

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS FOR APPROVAL **ENTITLEMENT PLAN AMENDMENT NO. 19-002:**

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission 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, Class 1 – *Existing Facilities* of the CEQA Guidelines because the project involves no expansion of the existing facility.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 19-002:

1. Entitlement Plan Amendment No. 19-002 to amend Conditional Use Permit No. 97-027 and allow a high school with a maximum of 30 students and a pre-school with a maximum of 20 children to operate in conjunction with an existing religious assembly use will not be detrimental to the general welfare or persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed use is not anticipated to generate any significant noise, traffic, parking or other impacts detrimental to surrounding properties and is consistent with the subject property's zoning. In addition, the off-set days of the week between the church uses, classroom uses, and pre-school use will ensure that adequate parking is provided onsite. Furthermore, the use is conditioned to operate according to the applicant's narrative received and dated April 29, 2019 which will limit the hours of operation and the maximum number of students for the private high school and pre-school uses to ensure impacts are not anticipated.
2. Entitlement Plan Amendment No. 19-002 to amend Conditional Use Permit No. 97-027 and allow a school with a maximum of 30 students and a pre-school with a maximum of 20 children to operate in conjunction with an existing religious assembly use will be compatible with the surrounding uses because the project is located within an existing church campus and adequate parking will be provided. The proposed project does not include any changes to the existing operations of the church such as hours of operation and does not include any physical expansion of the existing church facilities and is conditioned to operate according to the narrative received and dated April 29, 2019.
3. Entitlement Plan Amendment No. 19-002 to amend Conditional Use Permit No. 97-027 and allow a school with a maximum of 30 students and a pre-school with a maximum of 20 children to operate in conjunction with an existing religious assembly use will comply with the provisions of the base district and other applicable provisions in Titles 21-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), and any specific condition required for the proposed use in the district in which it would be located. The HBZSO allows for schools and pre-schools in conjunction with religious assembly uses, subject to approval of a conditional use permit or entitlement plan amendment. In addition, the proposed use will comply with the applicable development standards such as setbacks, height, and parking.

4. The granting of Entitlement Plan Amendment No. 19-002 to amend Conditional Use Permit No. 97-027 and allow a school with a maximum of 30 students and a pre-school with a maximum of 20 children to operate in conjunction with an existing religious assembly use will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RM (Medium Density Residential) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Public Services and Infrastructure

Goal PSI-4: A broad range of public and private programs meet diverse community needs, including mental health, arts, educational, and cultural programs.

Policy PSI-4(A): Ensure that programs and services meet the needs of a diverse group of users (e.g., seniors, youths, and special needs populations), and accommodate a range of ages and abilities.

Goal PSI-5: A range of educational programs and facilities meets the needs of all ages of the community.

Policy PSI-5(B): Continue to support and expand continuing education, after-school programs, and educational programs for all ages including educational opportunities offered in neighboring universities and colleges.

The proposed high school with a maximum of 30 students and a pre-school with a maximum of 20 students in conjunction with an existing religious assembly use is consistent with the goals of the community because the use will provide a broad range of private programs that will meet the diverse educational and child care needs of the community and regional area. In addition, the proposed use will provide educational programs for a diverse group of users such as high school students and young children.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 19-002:

1. The site plan and floor plans received and dated April 15, 2019 shall be the conceptually approved layout.
2. Conditions of approval for Conditional Use Permit No. 97-027 have been satisfied; therefore, the amended use shall comply with the following:
 - a. Only the uses described in the project narrative received and dated May 16, 2019, shall be permitted.
 - b. Hours of operation and locations of each use shall be consistent with the narrative received and dated May 16, 2019.
 - c. Outdoor church services, such as weddings, funerals, festivals, fairs, other similar outdoor activities, and the use of any outdoor sound system(s) shall be prohibited unless approval of a Temporary Activity or Temporary Use Permit is obtained by the Community Development Department. Indoor religious assembly and school activities are not restricted by this condition of approval.

- d. The church shall notify new parents to utilize the route and designated pick-up and drop-off area as shown on the site plan received and dated April 15, 2019.
 - e. The maximum enrollment for the high school use is 30 students.
 - f. The maximum enrollment for the pre-school use is 20 children.
- 3. Schedule 1 and Schedule II controlled substances as listed under US Drug Enforcement Administration shall not be kept, consumed, distributed, sold or otherwise used at this site or at this location, unless the site/location is a State Certified and State Regulated hospital with no fewer than 100 beds for patient care.
 - 4. EPA No. 19-002 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 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission 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.