

CALIFORNIA COASTAL COMMISSION

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



W 15b

April 23, 2015

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, Deputy Director
Charles Posner, Supervisor of Planning
Meg Vaughn, Staff Analyst

RE: Amendment Request No. 1-14 (LCP-5-HNB-14-0844-1) to the City of Huntington Beach Local Coastal Program, for Commission Action at its May 13-15, 2015 meeting in Santa Barbara.

Local Coastal Program Amendment No. 1-14

The Coastal Commission certified the City of Huntington Beach Local Coastal Program (LCP) in March 1985. Amendment Request No. 1-14 would change the zoning from Residential Agriculture – Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ) at an approximately 0.29 acre area located on the east side of Hampton Lane and west side of Bolsa Chica Street. The lots affected include portions of Lots D, E, and G of Tract 15374 near the southwest corner of the intersection of Bolsa Chica Street and Los Patos Avenue, in the City of Huntington Beach, Orange County. The LCP amendment request affects only the LCP Implementation Plan (IP) portion of the certified LCP.

The proposed changes to the City's zoning code are contained in City Council Ordinance No. 4033 (See Exhibit B). The LCP amendment request was submitted for Commission certification by City Council Resolution No. 2014-80 (Exhibit A). The City held two public hearings for the ordinance: City Council Meeting 10/6/14; & Planning Commission Meeting 8/12/14. The LCP amendment request was submitted and deemed complete on November 10, 2014. The Commission granted a one-year time extension on January 8, 2015 (extending the time limit to act to January 9, 2016).

STAFF RECOMMENDATION

The change proposed in this LCP amendment will bring the zoning at the subject site into conformance with the certified land use designation at the subject site. However, because the proposed amendment will change the zoning at the subject site, this amendment is categorized as major rather than minor, even though the proposed amendment does not raise any significant coastal issues.

Staff is recommending that the Commission, after public hearing, certify the LCP amendment request as submitted. The motion to accomplish this recommendation is on Page Three.

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STANDARD OF REVIEW

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

SUBSTANTIVE FILE DOCUMENTS

1. City of Huntington Beach certified Local Coastal Program (LCP), originally certified March 1985
2. City of Huntington Beach local Coastal Development Permit 98-17 (Signal Landmark, Sandover Development)

EXHIBITS

- Exhibit A – City of Huntington Beach City Council Resolution No. 2014-80
- Exhibit B – City of Huntington Beach City Council Ordinance No. 4033
- Exhibit C – Existing Zoning Designations
- Exhibit D – Proposed Zoning Designations
- Exhibit E – Certified Land Use Designation
- Exhibit F - Vicinity Map

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the Molina Center, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov. For additional information, contact Meg Vaughn in the South Coast District office at (562) 590-5071.

I. MOTION AND RESOLUTION

Motion: *I move that the Commission reject Amendment No. 1-14 to the City of Huntington Beach Implementation Plan as submitted by the City."*

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 IP Amendment as Submitted

The Commission hereby certifies Amendment Request No. 1-14 to the LCP Implementation Plan for the City of Huntington Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan as amended conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan as amended complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. FINDINGS

A. Description of the LCP Amendment Request

The LCP amendment proposes to change the zoning from Residential Agriculture - Coastal Zone Overlay (RA-CZ) to Residential Low Density – Coastal Zone Overlay (RL-CZ) at an approximately 0.29 acre area located on the east side of Hampton Lane and west side of Bolsa Chica Street. The lots affected include portions of Lots D, E, and G of Tract 15374 located near the southwest corner of the intersection of Bolsa Chica Street and Los Patos Avenue, in the City of Huntington Beach, Orange County. The existing zoning at the subject site splits the subject lots (Lots D, G, and E). The western portion of these lots are zoned RL and the eastern portion of these lots are zoned RA (See page 3 of Exhibit B). The proposed changes to the certified LCP are attached as Exhibit B (Ordinance No. 4033). The proposed changes are also depicted in Exhibits C (Existing Zoning Designations) and D (Proposed Zoning Designations). The proposed change will be reflected on Zoning Map DM 34 of the Huntington Beach Zoning and Subdivision Ordinance portion of the City's certified Implementation Plan. The LCP amendment request affects only the Implementation Plan (IP) portion of the certified LCP. The proposed zone change is intended to bring the zoning into conformance with the certified land use designation.

Local Area Background

The subject site is located on the Bolsa Chica Mesa. The Mesa and adjacent lowlands have been the subject of much debate over the years. With the exception of the two remaining undeveloped properties

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(known as the Ridge and Goodell properties), most of the major questions regarding development on the Bolsa Chica Mesa and lowlands were resolved with the State's acquisition of the lowland wetlands and lower bench, the Bolsa Chica Restoration Project (Consistency Determination 061-01), the Commission's approval of Coastal Development Permit 5-05-020, and the City's approval of Local Coastal Development Permit 98-17. Coastal Development Permit 5-05-020 in 2005 allowed subdivision and development of 349 homes and related infrastructure, preservation and restoration of 37.1 acres of sensitive habitat, and public parks and trails. The subdivision also approved creation of an 11.8-acre residual parcel located on the lower bench of the Bolsa Chica Mesa, which has been acquired by the State of California and is now a part of the Bolsa Chica Ecological Reserve managed by the California Department of Fish & Wildlife. The Signal Landmark Company has been the historic owner of the Bolsa Chica Mesa, and is the permittee on 5-05-020. The development approved under 5-05-020 is known as "Brightwater." At the time of the Commission's action, the Brightwater area was located within unincorporated County area. At that time, the City/County boundary crossed diagonally through the northeastern most corner of the Bolsa Chica Mesa. The Brightwater area has since been annexed into the City of Huntington Beach, but has not yet been incorporated into the City's LCP. East of the former diagonal boundary, is an area within the City of Huntington Beach and located within the City's LCP jurisdiction. Signal Landmark is also the permittee for a 16 lot residential development located in this northeastern most portion of the Bolsa Chica Mesa. This 16 lot residential subdivision is known as "Sandover." Sandover is located in an area that has been a part of the City of Huntington Beach and covered in its certified LCP since the time the LCP was originally certified. The 16 lot residential Sandover development was approved by the City in 1999 under Local Coastal Development Permit 98-17.

The area subject to this LCP amendment is a triangular area located in southeastern most portion of the Sandover site. The southern boundary of the subject site abuts the Brightwater development area.

B. Consistency with the Certified Land Use Plan

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The certified LUP sets forth policies to control development, protect coastal resources, and enhance shoreline access. The site of the proposed zone change is currently land use designated Residential Low Density (RL-7), which allows single family residential development with a maximum density of 7 units per net acre. The existing zoning at the subject site is Residential Agriculture which allows agricultural uses, and, subject to approval of a building permit, single family dwellings on lots with a minimum size of one acre and subject to a maximum density of one unit per acre and a maximum of five units on any single parcel. The subject site's total area is 0.29 acre. Even if considered with the entirety of the three lots' acreage area, their total acreage is less than one acre (the entirety of the three affected lots total acreage is approximately 0.6 acre). The entirety of each of the three lots affected by the proposed zone change is currently land use designated Residential Low Density (RL-7 maximum density 7 units per acre). The proposed zoning is Residential Low Density – Coastal Zone Overlay (RL-CZ), which is the zone that implements the land use designation Residential Low Density (RL-7). Currently, the center lot (Lot G) is developed as the entry street into the Sandover residential community (Sandover Drive), and the remaining two lots (Lots D and E) support entry landscaping. No change to the entry street is proposed.

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At the time the Sandover development was approved by the City, the developer (Signal Landmark) expected it to eventually tie it in to the future Brightwater development. And so the entry area (Lots D, E, and G, the eastern portions of which are the subject of this LCP amendment) was designed to eventually be converted from lettered lots into residential lots, with the entrance into Sandover to be combined with the entry into Brightwater at Brightwater Drive. However, because Sandover was approved as a private, gated community and Brightwater was approved with public streets, parking and access, shifting of the Sandover entry is no longer under consideration. Now that that has been finalized, the Sandover developer (Signal Landmark) intends to retain the entry at Sandover Drive (in Lot G) and ultimately convert the remaining entry area to residential lots. In addition, Signal Landmark intends to resolve the remnant lots created due to the former City/County border. Signal Landmark has proposed this in three related steps: 1) this LCP amendment, 2) a lot line adjustment, and 3) a new subdivision. The lot line adjustment would affect Lot D of this LCP amendment as well as lots in the adjacent Brightwater development. The lot line adjustment is being proposed via Coastal Development Permit Amendment Application 5-05-020-A4. The subdivision proposed under Coastal Development Permit Application 5-14-1837, if approved, would create three new residential lots in Sandover. Two of the residential lots would be created by converting two lettered lots to numbered lots (these lots are located on either side of the Sandover Drive entrance), as well as a third lot to be created from remnant lots along the former City/County boundary in the northwest corner of Sandover. In addition, four new residential lots would be created in the adjacent Brightwater area. Coastal Development Permit Amendment Application 5-05-020-A4 and Coastal Development Permit Application 5-14-1837 will be considered separately from this LCP amendment by the Commission.

The City's 1999 approval of the Sandover development included subdivision of the approximately 5-acre property into sixteen residential lots and five lettered lots (TTM 15734). The five lettered lots were approved as the private streets serving the residences (now Shelburne Drive, Hampton Lane, and Sandover Drive), landscape easements, and undeveloped, triangular remnants along the then City/County boundary. The three lots that are the subject of this zone change were created as part of the City's approval of the original Sandover subdivision as landscape areas and Sandover Drive. Because no residential development was proposed on the three lettered lots, no zone change was pursued at that time. However, the property owner (Signal Landmark) intends to pursue residential development in the area of these lettered lots, which requires correction of the zoning inconsistency.

The subject site (and entire Sandover area) has been land use designated low density residential since the City's Land Use Plan was first certified in 1982. Likewise, the zoning at the Sandover development site has been Low Density Residential (RL-7 [formerly called R-1]) with the notable exception of the triangular area in the southeast corner which is the subject of this LCP amendment (including the eastern portions of Lots D, E, and G of Tract 15734 [see Exhibits B, C, and D]). The triangular subject site has been zoned Residential Agriculture since the City's Implementation Plan was first certified in 1985. This land use designation/zoning inconsistency appears to have been an oversight in the LCP certification process that was not recognized by Commission staff until submittal of the subject IP amendment. In addition, at the time the City acted on the Sandover subdivision in 1999, no inconsistencies were presented as no development other than the entry street and landscaping were approved on the subject lots. Thus, the development approved by the City in 1999 was consistent with

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both the certified land use designation and zoning. However, the City now wishes to rectify the inconsistency.

The standard of review for the requested zone change is whether it will be consistent with and adequate to carry out the certified land use designation at the site and the policies and standards of the certified LUP. The proposed zone change will eliminate the existing inconsistency between the certified land use designation and the zoning at the subject site. The site has been land use designated low density residential since the City's Land Use Plan was first certified. The land use designation at the subject site is consistent with the existing land use designation and existing development in the Sandover community in which the site is located. In addition, the proposed RL-CZ zone will be consistent with existing and approved development in the immediate Sandover and Brightwater vicinity. The Sandover development includes 16 single family residences with lot sizes similar to the subject site lots. The Brightwater development abuts the Sandover development on the south and west. The proposed zoning will be consistent with the existing and approved development in that community, including similar lot sizes. Moreover, the proposed zoning is the appropriate zone to support the currently certified land use designation at the subject site.

The changes proposed in this IP amendment will make the zoning at the subject site consistent with the land use designation at the subject site. Further, the proposed zone change does not include any changes that would adversely affect coastal resources. Therefore, the Commission finds that the proposed change conforms with, and is adequate to carry out, the provisions of the certified LUP.

C. California Environmental Quality Act (CEQA)

The City of Huntington Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed LCP amendment. Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse affect which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse affects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

RESOLUTION NO. 2014-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, ADOPTING LOCAL COASTAL PROGRAM
AMENDMENT NO. 14-001 AND REQUESTING ITS CERTIFICATION BY
THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Sections 30503 and 30510, the Planning Commission of the City of Huntington Beach held a public hearing to consider the adoption of Zoning Map Amendment No. 13-003 included in Huntington Beach Local Coastal Program Amendment No. 14-001, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public meeting on Zoning Map Amendment No. 13-003 included in the proposed Huntington Beach Local Coastal Program Amendment No. 14-001, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of 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. 14-001 is hereby approved, consisting of Ordinance No. 4033 pertaining to Zoning Map Amendment No. 13-003. A copy of the aforesaid ordinance is attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 14-001.

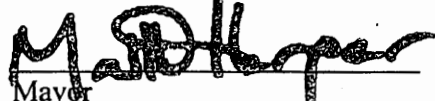
SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 14-001 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513, and 30519.

HNB LCPA 1-14

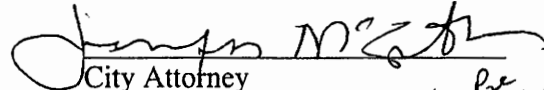
Exhibit A

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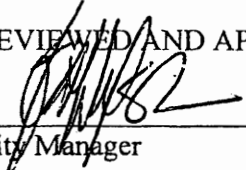
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on October 6, 2014 .


Mayor

APPROVED AS TO FORM:


City Attorney Per
01/27/2014

REVIEWED AND APPROVED:


City Manager

INITIATED AND APPROVED:

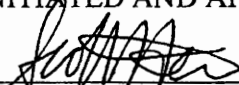

Director of Planning and Building

EXHIBIT A: Ordinance No. 4033

HNB LCPA 1-14
Exhibit A
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EXHIBIT 'A'
RESOLUTION 2014-80

ORDINANCE NO. 4033

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING THE HUNTINGTON BEACH ZONING AND SUBDIVISION
ORDINANCE BY CHANGING THE ZONING DESIGNATION FROM RA-CZ
(RESIDENTIAL AGRICULTURE- COASTAL ZONE OVERLAY) TO RL-CZ
(RESIDENTIAL LOW DENSITY- COASTAL ZONE OVERLAY) ON ±0.29 ACRE OF
REAL PROPERTY LOCATED IN THE SANDOVER DEVELOPMENT ON THE
SOUTHWEST CORNER OF LOS PATOS AVENUE AND BOLSA CHICA STREET
(ZONING MAP AMENDMENT NO. 13-003)

WHEREAS, pursuant to the State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate public hearings relative to Zoning Map Amendment No. 13-003, wherein both bodies have carefully considered all information presented at said hearings, and after due consideration of the findings and recommendations of the Planning Commission and all evidence presented to said City Council, the City Council finds that such zone change is proper, and consistent with the General Plan.

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

SECTION 1. That the real property located in the Sandover development on the southwest corner of Los Patos Avenue and Bolsa Chica Street and more particularly described in the legal description and sketch collectively attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein is hereby changed from RA-CZ (Residential Agriculture- Coastal Zone Overlay) to RL-CZ (Residential Low Density- Coastal Zone Overlay) on ±0.29 acre.

SECTION 2. That the Director of Planning and Building is hereby directed to amend Sectional District Map 34 of the Huntington Beach Zoning and Subdivision Ordinance to reflect the changes contained in this ordinance. The Director of Planning and Building is further directed to file the amended map. A copy of such map, as amended, shall be available for inspection in the Office of the City Clerk.


SECTION 3. This ordinance shall take effect immediately upon certification by the California Coastal Commission but not less than thirty days after its adoption.

HNB LCPA 1-14

Exhibit B

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PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of October 2014.



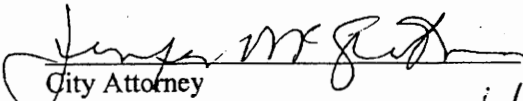
Mayor

ATTEST:

APPROVED AS TO FORM:



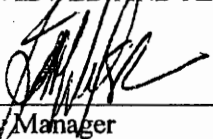
City Clerk



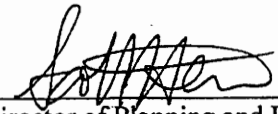
City Attorney 10/27/2014

REVIEWED AND APPROVED:

INITIATED AND APPROVED:



City Manager



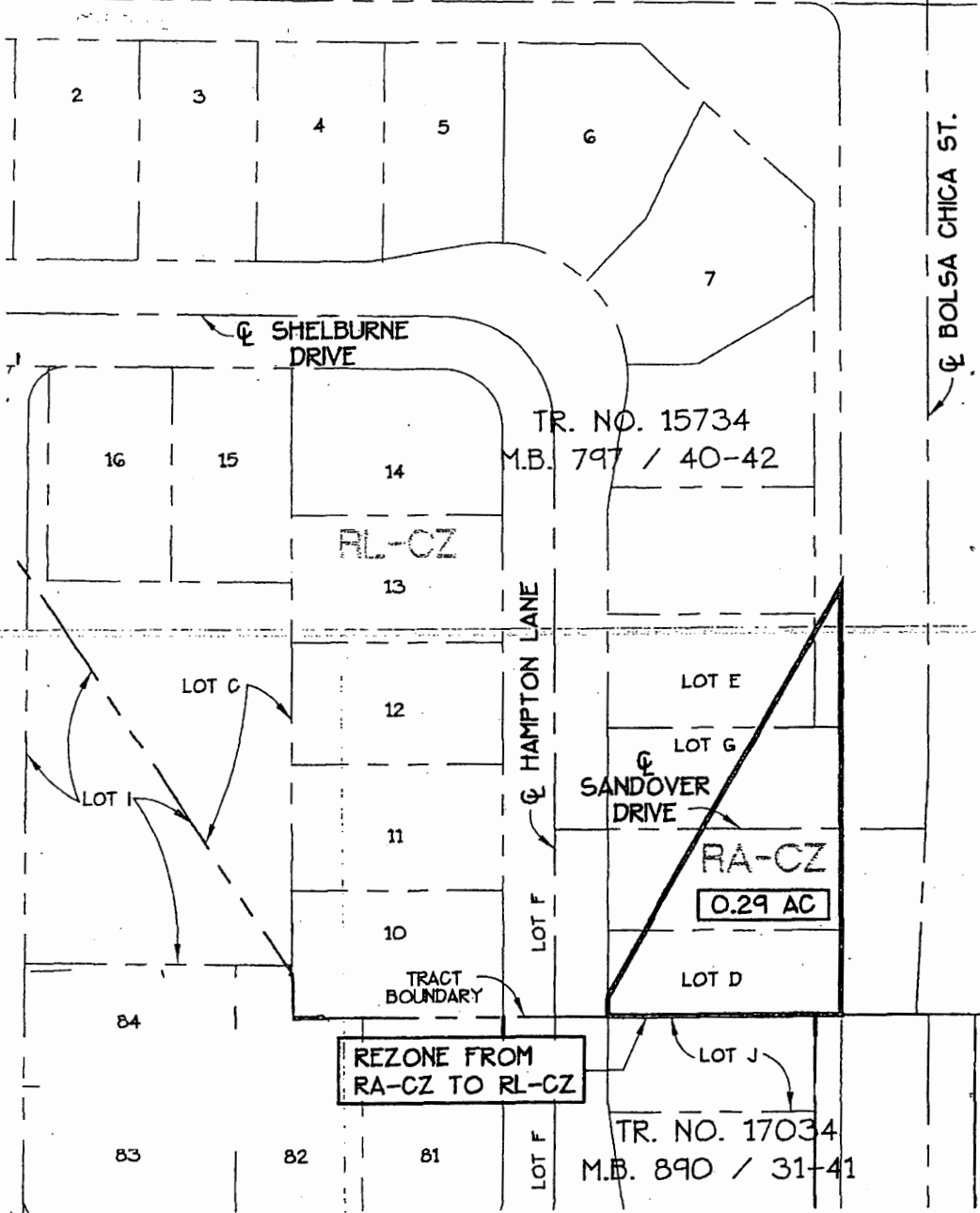
Director of Planning and Building

Attachment: Exhibit A- Legal Description and Sketch

HNB LCPA 1-14
Ex. B
page 2/4

EXHIBIT "A" (ZMA13-003)

LOS PATOS AVE.



DRAWING: v:\projects\2042341410\dwg\prcd0012.dwg PLOTTED: 4/1/2014 8:52 AM BY: lto, Vicky

LEGAL DESCRIPTION

A PORTION OF LOT D, A PORTION OF LOT E AND A PORTION OF LOT G OF TR. NO. 15734, M.B. 797 / 40-42, WITHIN THE RA-CZ ZONING, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

SCALE: 1" = 80'



Stantec

38 TECHNOLOGY DRIVE, SUITE 100
IRVINE, CA 92618
949.923.6000 stantec.com

J.N. 2042341420

DATE: 4/01/14

HNB 114

Exhibit B p. 3/4

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

I, JOAN L. FLYNN, 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 ordinance was read to said City Council at a **Regular** meeting thereof held on **October 6, 2014**, and was again read to said City Council at a **Regular** meeting thereof held on **October 20, 2014**, and was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council.

AYES: Katapodis, Harper, Sullivan, Carchio

NOES: Hardy, Shaw, Boardman

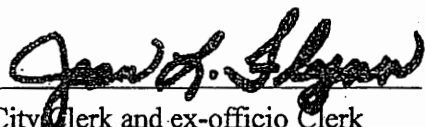
ABSENT: None

ABSTAIN: None

I, Joan L. Flynn, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that a synopsis of this ordinance has been published in the Huntington Beach Fountain Valley Independent on October 30, 2014.
In accordance with the City Charter of said City

Joan L. Flynn, City Clerk

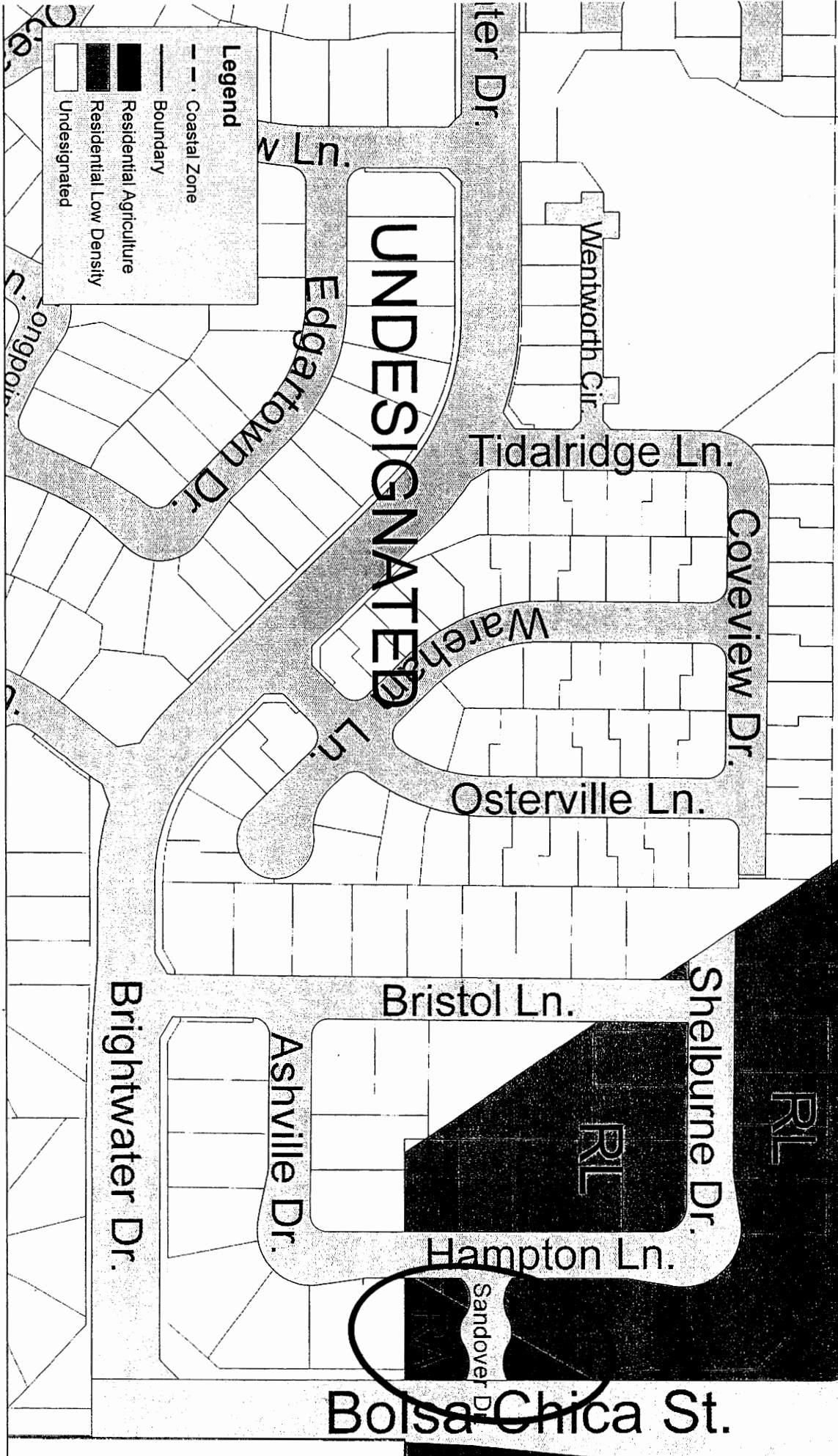
Senior Deputy City Clerk



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

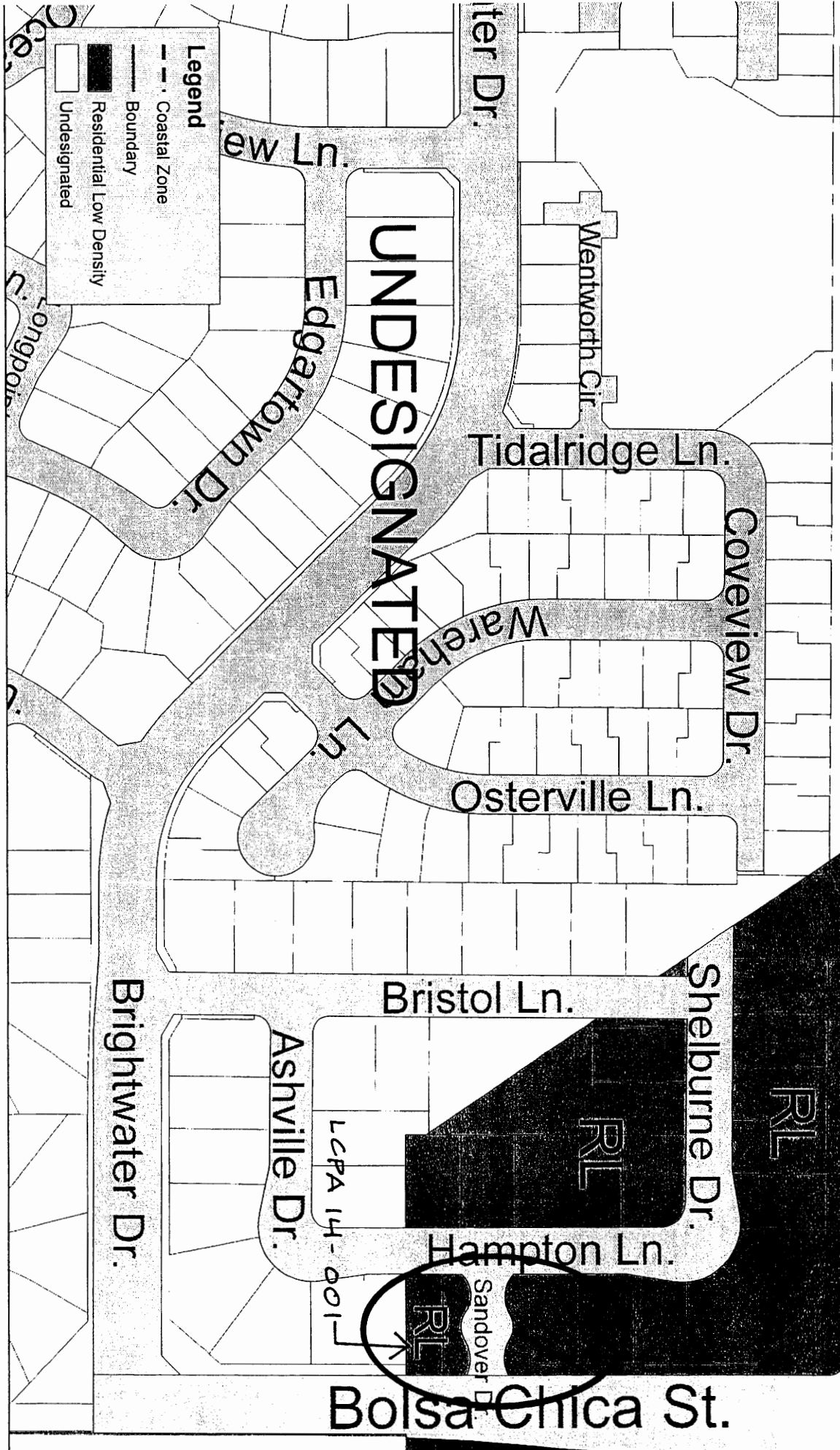
Existing Zoning Designations

Los Patos Ave.



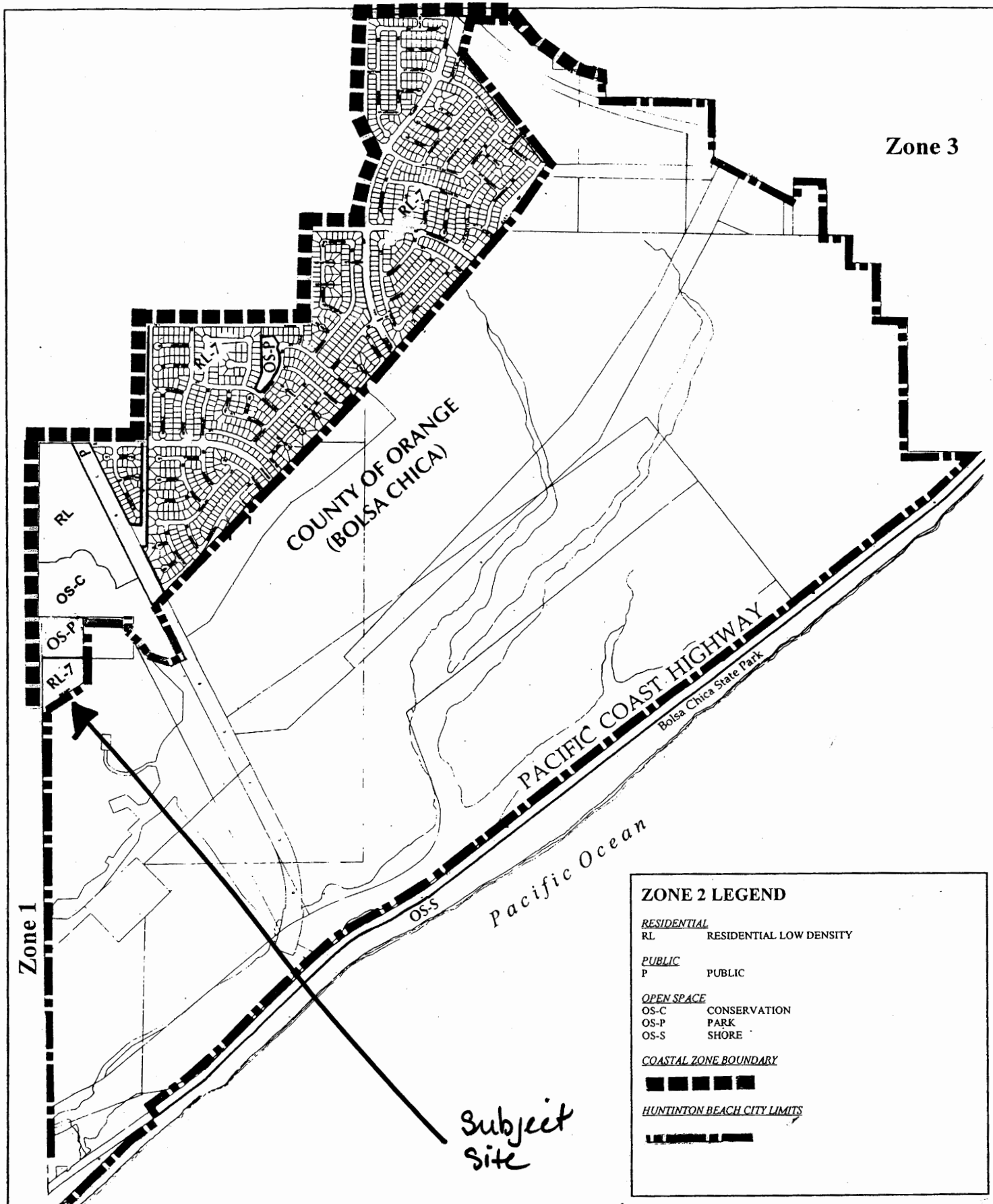
Proposed Zoning Designations

Los Patos Ave.



HNB LCFA 1-14

Exhibit D



ZONE 2 LEGEND

<u>RESIDENTIAL</u>	
RL	RESIDENTIAL LOW DENSITY
<u>PUBLIC</u>	
P	PUBLIC
<u>OPEN SPACE</u>	
OS-C	CONSERVATION
OS-P	PARK
OS-S	SHORE
<u>COASTAL ZONE BOUNDARY</u>	
[Thick dashed line symbol]	
<u>HUNTINGTON BEACH CITY LIMITS</u>	
[Thin dashed line symbol]	

HUNTINGTON BEACH COASTAL ZONE
ZONE 2 LAND USE PLAN

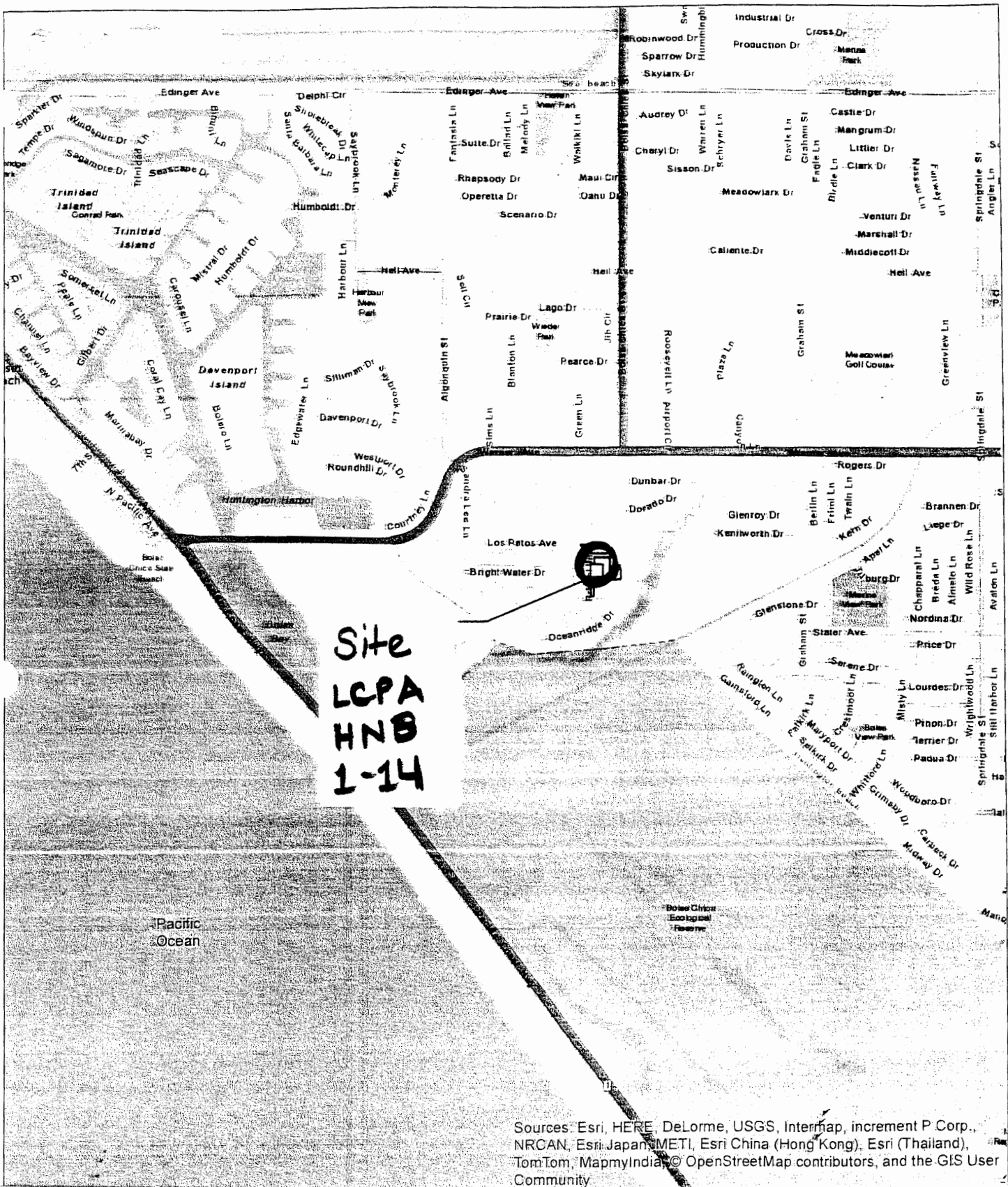
CITY OF HUNTINGTON BEACH COASTAL ELEMENT

*Certified
Land Use Designation
R-L 7*

NORTH ←
FIGURE C-6

HNB LCPA 1-14

Exhibit E



Site
LCPA
HNB
1-14

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

HNB LCPA 1-14

Exhibit F

VICINITY MAP