

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 19-030**

#### **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 wall, ancillary to a single family residence.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 19-030**

1. Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback 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 although the wall exceeds the maximum height allowed within the front yard setback, the proposed height will not pose a safety or traffic hazard, as the new 24 inches of wall is transparent glass and visual clearances along the front and side property lines will be maintained. The proposed wall is consistent with other legally established walls and fences located within front yard setbacks in the vicinity. The existing 33.5 in. high wall is buffered by an existing 3 ft. landscape planter and an additional landscaped planter box along the front property line, reducing the overall bulk and appearance of the screen wall and creating an attractive streetscape.
2. The granting of the Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback will not adversely affect the General Plan because it is consistent with the Land Use Element designation M (Mixed Use) and District 4 development standards applicable to the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. 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 LU-1(D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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 of the wall will match the surrounding properties because the neighborhood is developed with single-family residences with similar building heights and the proposed wall extension will be made of translucent glass. Landscaping exists between the wall and the sidewalk improving

the aesthetics of the streetscape. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls located along property lines in the vicinity.

3. Conditional Use Permit No. 19-030 to install a 24 in. high glass wall extension on top of an existing 33.5 in. high wall for a maximum overall height of 57.5 inches in lieu of the maximum 42 in. allowable wall height within the front yard setback will comply with the provisions of the applicable base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, because it allows walls to exceed the maximum height within the front yard setback upon approval of a Conditional Use Permit. In addition, all minimum landscaping and setback requirements are currently provided, reducing the overall bulk and appearance of the wall.

### **CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 19-030**

1. The site plan and elevations received and dated November 27, 2019 shall be the conceptually approved layout, with an additional diagram indicating the height of existing stairs and adjacent planter wall within the front yard setback area included prior to issuance of building permits.
2. 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.
3. 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.
4. Conditional Use Permit No. 2019-030 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.
5. 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.