

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 21-017**

**COASTAL DEVELOPMENT PERMIT NO. 21-014**

**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 one single-family residence and accessory dwelling unit within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-017:**

1. Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 third floor space is designed to be confined within the second floor volume, which facilitates the structure's resemblance to a two-story home with a mass and scale that is similar to the proportion and scale of homes in the surrounding neighborhood. In addition, the third-floor deck is setback five ft. from the building exterior and is oriented towards the public right-of-way, which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences. Furthermore, the deck does not exceed the height limit and will only be accessible via the interior of the residence.
2. The granting of the Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RL (Residential Low Density) on the subject property and 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(A): Ensure that 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-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 proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. As conditioned, the proposed third-floor space will be integrated within the confines of the second-story roof volume to ensure that the proposed residence will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the proposed third-floor decks will be oriented toward both streets and will be setback five ft. from the building exterior, ensuring privacy is maintained for abutting residences.

3. The proposed Conditional Use Permit No. 21-017 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot 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 (HBZSO) because as conditioned, the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. In addition, the third-floor area is designed to be within the confines of the second story roof volume and the new third floor deck will be set back five ft. from the building façade, as required by the HBZSO. Third floor habitable area is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-014:**

1. Coastal Development Permit No. 21-014 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program because the request to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use 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 development will occur entirely on a vacant site, contiguous to properties developed with existing single-family residential uses.
2. Coastal Development Permit No. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because as conditioned, the project will comply with all applicable development regulations, including maximum building height, minimum yard setbacks, lot coverage, and privacy design standards.

3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-014 to construct a 5,980 sq. ft. three-story single-family residence at an overall height of 30 ft. with a 725 sq. ft. four-car garage, 315 sq. ft. of patio covers, 137 sq. ft. second floor balcony, 352 sq. ft. of third floor decks, and a 1,193 sq. ft. attached accessory dwelling unit on a vacant lot conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-017/COASTAL DEVELOPMENT PERMIT NO. 21-014:**

1. The site plan, floor plans, and elevations received September 5, 2024, shall be the conceptually approved layout with the following modifications:
  - a. The width of the second-floor balcony projection along the south elevation shall be reduced to not exceed 1/3 of the building length. **(HBZSO 230.68)**
  - b. All portions of the third floor on the east elevation shall be integrated within the confines of the second-story roof volume with exception of the deck. Vertical projections, such as stairwells or elevators, shall be designed to complement the design of the residence. **(HBZSO 210.06.M)**
  - c. Remove the trellis on Deck 1 of the third floor.
  - d. On Page A-103, label or clearly delineate the guardrail/parapet of each deck area to ensure that a five-foot setback is maintained.
2. The differential between top of subfloor (finished floor) and datum (highest adjacent curb) shall be a maximum of two feet as determined by Public Works. If any subfloor, stem wall or footing is proposed greater than two feet above datum, the height in excess shall be deducted from the proposed 30-foot maximum allowable ridgeline height. **(HBZSO 230.70 (B))**
3. Prior to submittal of building permits, the following shall be completed: Zoning entitlement conditions of approval 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.
4. Prior to issuance of final building permits, the following shall be 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.
5. 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.
6. 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.
7. Conditional Use Permit No. 21-017 in conjunction with Coastal Development Permit No. 21-014 shall become null and void unless exercised within two years of the date of final approval or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, 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.
8. 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.