

## **ATTACHMENT NO. 1**

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

#### **TENTATIVE PARCEL MAP 19-123**

#### **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 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels and is in conformance with the General Plan, no variances or exceptions are required, and all services and access to the proposed parcels are available.

#### **FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 19-123:**

1. Tentative Parcel Map No. 19-123 to subdivide (for sale, lease, or finance purposes) an existing 5.62 acre (marina) parcel and create a .384 acre parcel with a dock and five existing boat slips is consistent with the General Plan Land Use Element designation of OS-W (Open Space-Water Recreation) on the subject property in that the existing public marina use will continue on both parcels. The proposed subdivision, for sale, lease, or financing purposes, complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning, Subdivision Ordinance (HBZSO) and the California Coastal Act (CCA). Because this location is in the original permit jurisdiction, the City has reviewed it for compliance with the CCA and has determined that this subdivision request meets the standards for an "approval in concept."
2. Tentative Parcel Map No. 19-123 to subdivide (for sale, lease, or finance purposes) an existing 5.62 acre (marina) parcel and create a .384 acre parcel with a dock and five existing boat slips is physically suitable for the type and density of the development because the proposed subdivision does not propose any new construction and the existing improvements will continue to serve as a public marina. The outcome of the proposed subdivision is the continuance of a publically accessible marina, which is allowable in SP4 (Huntington Harbour Bay Club Specific Plan), OS-W land use designation, and is compatible with surrounding development.
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 because the site is located in an urban setting and is currently developed as a public marina with five boat slips and does not contain wildlife or habitat. The subdivision does not propose to modify the existing use nor is any construction proposed with this request.
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. As conditioned, the project will maintain existing utility easements and public access walkways as a part of this proposed tentative parcel map.

## **CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 19-123:**

1. The tentative parcel map received and dated November 20, 2019, shall be the conceptually approved design.
2. This subdivision is for the sale, lease, or financing purposes only and the applicant/property owner shall continue to operate the subdivided portion of the marina as approved by the California Coastal Commission (CCC) and as detailed in Specific Plan No. 4 (Huntington Harbour Bay Club Specific Plan). This includes, but not limited to: Banquet/restaurant activities shall be limited to Area B of the Specific Plan and shall not occur within the public marina (Area C) nor shall they obstruct public access to the marina.
3. Prior to submittal of final map, the property owner shall obtain all required approvals for the subdivision from the appropriate regulatory agencies, including but not limited to, the California Coastal Commission. A copy of the written notice of approval from each applicable agency shall be submitted to the Community Development Department for inclusion in the entitlement file.
4. Public access consistent with recorded Tract Map No. 11881 (recorded as Instrument No. 87-719660 in Book 592/Pages 20-23 of Miscellaneous Maps in the County of Orange Records), and per the Irrevocable Offer of Dedication (per Document No. 88-663292, recorded on December 20, 1988), shall be preserved. **(PW)**
5. Should the owner sell the divided parcel in the future and the new owner desires to provide domestic water to the parcel, a new domestic water service and meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). **(PW)**
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 Parcel Map No. 19-123 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 days prior to the expiration date.
8. 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.