

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 22-014**

#### **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 a wall, ancillary to a single-family residence.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-014**

1. Conditional Use Permit No. 22-014 to permit the construction of an approximately 61 in. high wooden fence (58 linear feet) within the front yard setback in the lieu of the maximum height of 42 in. within the front yard setback area 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 although the wall exceeds the maximum allowed height in the front yard setback, the proposed height, as modified, will not pose a safety/traffic hazard because the subject site is an interior lot. The visual character of the neighborhood will not be negatively impacted because landscaping will be provided along the front property line to enhance the appearance of the wall along the street frontage. A two ft. planter will be maintained in front of the fence and landscaping behind the fence will be visible between the openings of the wooden fence, which will soften the appearance of the fence. The fence is consistent with other legally established walls or fences located along the front property line in other residential districts. It is comprised of a combination of concrete block and decorative walnut stained wood which creates an attractive appearance.
2. The granting of the Conditional Use Permit No. 22-014 to permit the construction of an approximately 61 in. high wooden fence (58 linear feet) within the front yard setback in the lieu of the maximum height of 42 in. within the front yard setback area will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density). 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(D):** Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

The overall height of the fence will match the surrounding properties because the neighborhood is developed with single-family residences with similar wall heights and the proposed fence consists of a combination of concrete and walnut stained wood, which creates

an attractive appearance. The visual character of the neighborhood will not be negatively impacted because landscaping will be maintained in front of the fence, which will soften the appearance of the fence.

3. Conditional Use Permit No. 22-014 to permit the construction of an approximately 61 in. high wooden fence (58 linear feet) within the front yard setback in the lieu of the maximum height of 42 in. within the front yard setback area will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, because it allows walls to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit.

#### **CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 22-014**

1. The site plan and elevations received and dated May 9, 2022 shall be the conceptually approved layout with the following modification: the fence shall be reoriented to maintain a 10 ft. by 10 ft. visibility triangle, measured along the driveway and the front property line. No walls, fences, or landscape taller than 42 in. in height shall be permitted within this area.
2. 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.
3. 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.
4. Conditional Use Permit No. 22-014 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.
5. 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.