

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

VARIANCE NO. 23-002

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 or Conversion of Small Structures* of the CEQA Guidelines because the project consists of the construction of an accessory structure, being a trash enclosure, ancillary to an existing assisted living facility.

FINDINGS FOR APPROVAL - VARIANCE NO. 23-002

1. The granting of Variance No. 23-002 for a reduced front yard setback of five feet in lieu of 15 feet, reduced landscape requirement within the front yard, and to exceed the allowed three-foot wall height within the front setback area to construct a trash enclosure at an existing assisted living facility will not constitute a grant of special privilege because the variance addresses unique development constraints related to the subject site. This property was originally developed in 1970 as a convalescent hospital under the Pacifica Community Plan, which is no longer in effect. At the time of construction, the project was granted without parking on site and instead approved with a parking agreement with the adjacent site to the north for nine parking spaces. The site was approved with minimal parking requirements due to the fact that the tenants of this facility would be elderly senior citizens who do not operate vehicles. As such, the building was constructed up to the minimum setbacks leading to substantial building area with minimal open space area. In addition to the joint parking agreement, the trash bins were also located on the adjacent parcel to the north. The adjacent site to the north is now being redeveloped into a multi-family residential apartment building and parking garage. Therefore, the trash enclosures are unable to continue to be stored on the adjacent property.

The site is now zoned within the Beach and Edinger Corridors Specific Plan (BECSP), which requires that every property provide trash enclosures capable of handling the refuse generated by that side. However, the BECSP also requires that the front setback areas be entirely landscaped. Currently, there is little to no available space left to provide a trash enclosure other than within the front yard setback area due to the layout of the existing building on site. The variance will not constitute a grant of special privilege because the need for trash enclosures on site is crucial to maintaining a clean space from the trash generated from the use. Similarly zoned lots adjacent to this subject site have ample open space areas to properly store their trash enclosures on site. The trash enclosure is designed to enhance the appearance of the existing building as it will exhibit architectural elements such as stucco, clay tiles for the roof, and exposed rafter tails. It will also include a five-foot landscaped buffer in front of the structure which has been conditioned to be heavily landscaped in order to create an additional buffer and

soften the appearance of the enclosure.

2. Because of special circumstances applicable to the subject property, including the existing development on site, the application of the development standards within the BECSP is found to deprive the subject property of privileges enjoyed by other properties in the vicinity that are under identical zoning classifications. The BECSP development standards require the front setback area to be entirely landscaped and limit the maximum wall height within the front yard at three feet. However, with the existing building constructed up to all required setbacks with minimal open space available on site, there is limited available area for trash bins to be stored. The variance request for reduced front setbacks and landscaping as well as the exception to maximum wall height would resolve the setback issues created by the existing structures on site in order to bring the site into compliance and provide a privilege that is enjoyed by adjacent properties.

The front yard setback area for this site is 2,250 sq. ft. With the construction of this 570 sq. ft. trash enclosure, the landscaping area would total about 1,680 sq. ft., leaving a deficiency of 570 sq. ft. (25%) of landscape. While the request includes reduced landscape within the front yard setback area, the plans depict additional landscape within the courtyard areas to compensate for the deficiency within the front yard. Due to special circumstances applicable to the subject property, the strict application of the specific plan is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zoning classifications when proposing new commercial development. The existing development significantly restricts the use of the property for proper on-site storage of trash bins, therefore limiting full use of the property.

3. The granting of Variance No. 23-002 for a reduced front yard setback of five-feet in lieu of 15 feet, reduced landscape requirement within the front yard, and to exceed the allowed three-foot wall height within the front setback area to construct a trash enclosure at an existing assisted living is necessary to preserve the enjoyment of one or more substantial property rights because the requested variance will allow the site to be improved by allowing it to properly maintain the collection of trash. Refuse storage areas are required to be provided prior to occupancy for all commercial uses. Consequently, the granting of this variance is necessary to preserve the development right afforded by the property's land use designation. Upon original development, the trash enclosures were stored on the adjacent property just to the north. However, this adjacent property is currently in the process of being redeveloped; therefore, the trash enclosures will need to be relocated onto the subject site that it serves. Therefore, the granting of this Variance will afford a right to the site that other projects enjoy and will also relieve the nonconformity of depending on the neighboring property of storing the trash bins.
4. The granting of the variance for a reduced front yard setback of five feet in lieu of 15 feet, reduced landscape requirement within the front yard, and to exceed the allowed three-foot wall height within the front setback area to construct a trash enclosure at an existing assisted living facility will not be materially detrimental to the public welfare or injurious to property in the same zone classification and will not adversely affect the General Plan because the requested variance will bring the site into conformance with adequately storing trash bins on site rather than on the

neighboring site. The plans demonstrate that the trash enclosure will be architecturally compatible with the existing building on site using the same colors and materials of stucco, clay tiles for the roof, and exposed rafter tails to enhance the appearance of the front façade. Additionally, a condition of approval has been added to ensure that the landscape area around the trash enclosure shall be substantial to create an additional buffer and soften the appearance of the enclosure. The proposed project the project meets the goals, policies, and objectives of the City's General Plan as follows:

Land Use Element

Goal LU-7: Neighborhoods, corridors, and community subareas are well designed, and buildings, enhanced streets, and public spaces contribute to a strong sense of place.

Policy LU-7C: Minimize visual clutter along commercial corridors.

The requested variance accounts for the unique lot coverage of the site in comparison to neighboring developments in the specific plan. Granting the proposed variance for the development would allow the subject property the opportunity to be designed in the same manner as nearby properties with similar uses and under the identical zone classification. The proposed development project is compatible in the proportion, scale, and character of the adjoining uses and the existing building on site. The one-story convalescent facility is consistent with the height requirements and complements the adjacent buildings. In addition, the site will be improved with a proper refuse area to maintain a clean space and manage the refuse generated from the use on site.

CONDITIONS OF APPROVAL – VARIANCE NO. 23-002:

1. The site plan, floor plan, and elevations received and dated September 15, 2023, shall be the conceptually approved layout.
2. Prior to submittal for building permits, the following shall be completed: 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. The area around the trash enclosure shall be substantially landscaped. Prior to issuance of Building Permits, a landscape and irrigation plan, prepared by a Licensed Landscape Architect, shall be submitted to the Community Development Department for review and approval.
4. The final building permit(s) cannot be approved until the following has been completed:

- a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - 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. Variance No. 23-002 shall become null and void unless exercised within two (2) 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 (Community Development, Fire, and Police Department) 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 Planning Commission 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.