

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-006/VARIANCE NO. 22-002

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, which exempts new structures in already urbanized zones that are less than 10,000 sq. ft. in floor area because the project will develop a 2,000 sq. ft. commercial building in an urbanized area that is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-006:

1. Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel with a net lot area of 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. 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 revitalize an existing undeveloped property with a development that is consistent with the General Plan land use and zoning designation of Research and Technology (RT). The project will construct a one-story diesel automotive repair facility that has been designed to minimize impacts to surrounding properties, which also primarily consist of other one-story industrial and commercial uses across Warner Avenue and Palmdale Lane. The project has also been designed to minimize visual impacts to pedestrians and motorists traveling along Warner Avenue by orienting the bay lifts towards the rear of the property, away from public streets and right-of-way areas. The bay lifts will be separated from industrial uses to the south of the site by over 45 ft. to further minimize potential noise impacts to surrounding uses. In addition, development of the subject property will improve this segment of Warner Avenue by developing a vacant, underutilized property with a new industrial use that includes landscaping improvements along the perimeter of the site. The project will comply with development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. Although the project will comply with these requirements, the project is requesting variances to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. These requests are necessary to develop a viable industrial use on the property with adequate circulation that is consistent with the General Plan land use designation and zoning classification on the site. For these reasons, the project 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.
2. The granting of the Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel that is 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RT (Research and

Technology) 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-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.

Policy 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.

Policy LU-1(C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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

Policy LU-2(B): Ensure that new and renovated structures and building architecture and site design are context-sensitive, creative, complementary of the city's beach culture, and compatible with surrounding development and public spaces.

Goal LU-5. Industrial businesses provide employment opportunities for residents, supporting the local economy.

Policy LU-5(A): Support and attract new businesses in the city's industrial areas.

Policy LU-5(D): Explore opportunities to optimize use of underutilized or underperforming industrial land that is sensitive to surrounding uses, and to introduce new industrial uses that create jobs.

Goal LU-12. Commercial and industrial corridors throughout the planning area are renovated and revitalized.

Policy LU-13(C): Support development of new commercial and industrial projects and retrofits of existing buildings.

The proposed project will develop a currently vacant site with a new automotive repair business that is consistent with permitted uses in the RT designation and is consistent with other industrial uses and commercial uses north, south, east, and west of the site. The proposed project will enhance the economic vitality of the site and surrounding area by providing new job opportunities and generating sales tax revenue and by promoting infill development on a vacant site that is surrounded by development on all sides. The proposed project will also improve the aesthetic appearance of the site by converting a vacant property to an automotive repair facility that will exhibit a modern industrial architectural style that is in keeping with the industrial character of the surrounding area. The design of the project, including the façade breaks provided by proposed windows and the use of varied colors and materials, will enhance the appearance of building and improve the character of the site along Warner Avenue and Palmdale Lane. The proposed repair bays will be oriented to face the interior of the subject property, away from Warner Avenue, which will reduce visual impacts

along this major arterial. The one-story height of the building will also be consistent with other one-story properties situated along Warner Avenue and Palmdale Lane. Although the project includes variance requests to reduce the front yard setback to 10 ft., to permit a 2-ft interior landscape planter along the southern perimeter of the site, to permit two parking spaces that are 9-ft wide and 9.5-ft wide, and to permit a 0-ft step off area, these requests are necessary to improve the site with a viable industrial business that is consistent with the General Plan and zoning designation due to the substandard size of the lot.

3. Conditional Use Permit No. 22-006 to establish a 2,000-square foot industrial building for automobile repair services on a substandard parcel that is 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. 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 project complies with development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. The variance requests for a reduced front yard setback, interior landscape planter width, parking space width, and step off area are necessary to develop the site with a viable industrial use with adequate parking and circulation given the substandard size of the site. Therefore, the project will be consistent with the base district and applicable provisions in the HBZSO.

FINDINGS FOR APPROVAL - VARIANCE NO. 22-002:

1. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-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 the variance requests address unique development constraints related to the subject property given the irregular lot size. The subject property is substandard in size measuring approximately 7,692 sq. ft. in lieu of the minimum required lot area of 15,000 sq. ft. The size of the lot does not provide adequate space to develop the property with a viable industrial use that complies with development standards pertaining to the front yard setback, parking space dimensions, step off area dimensions, and landscaping planter dimensions. In addition, variance requests included as part of the project are consistent with a similarly proposed project that was approved by the City's Planning Commission in 2002, which permitted the construction of a new automotive repair facility on the site with a reduced front yard setback and reduced landscape planter width and vehicle overhang area. Furthermore, because the project is one of the first industrial properties in the area to be developed under the new RT zoning classification that was adopted for this area in 2019, it is anticipated that there will be future scenarios in which new uses request similar variances to those included as part of this project as areas around the property transition to newer uses. Therefore, the granting of the variance request will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zoning classification.
2. Because of special circumstances applicable to the subject property, including 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 zone classification. The size of the property is approximately one-half the size of a traditionally zoned RT property, which restricts the use of the property as a viable industrial use that complies with development standards related to setbacks, parking space

dimensions, step off area dimensions, and landscaping dimensions. The property's location along a major arterial presents additional constraints to development related to perimeter landscaping and design requirements. For example, the request for a 10-ft. front yard setback in lieu of an average 20-ft front yard setback will enable the project to orient the repair bays away from Warner Avenue, thereby minimizing visual impacts along a major arterial. To construct the building at another location on the site will result in the visual exposure of the repair bays to motorists and pedestrians along Warner Avenue, which will be inconsistent with the City's Design Guidelines. Furthermore, the requests for a reduced interior landscape planter width, a reduced parking space width for two of the parking spaces, and the elimination of the 12-inch step off area are necessary to provide the number of required parking spaces on the site. Without approval of these variance requests, the project will be unable to provide the number of required parking spaces and could result in off-site impacts with customers parking in the surrounding neighborhood rather than on the site due to a lack of parking. Therefore, because of special circumstances applicable to the subject property, including the lot size, the strict application of applicable development standards for the RT zoning classification is found to deprive the property owner of the ability to construct a viable industrial use with adequate onsite circulation and landscaping.

3. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. is necessary to preserve the enjoyment of one or more substantial property rights because it will enable the property owner to develop the site with an automotive repair shop that will promote the economic vitality of the site and surrounding area while also maintaining adequate parking on the site. The granting of this variance is necessary to preserve the development right afforded to the property owner in accordance with the property's RT land use and zoning classification.
4. The granting of Variance No. 22-002 to permit a 10-ft. front yard setback in lieu of an average of 20 ft., to permit a 2-ft interior landscape planter width along the southern perimeter of the site in lieu of 3 ft., to permit two parking spaces that are 9-ft wide and 9.5-ft wide in lieu of 12 ft., and to permit a 0-ft step off area in lieu of 1-ft. will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan because the development will comply with other code provisions, including development standards pertaining to height, street side setbacks, floor area ratio, minimum landscaping requirements, and parking. The requested variance will not result in detrimental impacts to surrounding properties and furthers the goals of the General Plan to encourage development with a consistent land use pattern, promote infill development, and encourage new industrial businesses in the City.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-006 and VARIANCE NO. 22-002:

1. The site plan, floor plans, and elevations received and dated April 26, 2022 shall be the conceptually approved design with the following modifications:
 - a. White trim shall be provided along building edges and under the proposed roof overhang (i.e., the fascia and bargeboards) to match white trim proposed along building windows and doors.

- b. Doors proposed on the north and south elevation shall include white trim to match the trim of other proposed doors and windows.
 - c. The east elevation shall be modified to include additional windows to improve the variation on this façade.
 - d. All building windows shall be modified to replace the curved eyebrow element with a linear element.
 - e. The upper half of the proposed roll up doors on the south elevation shall be modified to include additional windows.
2. The use shall comply with the following:
- a. There shall be no outside storage of vehicles, vehicle parts, equipment or trailers.
 - b. All repair work shall be conducted wholly within the building.
3. 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.
4. 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.
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, except as provided for by the conditions of approval.
 - 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.
 - d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division.

6. New signage shall be reviewed under separate permits and applicable processing.
7. Conditional Use Permit No. 22-006 and Variance No. 22-002 shall not become effective until the ten calendar day appeal period has elapsed.
8. Conditional Use Permit No. 22-006 and Variance No. 22-002 shall become null and void unless exercised within two (2) 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.
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, 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission 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.