

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP NO. 19154

CONDITIONAL USE PERMIT NO. 21-006

SUGGESTED 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 15195, Residential Infill Exemption, because the project is characterized as infill development meeting the conditions described below:

- a. The project meets the threshold criteria set forth in section 15192.
- b. The site of the project is not more than four acres in total area.
- c. The project does not include any single level building that exceeds 100,000 sq. ft.
- d. The project is a residential project on an infill site.
- e. The project is within on-half mile of a major transit stop.
- f. The project does not contain more than 100 residential units.
- g. The project promotes higher density infill housing.
- h. The project meets the requirements regarding availability of affordable housing.

A comprehensive Notice of Exemption was prepared that demonstrates the project satisfies the requirements set forth above and is, therefore, exempt from CEQA.

SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 19154:

1. Tentative Tract Map No. 19154 for a one lot subdivision on approximately 39,640 sq. ft. lot for condominium purposes to construct 18 attached multi-family residences is consistent with the General Plan Land Use Element designation of Residential Medium High Density (RMH) on the subject property and other applicable provisions of the Subdivision Map Act and the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
2. The site is physically suitable for the type and density of development. The project site is able to accommodate the type of development proposed from a public service, circulation, and drainage perspective. The size, depth, frontage, street width and other design features of the proposed subdivision are in compliance with the HBZSO code. The project site is able to accommodate the type of development proposed. The proposed subdivision will result in a density of 19.2 units per acre, which is the allowable density of the Residential Medium High Density land use designation. The proposed density would be compatible with surrounding multi-family developments.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The site does not contain any significant habitat for wildlife or fish. The project site is located in an urban setting and design features of the project as well as compliance with the provisions of the HBZSO will ensure that the subdivision will not significantly impact the function and value of any resources adjacent to the project site.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements. The project will provide improved sidewalks and pavements along Cameron Lane as a part of this proposed tentative tract map.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 21-006:

1. Conditional Use Permit No. 21-006 for the development of 18 attached for-sale townhome units 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 project will improve an existing vacant parcel of land with a development consistent with the underlying General Plan land use and zoning designations. The project will not result in any adverse or significant environmental impacts including traffic, noise, lighting, aesthetics, and hazardous materials. The project is located behind existing commercial uses and will provide for a good transition to the existing residential neighborhood from adjacent commercial uses. The proposed development is compatible with surrounding uses in that other structures of similar height, mass, and siting exist in the adjacent area. The proposed project is designed to convey a high level of quality and a character that incorporates quality materials and design, consistent with the City of Huntington Beach Urban Design Guidelines. Building volumes are articulated with variation in wall planes to reduce building massing. The building facades incorporate a variety of building materials and colors to provide visual interest, including stucco and metal railings.
2. The granting of the conditional use permit for the development of 18 attached for-sale townhome units will not adversely affect the General Plan because the request is consistent with the Land Use Element designation of RMH (Residential Medium High 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-1A: Ensure that the 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-1C: Support infill development, consolidation of parcels, and adaptive reuse of existing buildings.

Policy LU-1D: Ensure that new development projects are of compatible proportion, scale, and character to complement adjoining uses.

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-4A: Encourage a mix of residential types to accommodate people with diverse housing needs.

The proposed 18-unit development is consistent with the land use designation and will continue the land use pattern of multi-family residential uses in the surrounding area. The project supports infill development, as the project is located on an underutilized lot. In addition, the proposed project is compatible in proportion, scale, and character with the surrounding neighborhood because there are similar attached multi-family units to the north, south, and east of the site. The attached townhomes will provide a mix of housing types to meet the diverse economic, social, and housing needs of the community. By providing new housing opportunities to the area, the proposed project assists in meeting the overall housing needs of the community.

B. Housing Element

Goal 1: Maintain and enhance the quality and affordability of existing housing in Huntington Beach.

Policy 1.1 Neighborhood Character: Preserve the character, scale, and quality of established residential neighborhoods.

Goal 2: Provide adequate housing sites through appropriate land use, zoning and specific plan designations to accommodate Huntington Beach's share of regional housing needs.

Policy 2.1 Variety of Housing Choices: Provide site opportunities for development of housing that responds to diverse community needs in terms of housing types, cost and location, emphasizing locations near services and transit that promote walkability.

Goal 3.1 Housing Diversity: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

The project is consistent with the Housing Element because it will enhance the quality of the existing multi-family residential neighborhood and the project is subject to the HBZSO inclusionary ordinance that requires ten percent of the units to be deed restricted as affordable units or to pay an in-lieu fee. The applicant proposes to provide 2 two-bedroom units as moderate-income affordable units. The project will also preserve the character, scale, and quality of the existing neighborhood because it involves the construction of 18 attached townhome units that are similar to the surrounding multi-family residential units and provides a diversified mix of housing types for the different needs of the community.

3. Conditional Use Permit No. 21-006 for the development of 18 attached for-sale townhome units will comply with the provisions of the RMH (Residential Medium High Density) district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project is designed to comply with all applicable development standards including building setbacks, onsite parking, lot coverage, building height, building separation and open space. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project.

SUGGESTED CONDITIONS OF APPROVAL - TENTATIVE TRACT MAP NO. 19154:

1. The Tentative Tract Map No. 19154 for a one lot subdivision on approximately 39,640 sq. ft. lot for condominium purposes received and dated July 8, 2021 shall be the approved layout.
2. Pursuant to section 230.14 of the HBZSO, Tentative Tract Map No.19154 and Conditional Use Permit No. 21-006 shall not be deemed approved until an Affordable Housing Agreement has been approved by the City Council.
3. Prior to issuance of a grading permit and 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 issuance of Building Permits, an Affordable Housing Agreement for two moderate-income affordable housing units shall be submitted to the Community Development for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office

prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.14 and include, but not be limited to, the following items:

- a. The duration of the affordability and the number of the affordable units;
 - b. The method in which the developer and the City are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;
 - c. The method in which vacancies will be marketed and filled;
 - d. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project. Affordable units shall be located throughout the project and shall include a mixture of unit types in the same ratio as provided throughout the project; and
 - e. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices.
5. Prior to submittal of the final tract map and at least 90 days before City Council action on the final map, Conditions Covenants & Restrictions (CC&Rs) shall be submitted to the Community Development Department, Public Works, Fire, and City Attorney's office for review and approval. The CC&Rs shall include the following:
- a. Provide for maintenance, repair and replacement by a Homeowner's Association (HOA) for all common area landscaping, maintenance of walls, irrigation, drainage facilities, water quality BMP's, water system lines, fire system lines, sewer system lines, and private service utilities.
 - b. Best Management Practices (BMP's as per the approved Water Quality Management Plan (WQMP).
 - c. The CC&Rs shall restrict any revision or amendment of the WQMP except as may be dictated by either local, state, or federal law and the LIP.
 - d. Appropriate language shall be included to restrict garages to be converted to living quarters, workshops, or storage that will preclude the parking of two vehicles, all open parking spaces within the project shall be unassigned and available for visitors and guests.
 - e. Appropriate language shall be included to restrict boat, trailer, camper, off-road vehicle, golf cart, commercial vehicle, mobile home, motor home, bus, or other recreational vehicle or any non-operating vehicle shall be parked or stored in any open parking spaces. Towing of vehicles violating the parking restrictions shall be included.

The CC&Rs must be in recordable form prior to recordation of the map.

6. Comply with all applicable Conditional Use Permit No. 21-006 conditions of approval.
7. Tentative Tract Map No. 19154 shall become null and void unless exercised within two years of the date of final approval by the City Council, or such extension of time, as granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
8. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 21-006:

1. The site plan, floor plans, and elevations received and dated August 9, 2021 shall be the conceptually approved design.
2. Prior to submittal of building permits, the following shall be completed:
 - a. 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.
 - b. Submit three (3) copies of the approved site plan and the processing fee to the Community Development Department for addressing of the new units.
3. Prior to issuance of building permits, the following shall be completed:
 - a. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Community Development Department. Double walls shall be avoided to the greatest extent feasible. Prior to the construction of any new walls, a plan must be submitted identifying the removal of any existing walls located on the subject property. Any removal of walls on private residential property and construction of new common walls shall include approval by property owners of adjacent properties. The plans shall identify materials, seep holes and drainage.

- b. Contact the United States Postal Service for approval of mailbox location(s).
 - c. An interim parking and building materials storage plan shall be submitted to the Community Development Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
4. 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 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.
 - 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.
5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
- a. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Community Development Department.
 - b. Compliance with all conditions of approval specified herein shall be accomplished and 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.

- d. Parkland dedication in-lieu fees (Quimby Fees) shall be paid to the Community Development Department.
 - e. All existing overhead utilities that occur along the project's Cameron Lane frontage shall be undergrounded. This condition also applies to all utilities, including but not limited to all telephone, electric, and cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies. **(PW)**
6. 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.
 7. Conditional Use Permit No. 21-006 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.
 8. The Development Services Departments (Fire, Community Development, 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.
 9. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/green-building-guidelines-rating>).

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.