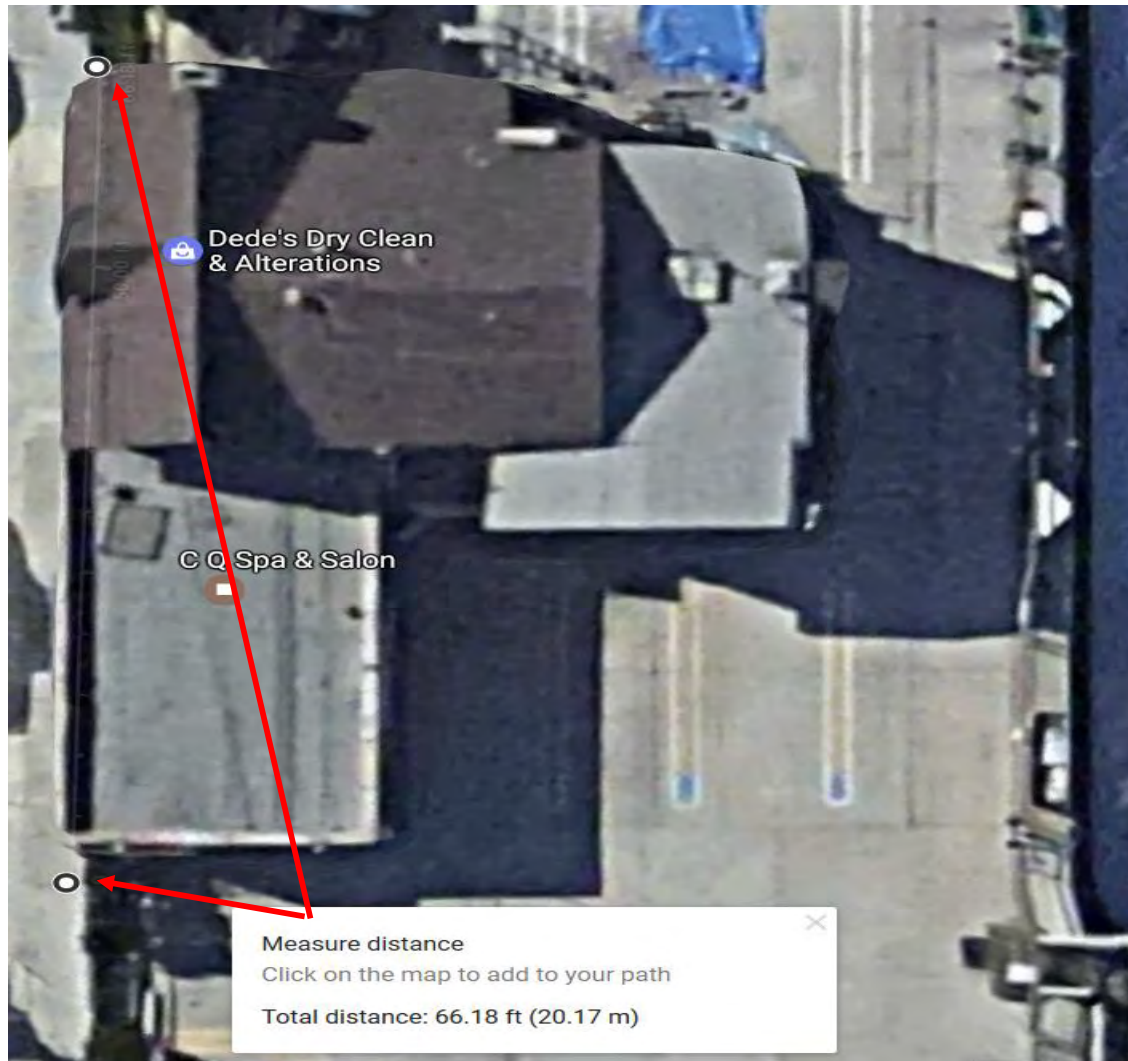
The subject site is a harbor-front, bulkheaded lot. A boat dock also currently exists at the site. The existing bulkhead at the subject site was permitted pursuant to Coastal Development Permit No. 5-83-826 and 5-83-826-A. The boat dock at the subject site was permitted pursuant to Coastal Development Permit No. 5-83-826-A2. No work is proposed to the existing bulkhead or boat dock.

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This a rough measurement of the property base on the 16832 PCH -APN 178-532-34 APN 178-532-34 map



The length of property is around 66 ft.



The width of property is around 60 ft.

So the gross sq. ft. of the property is 3,960 not

Recommendations

1. For this project, the proposed height is 28.3 feet, thus exceeding the 10% threshold by more than 7 feet. (See 5-17-0226 (Team Haley, LP) page 9)
 - Per the Sunset Beach Specific Plan, page 43, section H, “The replacement residential use/structure may not be increased more than 10 percent in height or footprint beyond what was existing and must be rebuilt in the same location.”
 - The owner should stay is the SBSP 10% requirement.
 - If the own choices to build past the 10% requirement then all the Sunset Beach Specific Plan’s required parking and residential requirement should apply.

My request to the Coastal Commissioners for this and future project in Sunset Beach.

1. Please take this time to make a ruling stating the City of Huntington Beach’s definition of “[“Gross square feet” or “gsf”](#)” applies to Page 41, sec C, 4C “Such residential use shall not exceed 50 percent of the **gross square footage** of the entire structure. “
2. Please direct the City of Huntington Beach to insert the definition of “**Gross Square Feet**” into the Draft Sunset Beach Specific Plan.
3. Please direct the City of Huntington Beach to insert the definition of “[Gross Floor Area](#)” into the Draft Sunset Beach Specific Plan.

Request item 2 and 3 are very import. This would adds clarity to the citizen’s of Sunset Beach. It would also ensure that CV has the highest priority over residential and would eliminate any parking issues because the residential cannot equal nonresidential and compete for parking spots.

The Community has meet with Scott Hess concerning this issues and he said since the definition of **Gross Square Feet** or **Gross Floor area** are not defined in the Sunset Beach Specific Plan, he has the discretion to apply any calculation to a project.

Scott Hess refers to SBSP page 59 section **4.1 Enforcement of the Specific Plan**

“Any development regulation and building requirement not addressed in the Specific Plan shall be subject to the City’s adopted regulations in effect at the time of an individual request. “

The community of Sunset Beach take you for your service to the community.

Unknown

From: Sondra Haley <sjhaley1@gmail.com>
Sent: Monday, June 05, 2017 5:11 PM
To: Vaughn, Meg@Coastal; Posner, Chuck@Coastal
Cc: Schwing, Karl@Coastal; rramos@surfcity-hb.org; K.C. COULTRUP
Subject: Fwd: Consent Calendar: for Application No. 5-17-0226 (Team Haley, LP, Sunset Beach)
Attachments: NOA AP 16-022 16832 PCH.pdf; NOA AP 16-022 16832 PCH.pdf

Mr. Posner and Meg:

Regarding Mr. Sellas' comments, the City of Huntington Beach Community Development Department agrees that our project is in compliance with the Draft Sunset Beach Specific Plan. Section C, 4c clearly states: Such residential use shall not exceed **50 percent of the gross square footage of the entire structure.**

The Huntington Beach Community Development Department has provided a statement below confirming Approval in Concept, per the Draft Sunset Beach Specific Plan. The Administrative Permit NOA is also attached.

Please let me know if I can provide any additional information. I will be in touch with Meg first thing Tuesday morning.

Thank you,

Sondra Haley

Good afternoon Marcus,

The City of Huntington Beach Community Development Department "Approved in Concept" Administrative Permit No. 16-022 on February 16, 2017. AP 16-022 was reviewed and plan checked in accordance with the Draft Sunset Beach Specific Plan (SP-17). Additionally, Finding of Approval No. 1 states the proposed project conforms to the Draft Sunset Beach Specific Plan. Please see the attached Notice of Action letter dated February 16, 2017.

Thanks,

Kimo Burden | Planning Aide
City of Huntington Beach
Community Development Department
714.536.5438 | kimo.burden@surfcity-hb.org

From: "Posner, Chuck@Coastal" <Chuck.Posner@coastal.ca.gov>
Subject: FW: Consent Calendar: for Application No. 5-17-0226 (Team Haley, LP, Sunset Beach)
Date: June 2, 2017 at 5:02:16 PM PDT
To: "'sjhaley1@gmail.com'" <sjhaley1@gmail.com>
Cc: "Vaughn, Meg@Coastal" <Meg.Vaughn@coastal.ca.gov>, "Schwing, Karl@Coastal" <Karl.Schwing@coastal.ca.gov>, "Ramos, Ricky" <rmos@surfcity-hb.org>

Sondra – We received this email questioning the calculations for the project. Please respond if you would like.

Charles R. Posner
Supervisor of Planning
California Coastal Commission
200 Ocean Gate - Tenth Floor
Long Beach, CA 90802
(562) 590-5071
Chuck.posner@coastal.ca.gov

From: tony sellas [mailto:tony.sellas@gmail.com]
Sent: Friday, June 02, 2017 1:16 AM
To: Turnbull-Sanders, Effie@Coastal; Brownsey, Donne@Coastal; Vargas, Mark@Coastal; Uranga, Roberto@Coastal
Cc: Ainsworth, John@Coastal; Vaughn, Meg@Coastal; Posner, Chuck@Coastal
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Dear Commissioners and Staff,

I am requesting the removal of Application No. 5-17-0226 (Team Haley, LP, Sunset Beach) from the consent calendar.

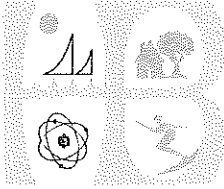
Please find my attached documents challenging the zoning for this project.

Thanks you very much,

If you have any questions please let me know.

Sincerely,

Tony Sellas



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Planning Division

714/536-5271

Code Enforcement Division

714/375-5155

Building Division

714/536-5241

NOTICE OF ACTION

February 16, 2017

SUBJECT: **ADMINISTRATIVE PERMIT NO. 16-022 (HALEY DEVELOPMENT)**

APPLICANT: Marcus Kemmerer, 228 Crest Avenue, Huntington Beach, CA 92648

PROPERTY OWNER: Team Haley LP, PO Box 714, Seal Beach, CA 90740

REQUEST: To approve in concept the repair, remodel and 70 sq. ft. addition to a Commercial Mixed Use building due to fire damage. The repairs will create a new layout for the commercial and residential portions of the building.

LOCATION: 16832 Pacific Coast Highway, 92649 (south of Broadway east of Pacific Coast Highway)

CITY CONTACT: Kimo Burden

DATE OF ACTION: February 16, 2017

On February 16, 2017, the Community Development Department of the City of Huntington Beach took action on your request and **APPROVED IN CONCEPT** your request. Attached to this letter are the findings and conditions of approval for your application.

Please be advised that the Community Development Department reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to issuance of building permits. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your project. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Community Development Department is final unless an appeal is


filed to the Planning Commission by you or by an interested party. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten calendar days of the date of the Community Development Department's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. A filing fee of \$2,364 shall also accompany the notice of appeal. The last day for filing an appeal and paying the filing fee for the above noted application is **Monday, February 27, 2017** at 5:00 p.m.

If you have any questions, please contact Kimo Burden, Planning Aide at (714) 536-5438 or via email at kimo.burden@surfcity-hb.org or the Planning Division Planning and Zoning Information Counter at (714) 536-5271.

Sincerely,

Scott Hess, AICP
Director of Community Development

by:



Kimo Burden
Planning Aide

Attachments: Findings and Conditions of Approval – Administrative Permit No. 16-022

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Ken Domer, Assistant City Manager
Scott Hess, Director of Community Development
Jane James, Planning Manager
Bill Reardon, Division Chief / Fire Marshall
Debbie Debow, Principal Civil Engineer
Team Haley LP, Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

ADMINISTRATIVE PERMIT NO. 16-022

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Community Development Department 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 repair and minor addition to an existing mixed-use structure located within an urbanized commercial zone.

FINDINGS FOR APPROVAL - ADMINISTRATIVE PERMIT NO. 16-022:

1. Administrative Permit No. 16-022 to "approve in concept" the repair, remodel and 70 sq. ft. addition to a Commercial Mixed Use building due to fire damage conforms with the General Plan and the Draft Sunset Beach Specific Plan designation of Sunset Beach. The proposed project is consistent with Coastal Element 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 repairs, remodel and 70 sq. ft. addition to the existing mixed-use building will occur on a developed site, contiguous to existing commercial developments.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district and other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including minimum setbacks and on-site parking, and maximum building height.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Draft Sunset Beach Specific Plan. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – ADMINISTRATIVE PERMIT NO. 16-022:

1. The site plan, floor plans, and elevations received and dated January 20, 2017, shall be the conceptually approved layout with the following modifications:
 - a. Remove all eaves that project into the public right of way, unless an encroachment permit is obtained by the California Department of Transportation (Caltrans) and approval by the Huntington Beach Public Works Department and Building Division.

2. Prior to submittal for building permits, the following shall be completed:
 - a. Submit evidence of Coastal Development Permit approval by the California Coastal Commission.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum 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.
 - c. One set of revised site plan, floor plan and elevations in accordance with Condition No. 1 shall be submitted to the Planning Division for review and approval and inclusion in the entitlement file.
3. Any conditions of approval, imposed by the Coastal Commission, that are more restrictive than those set forth in this approval shall be adhered to.
4. 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.
5. 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 Community Development Department 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 Community Development Department's action.
6. 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/green-building-guidelines-rating>).

INFORMATION ON SPECIFIC CODE REQUIREMENTS

1. Administrative Permit No. 16-022 shall not become effective until the ten-calendar day appeal period has elapsed and Coastal Commission has given final approval. **(HBZSO Section 241.14 and California Coastal Act)**

2. Administrative Permit No. 16-022 shall become null and void unless exercised within one year 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 Community Development Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16)**
3. The Community Development Department reserves the right to revoke Administrative Permit No. 16-022, pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 249.06)**
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
5. The development shall comply with all applicable development standards of the Draft Sunset Beach Specific Plan **(SP17 Section 3.3.2)**

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.