

CALIFORNIA COASTAL COMMISSION  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

## RECORD PACKET COPY

November 18, 2004



# W 18 a

**TO:** Commissioners and Interested Persons

**FROM:** Peter Douglas, Executive Director  
Deborah Lee, Deputy Director  
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area  
Meg Vaughn, Staff Analyst

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Huntington Beach accepting certification with suggested modifications of Major LCP Amendment No. 1-03 (HNB-MAJ-1-03) is legally adequate. For Commission review at its December 8-10, 2004 meeting in San Francisco.

### STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

### BACKGROUND

On July 7, 2003, the City of Huntington Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 1-03 for Commission certification. The amendment request was deemed complete on August 18, 2003. LCP Amendment No. 1-03 was submitted for Commission action pursuant to City Council Resolution Nos. 2002-99 and 2003-34. A total of 10 changes were proposed including one change to the LUP, three zoning map amendments (none are located in the coastal zone), and six zoning text amendments. The proposed LUP amendment deletes the segment of Orange Avenue between Goldenwest Street and Palm Avenue from Figure C-13 that is the Circulation Plan of Arterial Streets and Highways. Changes to the IP are as follows: Zoning text amendment 01-2 changes requirements relative to parkland dedications and in-lieu fees in the IP including the creation of an exemption from parkland dedication requirements as an incentive to construct affordable housing; Zoning text amendment 01-4 reduces the level of discretionary body review for certain types of development, however, these changes will not effect the requirements for coastal development permits; Zoning text amendment 01-7 clarifies the appeal procedure for coastal development permits; Zoning text amendment 01-9 deletes the requirement that public-semi-public uses in Commercial Districts be less than two acres and would allow public-semi-public uses on sites that are two acres or greater in Commercial Districts; Zoning text amendment 02-1 establishes wireless communication facility development regulations and amends various sections of the IP regarding definitions and permitting districts.

On June 10, 2004, the Commission approved LCP Amendment No. 1-03 with suggested modifications. On September 20, 2004, the Huntington Beach City Council adopted Resolution No. 2004-73 incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 1-03, and submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on June 10, 2004 (See Attachment).

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of LCP Amendment No. 1-03 shall become effective upon the filing of the required Notice of Certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(v).



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540  
374-1648

October 4, 2004

Theresa Henry, South Coast District Manager  
South Coast Area Office  
California Coastal Commission  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302

**SUBJECT: HUNTINGTON BEACH LOCAL COASTAL PROGRAM AMENDMENT  
NO. 03-01 (COASTAL COMMISSION SUGGESTED MODIFICATIONS)**

Dear Ms. Henry:

On June 10, 2004, the California Coastal Commission approved Local Coastal Program Amendment (LCPA) No. 03-01 with suggested modifications. Pursuant to Section 13544 of the California Code of Regulations, the City of Huntington Beach City Council adopted the suggested modifications on September 20, 2004.

Enclosed herewith please find the following, which document the City Council's action:

- Resolution No. 2004-73 accepting and agreeing to the modifications suggested by the California Coastal Commission
- Resolution No. 2004-80 amending Section 230.96, 231.04, 231.18 and 254.08 of the Huntington Beach Zoning and Subdivision Ordinance incorporating the modifications suggested by the California Coastal Commission
- Copy of the City Council staff report dated September 20, 2004

The City looks forward to certification that the City has adopted the LCPA modifications in accordance with the Coastal Commission's action. If you should have any questions regarding this item, please contact Jason Kelley, Assistant Planner at (714) 374-1553.

Sincerely,

Howard Zelefsky  
Director of Planning

Enclosures

xc: Mary Beth Broeren, Principal Planner  
LCPA 03-1

COASTAL COMMISSION  
HNB LCPA 1-03  
EXHIBIT # A  
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OCT 05 2004

RESOLUTION NO. 2004-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CALIFORNIA, WHICH ACKNOWLEDGES RECEIPT OF THE COASTAL COMMISSION ACTION AND ACCEPTS AND AGREES TO LOCAL COASTAL PROGRAM AMENDMENT NO. 1-03 AS MODIFIED

WHEREAS, the California Coastal Commission reviewed and approved Huntington Beach Local Coastal Program Amendment No. 1-03 as modified at the June 10, 2004 Coastal Commission hearing; and

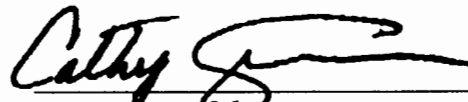
Section 13537 of the Coastal Commission Regulations requires the local government to accept and agree to the modification by resolution within six (6) months, or the certification will expire; and

Upon the City Council action staff will forward Resolution No. 2004-73 for final Coastal Commission certification,

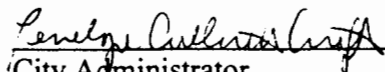
NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the City Council accepts and agrees to the Coastal Commission's approval of Local Coastal Program Amendment 1-03 by modifying Huntington Beach Zoning and Subdivision Ordinance Sections 230.96, 231.04, 231.18 and 254.08 as suggested by the Coastal Commission in the letter dated July 26, 2004, attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein. Said suggested modification shall become effective 30 days after adoption of Resolution No. 2004-73 or upon final Coastal Commission certification, whichever occurs latest.

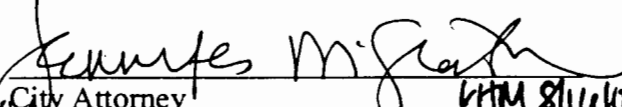
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of September, 2004.

  
\_\_\_\_\_  
Mayor

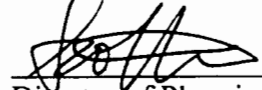
REVIEWED AND APPROVED:

  
\_\_\_\_\_  
City Administrator

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney JHM 8/16/04

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Planning FRH2

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CALIFORNIA  
COASTAL COMMISSION

COASTAL COMMISSION  
HNBP LCRA 1-03

EXHIBIT # B  
PAGE 1 OF 7

STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



July 26, 2004

Howard Zelefsky, Director of Planning  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

JUL 28 2004

Re: Huntington Beach Local Coastal Program (LCP) Major Amendment No. 1-03.

Dear Mr. Zelefsky:

You are hereby notified that the California Coastal Commission, at its June 10, 2004 meeting in San Pedro, approved City of Huntington Beach LCP Amendment No. 1-03 with modifications. Local Coastal Program (LCP) Amendment No. 1-03, contained in City Council Resolution No. 2003-34, included a total of 10 changes including one change to the LUP, three zoning map amendments (none located in the coastal zone), and six zoning text amendments. Thus, both the Land Use Plan (LUP) and the LCP Implementing Ordinances (LIP) portions of the certified LCP are affected by this amendment.

The Commission approved the LCP amendment with suggested modifications. Therefore, LCP Amendment No. 1-03 will not be effective for implementation in the City's coastal zone until: 1) the Huntington Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, and, 3) the Executive Director certifies that the City has complied with the Commission's June 10, 2004 action. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's June 10, 2004 action.

Pursuant to the Commission's action on June 10, 2004, certification of City of Huntington Beach LCP Amendment No. 1-03 is subject to the attached suggested modifications:

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please call Meg Vaughn or myself at (562) 590-5071 if you have any questions regarding the modifications required for effective certification of City of Huntington Beach LCP Amendment No. 1-03.

Sincerely,

Teresa Henry  
District Manager

cc: Mary Beth Broeren, Senior Planner  
Jason Kelley, Assistant Planner

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



June 8, 2004

**HUNTINGTON BEACH LCP AMENDMENT 1-03  
ADDENDUM: REVISED SUGGESTED MODIFICATIONS**

**II. SUGGESTED MODIFICATIONS**

Certification of City of Huntington Beach LCP Amendment Request No. 1-03 is subject to the following modifications.

The City's existing language is shown in plain text.

The City's proposed language is shown in **bold text**.

The Commission's suggested modifications are shown in ***bold, italic, underlined text***.

**SUGGESTED MODIFICATION NO. 1**

City Zoning Text Amendment 02-1

Add to Section 230.96 Wireless Communication Facilities

**F. Site Selection**

5. **Significant adverse impacts to public visual resources shall be minimized by incorporating one or more of the following into project design and construction:**
  - a. **Co-locating antennas on one structure;**
  - b. **Stealth installations;**
  - c. **Locating facilities within existing building envelopes;**
  - d. **Minimizing visual prominence through colorization or landscaping;**
  - e. **Removal of facilities that become obsolete.**
  
6. **Wireless communication facilities affecting the public viewshed and/or located in areas designated water Recreation, Conservation, Parks, and Shoreline shall be removed within six (6) months of termination of use and the site restored to its natural state.**

Exhibit B  
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Huntington Beach LCPA 1-03  
Revised Suggested Modifications  
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**SUGGESTED MODIFICATION NO. 2**

City Zoning Text Amendment 01-4

Add to Chapter 231 Off-Street Parking and Loading Provision

Section 231.04 Off-Street Parking and Loading Spaces Required

- C. The Director may allow a parking reduction for a change of use if the increase in the required parking is not more than five (5) spaces. The change of use request must be on a site with two or more uses, have a minimum of 50 existing parking spaces and provide an upgrade of existing landscaping. This same reduction may be considered for uses complying with State Handicap Regulations as mandated by State Law and applicable to parking requirements. This provision shall not apply to applications for development within the coastal zone that necessitate a coastal development permit.

**SUGGESTED MODIFICATION NO. 3**

City Zoning Text Amendment 01-4

Add the following language to Chapter 231.18 Design Standards:

231.18 D. Residential parking

7. Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:
- 1) Fire Department approval for location and emergency entry.
  - 2) Postmaster approval of location for mail boxes or entry for postal carrier.
  - 3) Shall provide a driveway within a minimum of twenty (20) feet for vehicle stacking.
  - 4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

Exhibit B

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231.18 E. Non-residential Parking and Loading

1. Parking controls. Parking controls, such as valet service, or booths, and/or collection of fees may be permitted when authorized by conditional use permit approval by the Planning Commission. **Privacy gates may be installed without a conditional use permit provided there is compliance with the following criteria prior to the issuance of building permits:**

41) Fire Department approval for location and emergency entry.

52) Postmaster approval of location for mail boxes or entry for postal carrier.

63) Shall provide a driveway with a minimum of twenty (20) feet for vehicle stacking.

4) No adverse impacts to public coastal access, including changes in the intensity of use of water, or of access thereto, shall result from installation of the privacy gates.

**SUGGESTED MODIFICATION NO. 4**

City Zoning Text Amendment 01-2

Add to Section 254.08 Parkland Dedication

- O. **Exemptions. The following development shall be exempt from the payment of fees pursuant to this Section:**
  1. **Development of real property into housing units that are either rented, leased, sold, conveyed or otherwise transferred, at a rental price or purchase price which does not exceed the "affordable housing cost" as defined in Section 50052.5 of the California Health and safety Code when provided to a "lower income household" as defined in Section 50079.5 of the California Health and safety Code or "very low income household" as defined in Section 50105 of the California Health and Safety Code, and provided that the applicant executes an agreement, in the form of a deed restriction, second trust deed, or other legally binding and enforceable document acceptable to the City Attorney and binding on the owner and any successor-in-interest to the real property being developed, guaranteeing that all of the units on the real property shall be maintained for lower and very low income households, whether as units for rent or for sale or transfer, for the lesser of a period of thirty years or the actual life or existence of the structure, including any addition, renovation or remodeling thereto.**

Huntington Beach LCPA 1-03  
Revised Suggested Modifications  
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2. Subdivision of a 50-foot wide parcel into two lots provided that the parcel has been held under common ownership for a minimum of five consecutive years.
3. Exemptions pursuant to sections 1 or 2 above shall only be granted when the following findings can be made:
  - i. The project meets the minimum on-site private and common open space requirements; or
  - ii. The exemption will not individually or cumulatively result in adverse impacts to public recreational opportunities in the coastal zone; and
  - iii. The exemption will not individually or cumulatively lead to overcrowding or overuse of public facilities by the public in any single area in the coastal zone.



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

I, JOAN FLYNN, the duly appointed, 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 **20th day of September, 2004** by the following vote:

**AYES:** Sullivan, Coerper, Hardy, Green, Boardman  
**NOES:** None  
**ABSENT:** Cook, (Vacant Position Unfilled)  
**ABSTAIN:** None

Joan L. Flynn  
City Clerk and ex-officio Clerk of the  
City Council of the City of  
Huntington Beach, California

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

Attest OCTOBER 4, 2004

JOAN L. FLYNN  
City Clerk and Ex-officio Clerk of the City  
Council of the City of Huntington Beach,  
California.

By Lally Espinoza Deputy

Exhibit B

