

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 19-022** **COASTAL DEVELOPMENT PERMIT NO. 19-011**

#### **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 single-family residence within a residential zone.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-022**

1. Conditional Use Permit No. 19-022 to permit a 343 sq. ft. deck above the second story top plate line at an overall height of 29 ft.-10 in. 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 third floor addition is designed to be confined within the second floor roof volume, which facilitates the structure's resemblance as a two-story home with mass and scale that is similar to the homes in the neighborhood. In addition, the deck is set back more than five feet from the building exterior and is oriented toward the public channel to ensure privacy for abutting neighbors is maintained.
2. The granting of the Conditional Use Permit No. 19-022 to permit a 343 sq. ft. deck above the second story top plate line at an overall height of 29 ft.-10 in. will not adversely affect the General Plan because it is consistent with the Land Use Element designation RL (Residential Low Density) 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 such as on-site parking, building setbacks, height, landscaping, and lot coverage. The overall height will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights. The proposed third floor deck will be integrated within the confines of the second story roof volume to ensure the proposed dwelling will be compatible in proportion and scale with the surrounding neighborhood. Furthermore, the deck will be oriented toward the public channel to ensure privacy is maintained for abutting residences, and is set back more than five feet from the building exterior, further ensuring privacy is maintained onto abutting residences.

3. Conditional Use Permit No. 19-022 to permit a 343 sq. ft. deck above the second story top plate line at an overall height of 29 ft.-10 in. 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 because the project complies with minimum on-site parking, building setbacks, height, landscaping, and lot coverage. Furthermore, the deck will be set back a minimum of five feet from the second floor façade and is oriented toward the public channel, as required by the HBZSO. The third floor habitable deck is allowed for all single-family dwellings in the RL zoning district with the approval of a conditional use permit.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 19-011:**

1. Coastal Development Permit No. 19-011 to permit the construction of a 4,428 sq. ft. two-story single-family residence with a four-car garage and a 343 sq. ft. third floor deck with a maximum overall height of 29 ft.-10 in. conforms with the General Plan, including the Local Coastal Program because the project is consistent with the 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 able to accommodate it. The proposed project will occur entirely on a developed site, contiguous to existing single-family residential development.
2. The request to permit the construction of a 4,428 sq. ft. two-story single-family residence with a four-car garage and a 343 sq. ft. third floor deck with a maximum overall height of 29 ft.-10 in. is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code because the project, as conditioned, will comply with all applicable development regulations, including setbacks, lot coverage, and infill lot requirements.
3. At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 19-011, for the construction of a 4,428 sq. ft. two-story single-family residence with a four-car garage and a 343 sq. ft. third floor deck with a maximum overall height of 29 ft.-10 in., is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 19-011 to permit the construction of a 4,428 sq. ft. two-story single-family residence with a four-car garage and a 343 sq. ft. third floor deck with a maximum overall height of 29 ft.-10 in. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act in that the project will not impede public access, recreation, or views to coastal resources.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 19-022 / COASTAL DEVELOPMENT PERMIT NO. 19-011:**

1. The site plan, floor plans, and elevations received and dated October 2, 2019 shall be the conceptually approved layout.
2. Zoning entitlement conditions of approval and code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be

referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. The final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements must 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.
4. 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.
5. Conditional Use Permit No. 19-022 and Coastal Development Permit No. 19-011 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.
6. 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.