

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS FOR DENIAL**

#### **CONDITIONAL USE PERMIT NO 13-010/ VARIANCE NO. 13-005**

#### **SUGGESTED FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 13-010:**

1. Conditional Use Permit No. 13-010 for the establishment, maintenance and operation an approximately 28,000 sq. ft. assisted living facility on a vacant lot with more than a three ft. grade differential between the high point and low point and maximum combined retaining wall/fence along the property lines of 9.5 to 14 feet high will 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. The assisted living facility with two stories above a partially exposed parking structure at a building height of 33.5 to 38.5 ft. is out of scale with the adjoining one story mobile home park. The assisted living facility has a roofline that does not terrace with the grade creating the appearance of a three-story building that is incompatible next to the one story mobile home park. The combined retaining wall/fence along the property lines of up to 14 feet high towers over and is incompatible with the adjoining properties.
2. The conditional use permit will be not be compatible with surrounding uses because the assisted living facility is out of scale due to its height, number of stories, and bulk. The design of the project with its increased height and reduced setbacks affects the privacy and quality of life of the adjoining mobile home park.
3. The proposed approximately 28,000 sq. ft. assisted living facility on a vacant lot with more than a three ft. grade differential between the high point and low point and maximum combined retaining wall and fencing height along the property lines of 9.5 to 14 feet will not comply with several provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) due to the variances concurrently proposed. In addition, the assisted living facility has a roofline that does not terrace with the grade as required by the HBZSO.
4. The granting of the conditional use permit will adversely affect the General Plan because the proposed project is not consistent with the following General Plan goals and policies:

#### **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-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.

## B. Housing Element

Policy 1.1: Preserve the character, scale and quality of established residential neighborhoods.

The proposed development is incompatible with the adjacent mobile home park in terms of proportion, scale, and character. The assisted living facility with two stories above a partially exposed parking structure at a building height of 33.5 to 38.5 ft. is out of scale with the adjoining one story mobile home park. The assisted living facility has a roofline that does not terrace with the grade creating the appearance of a three-story building that is incompatible next to the one story mobile home park. The combined retaining wall/fence along the property lines of up to 14 feet high towers over and is incompatible with the adjoining properties.

### **SUGGESTED FINDINGS FOR APPROVAL - VARIANCE NO. 13-005:**

1. The granting of Variance No. 13-005 for: a.) building height of 33.5 ft. to 38.5 ft. in lieu of a maximum of 18 ft. within 45 ft. of a residential district; b.) exterior stairs at a 1 ft. side setback in lieu of 8 ft.; c.) deck at a 5 ft.-2 in. side setback in lieu of 10 ft.; d.) basement laundry/vestibule at an 8 ft.-5 in. side setback in lieu of 10 ft.; and e.) an 8 ft.-8 in. parking structure perimeter planter width in lieu of 10 ft. will constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because there are no special circumstances applicable to the property, particularly when considering the proposed increase in the maximum general plan floor area ratio for the site.
2. There are no special circumstances applicable to the subject property, including size, shape, location or surroundings, particularly when considering the proposed increase in the maximum general plan floor area ratio, such that 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.
3. The granting of a variance is not necessary to preserve the enjoyment of one or more substantial property rights because a reduced development that does not require an increase in the maximum floor area ratio and that complies with all development standards could be proposed on the site.
4. The granting of the variance will be materially detrimental to the public welfare or injurious to property in the same zone classification. The variance to building height, setbacks, and parking structure perimeter planter width will result in a development that is incompatible with the adjacent mobile home park in terms of proportion, scale, character, and landscape screening. The design of the project with its increased height and reduced setbacks affects the privacy and quality of life of the adjoining mobile home park.
5. The granting of the variance will adversely affect the General Plan because the proposed project is not consistent with the following General Plan goals and policies:

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-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.

B. Housing Element

Policy 1.1: Preserve the character, scale and quality of established residential neighborhoods.

The variance to building height, setbacks, and parking structure perimeter planter width will result in a development that is incompatible with the adjacent mobile home park in terms of proportion, scale, character, and landscape screening.