

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 20-012** **COASTAL DEVELOPMENT PERMIT NO. 20-013** **SPECIAL PERMIT NO. 20-001**

#### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission 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 15332 of the CEQA Guidelines, because the project is characterized as in-fill development that meets the following criteria:

- a. The project is consistent with the applicable General Plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-012:**

1. Conditional Use Permit No. 20-012 to permit the construction of a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces 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, as conditioned, the project is proposed to meet all required development standards, including code required on-site parking and maximum height. The mixed-use building will be compatible with surrounding uses because the project is adjacent to other mixed-use and visitor-serving commercial uses along Pacific Coast Highway, and the proposed building's scale and layout meets all applicable development standards and is compatible with the adjacent buildings by providing a new commercial use oriented towards Pacific Coast Highway that would not impact sensitive residential uses nearby. Approval of the project would not result in any significant effects relation to traffic, air quality, or water quality. All project related parking and circulation will occur onsite and function similarly to comparable mixed uses. Sufficient parking is provided to accommodate both uses on site, and does not impact coastal access in the vicinity. Parking for commercial uses is provided by two alley loaded spaces and one interior ADA accessible space within the enclosed garage on the first floor. The residential spaces are also provided in the enclosed garage via a vertical tandem configuration, with access from the shared driveway off the existing alley. Therefore, impacts are not anticipated to the surrounding uses.

2. The granting of Conditional Use Permit No. 20-012 will not adversely affect the General Plan because the General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay) and mixed use projects are allowed within the property's zoning and land use designation. The project, as designed, is consistent the General Plan goals and policies identified below:

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 (A): Ensure that 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.

Policy LU 1 (C): Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

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 (C): Encourage a mix of residential types to accommodate people with diverse housing needs.

Goal LU 11: Commercial land uses provide goods and services to meet regional and local needs.

Goal LU 1 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.

Goal LU 14: Huntington Beach continues to attract visitors and provides a variety of attractions and accommodations during their stay.

Policy LU 14 (B): Encourage both coastal and inland visitor-serving uses to offer a wide spectrum of opportunities for residents and visitors

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.4: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

The proposed project consists of the construction of a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces. The new mixed-use building is located in an area designated commercial uses that will serve tourists and visitors. The proposed project will provide a visitor-serving eating and drinking retail use that meets the regional needs. The project provides both a visitor serving commercial use and residential uses that will meet the need of future and existing residents on an underutilized parcel

consistent with the General Plan. Further, the project will add new housing opportunities and will provide the City with housing in-lieu fees to fund affordable housing within the City.

3. The proposed conditional use permit for the construction of a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces will, as conditioned, comply with the development standards and land use provisions in the Downtown Specific Plan, including maximum height, setback requirements and parking because suitable vehicular circulation and access is provided for the project. The project is located within the Downtown Core Mixed Use District of the Downtown Specific Plan, which requires approval of a conditional use permit from the Zoning Administrator for development on properties with less than 100 feet of frontage. Additionally, the project is consistent with the Downtown Specific Plan Design Guidelines for Mixed Use development.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-013:**

1. Coastal Development Permit No. 20-013 to construct a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces 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 addition will occur entirely on a vacant site, contiguous to existing mixed use, commercial, and residential development.
2. The request to permit to a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces 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, parking, and height.
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. 20-013 to construct a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 20-013 to construct a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 149 sq. ft. rooftop deck; an enclosed

parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces 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.

**FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 20-001:**

1. The granting of a Special Permit (pursuant to Section 2.5.6 of the DTSP) in conjunction with Conditional Use Permit No. 20-012 and Coastal Development Permit No. 20-013 is to permit an 18 ft. wide garage access driveway in lieu of a minimum required 20 ft. wide driveway. The Special Permit results in a greater benefit from the project and will promote a better living environment because the 18 ft. wide drive aisle improves the project architecture by providing sufficient access to enclosed residential and commercial parking spaces with the appearance of a residential garage along the alley façade, consistent with surrounding residential and live-work uses. The proposed 18 ft. driveway width is consistent with residential requirements for two-car garages citywide and can accommodate ingress and egress of two vehicles.
2. The granting of Special Permit No. 20-001 to permit an 18 ft. wide garage access driveway in lieu of a minimum required 20 ft. wide driveway will provide better land planning techniques with maximum use of aesthetically pleasing site layout and design due to the use of appropriately arranged garage entryway that enables the full enclosure residential parking spaces and adequate ingress and egress for vehicles, residents, guests, and commercial visitors. The proposed project provides the required number of parking spaces for both the residential units and commercial space within the Coastal Zone and provides sufficient interior circulation within the parking garage. Further, the garage door is designed to be compatible with the architectural character of the surrounding neighborhood. An 18 ft. wide garage access driveway enables two cars to safely wait and pass for each other in a manner that occurs in the adjacent public alleyway throughout the City.
3. The granting of Special Permit No. 20-001 to permit an 18 ft. wide garage access driveway in lieu of a minimum required 20 ft. wide driveway will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or City, in general as the proposed mixed-use project is compatible with the surrounding neighborhood in that the structure complies with applicable development standards with the exception of the subject Special Permit request. The architectural design, colors, and materials of the proposed project are consistent with the City's Urban Design Guidelines. The Public Works Traffic Engineering Division has reviewed the Special Permit request and supports the request finding that the proposed driveway at 18 ft. wide will function properly for the project.
4. The granting of Special Permit No. 20-001 to permit an 18 ft. wide garage access driveway in lieu of a minimum required 20 ft. wide driveway will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. By providing adequate on-site circulation and vehicular access, the Special Permit increases compatibility of the mixed-use project adjacent to a residential neighborhood and fosters safe and secure access for residents and retail customers within a District of the Specific Plan that encourages mixed-use developments.
5. The granting of a Special Permit is consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act. The project is consistent with applicable Coastal Element policies as noted under the Conditional Use Permit findings. Public services are currently available to the project site, as well as the surrounding areas. The proposed

Special Permit in conjunction with Conditional Use Permit No. 19-012 and Coastal Development Permit No. 19-013 will comply with State and Federal Law.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 20-012/COASTAL DEVELOPMENT PERMIT NO. 20-013/SPECIAL PERMIT NO. 20-001:**

1. The site plan, floor plans, and elevations received and dated October 23, 2020 shall be the conceptually approved design with the following modifications:
  - a. The second floor balcony shall not include brick pilasters. **(DRB)**
  - b. The maximum number of customer seats permitted for an eating and drinking establishment within the ground floor retail space shall be 12 at all times. **(HBZSO 231.04)**
2. The use shall comply with the following:
  - a. The alley garage door accessing the ground floor parking garage shall remain open during the hours of operation of the retail use to ensure access to the ADA parking space.
  - b. Disposal of glass and other restaurant or retail refuse between the hours of 10:00 pm and 7:00 am shall be prohibited.
3. Prior to issuance of building permits, the project shall satisfy the 10% inclusionary housing requirements through the payment of in-lieu fees. **(HBZSO 230.26)**
4. 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.
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. 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 Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
7. At least 14 days prior to any grading activity, the applicant shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned

grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Community Development Department.

8. 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 5 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.
9. 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.
10. Conditional Use Permit No. 20-012, Coastal Development Permit No. 2020-013, and Special Permit No. 20-001 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.
11. 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.