

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 2024-026**

#### **SUGGESTED 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 fence, ancillary to a commercial property.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2024-026:**

1. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 inches, a reduced vehicle stacking distance of 7 feet, 2.5 inches in lieu of a minimum of 20 feet, and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the front entry and rear alley exit 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. Although the fence exceeds the maximum height allowed within the front yard setback and visibility triangles, the proposed height will not pose a safety or traffic hazard, as the fence/gate is of an open slat design which allows visibility through the lot and mitigates line of site obstructions. The visual character of the neighborhood will not be negatively impacted because enhanced landscaping will be provided to soften the appearance of the fence along the street frontage. An existing 10 ft. wide planter will be maintained in front of the fence and enhanced landscaping, as conditioned, will create an attractive streetscape. The fence is also consistent with other legally established walls or fences located along street frontages in the surrounding residential districts and similarly zoned districts. It will also be compatible with the neighborhood that consists of a variety of architectural styles and different design treatments. As conditioned, the vehicular gates will remain open during regular business hours and enable vehicles to enter further into the parking lot eliminating potential backup into the street. Additionally, one-way vehicular circulation minimizes traffic and safety concerns with entry along Main Street and exit along the rear alley.
2. The granting of Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft. tall open slat wrought iron security fence within the front setback in lieu of the maximum height of 42 inches, a reduced vehicle stacking distance of 7 feet, 2.5 inches in lieu of a minimum of 20 feet, and to allow the proposed fence within portions of the required 10 ft. visibility triangles located at the front entry and rear alley exit will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (Commercial General). In addition, it is consistent with the following goals and policies of the General Plan and the City Council's adopted Strategic Plan and Economic Development Strategy:

#### **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(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Strategic Plan for Economic Development

Goal: Retain and Grow Local Business

The overall height of the fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall/fence heights of varying materials and the proposed fence consists of an open slat wrought iron fence, which creates an attractive appearance in combination with enhanced landscaping and the completed building upgrades. The visual character of the neighborhood will not be negatively impacted because the fence facing Main Street will be located 10 feet from the back of sidewalk and existing landscaping will be improved to soften the appearance of the 6 ft. high fence. Since the wrought iron fence/gate will be an open slat design, visibility through the lot will be maintained and will minimize line of sight obstructions. Additionally, the proposed project is consistent with the City Council's Strategic Plan and Economic Development Strategy to support the local business. Approval of the fence would allow them to secure their property, where they have significantly invested and upgraded the existing property.

3. Conditional Use Permit No. 2024-026 to permit the construction of a 6 ft tall open slat wrought iron security fence within the front yard setback in lieu of the maximum height of 42 inches within the front yard setback area will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because it allows walls/fences to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 2024-026**

1. The site plan and elevations received and dated February 25, 2025, shall be the conceptually approved layout with the following modifications:
  - a. The existing planter areas along Main Street and along a portion of 7<sup>th</sup> Street shall incorporate lush landscape plantings to provide a visibly enhanced landscaped area.
  - b. The fence/gate entrance and exit shall remain open during regular business hours.
2. 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.
3. The applicant shall submit a landscaping plan to the Community Development Department for review and approval pursuant to Condition No. 1a. prior to building permit issuance.

Landscaping shall incorporate plantings of sufficient height (i.e. shrubs, etc.) to visually soften the appearance of the proposed fence.

4. 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.
5. The building permit shall be obtained within 30 days of the CUP approval and shall adhere to all building permit expiration dates.
6. Conditional Use Permit No. 24-026 shall become null and void unless exercised within two 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 day 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, 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.