

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-017

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 15301 of the CEQA Guidelines, because the project involves minor alterations consisting of tenant improvements to an existing commercial shopping center.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-017:

1. Conditional Use Permit No. 22-017 to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use 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 involves the establishment of a medical office use that is permitted by right in the Commercial Office (CO) zoning district and involves a minor reduction in parking. The request for a reduced parking is a result of a commercial office site constrained by the loss of spaces to accommodate modern ADA accessibility and is based on a parking demand analysis prepared by Kenny Chao, P.E., a state-registered civil engineer of AET & Associates (dated July 15, 2022). A parking survey of a separate site located within the City with an equal mix of office and medical office uses was conducted, resulting in a weekday peak demand total of 22 parking spaces. As a result, the parking demand study supports the proposed three space reduction in required parking and concludes that adequate on-site parking will be available to accommodate not just the proposed medical office use, but, as conditioned, additional on-site business offices and a storage area with 26 spaces.
2. The granting of Conditional Use Permit No. 22-017 to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use will not adversely affect the General Plan because it is consistent with the Land Use Element designation of Commercial Neighborhood (CN) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

- a. 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.
- b. 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.

- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
- e. Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.
- h. Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project consists of the establishment of a medical office use that includes out-patient surgery services within an existing two-story commercial building. The project site will continue to serve adjacent residential development and future development within the City as a whole. The project is located upon an established neighborhood commercial property surrounded by similar commercial and residential uses. The shared parking analysis prepared by AET & Associates has determined that the existing 26 onsite parking spaces are more than sufficient to provide parking during the expected peak parking demand. The request will serve the needs of local residents by expanding the range of goods and services provided in the area by providing additional medical service opportunities. Therefore, the proposed project will be consistent with the overall goals and needs of the community, provide goods and services to meet regional and local needs, and renovate and revitalize an existing neighborhood commercial corridor by ensuring the continued occupancy of an existing commercial building.

- 3. The proposed conditional use permit to permit a three parking space reduction (total of 26 spaces in-lieu of 29 required spaces) and the establishment of a 2,273 sq. ft. out-patient medical office use 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) in that the proposed medical office use is permitted within the CO (Commercial Office) zoning district pursuant to Section 211.04 of the HBZSO—CO, CG, and CV Districts: *Land Use Controls*. The proposed medical office will be located within an existing commercial building, which conforms to applicable site development standards in terms of minimum yard setbacks, minimum landscaping, and maximum floor area ratio, with exception of the request for reduced parking. The parking demand study determined that the onsite parking requirement for the proposed mix of medical and business office uses is in excess of four spaces than the expected peak parking demand.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-017:

- 1. The site plan and floor plans received and dated May 12, 2022, and parking demand study received and dated July 17, 2022 shall be the conceptually approved design.

2. Prior to submittal for building permits, Zoning entitlement conditions of approval 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. Prior to the issuance of building permits, the property owner shall sign, notarize, and record with the County Recorder a covenant confirming that the second floor Unit 5 (2,722 sq. ft.) will be maintained as a storage unit, not to be occupied by a business operation unless an adequate justification for the revised parking configuration is reviewed and approved by the Zoning Administrator.
4. The final building permit(s) cannot be approved until the following have been completed:
 - a. All improvements shall be completed in accordance with approved plans.
 - b. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - c. The applicant shall provide signage directing customers to enter from the shopping center main driveway located immediately west of the project site to the satisfaction of Community Development and Public Works.
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. 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.
7. Conditional Use Permit No. 22-017 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 of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.
8. The development services departments and divisions (Planning, Building and Safety, Fire, 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 Community Development Director's action. If the

proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development 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.