

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: APPEAL – NO SUBSTANTIAL ISSUE

Appeal Number: **A-5-HNB-21-0022**

Applicants: Haanh Holdings, LLC

Agent: Thanh Dong

Local Government: City of Huntington Beach

Local Decision: Approval with Conditions

Appellant: Isam Hanna

Project Location: 714 Pacific Coast Highway, Huntington Beach
Orange County

Project Description: Appeal of City of Huntington Beach Coastal Development Permit 20-013 to construct a new three-story 12,713 square foot mixed use building at an overall height of 35 feet, which includes a 766 square foot ground floor retail coffee shop; three two-bedroom residential units on the second and third floors; a 300 square foot rooftop deck; an enclosed parking garage with seven vehicle parking spaces (four at grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces; and one bicycle parking space. The project also includes 172 square feet of public open space adjacent to Pacific Coast Highway. The City’s approval included a Special Permit to allow an 18-foot-wide garage access driveway in lieu of the required 20-foot-wide driveway.

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

The Commission will not take testimony on the “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior

to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally, at the discretion of the Chair, limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will be scheduled for hearing at a later date, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

The main concerns raised by the appellant are that the proposed development would adversely impact the neighboring site by blocking private views, and that excavation for the three subterranean parking spaces may adversely affect the neighboring site. The appeal also generally contends that the project is not consistent with the LCP regarding public access, land use, and visual resource protection. However, as described in this staff report, the project will have no impact on public views or public access. The development as proposed is consistent with the development standards of the LCP Downtown Specific Plan. And the City's approval includes measures to assure the proposed excavation will be carried out in a safe manner. The City considered each of these issue in its review and found the project to be consistent with the certified Local Coastal Program.

The site is located in District 1 of Huntington Beach's Downtown Specific Plan (part of the certified LCP Implementation Plan). The DSP encourages mixed use development in District 1. The development approved by the City is a 12,713 square foot, three story, 35 foot high mixed use development. The development will include 766 square feet of retail coffee shop at the ground floor, and three residential units on the second and third floors. Public open space (172 square feet) is proposed in the southwest corner of the ground floor level adjacent to Pacific Coast Highway. Nine on-site parking spaces will be provided; as well as one bicycle parking space inside the garage. The site is located on the inland side of Pacific Coast Highway.

Public views to the coast from PCH do not exist here because there is a three story, multi-family condominium development across the street from the subject site on top of the sandy beach. No blue water views from any designated public viewpoint on the inland side of PCH would be impacted by the subject development.

Staff recommends that the Commission determine that the appeal raises **no substantial issue** as to the proposed development's conformity with the City's certified Local Coastal Program. At the "substantial issue" phase of an appeal, the Commission determines whether the appeal of the local government action raises a substantial issue as to the project's conformity with the LCP. The Commission is not required at this stage to reassess the evidence and determine that the project is, or is not, consistent with the LCP. In this case, the local government's findings for the approval of the

coastal development permit adequately support its determination that the proposed development conforms to the policies of the LCP. The motion to carry out the staff recommendation is on page 5. The complete appeal is included as [Exhibit 1](#).

Staff recommends that the Commission find that **no substantial issue** exists for the reasons summarized above, and described in greater detail in the body of this report.

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EXHIBITS:

- Exhibit 1 – Appeal of Isam Hanna
- Exhibit 2 – Notice of Final Action
- Exhibit 3 – Project Plans
- Exhibit 4 – Views of Project Area
- Exhibit 5 – Vicinity Map
- Exhibit 6 – Project Rendition

I. MOTION AND RESOLUTION – NO SUBSTANTIAL ISSUE

Motion:

I move that the Commission determine that Appeal No. A-5-HNB-21-0022 raises NO Substantial Issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-5-HNB-21-0022 presents **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Huntington Beach LCP and the public access and recreation policies of the Coastal Act.

II. APPELLANTS' CONTENTIONS

On March 11, 2021, an appeal was filed by Isam Hanna. The appeal raises the following concerns with the City-approved development (see [Exhibit 1](#) to view the appeal in its entirety):

1. The project's zero-foot front and side yard setbacks are not consistent with the LUP/Coastal Element policies regarding public access. The appellant contends that the approved zero-foot setbacks are not consistent with existing development along PCH and that an increased front yard setback of five feet would allow for a landscape area along PCH and an increased side yard setback of three feet would allow an open-air pedestrian access from the alley to the commercial area of the project.
2. The project's zero-foot side yard setbacks are not consistent with the LUP/Coastal Element policies addressing hazards. The project includes subterranean parking which will require excavation up to the side yard property line, potentially endangering the existing neighboring property. In addition, the zero-foot side yard setback will result in only three feet between the proposed development and the neighboring development, raising a security concern. Also, the zero-foot front yard setback will result in private residential balconies directly over the public sidewalk on PCH.
3. The project is not consistent with the LUP/Coastal Element policies regarding appropriate land use, infrastructure, and parking to serve the development. The appellant contends that the project does not provide sufficient parking to serve

the commercial development or provide adequate guest parking for the residential development. The appellant further contends that the proposed development will not adequately accommodate commercial loading area or for commercial trash collection.

4. The project is not consistent with the visual resource policies of the LUP/Coastal Element, including policies addressing building height, massing, and orientation to protect public views. A side yard setback will address these concerns.
5. The project's zero-foot front yard setback will not promote PCH as a scenic corridor and will not enhance its visual appearance by incorporating landscaping.

III. LOCAL GOVERNMENT ACTION

Coastal Development Permit 20-013 was approved with conditions by the Zoning Administrator on November 4, 2020. On November 16, 2020, the Zoning Administrator approval was appealed to the Planning Commission. On January 12, 2021, the Planning Commission denied the project. On January 13, 2021, the Planning Commission's denial was appealed to the City Council. On February 16, 2021, the City Council approved Coastal Development Permit 20-13 with conditions.

On February 25, 2021, the Coastal Commission South Coast District Office received the Notice of Final Action (NOFA) for CDP 20-013. The ten working-day appeal period was established and an appeal from Isam Hanna was received on March 11, 2021. On March 12, 2021 a Notification of Appeal was sent to the City, the appellant, and the applicant, notifying them of the appeal of the City's approval of the local CDP.

IV. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. (See Coastal Act Section 30603(a)(1)-(4).) This project is appealable because it is located within 300 feet of a coastal bluff.

Grounds for Appeal

The grounds for appeal under Section 30603 of the Coastal Act are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.

If the Commission finds that the appellants' contentions raise no substantial issue as to conformity with the certified LCP, the action of the local government becomes final.

Alternatively, if the Commission finds that a substantial issue exists with respect to the conformity of the action of the local government with the certified LCP, the local CDP is voided and the Commission may continue the public hearing to a later date in order to review the coastal development permit as a de novo matter.

Qualifications to Testify Before the Commission

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who opposed the project before the local government (or their representatives), and the local government. (14 CCR Section 13117.) Testimony from other persons regarding the substantial issue question must be submitted in writing. (*Id.*) Any person may testify during the de novo CDP determination stage of an appeal (if applicable). The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue.

V. FINDINGS AND DECLARATIONS – NO SUBSTANTIAL ISSUE

A. PROJECT LOCATION & DESCRIPTION

The City's action on local CDP 21-013 approved construction of a new three-story, 35 foot high, 12,713 sq. ft. mixed use building, which includes a 766 square foot ground floor retail coffee shop; three two-bedroom residential units on the second and third floors; a 300 square foot rooftop deck serving the residential units; an enclosed parking garage with seven vehicle parking spaces (four at grade level, three subterranean); and two open commercial parking spaces with access from the alley, for a total of nine on-site parking spaces; and one bike parking space within the garage. The subject site is currently vacant. The City's approval also included a Special Permit to allow an 18-foot-wide garage access driveway in lieu of the required 20-foot-wide driveway. All vehicular access to the site is from the alley at the rear/inland side of the site so no public on street parking spaces will be lost.

The project includes a 172 square foot public open space area at the northwest corner of the project at the ground flood adjacent to Pacific Coast Highway. An elevator structure and stair access structure will exceed the 35-foot height limit for development in this zone, but by less than the additional ten feet which is allowed under the LCP for elevator structures and stair access structures ([Exhibit 3](#)). Three of the subterranean parking spaces (one for each residential unit) will be accessed via parking lifts, and so are considered vertically tandem. The residential roof top deck will be located in the southeast corner of the roof. The subject site is a 5,500 square feet lot (50' by 110').

The subject site is located at 714 Pacific Coast Highway in the City of Huntington Beach, Orange County ([Exhibit 5](#)). Although Pacific Coast Highway in this area is the first public road paralleling the sea, the subject site is located on the inland side of Pacific Coast Highway and so is not located between the sea and the first public road. The site falls within District 1 of the Downtown Specific Plan which is part of the City's certified LCP Implementation Plan. Immediately opposite the subject site, on the

seaward side of Pacific Coast Highway, is a three story, multi-family condominium complex. The condominium complex blocks any public views to the ocean from the site and from Pacific Coast Highway in this area.

LCP Background/Standard of Review

The City of Huntington Beach Local Coastal Program was certified by the Commission in March 1985. The Implementation Plan was comprehensively updated in 1995. The Land Use Plan/Coastal Element was comprehensively updated in 2000. The City's Coastal Element makes up the Land Use Plan portion of the certified LCP. The City's Zoning and Subdivision Ordinance, including a number of Specific Plans, comprises the Implementation Plan portion of the certified LCP. The City's certified Downtown Specific Plan applies to the subject site. The standard of review for the proposed development is the City's certified Local Coastal Program (LCP).

B. FACTORS CONSIDERED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30625(b)(2) of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. When determining whether an appeal raises a "substantial issue," Section 13115(c) of the Commission's regulations provides that the Commission may consider factors, including but not limited to:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the relevant provisions of the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

The Commission may, but need not, assign a particular weight to any factor. Staff is recommending that the Commission find that **no substantial issue** exists with respect to whether the local government action conforms to the provisions of the certified Local Coastal Program for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section IV of this report, the grounds for an appeal of a CDP issued by the local government are the project's conformity with the policies of the LCP. The

Commission shall hear an appeal unless it determines that no substantial issue exists as to conformity with the policies of the LCP.

Section II of this staff report outlines the appellant's contentions regarding the project. Generally, the appellant alleges that the project approved by the City raises issue with the public access policies of the City's certified LCP, particularly with regard to the provision of adequate parking as necessary to support and promote public access, and with regard to pedestrian access through the site. The appeal also raises issues with regard to consistency with the LUP/Coastal Element hazard policies, particularly with the requirement to provide stability and structural integrity with regard to the subterranean parking. The appeal also raises issues with regard to consistency with the LUP/Coastal Element land use and visual resources policies.

Public Access & Land Use

The appellant refers to the following LUP/Coastal Element policies regarding public access:

C1

Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

C1.1

Ensure that adverse impacts are mitigated or minimized.

C1.5

New development should be sited and designed in such a manner that it maintains and enhances public access to the coast.

The appellant contends that the project's zero-foot front and side yard setbacks are not consistent with the LUP/Coastal Element policies regarding public access. The appellant believes larger front and side yard setbacks would contribute to making the proposed development consistent with the LCP. More specifically, the appellant contends that the interior, parking access corridor limits public access through the project. In addition, the appellant contends, a larger front yard setback will allow a landscaped area adjacent to Pacific Coast Highway, which would maintain compatibility with the neighborhood.

The appellant contends that a larger side yard setback would allow for an open air walkway, rather than the proposed interior corridor, from the commercial parking on the alley side of the site to the commercial development at the Pacific Coast Highway side of the site. However, there is no LCP requirement that pedestrian access from parking to commercial development be provided in the open air. Appropriate pedestrian passage from the commercial parking spaces at the alley and from the ADA space within the structure to the commercial development on site are provided. [Exhibit 3a](#) depicts the path of travel from the commercial parking spaces to the commercial site. Moreover, this particular site has no obligation to provide general public access across

the site. There is access along 7th and 8th Streets to Pacific Coast Highway, and from PCH to the beach. The proposed development will not interfere with continued use of any existing or required public access. In addition, as required by the Downtown Specific Plan (DSP), 172 square feet of public open space area at the northwest corner of the project at the ground flood adjacent to Pacific Coast Highway will be provided and available for public use.

The appellant contends that the approved zero-foot setbacks are not consistent with existing development along PCH and that an increased front yard setback of five feet would allow for a landscape area along PCH. On the block on Pacific Coast Highway that includes the subject site, the Huntington Surf Inn (720 PCH, on the corner of PCH and 8th Street) provides a small lawn adjacent to PCH, the neighboring property immediately upcoast of the subject site (716 PCH) provides no visible landscaping, and the property immediately downcoast of the subject site (706 PCH, a 7-Eleven convenience store and gas station) provides minimal landscaping at the corners of the lot. [Exhibit 4](#) depicts the area landscaping. Upcoast, as development shifts to primarily residential development, the properties begin to provide landscaping along PCH. Downcoast, development becomes exclusively commercial and the properties provide no landscaping. Moreover, the Downtown Specific Plan allows zero-foot setbacks¹ from front (PCH) and side property lines for mixed use developments such as the proposed project. In addition, the DSP does not limit maximum site coverage in District 1. The allowed zero-foot setbacks pre-suppose no landscaping. The DSP recognizes that District 1 along PCH is a transitional area between residential and commercial development along PCH. In any case, the approved project plans ([Exhibit 3b](#)) indicate that the public open space area will include container landscaping and public seating.

The appellant also contends that the zero-foot front yard setback will result in the private balconies of the residential units being located directly over the public sidewalk along Pacific Coast Highway. However, consistent with the approved permit and plans, no development will extend beyond the property line or encroach into or over the sidewalk. All development will be contained within the private property lines. The second-floor residential balcony will be immediately above the first-floor commercial development, and the third-floor balcony will be directly above the second-floor residential development. The proposed project is not inconsistent with public access, landscaping or setback requirements of the certified LCP.

The appellant also refers to the LUP/Coastal Element policies:

C 1.2.1

Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.

C 1.2.2

¹ Downtown Specific Plan Section 3.3.1.11 No interior setback shall be required for commercial and mixed-use development; Section 3.3.1.10 allows a maximum front yard setback along PCH of up to 5', but no minimum setback.

Require that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character in accordance with the Development “Overlay” schedule listed in Table C-1, as appropriate.

C.1.2.3

Prior to issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the development, consistent with the policies contained in the Coastal Element, at the time of occupancy.

C 2.1

Balance the circulation system with the circulation demands generated by implementation of the Coastal Land Use Plan.

The appellant contends, but doesn’t explicitly explain, that the proposed project does not adequately address the LUP/Coastal Element policies cited above, other than stating that the project does not address issues related to commercial delivery vehicles and commercial trash collection.

The subject site is land use designated Mixed Use. LUP/Coastal Element Table C-1, referenced in two of the policies above, lists typically permitted uses in this designation to include townhomes, live/work units, mid-/high-rise apartments, commercial visitor, commercial neighborhood, and commercial general. Table C-1, regarding Mixed Use permitted uses, further states:

Mixed use development in the coastal zone will focus on providing visitor serving commercial opportunities along the inland side of Pacific Coast Highway and within the Downtown Specific Plan area.

The exact density, location, and mix of uses in this category shall be governed by a Specific Plan (“-sp”) to allow greater design flexibility and to address the uniqueness of a particular area.”

Policies C 1.2.1 and C1.2.2 refer to Table C-1 of the LUP/Coastal Element. The proposed development conforms to the allowable uses listed in Table C-1 in that it is a mixed use development with residential above (mid-/high-rise apartments) and commercial visitor below (retail coffee shop). Further, Table C-1 refers to the Downtown Specific Plan (DSP) for more specific site requirements. Policy C 1.2.2 requires that development be designed to account for the unique characteristics of the project site and for coastal zone character, consistent with Table C-1 and the Downtown Specific Plan. The DSP is intended to provide greater specificity in implementing the policies of the LCP. The proposed development is consistent with the development standards contained within the DSP including with regard to use, setbacks, height, and parking. The proposed project is consistent with the requirements of the DSP, which is intended to implement policies in the unique area, including in District 1. Policy C 1.2.3 requires that the City find that adequate services (i.e., water, sewer, roads, etc.) are available to

serve the development. The City's approval of the CDP for the proposed development includes the following finding:

“At the time of occupancy, the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program because Coastal Development Permit No. 20-013 to construct a new 12,713 sq. ft. mixed use building at an overall height of 35 feet, including a 766 sq. ft. ground floor retail coffee shop; three two-bedroom residential units on the second and third floor; a 300 sq. ft. rooftop deck; an enclosed parking garage for seven parking spaces (four grade level, three subterranean); and two open commercial parking spaces for a total of nine on-site parking spaces is located in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roadways.”

The City considered and found that there would be adequate services available to serve the proposed development. The site is located within the City's developed downtown core. It is infill development on a lot that is currently vacant but was previously developed with a single family residence (demolished in 2017). The proposed project will not create the need for new infrastructure development to serve the subject site.

The alley at the rear of the subject property is used by a number of surrounding properties for garage access. The appellant has questioned whether the proposed commercial element of the proposed development would generate delivery activities in the alley that would interfere with circulation in the alley. The appellant has also questioned whether trash collection from the development also would interfere with alley circulation.

The City Council found that the services available to serve the site include trash collection services and adequate commercial loading facilities. An enclosed trash collection room is centrally located within the ground floor garage to ensure refuse from both the commercial and residential tenants will be managed entirely onsite. Trash collection services will be from the public alley at the rear of the property, as occurs now, in the same manner as other downtown properties. Trash trucks already use the alley to collect trash in the downtown area and will continue to do so. This project will not create any change to current trash collection methods or routes. With regard to the potential for commercial deliveries creating traffic obstruction in the alley, the City staff report states:

“Smaller commercial projects, such as this one [766 square feet], do not warrant an on-site delivery bay or loading dock and deliveries are expected to occur within the common shared loading zones located throughout Downtown. Deliveries to the commercial tenant would not be permitted to occur in the alley to ensure sufficient vehicular access is maintained at all times for properties served by the alley.”

The City staff report, regarding the project's consistency with the Coastal Element, states:

“The new mixed-use building is located in an area designated for commercial uses that will serve tourists and visitors. The proposed project will provide a visitor-serving eating and drinking retail use to meet local and visitor demand. The project provides both a visitor serving commercial use and residential uses that will meet the need of future and existing residents on an underutilized parcel consistent with the General Plan. Further, the project will add new housing opportunities and will provide the City with housing in-lieu fees to fund affordable housing opportunities within the City.”

In approving the proposed development, the City considered public access and land use requirements of the LCP. The City’s approval of the proposed project is consistent with the LUP/Coastal Element policies cited above and does not raise a substantial issue with regard to the project’s conformance with the certified LCP.

Parking

The appellant refers to the following LUP/Coastal Element policies:

C 2.2.2

Maintain existing pedestrian facilities and require new development to provide walkways and bicycle routes between developments.

C 2.2.6

Provide adequate bike racks at appropriate locations within the coastal zone with special emphasis for facilities adjacent to the beach.

C 2.4

Balance the supply of parking with the demand for parking.

C 2.4.2

Ensure that adequate parking is maintained and provided in all new development in the coastal zone utilizing one or a combination of the following:

- a. Apply the City’s parking standards at a minimum.
- b. Implement a comprehensive parking strategy in the Downtown area.
- c. ...

The appellant contends that the proposed project does not provide sufficient or convenient parking for the proposed commercial and residential development. In addition, in referencing the other policies cited above, it seems the appellant may be suggesting that the proposed development is required by the LUP/Coastal Element to provide walkways, bicycle routes and bicycle racks. Policy C 2.2.2 describes a requirement for walkways and bicycle routes between developments. It appears that this policy is intended to provide walkways and bicycle routes between developments, not within them. This project will not interfere with any existing walkways or bicycle routes.

Furthermore, the question of providing walkways within the development is addressed in DSP Section 3.3.1.18 which states (in part):

3.3.1.18. Paseos

1) 1 paseo minimum per 250' of street frontage to provide safe and convenient access between the core downtown retail and dining establishments and public parking and plazas, as well as to provide mid-block links between residential projects and adjacent streets. If the project spans across an alley, the paseo is required to provide an additional link between streets. If an existing paseo is located on the same block, an additional paseo is not required.

The subject site is 50 feet wide, which is 200 feet less than the lot width at which it would be required to provide paseos. As reflected in the DSP section above, it is not the intent of the LCP to require a public paseo/walkway on all lots. Rather, the DSP requires public pedestrian paseos on sites with minimum street frontage of 250 feet. In addition, Policy C 2.2.6 requires provision of bike racks at appropriate locations, not necessarily at every development. Bicycle racks are available one block downcoast of the site, at the corner of 6th Street and Pacific Coast Highway, and on Pacific Coast Highway, just upcoast of 5th Street. Bicycle racks are also available along Main Street, at the City Pier, and periodically along the beach bike path across PCH from the subject site. Policy C 2.2.6 requires the provision of bike racks at appropriate locations. The proposed development includes one bike parking space within the garage. Because of the small commercial area (766 square feet), and the availability of nearby bike racks, the subject site is not a site where an additional bike rack is required.

With regard to the number of parking spaces required by the proposed development, the LCP, including the DSP, requires a total of nine on-site parking spaces to serve the commercial and residential development. In approving the proposed project, the City evaluated the proposed project's parking requirement as reflected below:

"The project will provide a total of nine on-site parking spaces. Three parking spaces are required for the 766 sq. ft. retail commercial tenant space; two spaces for commercial visitors are unenclosed and accessible from the alley and the third commercial visitor parking space is an ADA accessible space and provided within an enclosed parking garage accessible from the alley via an 18 ft. wide driveway. Staff recommends a condition of approval to require the garage to be open and accessible during all business hours.

Each of the three residential units features two bedrooms and will require two parking spaces in accordance with Specific Plan and Coastal Zone requirements, for a total of six residential parking spaces. The project provides six parking spaces in a vertical tandem configuration within the enclosed parking garage. Residents will have private access to and use of mechanical lifts that enable the parking of two vehicles stacked on top of one another. The lifts are operable whether or not a vehicle is already parked on the at-grade space. Although a vertical tandem parking configuration has not yet been constructed in Huntington Beach, the proposed configuration is consistent with the definition of tandem

parking as identified in Chapter 203 of the HBZSO. Provision of mechanical lifts for residential parking differs from lifts for commercial spaces, as a parking lot attendant or valet would not be required to operate the residential spaces.

Each residential unit is also required to provide 0.25 guest spaces. Therefore, one additional parking space is required for residential guests of the project. The Specific Plan permits residential guest parking and commercial parking be shared for mixed-use projects. Therefore, the additional parking space for residential guests is provided for by one of the three commercial parking spaces provided on-site. Shared residential guest and commercial parking for mixed-use projects is permitted due to the divergence of uses between commercial operating hours and demand for residential guest parking.”

The proposed development will provide the nine parking spaces required by the LCP. Two parking spaces will be accessible from the alley and one from the interior garage to serve the commercial portion of the project. There will be a clear pedestrian pathway from the commercial parking spaces to the commercial space ([Exhibit 3a](#)). Two parking spaces per residential unit will be provided in the garage. This is consistent with the LCP parking requirements. In approving the proposed development, the City considered the parking requirements of the LCP. The City’s approval of the proposed project is consistent with the LUP/Coastal Element policies cited above and does not raise a substantial issue with regard to the project’s conformance with the certified LCP.

Visual Resources

The appellant cites the following LUP/Coastal Element policies regarding visual resources:

C4

Preserve and where feasible enhance and restore the aesthetic resources of the City’s coastal zone, including natural areas, beaches, harbors, bluffs, and significant public views.

C4.2

Promote the protection of the Coastal Zone’s visual and aesthetic resources through design review and development standards.

C4.2.2

Require that the massing, height, and orientation of new development be designed to protect public coastal views.

C4.3

Promote designated coastal roadways as scenic corridors.

C4.6

Enhance the visual appearance of the Coastal Zone through the development and implementation of landscape standards.

The appellant's concern regarding views from the site are stated as follows:

“If built as designed the lateral view from my home toward the ocean will be lost and the narrow view corridor severely impacted.”

There are currently no public views to the ocean from PCH at street level due to the presence of a three-story, multifamily residential structure located on the beach across Pacific Coast Highway from the site. The neighboring property may have a private ocean view from upper stories. However, the LCP protects public views. The proposed development will have no impact on existing public views because there are none at the site and the site is on the inland side of the first public road from the sea. Additionally, there are no blue water views from any designated public viewpoint on the inland side of PCH that would be impacted by the subject development.

The appellant also raises concerns that introduction of landscaping at the site would make it more consistent with Pacific Coast Highway's designation as a scenic corridor. The issue of landscaping at the site is discussed previously in this report. In approving the proposed development, the City considered the appellant's view concerns, as follows: “There are no provisions within the Specific Plan, HBZSO or Coastal Element that require preservation of private views for properties fronting Pacific Coast Highway.” In approving the proposed development, the City considered the visual resource protection requirements of the LCP. The City's approval of the proposed project is consistent with the LUP/Coastal Element policies cited above and does not raise a substantial issue with regard to the project's conformance with the certified LCP.

Hazard – Stability and Structural Integrity

The appellant cites the following LUP/Coastal Element policy regarding stability and structural integrity (in part):

C 1.1.9

...

New development shall be designed to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of a protective device.

The proposed development will include excavation immediately adjacent to the appellant's neighboring property. The appellant contends that due to the zero-foot side yard setback adjacent to his property, the proposed excavation to accommodate the three subterranean parking spaces may undermine and cause damage to development on his property.

This issue was considered by the City at the time of its action on the proposed development. The City staff report states:

“The appellant also identified concerns with the structural integrity and stability during excavation and shoring of the proposed project. It should be noted that the Zoning Administrator reviews and acts only on conceptual plans to determine that the proposed project meets land use, zoning issues, and minimum development standards. As is typical for all entitlements, if the conceptual plans are approved for land use, the architect and civil engineer then prepare grading, shoring, excavation, mechanical, electrical, plumbing, and structural plans for review and approval through the grading and building permit plan check process.”

Preparation of grading, shoring, and excavation plans by a civil engineer are required. The City reviews the engineering plans prior to any excavation. City review of the plans must then be implemented with the project as required by building permits. Excavation to accommodate subterranean parking spaces in an urban infill area on the inland side of the first public road is not an unusual procedure. The excavation is required to be carried out consistent with plans prepared by a civil engineer, and approved by the City’s grading and building permit plan check process. These standard safeguards have been imposed by the City in conjunction with its approval of the proposed development, making the City’s approval consistent with Policy C 1.1.9 regarding assurance of stability and structural integrity with new development. In approving the proposed development, the City considered the hazard avoidance requirements of the LCP. The City’s approval of the proposed project is consistent with the LUP/Coastal Element policies cited above and does not raise a substantial issue with regard to the project’s conformance with the certified LCP.

SUBSTANTIAL ISSUE FACTORS AND CONCLUSION

Applying the five factors discussed earlier leads to the conclusion that the appeal does not raise a significant issue with respect to conformance with the certified LCP.

The first factor is the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the relevant provisions of the LCP and public access policies of the Coastal Act. In this case, the record supports the City’s consideration of the LCP policies in its approval of the proposed development. The consideration is supported by evidence in the record and references to the relevant LCP policies in the record. Therefore, the Coastal Commission finds that the City provided an adequate degree of factual and legal support for its decision. The appellant has not provided factual evidence supporting inconsistency with the LCP.

The second factor is the extent and scope of the development as approved or denied by the local government. The proposed development is infill development that is similar to existing surrounding development. It is consistent with the development standards applicable to the site. Thus, the extent and scope of the proposed development approved by the City is not extensive.

The third factor is the significance of the coastal resources affected by the decision. No coastal resources would be impacted by the proposed development. There is almost continuous public access to the beach from Pacific Coast Highway for the length of the

City. The subject site is located on the inland side of PCH. There are no public views or public access across the site. The proposed development will not interfere with any existing public access. The proposed development is consistent with the development standards of the DSP. Adequate parking is provided to serve the proposed development. Therefore, no coastal resources will be affected by the proposed development.

The fourth factor is the precedential value of the local government's decision for future interpretations of its LCP. The proposed development is consistent with the certified LCP, including the LUP/Coastal Element and the Downtown Specific Plan. The proposed development is consistent with the land use designation and zoning for the site and with the certified LCP, including the LUP/Coastal Element and the Downtown Specific Plan and consistent with the development standards of District 1 of the DSP. The proposed development is not substantially different from other development in District 1 of the DSP. The DSP promotes mixed use development with visitor serving commercial uses on the ground floor and residential uses above. No coastal resources will be impacted by the proposed development. Therefore, the decision of the local government on this project would not set an adverse precedent for future permit decisions made in the City's coastal zone.

The final factor is whether the appeal raises local issues, or those of regional or statewide significance. The primary concerns raised by the appeal are private view issues and the proposed development's impact on the neighboring site, which are local rather than regional or statewide issues. Other allegations raised in the appeal, such as land use and hazards, have been adequately addressed in the City's approval of the proposed development. Therefore, the City's approval does not raise issues of regional or statewide significance.

For all of the reasons described above, the Commission finds that the appeal raises **NO substantial issue** as to conformity with the City of Huntington Beach's LCP.