

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 19-013

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 the construction of a commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-013:

1. Conditional Use Permit No. 19-013 to permit the demolition of an existing 7,400 sq. ft. single story commercial structure and permit the construction of a new approximately 2,800 sq. ft. express car wash within an existing commercial center 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 use is located with other commercial uses, setback from the shared property line of existing residential uses, incorporates noise mitigating technology, and includes an existing 6 ft. tall CMU wall located at the shared property line. Residential uses are located approximately 46 ft. to the south of the shopping center. The proposed use is located along a major corridor and will not generate significant impacts such as noise, safety, and traffic because sufficient setbacks are provided from residential uses and noise abatement features such as vacuum silencers, sound proofing incorporated into the roof design and materials, enclosed equipment rooms, and the use of quieter air dryers at the end of the tunnel, are incorporated into the design of the car wash structure. A noise study, prepared by Advanced Engineering Acoustics, dated and received September 14, 2019, indicates that carwash will operate within acceptable levels established by the City's municipal code. To further mitigate potential impacts, the carwash hours of operation will only be permitted between 7:00 am. and 7:30 p.m. with all operations concluding by 8:00 p.m. A condition has also been included that will require operation sound measurements to be taken prior to issuance of occupancy.
2. Conditional Use Permit No. 19-013 permit the demolition of an existing 7,400 sq. ft. single story commercial structure and permit the construction of a new approximately 2,800 sq. ft. express car wash within an existing commercial center will not adversely affect the General Plan because it is consistent with the Land Use Element designation of CG (General Commercial) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

Land Use Element

Goal LU-1: New commercial, industrial, and residential development is coordinated to ensure that the land use pattern is consistent with the overall goals and needs of the community.

Goal LU-13: The city provides opportunities for new businesses and employees to ensure a high quality of life and thriving industry.

Policy LU-13.A: Encourage expansion of the range of goods and services provided to accommodate the needs of all residents and the market area.

The proposed express car wash will further the goals of the General Plan by providing a service to accommodate the needs of local residents and serve visitors from the surrounding region. It will further revitalize the recently renovated center by constructing a new commercial structure in place of a vacant building on the property. The proposed use will contribute to the economic viability of the shopping center and the responsible growth of the City. The proposed use, as conditioned, is not anticipated to result in negative impacts on surrounding businesses and adjacent properties, as it is setback 46 ft. from existing residential uses, incorporates noise mitigating technology, and includes an existing 6 ft. tall CMU wall. Moreover, the proposed use is located along a major corridor and will not generate significant impacts to affect surrounding residential uses. A noise study, dated September 14, 2019, prepared by Advanced Engineering Acoustics, finds that the proposed car wash operations would not exceed the daytime ambient-based noise limits of the City municipal code at the nearest residential yards when the planned noise abatement measures are properly implemented. The project, as conditioned, will contain sound attenuating materials within the drying room of the carwash building as recommended in the submitted noise study. As a result, potential noise generated by the use will not exceed existing noise levels and will comply with the City's noise ordinance. The carwash is conditioned to only operate between 7 a.m. and 7:30 p.m. daily.

3. Conditional Use Permit No. 19-013 to permit the demolition of an existing 7,400 sq. ft. single story commercial structure and permit the construction of a new approximately 2,800 sq. ft. express car wash within an existing commercial center will comply with the provisions of the base district, 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 because the HBZSO allows vehicle washing within the Commercial General zoning designation with the approval of a conditional use permit. The use will comply with the applicable development standards such as parking, setbacks, and height.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 19-013:

1. The site plan and floor plans received and dated September 16, 2019 shall be the conceptually approved layout.
2. The use shall comply with the following:
 - a. The daily hours of operation shall be limited to 7:00 a.m. to 7:30 p.m. (including vacuums) and all operations shall cease by 8:00 p.m.
 - b. The carwash operators shall require that patrons turn off car radios while in the carwash entrance queue line pursuant to noise study received and dated September 14, 2019.

- c. Signage shall be posted requesting patron cooperation in minimizing car door slams, loud talking, car radios and consideration for residential neighbors.
 - d. Signs shall be internally illuminated. No spillage of lighting shall be permitted across property lines.
 - e. The use of green paint elements for purposes of striping the parking area, curbing, and/or use on the vacuums and poles, shall be prohibited, as it is found to not be architecturally or aesthetically compatible with the recently renovated shopping center.
3. Prior to issuance of building permits, the plans shall demonstrate 100% coverage of acoustical treatment (noise abatement) on the interior surfaces of the dryer room of the carwash building pursuant to the noise study prepared by Advanced Engineering Acoustics, received and dated September 14, 2019.
 4. Prior to issuance of Certificate of Occupancy, the applicant and/or the applicant's representative shall submit updated noise measurements ensuring operations comply with the City Noise Ordinance. If the operations fail to comply with the City Noise Ordinance, additional noise abatement measures shall be installed at the expense of the applicant and/or operator prior to approval of Certificate of Occupancy.
 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. CUP No. 19-013 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.
 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.