

## **ATTACHMENT NO. 1**

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

#### **CONDITIONAL USE PERMIT NO. 20-025** **COASTAL DEVELOPMENT PERMIT NO. 20-028**

#### **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 15302 of the CEQA Guidelines because the project involves the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

#### **FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 20-025:**

1. Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. within the Orange County Sanitation District (OCSD) 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 project is located within an existing 110-acre wastewater facility. The proposed improvements to replace an existing gas digester and associated equipment will benefit the residential uses in the vicinity by upgrading necessary infrastructure. With exception of a proposed skylight, the proposed improvements will be similar in height with existing structures and will comply with minimum development standards including setbacks and height. The overall height of the building is approximately 38 ft. and in order to properly maintain the housed equipment, the building cannot be reduced in height. The proposed building includes a 312 sq. ft. stairwell area with a skylight feature above that will be approximately 4 ft.-6 in. higher than the allowable height of the base district. The skylight is necessary for natural light for equipment maintenance in this area of the building. This portion of the skylight will be primarily translucent and will not visually affect the area. Additionally, the proposed building and associated equipment will be setback more than 600 ft. from the nearest residential use and is buffered by substantial landscaping along Brookhurst St. Therefore, no significant impacts will be generated by the proposed improvements.
2. The granting of Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. will not adversely affect the General Plan as it is consistent with the Land Use Element designation of P (Public) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan: in that it is consistent with the following General Plan goals and policies:

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.

b. Public Services and Infrastructure Element

Policy PSI-6-A: Provide and maintain wastewater collection facilities which adequately convey wastewater generated by existing land uses and future projects while maximizing cost efficiency.

The proposed upgrades are designed in a manner that is compatible with the existing facility and the skylight above the stairwell will be minimally noticeable from the public right-of-way as it is primarily translucent. The nearest residential use is more than 600 ft. away and will not be visually impacted by the skylight. To properly maintain the housed equipment, the proposed building cannot be reduced in height. In addition, the skylight at the requested height will allow for necessary lighting for this portion of the building. The conditional use permit to allow the skylight to exceed height will allow facility upgrades that will provide improved services to surrounding residences and businesses.

3. Conditional Use Permit No. 20-025 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. 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 in that a conditional use permit is required for a stairwell with skylight exceeding the allowable exception to height limits of the base district. With exception of the skylight, the project complies with all other development standards including setback and building height.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 20-028:**

1. Coastal Development Permit No. 20-014 to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. within the Orange County Sanitation District (OCSD) conforms with the General Plan, including the Local Coastal Program because the completion of the project will implement the Coastal Element goal of providing water, sewer, and drainage systems that are able to support the permitted land uses and upgrading existing systems.
2. The construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. is consistent with the requirements of the CZ

Overlay District, the IL (Industrial Limited) base zoning district, as well as other applicable provisions of the Zoning and Subdivision Ordinance and Municipal Code because the project, as proposed, complies with applicable development standards including maximum building height and minimum building setbacks.

3. At the time of occupancy, the proposed construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. can be provided with infrastructure in a manner that is consistent with the Local Coastal Program in that all necessary infrastructures, such as roadways and utilities currently exist to serve the site. The replacement of aging buildings and facilities will improve the infrastructure to serve the needs of the community.
4. The proposed construction to upgrade existing equipment, remove an existing gas digester building and replace it with an 11,500 sq. ft. building at an overall height of 38 ft., and exceed the exception to height limits for a skylight at an overall height of approximately 54 ft.-6 in. in lieu of the maximum permitted height of 50 ft. conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the entire project is proposed within the confines of the existing Orange County Sanitation Facility. No public access or recreational opportunities will be affected by the new construction, including the proposed skylight.

**CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 20-025/COASTAL DEVELOPMENT PERMIT NO. 20-028:**

1. The site plan, floor plans, and elevations received and dated March 31, 2021 shall be the conceptually approved design.
2. 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.
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. During demolition, grading, site development, and/or construction, the following shall be completed:
  - 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.
5. Conditional Use Permit No. 20-025 and Coastal Development Permit No. 20-028 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.
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.