

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 21-007 **VARIANCE NO. 21-001**

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 15303, Class 3 – *New Construction or Conversion of Small Structures* of the CEQA Guidelines as the project involves the construction of one commercial building that is less than 10,000 sq. ft. in an urbanized area where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 21-007:

1. Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq. ft. parcel will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood because the project will revitalize an existing deteriorating area with a development consistent with the General Plan land use and zoning designations. The proposed project will construct a one-story convenience store and is compatible in the proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. Additionally, the design of the building is attractive and will incorporate architectural elements such as cornices with articulating rooflines, metal awnings, and stone veneer base. The proposed building setbacks to the existing property line comply with the minimum front yard setback of 15 ft. After a required two ft. street dedication, the reduced building setback to the property line will measure approximately 13 ft., which will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is much smaller than the surrounding parcels, making it difficult to meet required building setbacks after street dedications and still maintain a viable commercial use with adequate on-site circulation. The new use will serve the service station while also providing convenience goods to the neighborhood. No alcohol sales are proposed with this request. Development of this site will improve this segment of Beach Boulevard by reducing the number of driveways to allow reciprocal access between the properties to the south and east, widening the sidewalks, and adding new landscaping along the right of way. In addition, this development will provide circulation efficiency and improvements that may motivate surrounding commercial properties to redevelop or make improvements.
2. The General Plan Land Use Map designation on the subject property is currently M-sp (Mixed Use – Specific Plan Overlay). Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq. ft. parcel is consistent with this designation and the goals, policies, and objectives of the City's General Plan as follows:

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.

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

Policy LU-11 (B): Encourage renovation and revitalization of deteriorating and struggling nonresidential areas and corridors, particularly commercial locations.

The proposed development includes a well-articulated building and wider walkways to enhance the pedestrian and public experience and is compatible in proportion, scale, and character of the adjoining uses. The one-story commercial building is consistent with the height requirements and complements the adjacent commercial buildings. After a required two ft. street dedication, the reduced building setback to the property line will measure approximately 13 ft., which will not create adverse impacts to the surrounding neighborhood as it is compatible with other surrounding single-story buildings that have been granted similar reduced setbacks. The site is substantially smaller than most commercial properties, making it difficult to meet required building setbacks after street dedications and still maintain a viable convenience use with adequate on-site circulation. The proposed architectural elements such as the cornices with articulating rooflines, metal awnings, and stone veneer base is compatible with and enhances the character of the adjoining uses. Furthermore, the proposed retail building will serve the service station to the south and provide goods and services that meet the regional and local community needs and improves an existing commercial property with an optimal location and accessibility along a major highway. The expansion of services captures and enhances resident, visitor, and tourist activity within the surrounding areas.

Circulation Element

Goal CIRC 7: Designated scenic corridors protect and enhance visual quality and scenic views.

Goal CIRC 7 (D): Provide landscaped medians and sidewalk treatments in accordance with City standards within major and primary arterial streets designated as landscape corridors, and continue to require the construction of landscaped medians and sidewalk treatments in new developments.

While narrower than the standard commercial sites in the area, the proposed streetscape will initiate the vision for the Neighborhood Parkway Segment of the specific plan. The project will provide a parkway landscape buffer for pedestrians using the public sidewalk. Additionally, the proposed retail building will improve a vacant commercial property with an optimal location and accessibility along a major highway.

3. Conditional Use Permit No. 21-007 to construct a 1,175 sq. ft. convenience store with a 13 ft. front yard setback in-lieu of the required minimum setback of 15 ft. on a vacant 5,585 sq.

ft. parcel will comply with the Neighborhood Parkway Segment of the Beach and Edinger Corridors Specific Plan, and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) with the exception of the reduced building setback along Beach Blvd. and the north property line, in that the project complies with all other setback standards, building height, top and base architectural element requirements, and parking. The reduced building setback is appropriate as it will allow sidewalk dedication, a viable commercial use, and adequate on-site circulation while improving an existing commercial property with an optimal location and accessibility along a major highway. The use will comply with all building occupancy and exiting requirements.

FINDINGS FOR APPROVAL - VARIANCE NO. 21-001

1. The granting of Variance No. 21-001 for a zero ft. side yard setback along the north property line in-lieu of the required minimum side yard setback of five ft. will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification because the variance addresses unique development constraints related to the subject property such as irregular lot size. The variance will not constitute a grant of special privilege because the subject site is substantially smaller than surrounding properties. It was originally developed for a single-family dwelling which lends itself to smaller lot sizes. However, the narrow width of the property significantly restricts use of the property for viable commercial uses as it does not allow for minimum setbacks, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. Similarly zoned lots have previously been granted variances for reduced setbacks due to irregularities in lot size.
2. Because of special circumstances applicable to the subject property, including size and location, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject site is located within the BECSP (Beach and Edinger Corridors Specific Plan) zone. It was originally developed for a single-family dwelling which lends itself to smaller lot sizes. However, the narrow width of the property significantly restricts use of the property for viable commercial uses as it does not allow for minimum setbacks, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. The subject property is 110 ft. in length and 50 ft. in width and is surrounded by commercial lots that vary between 200-400 ft. in length and 100-200 ft. in width. Therefore, because of special circumstances applicable to the subject property, including size, the strict application of the specific plan is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification when proposing new commercial development. The size and width of the lot deprive the property owner of the ability to construct a viable convenience use with adequate on-site circulation and a building that meets the required setbacks.
3. The granting of Variance No. 21-001 for a zero ft. side yard setback along the north property line in-lieu of the required minimum side yard setback of five ft. is necessary to preserve the enjoyment of one or more substantial property rights the requested variance will allow the subject to be improved in the same manner consistent with other properties within the area with identical zoning classification. The narrow width of the property significantly restricts use of the property as it does not allow for the setback, ADA accessibility requirements, and proper on-site circulation, therefore limiting full use of the property. The requested variance is being sought to construct a commercial development consistent with other properties in the area. Consequently the granting of this variance is necessary to preserve the

development right afforded by the property's land use designation.

4. The granting of the variance for a zero ft. side yard setback along the north property line in lieu of the required minimum side yard setback of five ft. will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan because the development will comply with other code provisions, including maximum height, parking, massing, and landscaping. The requested variance will not result in detrimental impacts to surrounding properties and furthers the goals of the General Plan to encourage development with a consistent land use pattern and provide diverse commercial opportunities.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 21-007 AND VARIANCE NO. 21-001:

1. The site plan, floor plan, and elevations received and dated April 8, 2021 shall be the conceptually approved layout with the following modifications:
 - a. The parking area shall be well-lit through all hours of darkness. Provide a lighting plan displaying all lit areas of the site. **(PD)**
 - b. The ground cover on the north side of the property shall be replaced with viable landscaping that is less conducive to loitering/transient camping. Provide an updated plan specifying the new ground cover. **(PD)**
2. Hours of operation may be up to 24 hours, daily.
3. At least 14 days prior to any grading activity, the applicant/developer 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.
4. Prior to submittal for building permits, the following shall be completed: 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.
5. Prior to issuance of a precise grading permit, the following shall be completed: Caltrans encroachment permits for work within the Caltrans right-of-way (for construction of sidewalks, driveways, utility connections, drainage etc.) shall be obtained by the applicant prior to City issuance of a grading permit. A copy of each submittal, encroachment permit, traffic control plans and/or other permission granted by Caltrans shall be transmitted to the Public Works Department.
6. Prior to issuance of final building permits and Certificate of Occupancy, a Reciprocal Parking Agreement shall be recorded with the Orange County Clerk Recorder against the titles of

19442 Beach Blvd. and 19472 Beach Blvd. The legal instrument shall be submitted to the Community Development Department for review by the City Attorney's office prior to issuance of the building permit. A copy of the recorded agreement shall be filed with the Community Development Department. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach. Both sites shall function as one parcel for the purposes of parking, therefore the Agreement must include the following provisions:

- a. Easements for reciprocal vehicular and pedestrian access, ingress and egress to the public street system, and parking in perpetuity, across both parcels.
 - b. City approval for any change to the Agreement.
7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of Certificate of Occupancy until the following has been completed:
 - a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Community Development Department.
 - b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - 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.
 - d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.
8. New signage shall be reviewed under separate permits and applicable processing.
9. Conditional Use Permit No. 21-007 and Variance No. 21-001 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 pursuant to a written request submitted to the Community Development Department a minimum 30 days prior to the expiration date.
10. The Development Services Departments (Community Development, Fire, and Police Department) 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.

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.