

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-005

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 involves the minor construction of a block wall.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-005:

1. Conditional Use Permit No. 19-005 to construct an eight ft. high wrought iron fence (approx. 125 linear ft.) along the front property line in lieu of maximum 42 in. high within the front yard setback area and construct an eight ft. high wrought iron fence (approx. 175 linear ft.) along the street side property line in lieu of maximum six ft. high along the side yard setback area 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 proposed height of eight feet provides an improved fence that is comprised of block wall and decorative wrought iron fencing which will enhance the aesthetics of the substation facility. Although the wall exceeds the maximum allowed height in the front yard setback, the proposed height will not create a safety or traffic hazard and will not impact visibility. As proposed, the fence will provide the minimum 10 ft. by 10 ft. visibility triangle along the westerly portion of the site abutting the alley. The visual character of the neighborhood will not be negatively impacted because the proposed wall provides for greater security and adequate screening of the existing structures. Additionally, landscaping will be provided along the front property line to enhance the appearance of the wall along the street frontage. The landscaping includes shrubs and plants that will provide visual interest along the street frontage. The design of the proposed wrought iron fence will reduce the appearance of a solid, large and flat wall, and will improve the overall design and streetscape along a major arterial street.
2. The granting of Conditional Use Permit No. 19-005 will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG (Commercial General) 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-12: Commercial and Industrial corridors throughout the planning area are renovated and revitalized.

Policy LU-12(B): Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

Conditional Use Permit No. 19-005 to construct an eight ft. high wrought iron fence (approx. 125 linear ft.) along the front property line in lieu of maximum 42 in. high within the front yard setback area and construct an eight ft. high wrought iron fence (approx. 175 linear ft.) along the street side property line in lieu of maximum six ft. high along the side yard setback area will provide visual interest and revitalize the streetscape along a major arterial street. Furthermore, the proposed landscaping, which consists of a vertical landscaping wall as well as shrubs and plants, will enhance the image of the nonresidential corridor along Warner Avenue.

3. Conditional Use Permit No. 19-005 to construct an eight ft. high wrought iron fence (approx. 125 linear ft.) along the front property line in lieu of maximum 42 in. high within the front yard setback area and construct an eight ft. high wrought iron fence (approx. 175 linear ft.) along the street side property line in lieu of maximum six ft. high along the side yard setback area 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, which allows walls to exceed the maximum height within the front yard setback with approval of a conditional use permit.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-005:

1. The site plan, floor plans, and elevations received and July 23, 2019 shall be the conceptually approved design.
2. The landscaped areas between the wrought iron fence and block wall along B Lane and Warner Avenue shall be maintained and clear of debris and trash at all times.
3. CUP No. 19-005 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.
4. 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.