

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 23-008**  
**COASTAL DEVELOPMENT PERMIT NO. 23-004**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that this project will not have any significant effect on the environment and is covered under the Facilities Master Plan Program Environmental Impact Report (SCH 2019070998) prepared by the Orange County Sanitation District in accordance with the California Environmental Quality Act.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 23-008:**

1. Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the Orange County Sanitation District (OCSD) 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 height provides an improved fence that is comprised of block wall which will enhance the aesthetics of the facility. Although the wall exceeds the maximum allowed height along the side yard setback, the proposed height will not create a safety or traffic hazard and will not impact visibility. The location of the wall is adjacent to the Talbert Marsh and bike path. The visual character of the neighborhood will not be negatively impacted because the proposed wall provides for greater security and adequate screening of the existing structures. The wall will vary in height in order to create a unique wavelike design and will include nature-themed artwork to soften the wall for pedestrians. Upgraded landscaping will be provided along the front of the wall to enhance the appearance of the wall along the existing bike path. The landscaping includes trees and shrubs that will add visual interest along the path. The proposed wall does not face any residences and at its nearest point will be more than 130 ft. from the nearest residential use across Brookhurst Street.
2. The granting of Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the OCSD will not adversely affect the General Plan as it is consistent with the Land Use Element designation of P (Public) on the subject property as it is consistent with the following General Plan goals and policies:
  - 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.

b. Public Services and Infrastructure Element

Policy PSI-6-A: Provide and maintain wastewater collection facilities which adequately convey wastewater generated by existing land uses and future projects while maximizing cost efficiency.

The upgraded wall will replace an existing eight ft. high chain link fence. The location of the wall is adjacent to the Talbert Marsh and bike path and more than 130 ft. from residential uses. The new block wall will screen the facility's structures while providing additional security along the southerly property line. The wall will vary in height in order to create a unique wavelike design and will include nature-themed artwork to soften the height of the wall. Upgraded landscaping will be provided to enhance the appearance of the wall along the existing bike path. The conditional use permit to allow the wall to exceed height will allow facility upgrades that will provide improved services to surrounding residences and businesses.

3. Conditional Use Permit No. 23-008 to permit a new block wall (1,070 linear ft.), varying between 8 ft. and 11 ft. in height, along the southerly property line of the OCSD 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 it allows walls to deviate from the maximum height along the side yard setback upon approval of a Conditional Use Permit.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 23-004:**

1. Coastal Development Permit No. 23-004 to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall (1,070 linear ft.), varying between 8ft. and 11 ft. in height in lieu of the maximum height of 6 ft. within the southern portion of the Orange County Sanitation District (OCSD) along with landscape, bike path, and sign improvements conforms with the General Plan, including the Local Coastal Program because the completion of the project will implement the Coastal Element goal of providing water, sewer, and drainage systems that are able to support the permitted land uses and upgrading existing systems.
2. The request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8ft. and 11 ft. in height is consistent with the requirements of the CZ Overlay District, the IL (Industrial Limited) base zoning district, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code because the project, as proposed, complies with applicable development standards. Other than the height of the wall, which requires a conditional use permit, the project complies with applicable development standards. The

proposed structures and block wall will not visually impact public visual resources as the structures will be primarily located within the southern portion of the facility, surrounded by buildings of similar height, approximately 150 ft. from the nearest residential use.

3. At the time of occupancy, the proposed request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8 ft. and 11 ft. in height in lieu of six ft., can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that all necessary infrastructures, such as roadways and utilities currently exist to serve the site. The replacement of aging buildings and facilities will improve the infrastructure to serve the needs of the community.
4. The proposed request to construct a new digester facility with six digester tanks up to 50 ft. in height; 11,438 sq. ft. of batch tanks up to 48 ft. in height; a 3,000 sq. ft. digester feed/electric building up to 31 ft. in height; a 1,500 sq. ft. cooling tower facility up to 32 ft. height; a 4,500 sq. ft. boiler facility up to 32 ft. in height; two covered tanks up to 38 ft. in height; a 8,500 sq. ft. warehouse at 29 ft. in height; and a new block wall, varying between 8 ft. and 11 ft. in lieu of six ft. in height conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the entire project is proposed within the confines of the existing Orange County Sanitation Facility. No public access or recreational opportunities will be affected by the new construction.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 23-008/COASTAL DEVELOPMENT PERMIT NO. 23-004:**

1. The site plan, floor plans, and elevations received and dated July 10, 2023 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 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.
4. 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.
5. Conditional Use Permit No. 23-008 and Coastal Development Permit No. 23-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or 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.
  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 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.