

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 2024-026**

#### **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 a fence, ancillary to a commercial property.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2024-026:**

1. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 in. within the front yard setback 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. Although the fence exceeds the maximum height allowed within the front yard setback, the proposed height, as modified, will not pose a safety or traffic hazard, as the subject site is an interior lot and because the fence is an open slat design which allows visual clearances along the front property line. The visual character of the neighborhood will not be negatively impacted because landscaping will be provided along the front property line to enhance the appearance of the fence along the street frontage. A six-foot planter will be maintained in front of the fence and landscaping in front of the fence will be visible which will serve to soften the appearance of the fence creating an attractive streetscape. The fence is consistent with other legally established walls or fences located along the front property line in other residential districts. This request also includes a reduced front entrance vehicle stacking distance of 11 ft. in lieu of the required 20 ft. Since the front entrance fence/gate will remain open during regular business hours, this concern will be mitigated as it will enable vehicles to enter further into the parking drive isle eliminating any backup into the street. In addition, this request includes allowing the proposed 6 ft. tall fence/gate in lieu of the required height of 42 in. within a portion of the required 10 ft. visibility triangles located at the rear exit leading into the alley. Since the fence/gate is an open slat design and serves as an exit only, visibility is maintained mitigating line of sight obstruction concerns. Lastly, the 10 ft by 5 ft visibility triangle applicable to the neighboring property's rear garage located at 619 Main Street will be maintained and unobstructed.
2. The granting of the Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron fence within the front setback in lieu of the maximum height of 42 in. within the front yard setback area will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial General). In addition, it is consistent 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(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

The overall height of the fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall heights and the proposed fence consists of an open slat wrought iron fence, which creates an attractive appearance. The visual character of the neighborhood will not be negatively impacted because the fence facing Main Street will be set back 6 ft. from the front property line and landscaping will be maintained in front of the fence, which will soften the appearance of the fence. The proposed rear fence will be constructed along the rear property line and does not require a setback or reduction in height, with exception of the rear visibility triangles present at the driveway exit. Since the wrought iron fence will be an open slat design, visibility will be maintained thereby minimizing any visual obstructions.

3. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron security fence within the front yard setback in lieu of the maximum height of 42 in. within the front yard setback area will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because walls and fences are allowed to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

#### **CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 2024-026**

1. The site plan and elevations received and dated October 2, 2024, shall be the conceptually approved layout with the following modifications:
  - a. The planter area fronting the fence along the front setback shall incorporate landscape plantings.
  - b. An additional planter area shall be added to form an expanded planter area along the 7<sup>th</sup> Street side near the junction of the rear alley.
  - c. The fence/gate entrance and exit shall remain open during regular business hours.
2. 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.
3. The applicant shall submit a landscaping plan to the Community Development Department for review and approval prior to installation of landscaping. Landscaping shall incorporate

plantings of sufficient height (i.e. shrubs, etc.) to visually soften the appearance of the proposed fence.

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 building permit shall be obtained within 30 days of the CUP approval and shall adhere to all building permit expiration dates.
6. Conditional Use Permit No. 24-026 shall become null and void unless exercised within two 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 day 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.