

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 20-018**

##### **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 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. 20-018:**

1. Conditional Use Permit No. 20-018 to construct an 8,387 sq. ft. wave pool and deck, 208 sq. ft. retail building, 398 sq. ft. snack bar/restroom building, and a surface parking lot 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 project will improve an undeveloped area with a development consistent with the General Plan land use and zoning designations. The project incorporates architectural and design elements that provide maximum compatibility with surrounding development, promotes pedestrian accessibility, and promotes the image the City envisioned within the Beach and Edinger Corridors Specific Plan (BECSP). The wave pool and one-story commercial buildings are consistent with height requirements and complement the adjacent commercial buildings to the south. The modern design of the buildings is attractive and will incorporate architectural elements such as cornices with articulating rooflines and metal/wood awnings. The wave pool is surrounded by a composite wood deck. In addition, the project is designed to minimize consumption of natural resources through implementation of sustainability features such as recycled corrugated steel shipping containers as building materials and drought-tolerant landscaping. A pedestrian pathway will be added along the west property line to provide additional pedestrian friendly connectivity between the proposed use and the existing commercial use (Vans Skate Park) to the south.

The site is surrounded by a vacant parcel to the north, the skate park to the south, a railroad right of way to the east, and transit hub/construction staging area to the west. The nearest residential structure is located approximately 75 ft. to the east and is

buffered by the railroad right of way and a residential parking area. Along the east of the wave pool deck, an eight ft. high sound wall with a vertical green wall system will be installed to reduce noise to the residences across the right of way. The wave pool venue will have similar hours to the adjacent skate park and will be limited to appointments only. Special events are not proposed with this request as to not conflict with the skate park's pre-approved events. During these events, the wave pool will be closed. As such, impacts to residential use are not anticipated.

2. The granting of Conditional Use Permit No. 20-018 to construct an 8,387 sq. ft. wave pool and deck, 208 sq. ft. retail building, 398 sq. ft. snack bar/restroom building, and a surface parking lot will not adversely affect the General Plan because it is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following objective and policies of the General Plan:

A. Land Use Element

- a. 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.
- b. 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.
- c. Policy LU-1 (D): Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.
- d. Goal LU-11: Commercial land uses provide goods and services to meet regional and local needs.
- e. Policy LU-11 (A): Encourage a variety of commercial uses that cater to local and regional demand to create an environment that meets resident needs and increases the capture of sales tax revenues.
- f. Policy LU-11 (B): Encourage new businesses to locate on existing vacant or underutilized commercial properties where these properties have good locations and accessibility.
- g. Policy LU-11 (C): Maximize the economic development services provided by the City to existing and prospective businesses and industries.

Goal LU-12: Commercial and industrial corridors throughout the planning area are renovated and revitalized.

The proposed project will accommodate the development of a vacant site with a commercial use that will serve the needs of local residents and visitors to the City by providing additional commercial serving opportunities. The proposed wave pool venue would complement the established Vans Skate Park. The area has a variety of complementary uses that are critical to any vibrant community such as regional commercial and entertainment uses, a transit hub, and a community college. Because of its location, the site would be appropriate in accommodating an infill development that serves as a recreational amenity to support the residential communities (i.e. Artisan Residences, Village at Bella Terra, the Boardwalk and Avalon mixed use

projects) surrounding the project site. The project would increase the City's tax revenue through sales tax from retail sales. In doing so, multiple sustainable development principles are achieved, resulting in the recreational and economic well-being of the area. The project provides access to recreational opportunities for residents seeking to be within walking distance of work, entertainment, and recreation, thus reducing dependency on their automobile and having access to multiple amenities for an active and mobile lifestyle. The proposed project would appeal to nearby residents as well as those in the City at-large.

3. The proposed conditional use permit to construct an 8,387 sq. ft. wave pool and deck, 208 sq. ft. retail building, 398 sq. ft. snack bar/restroom building, and a surface parking lot will comply with the provisions of the BECSP and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) in that the project complies with all other setback standards, building height, top and base architectural element requirements, and parking. The project is located in BECSP requires approval of a conditional use permit from the Zoning Administrator for Civic and Cultural Uses.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 20-018:**

1. The site plan, floor plans, and elevations received and dated December 14, 2020 shall be the conceptually approved design.
2. The hours of operation shall be limited to the following: 9:00 AM – 8:00 PM (Daily)
3. The eight ft. high sound barrier wall shall be installed along east side of the pool deck and utilized during the construction of the project.
4. The business shall close operations during special events at the Vans Skate Park.
5. The business shall not host any special events unless first reviewed by the Community Development Department.
6. Signage shall be reviewed under separate permits and processing.
7. At least 14 days prior to any grading activity, the property owner/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site. 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. Prior to submittal for building permits, the following shall be completed:
  - a. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Community Development, and Public Works 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.

- b. A detailed landscaping plan, including details of the berming along the drive-through, shall be submitted to the Planning Division for review and approval.
9. The 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 Planning Division.
10. The development services departments and divisions (Planning, Building and Safety, Fire, 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 Community Development Director's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Director of Community Development may be required pursuant to the provisions of HBZSO Section 241.18.
11. Conditional Use Permit No. 20-018 shall become null and void unless exercised within two (2) years of the date of final approval or such extension of time as may be granted by the Director of Community Development pursuant to a written request submitted to the Planning Division a minimum 30 days prior to the expiration date.

**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.