

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**VARIANCE NO. 18-006**

**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 consists of an addition to an existing single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - VARIANCE NO. 18-006:**

1. The granting of Variance No. 18-006 to permit the re-orientation of an existing side entry garage to a front entry garage at a reduced setback of 16 ft. in lieu of a required setback of twenty 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 other properties in the vicinity and under identical zone classification, of similar size and shape, have been granted approval for reduced garage setbacks. Additionally, the subject property was previously granted variance approval for a reduced garage setback (VAR 2004-03), however, that approval was never acted upon.
2. Because of special circumstances applicable to the subject property, including the location of the property and the location of the existing structure on the site, 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 in that the existing double driveway prevents full development and enjoyment of property. The proximity of the property to the intersection of Mistral Drive and Ladona Circle, and the location of an existing fire hydrant on Mistral Drive, preclude moving the existing driveway approach on Mistral Drive to allow code-compliant modifications to the existing residence. The siting of the existing structure on the subject property does not allow the minimum required twenty-foot driveway depth from Ladona Circle.
3. The granting of a variance to permit the re-orientation of an existing side entry garage (from Ladona Circle) to a front entry garage at a reduced setback of 16 ft. in lieu of a required setback of 20 ft. is necessary to preserve the enjoyment of one or more substantial property rights because the existing double driveway precludes full development and enjoyment of property. Approval of the requested variance will improve the functionality of the property by providing more practical access to the garage, eliminating the curved, offset driveway approach that currently exists from Mistral Drive. Approval of the variance request will facilitate the replacement of excessive driveway pavement with additional front yard landscaping that exceeds the minimum requirement. Approval of the variance will allow modifications to the existing residence in keeping with the intent and all other development standards established by City codes and policies.

4. The granting of the variance to permit the re-orientation of an existing side entry garage (from Ladona Circle) to a front entry garage at a reduced setback of 16 ft. in lieu of a required setback of 20 ft. will not be materially detrimental to the public welfare or injurious to property in the same zone classification because safety for the subject property and the neighborhood in general will be improved by eliminating the existing driveway from Mistral Street and restricting vehicular ingress and egress to Ladona Circle. Ladona Circle is a cul-de-sac serving relatively few homes, with less pedestrian and vehicular traffic than Mistral Drive.

As previously stated, the proximity of the subject property to the street intersection and the location of an existing fire hydrant on Mistral Drive preclude the property owner from modifying the existing driveway on Mistral Drive to facilitate code-compliant modifications to the existing residence. Such code-compliant modifications will not be detrimental to other properties in the vicinity, but rather will benefit other properties by improving neighborhood aesthetics and the functionality of the subject property. The existing garage will maintain a two-car capacity and additional on-street parking spaces are available along the Mistral Drive street frontage. Approval of the variance will be conditioned to prohibit vehicles parked on the driveway to overhang the public right-of-way (sidewalk).

In addition, the granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density) on the subject property, including the following policy.

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

Approval of the requested variance will facilitate the replacement of existing excessive paving with additional landscape, providing an aesthetic improvement for the neighborhood and greater enjoyment of the subject property for the property owners. Additionally, other properties in the vicinity and under identical zone classification, of similar size and shape, have been granted approval for reduced garage setbacks.

#### **CONDITIONS OF APPROVAL VARIANCE NO. 18-006:**

1. The site plan, floor plans, and elevations received and dated December 10, 2018 shall be the conceptually approved design, with the following modification: All new fencing and pilasters are to be located on private property and may not extend onto the public right-of-way.
2. Vehicles parked on the driveway shall not overhang onto the public right-of-way (sidewalk).
3. Prior to submittal for building permits, the conditions of this 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
4. Variance No. 18-006 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 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.
6. The Community Development Department shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Community Development Director 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 such revisions have reviewed 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.