

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 21-028 **COASTAL DEVELOPMENT PERMIT NO. 21-022**

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 one single-family residence within a residential zone.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-028:

1. Conditional Use Permit No. 21-028 to demolish an existing single-story single-family residence and construct a new two story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet 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 as conditioned, the proposed new residence and rooftop deck is designed to be compatible in proportion and scale with the surrounding neighborhood. The rooftop deck is setback five feet from the building exterior, which will minimize the visual mass and bulk of the structure. The rooftop deck is oriented toward the harbor and thereby ensuring privacy of adjacent properties. The deck does not exceed the height limit and will be accessible only by a staircase and elevator located in the interior of the residence.
2. The granting of the Conditional Use Permit No. 21-028 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

Policy LU-4(D): Ensure that single-family residences are of compatible proportion, scale, and character to surrounding neighborhoods.

As conditioned, the proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy design standards. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed rooftop deck will be oriented toward the harbor, minimizing impact to privacy on

adjoining properties and will be setback five feet from the building exterior to reduce the mass and bulk of the structure.

3. Conditional Use Permit No. 21-028 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet 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 as conditioned, the project complies with parking, building setbacks, building height, lot coverage, and privacy design standards. Furthermore, the rooftop deck will be set back five feet from the building façade and is oriented toward the public channel, as required by the HBZSO. Third floor habitable space, including decks, are allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-022:

1. Coastal Development Permit No. 21-022 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet conforms with the General Plan, including the Local Coastal Program because the project is consistent with the Coastal Element Land use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed development will occur entirely on a developed site, contiguous to existing single-family residential development.
2. Coastal Development Permit No. 21-022 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet 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 development regulations, including building height, building setbacks, parking, lot coverage, and privacy design standards.
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. 21-022 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-022 to demolish an existing single-story single-family residence and construct a two-story, approximately 5,092 sq. ft. single-family residence with a 667 sq. ft. 3-car garage, and an approximately 690 sq. ft. rooftop deck with stairway and elevator access at an overall height of 35 feet conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-028/COASTAL DEVELOPMENT PERMIT NO. 21-022:

1. The site plan, floor plans, and elevations received and dated April 6, 2022, and the rooftop deck plan and exhibits received and dated April 11, 2022 shall be the conceptually approved design with the following modifications:
 - a. One 36" box tree shall be planted within the front yard setback area. **(HBZSO 232.08B.2)**;
 - b. Provide a note on the roof top plan indicating that the spa and equipment will be reviewed "under separate permit".
2. Prior to submittal of building permits, zoning entitlement conditions of approval and code requirements identified in separately transmitted memorandum 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.
3. The structure cannot be occupied and 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.
4. Conditional Use Permit No. 21-028 and Coastal Development Permit No. 21-022 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.
5. 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.
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.