

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**CONDITIONAL USE PERMIT NO. 18-040**

**COASTAL DEVELOPMENT PERMIT NO. 18-035**

**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 one new single-family residence within a residential zone.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 18-040:**

1. Conditional Use Permit No. 18-040 to demolish an existing single-family residence and construct a 5,430-sq. ft. single-family residence, including a 778 sq. ft. third story loft, at a height of 34 ft. 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 new structure is designed to comply with all current applicable development standards, including building setbacks, minimum onsite parking and maximum building height. The proposed third floor habitable area will be integrated within the confines of the second story roof volume and will be accessed from the interior of the home. The gabled roof slope and articulation of the upper portions of the structure provides interest and helps to alleviate visual mass. All windows are offset from those of existing adjacent structures in order to maximize privacy between developed sites.
2. The granting of the conditional use permit to demolish an existing single-family residence and construct a 5,430-sq. ft. single-family residence, including a 778 sq. ft. third story loft, at a height of 34 ft. will not adversely affect the General Plan because the request to demolish an existing single-family residence and construct a new, approximately 5,430-square-foot single-family residence is consistent with the Land Use Element designation of RL 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-4: A range of housing types is available to meet the diverse economic, physical, and social needs of future and existing residents, while neighborhood character and residences are well maintained and protected.

Policy LU-4 (D): Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The proposed request is consistent with the requirements of the base zoning district, as well as other provisions of the Municipal Code including setbacks, maximum building height, and minimum on-site parking. The overall building height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed third floor habitable area will be

integrated within the confines of the second story roof volume. All windows are offset from those of existing adjacent structures in order to maximize privacy between developed sites.

3. The request to demolish an existing single-family residence and construct a 5,430-sq. ft. single-family residence, including a 778 sq. ft. third story loft, at a height of 34 ft. 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 the new structure is designed to comply with all current applicable development standards, including building setbacks, minimum onsite parking and maximum building height. The proposed windows are offset from those on existing adjacent structures, as required by the HBZSO. The proposed thirty-four-foot building height is allowed for all single-family dwellings in the RL (Residential Low Density), subject to the approval of a Conditional Use Permit.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 18-035:**

1. Coastal Development Permit No. 18-035 to demolish an existing single-family residence and construct a 5,430-sq. ft. single-family residence, including a 778 sq. ft. third story loft, at a height of 34 ft. conforms to the General Plan, including the Local Coastal Program because the project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas. The proposed project will occur on a previously developed site, adjacent to other existing residential development.
2. The proposed two-story, single family residence is consistent with the requirements of the CZ Overlay District and the base zoning district, as well as other applicable provisions of the Municipal Code. The addition will comply with all applicable development standards including setbacks, parking, building height and infill lot regulations.
3. At the time of occupancy, the proposed two-story, single family residence can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed structure will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. The proposed two-story single-family residence will replace an existing single-family residence in a residential zone. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act, as it will not alter or affect public access to coastal resources, views or recreational opportunities.

#### **CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 18-040 AND COASTAL DEVELOPMENT PERMIT NO. 18-035:**

1. The site plan, floor plans, and elevations received and dated December 14, 2018 shall be the conceptually approved design.
2. 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 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. 18-040 and Coastal Development Permit No. 18-035 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City 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.
- 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.