

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 19166
CONDITIONAL USE PERMIT NO. 21-014
COASTAL DEVELOPMENT PERMIT NO. 21-012

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the proposed project is covered by Downtown Specific Plan Final Environmental Impact Report No. 08-01, which was adopted by the City of Huntington Beach on January 19, 2010. The request to construct a four-story mixed use development consisting of nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces on a vacant 8,475 sq. ft. lot is subject to compliance with the adopted mitigation measures contained in the Final Environmental Impact Report No. 08-01. The project is exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15182 of the CEQA Guidelines, which states that when an Environmental Impact Report (EIR) has been prepared for a specific plan, there is no need to prepare an EIR or Mitigated Negative Declaration (MND) for projects in conformity with that specific plan. The project is consistent with the Downtown Specific Plan. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the previously certified Program EIR for the Downtown Specific Plan project (EIR No. 08-01) and the project is conditioned to comply with all applicable EIR No. 08-01 mitigation measures. In light of the whole record, none of the circumstances described under Section 15162 of CEQA Guidelines are present; and therefore, no EIR or MND is required.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 19166:

1. Tentative Tract Map No. 19166 for a one lot condominium subdivision on an approximately net 0.195 acre lot for development of a four-story mixed use building with nine residential condominium units is consistent with the requirements of the Downtown Specific Plan in that the proposed subdivision is also consistent with the General Plan Land Use Element designation of Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre, as proposed on the subject property, or other applicable provisions of this code.
2. The site is physically suitable for the type and density of development because the size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 46 units per acre, which is below the allowable density of 50 units per acre of the Mixed-Use – Specific Plan Overlay - 30-50 dwelling units per acre land use designation. The proposed density would be compatible with surrounding mixed-use developments.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project site is surrounded by residential and commercial development as well as paved roads. It is geographically isolated from any natural open space in the vicinity and the site does not contain significant biological resources.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements. Access to the site will be taken from the existing alley.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-014:

1. Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces 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 will improve the existing vacant and underutilized parcel of land with a development consistent with the General Plan land use and zoning designations. The project is located in the downtown core area (District 1), which promotes visitor-serving commercial developments. The project has been evaluated for compatibility with the surrounding neighborhood, will be designed on a pedestrian scale and character, and will meet the goals and policies of the General Plan. Additionally, the proposed mixed-use is similar to those existing uses in the vicinity. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project will be consistent in massing and scale to adjacent commercial and residential uses, many of which are up to three stories tall. Proposed improvements include enhanced landscaping, decorative paving, and quality architectural design throughout the site. Furthermore, the layout of the site improves the visual surroundings by taking vehicular access from the rear public alley, hence minimizing the visibility of subterranean parking garage entrance and ground level parking spaces from the street. The project complies with residential and commercial parking requirements.
2. The granting of Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces will not adversely affect the General Plan because it is consistent with the General Plan Land Use Map designation on the subject property is M-sp (30-50 du/ac) (Mixed-Use - Specific Plan Overlay – 30-50 dwelling units/acre) and the zoning designation is SP5–CZ–District 1 (Downtown Specific Plan – Coastal Zone Overlay – Downtown Core). The proposed project will implement both the General Plan and specific plan designations of the site. The proposed project is consistent with the intent of these designations, and the goals and policies of the City’s General Plan as follows:

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.

Policies LU-1A: 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.

Policies LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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.

Policies LU-7A Preserve unique neighborhoods, corridors, and subareas, and continue to use specific plans to distinguish districts and neighborhoods by character and appearance.

Policies LU-7B Use street trees, signage, landscaping, street furniture, public art, and other aesthetic elements to enhance the appearance and identity of subareas, neighborhoods, corridors, nodes, and public spaces.

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

Policies LU-11A: 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 consistent with the land use designation which allows for mixed-use at the subject site. The proposed architectural style and site layout of the mixed-use project is consistent with the proportion, scale, and character of the existing development in the area, which also includes similar mixed-use projects. The development will improve an underutilized site and the condominium units will provide an opportunity for ownership.

The proposed project will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional commercial uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities and will not impact the subject site and surrounding area. The design of the project, as reviewed by the Design Review Board, promotes the development of a commercial building that conveys a high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The project's open space incorporates enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines.

B. Housing Element

Policy 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Policy 6.1: Implement the City's Green Building Program to ensure new development is energy and water efficient.

The project consists of nine condominium units, which adds to the City's housing stock. The development request as proposed is consistent with the intent of the policies within the Housing Element because it will add to the City's housing stock and create new opportunities for purchase in the Downtown area. The project is required to pay affordable housing in-lieu fees which will go towards the provision of housing for lower to moderate income households.

As such, the project will contribute to the City's overall housing goals. Furthermore, green building practices for the construction are proposed such as "green roof" and solar panels.

A. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for 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 would incorporate visitor-serving commercial uses on the ground floor and residential uses on the upper floor. The mix of uses complements the urban downtown environment by integrating commercial services for the subject and nearby residential uses. The project site is located near established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

3. Conditional Use Permit No. 21-014 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces complies with all provisions of the Downtown Specific Plan and applicable provisions in Titles 20 through 25 of the Huntington Beach Zoning and Subdivision Ordinance in that the project complies with the development standards in terms of building setbacks, private and public open space, building height, parking, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-012:

1. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces conforms with the General Plan, including the Local Coastal Program because the proposed project would continue to provide commercial and residential uses in an established, urban, downtown core area and will serve surrounding uses in the vicinity. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The proposed project would develop visitor-serving commercial uses in the City's downtown core area near other established points of attraction, including the Huntington Beach Municipal Pier; and is intended to reinforce the vicinity as a major visitor-serving district.
2. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces 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 the proposed project, as conditioned, complies with applicable development regulations, including building setbacks, building height, upper story setbacks, public open space, private and common open space, parking, and landscaping. It is also consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.

3. At the time of occupancy, the proposed development of a four-story mixed-use project consisting of nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces can be provided with infrastructure in a manner that is consistent with the Local Coastal Program as the proposed project will be constructed on a vacant site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, and sidewalks.
4. Coastal Development Permit No. 21-012 for the development of a four-story mixed-use project consisting nine residential condominium units, 755 sq. ft. of retail space, and 28 at grade and subterranean parking spaces conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the proposed project will not impede public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19166:

1. The Tentative Tract Map No. 19166 received and dated November 2, 2022, shall be the approved layout except as amended per the conditions stated herein.
2. Prior to submittal of the final tract and at least 90 days before City Council action on the final map, CC&Rs shall be submitted to the Community Development Department and approved by the City Attorney. The CC&Rs shall identify the common driveway access easements, and maintenance of all walls, and common landscape and parking areas by the Homeowners' Association, as well as a parking management plan to ensure the ongoing control of availability of on-site residential guest parking and commercial parking including but not limited to: restricting subterranean garage and tandem spaces to not be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests; no boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any parking spaces; and towing of any vehicles violating the restrictions within the CC&Rs. The CC&Rs must be in recordable form prior to recordation of the map. **(HBZSO Section 253.12.H)**
3. Prior to issuance of a grading permit and at least 14 days prior to any grading activity, the applicant/developer 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.
4. Prior to issuance of Building Permits, the applicant shall satisfy the minimum ten percent Inclusionary Affordable Housing requirement by either providing the units on site via an approved Affordable Housing Agreement or paying the applicable in-lieu fee.
5. Comply with all applicable Conditional Use Permit No. 21-014 and Coastal Development Permit No. 21-012 conditions of approval.

6. Comply with all mitigation measures adopted for the project in conjunction with EIR No. 08-01.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-014/
COASTAL DEVELOPMENT PERMIT NO. 21-012:**

1. The site plan, floor plan, elevations, and colors/materials board received and dated December 24, 2022 and January 4, 2023 shall be the conceptually approved design with the following modifications:
 - a. For the south elevation – provide the staff-recommended brick design at the bottom of the building and staircase element and provide wood siding on the elevator shaft.
 - b. For the north elevation – provide wood siding for the entire projecting wall in the middle of the building and remove the wood siding underneath the windows on the projecting wall and replace with plaster.
 - c. For the east elevation – provide wood siding underneath each horizontal window (located towards the front of the building).
 - d. For the west elevation – provide wood siding underneath each horizontal window (located towards the front of the building).
 - e. Prior to the issuance of a building permit, the applicant shall provide the Community Development Department with an updated colors and materials board for the brick design. Revised materials and colors shall be reflected on plans.
2. Prior to submittal for building permits, the following shall be completed:
 - a. Zoning entitlement conditions of approval and EIR No. 08-01 mitigation measures 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.
 - b. Submit three (3) copies of the approved site plan and the processing fee to the Community Development Department for addressing of the new units.
3. Prior to issuance of building permits, the following shall be completed:
 - a. Provide the United States Postal Service approval of mailbox location(s).
 - b. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.

4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
 - a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
 - b. All improvements shall be completed in accordance with approved plans.
 - c. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - d. 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.
 - e. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
5. The use shall comply with the following:
 - a. The den on the fourth floor for units #401 and #402 shall be open to the dining/living/kitchen area and shall not be enclosed with walls to create a separate room.
 - b. Service or loading areas shall not impede vehicular flow in alleys, and truck deliveries shall not interfere with parking or vehicular travel through alleys.
 - c. The awnings shall be maintained at all times and shall be replaced immediately when in a worn or torn condition.
 - d. At least one bicycle parking space shall be provided in a public area for the use of non-residential patrons.
6. Comply with all applicable mitigation measure contained in Environmental Impact Report No. 08-01 for the Downtown Specific Plan.
7. Signage shall be reviewed under separate permits and applicable processing.
8. 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.
9. Conditional Use Permit No. 22-014 and Coastal Development Permit No. 21-012 shall become null and void unless exercised within two years of the date of final by the City Council, or such extension of time, as granted by the Director pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
10. The Development Services Departments (Community Development, Fire, 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, 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.