

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 18-038

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 a multi-family residential structure totaling no more than four dwelling units in a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-038:

1. Conditional Use Permit No. 18-038 to demolish three existing multi-family dwelling units and construct four three-story, multi-family units at a height of 32 ft. and more than 150 feet from a public street 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 new structure is designed to comply with all current applicable development standards, including building setbacks, minimum onsite parking and maximum building height. The proposed development is compatible with surrounding uses in that other structures of similar height, mass and siting exist in the immediate area. The gabled roof slope and articulation of the upper portions of the structure provide interest and help to alleviate visual mass. A marked fire lane has been incorporated into the site design, providing emergency responder access to the dwellings located more than 150 feet from the public street.
2. The granting of the conditional use permit will not adversely affect the General Plan because the request to demolish three existing multi-family residences and construct four three-story, multi-family residences is consistent with the Land Use Element designation of RMH on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4 (A): Encourage a mix of residential types to accommodate people with diverse housing needs.

Policy LU-4 (B): Improve options for people to live near work and public transit.

Policy LU-4 (E): Encourage housing options located in proximity to employment to reduce vehicle miles traveled.

The proposed request is consistent with the requirements of the base zoning district, as well as other provisions of the Municipal Code including setbacks, maximum building height, and minimum on-site parking. The proposed building height, mass and siting is

similar to that of other structures in the immediate area. The project will provide an additional dwelling unit near work and public transit opportunities.

3. The request to demolish three existing multi-family residences and construct four three-story, multi-family residences will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) because the new structure is designed to comply with all current applicable development standards, including building setbacks, minimum onsite parking and maximum building height. The proposed 32 ft. building height and dwelling units more than 150 feet from a public street are allowed for any multi-family residential development in a residential zone, subject to the approval of a Conditional Use Permit.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-038:

1. The site plan, floor plans, and elevations received and dated December 13, 2018 shall be the conceptually approved design.
2. Final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall 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. 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.
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. Conditional Use Permit No. 18-038 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.
6. 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.