

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 24-018

VARIANCE NO. 24-004

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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 15301, Existing Facilities, because the project consists of a minor alteration to an existing commercial structure involving no expansion beyond that previously existing.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 24-018:

1. Conditional Use Permit No. 24-018 to permit the operation of a 1,459 sq. ft. afterschool daycare facility by repurposing an existing single-family residence 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 proposed use is an allowed use within the Residential Medium Density zoning district. The 11,864 sq. ft. project site is located across an elementary school at 17192 Oak Lane within an existing multiple residential area, similar to other daycare facilities in residential districts. The afterschool daycare facility will be operated by a nonprofit organization named “Common Ground” and serves at-risk youth within the neighboring community. The organization proposes to expand the existing 935 sq. ft. structure by adding a 524 sq. ft. addition to the front of the structure for a total of 1,459 sq. ft. The facility proposes to offer activities such as weekly bible study, homework study and a cooking club. Since most of the activities primarily occur indoors and during afterschool hours, impacts to surrounding residential neighborhood are minimized. Furthermore, the afterschool daycare facility meets the minimum onsite parking requirements per the HBZSO, by providing three spaces for each of the three staff members in addition to providing one additional parking space within a garage. The proposed use will help to fulfill community serving needs of existing and future residents of Huntington Beach.

2. Conditional Use Permit No. 24-018 to permit the operation of a 1,459 sq. ft. afterschool daycare facility by repurposing an existing single-family residence will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of RM (Residential Medium Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

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-1A: Ensure that the 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-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

The proposed 1,459 sq. ft. afterschool daycare facility by repurposing an existing single-family residence will offer a service that meets the regional and local community needs on a residential property with an optimal location and accessibility near major streets.

3. Conditional Use Permit No. 24-018 to permit the operation of a 1,459 sq. ft. afterschool daycare facility by repurposing an existing single-family residence will comply with the provisions of the RM (Residential Medium Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it would be located. Residential Medium District allows general daycare uses with the approval of a Conditional Use Permit from the Zoning Administrator.

FINDINGS FOR APPROVAL – VARIANCE NO. 24-004:

1. The granting of Variance No. 24-004 for a reduced driveway width of 16 feet in the lieu of 20 feet, at a proposed afterschool daycare facility will not constitute a grant of special privilege because the variance addresses unique development constraints related to the subject site. This property was originally developed in 1962 as a single-family residence on a lot with 48 feet in width, which is currently classified as legal non-conforming. At the time of construction, the property was provided with a 16-foot-wide driveway which were common under previous zoning codes and continue to be a exist within the surrounding neighborhood. However, since the subject property's length of drive exceeds the HBZSO standard of 150 ft measuring 247 ft., a driveway width of 20 ft. is required. As such, the zoning code's adherence to a 20 ft. wide driveway would prohibit the adaptive reuse of an existing non-conforming residential structure and property that would otherwise require a variance to support new residential construction. Considering the layout of the existing building on site, and exhausting all other possibilities, there is no other option available other than to demolish/remove four feet from the residential structure to accommodate the additional width. The variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and an identical zone classification.

2. Because of special circumstances applicable to the subject property including lot size and shape, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity an under identical zone classification. The subject property measures 48 ft. wide by 247 ft. deep, representing an abnormal shaped lot for modern development. Under current requirements, the proposed use is required to provide a 20-foot driveway width, and when compared to the additional provision of side and front yard setbacks, is found to be burdensome to provide a structure of useable size. The effect of providing the required 20 ft. driveway width would be a reduction to the existing dwelling structure, thus reducing the amount of habitable area of an already undersized structure and represents a cost prohibitive option. The variance request for reduced driveway width would resolve the practical difficulties created by the location of the existing residence on site in order to bring the site into vehicle access compliance without having to significantly alter the structure.
3. The granting of Variance No. 24-004 for a reduced driveway width of 16 ft. in lieu of 20 ft. is necessary to preserve the enjoyment of one or more substantial property rights because the requested variance will allow the subject site to be improved by allowing this site to adequately maintain vehicular access for future employees and the community being served, including the collection of trash. The requested variance supports the adaptive reuse of a residential structure on an abnormally narrow lot and therefore is necessary to preserve the development rights afforded by the property's residential land use designation.
4. The granting of the variance for a reduced driveway width of 16 ft. in lieu of the required 20 ft. will not be materially detrimental to the public welfare or injurious to property in the same zone classification. The requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards, based on the existing lot size and width. The proposed use is compatible in the proportion, scale, and character of the adjoining uses and the existing building on site.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 24-018/VARIANCE NO. 24-004:

1. The site plan, floor plan, and elevations received and dated October 23, 2024, shall be the conceptually approved design.
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements 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. The structure(s) cannot be occupied until the following have been completed:

- a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - c. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division.
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. Conditional Use Permit No. 24-018 in conjunction with Variance No. 24-004 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time, as may be granted by the Director pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
 6. Conditional Use Permit No. 24-018 shall not become effective until the appeal period following the approval of the entitlement has elapsed.
 7. The Development Services Departments (Fire, Community Development, 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.