

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 22-039/COASTAL DEVELOPMENT PERMIT NO. 22-030

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 operation of the site as a temporary commercial public beach parking lot on a site that has been occupied by a temporary commercial beach parking lot for the last five years. The site is almost entirely paved with existing unpaved areas supporting no or limited vegetation (*Addendum to Biological Constraints Analysis for the 1.27-Acre Beach Access Parking Lot at the Corner of Coast Highway and Beach Boulevard, Huntington Beach, California; January 30, 2023 [also referred to as the Biological Constraints Analysis Addendum]*). No permanent physical improvements are proposed, although two directional entry signs would be located at the project entrance and would be removed when the temporary parking lot use expires.

The project site is adjacent to the Newland Marsh, a designated Environmentally Sensitive Habitat Area (ESHA) in the Coastal Element of the City's General Plan. According to a *Biological Constraints Analysis Addendum* prepared for the project by Glenn Lukos Associates, the Newland Marsh area provides habitat for the Belding's savannah sparrow, a State-listed endangered species. The project site itself does not support any special status habitat or species and is separated from the Newland Marsh by an upland area dominated by native upland shrubs, perennial grasses, some wetland species and Menzies' goldenbush (a plant species known to support Belding's savannah sparrow). While Menzies' goldenbush is known to occur in the mixed upland scrub-alkali grassland restoration area north of the site, it is important to note that the *Biological Constraints Analysis Addendum* found that the area directly north of the site that was previously mapped as Menzies' goldenbush is in fact a diverse mix of native plant species of which Menzies' goldenbush is one of the dominant plants. Nonetheless, similar to the previously approved temporary parking lot on the site, the project includes a variable width buffer of 36 to 80 feet between the parking area and the adjacent marsh. Similarly, the proposed project would continue to restrict parking to daylight hours during the breeding season for the Belding's savannah sparrow to eliminate potential impacts from vehicle lights to biological resources in the Newland Marsh Area north of the site. The proposed use of the site as a temporary parking lot would not generate increased noise levels beyond existing noise levels on the site and existing noise levels generated by Pacific Coast Highway; thereby avoiding noise impacts to biological resources in the Newland Marsh Area. Additionally, there are no proposed changes to the existing grading and drainage patterns, including existing impervious surface areas, and thus impacts from runoff and/or erosion would not occur. The continued use of the project site as a temporary commercial parking lot with the same design as the previously approved temporary parking lot would ensure the protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. Results of the *Biological Constraints Analysis Addendum* have also confirmed that the design of the proposed project, including the proposed buffer within the

temporary parking lot, use of the chain-link fence around the site, and limitations to the proposed operating hours have ensured that no impacts to threatened, sensitive, or endangered biological species have occurred within the adjacent Newland Marsh area during operation of the site as a temporary commercial parking lot over the last five years. Incorporation of these components into the proposed project would continue to ensure that no impacts to biological resources would occur during operation of the project. Therefore, although the project site is adjacent to sensitive habitat, no impacts to the existing biological resources within the sensitive habitat areas are anticipated as a result of the proposed project.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 22-039:

1. Conditional Use Permit No. 22-039 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach 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 site is located in a Commercial Visitor zone, which allows uses that benefit coastal visitors, including temporary parking lots for use by the general public. The project will benefit visitors to the coast by providing additional temporary public parking opportunities in proximity to the coast, which will serve to alleviate parking constraints along the coast during peak conditions. Furthermore, the project has been conditioned to minimize impacts to sensitive biological resources in the adjacent marsh area by limiting the daily hours of operation of the temporary parking lot to 6:00 AM to 8:00 PM. An attendant will also be on the site at all times to maintain the temporary parking lot to ensure it is clear and free of trash and debris.
2. The granting of the Conditional Use Permit No. 22-039 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach will not adversely affect the General Plan because it is consistent with the CV (Commercial Visitor) Land Use Element designation 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-14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU-14(B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors.

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Objective 2.4: Balance the supply of parking with the demand for parking.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand allows for the expected increase in private transportation use.

The establishment of temporary parking lot with approximately 107 spaces on the site for a period of five years will encourage visitors to the coast by providing additional parking opportunities available to the general public within the Coastal Zone.

3. Conditional Use Permit No. 22-039 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach 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 Chapter 221 of the HBZSO requires a 100-foot buffer between development and adjacent ESHA. The project site is adjacent to the Newland Marsh, a designated ESHA in the Coastal Element of the General Plan. However, per Chapter 221 of the HBZSO, if the development or site cannot accommodate a 100-foot buffer, then the buffer must be designed to ensure the protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. Despite the proposed parking lot providing a buffer that varies from 36 ft. - 80 ft. in lieu of the required 100 ft., no significant direct or indirect impacts to the ESHA areas are anticipated. Furthermore, per the *Biological Constraints Analysis Addendum* provided by Glenn Lukas Associates, establishment of the variable buffer on the site has served to adequately avoid potential impacts to nearby sensitive biological resources from operation of the site as a temporary parking lot over the last five years and would continue to serve the same purpose for the proposed project. In addition, the continued use of the site as a public coastal temporary parking lot will meet the provisions of Chapter 221, as described above. Temporary parking lots are permitted in the Commercial Visitor zoning district subject to approval of a Conditional Use Permit and Coastal Development Permit.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 22-030:

1. Coastal Development Permit No. 22-030 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach conforms with the General Plan, including the Local Coastal Program, because the project, as conditioned, will implement the Coastal Element goal of providing coastal resource access opportunities to the general public and will balance the supply of parking with the demand for parking on a temporary basis by providing additional parking opportunities along the coast during peak conditions.
2. Coastal Development Permit No. 22-030 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach is consistent with the requirements of the CZ Overlay District, as well as other applicable provisions of the Municipal Code because the project, as conditioned, will comply with all applicable regulations of the Municipal Code. The project will not result in permanent physical changes to the site and complies with applicable development standards including minimum parking space dimensions and minimum backup clearance. Chapter 221 of the HBZSO requires a 100-foot buffer between development and adjacent ESHA. The project site is adjacent to the Newland Marsh, a designated ESHA in the Coastal Element of the General Plan. However, per Chapter 221, if the development or site cannot accommodate a 100-foot buffer, then the buffer must be designed to ensure the

protection of the functional relationship between the wetland and the adjacent upland; ensure that the most sensitive species will not be significantly disturbed based on habitat requirements and the short- and long-term adaptability of various species to the presence of human beings; and allow for the interception of any additional material eroded as a result of the proposed development, based on soil, vegetation, slope and runoff characteristics, and impervious surface coverage. The existing site was developed without a 100-foot buffer between the adjacent ESHA and the previous development. The project involves the continued operation of the site as a temporary public parking lot, which has been designed with a variable width buffer of 36 to 80 feet between the parking stalls and drive aisles and the adjacent marsh. As such, the project will meet the requirements of the HBZSO with the proposed variable width buffer (36 ft. - 80 ft.) based on the design and operation of the proposed use as well as existing site conditions. The restriction of parking to daylight hours would eliminate potential impacts from vehicle lights to biological resources within the marsh area. Similarly, noise impacts would not be increased over the existing noise levels generated by the existing temporary parking lot on the site and by Pacific Coast Highway, and there would be no increase in noise impacts to biological resources within the marsh area. Finally, there are no proposed changes to the existing site grading and drainage patterns, including existing impervious surface areas, and thus impacts from runoff and/or erosion would not occur. Furthermore, the project will comply with applicable development standards related to minimum parking space dimensions and minimum backup clearance by adhering to parking space configurations outlined on the approved site plan during operation of the temporary lot.

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. 22-030 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. All necessary services and infrastructure currently exist to serve the site. The proposed request will serve to alleviate constrained parking conditions along the coast during the peak season by providing an additional temporary parking opportunity in close proximity to the beach.
4. Coastal Development Permit No. 22-030 to permit a temporary parking lot with approximately 107 spaces for a period of five years and allow for the collection of fees for vehicles parking north of Huntington State Beach will conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will improve public access to the coast by providing additional parking opportunities for visitors to the coast. The project will not impede public access, recreation, or views to coastal resources.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 22-039/COASTAL DEVELOPMENT PERMIT NO. 22-030:

1. The site plan, floor plans, and elevations received and dated January 30, 2023 shall be the conceptually approved layout.
2. The daily hours of operation shall be limited to 6:00 AM to 8:00 PM.
3. The parking fee at the temporary parking lot shall not exceed the parking fee at the adjacent public beach parking lot.

4. Conditional Use Permit No. 22-039 and Coastal Development Permit No. 22-030 shall be permitted for a maximum of five years (2023-2028) **(HBZSO 231.18.F).**
5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed 12 square feet and shall be six feet high. **(HBZSO 231.18.F.5).**
6. Automatic entry devices or fee collection points shall be set back a minimum of 20 feet from the public right-of-way, or at a distance recommended by the Department of Public Works and approved by the Director **(HBZSO 231.18.F.6).**
7. An approved fire extinguisher shall be provided on the premises during business hours **(HBZSO 231.18.F.8).**
8. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot **(HBZSO 231.18.F.9).**
9. Subsequent to approval of the temporary parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall then be inspected and approved by the Director prior to issuance of a certificate to operate **(HBZSO 231.18.F).**
10. Prior to submittal of building permits, zoning entitlement conditions 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.
11. 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.
12. Conditional Use Permit No. 22-039 and Coastal Development Permit No. 22-030 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.
13. 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.
14. 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.