

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 24-032** **COASTAL DEVELOPMENT PERMIT NO. 24-036**

#### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission 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 a single-family residence within a residential zone.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 24-032:**

1. Conditional Use Permit No. 24-032 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2<sup>nd</sup>-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. 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 balconies are setback a minimum of five feet from the building exterior and are oriented toward the public right-of-way, which will minimize the visual mass and bulk of the structure and maintain privacy for abutting residences.
2. The granting of the Conditional Use Permit No. 24-032 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2<sup>nd</sup>-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. 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 goal 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 conforms with the requirements of the RL base zoning district including parking, building setbacks, building height, lot coverage, and privacy design standards. The proposed third-floor balconies will be oriented toward the front (street) and rear (water) and will be setback a minimum of five feet from the building exterior, ensuring privacy is maintained for abutting residences. The proposed 35-ft. building height is similar to the height of the homes on abutting properties, including the adjacent three-story home that is 35 feet in height.

3. The proposed Conditional Use Permit No. 24-032 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2nd-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. 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 habitable area is designed to be within the confines of the second story roof volume and the proposed third floor balconies will be setback five feet from the building façade, as required by the HBZSO. Third floor habitable area is permitted 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. 24-036:**

1. Coastal Development Permit No. 24-036 for the development project conforms with the General Plan, including the Local Coastal Program. The request to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2nd-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. conforms with the City's Local Coastal Program, including Coastal Element Land Use Policy C 1.1.1 which encourages 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 site previously occupied by a single-family residence, contiguous to properties also developed with single-family residential uses at similar building heights.
2. Coastal Development Permit No. 24-036 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2nd-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. 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. No code exceptions are requested as part of this project.
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. 24-036 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2nd-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.

4. Coastal Development Permit No. 24-036 to demolish an existing residence and construct a 7,392 sq. ft., 3-story, single-family residence at a height of 35 ft., with an attached 682 sq. ft. 3-car garage, a 35 sq. ft. 2nd-floor balcony, and two (2) 3rd-floor balconies totaling 166 sq. ft. 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. 24-032/COASTAL DEVELOPMENT PERMIT NO. 24-036:**

1. The site plan, floor plans, and elevations received April 8, 2025, shall be the conceptually approved layout with the following modifications:
  - a. The 3<sup>rd</sup> floor laundry room window on the vertical elevator projection shall be removed.
  - b. All rooftop mechanical equipment shall be screened from public view (including views from channel). **(HBZSO 230.76)**
  - c. The roofline over bath #4 on front side of the elevator projection shall be designed to come down to the 22'-0" second story plate height.
  - d. The bathroom windows and sliding door on the 3rd-floor front elevation shall be redesigned to be more proportional in size and symmetrical in height with each other.
2. Prior to submittal of building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition No. 1 of this approval, shall be submitted for review, approval, and inclusion in the entitlement file, to the Community Development Department.
  - b. 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. 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.
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. 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. 24-032 and Coastal Development Permit No. 24-036 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.
  7. 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 Planning Commission'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, Zoning Administrator, 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.