

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 24-022

SUGGESTED 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 block/retaining wall and wrought iron fence, ancillary to a single-family residence.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 24-022:

1. Conditional Use Permit No. 24-022 to permit the installation of a 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions 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 block/retaining wall and wrought iron fence exceeds the maximum height allowed within the front yard setback, the proposed height, as modified, will not pose a safety or traffic hazard, as the subject site is an interior lot and because it maintains visual clearances along the front property line and setback. The interior decorative wood gate is conditioned to match the height of the proposed front block/retaining wall within the front setback. The front block/retaining wall as proposed is allowed by right as the Downtown Specific Plan No. 5 Development Standards allows a wall up to 42 in. height to be constructed on top of the retaining wall. The retaining walls are allowed up to a height that accounts for the difference in grade separation, which in this case is 24 in. Thus, the front block/retaining wall as proposed is allowed, however, the subject Conditional Use Permit request is applicable to the proposed side block/retaining wall and fence within the front setback area.

The visual character of the neighborhood will not be negatively impacted because landscaping will be provided along the front property line to enhance the appearance of the blockwall/fence along the street frontage. A 6 in. retaining wall incorporating a 3 ft. landscape planter will be installed in front of the block wall/fence and will be street visible which will serve to soften the appearance of the fence creating an attractive streetscape. The fence is consistent with other legally established walls or fences located along the front property line in other residential districts.

2. The granting of the Conditional Use Permit No. 24-022 to permit the installation of 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-SP (Mixed Use - Residential Medium Density). In addition, it is consistent with the following goals 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(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Goal LU-2: New development preserves and enhances a distinct Surf City identity, culture, and character in neighborhoods, corridors, and centers.

Policy LU-2(C): Distinguish neighborhoods and subareas by character and appearance and strengthen physical and visual distinction, architecture, edge and entry treatment, landscape, streetscape, and other elements. Evaluate the potential for enhancement of neighborhood entrances and perimeter walls.

The overall height of the wall with fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall and fence heights and the proposed wrought iron fence consists of an open slat design, which creates an attractive appearance. The interior decorative wood gate as conditioned will match the height of the proposed front block/retaining wall within the front setback. In addition, landscaping exists between the wall and the sidewalk improving the aesthetics of the streetscape. The visual character of the neighborhood will not be negatively impacted because the block/retaining wall facing Lake Street will be set back 3 ft. from the property line and landscaping will be maintained in front of the wall, which will soften the appearance of the fence.

3. Conditional Use Permit No. 24-022 to permit 7 ft. tall block/retaining wall and wrought iron fence (measured from top of curb) in lieu of a maximum 42 inches above the retaining wall allowable within the front setback as modified by conditions 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. 24-022

1. The site plan and elevations received and dated August 26, 2025, shall be the conceptually approved design layout with the following modifications:
 - a. The proposed planter area fronting the block/retaining wall along the front setback on Lake Street shall incorporate sufficient mature landscape plantings to provide a visibly enhanced landscaped area.
 - b. The interior decorative wood gate shall not exceed 42 in. in height to match the height of the proposed front block, retaining wall within the front setback.
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 prior to installation of landscaping. Landscaping shall incorporate plantings of sufficient height (i.e. shrubs, etc.) to visually soften the appearance of the proposed wall/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. 24-022 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 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.