

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 23-009

SUGGESTED 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, Class 3 – New Construction of Small Structures of the CEQA Guidelines, because the project involves the construction of a single-family dwelling and an accessory dwelling unit in a residential zone in an urbanized area.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-009:

1. Conditional Use Permit No. 23-009 to permit the construction of a new single-family dwelling and an accessory dwelling unit on a lot with a grade differential exceeding three feet between the high and low points 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 will be developed without significantly altering the existing grade of the subject property. The finished surface is within one foot of the existing grade and the finished floor is within one foot of the finished surface. From the top of the curb, the maximum height of the building is 34.75 feet.
2. The granting of Conditional Use Permit No. 23-009 to permit the construction of a new single-family dwelling and an accessory dwelling unit on a lot with a grade differential exceeding three feet between the high and low points will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RMH (Residential Medium High Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

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 conditional use permit accounts for the unique characteristics of the project site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The proposed project incorporates quality materials and design that demonstrate compatibility with the surrounding properties and residential neighborhood. The grade elevations, building character, and scale will be compatible with other residential properties existing in the neighborhood.

3. Conditional Use Permit No. 23-009 to permit the construction of a new single-family dwelling and an accessory dwelling unit on a lot with a grade differential exceeding three feet between the high and low points 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 because the project complies with all applicable development standards and code requirements, including maximum building height, minimum yard setbacks, maximum site coverage, and minimum onsite parking. The HBZSO allows development on parcels with a grade differential exceeding three feet between the high and low points of the lot with approval of a conditional use permit and terracing the development consistent with the natural grade.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-009:

1. The site plan, floor plans, grading plan, and elevations received and dated October 3, 2023, shall be the conceptually approved design with the modification that the retaining walls and landscaping area shall comply with HBZSO Section 230.88.A.7.d.ii.
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.
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. Conditional Use Permit No. 23-009 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 days prior to the expiration date.
7. The Development Services Departments (Community Development, Fire, 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.