

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE PARCEL MAP 18-181

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels and is in conformance with the General Plan, no variances or exceptions are required, and all services and access to the proposed parcels are available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 18-181:

1. Tentative Parcel Map No. 18-181 to allow the subdivision of a 2.87-acre parcel into three parcels is consistent with the General Plan Land Use Element designation of Commercial Neighborhood (CN) on the subject property in that it permits the proposed subdivision and commercial use. The proposed subdivision complies with all other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Based on conditions of approval that require a recorded access agreement, the resulting three parcels meet the minimum lot size and lot width standards of the CG (Commercial General) Zoning District.
2. Tentative Parcel Map No. 18-181 to allow the subdivision of a 2.87-acre parcel into three parcels is physically suitable for the type and density of development because the proposed three parcels will comply with all applicable code provisions of the HBZSO including minimum lot width and lot size, based on a recorded access agreement. The site is located in a commercial area and is currently developed as a commercial shopping center. No new development is proposed in conjunction with the proposed tentative parcel map.
3. The subdivision design will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is located in an urban setting, is currently developed as a commercial shopping center, does not contain wildlife or habitat, and no further development of the site is proposed in conjunction with the proposed tentative parcel map.
4. The design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The subdivision will continue to provide all necessary easements and will not affect any existing public easements.

CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 18-181:

1. The tentative parcel map received and dated October 11, 2018 shall be the conceptually approved design.
2. Within 45 days of recordation of the final map, a Reciprocal Easement and Maintenance Agreement shall be recorded with the Clerk Recorder against the title of all four parcels.

The legal instrument shall be submitted to the Community Development Department for review by the City Attorney's office prior to approval of the final map. A copy of the recorded agreement shall be filed with the Planning Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. The entire shopping center site shall function as one parcel, therefore the Agreement must include the following provisions:

- a. Reciprocal vehicular and pedestrian access, ingress and egress to the public street system, and parking in perpetuity, across all parcels.
 - b. A requirement that improvements and on-going maintenance, such as façade remodels, restriping, new asphalt, etc., to the parking and landscaped areas made on one parcel shall be made concurrently on all other parcels.
 - c. A restriction that Existing Parcel 1, Proposed Parcel 1, Proposed Parcel 2, and Proposed Parcel 3 (as identified on the site plan) shall be considered one lot only when determining compliance with freestanding sign standards, landscaping standards, and off-street parking standards.
 - d. Reciprocal easements for access and utility services shall be provided across the existing parcels and the proposed parcels for the benefit of each other. **(PW)**
 - e. Documentation shall be provided to the City to substantiate the reciprocal easements for access across the parcels (the proposed parcel and the adjoining lots not part of the project) for the benefit of each other. **(PW)**
 - f. City approval for any change to the Agreement.
3. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
 4. Tentative Parcel Map No. 18-181 shall become null and void unless exercised within two years of the date of 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.
 5. A new easement for water line purposes shall be dedicated to the City of Huntington Beach for those existing onsite water lines that do not have an easement dedicated to the City of Huntington Beach over them. Any existing water service/meter located in one of the proposed parcels, which services a separate new parcel shall have an easement over it (in favor of the parcel owner being serviced by said water service/meter). **(PW)**
 6. 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 the map and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed revisions shall be called out on the sets submitted for final map review. The map shall not be finalized 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.