

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 22-002**

**VARIANCE NO. 22-001**

**COASTAL DEVELOPMENT PERMIT NO. 22-002**

**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 two dwelling units within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-002:**

1. Conditional Use Permit No. 22-002 to demolish two residential units and construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks 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 the proposed new duplex is designed to be compatible in proportion and scale with the surrounding neighborhood. The third floor habitable area is setback eight feet from the side property lines, which will minimize the visual mass and bulk of the structure. The second and third floor decks are oriented toward the rear yard and public right of way (Alabama St.), ensuring privacy of adjacent properties. The decks do not exceed the height limit and will be accessible only by a staircase located in the interior of each residence.
2. The granting of the Conditional Use Permit No. 22-002 to demolish two residential units and construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks at an overall height of 35 feet will not adversely affect the General Plan because it is consistent with the Land Use Element designation RMH (Residential Medium High 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.

With exception of the two open parking spaces, the proposed project is consistent with the requirements of the base zoning district such as parking, building setbacks, building height, lot coverage, and privacy standards. The overall height will match the surrounding properties because the neighborhood is developed with residences with similar building heights. The proposed rooftop deck will be oriented toward the rear and public street, minimizing impact to privacy on adjoining properties and the third-floor habitable area will be setback eight feet from the side property lines to reduce the mass and bulk of the structure.

3. Conditional Use Permit No. 22-002 to demolish two residential units and construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks 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 with exception of the variance request, the project complies with minimum required parking spaces, building setbacks, building height, lot coverage, and privacy standards. Furthermore, the third floor habitable area will be set back eight feet from the side property line and all decks are oriented toward the public right-of-way and/or rear yard, as required by the HBZSO. Multi-family development exceeding 25 feet in height in the RMH-A zoning district is permitted with the approval of a conditional use permit.

#### **FINDINGS FOR APPROVAL – VARIANCE NO. 22-001:**

1. The granting of Variance No. 22-001 to permit two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because due to required dedications for alley widening along the side property line, the site is reduced in width by 2.5 ft. in comparison to other properties in the vicinity. Additionally, the depth of the lot is 85 ft. which is substantially less than the depth of surrounding Residential Medium High Density – Small Lot Subdistrict (RMH-A) properties which have a depth of 125 feet. Access to a garage can only be taken from an alley when available and due to the alley location along the side of the property, all onsite circulation is required on the lot. The setback and circulation requirements limit the buildable area of the lot, particularly for open parking. The width of the parcel after dedication is 57.5 ft. wide and cannot accommodate two, two-car garages (minimum 36 ft. wide) and two open parking spaces adjacent to walls (minimum 24 ft. wide), while allowing the minimum 19 ft. depth for all parking spaces, and adequate internal circulation, including a minimum 25 ft. vehicle back-up. The proposed development is consistent with the development density standards applicable to the subject property (one dwelling per 1,900 sq. ft. of lot area). Based on the size and location of the lot, the approval of the variance will not constitute a grant of a special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification as other variances have been approved for similar requests.
2. Because of special circumstances applicable to the subject property including the size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications because the property is required to provide alley dedications along the north side. The effect of the required dedication is a reduction in the width of an already substandard lot, thus further limiting the amount of buildable area. Strict application of the zoning ordinance would deprive the subject property of development rights enjoyed by identically zoned properties in the vicinity.
3. The granting of the variance to permit two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. is necessary to preserve the enjoyment of one or more substantial property rights because based on the applicable zoning and General Plan designation, and the existing lot size, dimensions, and location, the subject site is afforded the right to construct two, three-story dwellings of proportionate size to the setback, height, and floor area ratio requirements of the underlying zone. Due to the location of the lot (corner lot with side yard alley access), two open parking spaces is required, which cannot be met due to the width of the lot. Additionally, as a result of the reduced size of the depth of the lot, the

overall buildable area of the site is significantly less than a standard sized lot. The requested variance for two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. is being sought to construct a development consistent with other properties in the area that meets the minimum number of required parking spaces. Consequently the granting of this variance is necessary to preserve the development right afforded by the property's residential land use designation.

4. The granting of the variance two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. will not be materially detrimental to the public welfare or injurious to property in the on the same zone classification because the requested variance will not result in any intensification of development impacts beyond that which is permitted under the corresponding land use regulations and development standards based on the existing (pre-dedication) lot size and width.
5. The granting of the variance to permit two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. will not adversely affect the General Plan because the proposed development is consistent with the Land Use Element designation of RMH (Residential Medium High Density) on the subject property. In addition, the proposed project is consistent with the following General Plan goals and policies:

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.

Policies LU-1.A Ensure that development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

The proposed three-story development is similar in size and scale to other residences in the vicinity. The requested variance allows the applicant to comply with the minimum number of open parking spaces in a manner consistent with other residences in the vicinity.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-002:**

1. Coastal Development Permit No. 22-002 to demolish two residential units, construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks at an overall height of 35 feet, and allow two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. 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 residential development.
2. Coastal Development Permit No. 22-002 to demolish two residential units, construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks at an overall height of 35 feet, and allow two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. is consistent, with exception of the variance request, 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, will comply with all applicable development regulations, including building height, building setbacks, number of required parking spaces, 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. 22-002 to demolish two residential units, construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks at an overall height of 35 feet, and allow two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 22-002 to demolish two residential units, construct a three-story duplex, each 2,251 sq. ft. with a 369 sq. ft. garage and 285 sq. ft. of decks at an overall height of 35 feet, and allow two, 10 ft. wide open parking spaces in-lieu of the required minimum width of 12 ft. 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. 22-002/VARIANCE 22-001/COASTAL DEVELOPMENT PERMIT NO. 22-002:**

1. The site plan, floor plans, and elevations received and dated May 11, 2022 shall be the conceptually approved design with the following modification: the elevations/sections shall depict the height, measured from the top of curb, of the second story top plate and the floor of the third floor deck.
2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.
3. 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.
4. Prior to the issuance of a building permit, a Lot Line Adjustment shall be submitted to the Community Development Department, approved by the Public Works Department, and recorded by the County for the consolidation of all underlying parcels to result in one (1) lot.
5. 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.
6. Conditional Use Permit No. 22-002, Variance No. 22-001, and Coastal Development Permit No. 22-002 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.
7. 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.
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.