

## **ATTACHMENT NO. 1**

### **FINDINGS AND CONDITIONS OF APPROVAL**

#### **TEMPORARY USE PERMIT NO. 19-003**

##### **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 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

##### **FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 19-003:**

1. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The event is temporary in nature, compatible with surrounding uses, and consistent with the following General Plan Goal:

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

Approval of the proposed temporary event provides for the cultural, educational and entertainment needs of Huntington Beach residents and allows for the continuance of a use that has been occurring on the site for decades.

2. Approval of the application for the three-day drive-thru exhibition event will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. The proposed use has a limited duration (up to 4 hours each day for three consecutive days) and concludes by 9:00 p.m. Moreover, the City has no records of complaints associated with past occurrences of the proposed event. No detrimental impacts are anticipated.

##### **CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 19-003:**

1. The site plan received and dated June 11, 2019 shall be the conceptually approved design.
2. The Temporary Use Permit shall permit the drive-thru exhibition event for a maximum of five years (2019-2023) subject to the following dates:
  - December 2019: 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>
  - December 2020: 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>
  - December 2021: 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>
  - December 2022: 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>
  - December 2023: 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>

3. The use shall comply with the following:
  - a. A Temporary Operational Permit shall be obtained from the Fire Department prior to opening the exhibits to the public. This permit shall be obtained each year the event takes place and show compliance with the items b, c and d listed below. **(FD)**
  - b. The exhibits shall be located in a manner to ensure that all Fire Department access lanes remain clear at all times. **(FD)**
  - c. All decorative material used for the exhibits shall be sprayed with a flame resistant coating to limit the potential for flame spread with the exhibits. **(FD)**
  - d. There shall be a fire extinguisher located such that no portion of the exhibits are more than 75 feet from a fire extinguisher. The size and placement of the fire extinguisher shall be in compliance with City Specification #424. **(FD)**
  - e. The applicant shall coordinate with the Public Works Department for traffic control activities on 17<sup>th</sup> Street and Adams Avenue at least two weeks prior to the start of the event. **(PW)**
4. The Director of Community Development ensures that all conditions of approval herein are complied with. The Director of Community Development shall be notified in writing of any changes to the event. 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 Huntington Beach Zoning and Subdivision Ordinance.
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. In the event that there are any violations of the foregoing conditions or any violations of life safety codes, the drive-thru nativity exhibition may be terminated by any Police Officer, Fire Inspector or authorized personnel of the Department of Community Development.
7. 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.