

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Huntington Beach, CA 90802-4302
(714) 590-5071

RECORD PACKET COPY



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January 14, 2003

TO: Commissioners and Interested Persons

**FROM: Deborah Lee, Deputy Director
Stephen Rynas, Orange County Area Supervisor
Meg Vaughn, Coastal Program Analyst**

SUBJECT: Major Amendment Request No. 1-02 to the City of Huntington Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the February 4-7, 2003 meeting in San Diego).

SUMMARY OF LCP AMENDMENT REQUEST NO. 1-02

Request by the City of Huntington Beach to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by changing the zoning from General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay to Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay at the AES Generating Station site (21730 Newland, east side, north of PCH) and the Edison Tank site (northwest corner of Magnolia Street and Banning Avenue), in Huntington Beach, Orange County. The proposed amendment is a change to the City's Implementation Plan affecting the zoning map only. No change to existing text is proposed.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

Approve the amendment request to the Implementation Plan as submitted.

The amendment to the IP portion of the LCP is proposed to bring the zoning into conformity with the existing Land Use designation at the subject sites. The motions to accomplish this recommendation are found on page 3. As submitted the amendment is consistent with and adequate to carry out City's certified Land Use Plan.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementation Plan, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The Huntington Beach City Council held a public hearing on the proposed LCP amendment on November 18, 2002. In addition, the Huntington Beach Planning Commission held a public hearing on the proposed LCP amendment on October 8, 2002. No issues were raised regarding the proposed zone changes at the local hearings.

All staff reports were made available for public review in the Planning Department and in the Huntington Beach Public Library. Public hearing notices were mailed to property owners of record for the parcels which are the subject of the amendment as well as parcels within a 1,000 foot radius (including occupants), and notice of the public hearing was published in the Huntington Beach Independent, a local newspaper of general circulation.

ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact *Meg Vaughn* in the Long Beach office at (562) 590-5071.

I. STAFF RECOMMENDATION

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings.

MOTION

"I move that the Commission reject Implementation Plan amendment No. 1-02 to the City of Huntington Beach Local Coastal Program as submitted."

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to certify the amendment to the Implementation Plan as submitted

The Commission hereby certifies Amendment Request No. 1-02 to the Implementation Plan of the City of Huntington Beach Local Coastal Program as submitted, and adopts the findings set forth below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment.

II. FINDINGS

The following findings support the Commission's approval of the proposed LCP Implementation Plan amendment as submitted. The Commission hereby finds and declares as follows:

A. Amendment Description

The proposed amendment is a request by the City of Huntington Beach to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) by changing the zoning from General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay to Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay at the AES Generating Station site (21730 Newland, east side, north of PCH) and the Edison Tank site (northwest corner of Magnolia Street and Banning Avenue), in Huntington Beach, Orange County. The existing overlay zoning will remain the same at each of the subject sites. The proposed amendment would change to the City's Implementation Plan, affecting the zoning map only. No change to existing text is proposed.

Currently, the subject sites are developed with a) the AES Generating Station, and b) the Edison tank site. The AES Generating site is comprised of approximately 50 acres. The Edison tank site is approximately 28 acres. The subject sites are described in the certified Land Use Plan as follows:

Electrical Power Plant

This facility is located at Newland Street and Pacific Coast Highway. Four fossil-fuel powered steam turbines generate the plant's base load electricity. A single natural gas turbine is used as a peaking unit at times of high demand. Four substations which reduce the voltage from the plant to more manageable levels are also located in the Coastal Zone. Seven large tanks adjacent to the plant are available to store the fuel oil used to fire the boilers in which the steam is produced. It is anticipated that the power plant will continue to operate for the next twenty years. Coastal policy and adjacent vacant land provide opportunity for potential expansion, if needed.

B. Land Use

The City of Huntington Beach recently revised and updated the General Plan including the Coastal Element which constitutes the certified Land Use Plan (LUP) portion of the City's LCP. The Commission approved the revised and updated Coastal Element on June 14, 2001, which became fully effective on November 13, 2001. The LUP update changed the land use designation at the subject sites from Industrial Energy Production to Public Institutional. The current zone change is proposed to bring the subject sites' zoning into conformity with the current land use designation.

The land use designation at each of the subject sites is Public Institutional. This land use designation allows "governmental administrative and related facilities, such as **public utilities**, schools, libraries, museums, public parking lots, infrastructure, religious and similar uses." (Emphasis added). The existing use at both of the subject sites is public utility. The proposed zone change will appropriately reflect both the existing use as well as the current land use designation of the two sites. Section 214.02 of the certified Implementation Plan portion of the LCP indicates that the intent of the proposed zone, PS Public-Semipublic is to implement the public land use designation. Thus the proposed IP amendment zone change will bring the subject sites' zoning into conformity with the current land use designation. Therefore, the Commission finds that the proposed Implementation Plan zone change is consistent with and adequate to carry out the provisions of the certified Land Use Plan (LUP).

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

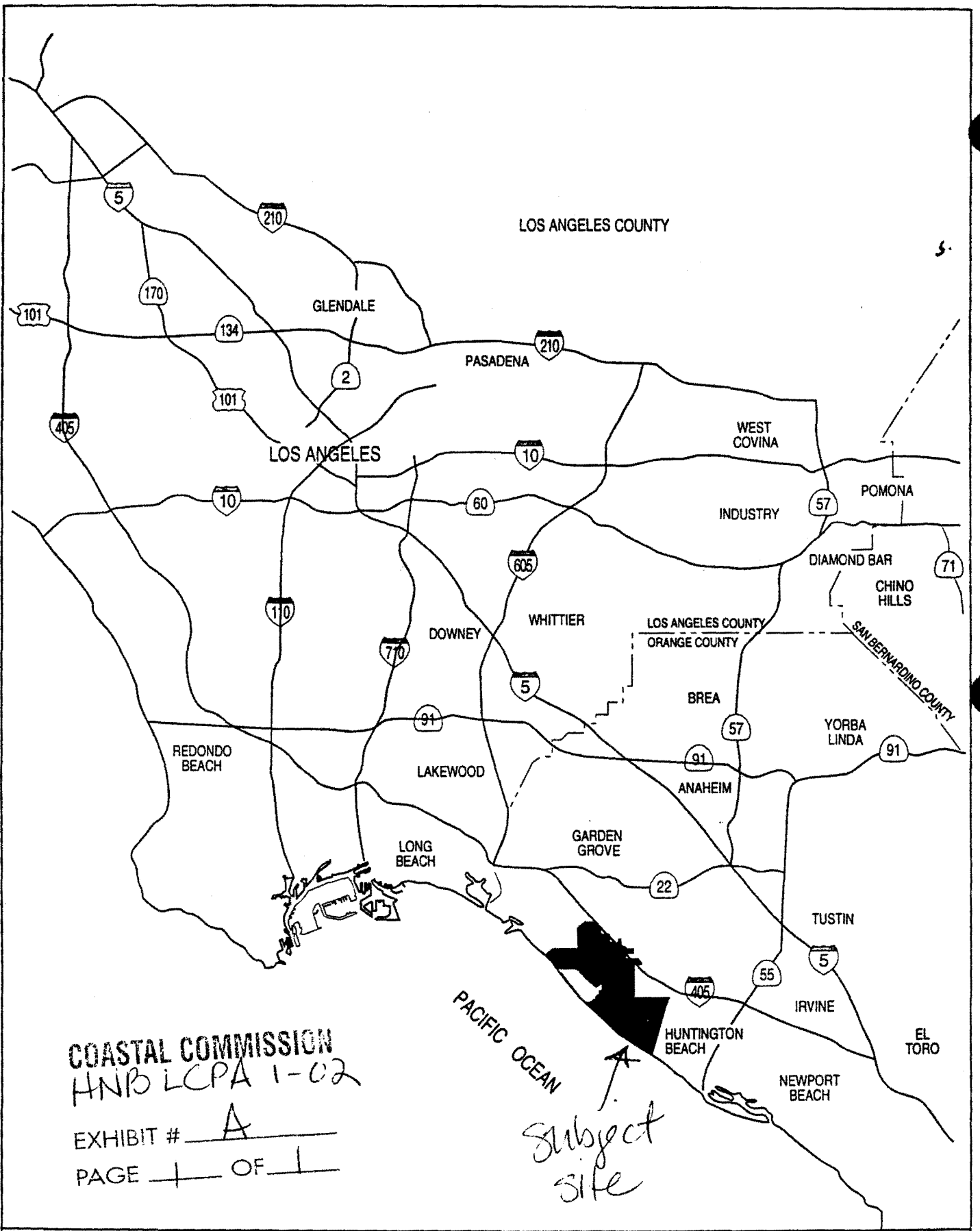
Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. However, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in an LCP submittal to find that the LCP does

Huntington Beach LCP
Amendment 1-02
Page 5

conform with the provisions of CEQA. The City of Huntington Beach LCP amendment 1-02 consists of an amendment to the Implementation Plan (IP) only.

As outlined in this staff report, the proposed zone change would result in updating the zoning to conform with the land use designation of the recently updated Land Use Plan. Thus, the Commission finds that the IP amendment is in conformity with and adequate to carry out the land use policies of the certified LUP. Therefore, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of CEQA. Therefore, the Commission certifies LCP amendment request 1-02 as submitted.

HNB LCPA 1-02 stfrpt 2.03 mv



REGIONAL
LOCATION

CITY OF HUNTINGTON BEACH COASTAL ELEMENT



COASTAL COMMISSION RESOLUTION NO. 2002-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 02-03 TO AMEND THE LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCES TO REFLECT ZONING MAP AMENDMENT NO. 02-02 FOR SUBAREAS C (AES GENERATING PLANT) AND D (EDISON TANK SITE)

WHEREAS, pursuant to State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council, after notice duly given, have held separate public hearings relative to Local Coastal Program Amendment No. 02-03, wherein both bodies have carefully considered all information presented at said hearings; and

Such amendment was recommended to the City Council for adoption; and

After due consideration of the findings and recommendations of the Planning Commission and all evidence presented, the City Council finds that such Local Coastal Program Amendment is proper and consistent with the General Plan, the intent of the Certified Huntington Beach Local Coastal Program and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. That Huntington Beach Local Coastal Program Amendment No. 02-03 consisting of Zoning Map Amendment No. 02-02 for Subareas C (AES Generating Station) and D (Edison Tank Site), a copy of which is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein, is hereby approved.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve, and certify Huntington Beach Local Coastal Program Amendment No. 02-03.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 02-03 will take effect automatically upon Coastal Commission approval, as provided in Public Resources Code Section 30512, 30513 and 30519.

COASTAL COMMISSION
HNB LCPA 1-02

EXHIBIT # B

PAGE 1 OF 9

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 18th day of November, 2002.

Debbie Cook
Mayor

ATTEST:

Connel Brockway
City Clerk

APPROVED AS TO FORM:

Gail Sutton
City Attorney
10-11-02

REVIEWED AND APPROVED:

Ray Salas
City Administrator

INITIATED AND APPROVED:

[Signature]
Director of Planning

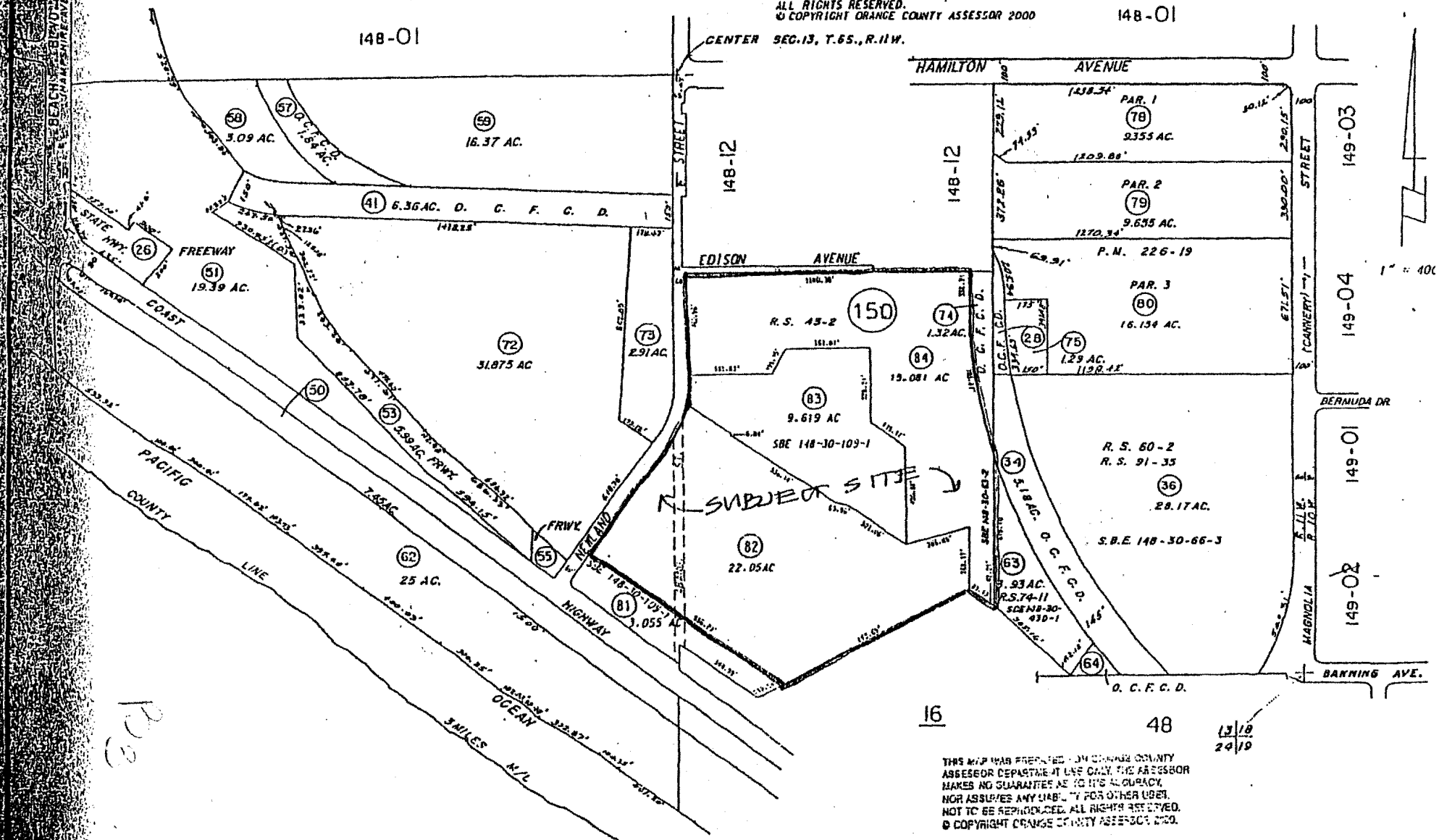
JR 10/11/02

B2

S 1/2. SEC. 13, T 6 S, R 11 W
 FRAC. SEC. 24, T 6 S, R 11 W

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114-15



103

16 48 13/18 29/19

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PARCEL MAP P.M. 3-18
 PARCEL MAP P.M. 226-19

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES
 ASSESSOR'S MAP BOOK 114 PAGE 15 COUNTY OF ORANGE

114-15

Handwritten notes and scribbles on the right margin.

EXHIBIT A of Res No 2002-112

APN 114-150-82, 83 & 84

All that certain property in the City of Huntington Beach, County of Orange, State of California, being Parcels 1, 3 and 4 as shown on Lot Line Adjustment No. 97-3 recorded December 8, 1997 as Instrument No. 19970628491 of Official Records of Orange County Recorder.

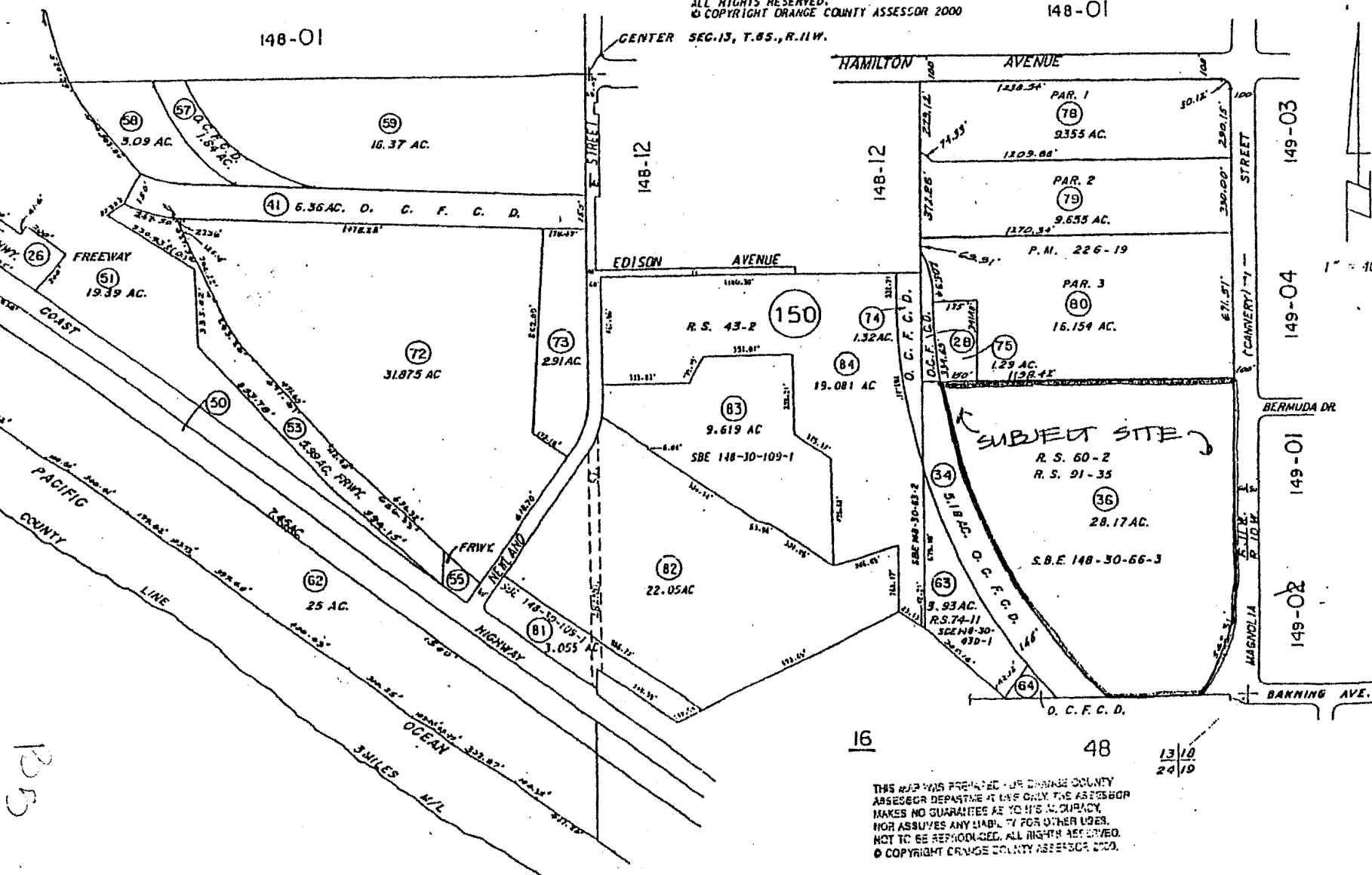
Excepting therefrom that portion of Newland Street shown within said Parcels 1, 3 and 4 as shown on said Lot Line Adjustment No. 97-3.

B4

S 1/2, SEC. 13, T 6 S, R 11 W
 FRAC. SEC. 24, T 6 S, R 11 W

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114-15



135

PARCEL MAP P.M. 3-18
 PARCEL MAP P.M. 226-19

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 114 PAGE 15 COUNTY OF ORANGE

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13/18
20/19

EXHIBIT A of Res. No. 2002-112

APN 114-150-36

That portion of the Southeast Quarter of the of the Southeast Quarter of Fractional Section 13, Township 6 South, Range 11 West, as per Map recorded in Book 51, Page 14 of Miscellaneous Maps in the Office of the Recorder of the County of Orange, State of California, described as follows:

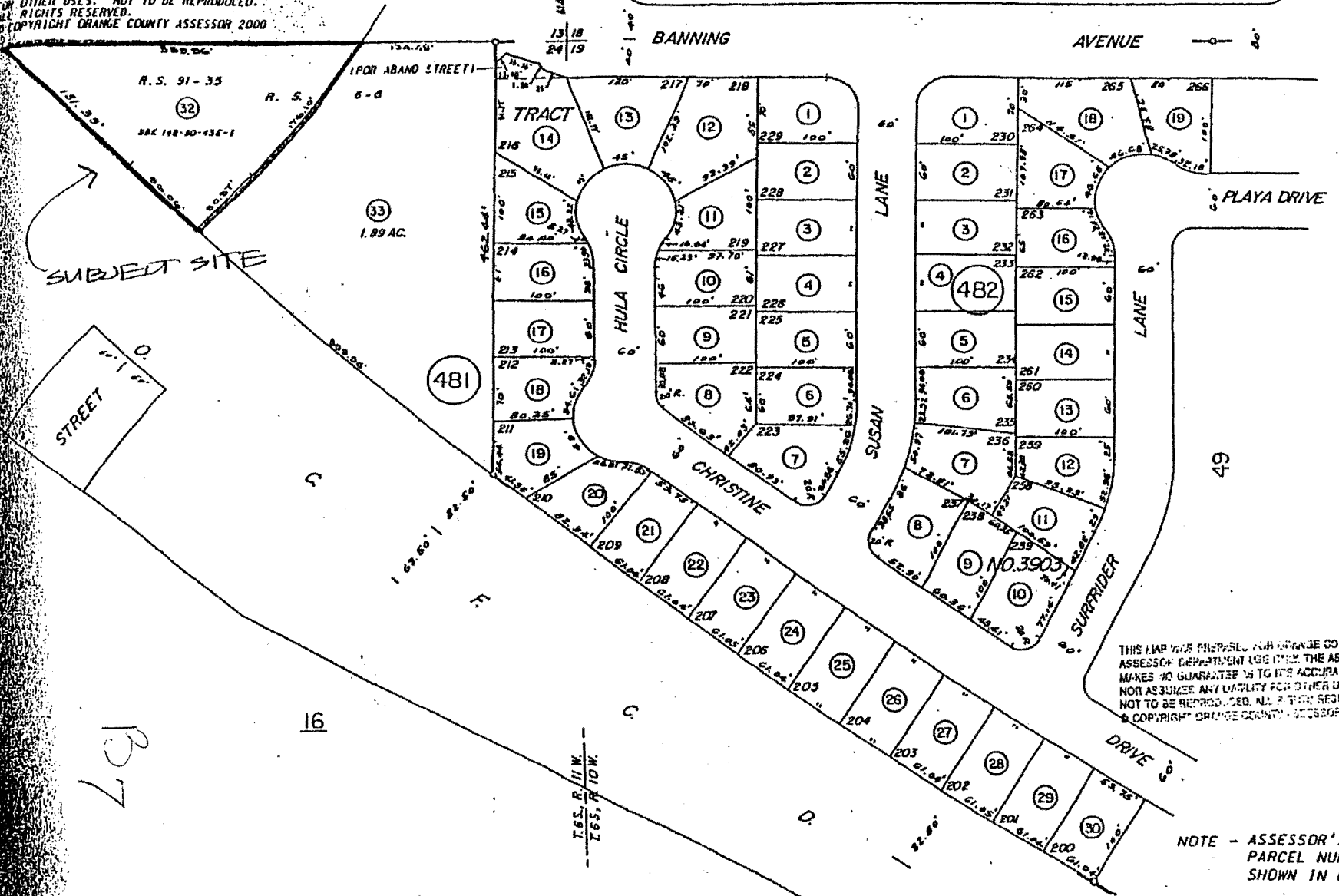
Beginning at the Northwestern Corner of Parcel 1 as shown on Road Easement Recorded October 13, 1967 in Book 8418, Pages 439 through 446 inclusive of Official records of the County Recorder of said County, said Northwestern Corner also being a point on the North Line of the Southeast Quarter of the Southeast Quarter of said Section 13 as shown on Record of Survey recorded in Book 91, Page 35 of Records of Survey in the office of the County Recorder of said County; Thence along the Westerly Line of said Road Easement as shown of said Record of Survey South $0^{\circ} 40' 51''$ East a distance of 800.29 feet to the beginning of a tangent curve concave to the Northwest having a radius of 950.00 feet; Thence Southwesterly along said curve through a central angle of $33^{\circ} 04' 45''$ an arc distance of 548.47 feet to a point on the South Line of said Section 13 as shown on said Record of Survey; said point also being the Southwest Corner of Parcel 2 of said Road Easement; Thence along said South Line of Said Section 13 South $89^{\circ} 30' 59''$ West a distance of 360.17 feet to the intersection with the Northeasterly Right of Way Line of the Orange County Flood Control District's "Huntington Beach Channel" described in Final Order of Condemnation as shown in Book 5842 Pages 7 through 12 inclusive of Official Records in the office of the County Recorder of said County; thence along said Northeasterly Right of Way Line North $45^{\circ} 11' 15''$ West a distance of 65.91 feet to the beginning of a tangent curve concave to the Northeast having a radius of 2317.50 feet; Thence Northeasterly along said curve through a central angle of $35^{\circ} 50' 42''$ an arc distance of 1,449.86 feet to the intersection with the North Line of said Southeast Quarter of the Southeast Quarter of Fractional Section 13 as shown on Said Record of Survey; Thence along said North Line North $89^{\circ} 33' 26''$ East a distance of 1,198.66 feet to the Point of Beginning.

Pole

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POR NE1/4, NE1/4, NE1/4, FRAC. SEC. 24, T6S, R11W
149-02

114-48



1" = 100'

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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

TR. NO. 3903 M.M. 165- 48, 49, 50

ASSESSOR'S MAP
BOOK 114 PAGE 48
COUNTY OF ORANGE

1-1-00

0 2002-112

B7

APN 114-481-32

EXHIBIT A of Res. No. 2002-112

All that certain property as shown on Grant Deed Recorded November 3, 1970 in Book 9450 Pages 879 through 881 inclusive of Official Records in the Office of the Orange County Recorder, State of California.

B 8

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the 18th day of November, 2002 by the following vote:

- AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
- NOES: None
- ABSENT: Houchen
- ABSTAIN: None

The foregoing instrument is a correct copy of the original on file in this office.

Attest December 19 2002

Connie Brockway
City Clerk and Ex-officio Clerk of the City Council of the City of Huntington Beach, California.

By She Finnan Deputy

Connie Brockway
City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach, California

P-9

SUBAREA C

LOCATION: AES Generating Station – 21730 Newland (east side, north of PCH)

PROPERTY OWNER: AES HB, 21730 Newland Street, Huntington Beach, CA 92646

REQUEST: Amend Zoning District Map No. 14 at the subject location from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay)

SUBJECT PROPERTY AND SURROUNDING LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	P	IG-O-CZ-FP2	AES Generating Station
North of Subject Property (across Edison Ave)	I-F2-d (Industrial)	IG-O-CZ-FP2	Industrial
East of Subject Property	P	CC-O-CZ-FP2 (Coastal Conservation)	Vacant, flood control channel
South of Subject Property	P	IG-O-CZ-FP2	Wetlands and Wildlife Care Center (animal hospital)
West of Subject Property (across Newland)	RM-15	IL-O-CZ-FP2 and RMP-CZ-FP2 (Manufactured Home Park)	Mobile Home Park

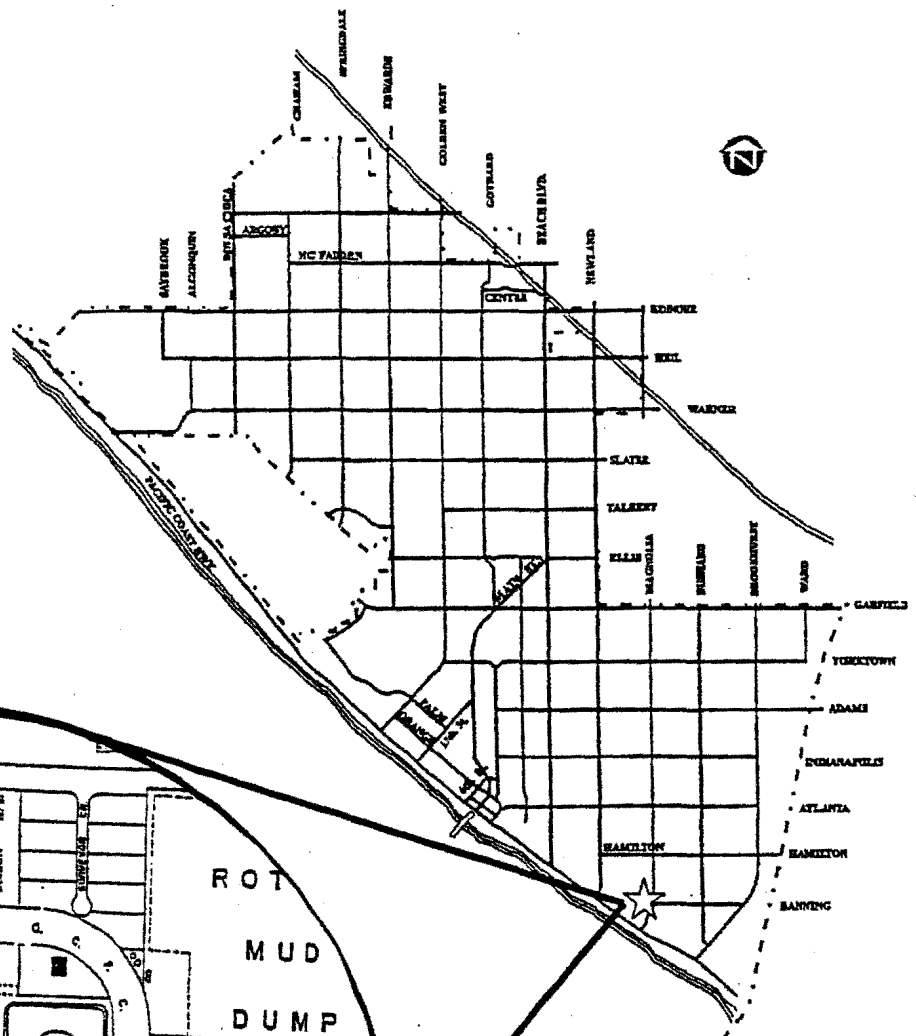
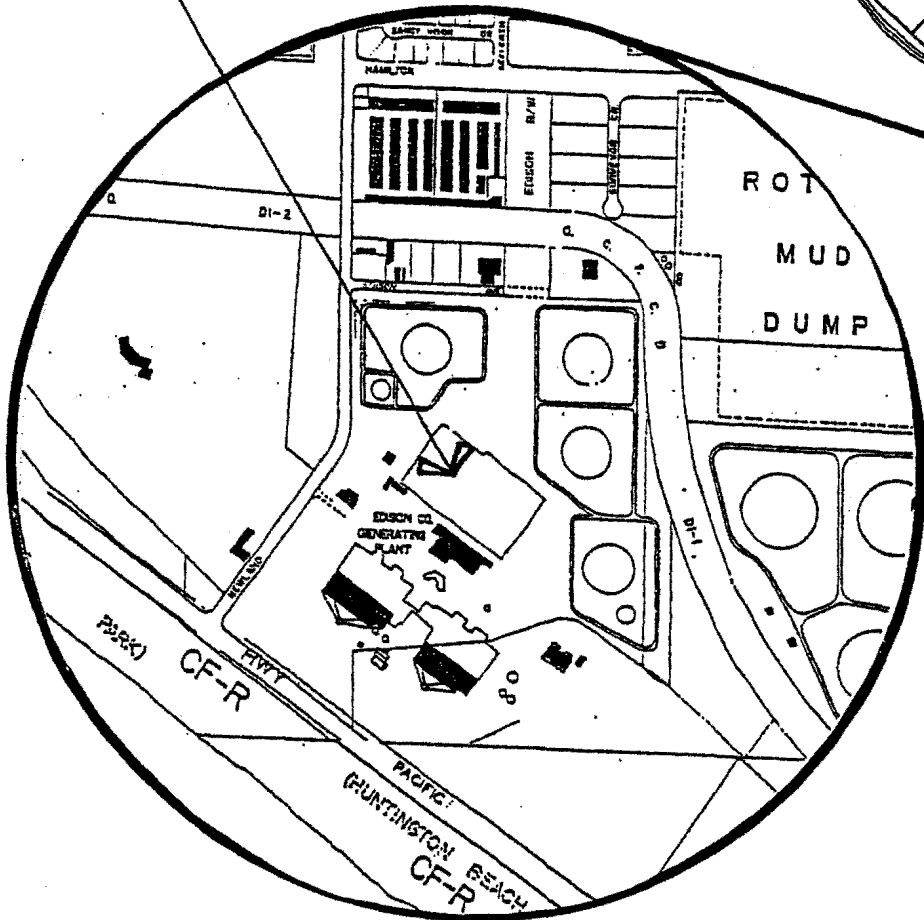
Zoning Compliance:

Approval of the Zoning Map Amendment to PS for the AES Generating Station more accurately reflects the actual use of the property compared to the existing industrial zoning. It will also bring the site into compliance with a requirement in Section 214.04 of the HBZSO that uses such as major utilities on sites two acres or greater in size must be zoned PS. The rezoning to PS will result in a different list of potential uses and development standards for the site (see Attachment No. 7).

COASTAL COMMISSION
HNB LCPA 1-02

EXHIBIT # C
PAGE 1 OF 2

PROJECT
SITE



VICINITY MAP
ZMA 02-02

Subarea C - AES Generating Station
THE CITY OF HUNTINGTON BEACH

C2

SUBAREA D

LOCATION: Edison Tank Site – Northwest corner of Magnolia and Banning
PROPERTY OWNER: Edison, 2244 Walnut Grove Ave, Rosemead, CA 91770
REQUEST: Amend Zoning District Map Nos. 14 and 29 at the subject location from IG-O-CZ-FP2 (General Industrial – Oil Production Overlay – Coastal Zone Overlay – Floodplain Overlay) to PS-O-CZ-FP2 (Public-Semipublic – Oil Production Overlay – Coastal Zone Overlay - Floodplain Overlay) and from IL-CZ-FP2 (Limited Industrial – Coastal Zone Overlay – Floodplain Overlay) to PS-CZ-FP2 (Public-Semipublic – Coastal Zone Overlay – Floodplain Overlay)

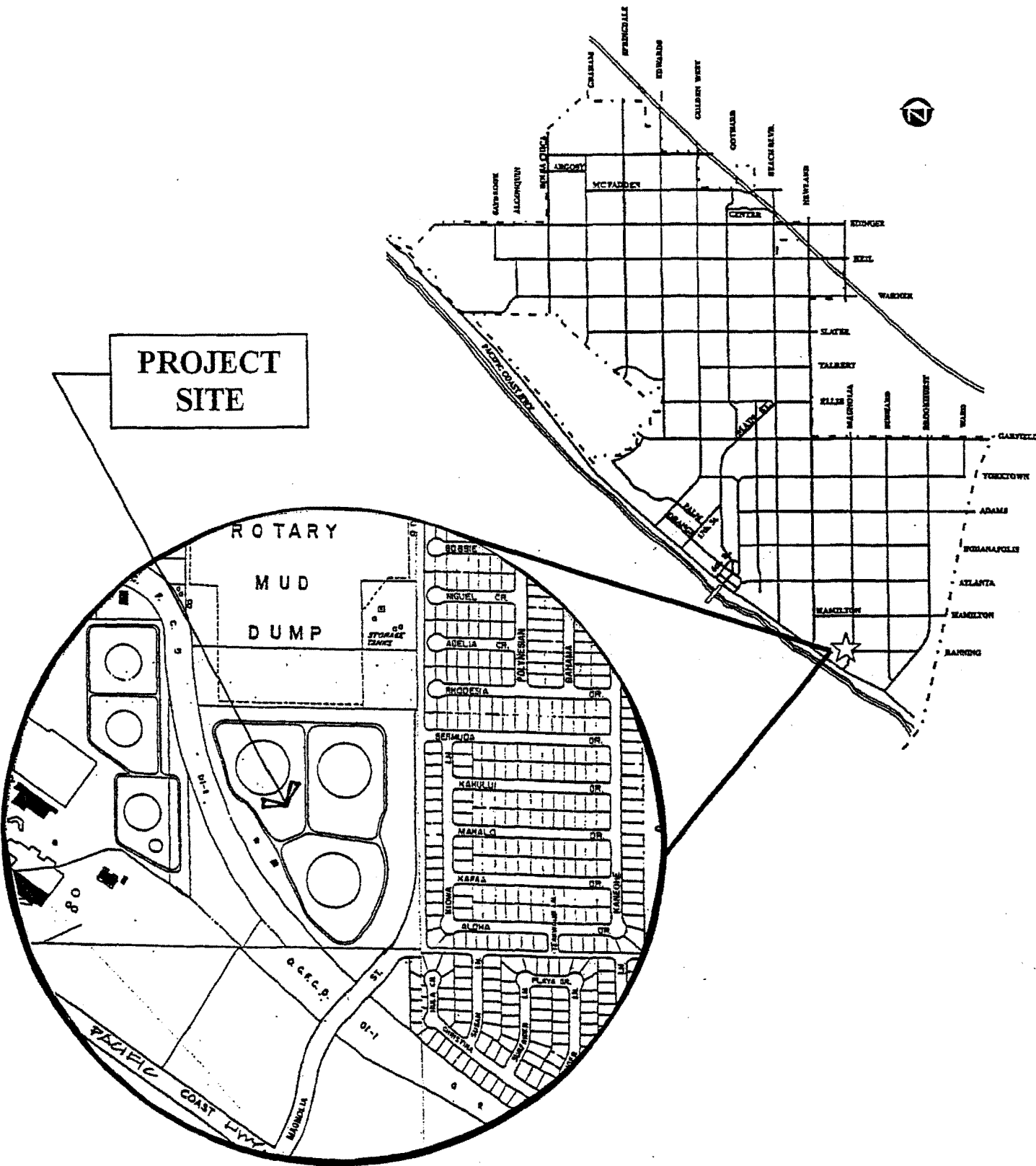
SUBJECT PROPERTY AND SURROUNDING LAND USE, ZONING AND GENERAL PLAN DESIGNATIONS:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	P	IG-O-CZ-FP2 and IL-CZ-FP2	Edison Tank Site
North of Subject Property	RM-15-sp	SP-10 (Magnolia Pacific Specific Plan)	ASCAN Landfill
East of Subject Property (across Magnolia Ave)	RL-7	RL	Residential
South of Subject Property (across Magnolia Ave)	Not applicable	Not applicable	Flood control channel
West of Subject Property	Not applicable	Not applicable	Flood control channel

Zoning Compliance:

The proposed Zoning Map Amendment to PS (Public-Semipublic) for the Edison tank site will also more accurately reflect the actual use of the site compared to the industrial zoning. Approval of the Zoning Map Amendment to PS will allow the site to comply with a requirement in Section 214.04 of the Zoning and Subdivision Ordinance that uses such as major utilities on sites two acres or greater in size must be zoned PS. The rezoning to PS will result in a different list of potential uses and development standards for the site (see Attachment No. 7).

COASTAL COMMISSION
 HNR/LCPA 1-02
 EXHIBIT # D
 PAGE 1 OF 2



VICINITY MAP
 ZMA 02-02
 Subarea D – Edison Tank Site
 THE CITY OF HUNTINGTON BEACH

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