

**ATTACHMENT NO. 1**

**FINDINGS AND CONDITIONS OF APPROVAL**

**TENTATIVE PARCEL MAP 19-129**

**CONDITIONAL USE PERMIT NO. 19-021**

**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 15315 of the CEQA Guidelines, because the proposed project consists of the division of property into four or fewer parcels and is in conformance with the General Plan, no variances or exceptions are required, and all services and access to the proposed parcels are available. The project is also exempt pursuant to section 15303 because it involves the construction of three residential units within a residential area, in an urbanized area.

**FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 19-129:**

1. Tentative Parcel Map No. 19-021 to permit a one-lot subdivision of a 9,108 sq. ft. lot for condominium purposes is consistent with the General Plan Land Use Element designation of Residential Medium Density (RM) on the subject property in that it permits the proposed subdivision and residential use. The proposed subdivision complies with other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. Tentative Parcel Map No. 19-021 to permit a one-lot subdivision of a 9,108 sq. ft. lot for condominium purposes is physically suitable for the type and density of development because the proposed subdivision will comply with all applicable code provisions of the HBZSO including minimum lot width and lot size. The site has no topographical constraints and can accommodate the development of new residential dwellings in compliance with City standards. The proposed subdivision will result in a density allowable in the RM land use designation and the proposed density would be compatible with surrounding multi-family developments.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is located in an urban setting and is currently developed with three residential dwellings and does not contain wildlife or habitat.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The project will maintain existing utility easements and provide improved sidewalks and pavements along Ronald Drive frontage and public alley, respectively, as a part of this proposed tentative parcel map.

**FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 19-021:**

1. Conditional Use Permit No. 19-021 to allow the demolition of three residential units to construct three, three-story condominium homes at an overall height of 34 ft.-9 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 subject site is currently developed with three residential units. The new buildings will improve the value of the site and neighborhood, which consists of multi-family developments. It will not generate noise, traffic, odors, or other impacts at levels inconsistent with the existing residential character of the neighborhood. The proposed development is compatible with surrounding uses in that other structures of similar height, mass and siting exist in the immediate area. The articulation of the upper portions of the structures provide interest and help to alleviate visual mass. The proposed units are designed to convey a high level of quality and a character that incorporates quality materials and design such as wood siding, stucco and varied roof lines, consistent with the City of Huntington Beach Urban Design Guidelines. Finally, the project will also provide new housing opportunities to the area.
2. The granting of the conditional use permit to allow the demolition of three residential units to construct three, three-story condominium homes at an overall height of 34 ft.-9 in. will not adversely affect the General Plan because it is consistent with the Land Use Element designation of RM (Residential Medium Density) on the subject property. In addition, it is consistent with the following goals 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.

*Policy A:* Ensure that the development is consistent with the land use designations presented in the Land Use Map, including density, intensity, and use standards applicable to each land use designation.

*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 A:* Encourage a mix of residential types to accommodate people with diverse housing needs.

The proposed three unit development is consistent with the existing multi-family residential neighborhood. The project incorporates quality materials and design such as wood siding, stucco and varied roof lines consistent with the City of Huntington Beach Urban Design Guidelines. The project will be developed in a manner that is consistent with the immediate area in terms of design, density, and building height. Finally, the proposed units also provide new housing opportunities to the area. Additionally, the project is required to pay affordable housing in-lieu fees that will go towards the provision of housing for lower to moderate income households.

3. The request to allow the demolition of three residential units to construct three, three-story condominium homes at an overall height of 34 ft.-9 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 (HBZSO) because the new structure is designed to comply with all current applicable development standards, including building setbacks, minimum onsite parking and maximum building height. The proposed 34 ft.-9 in. building height are allowed for any multi-family residential development in a residential zone, subject to the approval of a Conditional Use Permit.

**CONDITIONS OF APPROVAL - TENTATIVE PARCEL MAP NO. 19-129/CONDITIONAL USE PERMIT NO. 19-021:**

1. The tentative parcel map, site plan, floor plans, and elevations received and dated November 27, 2019, and the colored elevations received and dated December 24, 2019, shall be the conceptually approved design.
2. Final building permit(s) cannot be approved until the following have been completed:
  - a. All improvements shall 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.
3. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/grading activity.
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. Tentative Parcel Map No. 19-129 and Conditional Use Permit No. 19-021 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.