

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 20-027** **COASTAL DEVELOPMENT PERMIT NO. 21-004**

#### **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 that is considered a small structure.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 20-027:**

1. Conditional Use Permit No. 20-027 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear 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. The wall is proposed with quality materials including concrete block with a wrought iron fence design at the top of the retaining wall. Furthermore, the retaining wall will be setback 5 ft.-6 in. from the rear property line to include landscaping which will be aesthetically appealing when viewed from the street. There are similar through lots along Westport Drive that have been approved with similar walls.
2. The granting of the Conditional Use Permit No. 20-027 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback 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-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-4 (D):** Ensure that single-family residences are of compatible proportion, scale and character to surrounding neighborhoods.

The project will be developed with a landscaped setback of 5 ft.-6 in., which will improve the aesthetics along the rear of the property and soften the appearance of the proposed wall. The visual character of the neighborhood will not be negatively impacted because the proposed wall is consistent with other legally established walls for through lots in the vicinity.

3. Conditional Use Permit No. 20-027 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the

rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback 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 it allows walls to exceed the maximum height within the rear yard setback for through lots upon approval of a Conditional Use Permit. In addition, the proposed landscaped area fronting the retaining wall reduces the overall bulk and appearance of the wall.

#### **FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 21-004:**

1. Coastal Development Permit No. 21-004 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback 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 wall will occur entirely on a developed site, contiguous to existing residential development.
2. The request to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback 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 Huntington Beach Zoning and Subdivision Ordinance (HBZSO) allows a deviation from the standards for height of walls within a required setback subject of a Conditional Use Permit. The proposed development will conform with all applicable requirements as allowed by the Conditional Use Permit.
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. 21-004 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.
4. Coastal Development Permit No. 21-004 to permit the construction of a 12 ft. high wrought iron/block wall (approximately 69 linear feet), fronted by a 5 ft.-6 in. wide planter, within the rear yard setback of a through lot in lieu of the maximum allowed height of 42 in. within the rear yard setback 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. 20-027/COASTAL DEVELOPMENT PERMIT NO. 21-004:**

1. The site plan and elevations received and dated April 13, 2021 shall be the conceptually approved layout.

2. 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.
  - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
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. Prior to submittal of building permits, 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. Conditional Use Permit No. 20-027 and Coastal Development Permit No. 21-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the City or by the Coastal Commission if the Coastal Development Permit is appealed, 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.

7. 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.