

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 21-011**

#### **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 a mixed-use building in an urbanized area not exceeding 10,000 square feet in floor area on a site zoned for such use.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-011:**

1. Conditional Use Permit No. 21-011 to permit the construction of an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein an approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor 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 project is proposed to meet all required development standards, including code required parking on-site. The project's commercial use is a split-level owner operated hotel that, as conditioned, will provide visitor accommodations on a site with waterfront access and within walking distance of the beach. The mixed-use building will be compatible with surrounding uses because the proposed building scale is compatible with the adjacent buildings, and the project is adjacent to other visitor-serving commercial uses along Pacific Coast Highway, as a result, the uses are not anticipated to generate additional traffic, noise, or other impacts to surrounding properties. Parking and circulation will occur onsite and function similarly to similar commercial uses. Further, sufficient parking is provided to accommodate both uses on site, and does not impact coastal access in the vicinity. Therefore, impacts are not anticipated to the surrounding uses.
2. The granting of Conditional Use Permit No. 21-011 will not adversely affect the General Plan because the project furthers the goals and policies by providing new uses on an underutilized property in the Coastal Zone. The General Plan Land Use Map designation on the subject property is currently CV-mu (Commercial Visitor – Mixed Use Overlay). Mixed use projects are allowed within the property zoning and land use designation; the project, as designed, is consistent with the General Plan goals and policies identified below:

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.

Goal LU 4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU 4 (C): Encourage a mix of residential types to accommodate people with diverse housing needs.

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

Goal LU 1 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU 14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU 14 (B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project consists of the an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor. The new mixed-use building is located in an area designated for commercial uses that will serve tourists and visitors. The proposed project will provide a visitor-serving commercial owner operated hotel that meets the regional needs. Additionally, the project provides both a visitor serving commercial use and residential use that will meet the need of future and existing residents on an underutilized parcel consistent with the General Plan.

3. The proposed conditional use permit for the construction of an approximately 4,630 sq. ft. three-story mixed use building at an overall height of 33 ft., including 936 sq. ft. of second and third floor balconies, and a 2,028 sq. ft. rooftop deck wherein an approximately 2,359 sq. ft. commercial hotel will be operated on the first and second floors, and the owner/operator will occupy a 1,560 sq. ft. two bedroom residential unit on the third floor will comply with the development standards and land use provisions in the Sunset Beach Specific Plan, including maximum height, setback requirements and parking. The project is located within the Sunset Beach Tourist (SBT) District of Sunset Beach, which requires approval of a conditional use permit from the Zoning Administrator for commercial land uses. Adequate vehicular circulation and access is provided for the project. Because this location has reverted to the original permit

jurisdiction, the City has also reviewed it for compliance with the California Coastal Act and has determined that this project request meets the standards for an “approval in concept.”

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-011:**

1. The site plan, floor plans, and elevations received and dated March 30, 2022 shall be the conceptually approved design with the following modifications:
  - a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**
  - b. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. **(HBZSO Section 230.76)**
  - c. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**
  - d. The hotel guest parking spaces shall be clearly signed and identified as parking available for the commercial use on-site and shall be also be depicted on the plans.
2. The use shall comply with the following:
  - a. The operation of the hotel shall remain as described in the project narrative received and dated March 30, 2022.
  - b. The hotel unit shall be rented to the general public for transient lodging (less than 30 days only) and shall not be converted into multifamily residential units.
  - c. The business operator shall at all times maintain current, accurate, and readily accessible records which identify all hotel occupants and the duration of stay. Said records shall be kept current on no less than a quarterly basis (every three months) and shall be made available within 24 hours upon demand by the City.
  - d. The owner or manager of the business is responsible for immediately notifying the Police Department of disturbances or crimes occurring at the business. This includes the hotel interior and parking lot area associated with the hotel.
  - e. Any noise resulting from the operation of the hotel or the conduct of occupants shall be kept at a level so as not to cause any disturbances or nuisances which would be detrimental to other property in the area. In the event that any verified complaints of noise or disturbances at the hotel are made to the Planning Manager, Building Official, Code Enforcement Manager or to any City department, the applicant shall immediately meet with City staff to discuss mitigation measures. Should such measures fail to alleviate the problem, then the matter may be treated as a nuisance warranting the initiation of revocation proceedings.
3. Prior to submittal for building permits, the following shall be completed:

- a. A Lot Line Adjustment shall be processed and approved to remove the underlying lot line on the subject parcel.
  - b. Evidence of Coastal Development Permit approval by the California Coastal Commission shall be submitted to the Community Development Department.
  - c. Zoning entitlement conditions of approval and California Coastal Commission conditions of approval shall be printed verbatim on one of the first three pages of all 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. The final building permit(s) cannot be approved until the following have been 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.
  - d. The property owner shall sign, notarize, and record with the County Recorder a covenant assuring the commercial use remain hotel, and shall not be converted to multifamily residential.
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - 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 5 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. At least 14 days prior to any grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.

7. Any conditions of approval, imposed by the California Coastal Commission that are more restrictive than those set forth in this approval shall be adhered to.
8. The applicant and/or applicant's representative shall be responsible for ensuring that accuracy of all plans and information submitted to the City for review and approval.
9. The (development/subdivision) shall comply with all applicable requirements of the Municipal Code, Planning and Building Department, and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**
10. Conditional Use Permit No. 21-011 shall become null and void unless exercised within two years of the date of final Coastal Commission 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.
11. 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.