

## **ATTACHMENT NO. 1**

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

#### **TENTATIVE TRACT MAP NO. 19331** **CONDITIONAL USE PERMIT NO. 25-005** **COASTAL DEVELOPMENT PERMIT NO. 25-003**

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

The Planning Commission determines that the proposed project is covered by the Magnolia Tank Farm Specific Plan Final Environmental Impact Report No. 17-001, which was adopted by the City of Huntington Beach City Council on January 19, 2021. Furthermore, implementation of the project would not result in any new or more severe potentially adverse environmental impacts that were not considered in the certified EIR and the project is required to comply with all applicable EIR No. 17-001 mitigation measures. Considering 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 MAP NO. 19331:**

1. Tentative Tract Map (TTM) No. 19331 to subdivide a 29-acre site into seven lettered lots and six numbered lots is consistent with the General Plan land use designations of Open Space Conservation – Specific Plan Overlay, Open Space Park – Specific Plan Overlay, Commercial Visitor – Specific Plan Overlay, and Residential Medium – Specific Plan Overlay and zoning designation of MTF (Magnolia Tank Farm) Specific Plan on the subject property, applicable provisions of the Subdivision Map Act, and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The TTM complies with all development standards set forth in the MTF Specific Plan and HBZSO.
2. The site is physically suitable for future development as envisioned by the subject property's General Plan and zoning designations which regulate all future development. Lots A through F are all open space parcels, and Lot G is the private street. Lots 1 through 5 subdivide the residential area into five separate parcels. Lot 6 is the commercial visitor parcel. The proposed subdivision of the 13 lots, along with the import of soil and grading to address projected sea level rise will comply with the requirements of the General Plan, the Magnolia Tank Farm Specific Plan, HBZSO, and other city requirements.
3. The proposed subdivision, the import of soil onto the site, and the proposed onsite and offsite street and infrastructure improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the property was previously developed with oil tanks, is currently used as a parking lot, and is void of any wildlife habitat. Offsite improvements include curb, gutter, sidewalk and pavement along Magnolia Street and Hamilton Avenue. Compliance with regulatory

requirements and mitigation measures will ensure that the subdivision will not cause serious health problems or substantial environmental damage.

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 vehicular access, sidewalk, and utility easements to serve future development.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 25-005:**

1. Conditional Use Permit No. 25-005 to grade the site with approximately 133,425 cubic yards of imported soil and construct a retaining wall up to 10 feet tall topped with a seven-foot-tall wall along the north property line 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 import of soil onto the site is required to address projected sea level rise as required in the Magnolia Tank Farm Specific Plan. The project will comply with EIR mitigation measures and City codes including the Noise Ordinance. The haul truck routes will avoid neighborhoods and local streets. Trucks will enter and exit the south driveway at the signalized intersection of Banning Avenue and Magnolia Street to Pacific Coast Highway and Beach Boulevard. The existing site elevation ranges from approximately 4.3 feet to 12.5 feet, with an average elevation of 8.4 feet. Pursuant to the Specific Plan, the site will be graded to an average elevation of 11.3 feet. It will gradually slope up west and north towards the Ascon site. The construction of a retaining wall along the north property line will be necessary to protect the increased fill and grade differential. It will retain approximately between five feet and 10 feet of fill, as measured from the north side of the wall and will be topped with an approximately seven-foot-tall wall. The design of the wall will comply with the City's Urban Design Guidelines, incorporating a stucco finish, pilasters, and elevated landscape planters. Along the Ascon property, the wall will consist of a stucco finish and pilasters. A vegetated slope will be established on the Ascon property at the completion of the remediation. Additionally, the nearest residential development is buffered by Magnolia Street and will not be visually impacted by the new wall and grading operations.
2. The granting of Conditional Use Permit No. 25-005 to grade the site with approximately 133,425 cubic yards of imported soil and construct a retaining wall up to 10 feet tall topped with a seven-foot-tall wall along the north property line will not adversely affect the General Plan because the project is consistent with the General Plan land use designations of Open Space Conservation – Specific Plan Overlay, Open Space Park – Specific Plan Overlay, Commercial Visitor – Specific Plan Overlay, and Residential Medium – Specific Plan Overlay on the subject site. The proposed project is also consistent with the following General Plan goals and policies:

##### **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-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.

Policy LU-1B - Ensure new development supports the protection and maintenance of environmental and open space resources.

The proposed project will begin to implement the General Plan and zoning designations for the site enabling future development of lodging, visitor serving commercial, residential, and open space to serve residents and visitors. As required by the Specific Plan, the site must be raised to comply with sea level rise along with grading of the site to prepare for future development.

#### B. Natural and Environmental Hazards

Goal HAZ-2 – Coastal environments accommodate coastal changes and reduce coastal development impacts.

Policy HAZ-2B – Implement priority measures to reduce and mitigate sea level rise impacts to property and infrastructure outlined in the Coastal Resiliency Program.

As required by the MTF Specific Plan, the site must comply with its associated Sea Level Rise Study by elevating the property to a minimum elevation of 11.3 feet. To meet this requirement, approximately 133,425 cubic yards of soil will be imported to the site and graded to support future development.

#### C. 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 2 - Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.2.2 - Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Objective C 2.4 - Balance the supply of parking with the demand for parking.

Policy C 2.4.7 - The streets of new residential subdivisions between the sea and the first public road shall be constructed and maintained as open to the general public for vehicular, bicycle, and pedestrian access. General public parking shall be provided on all streets throughout the entire subdivision. Private entrance gates and private streets shall be prohibited. All public entry controls (e.g. gates, gate/guard houses, guards, signage, etc.) and restrictions on use

by the general public (e.g. preferential parking districts, resident-only parking periods/permits, etc.) associated with any streets or parking areas shall be prohibited.

Objective C 2.5 - Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Policy C 2.6.6 - Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.

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.

Policy C 4.1.2 - Designate lands for the provision of passive and visual open space on the Coastal Land Use Map, which provide a balance to the urban and suburban development of the Coastal Zone.

Policy C 4.7 - Improve the appearance of visually degraded areas within the Coastal Zone.

Policy C 7.1.4 - Require that new development contiguous to wetlands or environmentally sensitive habitat areas include buffer zones. Buffer zones shall be a minimum of one hundred feet setback from the landward edge of the wetland.

The proposed project will begin to implement the General Plan and zoning designations for the site enabling future development of lodging, visitor serving commercial, residential, and open space to serve residents and visitors.

3. The proposed project to grade the site with approximately 133,425 cubic yards of imported soil and construct a retaining wall up to 10 feet tall topped with a seven-foot-tall wall along the north property line will comply with the provisions of the MTF Specific Plan and other applicable provisions in Titles 20-25 of the HBZSO because raising the site to address sea level rise is required under the MTF Specific Plan and requires a Conditional Use Permit due to the import of more than 25,000 cubic yards of soil. As a result of the imported fill, the approval of a CUP is also required for the retaining wall along the north property line.

#### **SUGGESTED FINDINGS FOR APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 25-003:**

1. Coastal Development Permit No. 25-003 for the proposed subdivision, demolition, grading, walls and to construct all onsite and offsite street and infrastructure improvements conforms with the City's Local Coastal Program, which encourages new housing, commercial visitor and open space development to locate within, contiguous to or in close proximity to existing

developed areas able to accommodate it. The proposed project will prepare the existing vacant lot for future development in compliance with the adopted MTF Specific Plan.

2. Coastal Development Permit No. 25-003 for the proposed subdivision, demolition, grading, walls and to construct all onsite and offsite street and infrastructure improvements is consistent with the requirements of the CZ Overlay District, the MTF Specific Plan, the HBZSO, as well as other applicable provisions of the Municipal Code because the project will comply with all applicable requirements of the MTF Specific Plan to prepare the lot for future development.
3. At the time of future development and occupancy, all infrastructure will be in place consistent with the Local Coastal Program because Coastal Development Permit No. 25-003 for the subdivision, demolition, grading, walls and to construct all onsite and offsite street and infrastructure improvements is located in an urbanized area and all necessary services and infrastructure will be available, including water, sewer, and roadways.
4. Coastal Development Permit No. 25-003 for the proposed subdivision, demolition, grading, walls and to construct all onsite and offsite street and infrastructure improvements conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede but will enhance public access, recreation, or views to coastal resources.

**SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 19331:**

1. The Tentative Tract Map No. 19331 received December 2, 2025 shall be the approved layout.
2. The following conditions shall be completed prior to issuance of a grading permit:
  - a. 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. A copy of the notice and list of recipients shall be submitted to the Community Development Department.
  - b. The final map associated with the tract map shall be recorded with the County of Orange.
3. Comply with all applicable mitigation measures from the MMRP for EIR No. 17-001.
4. At least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department and the City Attorney's office for review and approval.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 25-005 / COASTAL DEVELOPMENT PERMIT NO. 25-003:**

1. The conceptual grading plans received December 2, 2025, and site plan and section drawings for the proposed retaining and block wall received December 5, 2025, shall be the conceptually approved design with the modification that a minimum 18-inch high raised planter shall be constructed on the south side of the wall within the front 70 feet of the park area adjacent to Magnolia Street. **(DRB)**.
2. Comply with all applicable mitigation measures from the MMRP for EIR No. 17-001.
3. An interim parking and building materials storage plan shall be submitted to the Community Development Department prior to issuance of a grading permit 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 be reviewed and approved by the Community Development and Public Works Departments. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. Prior to submittal for building permits for the block wall, the following shall be completed:
  - a. Zoning entitlement conditions of approval, mitigation measures identified in MTF EIR No. 17-001, and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
  - b. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.
  - c. The plans shall identify the removal of any existing walls located on the subject property. The plans shall identify materials, seep holes and drainage. Double walls shall be avoided.
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 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.
- g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday-Saturday 7:00 AM to 7:00 PM. Such activities are prohibited Sundays and Federal holidays (**HBMC 8.40.090**).

6. 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.

7. Tentative Tract No. 19331, Conditional Use Permit No. 25-005 and Coastal Development Permit No. 25-003 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Community Development Director pursuant to a written request submitted to the Planning Division a minimum 60 days prior to the expiration date. (**HBZSO Section 251.14 and 251.16**)

8. The development services departments (Community Development Department, Fire Department, 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.