

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 25-013**

#### **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 15301 of the CEQA Guidelines because the project consists of the operation and minor alteration of an existing commercial structure involving negligible or no expansion of use beyond that previously existed.

#### **SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 25-013:**

1. Conditional Use Permit No. 25-013 to permit a parking reduction based on survey data prepared by a state-registered traffic engineer for a new eating and drinking establishment 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 eating and drinking establishment is not anticipated to generate any significant noise, traffic, or other impacts detrimental to surrounding properties. The site provides adequate parking based on a parking study prepared by LLG Engineers, received June 12, 2025

The request for reduced parking is a result of an existing vacant retail use being converted to a proposed eating and drinking establishment. The parking requirement for retail use is one space per 200 square feet versus one space per 100 square feet for eating and drinking establishments. Since the site is deficient in parking spaces a parking analysis was conducted to ensure the adequacy of on-site parking. The parking analysis identified a Thursday peak demand of 167 spaces, a Friday peak demand of 192 spaces and a Saturday peak demand of 157 spaces. The proposed eating and drinking establishment is 2,104 square feet, requiring 22 parking spaces and the remaining vacant retail space is 2,996 square feet, requiring 15 spaces. Therefore, the Thursday peak demand plus the required parking for the eating and drinking establishment and the vacant space would require 204 spaces. Fridays peak demand plus the eating and drinking establishment and the vacant space would require 229 spaces and Saturday's peak demand plus the eating and drinking establishment and the vacant space would require 194 spaces. Since there are 388 spaces onsite, there is a surplus of 184 spaces on Thursday, 159 spaces on Friday and 194 spaces on Saturday. As a result, the parking demand analysis supports the proposed reduction in required parking and concludes that adequate on-site parking will be available to accommodate the proposed eating and drinking establishment.

2. The granting of Conditional Use Permit No. 25-013 to permit a parking reduction based on survey data prepared by a state-registered traffic engineer for a new eating and drinking establishment will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CN (Commercial Neighborhood) 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-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 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-13 (A): Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

Policy LU-13 (B): Capture emerging industries such as, but not limited to, “knowledge” based industries and research and development firms.

Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.

Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.

The proposed project is to permit a parking reduction based on survey data prepared by a state-registered traffic engineer for a new eating and drinking establishment. The project site will continue to serve adjacent nearby residential development and future development within the city as a whole. The proposed project is located upon an established commercial property surrounded by other commercial uses. The parking analysis prepared by LLG Engineers, received June 12, 2025, has determined that there is sufficient parking provided during the expected weekend and weekday peak parking demand. The request will serve the needs of residents by expanding the range of goods and services provided in the area by providing additional eating and drinking establishments. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize existing vacant commercial space by ensuring the continued occupancy of the commercial building.

3. Conditional Use Permit No. 25-013 to permit a parking reduction based on survey data prepared by a state-registered traffic engineer for a new eating and drinking establishment 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 an eating and drinking establishment with a reduced parking study is permitted subject to a Conditional Use Permit within the Commercial General (CG) zoning district pursuant to chapter 231.08 B of the Huntington Beach Zoning and Subdivision Ordinance. The proposed use will be located within an existing commercial building, which conforms to applicable site development standards, with the exception of the request for reduced parking. However, the parking demand analysis has determined that there is sufficient parking provided during the expected peak weekend and peak weekday parking demand.

#### **SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 25-013:**

1. The site plan, floor plans, and elevations received April 17, 2025, and the parking demand analysis received and dated June 12, 2025, shall be the conceptually approved design.
2. 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.

3. The structure shall not be occupied, and the final building permit(s) shall not be approved until the following have been completed:
  - a. All improvements must be completed in accordance with the 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.
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. 25-013 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.
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.