

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-009/COASTAL DEVELOPMENT PERMIT NO. 22-006

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 15311 of the CEQA Guidelines because the project consists of a seasonal parking lot that will be in the same location for five years. The proposed project involves the use of a vacant site as a new seasonal public parking lot. Historically, the property was used as a parking lot for the adjacent AES facility, located directly across Newland Street. The site is previously disturbed and unpaved, supporting little to no vegetation. No permanent physical improvements are proposed as part of the project.

According to the Biological Resources study prepared by Atkins for the General Plan Update in 2017 and Figure C-21 of the City's General Plan Coastal Element, the site is not located on or adjacent to any areas that are designated as Environmentally Sensitive Habitat Area (EHSA). The closest mapped sensitive community to the site is an area north of the site known to contain Southern Coastal Salt Marsh. The project site is separated from this property by over 150 feet and the Huntington Beach Channel. Because the site does not contain or support any special status species and is buffered from ESHA by the Huntington Beach Channel and over 150 feet in distance (50 additional feet than the required 100-foot buffer area outlined in Section 221.22 of the Huntington Beach Zoning and Subdivision Ordinance [HBZSO]), impacts to sensitive species and habitat would not occur as result of project implementation. Furthermore, the proposed project would only operate during daylight hours and would not introduce any temporary or permanent lighting that could impact sensitive species or habitat in surrounding areas. The proposed use of the site as a seasonal lot would also not result in noise increases beyond existing noise levels because the project does not propose to develop the site, was previously used as a parking lot, and high traffic volumes on Newland Street and Pacific Coast Highway already contribute to higher ambient noise levels in the area. As such, there would be no project-related noise impacts to sensitive species or habitat in surrounding areas. Lastly, although the project does not include changes to grading or drainage that would impact the amount of impervious surface on the site, the project would implement Best Management Practices in accordance with City standards to reduce potential impacts related to erosion. For these reasons, the use of the site as a temporary parking lot would not impact sensitive species or habitat.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-009:

1. Conditional Use Permit No. 22-009 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach 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 project will benefit visitors to the coast by providing additional public parking opportunities in proximity to the coast. The project has been also conditioned to minimize impacts to nearby residences by limiting the daily hours of operation of the seasonal parking lot to 6:00 AM to 8:00 PM. Furthermore, in compliance with the HBZSO, operation of the seasonal parking lot will only occur from

Memorial Day to the third weekend of September to limit operations to summer months when the demand for parking is greatest.

2. The granting of the Conditional Use Permit No. 22-009 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach will not adversely affect the General Plan because it is consistent with the RM (Residential Medium Density) Land Use Element designation 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-14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU-14(B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors.

Goal C2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective 2.4: Balance the supply of parking with the demand for parking.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand allows for the expected increase in private transportation use.

The establishment of a seasonal parking lot on the subject property for a period of five years will encourage visitors to the coast by providing additional parking opportunities available to the general public within the Coastal Zone.

3. Conditional Use Permit No. 22-009 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the HBZSO because HBZSO Section 231.18 permits seasonal parking lots with the approval of a conditional use permit because the project will comply with all HBZSO requirements, including but not limited to, operating only from Memorial Day through the third weekend in September for a period of five years.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-006:

1. Coastal Development Permit No. 22-006 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach conforms with the General Plan, including the Local Coastal Program, because the project, as conditioned, will implement the Coastal Element goal of providing coastal resource access opportunities to the general public and will balance the supply of parking with the demand for parking on a seasonal basis by providing additional parking opportunities along the coast. Furthermore, the site is not located on or adjacent to any areas that are designated as EHSA. Because the site does not contain or support any special status species and is separated from ESHA by the Huntington Beach Channel and over 150 feet in distance (50 additional feet than the required 100-foot buffer area outlined in Section 221.22 of the HBZSO), impacts to sensitive species

and habitat would not occur as result of project implementation. Furthermore, the proposed project would only operate during daylight hours and would not introduce any temporary or permanent lighting that could impact sensitive species or habitat in surrounding areas. The proposed use of the site as a seasonal lot would also not result in noise increases beyond existing noise levels because the project does not propose to develop the site, the site had previously been used as a parking lot, and because high traffic volumes on Newland Street and Pacific Coast Highway already contribute to higher ambient noise levels in the area. As such, there would be no project-related noise impacts to sensitive species or habitat in surrounding areas. Lastly, although the project does not include changes to grading or drainage that would impact the amount of impervious surface on the site, the project would implement Best Management Practices in accordance with City standards to reduce potential impacts related to erosion. Therefore, the proposed project would be consistent with the General Plan, including the Local Coastal Program.

2. Coastal Development Permit No. 22-006 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project, as conditioned, will comply with all applicable regulations of the Municipal Code. Although the project will not result in physical development on the subject site and will not stripe parking spaces within the proposed seasonal parking lot, the project will comply with applicable development standards related to minimum parking space dimensions and minimum backup clearance by adhering to parking space configurations outlined on the approved site plan during operation of the seasonal lot. No changes to the existing site grading and drainage patterns would occur. Furthermore, the project will comply with Municipal Code requirements pertaining to required buffer distances from ESHA and will implement best management practices regarding sediment and erosion control to ensure that no impacts would occur during construction and operation of the project.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 22-006 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-006 to permit a seasonal parking lot for a period of five years on a vacant, 2.9-acre site north of Huntington State Beach will conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will improve public access to the coast by providing additional parking opportunities for visitors to the coast. As such, the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-009/COASTAL DEVELOPMENT PERMIT NO. 22-006:

1. The site plan, floor plans, and elevations received and dated May 4, 2022 shall be the conceptually approved layout with the following modification: parking space dimensions and drive aisle widths shall comply with applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and Title 24, California Administrative Code (**HBZSO Chapter 231**).

2. A copy of the approved site plan shall be kept onsite at all times and used as the basis for parking configurations during operation of the seasonal lot.
3. The hours of operation shall be limited to Monday through Sunday from 6:00 AM to 8:00 PM. No overnight parking shall be permitted.
4. The parking fee at the temporary parking lot shall not exceed the parking fee at the adjacent public beach parking lot.
5. Conditional Use Permit No. 22-009 and Coastal Development Permit No. 22-006 shall be permitted for a maximum of five years (2022 through the third weekend of September in 2027) **(HBZSO 231.18.F)**.
6. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements in separately transmitted memoranda from the Departments of Fire, Community Development, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
7. 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.
8. Conditional Use Permit No. 22-009 and Coastal Development Permit No. 22-006 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval or by the Coastal Commission if the Coastal Development Permit is appealed, 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.
9. 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.
10. 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.