

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 3/19/2007	Department ID Number: PL07-11

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth Graft*
PENELOPE CULBRETH-GRAFT, DPA, City Administrator

PREPARED BY: SCOTT HESS, Acting Director of Planning *sh*

SUBJECT: APPROVE MITIGATED NEGATIVE DECLARATION NO. 00-07/COASTAL DEVELOPMENT PERMIT NO. 00-13/CONDITIONAL USE PERMIT NO. 00-43 CONSISTING OF FOUR BOAT SLIPS, MANAGER'S OFFICE, AND CARETAKER'S UNIT FOR PARK AVENUE MARINA (APPEAL OF PLANNING COMMISSION'S DENIAL)

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

Transmitted for your consideration is an appeal by Mike Adams on behalf of Hugh Seeds, of the Planning Commission's denial of Mitigated Negative Declaration No. 00-07, Coastal Development Permit No. 00-13, and Conditional Use Permit No. 00-43. This application represents a request to construct and establish a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three-story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on a 6,179 square foot lot. The appeal is based on opposition to the Planning Commission's findings for denial.

The Planning Commission denied the request and is recommending that the City Council deny the request (**Recommended Action - A**) because of flooding issues, incompatibility with surrounding uses, unsafe pedestrian access, inadequate vehicular access, insufficient number of parking spaces, and obstruction of public coastal views.

Staff recommended approval of the project to the Planning Commission and is recommending that the City Council approve the request (**Recommended Action - B**) because the proposed project (with mitigation) will have no significant adverse environmental impacts, complies with City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO), is compatible with adjacent single family dwellings, and, as conditioned, provides adequate pedestrian and vehicle access to the site.

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An alternative action is included (**Alternative Action - A**) that suggests approving the project with one or two design modifications to address issues raised by the Planning Commission. A discussion of the alternative design modifications is on pages 8-9 of this Staff Report.

Funding Source: Not Applicable

Recommended Actions:

A. PLANNING COMMISSION RECOMMENDATION:

Motion to:

“Deny Mitigated Negative Declaration No. 00-07/ Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43 with findings for denial (Attachment No. 1).”

Planning Commission Action on January 9, 2007:

THE MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT TO DENY MITIGATED NEGATIVE DECLARATION NO. 00-07/COASTAL DEVELOPMENT PERMIT NO. 00-13/CONDITIONAL USE PERMIT NO. 00-43 WITH FINDINGS, CARRIED BY THE FOLLOWING VOTE:

AYES: SHIER-BURNETT, SPEAKER, LIVENGOOD, SCANDURA, HORGAN, FARLEY
NOES: DWYER
ABSENT: NONE
ABSTAIN: NONE

MOTION PASSED

B. STAFF RECOMMENDATION:

Motion to:

- A. “Approve Mitigated Negative Declaration No. 00-07 with findings and mitigation measures (Attachment No. 2);”
- B. “Approve Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43 with findings and suggested conditions of approval (Attachment Nos. 2 and 3).”

Alternative Action(s):

The City Council may make the following alternative motion(s):

- A. “Approve Mitigated Negative Declaration No. 00-07 with findings and mitigation measures and Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43 with findings and suggested conditions of approval (Attachment Nos. 2 and 3), and direct the applicant to redesign the project in accordance with the two modifications outlined in the Staff Report.”

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- B. "Continue Mitigated Negative Declaration No. 00-07/ Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43 and direct staff accordingly."

Analysis:

A. PROJECT PROPOSAL:

Appellant: Michael C. Adams Associates, 21190 Beach Blvd., Huntington Beach, CA

Applicant/

Property Owner: Hugh Seeds, 16458 Bolsa Chica Street, #223, Huntington Beach, CA

Location: 16926 Park Avenue (Terminus of Park Avenue in Huntington Harbor)

Conditional Use Permit No. 00-43 represents a request for the following:

- A. To construct a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, and public access to the water pursuant to Section 213.06, *Open Space Districts: Land Use Controls, Public and Semipublic Uses, Marinas* of the HBZSO.
- B. To construct a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport pursuant to Section 213.06, *Open Space Districts: Land Use Controls, Accessory Uses and Structures* of the HBZSO.

Coastal Development Permit No. 00-13 is requested to permit the preceding development within the Coastal Zone pursuant to Section 245.06, *Permit Required* of the HBZSO.

The proposed project (Attachment No. 4) is a request to construct a small boat marina on a 6,179 square foot vacant parcel of land located at the terminus of Park Avenue in Huntington Harbor. The marina consists of three boat slips (Slip Nos. 2, 3, and 4) available for rent to the public on a monthly basis. These slips are intended for individuals who will store their boats at the facility and can accommodate boats ranging between 22 feet and 30 feet in length. A fourth slip (Slip No. 1) will be a guest dock available to the public for free up to a two hour period between the hours of 8:00 AM to 5:00 PM daily. The marina will not include a launch ramp, fueling facilities, or pumpout station. However, boats can be launched from a boat ramp at the Warner Fire station located at the intersection of Warner Avenue and Pacific Coast Highway or at the Sunset Aquatic Park located at the end of Edinger Avenue. The guest dock could also be used to launch small hand held watercraft such as kayaks or small boats carried to the facility. In addition, each lessee will be required to contract with an outside vendor for holding tank pumpout services. Pedestrian access to the dock will be provided by an on-site ten-foot wide public easement, which runs along the southwesterly property line to the water's edge. No gates or fencing to the dock are proposed.

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Three on-site parking spaces designed as carports (one of which is handicapped accessible) are provided for the marina. A separate two-car garage is provided for the caretaker's unit. The manager's office (approximately 308 square feet in size) is located between the parking facilities on the ground floor. The office operating hours are proposed to be between 8:00 AM and 5:00 PM daily. The caretaker's unit (approximately 2,485 square feet in size) is located on the second and third floors. The caretaker's unit is proposed as a residence for the on-site manager. The residence includes three bedrooms, a dining room, kitchen and great room. The full-time caretaker's unit will allow for 24-hour supervision of the facility.

Access to the subject site is provided from Pacific Coast Highway via Park Avenue, a 220-foot long, 30-foot wide local street located entirely within the County of Orange. Only the subject site and a small triangular parcel of land are located within the boundary of the City of Huntington Beach. Park Avenue serves 10 residential properties consisting of a mix of single family and multi-family residences. The street is constructed with v-gutters on each side instead of curb and gutters. Due to the pattern of development within the County's jurisdiction there is a shortage of parking spaces on Park Avenue. As a result, residents, visitors, and the general public park vehicles within the right-of-way effectively reducing the width of Park Avenue to less than 30 feet. Park Avenue terminates 57 feet before reaching the site. Therefore, an ingress/egress easement over two adjacent private properties located within the County of Orange's jurisdiction is required. The applicant indicates that a ten-foot wide easement has been acquired over one property. A second 10-foot wide easement over the second property is proposed and will be required prior to issuance of building permits for construction of the project. Therefore, a total 20-foot wide easement will be provided.

The subject parcel is wedge shaped and contains 205 feet of shoreline at the water's edge. The shoreline is currently unprotected except for some rubble. The lot slopes towards the water at about a 2.6:1 ratio from an average top of slope elevation of six feet above mean sea level. All of the lots surrounding the project site have concrete bulkhead protections, with the exception of the five lots fronting the small embankment to the southeast of the site. These five lots retain mudflat and partial rubble revetment.

The majority of the site will be graded; however, the existing banks on the northwest edge of the site will be left intact underneath the proposed access ramp and dock. Rubble, rocks, and an existing asphalt launch ramp at the southeast edge will be removed to enhance the appearance of the intertidal area below the slope. Plants growing upon and near the decomposed ramp will be removed prior to the excavation of the ramp and replaced pursuant to a recommended mitigation measure. As there is no bank in the area of the ramp, some of the dredged sediments will be deposited on the shore to reform the bank and terraced to hold the sediment. The embankment will be protected from erosion by steel sheet piling which will be placed approximately one foot-six inches behind the top of slope leaving the existing shoreline embankment in place. The embankment will remain a sloped vegetated area and will be replanted with native species pursuant to a recommended mitigation measure. A swale will be constructed behind the sheet piling to eliminate drainage directly into the harbor channel.

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The site consists of two parcels, 4,809 square feet and 1,370 square feet in size. As a result, a lot line adjustment to eliminate the existing lot line between the two contiguous parcels is required to create one 6,179 square foot lot. The lot line adjustment is being processed as a separate application subject to Planning Department and Public Works Department review and approval only. The lot line adjustment must be approved and recorded prior to issuance of building permits.

B. PLANNING COMMISSION MEETING AND RECOMMENDATION:

The Planning Commission denied the subject entitlement at a public hearing on January 9, 2007 (Attachment No. 6 – Planning Commission Minutes). Testimony in support of the request was received from the applicant and applicant's representative. Testimony in opposition to the request was received from 12 residents of the surrounding neighborhood. The residents were concerned with the potential increase in flooding, traffic congestion, parking problems, and noise. Residents were also concerned with overnight stays on boats and public disturbances after business hours. Staff recommended approval of the request on the basis that the project complies with all applicable code requirements, provides additional public recreational opportunities within the coastal zone, provides public access to the water and is compatible with adjacent single family dwellings (Attachment No. 7 - Planning Commission Staff Report).

The Planning Commission denied the request based on the following factors:

- Inadequate vehicular access is provided to the subject site. Park Avenue ends 57 feet prior to reaching the site. The Commission stated that the proposed 20-foot wide vehicular access easement over two adjacent properties does not comply with the County of Orange and Sunset Beach Specific Plan minimum required 24-foot wide driveway.
- Park Avenue is under capacity to accommodate pedestrian access to the site in that there are no public sidewalks along the entire length of the street. Moreover, The Planning Commission stated that the lack of sidewalks and inadequate vehicular access may result in an unsafe path of travel for pedestrians.
- The minimum required number of two parking spaces provided for the proposed caretakers unit is insufficient based on the size and number of bedrooms.
- The size and scale of the project is not consistent with that of the surrounding residences.
- The size and scale of the structure as proposed would obstruct the public's view of the coast.
- Development of the project would have an impact on seasonal flooding on Park Avenue. Commissioners stated that the existing vacant project site provides drainage for the remainder of Park Avenue. The proposed project would alter existing drainage of Park Avenue in the event of seasonal floods.

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C. APPEAL:

On January 23, 2007, Michael Adams, on behalf of Hugh Seeds, filed an appeal of the Planning Commission's denial of the proposed project. The appeal letter (Attachment No. 5) cited the following reasons as the basis for the appeal:

1. The flooding issue and the unsafe pedestrian access cited by the Planning Commission do not occur within the scope of the proposed project site.
2. The project complies with the City General Plan and Zoning and the site can be adequately provided with the necessary infrastructure to serve the project.
3. The proposed marina is the only allowable use which can produce an economic return on the property due to current land use designation and zoning.

In the appeal letter the applicant's representative indicates a willingness to consider alternative designs if they could prove to be of greater benefit to the neighborhood. The applicant's representative has also stated that they would attempt to secure the County's minimum driveway width requirement of 24 feet.

D. STAFF ANALYSIS AND RECOMMENDATION:

There are three primary issues pertaining to the development proposal which are discussed below. They include land use compatibility, pedestrian/vehicular access, and flooding/drainage. In addition, there is discussion of an alternative action to approve the project but with design modifications to address issues raised by the Planning Commission.

Land Use Compatibility

The project is located in the OS-WR (Open Space – Water Recreation Subdistrict) zone, which is intended to provide areas for public or private recreational use. The subject site is the only privately owned parcel of land with the OS-WR zoning designation in the City. The following is a history of the site's zoning designation:

- 1969 to 1984: CF-R (Community Facilities – Recreation) district which allowed for development of property for education, recreation, health, safety, or government uses.
- 1984 to 1994: WR-CZ (Waterways Recreation – Coastal Zone) district which provided for the preservation and enhancements of existing and future recreation potential of tide and submerged lands.
- 1990: Application filed to change zoning designation from WR-CZ district to RM (Medium Density Residential) zone. Issues arose between the State Lands Commission and applicant over easements on the site. The application was subsequently withdrawn.
- 1994 to present: OS-WR-CZ (Open Space – Water Recreation Subdistrict – Coastal Zone) which provides areas for public or private use and areas for preservation and enhancement.

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- 2001: Discussions with Coastal Commission staff regarding alternative zoning categories for the site; the CV (Visitor Commercial) district was noted as a possible appropriate category to consider for re-designation and re-zoning of the site.

The proposed marina and manager's office with caretaker's unit is an allowed use in the OS-WR subdistrict with approval of a conditional use permit.

The proposed marina is very small in comparison to other marinas in the City and does not provide services such as coffee shops, provisioning stores, fuel, water or pump out services, showers, or laundry facilities. The boat slips, public access to the water, manager's office and restrooms are the only services that distinguish the proposed use from the adjacent residential uses.

The project will not significantly change the residential character of the street. The residential component of the project provides for an architectural design compatible with the surrounding residential uses. The parking facility, manager's office, and caretaker's unit as a whole is designed to appear as a single-family dwelling. The building height is 33 feet-four inches measured from the subfloor and consistent with that of other two and three story single-family dwellings in the harbor. The design of the third floor complies with the City's third story ordinance applicable to residences. The third floor is small in size, approximately 420 square feet, and is designed within the confines of the second story roof volume so as to appear like a two story residence compatible with other two story residences on Park Avenue. Also, the third floor windows orient towards the channel to preserve the privacy of adjacent residences. The structure is setback a minimum of 15 feet from the front property line between the subject site and adjacent properties to the southwest. The structure is also setback 20 feet from the nearest residence. In addition, residences across the channel will be separated by a minimum of 125 feet of waterway. Overall the marina will appear like a typical single family dwelling in Huntington Harbor with private boat slips.

Pedestrian/Vehicular Access

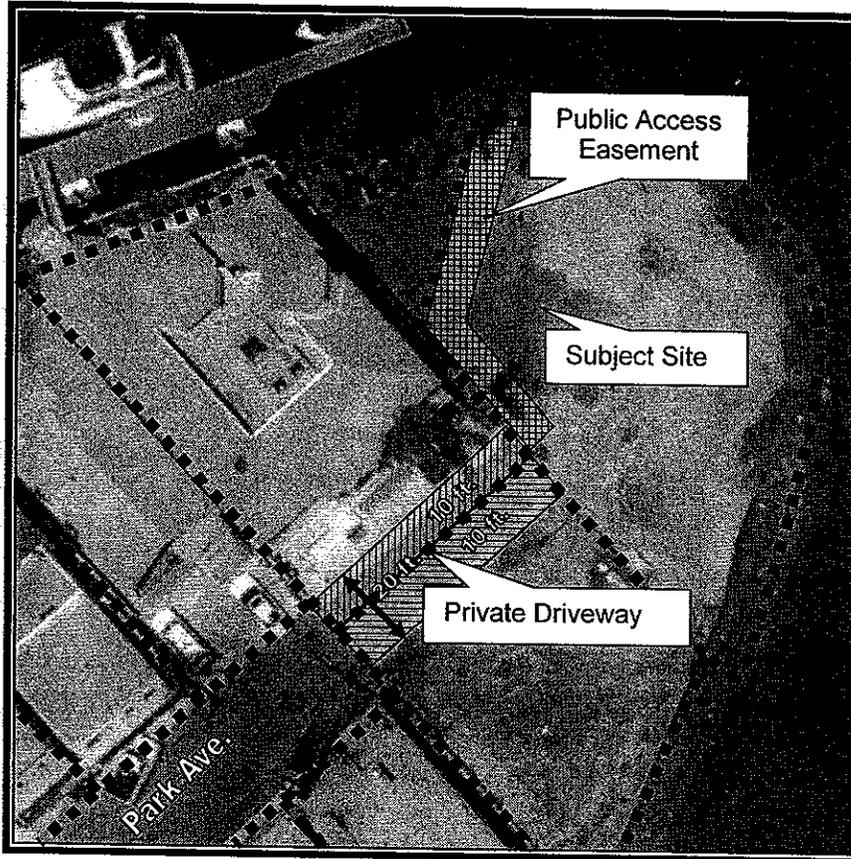
The lack of pedestrian facilities is an existing condition. There are no sidewalks for the entire length of Park Avenue. Within the County's jurisdiction, pedestrians must use the street when accessing Park Avenue. In compliance with Coastal Zone requirements, the project will be required to provide public access to the water via a ten-foot wide on-site access easement. The easement begins at the front property line and includes a ten foot wide walk way along the southwesterly property line and continues with a four-foot wide pedestrian walkway with landscaping and ramp leading directly to the dock between the structure and the westerly property (see the following aerial photo).

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Location of Private Driveway and Public Access Easement

The project is conditioned to obtain an ingress/egress easement over the two adjacent properties (see above). A ten-foot wide easement has been acquired over one property. A second 10-foot wide easement will be required over the second property. Public Works Department and Fire Department staff have determined that the proposed access to the site is suitable for the development as proposed and conditioned. In lieu of a 24-foot wide driveway access easement, fire sprinklers and a dockside wet standpipe system will be installed per Fire Department specifications.

However, the County of Orange Resource & Development Management Department requires a minimum 24-foot wide access way for the driveway access easement located within the County of Orange in compliance with County and Sunset Beach Specific Plan requirements (Attachment No. 8). If the City Council were to approve the project, the condition for a 20-foot wide private driveway easement could be modified to comply with the County's minimum require driveway width. The applicants have indicated that they would attempt to secure whichever access easement the City determines necessary.

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Flooding/Drainage

The proposed project includes reconstruction of the existing embankment. A decomposed asphalt boat ramp will be removed to accommodate this new construction. Although raised several feet above the water, the existing bank slope currently allows drainage directly into the adjacent waterway. The new embankment will be replanted with native species and will eliminate drainage directly into the harbor channel. The remainder of the site will be graded to accommodate construction of the caretaker's unit, a floating pedestrian access ramp, and floating docks for the marina. The drainage pattern of the site will be altered from a condition in which there is no protection to the waterway to one of controlled drainage directed toward an existing catch/desilting basin.

The flooding that seasonally occurs is isolated to the County's portion of Park Avenue. According to the applicant, the proposed project site always remains above water when the roadway floods. The proposed project has been engineered and designed to adequately handle water runoff from the site. If flooding on Park Avenue drains through the site, then the development will be required to continue handling water runoff occurring from Park Avenue in the event of seasonal flooding.

Alternative Action: Design Modifications

To address issues raised by the Planning Commission, there are a couple of design modifications the City Council could consider. Such design modifications would be to:

- 1) Remove the southeast section of the building. The layout of the proposed structure is an "L" shape (Attachment No. 4). Removing the southeast segment of the "L" shaped building effectively eliminates the carport above two southeasterly parking stalls and approximately 581 square feet of the caretaker's unit on the second floor. The size of the structure would be reduced to 2,211 square feet (308 square foot manager's office and 1,903 square foot caretaker's unit). Also, with the entire southeast segment of the structure removed views of the coast from Pacific Coast Highway and Park Avenue could be preserved. In addition, the two southeasterly carports will be uncovered providing room for one additional open parking space (total of six on-site parking spaces).
- 2) Eliminate the third floor. The third floor is approximately 420 square feet in size. Removal of the third floor reduces the size of the structure to 2,373 square feet (308 Square foot manager's office and 2,065 square foot caretaker's unit). Reducing the structure down to two levels will result in a lower profile building with less visible roof bringing the structure into greater conformance with the surrounding area.

Environmental Status:

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Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft Mitigated Negative Declaration (MND) No. 00-07 (Attachment No. 9) was prepared with mitigation

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measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA).

A supplemental biological survey which studied the biological resources on the site was prepared in conjunction with the draft MND. The survey concludes that no significant impacts associated with Hydrology/ Water Quality and Biological Resources that could not be mitigated to a level of insignificance are anticipated. Impacts requiring mitigation include the potential loss of salt marsh vegetation habitat on the banks and water quality disturbances during dredging and dock construction. The study concluded that no additional mitigation measures are necessary for loss of soft-bottom habitat as any loss will be compensated for by the creation of hard-bottom habitat, such as pier pilings and dock floats. Soft-bottom habitat will be improved and expanded by the removal of rubble and the asphalt ramp currently adjacent to the project. Construction of the site will have little or no impact upon the avian populations of Huntington Harbor. Furthermore, no mitigation is necessary for eelgrass as none exists in or near the project area.

Draft MND No. 00-07 was advertised and made available for a thirty (30) day public review and comment period, commencing November 9, 2006 and ending on December 11, 2006. A total of seven comment letters addressing the following issues were received during the review period:

- Access to the site from Park Avenue;
- Increase in traffic generated by the project;
- Use of boats as residences; and
- Size of the caretaker's unit.

A Response to Comments and Errata were prepared by staff addressing the issues identified in the seven letters and are included with the attached MND (Attachment No. 9). The Department of Transportation and State Lands Commission provided comments pertaining to necessary permits required for the development for informational purposes. The comments have been forwarded to the applicant for consideration.

Environmental Board Comments:

The Environmental Board reviewed draft MND No. 00-07 at their December 7, 2006 meeting and provided a comment letter on December 11, 2006. The Environmental Board's letter includes the following recommendations, which are incorporated into staff's suggested conditions of approval (Recommended Action – B):

- Pile driving and construction activities should be restricted to between the hours of 8 AM and 5 PM Monday through Saturday (Condition No. 5-h).
- Signage should be provided to identify the public access (Condition No. 6-c).
- Slip rental agreements should include a requirement for the lessee to provide proof of a contract for holding tank pumpout services (Condition No. 7-b).
- Runoff to the harbor should be prohibited (Code Requirement).
- A public restroom with an outside door should be provided (Condition No. 1-a).
- Boat maintenance activities such as sanding and painting should be prohibited (Condition No. 7-a).

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The applicant and staff concur with the recommendations of the Environmental Board. The recommendations have been made suggested conditions of approval with the exception of the prohibition of runoff to the harbor which is a code requirement.

Prior to any action approving the Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43, the City Council must first review and act on MND No. 00-07. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measures (Recommended Action – B).

Attachment(s):

City Clerk's Page Number	No.	Description
12	1.	Suggested Findings for Denial (Recommended Action – A).
15	2.	Suggested Findings and Conditions of Approval (Recommended Action – B).
22	3.	Suggested Conditions of Approval – Department of Public Works memo dated December 13, 2006
25	4.	Site Plan, Floor Plans, and Building Elevations dated November 29, 2005.
32	5.	Appeal Letter to City Council dated January 23, 2007.
35	6.	Planning Commission Minutes dated January 9, 2007.
42	7.	Planning Commission Staff Report dated January 9, 2007.
55	8.	Letter received from County of Orange Resource & Development Management Department dated January 9, 2007.
57	9.	Draft Mitigated Negative Declaration No. 00-07 (Includes Environmental Checklist, Biological Survey, Mitigation Measures, and Response to Comments)
189	10.	Letters in opposition of the request.
237	11.	PowerPoint Presentation Slides.

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ATTACHMENT #1

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PLANNING COMMISSION RECOMMENDATION

SUGGESTED FINDINGS FOR DENIAL

**MITIGATED NEGATIVE DECLARATION NO. 00-07/
COASTAL DEVELOPMENT PERMIT NO. 00-13/
CONDITIONAL USE PERMIT NO. 00-43**

SUGGESTED FINDINGS FOR DENIAL - MITIGATED NEGATIVE DECLARATION NO. 00-07:

1. The Mitigated Negative Declaration No. 00-07 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the City Council prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43.
2. Mitigation measures are not adequate to avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. There are flooding issues and unsafe pedestrian access to the site. The large structure, elevated pad height, and pavement for parking eliminate open space to handle runoff from flooded streets thus impacting adjacent property owners. The proposed project does not comply with the County of Orange, Sunset Beach Specific Plan requirements for a minimum 24 foot wide vehicular access and submittal of a traffic study.
3. There is substantial evidence in light of the whole record before the City Council that the project, Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43, will have a significant effect on the environment.

SUGGESTED FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 00-13:

1. Coastal Development Permit No. 00-13 for the construction of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot, as proposed, does not conform with the General Plan, including the Local Coastal Program. There is inadequate vehicular and pedestrian access from Park Ave. to the subject site. The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue to the subject site. In addition the size and scale of the building does not adequately provide public coastal views.
2. At the time of occupancy the proposed development cannot be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is an infill development but will not provide all necessary infrastructure to adequately service the site with regard to storm drains and access.
3. The development does not conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed access to the subject site from Park Ave. as well as the proposed on-site ten foot wide public access path is inadequate because of conflicts between pedestrians and vehicles. Safe pedestrian access is not provided to the site.

SUGGESTED FINDINGS FOR DENIAL – CONDITIONAL USE PERMIT NO. 00-43:

1. Conditional Use Permit No. 00-43 for the establishment, maintenance, and operation of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot will be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The size and scope of the project will result in significant increases in traffic, noise, light and odor above levels anticipated in the area.
2. The Conditional Use Permit is not compatible with surrounding uses because the marina is a commercial use that would impose unmitigatable burdens on the neighborhood.
3. The proposed marina will not comply with the provisions of the base district. The proposed caretaker's unit is not incidental to an open space use because the size and scale of the caretaker's unit is considerably large compared to the proposed marina size which is only four boat slips.
4. The granting of the conditional use permit will adversely affect the General Plan. It is inconsistent with the Land Use Element designation of OS-W (Open Space – Water Recreation) on the subject property. In addition, it is inconsistent with the following policies of the General Plan:

Coastal Element

Policy C 3.2.1 Establish the responsibility for long term maintenance and liability prior to approval of any major recreational facility, including marina, Public Park, trail, etc.

Policy C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue and the subject site. In addition the size and scale of the proposed building does not adequately provide public coastal views.

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ATTACHMENT #2

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STAFF RECOMMENDATION

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 00-07/ COASTAL DEVELOPMENT PERMIT NO. 00-13/ CONDITIONAL USE PERMIT NO. 00-43

SUGGESTED FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 00-07:

1. The Mitigated Negative Declaration No. 00-07 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the City Council prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the City Council that the project, as mitigated through the conditions of approval for Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43, will have a significant effect on the environment.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 00-13:

1. Coastal Development Permit No. 00-13 for the construction of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on a 6,179 square foot lot, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with Coastal Element Land Use Policy C 3.2.2 which encourages privately-owned recreation facilities on private land to be open to the public.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project will conform to all development standards including setbacks, height, and parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is an infill development and will provide all necessary infrastructure to adequately service the site.

4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. A ten-foot wide public access easement to the water shall be provided on the site.

SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 00-43:

1. Conditional Use Permit No. 00-43 for the establishment, maintenance, and operation of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on a 6,179 square foot lot will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The marina is small in comparison to other marinas and does not provide services such as coffee shops, provisioning stores, fuel, water or pump out services, showers, or laundry facilities. Overall the marina will appear like a typical single family dwelling in Huntington Harbor with private boat slips. The structure is setback a minimum of 15 feet from the front property line and 20 feet from nearest residence. In addition, residences across the channel will be buffered by a minimum of 125 feet of waterway. The size and scope of the project will not result in significant increases in traffic, noise, light, or odor above levels anticipated in the area.
2. The conditional use permit will be compatible with surrounding uses because the marina is designed to appear like a single family home. The structure will be constructed of similar material to that of other single-family homes in the area and will be designed to comply with third story design criteria. The caretaker's unit will serve as a residence for the onsite manager, a use similar to other uses on Park Avenue.
3. The proposed marina will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed marina will comply with all code requirements including building height, landscaping, parking, and any specific condition required for the proposed use in the district in which it would be located.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-W (Open Space – Water Recreation) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Objective 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

Policy 14.1.1: Accommodate the development of public parks, coastal and water-related recreational uses, and the conservation of environmental resources in areas designated for Open Space on the Land Use Plan Map and in Accordance with Policy 7.1.1.

Approval of the project will allow for the construction of a marina on a privately owned parcel of land. The marina will provide water-related recreational opportunities for existing and future residents. Services offered by the marina include three slips rented to the public on a monthly basis, one boat slip used as a guest dock, and public access to the water.

B. Coastal Element

Goal C3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preference.

Policy 3.2.2 Encourage privately-owned recreation facilities on private land to be open to the public.

Policy 3.4.4: Encourage the provision of public boating support facilities compatible with surrounding land uses and water quality.

Policy 3.4.6: Increased recreational boating use of coastal waters shall be encouraged by increasing public launching facilities, providing additional berthing spaces, and limiting non-water dependent land uses adjacent to the coast.

The proposed marina will be a privately-owned facility on private land open to the public. The marina will include a manager's office with caretaker's unit. The structure is designed to appear as a single-family residence which will be compatible with the surrounding structures. The marina will increase recreational boating use of coastal waters by providing berthing spaces for existing and future residents of the City.

**SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 00-43/
COASTAL DEVELOPMENT NO. 00-13:**

1. The site plan, floor plans, and elevations received and dated November 29, 2005, shall be the conceptually approved design with the following modification:
 - a. A handicapped accessible public restroom with access to the outside shall be provided on the ground floor within the manager's office.
2. Prior to issuance of grading permits, the following shall be completed:
 - a. The existing degraded asphalt launch ramp shall be removed from the southeast area of the site and disposed of at a facility equipped to handle the material. **(Mitigation Measure)**
 - b. The grading plans shall demonstrate compliance with the floodplain requirements. The area at the top of the bank shall be graded to reduce the potential for freshwater to flow into the harbor waters. **(Mitigation Measure)**

3. Prior to submittal for building permits, the following shall be completed:
 - a. A request for Letter of Map Revision shall be submitted to the Federal Emergency Management Agency (FEMA) to remove the proposed structure(s) and/or property from the floodplain.
4. Prior to issuance of building permits, the following shall be completed:
 - a. The former launch ramp area shall be terraced using dredge sediment to give the water-land interface a more natural appearance. Existing native species in the vicinity shall be removed with the intent of replanting within the new bank area. A biologist shall be present on-site to oversee the removal of the ramp, removal and care of native species, and replanting of vegetation after the bank has stabilized. The biologist shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department. **(Mitigation Measure)**
 - b. Lot Line Adjustment No. 00-07 shall be approved by the Planning Department and Public Works Department and recorded with the Orange County Records Office.
 - c. The property owner shall provide a public walkway and make an irrevocable offer to dedicate a ten (10) foot wide easement for public access to the dock. Provisions shall be made to permit use of the walkway for activities relating to the public marina, as long as such activities do not interfere with the main purpose of the walkway. The property owner shall cause to be executed and recorded a document, in a form and content approved by the Director of Planning, irrevocably offering to dedicate an easement for public access to the dock. The easement shall be for the depth of the property along the southwesterly and westerly property line. The easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Director determines may effect the interest being conveyed.
 - d. A copy of a Letter of Map Revision from the Federal Emergency Management Agency (FEMA) removing the property from the floodplain shall be submitted to the Planning Department for inclusion in the entitlement file. If a letter of map revision is not approved by FEMA, the applicant shall submit a copy of completed FEMA Elevation Certificate for the building based on construction drawings.
 - e. A minimum 20 ft. wide public unobstructed vehicular access easement shall be provided between the subject property and the County of Orange's public right-of-way (Park Avenue).
5. During grading, site development, and/or construction, the following shall be adhered to:
 - a. A silt curtain shall be installed in the water surrounding the construction zone. The silt curtain shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the dock construction and dredging activities. **(Mitigation Measure)**

- b. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - c. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - d. Truck idling shall be prohibited for periods longer than 10 minutes.
 - e. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - f. Discontinue operation during second stage smog alerts.
 - g. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - h. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 8:00 AM to 5:00 PM. Such activities are prohibited Sundays and Federal holidays.
6. The structure cannot be occupied, the final building permits cannot be approved, utilities cannot be released, and a Certificate of Occupancy cannot be issued until the following has been completed:
- a. The applicant shall remove all invasive, non-native species, such as the Hottentot fig, which currently occupies 25 to 30% of the banks. A biologist shall be present on site to oversee the removal of non-native species and shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department. **(Mitigation Measure)**
 - b. The bank areas shall be terraced down to the water's edge in order to provide a more natural transition from the property to the water and increase the available habitat area of the banks for the proposed project. The banks shall then be revegetated using transplanted native species or installation of other native salt marsh species found in the area. The terracing shall be accomplished with materials conducive to promoting transplanting of native salt marsh species in the area as recommended in the MBC Biological Assessment. A biologist shall be present on-site to oversee the terracing and replanting of the banks. The biologist shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department. **(Mitigation Measure)**
 - c. The applicant shall coordinate with the County of Orange and/or California Department of Transportation to install a public access sign on Pacific Coast Highway.

- d. The applicant shall coordinate with the County of Orange to indemnify the county from any liability associated with public use of the access way. The indemnification agreement shall be prepared and executed to the satisfaction of the County of Orange. A copy of the executed agreement shall be submitted to the Planning Department prior to occupancy of the structure.
- e. Signage and/or any other acceptable method shall identify the guest dock as a public dock. Such signage shall be visible from the channel.

7. The use shall comply with the following:

- a. Boat maintenance activities such as sanding and painting shall be prohibited.
- b. Lessees shall be required to provide evidence of a contract for holding tank pump out services at the time the lease for the dock is signed.
- c. Gates obstructing access to the public easement shall be prohibited.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

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ATTACHMENT #3

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CITY OF HUNTINGTON BEACH
INTERDEPARTMENTAL COMMUNICATION

TO: Rami Talleh, Associate Planner
FROM: James Wagner, Associate Civil Engineer *JRW*
SUBJECT: CUP 00-43/CDP 00-13/EA 00-07 (16926 Park Avenue – Park Avenue Marina)
Conditions - REVISED
DATE: December 13, 2006

This memo shall supersede and replace the memo dated December 11, 2006.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO
ISSUANCE OF A GRADING PERMIT:**

The revised Site Plan received November 29, 2005, shall be the conditionally approved layout, except for the following:

1. A vehicle-tracking exhibit shall be provided which demonstrates that passenger vehicles can egress the parking spaces. A truck-tracking exhibit shall be provided which demonstrates that a SU-30 design vehicle can enter the site, turn around, and leave the site.
2. Design shall incorporate the applicable Commercial Treatment Control Best Management Practices (BMPs). Copper downspout and copper roofing components exposed to weather are not allowed since no new sources of copper can enter the impaired water bodies per the Clean Water Act Section 303(d) and the City of Huntington Beach National Pollutant Discharge Elimination System (NPDES) permit which regulates pollutant loading into the receiving waters. Huntington Harbor is listed as impaired water bodies for copper. (Water Quality Management Plan (WQMP) & Orange County Drainage Area Management Plan (DAMP) Requirements)
3. Use of the existing and proposed easements must specify a use for drainage and have a recorded drainage agreement between property owners.
4. A three-foot planter area for trees shall be provided, especially adjacent to walls.
5. A Pedestrian Accessibility Plan for the entire project site, depicting on-site and off-site improvements, shall be submitted for review and approval by the Building & Safety and Public Works Departments and by a third party consultant. The applicant shall reimburse the City for the consultant's review. The pedestrian path of travel passes behind other parked cars with cross slopes exceeding nine percent in some segments.

**THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE
OF HARBOR PERMITS:**

1. The developer shall submit a study of the eelgrass in the water and other studies as required by the Army Corp of Engineers.

2. The developer shall do a sound test to determine if the wharfage area needs to be dredged.
3. Evidence of the pierhead line or wharfage area on the State Channel shall be submitted to the Department of Public Works.
4. A Dredging Plan shall be submitted to Public Works for review and approval, the plan shall include the following:
 - a. Detailed description of the process to be followed.
 - b. Equipment list.
 - c. Excavated soil/sand disposal plan.
 - d. Total suspended solids water mitigation plan (silt screens).
5. A Bulkhead Plan shall be submitted to Public Works for review and approval. No wood materials shall be used in the construction of the bulkhead.

**THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO FINAL
INSPECTION AND APPROVAL:**

1. All utility services installed to the dock or wharfage area shall be certified to be in conformance with the City approved plans prior to certificate of occupancy.
2. Final Public Works signoff of the Harbor Permits and Grading Permit.

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ATTACHMENT #4

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HUGH SEEDS

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ADDRESS	
DATE	

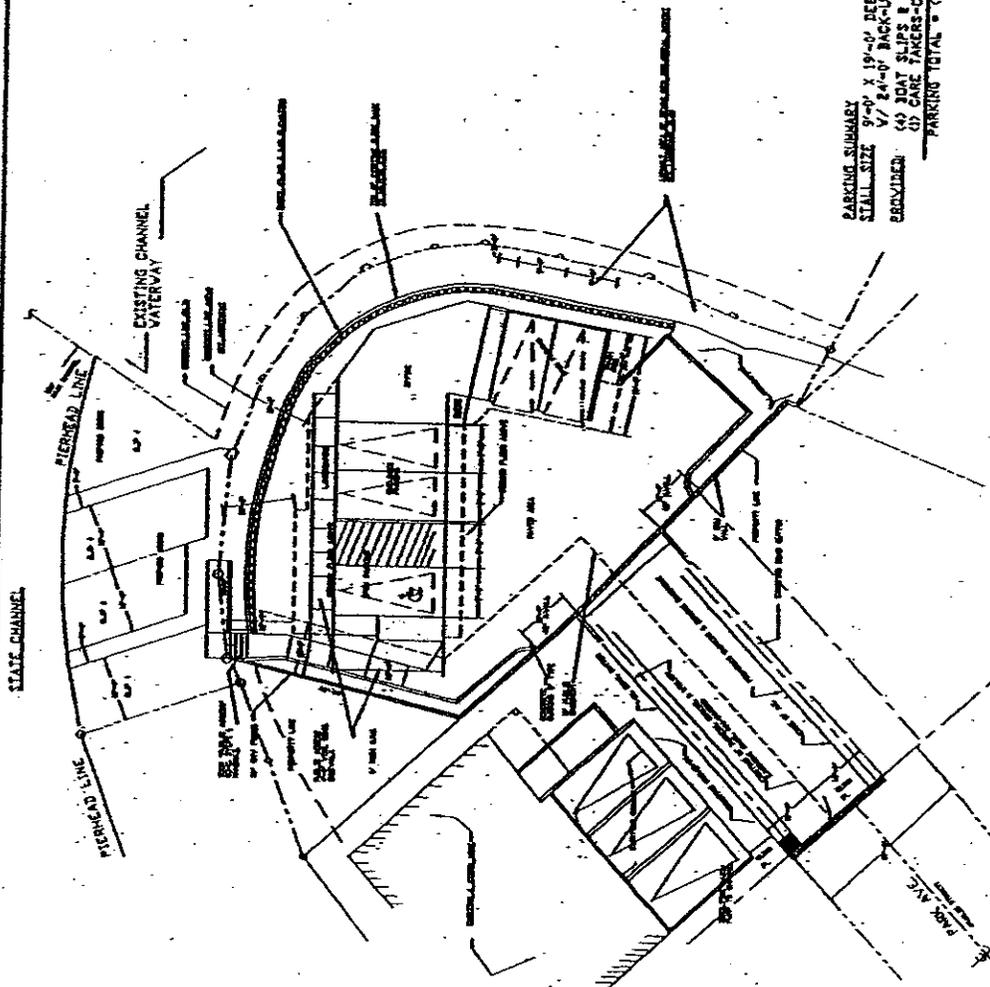
JOB NO.	
DATE	4/10/74
DRAWN	
CHECKED	
SCALE	
SHEET	1 OF 2
PROJECT	



OWNER:
HUGH SEEDS (ROBERT BACON)
16488 SOLSA CHICA #283
HUNTINGTON BEACH, CA 92649
(714) 891-3564

ZONING / SITE DATA:
ZONING: RM-1
LOT AREA: 4.75
PROPERTY AREA: 6,170.00 SQ. FT. (0.14 AC.)
ADDRESS: 16926 PARK AVE.
HUNTINGTON BCH., CA.

PARKING SUMMARY:
STALL SIZE: 9'-0" X 19'-0" DEEP
TOTAL BACK-UP AREA: 1/7 84'-0" DEEP
PROVIDED: 63 TOTAL SPACES (24' X 9' & 300' X 6' CARP SPACES) @ 8' X 8' STALLS
PARKING TOTAL: 63 STALLS



16926 PARK AVE. MARINA

PUBLIC ACCESS-USE, DEVELOPMENT & IMPROVEMENTS

SITE LANDSCAPE PLAN 1 OF 2



FILE # CUP 00-13
CUP 00-13/EA-00-07

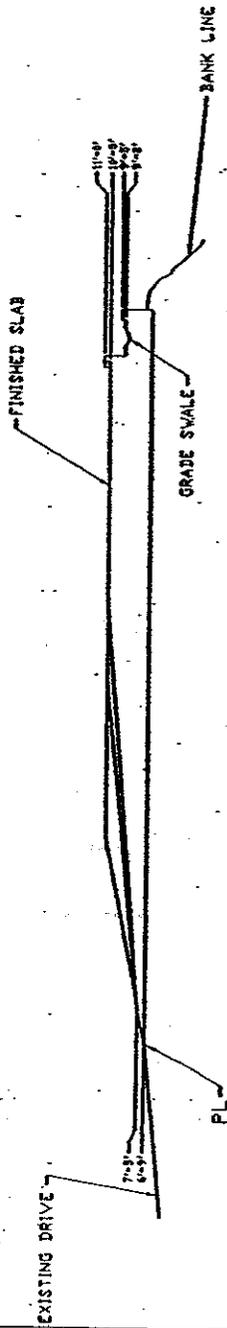
HUGH SEEDS

DATE	
ADDRESS	
CITY	
STATE	
ZIP	

JOB NO.	
DATE	4/21/04
DRAWN	
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INCHES	
FEET	
SCALE	2" = 2'



E CROSS SECTION---NORTHWEST



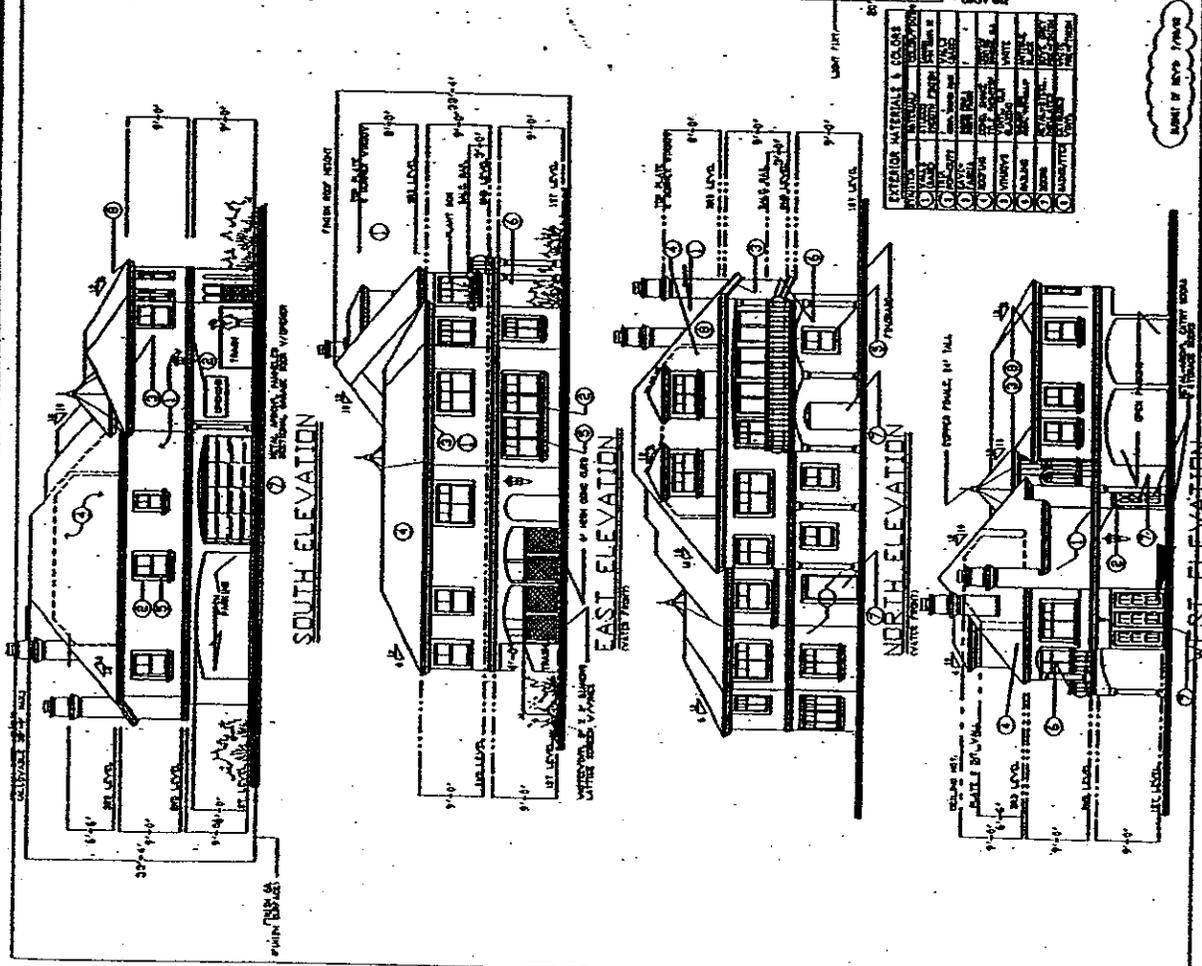
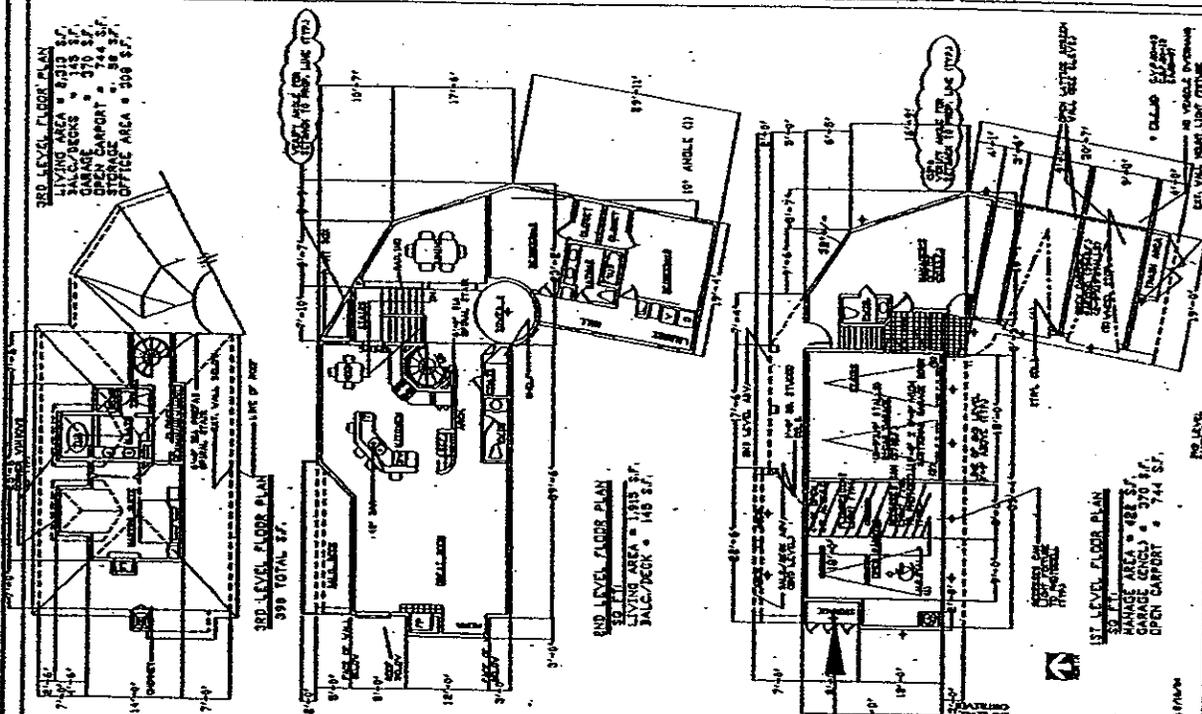
D CROSS SECTION---SOUTHEAST

SCALE 1"=5'

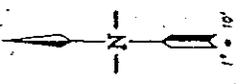
HUGH SEEDS

ELEVATIONS AND FLOOR PLANS

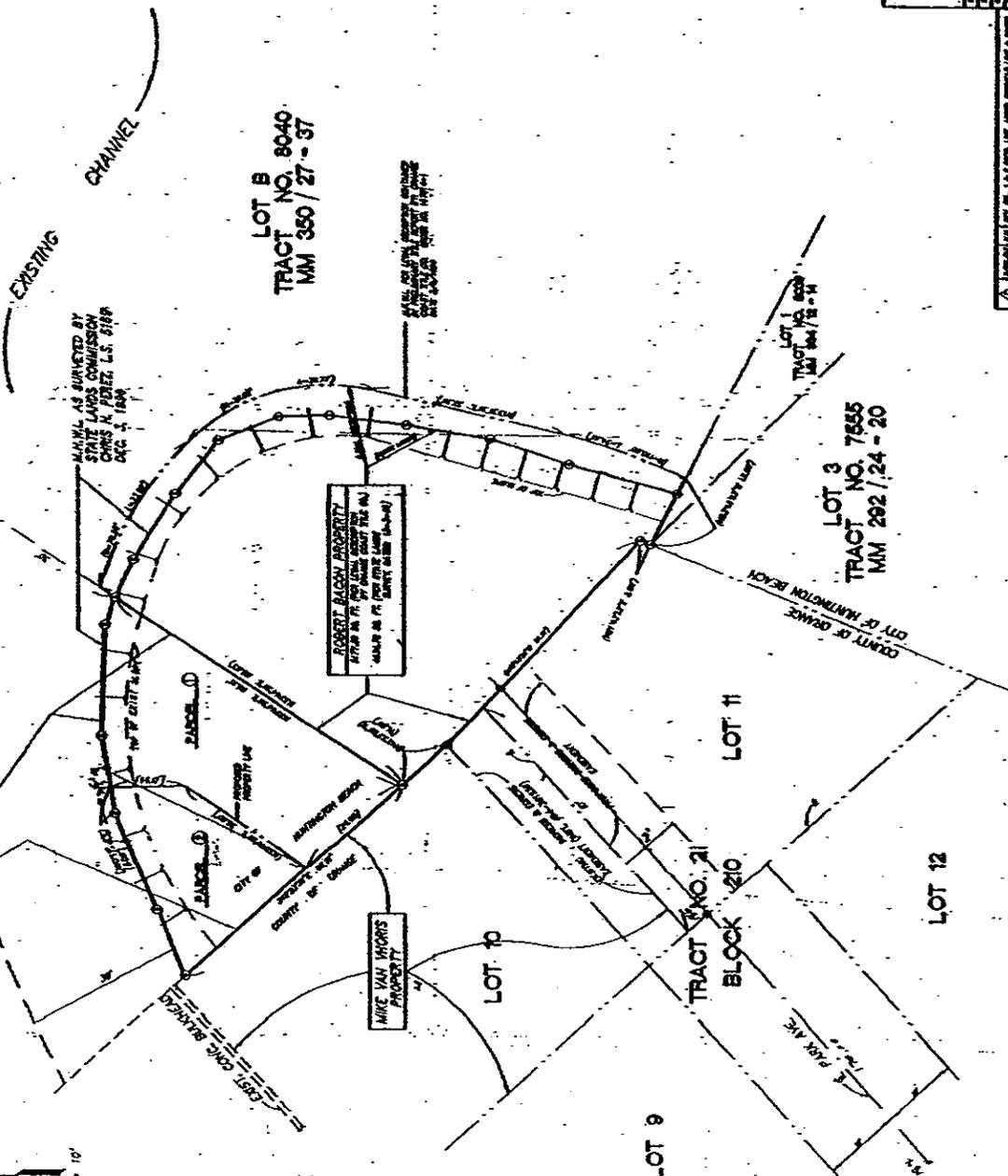
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DATE	8/10/04
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BY	BY HOUSE



STATE LANDS
 PARCEL ① = 1401.69 SQ. FT.
 PARCEL ② = 688.80 SQ. FT.
 TOTAL = 2100.49 SQ. FT.



D1.31



LOT B
 TRACT NO. 8040
 MM 350 / 27 - 37

LOT 3
 TRACT NO. 7555
 MM 292 / 24 - 20

LOT 9

TRACT NO. 21
 BLOCK 210

LOT 11

LOT 12

LEGEND

- INDICATES COURSE PER STATE LANDS COMMISSION SURVEY
- - - INDICATES COURSES PER LEGAL DESCRIPTION
- - - INDICATES PROPOSED PROPERTY COURSES
- MEAN HIGH WATER LINE (M.H.W.L.) PER STATE LANDS COMMISSION SURVEY
- EXISTING PROPERTY LINE

STATE LANDS DISTRIBUTION

PARCEL ①	1401.69 SQ. FT. TO ROBERT BACON
PARCEL ②	688.80 SQ. FT. TO MINE VAN THORNS
TOTAL	2100.49 SQ. FT.

UCIA
 URBAN COMMUNITY INVESTMENT ASSOCIATION
 1000 17TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 PHONE: 303.733.1111
 FAX: 303.733.1112
 WWW.UCIA.ORG

ROBERT BACON / STEEDS
 MAP SHOWING
 OLD AND NEW MHWL
 AND PROPOSED
 STATE LANDS DISTRIBUTION
 HANINGTON BEACH, CALIFORNIA
 90-751-1 SHEET 1 OF 1

APPROVED FOR THE CITY OF DRAKE
 BY THE CITY ENGINEER
 DATE: 10/15/08

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ATTACHMENT #5

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**MICHAEL C. ADAMS
ASSOCIATES**

**RECEIVED
2007 JAN 23 PM 4: 51**

**CITY CLERK
CITY OF
HUNTINGTON BEACH**

January 19, 2007

Joan Flynn, City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

**Subject: Appeal of Planning Commission denial of Mitigated Negative
Declaration No. 00-07 / Coastal Development Permit No. 00-13 /
Conditional Use Permit No. 00-43 (Park Avenue Marina)**

Dear Ms. Flynn:

This letter shall serve as a formal request to appeal the Planning Commissions denial of the above stated entitlement request on January 9, 2007. I am requesting this appeal on behalf of my client Hugh Seeds (mailing address: PMB 223, 16458 Bolsa Chica Street, Huntington Beach, Ca 92649).

The appeal is based on the Commission's findings for denial outlined below:

Mitigated Negative Declaration No. 00-07

1. This finding is a statement of fact and not a reason for denial of the Environmental Review.
2. The flooding issue and the unsafe pedestrian access cited do not occur within the scope of the proposed project site. Park Avenue, within the County's jurisdiction, does not include a pedestrian path of travel; however upon entering the project site a pedestrian pathway is proposed. The flooding which seasonally occurs is also isolated to the County portions of Park Avenue. The proposed project site always remains above water when the roadway floods. Contrary to this finding, the proposed project has been engineered and designed to adequately handle water runoff from the site. In addition, we are open to reviewing alternative designs if they could prove to be of greater benefit to the neighborhood. The proposed project site is not within the Sunset Beach Specific Plan nor within the County of Orange. We have indicated that we would attempt to secure whatever size of access easement right-of-way the City desired. City staff indicated twenty feet in width was sufficient however if twenty-four is the desired number we will comply.

3. The statement of the project resulting in a significant effect on the environment is not adequately described in order to respond.

Coastal Development Permit No 00-13

1. The proposed project does comply with the City General Plan and Zoning. With respect to long-term maintenance and liability for the driveway access, we will concur with any reasonable condition of approval. In addition, the proposed building design could be modified to address public coastal views.
2. The site can adequately be provided with the necessary infrastructure to service the project. Statements to the contrary were not quantified, we are prepared to address all concerns.
3. The proposed design does specifically address public access and public recreation consistent with adopted Coastal policies. Again, conditions cited are not within the boundaries of this project.

Conditional Use Permit No. 00-43

1. The project request is consistent with the City's adopted regulations for the site. In addition, the applicant is open to making modifications to the proposed design in order to be more compatible.
2. The marina option is the only allowable use which can produce an economic return on the property, due to the current land use designation and zoning.
3. The proposed use is consistent with the language of the sites zoning. In addition, the applicant is open to addressing any and all design issues to assure that the proposal is incidental to the open space activity.
4. The proposal is consistent with the City's General Plan and Coastal policies and can be modified to address all design concerns.

Enclosed is a check for \$2379 to cover the Appeal filing fees. Please contact my office if any additional information is requested.

Sincerely,


Mike Adams

cc: Scott Hess, Planning Director

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B. PUBLIC HEARING ITEMS:

B-1. MITIGATED NEGATIVE DECLARATION NO. 00-07/COASTAL DEVELOPMENT PERMIT NO. 00-13/CONDITIONAL USE PERMIT NO. 00-43 (PARK AVE. MARINA): Applicant: Hugh Seeds Request: MND: To analyze the potential environmental impacts associated with the implementation of the proposed project. CUP/CDP: To allow the construction of a boat marina consisting of a floating dock with four boat slips, a pedestrian ramp, and public access to the water. The marina also includes a three-story 2,793 square foot marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on a 6,179 square foot lot. Location: 16926 Park Avenue (Terminus of Park Avenue in Huntington Harbor). Project Planner: Rami Talleh

STAFF RECOMMENDATION: Motion to:

- A. "Approve Mitigated Negative Declaration No. 00-07 with findings and mitigation measures,"
- B. "Approve Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43 with findings and suggested conditions of approval."

The Commission made the following disclosures:

- Commissioner Shier-Burnett advised she has visited the site, attended the Study Session on 12/7/06, and spoke with staff.
- Commissioner Livengood visited the site and spoke with two residents and staff.
- Commissioner Speaker visited the site and spoke with staff.
- Chair Scandura stated he visited the site; attended the Study Session on 12/7/06; and spoke with Mike Adams, Mayor Coerper, and the nearby motel owner.
- Commissioner Farley – None.
- Commissioner Dwyer visited the site and spoke with staff.
- Commissioner Horgan visited the site and spoke with residents and staff.

Rami Talleh, Associate Planner, gave a Powerpoint presentation of the proposed project. He distributed modified conditions of approval and described the type of easement required for the project. The new condition requires a 20 foot wide vehicle access road in lieu of the original 22 foot requirement. Talleh also advised of two late communications received which are in opposition to the proposed project and one late communication from the County of Orange.

Talleh read into record the late communication received by the County of Orange Planning Department. The letter stated that the required width for a driveway is 24 feet in lieu of the proposed 20 feet.

Commissioner Shier-Burnett asked if any electrical hookups would be installed for the boat docks. Talleh stated there would not be any outlets installed.

Livengood questioned the new required width of the driveway and how it would affect the Fire Department's emergency response vehicles.

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Eric Engberg, Fire Marshall, stated that the existing access is 30 feet and the County requirement is 20 feet; which has been deemed adequate.

Commissioner Horgan asked why the item is before the Planning Commission if the neighbor will not grant the required easement. She asked if the applicant knew about the current zoning of the property when he purchased it.

Talleh stated that the applicant was aware of the current zoning and that the open space-water recreation zoning allows marinas subject to entitlement. The caretaker's unit would be considered an accessory use to the proposed marina.

Discussion ensued between Commissioners and staff regarding the width of the easement, emergency vehicle access and parking control.

Commissioner Farley asked if provisions would be put in place to keep the owner from not renting out the boat slips and using the property as a residence. Talleh stated that non-compliance with the conditions in the Conditional Use Permit (CUP) could result in its revocation.

Commissioner Speaker voiced his concern regarding the length of time it would take to revoke the CUP if necessary.

Leonie Mulvihill, Sr. Deputy City Attorney stated that the process of revocation had been conducted on past CUP's and if necessary, would be presented to the Planning Commission or City Council by the Director of Planning.

Livengood stated that flooding on Park Avenue is a constant problem and the new construction may add to the problem.

Dwyer stated that Park Avenue is located in County of Orange jurisdiction; therefore, its flooding issues are not in the Planning Commission's purview regarding this project.

THE PUBLIC HEARING WAS OPENED

Mike Adams, Consultant for the applicant, stated that the small size of the Marina would not impact the neighborhood. He assured the Commission that the public access would be maintained and the caretaker's unit would be consistent with zoning codes.

John Woods, resident, spoke in opposition to the proposed project. He voiced his concern regarding potential flooding, traffic congestion, overnight stays on boats, charter boats and drinking in the proposed boat dock area.

Bruce Duaharelt, resident, stated he is in opposition to the proposed project. Traffic congestion, an insufficient vehicle turning radius, property damage, and flooding were his main concerns.

Debbie Grani, resident, advised she is in opposition to the proposed project. She presented a petition signed by residents concerned about the potential problems associated with a public marina in their neighborhood.

Alicia Dose, resident, spoke in opposition to the proposed project. Ms. Dose stated that she is concerned about local wildlife being harmed if a marina is installed in their neighborhood.

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David Slater, resident, spoke in opposition to the proposed project and stated that it is not consistent with current zoning codes. He advised that the proposed project is being processed as a caretaker's unit but is really a residence.

Anna Bostelman, resident, voiced her opposition to the proposed project because of flooding issues already present in the neighborhood. She stated that the proposed project is too large for the peninsula and will cause parking problems for residents.

Gretchen Hoad, resident, spoke in opposition to the proposed project. She stated that she felt the proposed project was trying to avoid current zoning codes by posing as a caretaker's unit. She also voiced concern regarding the loss of open space.

Tom Burke, resident, spoke in opposition to the proposed project. He felt that the neighborhood's peace would be disturbed unnecessarily by boaters having parties in the dock area. He impressed that Park Ave. is a residential area, not a marina.

Tim Haley, resident, spoke in opposition to the proposed project and warned residents against public dock rentals. He referred to a boat dock he owns nearby that has been a constant source of problems after being rented out. Drinking and disturbing the peace of residents has been the main issue.

Michael Van Voorhis, resident and president of the Sunset Beach Homeowners Association, spoke in opposition to the proposed project. He stated that he is an adjacent homeowner and would not grant an easement for the proposed project. He questioned the required width of the entry road. He presented a letter from the County of Orange which stated a 24 foot mandatory width in lieu of the proposed 20 foot easement.

Tom Barry, resident, spoke in opposition to the proposed project and advised he would not grant an easement for access to the marina.

Mark Nialis, Attorney for Mrs. Van Voorhis, spoke about the easement. He stated the easement does not allow for public use and use as such would be an undue burden on his client's property. He referenced the indemnification letter from the County of Orange stating that the applicant would be liable for the care of the drainage ditch along the entrance road. By relieving the County of flooding issues it may create an inverse condemnation to the property.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Shier-Burnett questioned the indemnification of the County with regards to the drainage area and who, ultimately, would be responsible for repairs and reimbursements. Talleh stated that the applicant would be liable.

Leonie Mulvihill, Sr. Deputy City Attorney, stated that the applicant and the County of Orange would have to come to an agreement regarding liability. She stated that the indemnification is included as part of the condition for approval and certificate of occupancy for the proposed project.

Shier-Burnett asked if the owner was not able to be financially liable for potential property damage due to flooding, would it be grounds to deny the application.

Mulvihill stated that the City Attorney's Office is unable to regulate that issue since this agreement has not been established and could be modified.

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Discussion ensued regarding the required width of the easement, the drainage ditch and property damage liability.

Scandura asked if the width of the entry road would be the sole entrance and would it comply with Americans with Disabilities Act requirements. Talleh stated that the walkway would have to comply with current ADA requirements.

Scott Hess, Acting Director of Planning, noted that staff had not viewed the County of Orange letter stating a 24 foot width requirement until today. He explained that the project application was processed as required by state law and presented to the Planning Commission. Hess stated that building permits would not be issued if current zoning requirements are not met.

Commissioner Livengood reviewed findings for denial with the Commission: Public access is inadequate; the project will have a negative effect on the environment; not consistent with code requirements; does not establish responsibility for long term maintenance and liability for driveway access from Park Avenue; the proposed project is an infill development but will not provide all necessary infrastructure to adequately service the site with regard to storm drains and access; and the commercial use is not compatible with the residential community.

Commissioner Dwyer stated he was against the motion with regards to flooding issues being caused by the proposed project.

Mike Adams, Consultant for the applicant, stated the design could be modified to accommodate the easement and the other issues mentioned by the Planning Commission.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SHIER-BURNETT TO DENY MITIGATED NEGATIVE DECLARATION NO. 00-07/COASTAL DEVELOPMENT PERMIT NO. 00-13/CONDITIONAL USE PERMIT NO. 00-43 WITH FINDINGS, BY THE FOLLOWING VOTE:

AYES: Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Farley
NOES: Dwyer
ABSENT: None
ABSTAIN: None

MOTION APPROVED

FINDINGS FOR DENIAL

MITIGATED NEGATIVE DECLARATION NO. 00-07/
COASTAL DEVELOPMENT PERMIT NO. 00-13/
CONDITIONAL USE PERMIT NO. 00-43

FINDINGS FOR DENIAL - MITIGATED NEGATIVE DECLARATION NO. 00-07:

1. The Mitigated Negative Declaration No. 00-07 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43.

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2. Mitigation measures are not adequate to avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. There are flooding issues and unsafe pedestrian access to the site. The large structure, elevated pad height, and pavement for parking eliminate open space to handle runoff from flooded streets thus impacting adjacent property owners. The proposed project does not comply with the County of Orange, Sunset Beach Specific Plan requirements for a minimum 24 foot wide vehicular access and submittal of a traffic study.
3. There is substantial evidence in light of the whole record before the Planning Commission that the project, Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43, will have a significant effect on the environment.

FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 00-13:

1. Coastal Development Permit No. 00-13 for the construction of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot, as proposed, does not conform with the General Plan, including the Local Coastal Program. There is inadequate vehicular and pedestrian access from Park Ave. to the subject site. The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue to the subject site. In addition the size and scale of the building does not adequately provide public coastal views.
2. At the time of occupancy the proposed development cannot be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is an infill development but will not provide all necessary infrastructures to adequately service the site with regard to storm drains and access.
3. The development does not conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed access to the subject site from Park Ave. as well as the proposed on-site ten foot wide public access path is inadequate because of conflicts between pedestrians and vehicles. Safe pedestrian access is not provided to the site.

FINDINGS FOR DENIAL – CONDITIONAL USE PERMIT NO. 00-43:

1. Conditional Use Permit No. 00-43 for the establishment, maintenance, and operation of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot will be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The size and scope of the project will result in significant increases in traffic, noise, light and odor above levels anticipated in the area.
2. The Conditional Use Permit is not compatible with surrounding uses because the marina is a commercial use that would impose unmitigatable burdens on the neighborhood.

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3. The proposed marina will not comply with the provisions of the base district. The proposed caretaker's unit is not incidental to an open space use because the size and scale of the caretaker's unit is considerably large compared to the proposed marina size which is only four boat slips.
4. The granting of the conditional use permit will adversely affect the General Plan. It is inconsistent with the Land Use Element designation of OS-W (Open Space – Water Recreation) on the subject property. In addition, it is inconsistent with the following policies of the General Plan:

Coastal Element

Policy C 3.2.1 Establish the responsibility for long term maintenance and liability prior to approval of any major recreational facility, including marina, Public Park, trail, etc.

Policy C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue and the subject site. In addition the size and scale of the proposed building does not adequately provide public coastal views.

~~C. CONSENT CALENDAR - NONE~~

~~D. NON-PUBLIC HEARING ITEMS - NONE~~

~~E. PLANNING ITEMS~~

~~E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING~~

~~Scott Hess, Acting Planning Director - reported on the items from the previous City Council meeting.~~

~~E-2. CITY COUNCIL ITEMS FOR NEXT MEETING~~

~~Scott Hess, Acting Planning Director - reported on the items scheduled for the next City Council meeting.~~

~~E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING~~

~~Herb Fauland, Acting Planning Manager - reported on the items scheduled for the next Planning Commission meeting.~~

~~F. PLANNING COMMISSION ITEMS~~

~~F-1. PLANNING COMMISSION REQUEST ITEMS - NONE~~

~~F-2. PLANNING COMMISSION COMMENTS~~

~~Commissioner Shier-Burnett - Thanked Rami Talleh, Associate Planner, for arranging for the hand delivery of public hearing notices to the adjacent properties of Item B-1.~~

~~Commissioner Speaker - Thanked staff for their assistance regarding Item B-1.~~

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ATTACHMENT #7

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City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, Acting Director of Planning
BY: Rami Talleh, Associate Planner *RT*
DATE: January 9, 2007

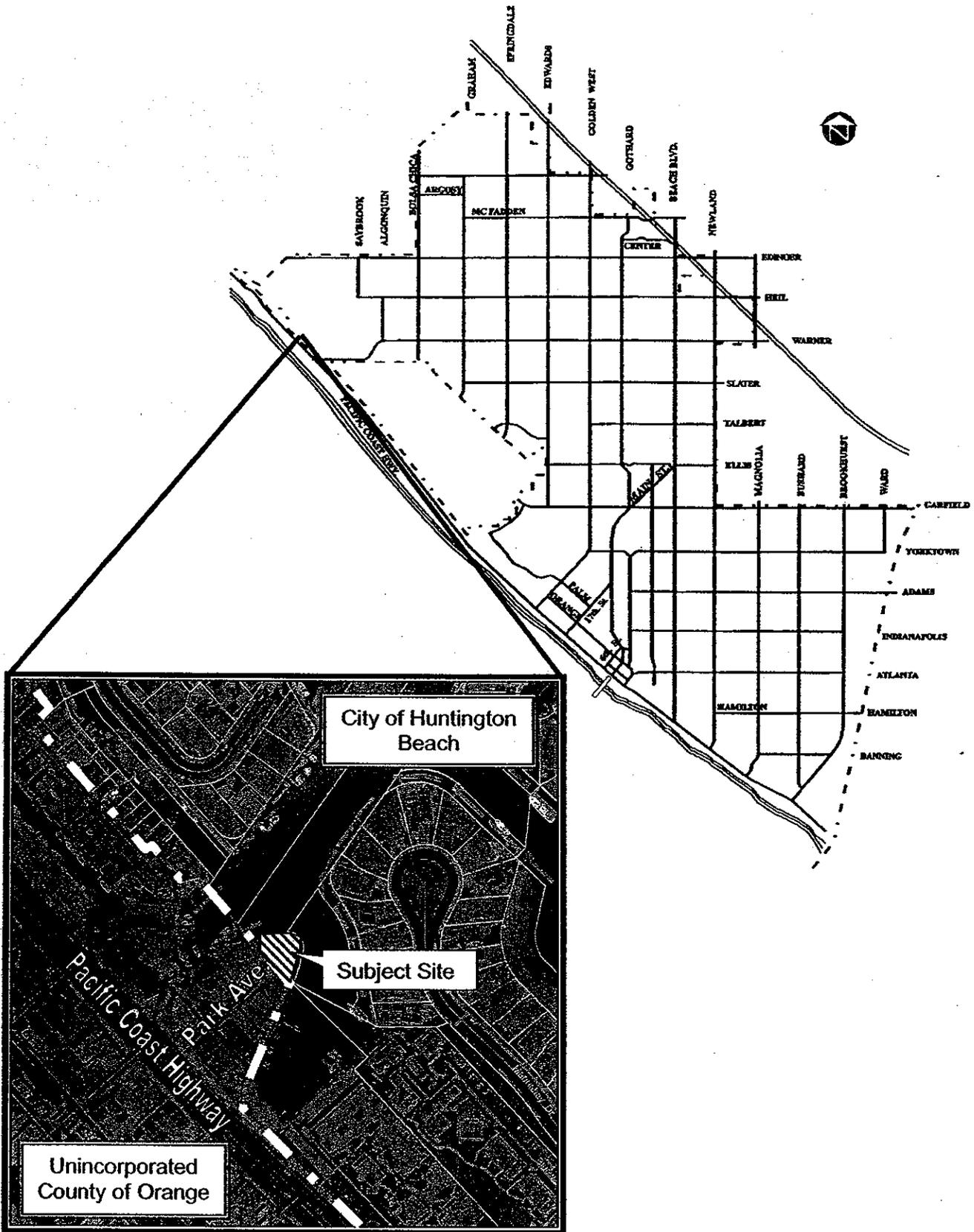
SUBJECT: MITIGATED NEGATIVE DECLARATION NO. 00-07/ COASTAL DEVELOPMENT PERMIT NO. 00-13/ CONDITIONAL USE PERMIT NO. 00-43 (PARK AVE. MARINA)

**APPLICANT/
PROPERTY**

OWNER: Hugh Seeds, 16458 Bolsa Chica Street, #223, Huntington Beach, CA 92649
LOCATION: 16926 Park Avenue (Terminus of Park Avenue in Huntington Harbor)

STATEMENT OF ISSUE:

- ◆ Mitigated Negative Declaration No. 00-07 analyzes the potential environmental impacts associated with implementation of the proposed project.
- ◆ Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43 request:
 - Construction of a boat marina consisting of a floating dock with four boat slips, a pedestrian ramp, and public access to the water.
 - Construction of a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of enclosed garage (two spaces) and covered carport (three guest spaces), on a 6,179 square foot vacant lot.
- ◆ Staff's Recommendation: Approve Mitigated Negative Declaration No. 00-07/ Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43 with modifications based upon the following:
 - Project (with mitigation) will have no significant adverse environmental impacts.
 - Provides additional public recreational opportunities within the coastal zone.
 - Provides public access to the water.
 - Proposed use and structure are compatible with adjacent single family dwellings.
 - Complies with City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO).
- ◆ Staff's Suggested Modification:
Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43:
 - Handicapped accessible public restroom with access to the outside shall be provided on the ground floor within the manager's office.



VICINITY MAP
MITIGATED NEGATIVE DECLARATION NO. 00-07, COASTAL DEVELOPMENT PERMIT
NO. 00-13, AND CONDITIONAL USE PERMIT NO. 00-43
D1 . 44 (PARK AVENUE MARINA – 16926 PARK AVENUE)

RECOMMENDATION:

Motion to:

- A. "Approve Mitigated Negative Declaration No. 00-07 with findings and mitigation measures (Attachment No.1);"
- B. "Approve Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43 with findings and suggested conditions of approval (Attachment No.1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Mitigated Negative Declaration No. 00-07/ Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43 with findings for denial."
- B. "Continue Mitigated Negative Declaration No. 00-07/ Coastal Development Permit No. 00-13/ Conditional Use Permit No. 00-43 and direct staff accordingly."

PROJECT PROPOSAL:

Conditional Use Permit No. 00-43 represents a request for the following:

- A. To construct a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, and public access to the water pursuant to Section 213.06, *Open Space Districts: Land Use Controls, Public and Semipublic Uses, Marinas* of the HBZSO.
- B. To construct a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport pursuant to Section 213.06, *Open Space Districts: Land Use Controls, Accessory Uses and Structures* of the HBZSO.

Coastal Development Permit No. 00-13 is requested to permit the preceding development within the Coastal Zone pursuant to Section 245.06, *Permit Required* of the HBZSO.

The proposed project is a request to construct a small boat marina on a 6,179 square foot vacant parcel of land located at the terminus of Park Avenue in Huntington Harbor. The marina consists of three boat slips (Slip Nos. 2, 3, and 4) available for rent to the public on a monthly basis. These slips are intended for individuals who will store their boats at the facility and can accommodate boats ranging between 22 feet and 30 feet in length. A fourth slip (Slip No. 1) will be a guest dock available to the public for free up to a two hour period between the hours of 8:00 AM to 5:00 PM daily. The marina will not include a launch ramp, fueling facilities, or pumpout station. However, boats can be launched from a boat ramp at the Warner Fire station located at the intersection of Warner Avenue and Pacific Coast Highway or at the Sunset Aquatic Park located at the end of Edinger Avenue. The guest dock could also be used to launch small hand held watercraft such as kayaks or small boats carried to the facility. In addition, each lessee will be required to contract with an outside vendor for holding tank pumpout services. Public access to

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the dock will be provided by a ten-foot wide public easement, which runs along the southwesterly property line to the water's edge. No gates or fencing to the dock are proposed.

Three on-site parking spaces designed as carports (one of which is handicapped accessible) are provided for the marina. A separate two-car garage is provided for the caretaker's unit. The manager's office (approximately 308 square feet in size) is located between the parking facilities on the ground floor. The office operating hours are proposed to be between 8:00 AM and 5:00 PM daily. The caretaker's unit (approximately 2,485 square feet in size) is located on the second and third floors. The caretaker's unit is proposed as a residence for the on-site manager. The residence includes three bedrooms, a dining room, kitchen and great room. The full-time caretaker's unit will allow for 24-hour supervision of the facility.

Access to the subject site is provided from Pacific Coast Highway via Park Avenue. However, Park Avenue terminates 57 feet before reaching the site. Therefore, an ingress/egress easement over two adjacent private properties located within the County of Orange's jurisdiction is required. The applicant indicates that a ten-foot wide easement has been acquired over one property. A second 12-foot wide easement over the second property is proposed and will be required prior to issuance of building permits for construction of the project. Therefore, a total 22-foot wide easement will be provided.

The subject parcel is wedge shaped and contains 205 feet of shoreline at the water's edge. The shoreline is currently unprotected except for some rubble. The lot slopes towards the water at about a 2.6:1 ratio from an average top of slope elevation of six feet above mean sea level. All of the lots surrounding the project site have concrete bulkhead protections, with the exception of the five lots fronting the small embankment to the southeast of the site. These five lots retain mudflat and partial rubble revetment.

The majority of the site will be graded; however, the existing banks on the northwest edge of the site will be left intact underneath the proposed access ramp and dock. Rubble, rocks, and an existing asphalt launch ramp at the southeast edge will be removed to enhance the appearance of the intertidal area below the slope. Plants growing upon and near the decomposed ramp will be removed prior to the excavation of the ramp and replaced pursuant to a recommended mitigation measure. As there is no bank in the area of the ramp, some of the dredged sediments will be deposited on the shore to reform the bank and terraced to hold the sediment. The embankment will be protected from erosion by steel sheet piling which will be placed approximately one foot-six inches behind the top of slope leaving the existing shoreline embankment in place. The embankment will remain a sloped vegetated area and will be replanted with native species pursuant to a recommended mitigation measure. A swale will be constructed behind the sheet piling to eliminate drainage directly into the harbor channel.

The site consists of two parcels, 4,809 square feet and 1,370 square feet in size. As a result, a lot line adjustment to eliminate the existing lot line between the two contiguous parcels is required to create one 6,179 square foot lot. The lot line adjustment is being processed as a separate application subject to Planning Department and Public Works Department review and approval only. The lot line adjustment must be approved and recorded prior to issuance of building permits.

Background:

Environmental Assessment No. 00-07 was originally presented to the Environmental Assessment Committee (EAC) on April 17, 2002. The committee reviewed the request and determined that a Mitigated Negative Declaration (MND) may be filed for the project. Draft MND No. 00-07 was made available for public review and comment for a 30 day period. The project was scheduled before the Planning Commission on June 25, 2002. However, the project was continued to a date uncertain at the applicant's request to refine the project description and comply with provisions of the floodplain requirements. Revised plans were resubmitted to the Planning Department on April 6, 2004. On February 8, 2005 the project was presented to the Planning Commission at a Study Session. Revised plans were again submitted on November 29, 2005. However, before action could be taken on the draft MND, the document needed to be updated to reflect a current assessment of the biological resources. As a result, the applicant submitted an updated biological survey on June 29, 2006. Draft MND No. 00-07 was amended accordingly and presented before the EAC on November 1, 2006. The draft MND was again made available for public review and comment for a 30 day period commencing on November 9, 2006, and ending on December 11, 2006.

The project was presented to the Planning Commission at a Study Session on December 12, 2006. At the meeting, Planning Commissioners raised questions regarding a public restroom, public access signage, private access easements, other marinas/launch ramps, handicapped accessible parking, and total number of parking spaces provided. Provision of a public restroom and public access signage are addressed by suggested conditions of approval. Private access easements are discussed in the analysis section of this report and required by code. The number of parking spaces and provision of handicapped accessible parking spaces are explained in the project description. Information regarding other marinas/launch ramps is provided in the analysis section of this report

ISSUES:

Subject Property and Surrounding Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	OS-W (Open Space – Water Recreation)	OS-WR (Open Space – Water Recreation Subdistrict)	Vacant Land
North of Subject Property:	OS-W	OS-WR	Midway Channel
East of Subject Property:	OS-W	OS-WR	Midway Channel
South of Subject Property (Sunset Beach):	Residential	Sunset Beach Specific Plan - Residential	Single family dwellings
West of Subject Property:	OS-W	OS-WR	Vacant land/ Midway Channel

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is OS-W (Open Space – Water Recreation). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Objective 14.1: Preserve and acquire open spaces for the City's existing and future residents that provide, maintain, and protect significant environmental resources, recreational opportunities, and visual relief from development.

Policy 14.1.1: Accommodate the development of public parks, coastal and water-related recreational uses, and the conservation of environmental resources in areas designated for Open Space on the Land Use Plan Map and in Accordance with Policy 7.1.1.

Approval of the project will allow for the construction of a small marina on a privately owned parcel of land. The marina will provide water-related recreational opportunities for existing and future residents. Services offered by the marina include three slips rented to the public on a monthly basis, one boat slip used as a guest dock, and public access to the water.

B. Coastal Element

Goal C3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preference.

Policy 3.2.2 Encourage privately-owned recreation facilities on private land to be open to the public.

Policy 3.4.4: Encourage the provision of public boating support facilities compatible with surrounding land uses and water quality.

Policy 3.4.6: Increased recreational boating use of coastal waters shall be encouraged by increasing public launching facilities, providing additional berthing spaces, and limiting non-water dependent land uses adjacent to the coast.

The proposed marina will be a privately-owned facility on private land open to the public. The marina will include a manager's office with caretaker's unit. The structure is designed to appear as a single-family residence which will be compatible with the surrounding structures. The marina will increase recreational boating use of coastal waters by providing berthing spaces for existing and future residents of the City.

Zoning Compliance:

This project is located in the OS-WR (Open Space –Water Recreation) zone and complies with the requirements of that zone. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for informational purposes only.

Environmental Status:

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft MND No. 00-07 (Attachment No. 5) was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA).

A supplemental biological survey which studied the biological resources on the site was prepared in conjunction with the draft MND. The survey concludes that no significant impacts associated with Hydrology/ Water Quality and Biological Resources that could not be mitigated to a level of insignificance are anticipated. Impacts requiring mitigation include the potential loss of salt marsh vegetation habitat on the banks and water quality disturbances during dredging and dock construction. The study concluded that no additional mitigation measures are necessary for loss of soft-bottom habitat as any loss will be compensated for by the creation of hard-bottom habitat, such as pier pilings and dock floats. Soft-bottom habitat will be improved and expanded by the removal of rubble and the asphalt ramp currently adjacent to the project. Construction of the site will have little or no impact upon the avian populations of Huntington Harbor. Furthermore, no mitigation is necessary for eelgrass as none exists in or near the project area.

Draft MND No. 00-07 was advertised and made available for a thirty (30) day public review and comment period, commencing November 9, 2006 and ending on December 11, 2006. A total of seven comment letters addressing the following issues were received during the review period:

- Access to the site from Park Avenue;
- Increase in traffic generated by the project;
- Use of boats as residences; and
- Size of the caretaker's unit.

A Response to Comments and Errata were prepared by staff addressing the issues identified in the seven letters and are included with the attached MND (Attachment No. 5). The Department of Transportation and State Lands Commission provided comments pertaining to necessary permits required for the development for informational purposes. The comments have been forwarded to the applicant for consideration.

Environmental Board Comments:

The Environmental Board reviewed draft MND No. 00-07 at their December 7, 2006 meeting and provided a comment letter on December 11, 2006. The Environmental Board's letter includes the following recommendations:

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- Pile driving and construction activities should be restricted to between the hours of 8 AM and 5 PM Monday through Saturday (Condition No. 5-h).
- Signage should be provided to identify the public access (Condition No. 6-c).
- Slip rental agreements should include a requirement for the lessee to provide proof of a contract for holding tank pumpout services (Condition No. 7-b).
- Runoff to the harbor should be prohibited (Code Requirement).
- A public restroom with an outside door should be provided (Condition No. 1-a).
- Boat maintenance activities such as sanding and painting should be prohibited (Condition No. 7-a).

The applicant and staff concur with the recommendations of the Environmental Board. The recommendations have been made suggested conditions of approval with the exception of the prohibition of runoff to the harbor which is a code requirement.

Prior to any action on Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43, the Planning Commission must review and act on MND No. 00-07. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measures.

Coastal Status:

The proposed project is within an appealable portion of the Coastal Zone. Coastal Development Permit No. 00-13 is being processed concurrently with Conditional Use Permit No. 00-43 pursuant to Chapter 245 of the ZSO. The proposed project complies with the zoning code and Coastal Zone requirements, and will implement the aforementioned policies of the Coastal Element of the General Plan.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Public Works Department has reviewed the proposed project and has recommended conditions of approval for consideration by the Planning Commission. Suggested Public Works Department conditions of approval are provided as Attachment No. 2. In addition, the Departments of Building & Safety and Fire have reviewed the proposed project and identified applicable code requirements. These requirements have been incorporated into the code requirements list (Attachment No. 6), and previously provided to the applicant for the purpose of facilitating the plan check and implementation phases of the project.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on December 28, 2006, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, and interested parties. The U.S. Post Office does not deliver mail directly to residences and businesses within the unincorporated area of Sunset Beach. Instead, mail is delivered to

post office boxes. To address neighborhood concerns regarding the delivery of notices, notices were hand delivered to all residences and businesses located within a 500 ft. radius of the subject property within Sunset Beach. As of January 2, 2007, no communication other than that received in response to draft MND No. 00-07 supporting or opposing the request has been received.

Application Processing Dates:

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
Mitigated Negative Declaration: July 28, 2006	January 24, 2007 (180 days)
Coastal Development Permit/Conditional Use Permit: July 28, 2006	Within 60 days from Mitigated Negative Declaration Approval

ANALYSIS:

The primary issues with the proposed marina are compatibility, access to the site from Park Avenue, public access to coastal amenities, site grading/flood compliance, and dredging of the channel to provide access to dock.

Compatibility

The project is located in the OS-WR (Open Space – Water Recreation Subdistrict) zone which is intended to provide areas for public or private recreational use. The subject site is the only privately owned parcel of land with the OS-WR zoning designation in the City. The applicant indicates that the proposed marina with a caretaker’s unit will provide an economically feasible development for the site given the small and unique size of the lot, residential setting, and waterfront location.

The marina is very small in comparison to other marinas in the City and does not provide services such as, coffee shops, provisioning stores, fuel, water or pump out services, showers, or laundry facilities (see table below). The boat slips, public access to the water, manager’s office and restrooms are the only services that distinguish the proposed use from the adjacent residential uses.

Marinas in Huntington Harbour	Location	Number of Slips	Amenities
Park Avenue Marina	16926 Park Avenue	4	Restrooms
Peter’s Landing Marina	16400 Pacific Coast Highway	325	Shops, restaurants, boat supplies, pump out facility, restrooms, showers, and laundry facility
Huntington Harbour Marina	4281 Warner Avenue	194	Banquet facility, pump out services, restrooms, and showers
Davenport Marina	4052 Davenport Drive	62	Restrooms and showers
Sunset Aquatic Marina	2901-A Edinger Avenue	249	Launch ramp, dry storage, pump out services, picnic area, barbeques, restrooms, showers, and laundry facility

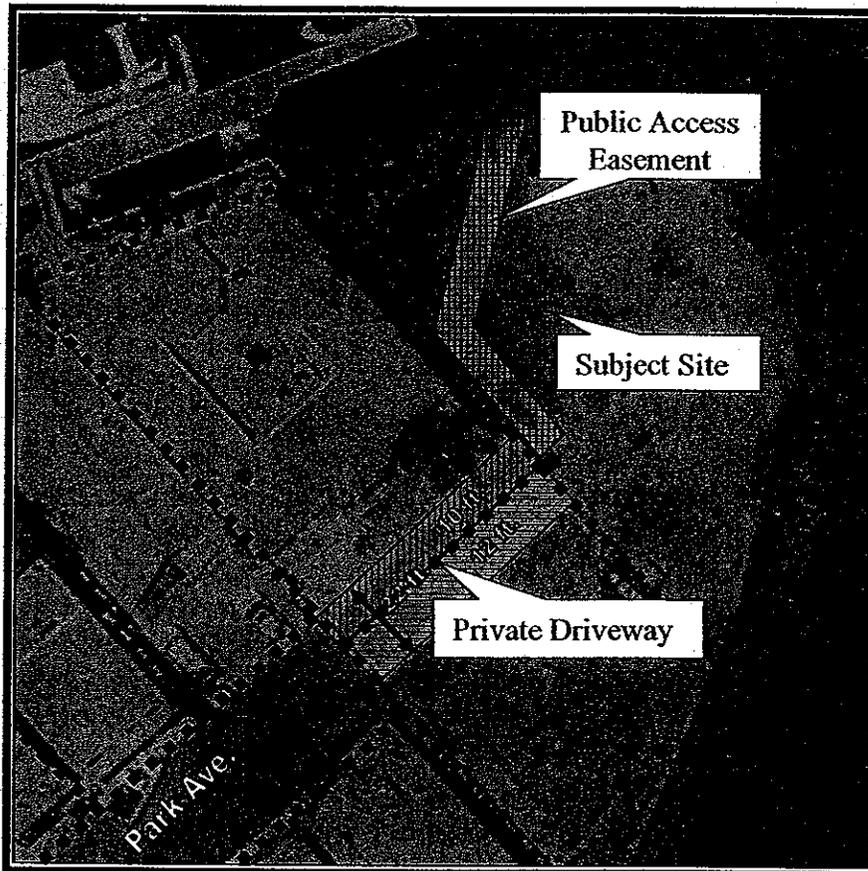
The size and scope of the project will not result in significant increases in traffic, noise, light, or odor above levels anticipated in the area. According to the City of Huntington Beach Transportation Division, the existing residential units on Park Avenue generate approximately 240 traffic trips per day. The project will generate 24 daily trips on weekdays, 25 trips on Saturdays, and 38 trips during the peak traffic period on Sundays. It is likely that these estimated trips are somewhat overstated as the proposed marina has none of the commercial amenities typically associated with marinas. The project will result in a 16% increase in traffic during peak times on Sunday. This incremental increase in traffic will not result in significant changes to the residential character of Park Avenue and can certainly be accommodated by the Park Avenue's capacity. The caretaker's unit, which is considered equivalent to a single family dwelling, accounts for 12 of the generated daily vehicle trips.

The project will not significantly change the residential character of the street. The residential component of the project provides for an architectural design compatible with the surrounding residential uses. The parking facility, manager's office, and caretaker's unit as a whole is designed to appear as a single family dwelling. The building height is 33 feet-four inches measured from the subfloor and consistent with that of single family dwellings in the harbor. In addition, the design of the third floor complies with the City's third story ordinance applicable to residences. The third floor is designed within the confines of the second story roof volume and setback a minimum of five feet from the building exterior. Also, the third floor windows orient towards the channel to preserve the privacy of adjacent residences. The structure is setback a minimum of 15 feet from the front property line between the subject site and adjacent properties to the southwest. The structure is also setback 20 feet from the nearest residence. In addition, residences across the channel will be separated by a minimum of 125 feet of waterway. Overall the marina will appear like a typical single family dwelling in Huntington Harbor with private boat slips.

Project Access

The site will be served by Park Avenue, a 220-foot long, 30-foot wide local street located entirely within the County of Orange and intersecting with Pacific Coast Highway. Park Avenue serves 10 residential properties consisting of a mix of single family and multi-family residences. The street is constructed with v-gutters on each side instead of curb and gutters. Due to the pattern of development within the County's jurisdiction there is a shortage of parking spaces on Park Avenue. As a result residents, visitors, and the general public park vehicles within the right-of-way effectively reducing the width of Park Avenue to less than 30 feet.

Park Avenue provides direct access to all the abutting properties except for the subject site and two adjacent properties to the southwest (a single family dwelling and vacant parcel of land). Access from Park Avenue to the project site will be provided via a 22-foot wide private driveway straddling the adjacent properties (see below).



Location of Private Driveway and Public Access Easement

The project is conditioned to obtain an ingress/egress easement over the two adjacent properties. A ten-foot wide easement has been acquired over one property. A second 12-foot wide easement will be required over the second property. The county of Orange Department of Transportation determined that the proposed 22-foot wide driveway is in compliance with county requirements. Public Works Department and Fire Department staff have determined that the proposed access to the site is suitable for the development as proposed and conditioned. Fire sprinklers and a dock-side wet standpipe system will be installed per Fire Department Specifications.

Public Access to Coastal Amenities

In compliance with Coastal Zone requirements, the project provides public access to the water via a ten-foot wide access easement (see above). The easement begins at the front property line and includes ten foot wide walk way along the southwesterly property line and continues with a four-foot wide pedestrian walkway with landscaping and ramp leading directly to the dock between the structure and the westerly property. Therefore, it would be possible for the public to moor a boat at the dock and walk to Pacific Coast Highway. In addition, the easement will facilitate the launching of small handheld watercraft from the site. A six-foot high block wall will be constructed along the southwesterly property line separating the public easement from the adjacent single-family residence. The project is conditioned to provide a handicapped accessible bathroom within the manager's office with direct access to the outside for the public. The design of the easement allows for the most convenient access to the dock and maintains privacy for the adjacent residence.

Site Grading/Flood Compliance

In order to comply with FEMA floodplain regulations the property will be raised approximately four feet above the existing grade. The required elevation is necessary to raise the property and the proposed structure completely out of the floodplain. The difference in grade will be accommodated through the use of a gradual slope. Beginning at the southerly property line, the property will maintain the same elevation as the abutting parcels to maintain compatibility. However, to comply with the floodplain requirements the grade will slope up with the highest point located at the middle of the site. A trench drain will be provided along the property line at the entrance of the site to collect storm water runoff and prevent drainage onto the adjacent properties. The trench drain will connect to an on-site catch desilting basin. Staff has determined that the grading of the site is adequate and compatible with abutting parcels in that no retaining walls will be constructed along the property lines between the subject site and adjacent residences and water runoff will be kept on site.

Dredging of the Channel to Provide Access to Dock

The project will require dredging of the channel to provide access to the proposed dock. An approximately 1,500 square foot area of harbor bottom will be dredged to depths of five feet below the Mean Low Water (MLLW) line, requiring removal of approximately 275 cubic yards of sediment. The proposed placement of the dock will cover about 55 feet of the existing bank and approximately 1,500 square feet of water area. To minimize water quality disturbances during any dock construction or dredging a mitigation measure requiring a silt curtain to be installed prior to and during construction is recommended. The area disturbed by the dredging will be minimized to the maximum extent feasible.

ATTACHMENTS:

- ~~1. Suggested Findings and Conditions of Approval~~
- ~~2. Suggested Conditions of Approval - Department of Public Works memo dated December 13, 2006~~
- ~~3. Site Plan, Floor Plans and Elevations dated November 29, 2005~~
- ~~4. Narrative dated November 29, 2005~~
- ~~5. Draft Mitigated Negative Declaration No. 00-07 (Includes Environmental Checklist, Biological Survey, Mitigation Measures, and Response to Comments)~~
- ~~6. Code Requirements Letter Dated December 18, 2006 (For Informational Purposes Only)~~

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ATTACHMENT #8

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COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Speegle, Director
300 N. Flower Street
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January 8, 2007

Rami Talleh, Assistant Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

Subject: Park Avenue Marina (Mitigated ND # 00-07/CDP # 00-13/CUP # 00-43)

Dear Mr. Talleh:

This letter serves as a follow-up to the County's previous correspondence of September 12, 2002 regarding the subject project.

The Mitigated Negative Declaration (p. 12) indicates that access to the site is via Park Avenue, a 30 foot wide local street. This statement could be misleading since access to the project will be from the terminus of Park Avenue via a proposed 22 foot easement to the project site. As previously stated, County standards for public access would require a minimum road width of 28 feet. Any deviation from this standard would require a traffic analysis. The County is not aware of any such traffic analysis in support of the proposed 22 foot access proposed for this project. Notwithstanding the potential results of such an analysis, the City should address the access requirements of the Sunset Beach Specific Plan. That document which governs the two vacant unincorporated parcels over which the 22 foot access easement is proposed requires a minimum of 24 feet for two-way traffic. Therefore, the County recommends that the discussion of the access issue as described in the City's staff report and Negative Declaration be clarified and that the County's concerns be considered by the Planning Commission prior to its action on the project.

The County does appreciate proposed Condition 6(d) that provides indemnification of the County from any liability associated with public use of the project access way.

Thank you for the opportunity to review this project. Please contact Harry Persaud of my staff at (714) 834-5282 if you have any questions.

Sincerely,

Tim Neely, Director
Planning and Development Services

Cc: Mario Mainero, Second District Office

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ATTACHMENT #9

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ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
AMENDED ENVIRONMENTAL ASSESSMENT NO. 00-07

1. **PROJECT TITLE:** Park Avenue Marina
- Concurrent Entitlements:** Conditional Use Permit No. 00-13, Coastal Development Permit No. 00-43, Lot Line Adjustment No. 00-07
2. **LEAD AGENCY:** City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
- Contact:** Rami Talleh, Associate Planner
Phone: (714) 536-5271
3. **PROJECT LOCATION:** 16926 Park Avenue (Terminus of Park Avenue in Huntington Harbor)
4. **PROJECT PROPONENT:** Hugh Seeds
16458 Bolsa Chica Street, #223
Huntington Beach, CA 92649
(714) 846-5790
(714) 423-4030 (cellular)
5. **GENERAL PLAN DESIGNATION:** OS-W (Open Space – Water Recreation)
6. **ZONING:** OS-WR-CZ (Open Space – Water Recreation – Coastal Zone)
7. **PROJECT DESCRIPTION:**

The proposed project is a request to construct a boat marina on a 6,179 square foot property located at the terminus of Park Avenue in Huntington Harbor. The proposed improvements include four offshore floating docks, a floating pedestrian ramp, public access to the water's edge, and a 2,793 square foot, three story marina office and caretaker's quarters with 1,189 square feet of associated parking garage and carport, and a 145 square foot balcony. The proposed docks will be rented to the public. Three docks will be available for long-term rental and one guest dock will be available for short-term rental. The guest dock will be available for the public as a launching facility for small watercrafts such as kayaks and small boats which can be carried to the dock. The public will be charged a minimal fee to utilize the guest dock. The four docks vary between 22 and 30 feet in length while the guest dock is 22 feet in length. The marina will not include fueling facilities or a launch ramp for large boats. The marina docks and office operating hours will be from 8:00 AM to 5:00 PM daily. The full time caretaker's quarters will allow for 24 hour supervision of the facility. Access to the project is proposed via Park Avenue and will require

ingress/egress easements over two residential properties located within the County of Orange's jurisdiction.

A lot line adjustment to eliminate an existing lot line between two contiguous parcels under common ownership creating one 6,179 square foot lot is also requested.

The site is at the entrance to a small enclosed basin at the terminus of a 200 ft. wide side channel, about 1,600 feet southwest of the main navigation channel of Huntington Harbor. Huntington Harbor is a highly developed man-made residential and recreational marina in northwest Orange County. Navigation and tidal access to the harbor is through Anaheim Bay, about two miles up coast. The project site is approximately 1.3 miles southeast of the Seal Beach National Wildlife Refuge and about 1.8 miles northwest of the Bolsa Chica Wetlands.

The subject parcel is wedge shaped and contains 205 feet of shoreline at the water's edge. The shoreline is currently unprotected except for some rubble material and the lot slopes toward the water at about 2.6:1 ratio from an average top of slope elevation of +6 feet mean sea level. Many of the lots surrounding the project site have concrete bulkhead protections, with the exception of the five lots fronting the small embayment to the southeast of the site. These five lots retain mudflat and partial rubble revetment.

The majority of the site will be graded, however, the existing banks on the northwest edge of the site will be left intact underneath the proposed access ramp and docks. Rubble, rocks, and an existing asphalt launch ramp at the southeast edge will be removed to enhance the appearance of the intertidal area below the slope. Plants growing upon and near the decomposed ramp will be removed prior to the excavation of the ramp and replaced. As there is no bank in the area of the ramp, some of the dredged sediments will be deposited on the shore to reform the bank and terraced to hold the sediment. Terracing consists of retaining walls, wooden piles, and sloped vegetation areas, which will be replanted with native species. The terraces with retaining walls eliminates drainage directly into the harbor channel and allows native marsh plants to form a transition from the project site to the intertidal zone.

The project will require dredging of the channel to provide access to the proposed docks. An approximately 1,500 square foot area of the harbor bottom will be dredged to depths of -5 Ft. Mean Low Low Water (MLLW), requiring removal of approximately 275 cubic yards of sediment. The proposed placement of the docks will cover or shadow about 55 feet of the existing bank and approximately 1,500 square feet of water area.

8. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

On April 17, 2002, the Environmental Assessment Committee reviewed Environmental Assessment No. 00-07 and determined that a mitigated negative declaration be filed for the project. A Draft Mitigated Negative Declaration (MND) was made available for public review and comment for a thirty day public comment period commencing on April 25, 2002, and ending on May 24, 2002. The draft MND was not adopted because processing the project was halted to address access to the site.

9. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED):

U.S. Army Corps of Engineers (404 Permit – Any Work Within Waters of the U.S.), California Department of Fish and Game (Streambed Alteration Agreement), California State Lands Commission (Recreational Pier License), Santa Ana Regional Water Quality Control Board (Harbor Permit), California Coastal Commission (Coastal Development Permit), and Caltrans (Encroachment Permit).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.



Signature

Rami Talleh

Printed Name

11/2/06

Date
Associate Planner

Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analyses," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVIII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XVIII. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers' information, a list of applicable standard conditions identified in the discussions has been provided as Attachment No. 3.)

SAMPLE QUESTION:

<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
<i>Landslides? (Sources: 1, 6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i>				

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 7, 8)
-

Discussion: The existing General Plan land use designation and zoning for the property are OS-W (Open Space -- Water Recreation) and OS-WR-CZ (Open Space -- Water Recreation -- Coastal Zone), respectively. The use of the property as a marina with caretaker's unit is consistent with both the zoning and general plan designations, however, the proposed new construction is subject to approval of a conditional use permit and coastal development permit. The proposed marina is consistent with General Plan goals and policies to provide water related recreational activities within the harbor and the development is in compliance with the development standards of the OS-WR-CZ zone. In addition, the proposed marina furthers the goals and policies of the Coastal Zone overlay which encourage public access to water, beach, and coastal amenities. A ten foot wide public easement will be granted for ingress and egress to the proposed docks allowing access to the docks. Three docks will be made available for lease on a long term basis. One dock will be available to the public to rent on a short term basis to launch small watercraft such as kayaks and small boats that can be carried to the docks. No impacts to land use and planning are anticipated.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 7, 8)
-

Discussion: Although the project does involve construction within a waterway, the project site is within a highly urbanized and residentially developed area. The project will not conflict with any environmental plans or policies, habitat conservation plans, or natural community conservation plan of the City of Huntington Beach, as there are no habitat conservation plans or natural community conservation plan within the City boundaries. No impacts are anticipated.

- c) Physically divide an established community? (Sources: 2, 7, 8)
-

Discussion: The project is proposed on a vacant lot surrounded by residential development. The proposed docks and caretaker's unit will not physically divide an established community. No impacts are anticipated.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: 2, 7, 8)
-

Discussion: Four boat slips and a 2,793 square foot, three story manager's office and caretaker's quarters with 1,189 square feet of associated parking garage and carport, and a 145 square foot balcony are proposed. The proposed four slip marina is expected to serve existing boat owners within Huntington Harbor and provide guest docking space for visitors to the area. The project will not induce substantial population growth in the area. The project is not expected to have a significant effect on the projected population of the City and would not cumulatively exceed official regional or local population projections. No significant impacts to population growth are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 2, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is currently vacant. No residential uses exist on the subject site. Therefore, the proposed project will not displace existing housing. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: 2, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site has never been developed and does not support any housing. Therefore, the project will not displace existing people or housing. No impacts are anticipated.

III. GEOLOGY AND SOILS. Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Sources: 1, 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The site is located within the seismically active southern California area. Although the site is not located within the Alquist-Priolo Earthquake Fault area, a portion of the Newport-Inglewood fault traverses through Huntington Harbor, northeast of the site. Seismic hazards constitute an existing safety condition experienced by all development in the southern California region. Refer to discussion in III.a.ii, below, regarding standard construction and engineering practices required by the Uniform Building Code. No significant impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? (Sources: 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Although the site could be subjected to strong ground shaking in the event of an earthquake, this hazard is common in southern California. The structural risks from ground shaking can be mitigated if the proposed buildings are designed and constructed in conformance with current standards set forth in the Uniform Building Code and engineering practices. Compliance with Uniform Building Code construction standards is a standard condition of approval for all proposed development within the City of Huntington Beach. No significant seismic effects are anticipated with implementation of standard City conditions.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iii) Seismic-related ground failure, including liquefaction? (Sources: 7, 8) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Huntington Harbor is located on a tidal flat alluvium. According to the Huntington Beach General Plan, soils in the area have a very high potential for liquefaction. Please refer to discussion under III.a.ii. above.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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iv) Landslides? (Sources: 7, 8)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: According to the City of Huntington Beach General Plan (1996), the site is not in an area susceptible to slope instability. There are no known landslides in the vicinity of the site, nor is the site in the path of any known or potential landslides. The proposed reconstructed/regraded bank slopes will be engineered, terraced, braced with retaining walls, and planted with vegetation to ensure stability. No significant impacts are anticipated.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 2, 7, 8)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project includes grading to accommodate construction of the caretaker's unit, changes in topography to stabilize the slope, and dredging to provide navigable waterways for the new docks. However, all construction will be subject to standard engineering practices and compliance with the Uniform Building Code to ensure that the completed project will not suffer from soil erosion or unstable soil conditions. An existing decomposed asphalt launch ramp will be removed and some of the dredged sediments will be deposited on the shore to reform the bank. Retaining walls and decorative timber piles will create terraces for native plant habitation. The proposed grading and terracing of a portion of the existing bank will result in more stable land forms, will substantially reduce erosion, and will provide a transition from the developed area to the intertidal zone. No significant impacts are anticipated.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 2, 7, 8)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Please refer to discussion under III. a. i. and ii. above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 2, 7, 8)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: According to the City of Huntington Beach General Plan (1996), the project is not located within an area of probable peat, organic, or expansive soils. However, construction of the project will be subject to compliance with the Uniform Building Code regarding soils testing and proper foundation construction. With implementation of standard conditions of approval no significant impacts are anticipated.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources: 2, 7, 8)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The City of Huntington Beach Public Works Department indicates that the public sewer system can accommodate the proposed development. No septic tanks or alternative wastewater disposal systems are necessary, therefore, no impacts are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. HYDROLOGY AND WATER QUALITY. Would the project:

- a) Violate any water quality standards or waste discharge requirements? (Sources: 2, 5, 8)

Discussion: The proposed project is located adjacent to a recreational boating channel in Huntington Harbor and will include four docks for public use. The site will be graded and engineered to drain into an existing storm water catch/desilting basin located in Park Avenue approximately 60 feet west of the site. This catch basin serves existing residential development surrounding the subject site. After passing through the desilting basin storm waters are pumped to the adjacent water channel via an existing outlet. The project is subject to National Pollution Discharge Elimination System permit requirements regarding discharge into storm drains and this issue is covered by the City's standard conditions. Standard conditions of approval require submittal of a Storm Water Pollution Prevention Plan to address construction site pollution prevention and a Water Quality Management Plan to address post-construction pollution prevention.

Operation of the proposed marina and caretaker's unit will not result in discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity), with the exception of water disturbances common to recreational boat operation and floating docks within the man-made harbor.

Construction of the project, including dredging of approximately 275 cubic yards of material to accommodate boat navigation, will result in increases in turbidity at the work site for a short duration. Dredging operations will occur over a two day period and will be staged from the site itself; no floating barge is proposed. During dredging and dock construction a general degradation of water quality will occur when bottom sediments are disturbed and fine particulates are suspended into the water column. The particulates could cause a short-term turbidity plume that would dissipate and clear with tidal movement of the water. However, in order to minimize water quality disturbances, Mitigation Measure No. 1 should be implemented. Mitigation Measure No. 1 requires installation of a silt curtain within the water surrounding the dock construction zone to contain the suspended particulates. The silt curtain shall be installed prior to construction within the water way and/or prior to any dredging activity. Specifically, Mitigation Measure No. 1 is as follows:

Mitigation Measure No. 1: Prior to and during any dock construction or dredging within the waterway, a silt curtain shall be installed in the water surrounding the construction zone. The silt curtain shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the dock construction and dredging activities.

With implementation of Mitigation Measure No. 1 and the City's standard conditions, no significant impacts are anticipated.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: 2, 7)

Discussion: The project in and of itself does not propose any excavation or other activities that could impact groundwater quality. Groundwater wells currently supply 70% of the City's water; the remaining 20% is imported. While the proposed project will not interfere with groundwater recharge, the project has an incrementally small impact on the overall water supply. However, the proposed marina and caretaker's unit are consistent with General Plan land use and zoning designations and can be supplied with sufficient water without substantially depleting groundwater supplies. No significant impacts are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources: 2, 5, 8)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project includes terracing of a portion of the existing bank where no terracing currently exists. A decomposed asphalt boat ramp will be removed to accommodate this new construction. Although raised several feet above the water, the existing bank slope currently allows drainage directly into the adjacent waterway. The new terracing consists of retaining walls, wooden piles, and sloped vegetation areas, which will be replanted with native species and will eliminate drainage directly into the harbor channel. The remainder of the site will be graded to accommodate construction of the caretaker's unit, a floating pedestrian access ramp, and floating docks for the marina. The drainage pattern of the site will be altered from a condition in which there is no protection to the waterway to one of controlled drainage directed toward an existing catch/desilting basin. No significant impacts are anticipated.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner which would result in flooding on or off-site? (Sources: 2, 5, 8)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under IV.c. above. Alteration of the drainage pattern of the site will not result in flooding hazards on or off-site. No significant impacts are anticipated.

- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 2, 5, 7)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under IV.a. above. A hose bib for fresh water washing of boats will be provided for boat owners. However, pump-out of sanitary holding tanks will be prohibited and washing of boats will consist of runoff of dirt and salt water only. No significant impacts are anticipated.

- f) Otherwise substantially degrade water quality? (Sources: 2, 5, 7)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
- Discussion: Please see discussion under IV.a. above.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 2, 7, 8, 9)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The Federal Emergency Management Agency (FEMA) has designated the site as Flood Zone AE with a base flood elevation of five feet. Compliance with flood plain standards require elevation of the caretaker's unit at least one foot above the base flood elevation or six feet above sea level. Therefore, the proposed structures, excluding the floating access ramp and floating docks, require construction at six feet above the adjacent waterway channel. The existing site varies between a natural grade of 4.5 feet above sea level to 6.18 feet above sea level. The preliminary grading plan indicates construction with a finished surface of 7.20 feet and a finished floor of 8.0 feet above sea level. The proposed construction, therefore, complies with the elevation requirements for new construction within the flood plain. No significant impacts are anticipated.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 2, 8, 9)

Discussion: As described above, the project does propose to place structures within the flood plain. However, the project will be subject to standard conditions of approval, which require submittal and approval of hydrology and hydraulic studies to ensure that the project accommodates all localized storm water flows. No significant impacts are anticipated.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 2, 8, 9)

Discussion: Please see discussion under IV.g. above. No significant impacts are anticipated.

- j) Inundation by seiche, tsunami, or mudflow? (Sources: 1, 7)

Discussion: According to the City of Huntington Beach General Plan, the project is not located within a tsunami or seiche inundation area. No impacts are anticipated.

- k) Potentially impact stormwater runoff from construction activities?

Discussion: See discussion under Section IV(a) and IV(e).

- l) Potentially impact stormwater runoff from post-construction activities?

Discussion: See discussion under Section IV(a) and IV(e).

- m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Sources: 3)

Discussion: In accordance with standard City of Huntington Beach development requirements, hydrology and hydraulic studies for both on-site and off-site facilities, Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Specific requirements and measures to be incorporated into the required studies and plans are identified in Attachment No. 4, *City Policies, Standard Plans, and Code Requirements of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code*. Refer to response in Section IV(a) for further discussion.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? Discussion: See discussion under Section IV(a) and IV(e).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? Discussion: See discussion under Section IV(e).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
p) Create or contribute significant increases in erosion of the project site or surrounding areas? Discussion: See discussion under Section IV(e).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 2, 8, 11, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Short-term: According to Table 6-3 of the South Coast Air Quality Management District's CEQA Air Quality Handbook (1993), the threshold for potentially significant construction-related (short-term) air quality impacts for single-family residential developments is 1,309,000 square feet of gross floor area. Since the entire project site's gross square footage (approximately 4,355 square feet of caretaker's unit and docks) doesn't exceed this number, the construction-related impacts for the proposed project will be less than significant. Additionally, pursuant to standard conditions of approval, the developer will be required to comply with City standard conditions of approval for dust control and equipment maintenance measures.

Long-term: The project proposes to construct one caretaker's unit and a four boat slip marina, which does not exceed the daily thresholds of potential significance for air quality, as outlined by the South Coast Air Quality Management District (SCAQMD). The caretaker's unit is comparable to one single family residential unit. Based on SCAQMD's 1993 CEQA Air Quality Handbook, the threshold for single-family residential projects is 166 units, significantly higher than the one unit proposed. The CEQA Air Quality Handbook does not include a daily threshold category for marina. However, the handbook does state that a Special Activity Center, such as stadium or amusement park, would have a significant impact with more than 87 employees. The proposed marina with four boat slips will be managed with one employee, considerably less than 87. Although Pages 5.4-16 and 5.4-17 of the General Plan EIR states that adoption of the Draft General Plan would result in a cumulative impact to air quality, based on a delay in attaining air quality standards, the project's contribution of one residential unit to the projected 18,500 residential units added to the existing condition at build-out constitutes one tenth of one percent, and would not be cumulatively considerable. In addition, the project does not contain any fueling operations. Impacts to air quality standards are considered less than significant.

b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1, 2, 7, 11, 12, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Please see discussion under V.a. above.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Create objectionable odors affecting a substantial number of people? (Sources: 2, 11, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: Although no fueling facilities are proposed, operation of the four boat slip marina will contribute additional boat exhaust within the harbor. However, the marina is proposed within an existing recreational boating harbor, contributing only a small incremental increase in exhaust odors. The caretaker's unit is not expected to create any objectionable odors. No significant impacts are anticipated.				
d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1, 2, 7, 11, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: Please see discussion under V.a. above.				
e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 1, 2, 7, 11, 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Discussion: Please see discussion under V.a. above.				

VI. TRANSPORTATION/TRAFFIC. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (e.g., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections? (Sources: 1, 2, 7, 12) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: According to the City of Huntington Beach Public Works Transportation Division and the Sixth Edition ITE Trip General Manual, a marina generates 2.96 vehicle trips/berth for weekdays, 3.22 trips/berth for Saturdays, and 6.40 trips/berth for Sundays. The caretaker's unit is assumed to be equivalent to a single family home and generates 12 vehicle trips per day. Therefore, the proposed project is expected to generate 27 daily trips on weekdays, 28 trips on Saturdays, and 44 trips on Sundays. It is likely that these estimated trips are somewhat overstated as the proposed marina has none of the commercial amenities typically associated with marinas, such as, coffee shops, provisioning stores, fuel, water or pump out services, restrooms, showers, or laundry facilities.

The site will be served by Park Avenue, a 30 foot wide local street located entirely within the County of Orange and intersecting with Pacific Coast Highway. Park Avenue serves approximately 10 residential properties consisting of a mix of single family and multi-family residences. The street is constructed with v-gutters on each side instead of curb and gutters. Level of Service (LOS) data is not available for Park Avenue. According to the City of Huntington Beach Transportation Division, the existing residential units generate approximately 240 traffic trips per day on Park Avenue. The addition of 44 trips for the proposed project represents an 18% increase in traffic on Park Avenue during the peak traffic period on Sunday. This incremental increase in traffic will not result in significant changes to the residential character of the street and can certainly be accommodated by the local street's capacity.

According to the General Plan, Pacific Coast Highway, north of Warner Avenue is currently operating at LOS F, considered unacceptable by the City of Huntington Beach. The Public Works Transportation Division has indicated that a project that will contribute more than a 1% increase in existing traffic is considered significant. This segment of Pacific Coast Highway currently has a traffic volume of 46,000 average daily traffic trips. The project's contribution of 44 trips

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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on Sundays represents a .09 % increase in traffic volume on Pacific Coast Highway. Therefore, no significant impacts are anticipated.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Sources: 1, 2, 7, 12)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under VI.a. above.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 1, 2, 7, 12)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed construction of a four boat slip marina and three story caretaker's unit will have no impact on air traffic patterns or air traffic levels.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: 1, 2, 7, 12)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Although the project requires the applicant to secure a vehicular access easement over two existing residential driveways located at the terminus of Park Avenue, the project does not include any alteration to the existing established street pattern and layout in the vicinity of the project. No impacts are anticipated.

- e) Result in inadequate emergency access? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project site is located within the five minute response time of the Warner Fire Station, which will continue to be met after project construction. However, the City of Huntington Beach Fire Department has indicated that the proposed project at the terminus of Park Avenue does not provide sufficient turnaround area for emergency vehicle access. Therefore, the project will be required to be constructed with fully automatic fire sprinklers.

The additional floating docks within the channel will not extend beyond the established pierhead line. Therefore, the proposed marina will not impact harbor patrol maneuvering capability within the adjacent waterway. No significant impacts to emergency access are anticipated.

- f) Result in inadequate parking capacity? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project provides two enclosed and two open carport parking stalls for the caretaker's unit and three open carport spaces along with one uncovered parking stall to accommodate public visitors to the four boat slips. One of the guest carport spaces is accessible for handicapped vehicles. The proposed parking complies with parking requirements of the Huntington Beach Zoning and Subdivision Ordinance; no significant impacts are anticipated.

- g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project will not conflict with adopted policies supporting alternative transportation. No impacts are anticipated.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. BIOLOGICAL RESOURCES. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 1, 2, 5, 6, 7)
-

Discussion: The proposed project involves dredging and construction of a floating access ramp and four floating docks within Huntington Harbor, which supports some marine biological habitats. In order to assess the potential impacts of the proposed marina project a Biological Assessment was prepared by MBC Applied Environmental Sciences (December 2000). The Biological Assessment (Attachment No. 5) includes a Subtidal Eelgrass, Algae, Fish and Invertebrate Survey by a biologist-diver recognized by the National Marine Fisheries Service and the Department of Fish and Game as an eelgrass ecologist. Biologists also completed a Terrestrial Survey studying plant species on site and within the immediate vicinity of the proposed project. The assessment also discusses the site in terms of listing by the California Department of Fish and Game Natural Diversity Database. The database describes Bolsa Chica Wetlands and Seal Beach as the closest sensitive areas to the proposed project. These areas are considered Southern coastal salt marsh habitats and are listed as special status natural communities. However, the Biological Assessment concludes that habitat type at the project site is not suitable for most of the species listed in the database. The California least tern is the only listed species that may occasionally appear near the site.

The Biological Assessment states that "Eight animal and three plant species were recorded during the subtidal survey. No eelgrass was noted anywhere in the vicinity of the site. Mollusks were the most abundant macrofaunal group of animals. Bivalve feeding siphons of venus clam and jackknife clam were seen emerging from the substrate. California bubble snail was present subtidally and California horn snail was abundant at the water-land interface. Several California sea hare egg masses were also seen attached to the muddy substrate. Lined shore crab and yellow shore crab were abundant along the shoreline. Yellowfin goby was the only fish observed. Two identifiable algae, *Ulva* sp. and *Enteromorpha* sp., and one unidentifiable alga were observed in the shallow areas near the shore. Eelgrass was not observed in or near the project area."

The biological survey also states, "Approximately 78% of the site was vegetated, with 21 species recorded. However, only 23% of the site contained native species, of which nine species were observed. All of these species were found on the banks of the site and did not extend more than one to two feet into the lot from the top of the bank. Eight of these species are typical of southern California salt marshes. An additional salt marsh species, cordgrass, was observed in a small patch approximately 30 ft southeast of the site. Pickleweed and saltwort were the most abundant species."

MBC's report also describes, "Three bird species were observed: mourning dove, cliff swallow, and house finch. The mourning were foraging in the grassy areas, and the cliff swallows were landing in the intertidal where they collected mud for nest building. No marine bird species were observed during the site survey. No reptiles, amphibians, or mammals were observed."

During dredging, there would be a small loss of invertebrate organisms but they would rapidly recolonize the area. There would also be a small loss of subtidal habitat due to the placement of dock pier pilings. However, the loss would be mitigated by the increase in subtidal and intertidal area afforded by the new pilings. None of the species noted are locally impoverished.

Although no marine bird species were observed during the biological survey, "They are known to use the harbor area for feeding and nesting. The close proximity of Huntington Harbor to other environmentally sensitive habitats such as Bolsa Chica suggests that some of these marine species have used and will continue to use the site for forage or roosting. This use is expected to be minor and the project as proposed would not noticeably impact their ability to utilize the area. The species of primary concern is the California least tern, a migratory water-associated bird present in the harbor from April to October each year. They feed in the shallow water areas on small fish. It is likely that this tern may at times feed in the area, as the site is relatively close to nesting areas in nearby Bolsa Chica and Seal Beach Wildlife Refuge. However, the

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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importance of this area to tern foraging is negligible as there are sufficient foraging areas closer to the existing colonies.”

During the terrestrial and salt marsh plant survey, pickleweed and saltwort were observed on the majority of the steep bank and the intertidal area. Although these plants are abundant in the Huntington Harbor area, they nonetheless provide an important habitat desirable to preserve.

A second biological survey (Attachment No. 6) of the project site provided by the applicant was conducted by Coastal Resources Management (CRM) in April of 2006. Two survey methods were utilized, a terrestrial biological survey involving a reconnaissance of the site and identification of plant species and subtidal survey involving a dive survey around the perimeter of the property.

Minor differences were observed in the species composition of both terrestrial and marine habitats although the dominant salt marsh forms were similar during both the earlier and current 2006 studies. The differences are attributed to both differences in survey methods and timing of surveys. There are no endangered, threatened rare, or sensitive species at the site. In particular, eelgrass and invasive algae were not present within the project site intertidal or subtidal zone.

The result of the 2006 CRM wetland and subtidal survey of the project site indicated that biological conditions appear to be similar to those observed during the MBC Applied Environmental Sciences survey conducted in 2000 and 2001. The report indicates that the following MBC conclusions and mitigation measures pertaining to the potential impacts of the proposed project are still valid.

Conclusions

In order to mitigate the potential loss of salt marsh vegetation habitat on the banks the following mitigation measures are proposed:

Mitigation Measure No. 2: The area at the top of the bank shall be graded higher to the minimum height required to meet floodplain development standards and to reduce the potential for freshwater to flow into the harbor waters. The applicant’s grading plans shall demonstrate compliance with this mitigation measure.

Mitigation Measure No. 3: Prior to issuance of grading permits, the existing degraded asphalt launch ramp shall be removed from the southeast area of the site and disposed of at a facility equipped to handle the material. Removal of the former ramp will improve water quality and will provide additional space for native plant species.

Mitigation Measure No. 4: Prior to issuance of building permits, the former launch ramp area shall be terraced using dredge sediment to give the water-land interface a more natural appearance. Existing native species in the vicinity shall be removed with the intent of replanting within the new bank area. A biologist shall be present on-site to oversee the removal of the ramp, removal and care of native species, and replanting of vegetation after the bank has stabilized. The biologist shall submit a written report of observations and shall verify the applicant’s compliance with this mitigation measure to the City of Huntington Beach Planning Department.

Mitigation Measure No. 5: Prior to final building permit approval, the applicant shall remove all invasive, non-native species, such as the Hottentot fig, which currently occupies 25 to 30% of the banks. A biologist shall be present on site to oversee the removal of non-native species and shall submit a written report of observations and shall verify the applicant’s compliance with this mitigation measure to the City of Huntington Beach Planning Department.

Mitigation Measure No. 6: Prior to final building permit approval, the bank areas shall be terraced down to the water’s edge in order to provide a more natural transition from the property to the water and increase the available habitat area of the banks for the proposed project. The banks shall then be revegetated using transplanted native species or installation of other native salt marsh species found in the area. The terracing shall be accomplished with materials conducive to promoting transplanting of native salt marsh species in the area as recommended in the MBC Biological Assessment. A biologist shall be present on-site to oversee the terracing and replanting of the banks. The biologist shall submit a written report of observations and shall verify the applicant’s compliance with this mitigation measure to the City of Huntington

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Beach Planning Department.

No additional mitigation is necessary for loss of soft-bottom habitat as any loss will be compensated for by the creation of hard bottom habitat, such as pier pilings and dock floats. In addition, soft-bottom habitat will be improved and expanded by the removal of rubble and the asphalt ramp currently adjacent to the project.

No mitigation is necessary for eelgrass as none exists in or near the project area.

The MBC assessment concludes, "Construction of the site will have little or no impact upon the avian populations of Huntington Harbor," and no mitigation is necessary.

Calculation of Loss of Habitat and Replacement: The MBC study concludes that "The loss of salt marsh habitat due to construction is approximately 62.5 feet by approximately 6 feet. This calculates out to 375 square feet. However, since 25 to 30% is vegetated with non-native species or barren, the actual loss (using the more conservative 25%) is 282 square feet. The net construction loss is 282 square feet.

The net gain from the mitigation avenues such as removing the asphalt launch ramp and terracing that area results in a gain of 12 feet by 10 feet (because of the increased slope) of 120 square feet. The net gain from removing and replacing non-native vegetation is 100 feet by 6 feet or 600 square feet (non-impacted area) multiplied by the 25% factor of non-native or barren areas equals an increase of about 150 square feet. The combined two mitigation factors results in a net mitigation gain of in-kind habitat of 270 square feet.

Although the overall loss is 12 square feet of salt marsh habitat, this loss is amply mitigated by the creation of about 6 by 12 feet or 72 square feet of desirable intertidal habitat and the removal of the asphalt which continues to leach petroleum products into the bay."

With implementation of the mitigation measures recommended above, all impacts to biological resources can be mitigated to a less than significant level.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 1, 2, 5, 7)
- | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: Please see discussion under Section VII. a. above.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 2, 5, 6, 7)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under Section VII. a. above.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: 1, 2, 5, 6, 7)
- | | | | |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: Please see discussion under Section VII. a. above. The MBC study concludes that resident fish observed within the area are expected to rapidly recolonize the area at the conclusion of construction. In addition, eelgrass, known as a fish nursery site, was not observed within the project area. With the mitigation measures identified above, no significant impacts are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 2, 5, 6, 7)
- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: Please see discussion under Section VII. a. above. The City of Huntington Beach General Plan calls for the protection of biological resources. With the mitigation measures previously identified, no significant impacts are anticipated.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 1, 2, 5, 6, 7)
- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under Section VII. a. above.

VIII. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No known mineral resources are located at the proposed project site. No impacts are anticipated.

- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No resource recovery is located at the proposed project site. No impacts are anticipated.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Development of the proposed project is not anticipated to result in the transport, use, or disposal of hazardous materials as no pump-out or fueling facilities are proposed in conjunction with the marina. No impacts are anticipated.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 1, 2, 7)
- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Recreational boating activities are currently present within Huntington Harbor. The four proposed floating docks represent a small increase in boat storage capacity and therefore a small increase in boat traffic within the vicinity. Although the additional boat traffic may result in a small increased risk of accident, the increase of four boat slips is not

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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considered significant. Development of the proposed project is not anticipated to result in the transport, use, or disposal of hazardous materials as no pump-out or fueling facilities are proposed in conjunction with the marina. No impacts are anticipated.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 2, 7)

Discussion: There are no existing or proposed schools located within one-quarter mile of the proposed project and no pump-out or fueling facilities are proposed in conjunction with the marina. No impacts are anticipated.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 1, 2, 7)

Discussion: The proposed project is not located within the vicinity of a hazardous materials site. No impact is anticipated.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 7)

Discussion: Although the City of Huntington Beach is located within the Orange County Airport Environs Land Use Plan (AELUP), the proposed project is not located within the immediate vicinity of any airport. However, portions of Huntington Beach are located within the Planning Area for the Armed Forces Reserve Center in Los Alamitos. The subject location lies outside the boundary requiring notification to the Federal Aviation Administration. No significant impacts to people in the vicinity of the project as a result of the AELUP are anticipated.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 7)

Discussion: The proposed project is not located within the vicinity of any private airstrip. No impacts are anticipated.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 2, 7)

Discussion: The proposed project would not result in the possible interference with an emergency response plan or emergency evacuation plan.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1, 2, 7)

Discussion: The subject site is completely surrounded by development in a highly urbanized area. Therefore, the proposed project would not result in increased fire hazard in areas with flammable brush, grass, or trees.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. NOISE. Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
(Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Residential uses near the property may experience audible noise levels during construction of the proposed project. In order to accommodate the four new floating docks, dredging of approximately 275 cubic yards of material will be necessary. Dredging will occur with back-hoe type excavating equipment located on the project site itself; no floating barge is proposed. Dredging is expected to be completed within two days and will create short-term noise impacts to adjacent properties. However, noise associated with construction is considered temporary and is exempt from the City of Huntington Beach Noise Ordinance. In order to minimize disruptions to adjacent properties, the project will be required to comply with a standard condition of approval limiting construction to 7:00 AM to 8:00 PM, Monday through Saturday.

The four slip marina and caretaker's unit is proposed within an existing waterway of a recreational and residential harbor channel. The majority of the residential properties within the harbor are constructed with floating docks similar to the proposed floating docks, and boat traffic in and around the harbor is extremely common. The proposed project will contribute to current ambient boat noise within the recreational boat harbor. However, the project is not anticipated to create long-term noise impacts different from existing ambient conditions and no services typically found in a marina are proposed. The site will not provide pump-out facilities, fueling, laundry, restrooms, showers, or any other type of amenity that may produce noise impacts. No significant impacts to noise are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: During construction, the project as proposed may create groundborne vibrations. These impacts are associated only with construction of the project and will be temporary in nature. Long-term operation of the four slip marina and caretaker's unit are not expected to create excessive groundborne vibration or noise levels. No significant impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
(Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under Section X.a. above.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Please see discussion under Section X.a. above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Although the City of Huntington Beach is located within the Orange County Airport Environs Land Use Plan (AELUP), the proposed project is not located within two miles of any airport. No impacts are anticipated.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project is not located within two miles of any airport. No impacts are anticipated.

XI. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project has been reviewed by various City departments, including Public Works, Fire, and Police for compliance with all applicable City codes. The Fire Department has indicated that inadequate access to the caretaker's unit will require installation of fire sprinklers and fire alarm systems throughout the structure. The marina will also be required to comply with standard conditions of approval requiring fire protection methods and facilities on the docks. With the implementation of conditions of approval and compliance with City specifications, no significant adverse impacts to public services are anticipated.

- b) Police Protection? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project is not anticipated to interfere with response times or conflict with any performance objective of the Police Department. No significant impacts are anticipated.

- c) Schools? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: One caretaker's unit is proposed as part of the marina project. The single unit will not generate a significant number of students and will not have an impact on student enrollment at local schools. The project will be subject to standard conditions of approval requiring payment of school impact fees prior to issuance of building permits. No significant impacts are anticipated.

- d) Parks? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: The General Plan and zoning designations on the site are for Open Space – Water Recreation. However, the site is privately owned and is not designated as a public park. The proposed four slip marina and caretaker's unit are permitted under the general plan and zoning land use designations subject to approval of a conditional use permit by the Planning Commission. The proposed project will not interfere with any parks, and the four slip marina will increase recreational boating opportunities within the harbor area. No significant impacts are anticipated.

- e) Other public facilities or governmental services? (Sources: 1, 2, 7)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: No impacts to other public facilities or governmental services are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 2, 7)

Discussion: As a standard condition of approval, this project will be required to meet the City's National Pollution Discharge Elimination System for discharge into storm drains, which requires approval of a Storm Water Pollution Prevention Plan and a Water Quality Management Plan by the Public Works Department. No significant impacts to wastewater treatment are anticipated.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 2, 7)

Discussion: The construction of one caretaker's unit and a four boat slip marina will result in construction of sanitary restroom facilities normally associated with a single family residence. The project will not significantly impact existing water or wastewater treatment facilities although construction of a new eight-inch waterline in Park Avenue will be required (see discussion under XII .d. below). No significant impacts are anticipated.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 2, 7)

Discussion: The construction of one caretaker's unit and a four boat slip marina will not result in construction of new or expansion of existing storm water drainage facilities. The site will be graded and engineered to drain into an existing storm water catch/ desilting basin located in Park Avenue approximately 60 feet west of the site. This catch basin serves existing residential development surrounding the subject site. After passing through the desilting basin storm waters are pumped to the adjacent water channel via an existing outlet. No significant impacts are anticipated.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 2, 7)

Discussion: Because this project complies with the General Plan and zoning land use designations, the City of Huntington Beach has sufficient water capacity to serve the proposed project. However, the Department of Public Works has indicated that the developer shall construct a new eight inch water main in Park Avenue starting from the point of connection to the 14-inch water main in Pacific Coast Highway. Public Works has included this requirement as a recommended condition of approval. No significant impacts to water supplies are anticipated.

- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: 2, 7)

Discussion: Because this project complies with the General Plan and zoning land use designations, the Orange County Sanitation District has sufficient capacity to serve the proposed project. No impacts are anticipated.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Sources: 2, 7)

Discussion: The property will dispose of solid waste through the City's refuse collection provider, Rainbow Disposal. Rainbow Disposal implements a Materials Recovery Facility, which provides automatic sorting and recycling for all solid waste entering the facility. Ultimately, solid waste materials are hauled to the Frank R. Bowerman Landfill. No impacts are anticipated.

- g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: 2, 7)

Discussion: The project will generate solid waste that is typical to a single family home and a four boat slip marina with no on-site commercial services. The project will be subject to compliance with all federal, state, and local statutes and regulations related to solid waste. No significant impacts are anticipated.

- h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: 3)

Discussion:

The developer shall be required to submit a hydrology and hydraulic study for both on-site and off-site facilities and a project WQMP identifying Best Management Practice (BMP) for review and approval by the Public Works Department.

XIII. AESTHETICS. Would the project:

- a) Have a substantial adverse effect on a scenic vista? (Sources: 1, 2, 7, 14)

Discussion: According to the City of Huntington Beach General Plan, enhancing and preserving the aesthetic resources of the City, including natural area, beaches, bluffs, and significant public views is a City objective. The proposed project consists of development of a currently vacant parcel of land adjacent to a water channel of Huntington Harbor, one of the visual strengths of the community. The property is surrounded by other single family residences and does not afford public views of the water. The site itself is not a scenic vista and development of the parcel will not have a substantial adverse effect on a scenic vista. No significant impacts are anticipated.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 2, 7, 14)

Discussion: The proposed project will not damage scenic resources and will likely result in an improved visual quality of the current degraded parcel of land. No significant impacts are anticipated.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 2, 7, 14)

Discussion: The proposed caretaker's unit and four boat slip marina will not degrade the existing visual character or quality of the site. Single family dwellings and private boat docks surround the property. The proposed project will be compatible with the surroundings in terms of architectural quality and use of property. No significant impacts are anticipated.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 7, 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project will introduce new light sources within the vicinity. However, new light will be comparable to existing light sources at all surrounding residential properties. The marina will not be open after 5:00 PM so no significant new light sources are anticipated. Although the project will result in changes to light in the area, the project's contribution to ambient lighting in the area is considered negligible. The project will be subject to standard conditions of approval, which require that lighting be directed to prevent spillage onto adjacent properties. No significant impacts are anticipated.

XIV. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Sources: 1, 2, 7, 14, 15) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Huntington Harbor is a man-made residential marina that was dredged out of mudflats in the early 1960's. It is unlikely that any intact cultural or paleontological resources exist in a context that would provide value. In addition, according to General Plan Figure HCR-1, the project site does not contain any historical resources identified by the Historical Resources Board for the City of Huntington Beach.

The site is not located within the vicinity of any identified archaeological sites, paleontological sites, or cultural resources. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Sources: 1, 2, 7, 14, 15) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Please refer to discussion under Section XIV.a. above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: 1, 2, 7, 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Please refer to discussion under Section XIV.a. above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 2, 7, 14) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Please refer to discussion under Section XIV.a. above.

XV. RECREATION. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 1, 2, 7) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project includes one caretaker's unit and a four boat slip marina. The caretaker's unit will not generate

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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significant demand for or use of neighborhood, community, or regional parks or other recreational facilities. The new marina will enhance the public's use of recreational resources in the harbor but will not cause significant deterioration of the facilities. No significant adverse impacts are anticipated.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources: 1, 2, 7)
-

Discussion: In accordance with the Open Space – Water Recreation zoning designation on the site, the developer proposes to construct a four boat slip marina with floating docks and a floating pedestrian access ramp. The marina and boat slips will contribute to the recreational boating opportunities available in Huntington Harbor. The proposed facility will not provide a ramp for launching large watercraft. Rather, the facility is intended to provide dock space for up to three large watercrafts and one dock to launch small watercraft such as kayaks and small boats that can be carried to the docks. Larger watercraft may be launched from more appropriate facilities within Huntington Harbor. Furthermore, a ten foot wide public easement will be granted for ingress and egress to the proposed docks allowing access to the waterfront. No significant adverse impacts are anticipated.

- c) Affect existing recreational opportunities? (Sources: 1, 2, 7)
-

Discussion: During construction of the marina's boat slips, there may be temporary disruptions to boat traffic within the channel. However, most of the construction activities will be staged from land and the width of the adjacent channel is wide enough to accommodate boats during the temporary construction process. After construction is completed the project will provide additional recreation opportunities to compliment other facilities in the Huntington Harbor area. No significant impacts are anticipated.

XVI. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 2, 7, 14)
-

Discussion: According to CEQA Guidelines and the State Department of Conservation, a project will have a significant effect on the environment if it will convert at least 80 acres of prime agricultural land to non-agricultural uses or impair the agricultural productivity of prime agricultural land. The proposed project will not result in the elimination of land currently farmed and the project will not affect the productivity of other agricultural land in the vicinity. No impacts are anticipated.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 1, 2, 7, 14)
-

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The zoning on the property is Open Space – Water Recreation, which designates the site for water recreational land uses. Zoning in the surrounding vicinity is primarily low density residential. There is no agriculturally zoned property in the vicinity of the project and the project will not interfere with any Williamson Act contracts. No impacts are anticipated.

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 1, 2, 7, 14)

Discussion: There is no existing farmland within the vicinity of the project and development of the parcel will not impact any agricultural lands. No impacts are anticipated.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1, 2, 5, 7)

Discussion: With implementation of standard conditions of approval and the recommended mitigation measures, the project will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory. No significant impacts, which could not be mitigated to less than significant levels, are anticipated.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1, 2, 5, 7)

Discussion: See discussion of items I-XVI above. With implementation of standard conditions of approval and the recommended mitigation measures, the project will not have impacts that could be cumulatively considerable.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1, 2, 5, 7, 8, 9, 11, 12, 14)

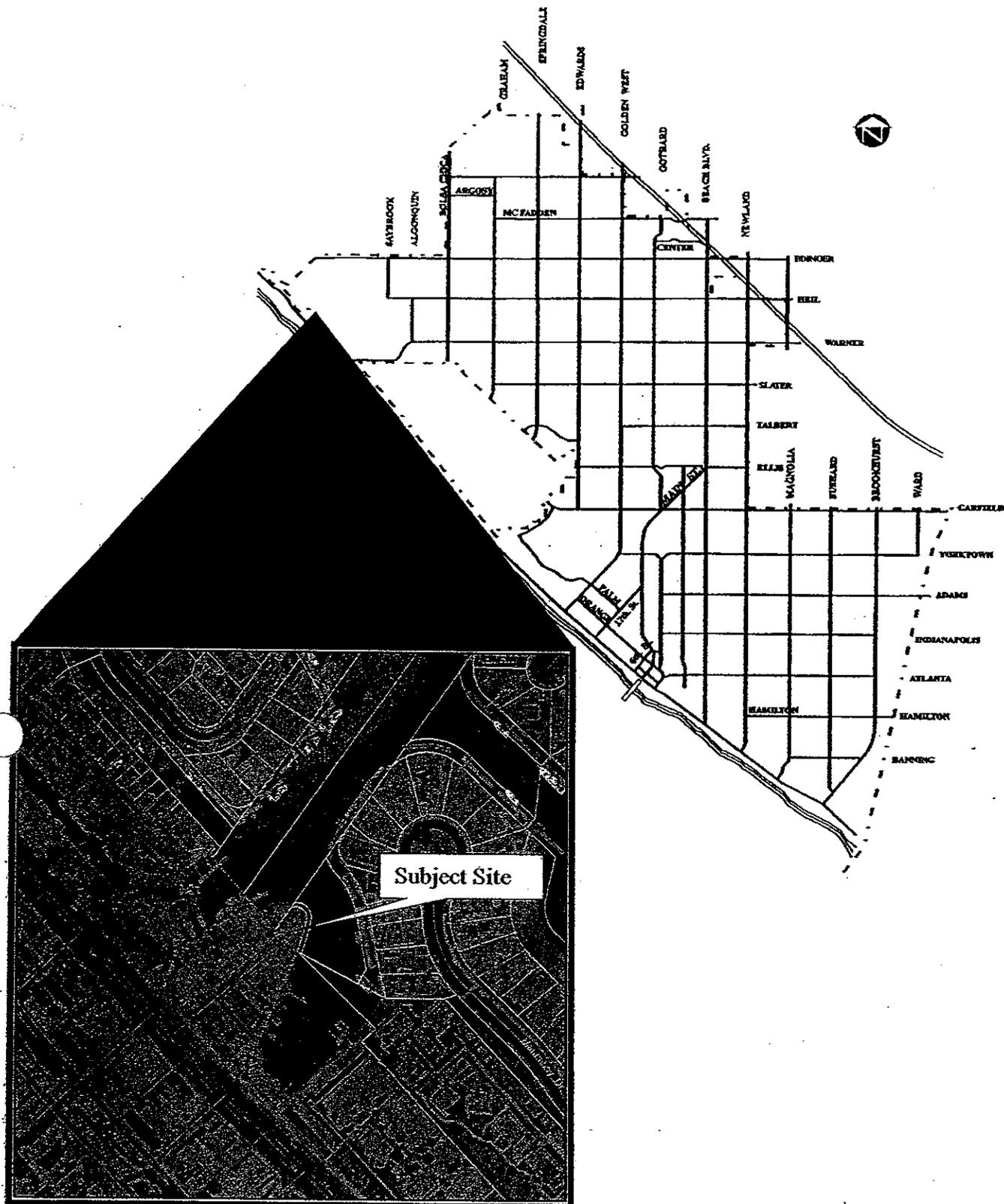
Discussion: See discussion of items I-XVI above. The environmental impacts that have been discussed would not have an adverse impact on human beings.

XVIII. EARLIER ANALYSIS.

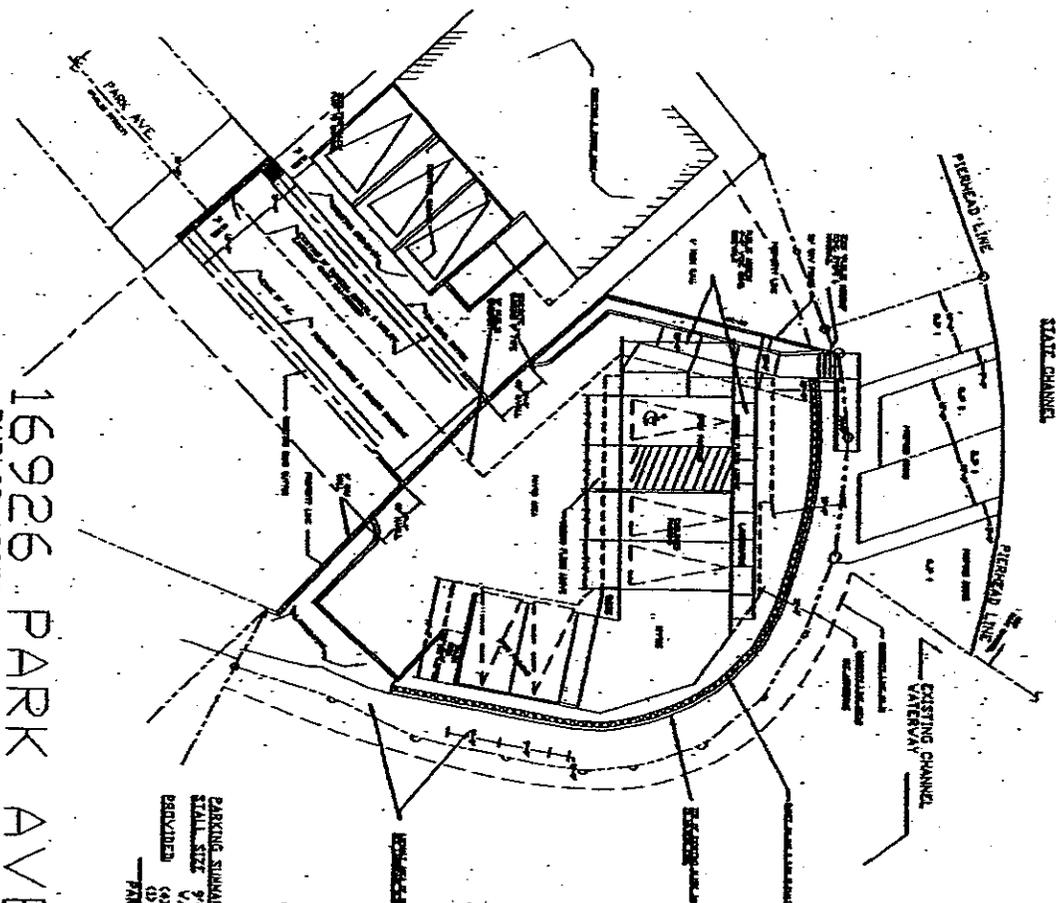
Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	Project Vicinity Map	See Attachment #1
2	Reduced Site Plan, Floor Plans, Elevations, and Sections	See Attachment #2
3	City of Huntington Beach Standard Conditions of Approval	See Attachment #3
4	Recommended Mitigation Measures	See Attachment # 4
5	Biological Assessment of Proposed Marina Site by MBC Applied Environmental Sciences Revised December 2000	See Attachment #5
6	Wetlands Habitat Analysis By Coastal Resources Management June 2006	See Attachment #6
7	City of Huntington Beach General Plan	City of Huntington Beach Planning Dept., Planning/Zoning Informati Counter, 3rd Floor 2000 Main St. Huntington Beach
8	City of Huntington Beach Zoning and Subdivision Ordinance	“ “
9	City of Huntington Beach Historic District Location Map, Historic and Cultural Resources Element	“ “
10	FEMA Flood Insurance Rate Map	“ “
11	Air Quality Handbook, South Coast Air Quality Management District	“ “
12	Trip Generation, 6 th Edition, Institute of Transportation Engineers	“ “
13	City of Huntington Beach Municipal Code	“ “
14	City of Huntington Beach CEQA Procedures Handbook	“ “
15	City of Huntington Beach Archaeological Site Vicinity Map	“ “



VICINITY MAP
ENVIRONMENTAL ASSESSMENT NO. 00-07
(PARK AVENUE MARINA - 16926 PARK AVENUE)



16926 PARK AVE, MARINA
 PUBLIC ACCESS-USE, DEVELOPMENT & IMPROVEMENTS
 SITE LANDSCAPE PLAN 1 OF 2

PARKING SUMMARY
 STALL SIZE 9'-0" X 19'-0" DEEP AREA
 PROVIDED 1/2 24'-0" BACK-UP AREA
 100 BOAT SLIPS & 175/EA = 300
 100 CANE TAKERS-0/77 = 200
 PARKING TOTAL = 507 STALLS

OWNER:
 HUGH SEEDS (ROBERT SACNO)
 16488 BOLDEN CHICK 4823
 HUNTINGTON BEACH, CA 92649
 (714) 891-9844

ZONING / SITE DATA:
 OSVA ZONE
 A.P.N. 178-075
 PROPERTY AREA = 6,170.00 SQ.
 PROJECT ADDRESS 16926 PARK AVE
 ADDRESS HUNTINGTON BEACH, CA

D1.85

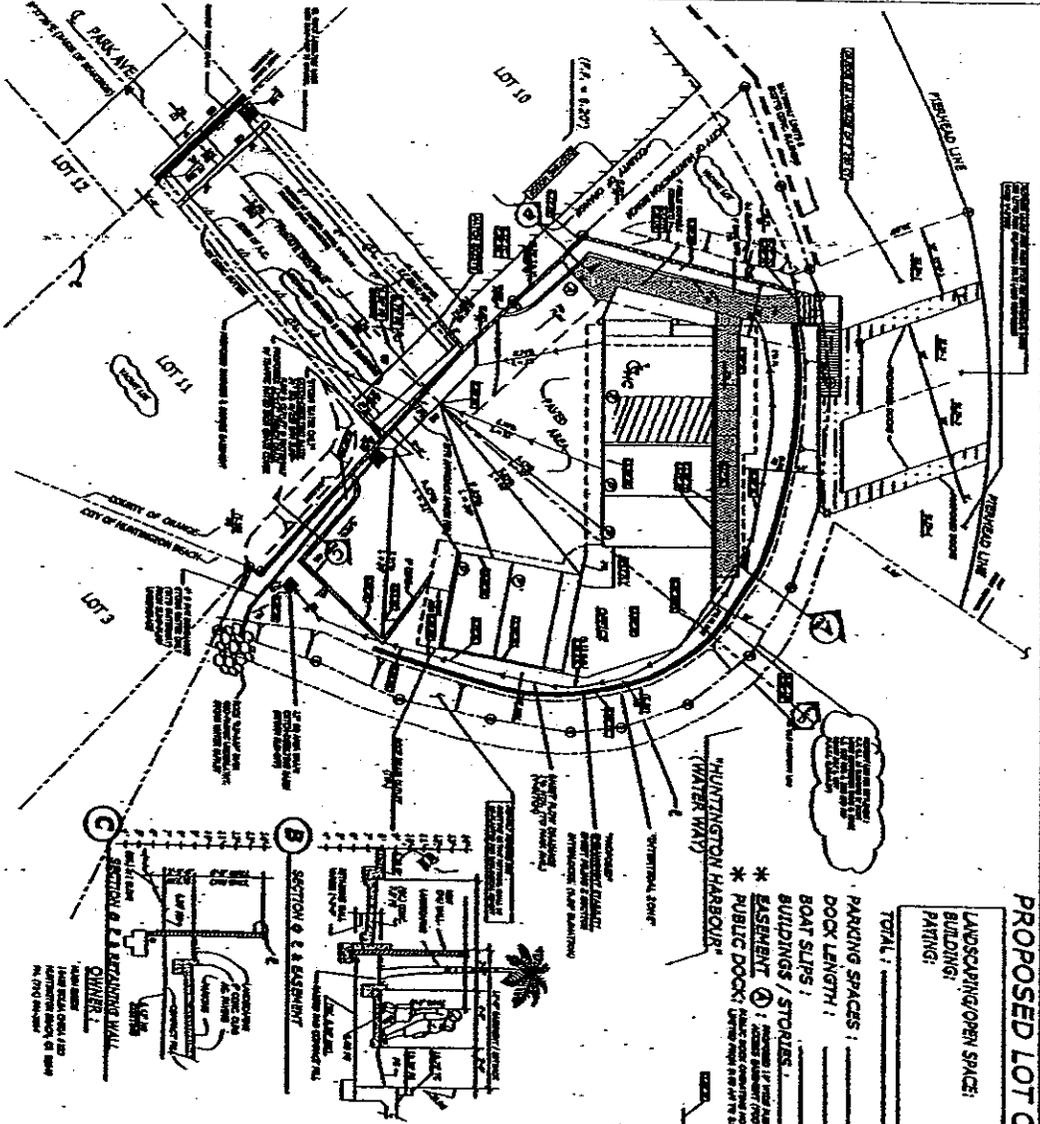


FILE # CUP 00-43
 CDP 00-13/E.A.00-07

JOB NO.	102
DATE	2/10/04
DESIGNED BY	EVANSON
CHECKED BY	
DATE	1/9/2

CLIENT	DATE
ADDRESS	
CITY/STATE	COUNTY/ZIP

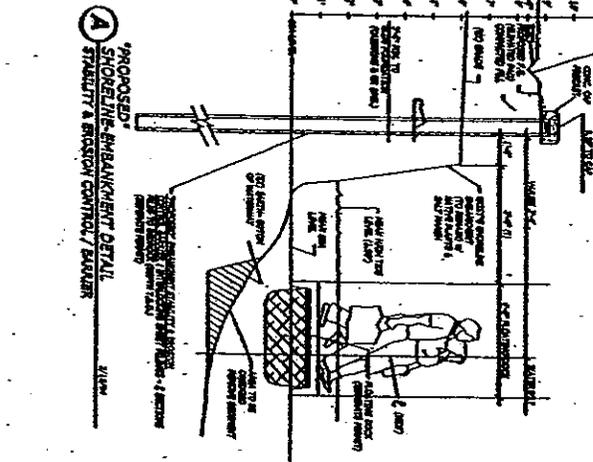
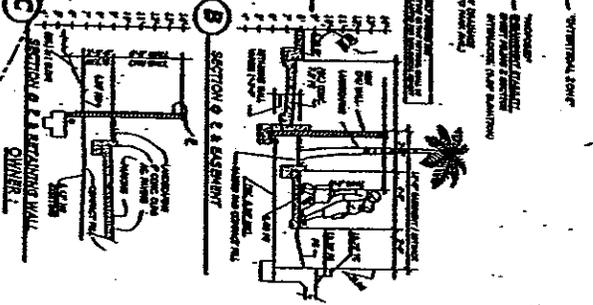
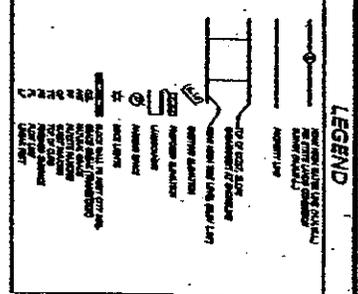
HUGH SEEDS



PROPOSED LOT COVERAGE

LANDSCAPING/OPEN SPACE:	SQ. FT.	%
BUILDING:	1538	23%
PAVING:	2125	34%
	3064	49%
TOTAL:	6179	100%

PARKING SPACES: _____ (5)
 DOCK LENGTH: _____ (5)
 BOAT SLIPS: _____ (4)
 BUILDINGS / STORES: _____ (1)
 BASEMENT: _____ (1)
 PUBLIC DOCK: _____ (1)



HUNTINGTON HARBOUR
 18926 PARK STREET
 HUNTINGTON, WYOMING 82004
 307-733-1111
 WWW.HUGHSEEDS.COM



"PARK AVENUE MARINA"
GRADING PLAN
 18926 PARK STREET

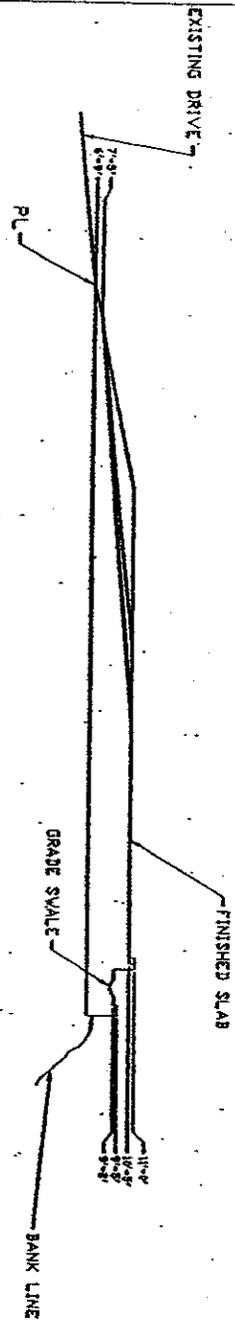
D1.87

JOB NO.	DATE
DATED 07/04/04	
DRAWN BY	
CHECKED BY	
APPROVED BY	
1	2

HUGH SEEDS



E CROSS SECTION---NORTHWEST



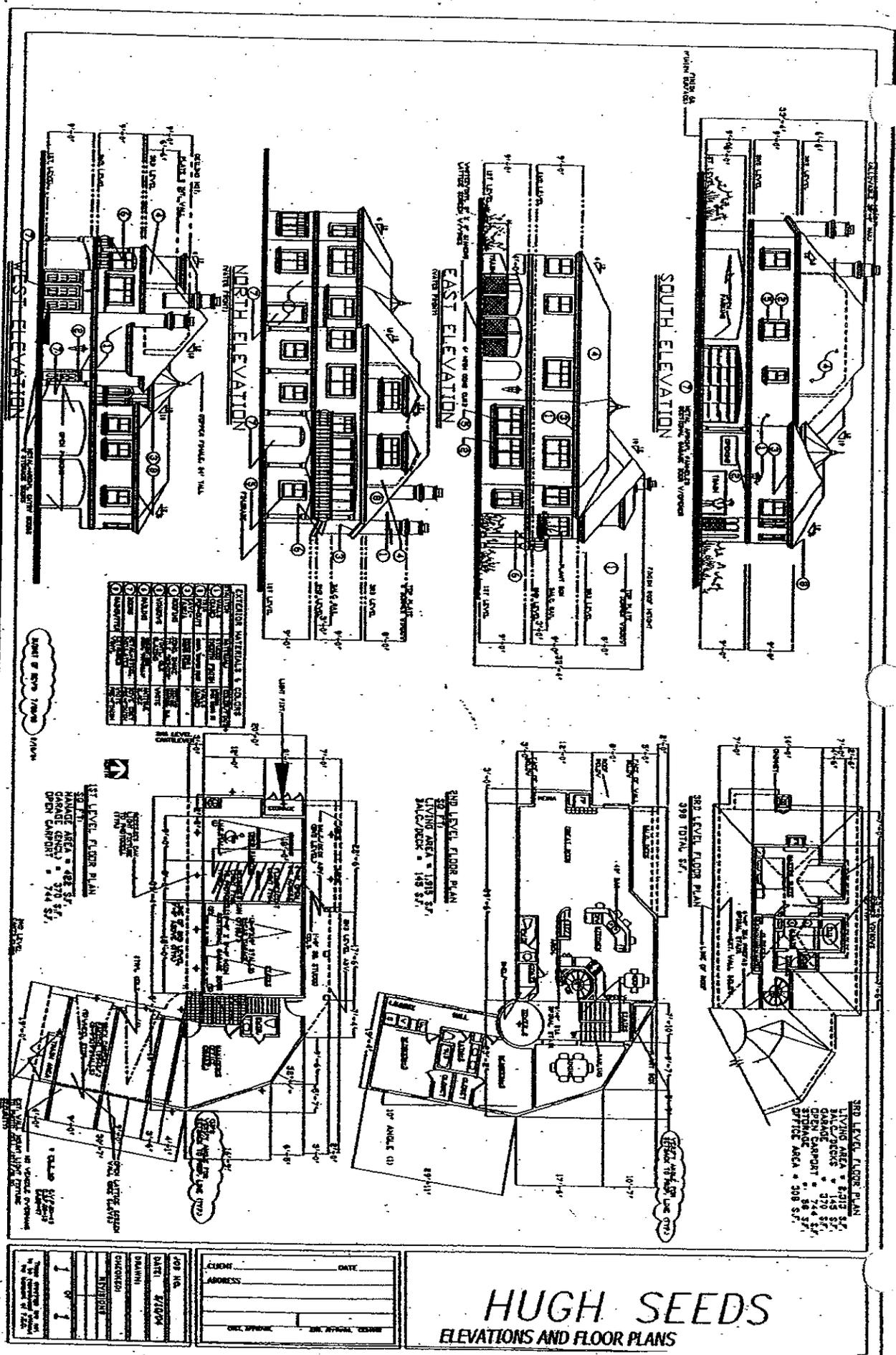
D CROSS SECTION---SOUTHEAST

SCALE 1"=5'

D1.88

HUGH SEEDS

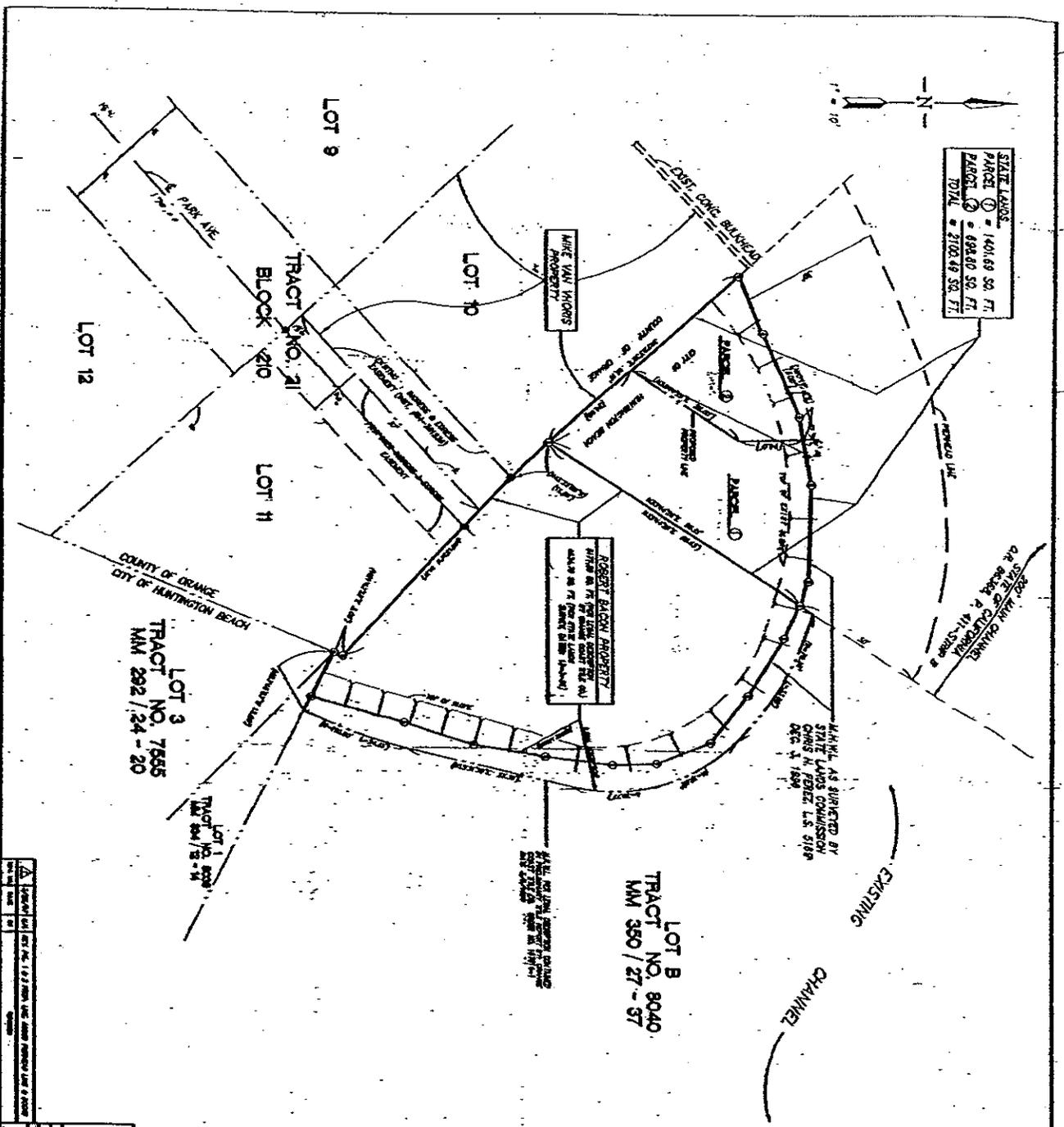
JOB NO. DATE 4/10/14 DRAWN CHECKED APPROVED 2 of 2	CLIENT _____ DATE _____ ADDRESS _____ PROJECT _____
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HUGH SEEDS

ELEVATIONS AND FLOOR PLANS

CLIENT	DATE
ADDRESS	
ONE OFFICIAL	TWO OFFICIAL
NO. OF SHEETS	NO. OF SHEETS
DATE	DATE
BY	BY
CHECKED	CHECKED
DESIGNED	DESIGNED
PROJECT	PROJECT
NO. OF SHEETS	NO. OF SHEETS
DATE	DATE
BY	BY
CHECKED	CHECKED
DESIGNED	DESIGNED
PROJECT	PROJECT



STATE LANDS

PARCEL ①	= 1401.69 SQ. FT.
PARCEL ②	= 692.60 SQ. FT.
TOTAL	= 2104.29 SQ. FT.

ROBERT BACON PROPERTY
 4416 SQ. FT. PER LOT (20 LOTS) FOR TOTAL 88320 SQ. FT. (SEE STATE LANDS COMMISSION REPORT FOR FULL DESCRIPTION)

4416 SQ. FT. PER LOT (20 LOTS) FOR TOTAL 88320 SQ. FT. (SEE STATE LANDS COMMISSION REPORT FOR FULL DESCRIPTION)

M.H.W.L. AS SURVEYED BY
 STATE LANDS COMMISSION
 CHRIS H. PEREZ, L.S. 5188
 DEC. 1, 1994

LOT B
TRACT NO. 8040
MM 350 / 27 - 57

LOT 3
TRACT NO. 7555
MM 292 / 24 - 20

STATE LANDS DISTRIBUTION

PARCEL ①	1401.69 SQ. FT. TO ROBERT BACON
PARCEL ②	692.60 SQ. FT. TO MINE VAN HORN'S
TOTAL	2104.29 SQ. FT.

- LEGEND**
- INDICATES COURSE PER STATE LANDS COMMISSION SURVEY
 - - - INDICATES COURSES PER LEGAL DESCRIPTION
 - INDICATES PROPOSED PROPERTY COURSES
 - HEAD HIGH WATER LINE (M.H.W.L.) PER STATE LANDS COMMISSION SURVEY
 - EXISTING PROPERTY LINE

DATE	12/1/94
BY	CHRIS H. PEREZ, L.S. 5188
FOR	STATE LANDS COMMISSION
PROJECT	STATE LANDS DISTRIBUTION

OLD AND NEW M.H.W.L. AND PROPOSED STATE LANDS DISTRIBUTION

ROBERT BACON / STEEDS

MAP SHOWING

STATE LANDS DISTRIBUTION

MOUNTAIN BEACH, SANTA ROSA CO., CALIFORNIA

90-751-1

Attachment No. 3
Suggested Conditions of Approval

1. If outdoor lighting is included, energy saving lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be shown on the site plan and elevations.
2. Project data information shall include the flood zone, base flood elevation, and lowest building floor elevation(s) per NGVD29 datum.
3. Prior to issuance of grading permits, the following shall be completed:
 - a. Evidence of establishment of a pierhead line in the state channel shall be provided prior to issuance of permits for the dock construction. (PW)
 - b. A Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. Final grades and elevations on the grading plan shall not vary by more than one (1) foot from the grades and elevations on the approved Conditional Use Permit. (PW)
 - c. In accordance with NPDES requirements, a "Water Quality Management Plan" shall be prepared by a Civil or Environmental Engineer. "Best Management Practices" shall be identified and incorporated into the design. (PW)
 - d. Hydrology and hydraulic studies shall be submitted for review and approval by the Department of Public Works. The developer shall design and construct drainage improvements as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency. (PW)
 - e. A detailed soils analysis shall be prepared by a Registered engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, chemical and fill properties, liquefaction, retaining walls, foundations, street, and utilities. (PW)
 - f. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, City contact (Construction Manager (714) 536-5431) regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. (PW)

- g. At least 30 days prior to any grading activity, notification to all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule shall be completed. **(PW)**
 - h. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. **(PW)**
 - i. A grading/erosion control plan shall be completed and must abide by the provisions of AQMD's Rule 403 as related to fugitive dust control; and provide a plan to the Department of Public Works indicating such compliance. **(PW)**
 - j. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. **(PW)**
4. The following conditions shall be completed prior to issuance of Building Permits:
- a. A Landscape Construction Set must be submitted to the Department of Public Works and approved by the Departments of Public Works and Planning. The Landscape Construction Set shall include a landscape plan prepared and signed by the developer or contractor which identifies the location, type, size and quantity of all existing plant materials to remain, existing plant materials to be removed and proposed plant materials; an irrigation plan; a grading plan; an approved site plan and a copy of the entitlement conditions of approval. All landscape planting, irrigation, and maintenance shall comply with the City Aboricultural and Landscape standards and specifications.

The landscape plans shall be in conformance with Chapter 232 of the Zoning and Subdivision Ordinance and applicable Design Guidelines. Any existing mature trees that must be removed shall be replaced at a two to one ratio (2:1) with minimum 36 inch box trees and shall be incorporated into the project's landscape plan. **(PW) (Code Requirement)**

5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
- a. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. **(PW)**
 - b. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. **(PW)**
 - c. Wet down the areas that are to be graded or that are being graded, in the late morning and after work is completed for the day. **(PW)**

- d. The construction disturbance area shall be kept as small as possible. (PW)
 - e. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (PW)
 - f. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (PW)
 - g. Comply with AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (PW)
 - h. Wind barriers shall be installed along the perimeter of the site. (PW)
 - i. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas. (PW)
 - j. Comply with the "Water Quality Management Plan" requirements. (PW)
 - k. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - l. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - m. Truck idling shall be prohibited for periods longer than 10 minutes.
 - n. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - o. Discontinue operation during second stage smog alerts.
 - p. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - q. Compliance with all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. (Code Requirement)
6. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
- a. Full width street improvements shall be constructed prior to final inspection. (PW)
 - b. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect prior to the final landscape inspection and approval. (PW)
 - c. Construct sewer lateral and sewer main extensions as necessary to serve the parcel. (PW)

- d. The proposed development shall have a separate domestic water service and meter, sized to meet the minimum requirements set by the Uniform Plumbing Code (UPC). The water service lateral shall be a minimum of 2 inches in size. Irrigation water service may be combined with the domestic water service. (PW)
- e. Separate backflow protection shall be installed per the Water Division standards for domestic, irrigation, and fire-water services. (PW)
- f. The developer shall construct a new 8-inch water main in Park Avenue starting from the point of connection at the existing 14-inch water main in Pacific Coast Highway, and extending northerly approximately 350 lineal feet to the property line, per Water Division standards. The existing 3-inch water pipeline in Park Avenue shall be abandoned and existing water services shall be reconnected to the new 8-inch water pipeline per Water Division standards. (PW)
- g. All public facilities and appurtenances shall be located within public right-of-way or within easements approved by and dedicated to the City of Huntington Beach. (PW)
- h. Installation of required landscaping and irrigation systems shall be completed. (PW)
- i. Applicant shall provide City with Microfilm copies (in City format) and CD (AutoCAD only) of complete City approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record. (PW)
- j. All public infrastructure must be completed. (PW)
- k. Automatic sprinkler systems shall be installed throughout. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. (FD)
- l. Fire hydrants must be installed before combustible construction begins. Prior to installation, shop drawings shall be submitted to the Public Works Department and approved by the Fire Department. Indicate hydrant locations and fire department connection. Your project requires approximately one hydrant. (Fire Dept. City Specification 407) (FD)
- m. Fire lanes shall be designated and posted to comply with City Specification 415. (FD)
- n. Address numbers shall be installed on structures to comply with Fire Dept. City Specification 428. (FD)
- o. Fire access roads shall be provided in compliance with Fire Dept. City Specification 401. Include the Circulation Plan and dimensions of all access roads. (FD)
- p. Fire protection systems for the proposed marina shall be provided per Huntington Beach Fire Code Appendix II-C, Marinas. Shop drawings shall be submitted through the Building Department and approved by the Fire Department prior to system installation.
 - Marina plans shall be submitted in duplicate showing the dock layout, wet standpipes, and location of fire extinguisher cabinets. All pipe schedules and hydraulic calculations shall be included.

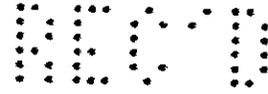
- A wet standpipe system (Class II) shall be installed on all docks, piers, or wharves. The system shall deliver a minimum 250 GPM at a residual pressure of 50 PSI at the outlet. Outlets shall be a 2 ½ inch National Standard thread with an approved gate valve.
 - The system shall be supplied with a Fire Department siamese connection located within five feet of the nearest fire access roadway.
 - A 4A, 40B:C-rated portable fire extinguisher in a standard cabinet with breakable glass front shall be located every 150 feet along the dock, on each finger, or as directed by the Fire Department. The cabinet shall have the words "FIRE EXTINGUISHER" on both sides and must be easily recognizable as a fire extinguisher cabinet.
 - The system shall be central station monitored.
7. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Public Works Department.
8. The property owner is responsible for all required clean up of off-site dirt, pavement damage and/or restriping of the public rights-of-way as determined by the Public Works Department.

Attachment No. 4
Summary of Mitigation Measures

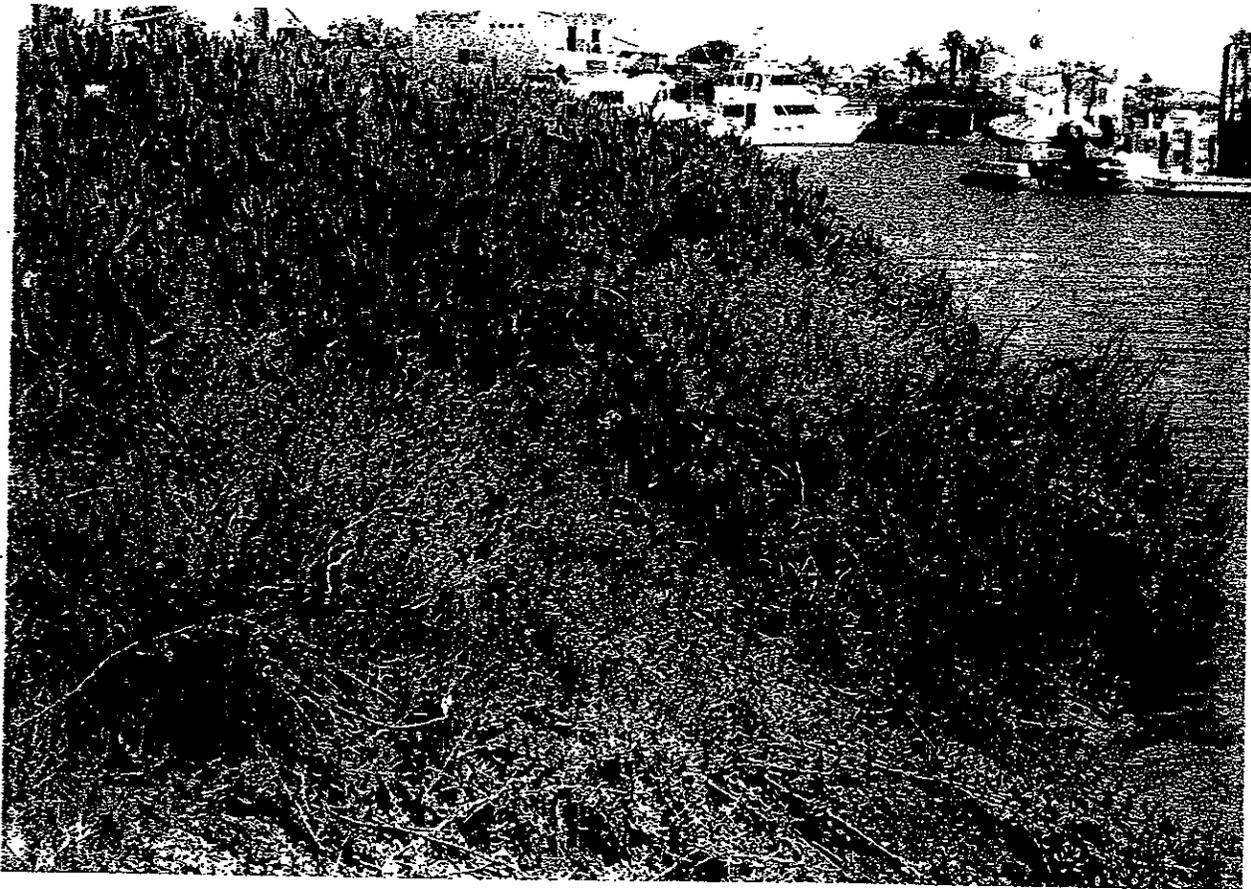
<u>Description of Impact</u>	<u>Mitigation Measure</u>
1. Degradation of water quality during construction or dredging within the waterway.	1. Prior to and during any dock construction or dredging within the waterway, a silt curtain shall be installed in the water surrounding the construction zone. The silt curtain shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the dock construction and dredging activities.
2. Potential loss of salt marsh habitat on the existing banks of the site.	2. The area at the top of the bank shall be graded higher to the minimum height required to meet floodplain development standards and to reduce the potential for freshwater to flow into the harbour waters. The applicant's grading plans shall demonstrate compliance with this mitigation measure.
3. Potential loss of salt marsh habitat on the existing banks of the site.	3. Prior to issuance of grading permits, the existing degraded asphalt launch ramp shall be removed from the southeast area of the site and disposed of at a facility equipped to handle the material. Removal of the former ramp will improve water quality and will provide additional space for native plant species.
4. Potential loss of salt marsh habitat on the existing banks of the site.	4. Prior to issuance of building permits, the former launch ramp area shall be terraced using dredge sediment to give the water-land interface a more natural appearance. Existing native species in the vicinity shall be removed with the intent of replanting within the new bank area. A biologist shall be present on-site to oversee the removal of the ramp, removal and care of native species, and replanting of vegetation after the bank has stabilized. The biologist shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department.
5. Potential loss of salt marsh habitat on the existing banks of the site.	5. Prior to final building permit approval, the applicant shall remove all invasive, non-native species, such as the Hottentot fig, which currently occupies 25 to 30% of the banks. A biologist shall be present on site to oversee the removal of non-native species and shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department.
6. Potential loss of salt marsh habitat on the existing banks of the site.	6. Prior to final building permit approval, the bank areas shall be terraced down to the water's edge in order to provide a more natural transition from the property to the water and increase the available habitat area of the banks for the proposed project. The banks shall then be revegetated using transplanted native species or installation of other native salt marsh species found in the area. The terracing shall be accomplished with materials conducive to promoting transplanting of native salt marsh species in the area as recommended in the MBC Biological Assessment. A biologist shall be present on-site to oversee the terracing and replanting of the banks. The biologist shall submit a written report of observations and shall verify the applicant's compliance with this mitigation measure to the City of Huntington Beach Planning Department.

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**BIOLOGICAL ASSESSMENT OF PROPOSED MARINA SITE
LOT B TRACT 8047
HUNTINGTON HARBOUR, CALIFORNIA**



Revised December 2000



Prepared for:

**Hugh Seeds
Huntington Beach, California 92649**



Prepared by:

**MBC Applied Environmental Sciences
Costa Mesa, California 92626**

02.22.01

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**BIOLOGICAL ASSESSMENT OF PROPOSED MARINA SITE
LOT B TRACT 8047
HUNTINGTON HARBOUR, CALIFORNIA**

Prepared for:

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16458 Bolsa Chica
Huntington Beach, CA 92649**

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Revised December 2000

02-2-01

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BIOLOGICAL ASSESSMENT OF PROPOSED MARINA SITE

LOT B TRACT 8047 HUNTINGTON HARBOUR

INTRODUCTION

At the request of Mr. Hugh Seeds, 16458 Bolsa Chica, Huntington Beach, California 92649, MBC Applied Environmental Sciences (MBC) conducted a biological assessment of the proposed marina site in Huntington Harbour at Lot "B", Tract 8047 (a sub-portion of which is Tract 8040) at the terminus of Park Avenue in the City of Huntington Beach, Orange County, California. The scope of this report is limited to an assessment of existing biological values, emphasizing sensitive species and habitats.

PROJECT DESCRIPTION

Huntington Harbour is a highly developed residential / recreational marina in northwest Orange County near the Los Angeles county line. Navigation and tidal access to the harbor is through Anaheim Bay, about two miles up coast. The project site is about 1.3 miles southeast of the Sea Beach National Wildlife Refuge and about 1.8 miles northwest of the Bolsa Chica wetland complex (Figure 1).

Bay environs such as Huntington Harbour are environmentally sensitive habitats in southern California. Many species of marine life utilize this critical resource for nursery grounds, protection, and living space. However, anthropogenic disturbances of coastal bays and wetlands have resulted in a substantial reduction in this habitat. Therefore, resource agencies require that proponents of projects that may result in the potential disruption or displacement of the species that inhabit these areas complete a biological assessment of potential impacts.

The proposed project involves residential construction at Lot "B", Tract 8047 (and portions of Tract 8040), on Huntington Harbour, at the terminus of Park Avenue in the City of Huntington Beach (Figure 2, Appendix A). The construction plan will result in the grading of 6,179 ft² of the project site and placement of docks in the water adjacent to the property. The flat, wedge shaped parcel contains 205 feet of shoreline at the water's edge. The shoreline is currently unprotected except for some loose rubble material and slopes towards the water at about a 2.6:1 ratio from an average top of slope elevation of +6 mean sea level (MSL). The parcel is on the entrance to a small, enclosed basin at the terminus of a 200-foot-wide side channel, about 1,600 feet southwest of the main navigation channel of Huntington Harbour. Concrete bulkheads are common in Huntington Harbour and many of the lots surrounding the project site have bulkhead protections, with the exception of the five lots fronting the small embayment to the southeast of the project site, which retain mudflat and partial rubble revetment.

PROPOSED PROJECT

The project requires the placement of docks offshore that cover or shadow about 55 ft of the existing bank. The docks will cover an area of water of about 1500 ft². The existing banks will be left intact on the northwest edge of the site. However, all rubble and rocks and the asphalt launch ramp will be removed to enhance the appearance of the intertidal area. Plants growing upon and near the decomposed asphalt launch ramp will be removed prior to excavation of the ramp and replaced. As there is no bank in the area of the ramp, some of dredged sediments will be deposited on the shore to reform the bank. This area will be terraced to hold the sediment and will be replanted with native species from the surrounding area. The terracing of the area of the ramp will allow native salt marsh plants to form a transition from the project to the intertidal zone. The project will also require dredging of the channel to provide access to the docks. An approximately 1500 ft² area of bottom will be dredged to depths of -5 ft MLLW, requiring the removal of about 275 cu yards of sediment.

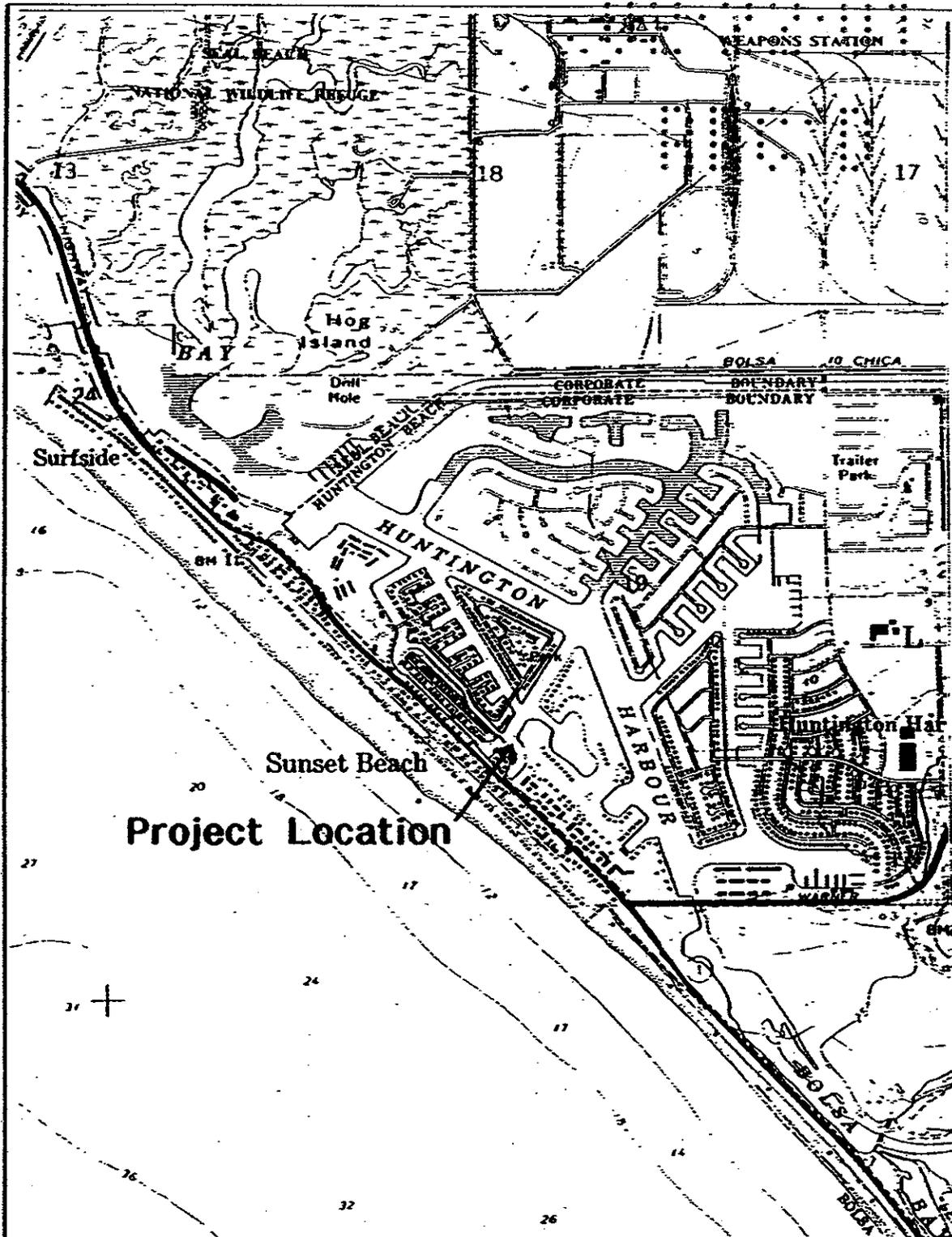


Figure 1. Vicinity map of proposed project site.

recorded, and habitat zones were mapped. Special attention was given to the possibility of the presence of species of particular environmental concern such as cordgrass (*Spartina foliosa*) and salt-marsh bird's beak (*Cordylanthus maritimus*). Birds occurring at the site and their activities were also included in the site assessment.

BIOLOGICAL RESOURCES

Little published information exists on the biology of the backbay areas of Huntington Harbour. However, unpublished agency reports, along with published information on similar nearby habitats, were used to supplement our results. The California Department of Fish and Game Natural Diversity Database (Database) (<http://itbws01.dfg.ca.gov/whdab/cnddb.htm>) lists 16 sensitive species that occur in the vicinity of the project site, which includes Bolsa Chica wetlands and Seal Beach. These areas are considered Southern coastal salt marsh habitats and are listed as special status natural communities. However, the habitat type at the project site is not suitable for most of the species listed in the database. The California least tern is the only listed species that may occasionally appear near the site. Two listed bird species, California brown pelican and peregrine falcon, do not appear in the database but are known to occur in the general vicinity of the project location. Salt marsh bird's beak, a listed plant species, is found in upper Newport Bay but not in other nearby salt marsh habitats.

Animal Species. Polychaete worms, benthic crustaceans, and mollusks almost exclusively make up Anaheim and Sunset Bay infauna communities. Studies performed by MBC in Huntington Harbour have shown that the diversity and abundance of infauna decline with increasing distance from the harbor entrance (MBC 1972, 1975). This is most likely due to the decrease in dissolved oxygen in the sediments in the inner harbor. Epifaunal species reported for Sunset Bay include sea slugs, bubble and horn snails, crabs and anemones. Noted fouling communities are dominated by bay mussels and also include sea squirts, slipper limpets, polychaete worms, barnacles, and sponges. Intertidal and subtidal substrate suitable for a fouling community is not currently present at the site.

Periodic fish inventories conducted in Anaheim Bay and Sunset Channel indicate that the fish community is representative of other embayments of southern California. Forty-one species representing 17 families have been recorded in Sunset Bay, including species of economic interest such as California halibut, diamond turbot, topsmelt, and shiner surfperch. Similar to the benthic community, fish diversity and abundance decrease with increasing distance into Huntington Harbour (MBC 1972).

Due to the project site's close proximity to highly productive coastal wetland systems, moderate bird use is expected, especially during annual nesting periods. Gulls, terns and other common shorebirds are expected to visit the project area regularly. LSA Associates, Inc. (LSA 1990) conducted a bird survey and found shorebirds feeding in the vicinity of the project site, including snowy egret (*Egretta thula*), ring-billed gull (*Larus delawarensis*), western gull (*Larus occidentalis*), and barn swallow (*Hirundo rustica*). LSA also noted brown pelican (*Pelecanus occidentalis californicus*), double-crested cormorant (*Phalacrocorax auritus*), short-billed dowitcher (*Limnodromus griseus*), Caspian tern (*Sterna caspia*), and elegant tern (*Sterna elegans*) flying overhead or near the project area (LSA 1990).

Plant Species. In a biological site assessment conducted in 1990, five native salt marsh species and three non-native, weedy species were found to dominate the site (LSA 1990). One additional native species, annual saltbush (*Atriplex patula*) was present in June 2000. However, species relatively abundant in the June 2000 survey, such as jaumea (*Jaumea carnosa*), alkali heath (*Frankenia salina*), and shore grass (*Monanthochloe littoralis*), were not mentioned in the 1990 report.

BIOLOGICAL ASSESSMENT

Subtidal Eelgrass, Algae, Fish and Invertebrate Survey. Eight animal and three plant species were recorded during the subtidal survey. No eelgrass (*Zostera marina*) was noted anywhere in the vicinity of the site. Mollusks were the most abundant macrofaunal group of animals. Bivalve feeding siphons of venus clam (*Chione* sp.) and jackknife clam (*Tagelus* sp.) were seen emerging from the substrate. California bubble snail (*Bulla gouldiana*) was present subtidally, and California horn snail (*Cerithidea californica*) was abundant at the water-land interface. Several California sea hare (*Aplysia californica*) egg masses were also seen attached to the muddy substrate. Lined shore crab (*Pachygrapsus crassipes*) and yellow shore crab (*Hemigrapsus oregonensis*) were abundant along the shoreline. Yellowfin goby (*Acanthogobius flavimanus*) was the only fish observed. Two identifiable algae, *Ulva* sp. and *Enteromorpha* sp., and one unidentifiable alga were observed in the shallow areas near the shore. Eelgrass was not observed in or near the project area.

Terrestrial Survey. Approximately 78% of the site was vegetated, with 21 species recorded (Table 1, Figure 3). However, only 23% of the site contained native species, of which nine species were observed. All of these species were found on the banks of the site and did not extend more than one to two feet into the lot from the top of the bank. Eight of these species

are typical of southern California salt marshes. An additional marsh species, cordgrass, was observed in a small patch approximately 30 ft southeast of the site. Pickleweed (*Salicornia virginica*) and saltwort (*Batis maritima*) were the most abundant species.

Avian Survey. Three bird species were observed: mourning dove (*Zenaidura macroura*), cliff swallow (*Petrochelidon pyrrhonota*), and house finch (*Carpodacus mexicanus*). The mourning were foraging in the grassy areas, and the cliff swallows were landing in the intertidal where they collected mud for nest building. No marine bird species were observed during the site survey. No reptiles, amphibians, or mammals were observed.

Table 1. Plant species found at site (*indicates non-native).

Scientific Name	Common Name
<i>Salicornia virginica</i>	pickleweed
<i>Batis maritima</i>	saltwort
<i>Limonium californicum</i>	sea lavender
<i>Jaumea carnosa</i>	jaumea
<i>Frankenia salina</i>	alkali heath
<i>Distichlis spicata</i>	salt grass
<i>Monanthochloa littoralis</i>	shore grass
<i>Suaeda ostenia</i>	estuary sea-bite
<i>Malvaella leprosa</i>	alkali mallow
<i>Carpobrotus (Mesembryanthemum) chilensis</i>	sea fig*
<i>Carpobrotus (Mesembryanthemum) edulis</i>	Hottentot fig*
<i>Hordeum murinum</i> ssp. <i>murinum</i>	winter barley*
<i>Lolium perenne</i>	perennial ryegrass*
<i>Lolium multiflorum</i>	Italian ryegrass*
<i>Spergularia bocconei</i>	sand-spurrey*
<i>Atriplex patula</i>	saltbush
<i>Chenopodium strictum</i> var. <i>glaucophyllum</i>	goosefoot*
Chenopodiaceae (Bassia ?)	unidentified goosefoot*
<i>Parapholis incurva</i>	sickle grass*
<i>Mollotus indica</i>	sourclover*
<i>Trifolium</i> sp.	clover*
<i>Sonchus oleraceus</i>	common sow thistle*

IMPACT ASSESSMENT

The observed subtidal flora and fauna are typical of southern California embayments. The observations made in the June 2000 survey agree with past surveys of the Huntington Harbour area (MBC 1972, 1975).

Fish and Invertebrate Subtidal Survey. During dredging, there would be a small loss of infauna organisms, but they would rapidly recolonize the area. Motile epibiota (invertebrates and fish) would move out of the area temporarily during construction. There would be another small loss of subtidal habitat due to the placement of dock pier pilings. This loss, however, would be small in

area and would be mitigated by the increase in subtidal and intertidal area afforded by the pilings. None of the species noted are locally impoverished.

Eelgrass and Algae Subtidal Survey. While eelgrass is known to occur in the harbor area, no eelgrass was noted during the survey at or near the project site. No other animal or plant species of environmental concern was observed subtidally. Thus, the project is not expected to have any lasting effects on the subtidal community.

Avian Survey. No marine bird species were observed in the project area in the 2000 survey, though they are known to use the harbor area for feeding and nesting. The close proximity of Huntington Harbour to other environmentally sensitive habitats such as Bolsa Chica suggests that some of these marine species have used and will continue to use the site for forage or roosting. This use is expected to be minor and the project as proposed would not noticeably impact their ability to utilize the area. The species of primary concern is the California least tern, a migratory water-associated bird present in the harbor from April to October each year. They feed in the shallow water areas on small fish. It is likely that this tern may at times feed in the area, as the site is relatively close to nesting areas in nearby Bolsa Chica and Seal Beach Wildlife Refuge. However, the importance of this area to tern foraging is negligible as there are sufficient foraging areas closer to the existing colonies.

Terrestrial and Salt Marsh Plant Survey. The intertidal salt marsh plant species, noticeably pickleweed and saltwort, comprise a large portion of the relatively steep bank and intertidal area. Although these plants are abundant in the Huntington Harbour area, they nonetheless provide an important habitat desirable to preserve.

MITIGATION

The project as proposed would have little or no impact on the marine or terrestrial habitats at the project site.

Fish and Invertebrate Subtidal Mitigation. Although there would be a loss of infaunal animals during the dredge process, they would quickly recolonize the area from the surrounding sediments. The actual loss of soft bottom habitat would be negligible. No additional mitigation would be necessary for soft-bottom habitat as any loss would be more than compensated for by the creation of hard bottom intertidal and subtidal substrate such as pier pilings and dock floats. The banks of the site are littered with broken concrete and other construction rubble and there is a decomposed asphalt launch ramp on the site perpendicular to the bank and extending through the intertidal and into the subtidal area. The removal of the rubble and asphalt ramp would allow more soft bottom habitat and intertidal habitat.

Eelgrass Mitigation. *No mitigation is necessary for eelgrass as none exists in or near the project area.*

Avian Mitigation. The construction on the site will have little or no effect upon the avian populations of Huntington Harbour. Removal of the rubble and debris and the slightly deeper habitat around the docks will allow more fish to forage in the area which may provide a slight benefit overall for avian foragers. The importance of this area to tern foraging is negligible as there are sufficient foraging areas closer to the existing colonies. *No mitigation would be necessary for the impacts to avian resources.*

Terrestrial and Salt Marsh Plant Mitigation. Approximately 78% of the site is covered by vegetation; however, less than 25% of the site contained native species. All of the native species were present on the banks of the site. Loss of terrestrial habitat on the top of the site would be

negligible and no mitigation is necessary to terrestrial resources as most of that area is covered by non-native plant species.

The only important impact is the potential loss of salt marsh vegetation habitat on the banks. Although small in area, their loss would add to the already huge loss of wetland habitat in the Huntington Harbour area and should be mitigated.

Mitigation Measure 1. Most of the bank, with the exception of a portion shadowed by the dock and access ramp, will be left undisturbed. The area at the top of the bank will be graded higher to reduce the potential for freshwater flow to the harbor and thereby creating additional habitat area. Another mitigation measure would be the removal of the existing degraded asphalt launch ramp on the southeast side of the site (Photos 2 and 5 in Appendix A), benefitting the water quality of the area as well as providing additional space for native plant species. This will mitigate the loss from the shadowing effect of the dock and access ramp. The launch ramp area would be terraced to give the water-land interface a more natural appearance using dredge sediments which would be a good substrate for the new bank. A biologist would oversee the removal and care of desirable species and their replacement as soon as the bank has stabilized.

Mitigation Measure 2. An important consideration is the amount of area on the banks that is currently occupied by non-native plant species. Approximately 25 to 30% of the banks are unvegetated or covered by non-native species. A benefit to the project would include the removal of invasive, non-native species, such as the Hottentot fig, providing additional area for native species, and transplants to the barren areas.

Alternative Mitigation. A close look at the banks on the property reveals they are steep and undercut in many areas (Photos 1 and 6 in Appendix A). Although we propose to leave them undisturbed if that is preferred by the city, it would be more desirable from a biological perspective to terrace the bank areas down to the water's edge. This would provide a more natural transition from the property to the water's edge and increase the available habitat area of the banks for the proposed project. None of the species found at the site are particularly fragile, and all would respond well to a well orchestrated transplant program at the site. The terracing would be accomplished with materials conducive to promoting the transplant. This would also increase the area of the subtidal and provide additional area for the installation of other native salt marsh species at the site.

Calculation of Loss of Habitat and Replacement. The loss of salt marsh habitat due to construction is approximately 62.5 ft by approximately 6 ft. This calculates out to 375 ft². However, since 25 to 30% is vegetated with non-native species or barren, the actual loss (using the more conservative 25%) is 282 ft². The net construction loss is 282 ft².

The net gain from the mitigation avenues such as removing the asphalt launch ramp and terracing that area results in a gain of 12 ft by 10 ft (because of the increased slope) of 120 ft². The net gain from removing and replacing non-native vegetation is 100 ft by 6 ft or 600 ft² (non-impacted area) multiplied by the 25% factor of non-native or barren areas equals an increase of about 150 ft². The combined two mitigation factors results in a net mitigation gain of in-kind habitat of 270 ft².

Although the overall loss is 12 ft² of salt marsh habitat, this loss is amply mitigated by the creation of about 6 by 12 ft or 72 ft² of desirable intertidal habitat and the removal of the asphalt which continues to leach petroleum products into the bay.

With careful construction supervised by a wetland ecologist, the site could result in a more desirable wetland transitional habitat.

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Marine Biological Consultants, Inc. 1975. The effects of the new channel in Huntington Harbour on marine life. Marine Biological Consultants, Inc., 947 Newhall Street, Costa Mesa, CA 92627.

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APPENDIX A

Site Photographs

01 June 2000

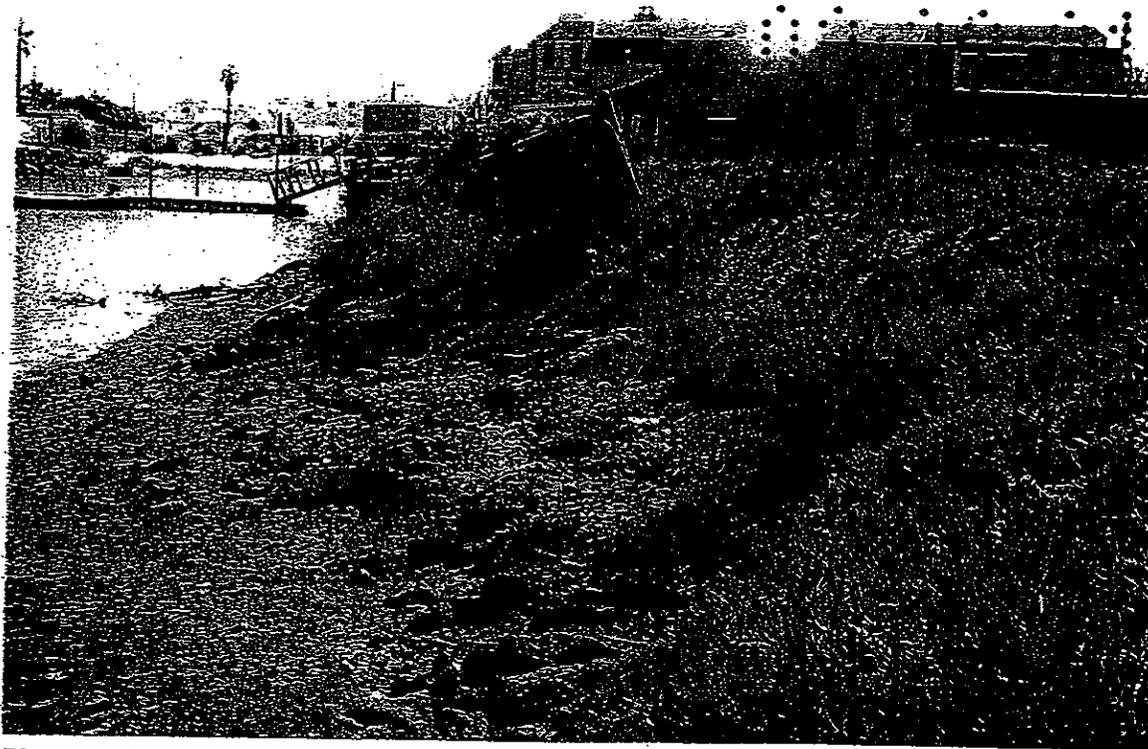


Photo 5. Old launch ramp at low tide showing pickleweed and ice plant at top of the bank.



Photo 6. Edge of site showing undercut bank with salt grass and pickleweed.



Photo 1. Southeast bank of site, showing pickleweed and sea lavender, with cordgrass on adjacent property (far left, in water).

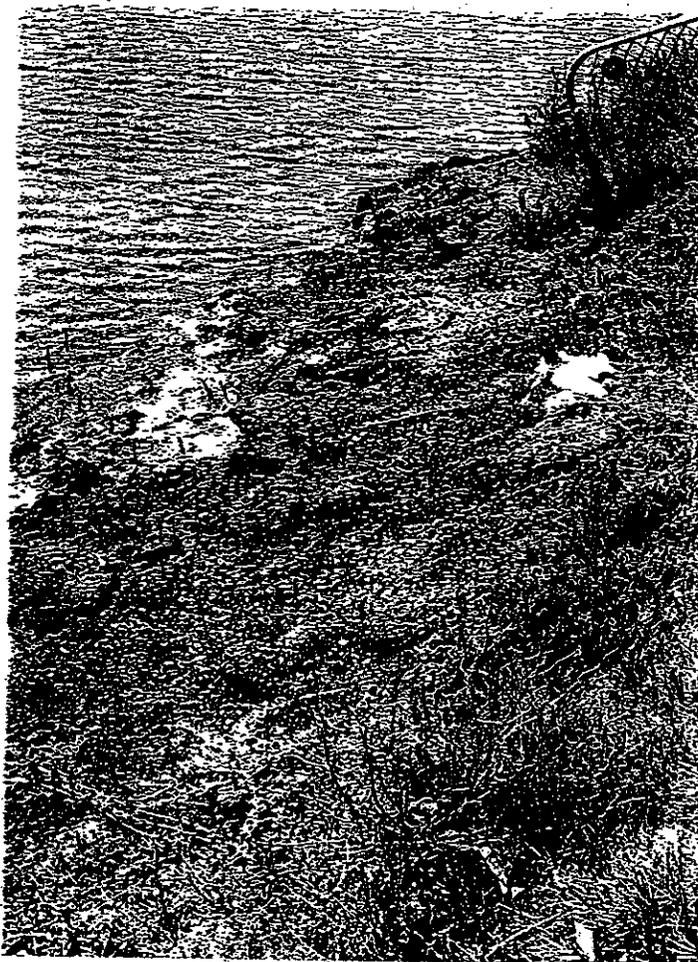


Photo 2. Old launch ramp, east of site, with saltwort, sea lavender and saltgrass at edge.



Photo 3. North of old launch ramp, east bank of site, with saltwort, sea lavender, pickleweed, and Hottentot fig (ice plant).



Photo 4. Pickleweed and saltgrass on northwest bank of site.

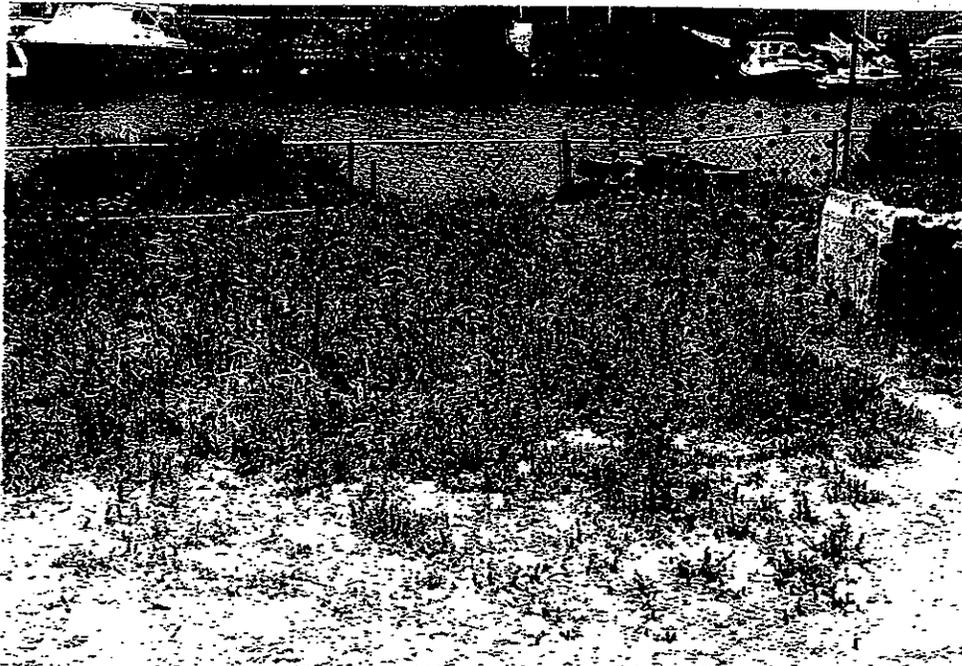


Photo 7. Southeast portion of site (non-native grasses, pickleweed left background at top of bank).



Photo 8. Center of site from entrance at Park Street (lawn and ornamentals at left).

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**WETLANDS HABITAT ANALYSIS,
EELGRASS (*ZOSTERA MARINA*), AND
INVASIVE ALGAE (*CAULERPA TAXIFOLIA*) SURVEY RESULTS**

**PARK AVENUE MARINA PROJECT
16926 PARK AVENUE, HUNTINGTON BEACH, CALIFORNIA
LOT B, TRACT 8047 (HUNTINGTON HARBOUR)**



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*Prepared by:
Coastal Resources Management
PMB 327, 3334 East Coast Highway
Corona del Mar, CA 92625
Contact: Rick Ware, Principal
(949) 412-9446*



June 26th, 2006

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1.0 INTRODUCTION

Coastal Resources Management (CRM) conduct biological surveys on April 3rd and April 13th, 2006 for the Park Avenue Marina Project, 16926 Park Avenue Huntington Beach, CA at the request of Mr. Mike Adams, Michael C. Adams Associates. This survey was conducted to (1) confirm and update the results of prior biological studies conducted by MBC Applied Environmental Sciences in June of 2000 and March 2001 (MBC 2000, MBC 2001), (2) to determine the presence or absence of invasive algae (*Caulerpa taxifolia*) at the project site, and (3) identify if eelgrass (*Zostera marina*) is present at the survey site. The purpose of the project was not to re-assess potential impacts, as these were addressed in previous MBC reports.

1.1 PROJECT SETTING AND BACKGROUND

The project site is located at 33° 43.026' N 118° 04.065' W on the south side of the Huntington Harbour main channel at the terminus of Park Avenue adjacent to Pacific Coast Highway (Figure 1). The proposed project includes constructing a four boat slip marina that consists of 85 feet of floating docks and a full time caretaker's quarters. The docks and walkways would have an area cover of about 230 sq ft along the seaward edge of the property. A bulkhead will be placed on the northwest edge of the site, and a portion of a deck will overhang the water in this area. Bulkheads will terrace down to the waters edge, allowing salt marsh plants to form a transition from the project's hardscape to the intertidal zone. The project will require dredging in the channel to provide enough depth for boats to access the docks. There will be five parking spaces, two for the manager's quarters and three for the docks. Proposed are three boat docks for lease and one public dock for foot traffic only (Figure 2).

MBC Applied Environmental Sciences conducted a habitat analysis and prepared conceptual mitigation alternatives for impacts to wetland habitats in June 2000 and March 2001 (MBC 2000, 2001). Their report identified 21 species of terrestrial plant species, of which nine were natives. Eight of these were typical of salt marshes. An additional marsh species (cordgrass) was observed in a small patch about 30 ft southeast of the project site. The salt marsh plants comprised a large portion of the relatively steep bank and intertidal area. Pickleweed (*Salicornia virginica*) and saltwort (*Batis maritima*) were the most abundant species. A decomposing, asphalt ramp accounts for a small portion of the area. On the bank top, two native species were present (MBC 2001). Subtidally, eight animal and three plant species were found. Eelgrass (*Zostera marina*) nor the invasive algae *Caulerpa taxifolia* were present. MBC concluded that the project would have no or little impact on the marine or terrestrial habitats at the project site. Mitigation was proposed for the net loss of 282 sq ft of salt marsh vegetation.

1.2 IMPORTANCE OF INVASIVE ALGAE (*CAULERPA TAXIFOLIA*) AND EELGRASS (*ZOSTERA MARINA*)

The invasive algae *Caulerpa taxifolia* has a potential to cause ecosystem-level impacts on California's bays and nearshore systems due to its extreme ability to out-compete other algae and seagrasses. *Caulerpa taxifolia* grows as a dense smothering blanket, covering and killing all native aquatic vegetation in its path when introduced in a non-native marine habitat. Fish, invertebrates, marine mammals, and sea birds that are dependent on native marine vegetation are displaced or die off from the areas where they once thrived. It is a tropical-subtropical species that is used in aquariums. It was introduced into southern California in 2000 (Agua Hedionda Lagoon) and (Huntington Harbour) by way of individuals likely dumping their aquaria waters into storm drains, or directly into the lagoons. While outbreaks have been contained, the Water Resources Board, through the National Marine Fisheries Service and the California Department of Fish and Game require that projects that have potential to spread this species through dredging, and bottom-disturbing activities conduct pre-construction surveys to determine if this species is present, and if so, to eradicate the species prior to conduct of the construction project, using standard agency-approved protocols and by National Marine Fisheries Service/California Department of Fish and Game Certified Field Surveyors.

Eelgrass is a marine flowering plant that grows in soft sediments in coastal bays and estuaries, and occasionally offshore to depths of 50 feet (ft). Eelgrass canopy (consisting of shoots and leaves added vegetation and the vertical relief it provides enhances the abundance and the diversity approximately two to three ft long attracts many marine invertebrates and fishes and the of the marine life compared to areas where the sediments are barren. A diverse community of bottom-dwelling invertebrates (i.e., clams, crabs, and worms) live on eelgrass or within the soft sediments that cover the root and rhizome mass system. MBC Applied Environmental Sciences (1986) identified a total of 97 species of invertebrates associated with Sunset Bay, Huntington Harbour, and Mission Bay eelgrass blades and shoots. Another 216 taxa were found living among the roots and sediment. The vegetation also serves a nursery function for many juvenile fishes, including species of commercial and/or sports fish value (California halibut and barred sand bass). Eelgrass meadows are critical foraging centers for seabirds (such as the endangered California least tern) that seek out baitfish (i.e., juvenile topsmelt) attracted to the eelgrass cover. Lastly, eelgrass is an important contributor to the detrital (decaying organic) food web of bays as the decaying plant material is consumed by many benthic invertebrates (such as polychaete worms) and reduced to primary nutrients by bacteria.

Because of the high ecological value of eelgrass meadows, it is important to document the location and amount of eelgrass in areas of proposed waterside developments and to mitigate any losses by avoiding or reducing, or compensating for any adverse effects on eelgrass habitats and communities.

2.0 METHODS

2.1 TERRESTRIAL BIOLOGICAL SURVEY METHODS

CRM conducted the survey on April 3rd, between 0900 and 1100 hrs during a low tide ranging between 0.1 and 0.4 feet (ft) Mean Lower Low Water (MLLW). CRM senior marine biologist Rick Ware conducted the survey using Wide Area Augmentation System (WAAS) GPS (Global Positioning System) technology. A general site reconnaissance was first conducted to define the project salt marsh boundaries and major species composition of the upland and wetland plant associations. The identification of plants however, was focused primarily on salt marsh vegetation and their species composition, and not the supra-tidal, non-native associations.

Once the general boundaries and species associations were established, the project site characteristics were mapped by using GPS methodologies. The limits of the project area included all of the habitat undeveloped at the end of Park Avenue including the Park Avenue Marina Site and the adjacent lot southwest of the project site

GPS data were collected at one second intervals using a Thales Mobile Mapper hand held GPS/GIS unit. GPS data were post-processed to obtain differential GPS locations. The estimated GPS error of the Thales Mobile Mapper unit with post-processed differential correction was less than 1 meter. GPS data were initially entered into the Mobile Mapper Software and then transferred into GPS TRACKER and ARCVIEW GIS software. The amount of terrestrial and wetland habitat was calculated using ARVIEW and Mobile Mapper Software for the entire area as well as the habitats within the specific Park Avenue Marina project site.

2.2 SUBTIDAL SURVEY METHODS

A subtidal dive survey was conducted using SCUBA on April 13th, 2006 between 1400 and 1600 hrs. The survey area included the entire shallow subtidal habitat around the perimeter of the property, from the northwest side near the docks to the southwest side (Figures 3 and 4, and Appendix 1, Figure 2). Biologists noted sediment type, water depth, and common types of marine plants and animals. A total of thirty one, 50 ft-long transects were swam 5 meters (16 ft) apart. Transect visual width was 10 feet (5 feet on each side of the diver). Bottom type, common marine life, and the presence or absence of *Caulerpa taxifolia* and *Zostera marina* was noted. Depths were standardized to Mean Lower Low Water (MLLW) based upon time of observation and tidal corrections for the Los Patos Bridge tidal survey station.

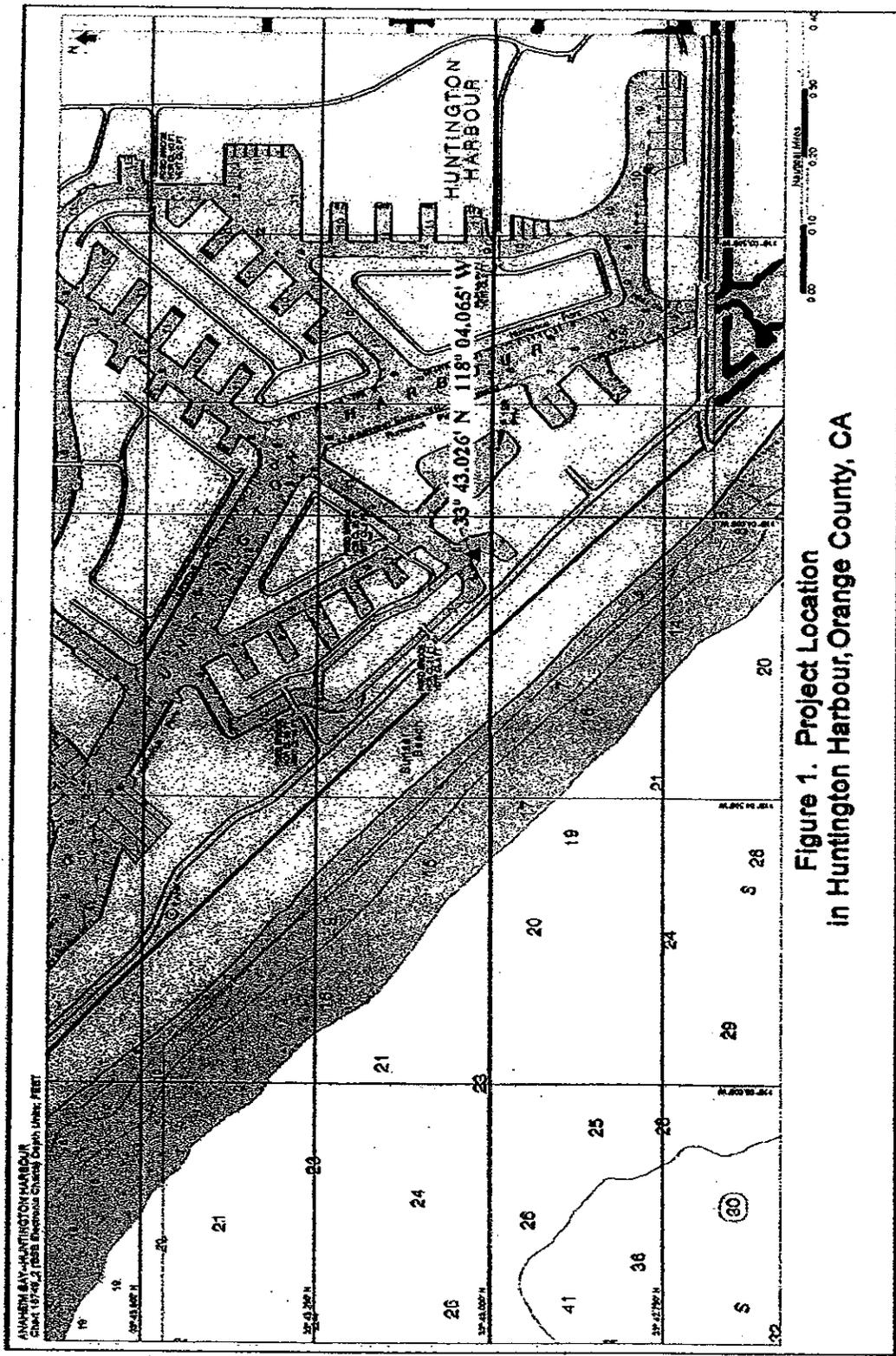


Figure 1. Project Location
 in Huntington Harbour, Orange County, CA

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CITY OF HUNTINGTON BEACH
 LOT LINE ADJUSTMENT
 SITE PLAN

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
ROBERT E. BACON AND MARY E. BACON	(No A.P.N.) PARCEL 2 OF INST. #19900478756	PARCEL 1
ROBERT E. BACON AND MARY E. BACON	A.P.N. 178-532-75 PORTION OF LOT 8 TRACT NO. 8040 INST. 1990478755	PARCEL 1

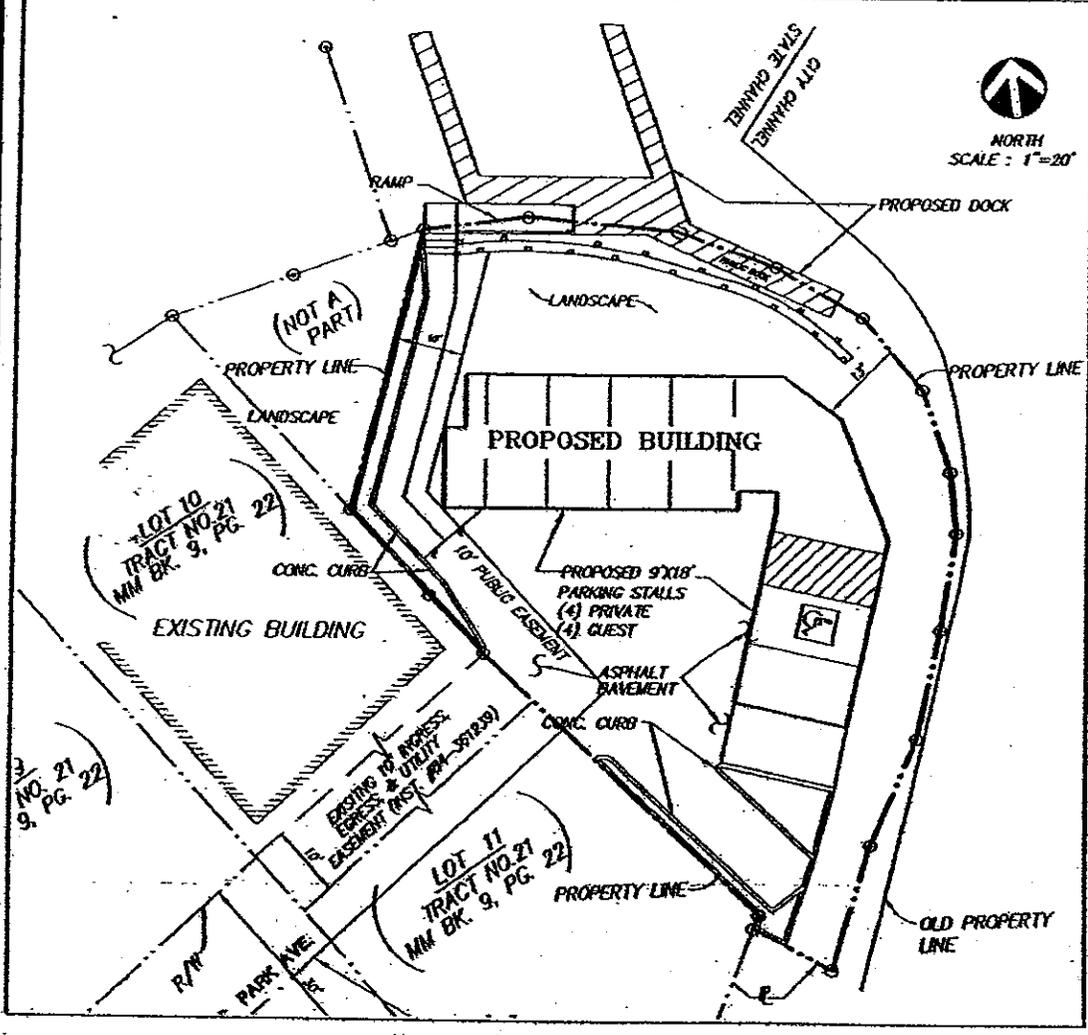


Figure 2. Proposed Project Layout

3.0 RESULTS

3.1 GENERAL CONDITIONS

Shoreline and Subtidal Physical Characteristics. The site consists of supra-tidal landscaped habitat (Figure 3); a high-to-mid steeply-sloped intertidal bank moderately to densely covered with transitional zone and salt marsh vegetation, remnant rip rap, and cement chunks used to protect the embankment (Figures 4-5); and mid-to-low unvegetated mudflats strewn with rip rap and occasional pieces of asphalt (Figure 6-7). Two patches of low salt marsh vegetation (cordgrass) are present south of the project site.

The subtidal dive area waters are shown in Figure 8. Bayfloor sediments were uniformly fine silts at depths between -7 to and +2 ft Mean Lower Low Water (MLLW). Horizontal water visibility during the dive survey conducted on 13 April 2006 was five feet on each side of the transect centerlines. Water temperature was 56 degrees Fahrenheit (F). Shoreline and subtidal sediment physical characteristics appear to be similar to those occurring during the MBC 2000 and 2001 surveys.



Figure 3. Landscaped Area at the End of Park Avenue

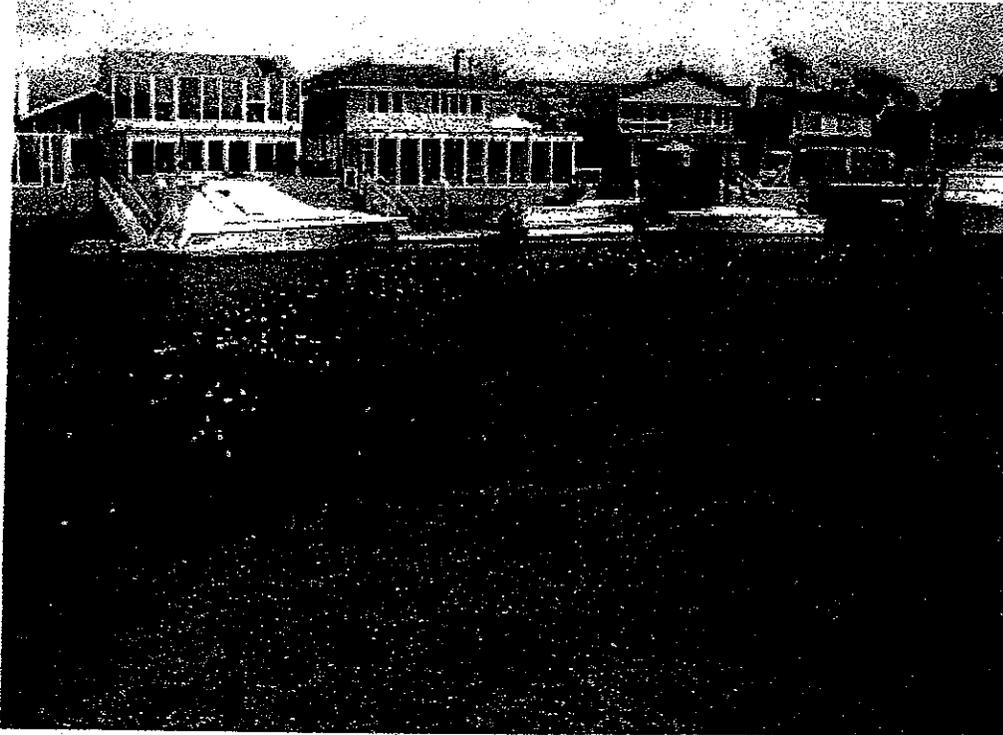


Figure 4. Upper Edge of Slope Extending Down to the Mudflats



Figure 5. Salt Marsh-Vegetated Bank on the South Side of the Project Area

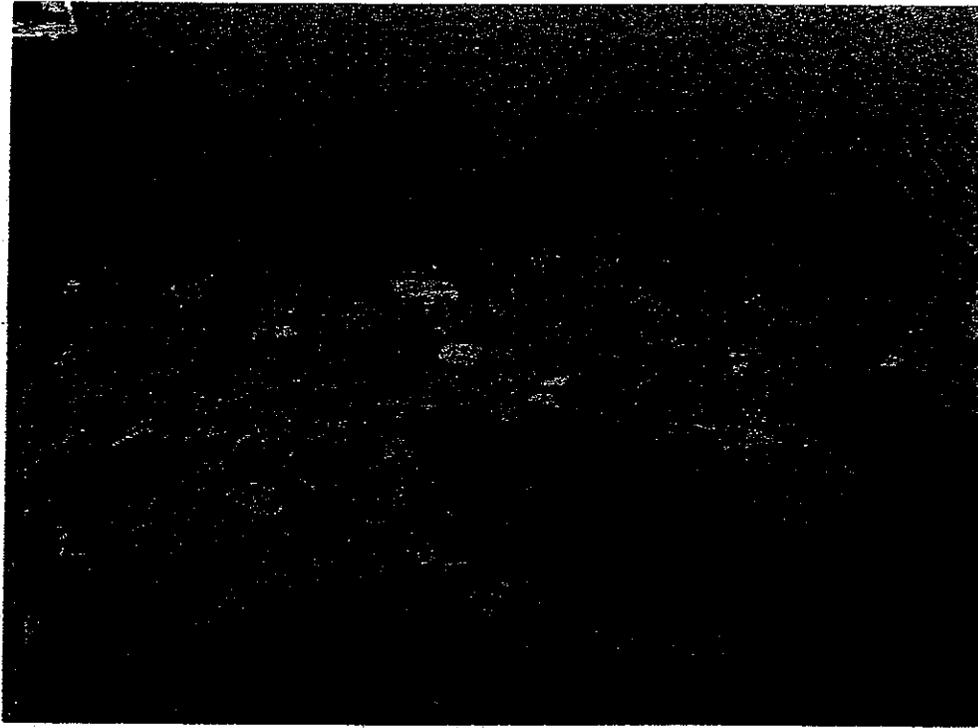


Figure 6. Mudflats and Shallow Subtidal Habitat on the Project's Northeast Side



Figure 7. Slope-to-Water View on the North Side of the Project Area



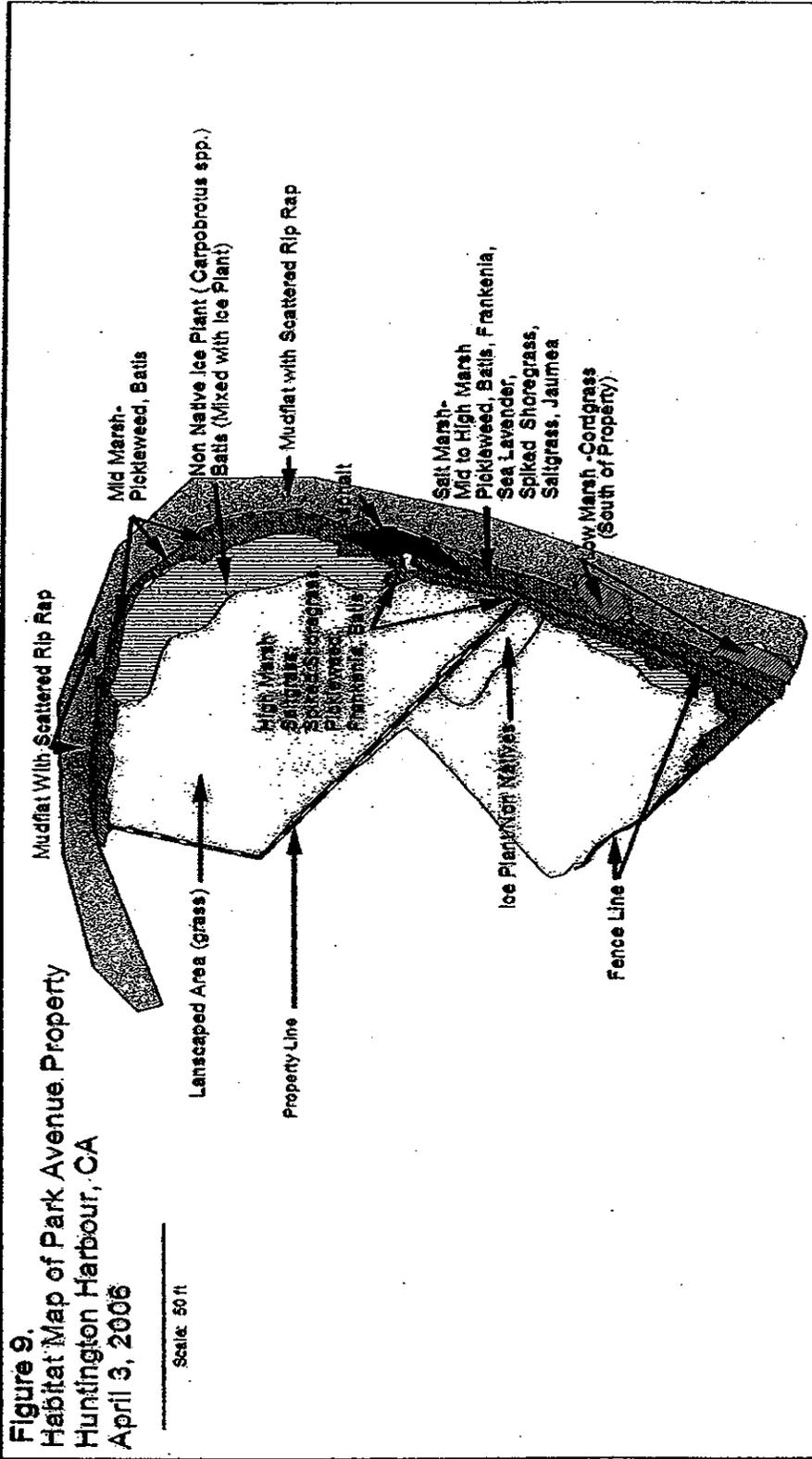
Figure 8. Subtidal Survey Area, Mudflats, and Vegetation Along the shoreline

3.2 TERRESTRIAL HABITAT

Table 1 summarized the amount and type of habitat within the Park Avenue Marina property boundaries. Figure 9 illustrates the habitats and the dominant species of plants found on the site. Table 2 lists the species of plants observed on the site.

Table 1. Habitat Types and Areal Cover at the Project Site. April 3, 2006

Habitat Type	All Area Mapped (Sq ft)	% Total	Marina Property (Sq ft)	% Total
Upland	7115.0	72.8	4099.0	66.2
Transitional	1341.0	13.7	1156.0	18.7
Asphalt	138.0	1.4	138.0	2.2
Mid-High Marsh	994.0	10.2	802.0	12.9
Low Marsh	181.3	1.9	0.0	0.0
Total	<u>9769.3</u>	<u>100.0</u>	<u>6195.0</u>	<u>100.0</u>
Mudflats*	2326.0			1551.7
* Estimate, not included in total				



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Table 2. Plant Species Identified at the Project Site

Common Name	Scientific Name
Alkali heath	<i>Frankenia salina</i>
Cordgrass	<i>Spartina foliosa</i> (south of the project site)
Estuary sea-blite	<i>Sueda esteroa</i>
Green algae	<i>Ulva intestinalis</i>
Jaumea	<i>Jaumea carnosa</i>
Pickleweed	<i>Salicornia virginica</i>
Saltgrass	<i>Distichlis spicata</i>
Sea lavender	<i>Limonium californica</i>
Spiked shoregrass	<i>Monanthocloe littoralis</i>
Hottentot fig and sea fig (combined)	<i>Carpobrotus spp.</i>
Ryegrass	<i>Lolium spp.</i>

A total of 6,197 square feet (sq ft) of habitat was mapped on the Park Avenue Marina project site (Table 1, Figure 9). Of this total, 66.2% was upland, landscaped habitat dominated by non-native grasses and shrubs; 18.7% was non-native transitional zone colonized by primarily Hottentot figs (*Carpobrotus spp.*); 12.9% was mid-to-high salt marsh colonized by pickleweed (*Salicornia virginica*), alkali heath (*Frankenia salina*), jaumea (*Jaumea carnosa*), saltwort (*Batis maritima*), saltgrass (*Distichlis spicata*) and spiked shoregrass (*Monanthocloe littoralis*); and 2.2% was remnant asphalt located on the slope and on the mudflats. Sea lavender (*Limonium californicum*) was also present, primarily on the eastern embankment, waterside of the fence.

Two individual stands of low marsh vegetation (cordgrass, *Spartina foliosa*) were present south of the project site and accounted for 1.9% of the total habitat mapped in the area. The amount of cordgrass has increased since the MBC survey; only one patch was observed during the 2000 survey. Cordgrass does not occur on the Park Avenue Marina project site.

Of the 802 sq ft (12.9%) of mid and high salt marsh habitat on the site, 98 sq ft of the total amount is located above the sloped embankment behind the fence on the south east side of the property. Another 138 sq ft of salt marsh habitat is mixed into the non-native transitional vegetation (iceplant/fig) on the slope and behind the slope along the eastern edge of the property. The 98 sq ft of high salt marsh located inland of the fence on the southeast side of the property consists of a dense mixture of spiked shoregrass and secondarily saltwort and pickleweed that appear to be spreading through the fence boundary, whereas the 138 sq ft of salt marsh plant vegetation mixed with transitional zone habitat consists primarily of saltgrass and saltwort.

On the mudflats, the green algae *Ulva intestinalis* formed a broad mat across the mud and the rip rap (Figure 6). Two invertebrates were observed living on the mudflats (Figure 11); the California horn snail (*Cerithidea californica*), and fiddler crabs (*Uca crenulata*).

Horn snail density varied between 15 and 22 per square meter, while the density of fiddler crab holes varied between 5 and 9 per square meter.



Figure 10. California horn snails and a fiddler crab burrow on the project area mudflat

3.3 SUBTIDAL SURVEY RESULTS

***Caulerpa taxifolia* (Invasive Algae)**

No invasive algae was found within the project area. The total Area of Potential Effect (APE) within the survey zone was 23,500 sq ft, of which 15,500 sq ft (66%) was covered by divers, based upon the prevailing underwater visibility. For a high level intensity survey in a *Caulerpa*-infected zone such as Huntington Harbour, a minimum of 50% viewing area is required during the first survey. The *Caulerpa taxifolia* reporting form, submitted to the Department of Fish and Game and the National Marine Fisheries Service is provided in Appendix 1.

***Zostera marina* (Eelgrass)**

No eelgrass (*Zostera marina*) was present within the underwater area of survey.

Other Marine Organisms

Two types of plants observed underwater included the green algae *Ulva intestinalis* on the bayfloor sediments and the brown algae *Sargassum muticum*, attached to small pieces of bottom rubble. Eleven invertebrate and fish taxa were observed. These included sponges (*Haliclona* sp.), hydroids (*Corymorpha palma*), burrowing anemones (*Pachycerianthus fimbriatus*), Gould's bubble snails (*Bulla gouldiana*), California horn snails (*Cerithidea californica*), predatory sea slugs (*Navanax inermis*), mussels (*Mytilus galloprovincialis*), tunicates (Ascideacea, unid., *Styela plicata*), topsmelt (*Atherinops affinis*), and round sting ray (*Urolophus halleri*). All are common to abundant in the Huntington Harbour subtidal environment.

4.0 DISCUSSION

The results of the 2006 CRM wetland and subtidal survey at the Park Avenue Marina project site indicated that biological conditions appear to be similar to those observed during the MBC Applied Environmental Sciences surveys conducted in 2000 and 2001. Secondly, the MBC conclusions regarding potential environmental effects of the proposed marina development project identified during the earlier studies are still valid. The amount of habitat affected by proposed construction is estimated to be 236 sq ft (based on CRM 2006 GPS mapping of vegetation). The amount of habitat estimated by MBC (2001) that would be affected by construction (based on the assumption that 25% is vegetated with non-natives or barren habitat) is 282 ft. Therefore, the results of both survey seem to be fairly consistent in estimation of habitat loss. There was an increase in low salt marsh vegetation (cordgrass), although it occurred offsite and to the south of the proposed marina.

Minor differences were observed in the species composition of both terrestrial and marine habitats although the dominant salt marsh forms were similar during both the earlier and the current 2006 studies. The differences are attributable to both differences in survey methods and timing of the surveys. The CRM survey also focused on identification of salt marsh species and a "lumping" of upland, landscaped species while all species were identified during the MBC survey.

There are no endangered, threatened, rare, or sensitive species at the site. In particular, eelgrass and invasive algae are not present within the project site intertidal or subtidal zone.

In conclusion, the impacts and mitigation measures identified by MBC Applied Environmental Sciences in their 2000-2001 biological assessment of the Park Avenue Marina project are still valid. CRM recommends that close attention be paid to identifying and implementing Best Management Practices during construction that would reduce and avoid potential environmental impacts beyond those impacts identified in earlier studies.

5.0 LITERATURE CITED

- Coastal Resources Management (CRM). 2006. *Caulerpa taxifolia* reporting form. Prepared for Michael Adams Associates, the National Marine Fisheries Service, and the California Department of Fish and Game. Prepared April 20th, 2006.
- MBC Applied Environmental Sciences. 1986. *Infauna and epibiota associated with transplants of eelgrass (Zostera marina) in southern California*. Prepared for Maguire Thomas Partners, The Huntington Partnership, National Marine Fisheries Service, and U.S. Fish and Wildlife Service. 48 pp.
- MBC Applied Environmental Sciences. 2000. Biological assessment of a proposed marina site in Huntington Harbour at Lot "B", Tract 8047 at the terminus of Park Avenue in the City of Huntington Beach, Cal. Prepared for the City of Huntington Beach Planning Department. June 2000.
- MBC Applied Environmental Sciences 2001. Letter report, in reference to the June 2000 Biological assessment of a proposed marina site in Huntington Harbour at Lot "B", Tract 8047 at the terminus of Park Avenue in the City of Huntington Beach, Cal. Prepared for the City of Huntington Beach Planning Department. March 2001.

**APPENDIX 1
CAULERPA TAXIFOLIA REPORTING FORM
(SUBMITTED TO THE DEPARTMENT OF FISH AND GAME AND THE
NATIONAL MARINE FISHERIES SERVICE)**



***Caulerpa taxifolia* Survey Reporting Form**

Park Avenue Marina

Orange County, California, (Huntington Harbour)

Survey Date: April 13th, 2006

**Prepared by: Coastal Resources Management
Prepared for:**

**Michael Adams Associates
Contact: Mike Adams
PO Box 382, Huntington Beach, CA 92648
(714) 376-3060**

This form is required to be submitted for any surveys conducted for the invasive exotic alga *Caulerpa taxifolia* that are required to be conducted under federal or state permits and authorizations issued by the U.S. Army Corps of Engineers or Regional Water Quality Control Boards (Regions 8 & 9). The form has been designed to assist in controlling the costs of reporting while ensuring that the required information necessary to identify and control any potential impacts of the authorized actions on the spread of *Caulerpa*. Surveys required to be conducted for this species are subject to modification through publication of revisions to the *Caulerpa* survey policy. It is incumbent upon the authorized permittee to ensure that survey work is following the latest protocols. For further information on these protocols, please contact: Robert Hoffman, National Marine Fisheries Service (NOAA Fisheries), (562) 980-4043, or William Paznokas, California Department of Fish & Game, (858) 467-4218).

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Report Date:	April 20 th , 2006
Name of bay, estuary, lagoon, or harbor:	Huntington Harbour, Orange County, California
Specific Location Name:	Park Avenue, Huntington Beach, CA
Site Coordinates: (UTM, Lat./Long., datum, accuracy level, and an electronic survey area map or hard copy of the map must be included)	33° 43.026' N; 118° 04.065' W Accuracy: <1 m, WGS84
Survey Contact: (name, phone, e-mail)	Rick Ware, Senior Marine Biologist, Coastal Resources Management (949) 412-9446, rware.crm@earthlink.net
Personnel Conducting Survey (if other than above): name, phone, email	The survey was conducted by Mr. Rick Ware and Mr. Stephen Whitaker of Coastal Resources Management.
Permit Reference: (ACOE Permit No., RWQCB Order or Cert. No.)	
Is this the first or second survey for this project?	First survey

Was <i>Caulerpa</i> Detected?: (if <i>Caulerpa</i> is found, please immediately contact NOAA Fisheries or CDFG personnel identified above)	Yes, <i>Caulerpa</i> was found at this site and _____ has been contacted on _____ date.
	No, <i>Caulerpa</i> was not found at this site.

Description of Permitted Work: (describe briefly the work to be conducted at the site under the permits identified above)	Construction of a four-slip marina and dock facility	
Description of Site: (describe the physical and biological conditions within the survey area at the time of the survey and provide insight into variability, if known. Please provide units for all numerical information).	Depth range:	+2 ft to -7 ft MLLW
	Sediment Type:	Silts throughout the survey zone
	Temperature:	56 degrees F
	Salinity:	25-35 ppt
	Dominant flora:	<i>Ulva intestinalis</i> ; <i>Sargassum muticum</i>
Dominant fauna:	Invertebrates and fishes observed during the dive survey included sponges (<i>Haliclona</i> sp.) hydroids (<i>Corymorpha palma</i>), burrowing anemones (<i>Pachycerianthus fimbriatus</i>), Gould's bubble snails (<i>Bulla gouldiana</i>), predatory sea slugs (<i>Navanax inermis</i>), mussels (<i>Mytilus galloprovincialis</i>), tunicates (Ascideacea, unid., <i>Styela plicata</i>), topsmelt (<i>Atherinops affinis</i>), and round sting ray (<i>Urolophus halleri</i>).	
Exotic species encountered (including any other <i>Caulerpa</i> species):	None	
Other site description notes:	None	

Description of Survey Effort:	<i>Survey date and time period:</i>	April 13 th , 2006, 1500-1530 hrs
(please describe the surveys conducted including type of survey (SCUBA, remote video, etc.) and survey methods employed, date of work, and survey density (estimated percentage of the bottom actually viewed).	<i>Horizontal visibility in water:</i>	Approximately 4 feet on each side of centerline of each transect
	<i>Survey type and methods:</i>	The underwater survey was conducted using SCUBA. A total of 31 transects were swam 5 meters (16 ft) apart. Transect visual width was 10 feet (5 feet on each side of the diver). Bottom type, common marine life, and the presence or absence of <i>Caulerpa taxifolia</i> and <i>Zostera marina</i> was noted. Depths were standardized to Mean Lower Low Water (MLLW) based upon time of observation and tidal corrections for the Long Beach Outer Harbor tidal survey station.
Describe any limitations encountered during the survey efforts.	<i>Survey personnel:</i>	Rick Ware and Stephen Whitaker of Coastal Resources Management.
	<i>Survey density:</i>	31, 10-ft wide by 50 ft-long transects. Total APE was 23,500 sq ft, of which 15,500 sq ft (66%) was covered. For a high level intensity survey in an infected zone such as Huntington Harbour, a minimum of 50% viewing area is required during the first survey.
	<i>Survey limitations:</i>	None
Other Information: (use this space to provide additional information or references to attached maps, reports, etc.)	See attached project maps	

Caulerpa Survey Reporting Form (version 1.2, 10/31/04)

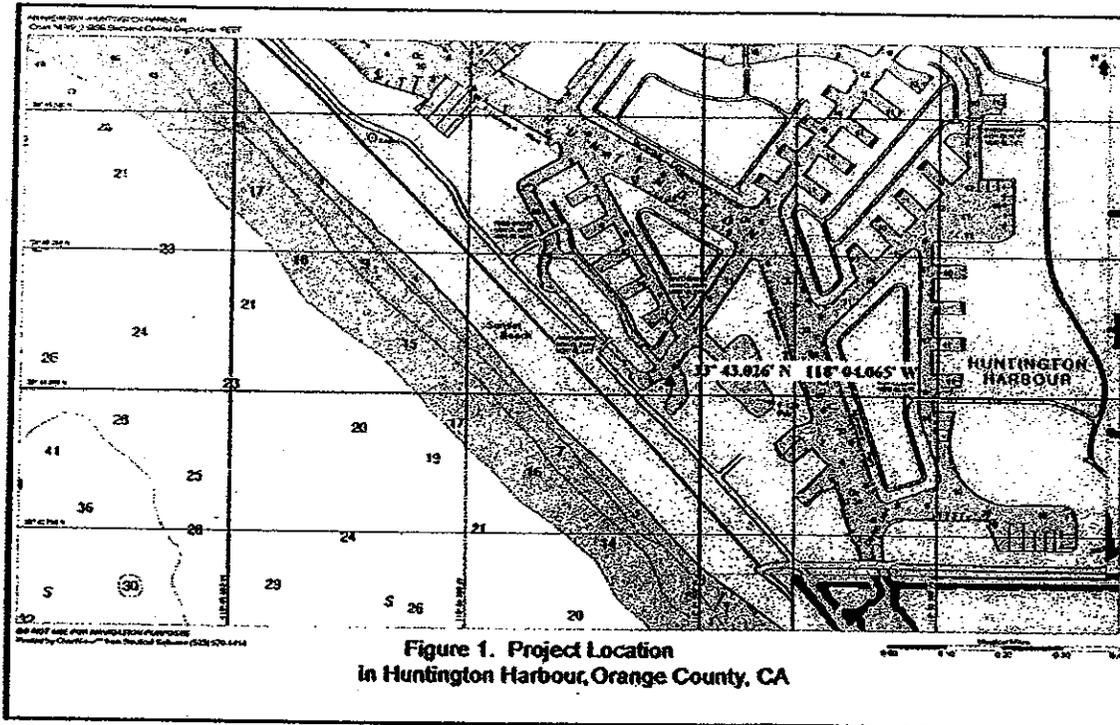


Figure 2. Project Area for Caulerpa Surveys

D1 . 136

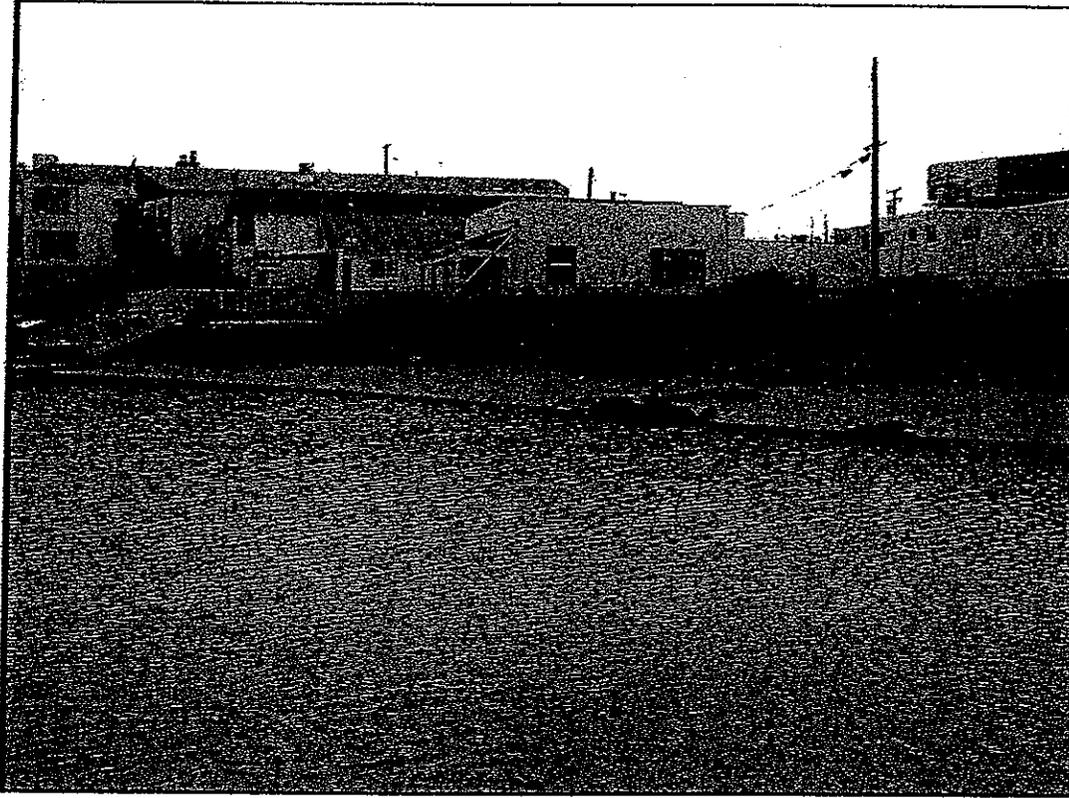


Figure 3. South Side of Park Avenue Project Area

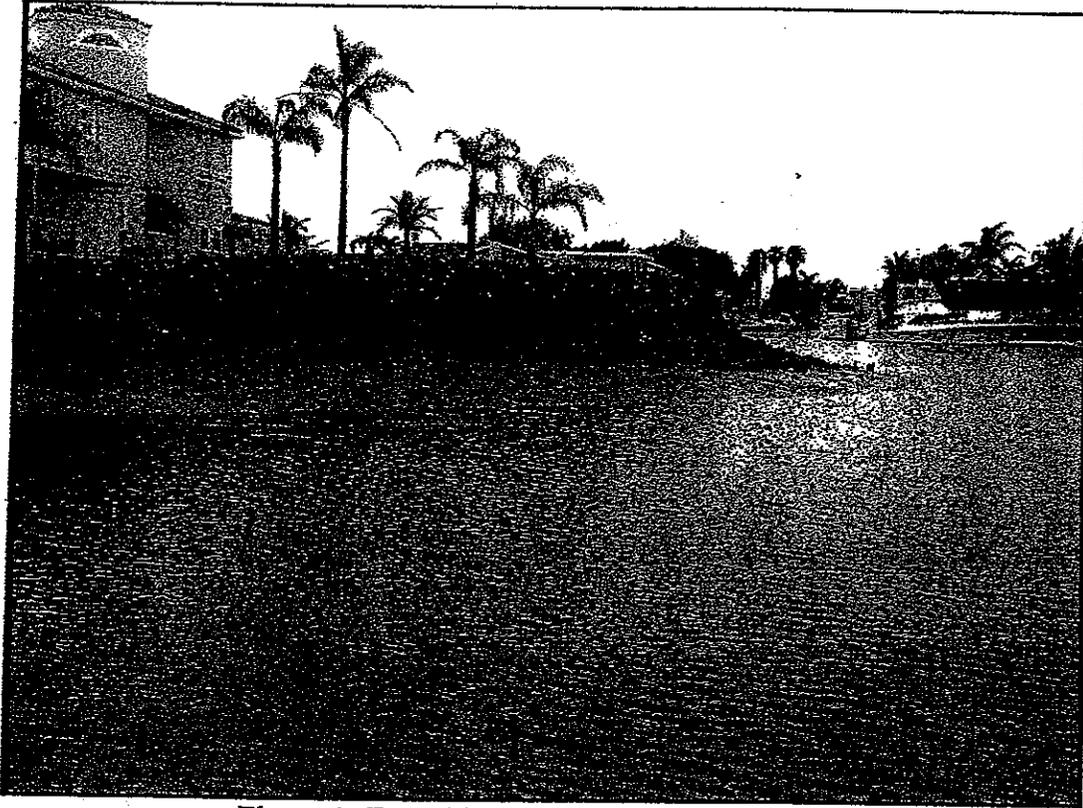


Figure 4. East Side of Park Avenue Project Area

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RESPONSE TO COMMENTS FOR DRAFT
MITIGATED NEGATIVE DECLARATION NO. 00-07

- I. This document serves as the Response to Comments on the Draft Mitigated Negative Declaration No. 00-07 (MND). This document contains all information available in the public record related to the draft MND as of December 12, 2006, and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

This document contains six sections. In addition to this Introduction, these sections are Public Participation and Review, Comments, Responses to Comments, Errata to the draft MND, and Appendix.

The Public Participation section outlines the methods the City of Huntington Beach has used to provide public review and solicit input on the draft MND. The Comments section contains those written comments received from agencies, groups, organizations, and individuals as of December 12, 2006. The Response to Comments section contains individual responses to each comment. The Errata to the draft MND is provided to show corrections of errors and inconsistencies in the document.

It is the intent of the City of Huntington Beach to include this document in the official public record related to the draft MND. Based on the information contained in the public record, the decision-makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that a draft MND had been prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of the draft MND. The following is a list of actions taken during the preparation, distribution, and review of the draft MND.

1. A cover letter and copies of the draft MND were filed with the State Clearinghouse on November 7, 2006. The State Clearinghouse assigned Clearinghouse Number 2002041144 to the proposed project. A copy of the cover letter and the State Clearinghouse distribution list is available for review and inspection at the City of Huntington Beach, Planning Department, 2000 Main Street, Huntington Beach, California 92648.

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APENDIX A

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1 MARK A. NIALIS, ESQ., SBN 89923
WILDISH & NIALIS
2 500 North State College Boulevard, Suite 1200
Orange, California 92868
3 Tel: (714) 634-8001
Fax: (714) 634-3869
4

DEC 07 2006

5 Attorneys for CONCERNED CITIZENS OF
PARK AVENUE, an unincorporated association
6
7

8 COMMENTS AND OBJECTIONS RE
9 CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT
10 CONDITIONAL USE PERMIT NO. 00-07 AND
11 ENVIRONMENTAL ASSESSMENT NO. 00-07
12

13 CONCERNED CITIZENS OF PARK AVENUE,) INITIAL COMMENTS AND
14 CITY OF HUNTINGTON BEACH) OBJECTIONS TO CUP NO. 00-07 AND
15) ENVIRONMENTAL ASSESSMENT NO. 00-07
16) [California Environmental Quality Act
17) ("CEQA") and Code of Regs. Title 14,
18) §§15201 and 14100, et seq.]
19) NOTICE OF REPRESENTATION BY
COUNSEL AND REQUEST FOR
PUBLIC HEARING

20 AGENCIES AND PERSONS TO WHOM COMMENTS AND OBJECTIONS ARE
21 DIRECTED:

22 The CONCERNED CITIZENS OF PARK AVENUE ("CITIZENS ASSOCIATION")
23 submits to the following agency comments to the Conditional Use Permit No. 00-13; Coastal
24 Development Permit No. 00-43 (CDP No. 00-43); Lot Line Adjustment No. 00-07 and
25 Environmental Assessment No. 00-07.

26 City of Huntington Beach Planning Department as lead agency c/o the City Clerk, 2000 Main
27 Street, Huntington Beach, California 92848.
28

1 Planning Commissioner, c/o the Associate Planner, Rami Talleh, 2000 Main Street,
2 Huntington Beach, California 92848.

3 City of Huntington Beach ("City") Council Members c/o the City Manager, 2000 Main
4 Street, Huntington Beach, California 92846.

5 Project Proponent/Real Property in Interest, Hugh Seeds, 16958 Bolsa Chica Street, #223,
6 Huntington Beach, California 92649.

7
8 1. **NOTICE OF REPRESENTATION BY COUNSEL AND REQUEST**
9 **FOR OPPORTUNITY TO SPEAK AT PUBLIC HEARING**

10 Please take notice that Mark A. Nialis of Wildish & Nialis, Attorneys at Law, is representing
11 CITIZENS ASSOCIATION, and its membership, and requests an opportunity to be heard at the
12 Public Hearing presently unscheduled. Counsel for CITIZENS ASSOCIATION estimates that this
13 portion of introductory oral presentation would be limited to approximately 10 to 15 minutes.

14
15 2. **REQUEST THAT A COPY OF THE COMMENTS AND**
16 **OBJECTIONS OF CITIZENS ASSOCIATION BE INCLUDED IN**
17 **THE ADMINISTRATIVE RECORD**

18 Please take notice that CITIZENS ASSOCIATION hereby requests that a copy of these
19 Comments and Objections be included in any official administrative record prepared by the City
20 Clerk.

21
22 3. **NATURE AND DESCRIPTION OF PROJECT.**

23 The proposed project is a request to construct a largely unregulated boat marina on a small
24 parcel of land at the terminus of Park Avenue, Sunset Beach, California. The proposed
25 improvements include floating docks, a floating pedestrian ramp, a 2,793 square foot 3-story marina
26 office, caretaker's quarters, a 1,189 square foot associated parking garage and carport, and a 145
27 square foot balcony. The proposed project will arguably operate twenty-four (24) hours per day
28

1 which will purportedly be supervised by a caretaker. The project presently has no suitable access
2 and any action on the proposed project is premature.

3
4 **4. INTRODUCTION.**

5 The CITIZENS ASSOCIATION is an unincorporated association and community
6 organization composed primarily of residential homeowners located on Park Avenue which abuts
7 the proposed project. The CITIZENS ASSOCIATION includes but is not limited to the following
8 individual members:

9 **Michael Van Voorhis, 16923 Park Avenue, Sunset Beach, CA 90742;**

10 **Denise Van Voorhis, 16923 Park Avenue, Sunset Beach, CA 90742.**

11 The comments herein contained are made on behalf of the CITIZENS ASSOCIATION and
12 its individual members.

13 The comments set forth herein are submitted pursuant to California Environmental Quality
14 ACT (CEQA) and the California Code of Regulations (CEQA Guidelines). These comments are
15 intended to set forth the present concerns of CITIZENS ASSOCIATION and its individual members
16 concerning the proposed project to assist in evaluating the Mitigated Negative Declaration including
17 but not limited to traffic reports, geological reports, noise reports, air quality reports and hydrology
18 and water quality reports. The comments are not intended to be exclusive or exhaustive of any
19 singular claim or comment of any member or members of CITIZENS ASSOCIATION. The
20 CITIZENS ASSOCIATION and each of its members reserves the right to amend or supplement its
21 comments and to provide further documentation, if any, during the review process, including the
22 CEQA review period by the lead agency.

23
24 **5. GENERAL COMMENTS.**

25 The proposed project is a boat marina on a small 6,100 square foot property which will
26 disproportionately increase the amount of vehicular traffic on Park Avenue. The proposed project
27 will operate with an ingress/egress for vehicular and truck traffic which will have a significant
28 impact upon the environment, including but not limited to significant increases in traffic movement,

1 significant increases in ambionic and periodic noise levels, significant increases in local air pollution,
2 significant impacts on the socio-economic environment of surrounding and adjacent present a;
3 future residential homes, all of which will impact the quality of life in surrounding and adjacent
4 residential neighborhoods. The Mitigated Negative Declaration for the proposed project does not
5 completely and adequately consider, disclose, assess and discuss all potentially significant impacts
6 of the proposed project, and therefore, it must be rejected. At a minimum, a full and complete
7 environmental impact report must be prepared for this project. This initial comment will address
8 the following areas in the Mitigated Negative Declaration:

9
10 **II. Population and Housing:**

11 The Mitigated Negative Declaration has found that this is a less than significant impact. The
12 Board has failed to consider that the population, both permanent and transient, will increase
13 disproportionately than if the property had been used as a single family residence and/or some other
14 suitable housing that would be permitted on such a small lot. Essentially, the proposed project is
15 permitting boats to be utilized as condominiums whether on a full or part-time basis
16 disproportionately increase the number of persons occupying the subject area. Therefore, it is the
17 effects are not less than significant but rather are potentially significant and the Mitigated Negative
18 Declaration has, by its term, not sought to mitigate any of these adverse impacts.

19
20 **IV. Hydrology and Water Quality.**

21 The Mitigated Negative Declaration has failed to address what impact the marina boat
22 residence will have on the hydrology and water quality once the proposed project is open to the
23 public.

24
25 **VI. Transportation/Traffic.**

26 The Mitigated Negative Declaration is incorrect when it states that the proposed project will
27 be served by Park Avenue 30 foot wide local street located entirely within the County of Orange and
28 intercepting with Pacific Coast Highway. The Mitigated Negative Declaration is incorrect in th

1 the only presently available access to the property is an alleged 10 foot wide easement to provide
2 access to the property. All other access to the property has been permissive use by adjacent property
3 owners and no other easements exist for access to the proposed private project. Further, on June 9,
4 2004, a Covenant and Agreement running with the land was executed and recorded by and between
5 property owners on Park Avenue wherein they specifically agreed to restrictive nature and use of
6 each of their respective properties, including that neither of them would voluntarily convey fee title,
7 license profit or easement for ingress and egress, road, or utility purpose or for any other purpose
8 with respect to their respective properties, along and on Park Avenue.

9 Therefore, the proposed project has inadequate access for the proposed purpose, and clearly
10 would have inadequate access for emergency situations.

11 The anticipated increase in traffic as alleged in report, will have at a minimum potentially
12 significant impact on the adjacent properties, particularly, when it is viewed in relation to the
13 existing traffic flow, in its capacity as a dead end street. Presently, there is one single family
14 residence at the terminus of Park Avenue and the proposed project will increase that traffic volume
15 by approximately 500%, at the terminus point. The proposed project anticipates that the Mitigated
16 Negative Declaration, while it incorrectly states that the proposed project will be served by 30 foot
17 wide local street, does not specify how wide, the driveway will be to access the marina project.

18 **A. Health & Safety:**

19 This residential neighborhood, with a street that presently dead ends prior to Lot 11, as
20 specified in the project map, is utilized as a playground area; such as for basketball, street hockey
21 and the like. This is particularly true since the water oriented nature of the area, has created small
22 backyards which are utilized for access to boats. The Mitigated Negative Declaration fails to take
23 into account these activities by the neighboring children and the CITIZENS ASSOCIATION clearly
24 believe that this marina will have a potentially significant unmitigated impact on the health and
25 safety of children in the area.

26
27 **VII. Biological Resources.** The Mitigated Negative Declaration specified that there are
28 potential significant impacts as a result of the project to biological resources and specifies a

1 mitigation program. CITIZENS ASSOCIATION believe that the mitigation measures undertaken
2 are to be overseen by a biologist hired by the project proponent, instead of being hired by the le
3 agency and paid by the project proponent. Further, the project proposed mitigation measures do not
4 include a monitoring or reporting program as required by Public Resources Code Section 221081.6.
5

6 X. Noise.

7 The Mitigated Negative Declaration states that with respect to all noise issues, that there is
8 less than a significant impact or no impact. The proposed project description states that the marina
9 docks and office operating hours will be from 8:00 a.m. to 5:00 p.m. daily. However, the full-time
10 caretaker's quarters will allow for 24 hour supervision of the facility. The Mitigated Negative
11 Declaration does not specify that a caretaker must be on site for 24 hour supervision, but rather that
12 it permits this to occur and it is a condition. Further, the fact that the marina docks and office will
13 have operating hours from 8:00 a.m. to 5:00 p.m., does not specifically state that no one can be on
14 the boats after 5:00 p.m. The Mitigated Negative Declaration is completely silent on the issue of
15 when the public may utilize their boats at the docks, at the proposed project/marina. It is typical th
16 those persons who utilize the proposed projects boat slips may do so as a vacation home. The
17 Mitigated Negative Declaration fails to address the hours upon which the persons may utilize their
18 boats, if they can only be on their boats from 8:00 a.m. until 5:00 p.m. If so, how is the City going
19 to ensure that all persons will be removed from their boats by 5:00 p.m.; by the caretaker and/or by
20 local police. However, boats and harbors have typically always been utilized by their owners as
21 their weekend getaway homes with parties and the like occurring at all hours. These types of
22 activities will greatly increase the ambient noise levels for all surrounding homeowners. The
23 CITIZENS ASSOCIATION are surprised that the Mitigated Negative Declaration failed to address
24 this issue in any manner whatsoever.
25

26 XII. Utilities and Service Systems.

27 The storm water catch basin referred to in Section C, is presently on the property of Michael
28 Van Voorhis, and he is responsible for its upkeep, and it was installed to catch the runoff from

1 property. The proposed marina project would greatly increase his maintenance responsibilities and
2 the present storm water catch basin is, in all probability, insufficient for the proposed project.
3 Therefore, this is a potentially significant impact unless mitigation is incorporated. Therefore, the
4 proposed project should be required to install their own storm water catch/desilting basin.

5
6 **6. CONCLUSION.**

7 The Mitigated Negative Declaration fails to contain an adequate and complete assessment
8 of the commutative impacts for the proposed project as required by CEQA and CEQA Guidelines,
9 including an adequate and accurate list of past, present, foreseeable future projects which will
10 contribute to the cumulative traffic, air quality, noise, health and safety, biological and other impacts
11 in the area. The CEQA guidelines define cumulative impacts as two or more individual effects,
12 which considered together, are considerable or which compound or increase other environmental
13 impacts.

14 The CEQA Guidelines provide the cumulative impact from several projects is the change in
15 the environment that results from the incremental effect of the project when added to other closely
16 related past, present, and probable future projects. Cumulative impacts may result from individually
17 minor, but collectively significant projects taking place over a period of time.

18 The Mitigated Negative Declaration fails to address cumulative impacts and therefore, an
19 environmental impact report to discuss cumulative impacts; the biological impacts, noise impacts
20 and traffic impacts must be addressed in an environmental impact report. Such an environmental
21 impact report could and should discuss whether cumulative impacts, if the proposed projects
22 incremental contribution to a potentially significant impact is cumulatively considerable. The EIR
23 must also, of course, discuss significant environmental effects that is specific to the project under
24 review as mentioned above. Therefore, the proposed projects, specific impacts and cumulative
25 impacts must be evaluated for potential significance in any environmental impact analysis. The
26 proposed Mitigated Negative Declaration fails to conduct any such analysis.

27 The CITIZENS ASSOCIATION believe that the Mitigated Negative Declaration utilized in
28 lieu of a project, EIR has not satisfied the requirements of CEQA. At a minimum, a project EIR

1 should be required for the proposed project. However, since the entire area surrounding Huntington
2 Harbor has been developed through a seriatim Mitigated Negative Declarations and negativ
3 declarations, the CITIZENS ASSOCIATION strongly urge that an area wide EIR be adopted and
4 required before a proposed project can be fairly considered.
5
6

7 Dated: December 6, 2006

Respectfully submitted,

WILDISH & NIALIS

9
10 By: 

11 MARK A. NIALIS
12 Attorneys for CITIZENS ASSOCIATION OF
13 PARK AVENUE, an unincorporated association

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within entitled action; my business address is 500 North State College Boulevard, Suite 1200, Orange, California 92868.

On December 7, 2006, I caused to be served the foregoing document described as **Initial Comments and Objections to CUP NO. 00-07 and Environmental Assessment No. 00-07; [California Environmental Quality Act ("CEQA") and Code of Regs. Title 14, §§15201 and 14100, et seq.]; Notice of Representation by Counsel and Request for Opportunity to be Heard at Public Hearing on the interested parties as follows:**

City of Huntington Beach Planning Department
c/o the City Clerk
2000 Main Street
Huntington Beach, CA 92848

Planning Commissioner
c/o the Associate Planner, Rami Talleh
2000 Main Street
Huntington Beach, California 92848

City of Huntington Beach
c/o the City Manager
2000 Main Street
Huntington Beach, California 92846

Project Proponent/Real Property in Interest
Attention: Hugh Seeds
16958 Bolsa Chica Street, #223
Huntington Beach, California 92649

(PERSONAL DELIVERY BY DDS PROCESS SERVICE) By placing the original a true copy thereof enclosed in a sealed envelope(s) addressed as to the above-named parties. I caused such envelope to be delivered to the office of the addressee by DDS PROCESS SERVICE.

Dated: December 7, 2006


MARLENE D. TECSON

original

City of Huntington Beach

DATE: DECEMBER 2, 2006

DEC 11 2006

TO: CHAIRMAN AND MEMBERS OF THE HUNTINGTON BEACH PLANNING COMMISSION

FROM: RESIDENTS SURROUNDING PARK AVENUE MARINA PROJECT

SUBJECT: PARK AVENUE MARINA PROJECT---

1. COMMENTS ON THE ADEQUACY OF ENVIRONMENTAL ASSESSMENT NO. 00-07 AND MITIGATED NEGATIVE DECLARATION NO 00-0

2. RECOMMENDATION AND FINDINGS OF FACT TO NOT CERTIFY AND ADOPT AMENDED ENVIRONMENTAL ASSESSMENT NO. 00-07

3. RECOMMENDATION AND FINDING OF FACT TO DENY CONDITIONAL USE PERMIT NO. 00-13, COASTAL DEVELOPMENT PERMIT NO. 00-43 AND LOT LINE ADJUSTMENT NO. 00-07 FOR THE PARK AVENUE MARINA PROJECT LOCATED AT 16926 PARK AVENUE HUNTINGTON BEACH, CA 92649

OVERVIEW

The entitlements requested for the proposed Park Avenue Marina project should be denied by the Planning Commission and the Mitigated Negative Declaration must be rejected.

The information contained herein will demonstrate that the project will have significant adverse environmental impacts which have not been adequately mitigated. Further, there are alternatives to this project that reduce or eliminate the significant adverse effects. These alternatives have not been adequately considered.

The project is ill-conceived and is inconsistent with the City's overall General Plan goals, objectives and policies with respect to public open space and waterfront recreation. The project is contrary to the purpose, intent and specific provisions of the zoning applied to this property and should be disapproved.

In light of the significant adverse environmental impacts of this project, which have not been mitigated, and the inconsistency with both zoning and General Plan provisions, the Commission must deny this project and not certify the environmental documentation.

Further, it is recommended that the Planning Commission recommend that all provisions with respect to the OS-W-CR zone be examined with respect to their consistency with the City's General Plan objectives.

It is reasonable to expect that such an examination will reveal that serious deficiencies exist between the General Plan objectives and the specific provisions of the zoning applied to the subject site. Absent such consistency, the Planning Commission should defer to the General Plan as the overriding policy document.

Given the preponderance of evidence that this project has both significant adverse environmental impacts which are not adequately mitigated and the fact that substantial evidence exists that the project will have other adverse impacts on the neighborhood and community in general, the Planning Commission must deny the requested entitlements and not certify the environmental documentation.

RATIONAL AND FINDINGS FOR REJECTION

Section 201.08 of the Huntington Beach Municipal Code provides that the Planning Commission shall not approve a discretionary application, such as the requested CUP, Lot Line Adjustment and Coastal Development Permit unless and until it has been shown that the project will not have significant adverse environmental impacts. This section further provides that such projects must be considered and planned for in the long term (capital improvement) plans for the community.

ANALYSIS

The construction of 4 offshore floating docks and a 2,793 square foot, 3-story marina office and caretaker's quarters along with 1,189 square feet of associated parking garage and carports was not considered for this open space and water-recreation site. The subject property is environmentally sensitive and the proposed use is inconsistent with open space goals for this site.

The following is the specific language contained in the Huntington Beach Municipal Code:

201.08 Consideration of Discretionary Applications

In the consideration of any discretionary application pursuant to the provisions of this ordinance, the City official or body charged with review responsibility shall not approve any such application unless it is established that the development will be appropriately timed and phased such that the development will be supported by adequate public facilities and services, and such that appropriate measures can be taken to mitigate adverse environmental impacts. Adequacy of public facilities and services shall be determined in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs in which facilities are actually available or funded and the General Plan elements in effect at the time of the consideration of the application.

The subject property was originally intended to accommodate public use and enjoyment including unrestricted access to the water's edge.

The proposed project, although purporting to provide public access does little or nothing to support public access. In their application, the applicant asserts that the public will be able to transport or carry hand launched craft. However, no provisions have been made for public parking to utilize this access.

The application does not guarantee that public access will be provided. Further, specific statements in the environmental documentation which state that, "guest dock facilities will be provided at a "reasonable charge" do little to guarantee that such facilities will be open and accessible to the general public.

It is highly questionable that a site containing only four long-term public slips should require the construction of a "care taker's "residence. It is further questionable that such a residence should exceed the minimum dwelling unit prescribed by the zoning ordinance.

If such a use were be deemed to be necessary for these four docks (slips), it would follow that every marina in the harbor should have a ratio of one housing unit per four slips. Many options for the management and supervision of four slips exist to avoid the construction of a permanent residence.

The construction of a 2,793 square foot residence with such amenities as a "Great Room", as indicated in the plans submitted, is clearly contrary to the open space and water recreation goals for this property.

Furthermore, the proposed residential use (caretaker's facility) is prohibited by the specific provisions of Section 213.06 of the Huntington Beach Municipal Code which provides that unless a use classification is listed it is prohibited. This section reads as follows:

213.06 OS District: Land Use Controls.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

Section 203.06 of the Huntington Beach Municipal Code provides both the definition of "Caretaker's Unit" and "Dwelling Unit". Neither use classification is listed as permitted or conditionally permitted in the OS-WR-CZ zone. Further, the construction of 2,793 square foot three-story structure on a 6,179 square foot site is not ancillary or incidental to the intended primary open space and water recreation use of the property.

The City's Municipal Code provides specific definitions of the term "dwelling unit" and permits the construction of single room units as small as 250 square feet and traditional dwelling units as small as 500 square feet. The proposed residential use is over five times larger than the minimum unit size.

Access to the site is substandard to support the proposed development

As discussed in staff's environmental assessment, access to the site is limited and constrained and requires easements over two properties. The access to this property via a 30 foot wide alley is insufficient to support the requested uses. The 10 existing dwelling units served by Park Avenue generate 240 daily trips and the project would add 27 weekday trips, 28 trips on Saturday and 44 trips on Sunday. This represents an increase of 18 percent above existing conditions and is significant due to the substandard assess.

The Environmental Assessment states that the City's Fire Department concludes that inadequate access exists to provide protection to this property. The installation of fire sprinklers and alarms is not an adequate substitute for fully improved emergency access to the site. The development of the site with a large residential dwelling creates the risk that the occupants of the dwelling and owners of surrounding properties will be exposed to significant safety impacts.

Mitigation measures recommended in the environmental assessment requiring full width fire access roads cannot be implemented and are therefore infeasible.

The project will result in significant water quality degradation

The project would result in the covering of 34 percent of the site with building and 49 percent with parking. The resulting 83 percent coverage with impervious surface will cause significant additional site runoff into an already deficient drainage system. The area experiences frequent flooding and the project will contribute a significant amount of surface drainage to an already overburdened system without mitigation.

The elevation of the site at 6 feet above MSL is inadequate to prevent exposure to potential flooding. The exposure of this lot to potential flooding conditions should be considered significant. The artificial raising of grades to the extent necessary to alleviate this condition is not compatible with surrounding development and the area.

Adequate public notice has not been provided

The City has not provided proper public notice of the availability of the Environmental Assessment or the public hearing on the land use entitlements. Owners of property and residents within 300 feet of the subject property have not received the required notice and have not been given the opportunity to review and comment on the environmental documentation nor the proposed entitlements.

202.04 General Rules for Applicability of the Zoning and Subdivision Ordinance

H. Notice to Surrounding Property Owners. Notice shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the hearing, as required by state law. Applicants may submit and the Director may use records of the County Assessor or Tax Collector which contain more recent information than the assessment roll.

The required findings cannot be made to approve this project

The establishment of the proposed marina and residential "caretaker's" unit will have significant and adverse impacts on the neighborhood and surrounding community. The project will produce significant light, glare, noise, odors and will result in the relegation of open space to private use without adequate provision of adequate public access, use and enjoyment.

The project is not in conformance with the City's General Plan goals and objectives with respect to public open space and waterfront recreation as it establishes a residential use on a site not zoned or designated for this purpose.

The proposed project will significantly contribute to area traffic without providing mitigation for the increase.

The project will also expose the occupants of the project and the neighbors to unacceptable safety risks to inadequate site access and safety considerations which have not been mitigated.

The project has not demonstrated that the construction of dock structures will

not have adverse impacts on navigation of public waterways. More specifically, the reduction in width of the turning basin has not been evaluated. This area is already constrained and is essential for public use.

Conclusion

In summary, the Planning Commission should reject the Mitigated Negative Declaration and deny the requested project entitlements.

Sincerely,

Alicia Dose-Wild 3242 Gilbert Dr., HB 92649
Stu BWO 3242 Gilbert Dr., HB 92649

CC:

__MAYOR AND MEMBERS OF THE HUNTINGTON BEACH CITY COUNCIL
__MEMBERS OF THE HUNTINGTON BEACH ENVIRONMENTAL ASSESSMENT
COMMITTEE
__HUNTINGTON HARBOUR HOA-BOARD OF DIRECTORS AND FULL
MEMBERSHIP

DEC 11 2006

Thomas J Barry
17331 Wild Rose Lane
Huntington Beach, Ca, 92649
(714) 840-8298
Fax (714) 840-8900

Owner of property address of 16924 Park Ave, Sunset Beach, CA, 90742, Parcel No. 178-532-45.

Subject: Initial Comments and Objections to CUP No.00-07, Environmental Assessment No. 00-07, Conditional Use Permit No. 00-13, Coastal Development Permit No. 00-43 and Lot Line Adjustment No. 00-07.

I have read the Comments and Objections letter submitted by Mark Nialis ESQ, representing the Citizens for Responsible Planning (CFRP) and as part of the CFRP, includes the representation of Michael Van Voorhis and Denise Van Voorhis. I agree with the entire document submitted as well as would like to add my own additional comment:

- 1) In regards to section VI Transportation/Traffic : This project is not feasible as it requires an easement to be able to widen the current access road across my private property to 30 feet wide. Due to the significant impact that this 30' wide road would have on my property, I am not allowing for an easement.

I would also like to respectfully request for an opportunity to speak at the Public Hearing whenever it is scheduled for this matter.

In addition, I would request that a copy of the Comments and Objections that I am submitting here be included in any official administrative record prepared by the City Clerk.

Dated: 12/8/06

Respectfully submitted,

By: Thomas J Barry
Thomas J. Barry
Property owner 16924 Park Ave
Parcel No. 178-532-45

To: City of Huntington Beach Planning Department, 2000 Main Street,
Huntington Beach, CA, 92648.



CITY OF HUNTINGTON BEACH

ENVIRONMENTAL BOARD

December 07, 2006

Mr. Romi Talleh, Assistant Planner
Planning Department
City of Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

Subject: Park Avenue Mitigated Negative Declaration 00-07

Dear Mr. Talleh:

The Environmental Board of the City of Huntington Beach is pleased to submit comments and recommendations regarding the subject Mitigated Negative Declaration. After reviewing the document and discussing it at our December 7, 2006 meeting, the Environmental Board voted to submit comments and recommendations reflecting the issues discussed below.

1. Due to the extreme noise of pile driving and construction these activities should be restricted to the hours of 8am to 5pm.
2. Public access is a key component of this project. To facilitate public access, the sight should have appropriate signage to identify the public entrance, parking area, and dock. The gate should have an electronic lock to assure it is open during all daylight hours. The public dock should be posted as short term use only and include the phone number of the harbor patrol to report violators.
3. Since the marina will have no pumpout station and they are limited in the harbour, each slip rental agreement should include a requirement for the lessee to provide proof of a contact for holding tank pumpout services.
4. The suggested conditional use requirements listed in the mitigated negative declaration should be adopted.
5. The project site should be designed to eliminate runoff to the harbour.
6. The project should include an identified public restroom with an outside door.

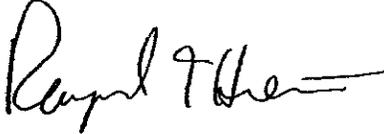
City of Huntington Beach

12/8/2006

7. Marina rules should include restrictions on boat maintenance activities such as sanding and painting that could affect water quality.

The Environmental Board appreciates the opportunity to comment on this project and is available to discuss these comments if appropriate. Please contact me with any questions or comments you may have.

Yours truly,



Ray Hiemstra, Chairman
ENVIRONMENTAL BOARD



STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold Schwarzenegger
Governor

Sean Walsh
Director

City of Huntington Beach

DEC 11 2006

December 8, 2006

Rami Talleh
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Subject: Park Avenue Marina; CUP No. 00-13, Coastal Development Permit No. 00-43, Lot Line
Adjustment No. 00-07
SCH#: 2002041144

Dear Rami Talleh:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 7, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures

cc: Resources Agency

D1.159

**Document Details Report
State Clearinghouse Data Base**

SCH# 2002041144
Project Title Park Avenue Marina; CUP No. 00-13, Coastal Development Permit No. 00-43, Lot Line Adjustment
Lead Agency No. 00-07
Huntington Beach, City of

Type MN Mitigated Negative Declaration
Description D

Hugh Seeds proposes to construct a boat marina on a 6,179 square foot property located at the terminus of Park Avenue in Huntington Harbor. The proposed improvements include four offshore floating docks, a floating pedestrian ramp, public access to the water's edge, and a 2,793 square foot 3-story marina office and caretaker's quarters with 1,189 square feet of associated parking garage and carport, and a 145 square foot balcony.

Lead Agency Contact

Name Rami Talleh
Agency City of Huntington Beach
Phone (714) 536-5271 **Fax**
email
Address 2000 Main Street
City Huntington Beach **State** CA **Zip** 92648

Project Location

County Orange
City Huntington Beach
Region
Cross Streets Pacific Coast Highway and Park Avenue
Parcel No. 178-532-78
Township **Range** **Section** **Base**

Proximity to:

Highways 1 (PCH)
Airports
Railways
Waterways Huntington Harbor
Schools Harbor View School
Land Use Z: OS-W (Open Space - Water Recreation)
GP: OS-WR-CZ (Open Space - Water Recreation - Coastal Zone)

Project Issues Aesthetic/Visual; Coastal Zone; Landuse; Noise; Recreation/Parks; Vegetation; Water Quality; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 8; Department of Parks and Recreation; Native American Heritage Commission; Department of Fish and Game, Region 5; Department of Water Resources; California Coastal Commission; California Highway Patrol; Caltrans, District 12; Department of Boating and Waterways; State Lands Commission

Date Received 11/08/2006 **Start of Review** 11/08/2006 **End of Review** 12/07/2006

CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



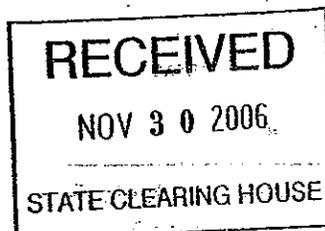
PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1884
Contact FAX: (916) 574-1885

November 27, 2006

File Ref: SCH 2002041144
BLA 18/SLL 34
AD 340

PRC 8035.9; PRC8036.9



clear
12-7-06
e

Rami Talleh
Associate Planner
Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92658

Dear Mr. Talleh:

SUBJECT: Amended Environmental Assessment No. 00-07 and Draft Mitigated Negative Declaration for the Proposed Park Avenue Marina, 16926 Park Avenue, Huntington Beach, Orange County, SCH 2002041144

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the city of Huntington Beach is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects Trust resources or uses, and the public easement in navigable waters.

Please be advised that in a letter dated July 3, 2002, staff of the CSLC previously provided comments regarding this project and further noted that a commercial lease from the CSLC is required. A copy of that letter is enclosed. The Amended Environmental Assessment addresses the proposed construction of a boat marina including four offshore floating docks, a floating pedestrian ramp, public access to the water's edge, and a 2,793 square foot, three story marina office and caretaker's quarters with 1,189 square feet of associated parking garage. Three docks will be available for long term rental and one guest dock will be available for short term rental. The marina will not include fueling facilities or a launch ramp for large vessels. Access to the proposed facilities is via Park Avenue.

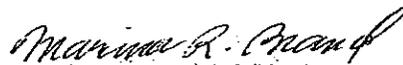
The proposed access will require ingress/egress easements over two residential properties located within the County of Orange's jurisdiction. The project proponent, Hugh Seeds, is requesting City approval of a lot line adjustment to eliminate an existing lot line between two contiguous parcels under common ownership to provide for the 6,179 square foot proposed facility.

As you are aware the subject parcel and the adjacent parcel (16023 Park Avenue) were subject to a title settlement agreement (AD 340) recorded June 28, 1999, between the CSLC, Robert and Mary Bacon, and Michael and Denise Van Voorhis. This agreement permanently fixed the location of the legal boundary separating the privately owned uplands from the waters of Huntington Harbour. Both parties conveyed their interest in the water-covered lands for clear title to the uplands. The agreement also involved the issuance of ten-year recreational pier leases to Bacon (PRC 8035) and Van Voorhis (PR 8036).

Based on the above, the subject project will require formal authorization by the CSLC. By copy of this letter, the project proponent is being notified of the need to submit an application to apply for a new commercial lease. The application will be subject to environmental review by the CSLC's staff. Standards for this review are set forth in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Public Resources Code.

Questions concerning the CSLC's jurisdiction or application process may be directed to Susan Young, Public Land Management Specialist, at (916) 574-1879.

Sincerely,



Marina Brand, Assistant Chief
Division of Environmental
Planning and Management

Enclosures

cc: Hugh Seeds, w/application
Meg Vaughn, CCC/LB
16456 Bolsa Chica Street, #223
Huntington Beach, CA 92649

CSLC – Susan Young
State Clearinghouse

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100-South
 Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
 (916) 574-1800 FAX (916) 574-1810
 California Relay Service From TDD Phone 1-800-735-2922
 from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1868
Contact FAX: (916) 574-1885

July 3, 2002

File Ref: BLA 18/SLL 34

AD 340

PRC 8035; 8036

Ms. Jane James
 Senior Planner
 City of Huntington Beach
 2000 Main Street
 Huntington Beach CA 92648

COPY

Dear Ms. James:

SUBJECT: Draft Mitigated Negative Declaration No. 00-07 for the Park Avenue Marina, 16926 Park Avenue, Huntington Beach, SCH 2002041144

Staff of the California State Lands Commission (CSLC) has reviewed the subject document. Under the California Environmental Quality Act (CEQA), the City is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The document addresses the proposed construction of a five slip public marina, including a floating ramp, dredging, terraced retaining walls, wooden piles and a 2,793 square foot, three story caretaker's residence and office. The project will provide public access. No fueling facilities are proposed. The document indicates that access to the marina site will be via Park Avenue; however, ingress/egress easements to the property are necessary.

As background, this area is located within Tideland Location 221. The State of California sold the tidelands within TLL 221 to R. J. Northam in 1901 and a patent was issued on January 6, 1903. Boundary Line Agreement 18 (BLA 18) dated December 22, 1960, by and between the CSLC and the Huntington Harbour Corporation (HHC) established the ordinary low water mark of certain portions of Anaheim Bay. BLA 18 established the boundary between the lands sold by the State pursuant to TLL 21, which were at the time owned by the HHC, and the unsold submerged lands located within the perimeter description of TLL 221.

Ms. Jane James

July 3, 2002

Page 2

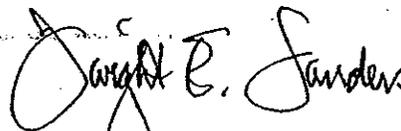
Sovereign Land Location 34 (SLL 34) dated December 22, 1960, as amended by the agreement dated November 22, 1961, by and between the CSLC and the HHC exchanged 17.91 acres of filled submerged lands of the State for 66.47 acres of tidelands patented under TLL 221 and owned by HHC. SLL 34 did not terminate the Public Trust Easement except as to the 17.91 acres conveyed by the State pursuant to that agreement. The 66.47 acres are located within the Main and Midway Channels of Huntington Harbour.

Most recently, this property and the adjacent property to the east (16923 Park Avenue) were the subject of a title settlement agreement (AD 340) recorded June 28, 1999, as Document No. 19990478750, Official Records of Orange County, between the CSLC, Robert and Mary Bacon, and Michael and Denise Van Voorhis. This agreement exchanged and resolved certain state and private property interests and **permanently fixed** the location of the legal boundary separating the privately owned uplands from the waters of Huntington Harbour. Both private parties conveyed their interest in the water-covered lands for clear title to the uplands. The agreement also involved the issuance of 10-year recreational pier leases to Bacon (PRC 8035) and Van Voorhis (PRC 8036).

Based on our review of the document, the water-covered portion of the proposed project will be located on sovereign lands under the jurisdiction of the CSLC. A commercial lease from the CSLC is required. Our file indicates that by letter dated August 15, 2000, the applicant (Mr. Hugh Seeds) was advised of the need to obtain formal authorization from the CSLC. By copy of this letter, we are transmitting an application package to him. Any consideration by the CSLC would take into account local factual circumstances and public needs for such a use. In addition, a staff recommendation for a commercial lease such as this will include appropriate monetary compensation for the use of sovereign lands.

Thank you for the opportunity to comment. If you have any questions concerning the CSLC's jurisdiction, please contact Jane E. Smith, Public Land Management Specialist, at (916) 574-1892.

Sincerely,



Dwight E. Sanders, Chief
Division of Environmental
Planning and Management

D1.164

Enclosure

cc: Hugh Seeds, w/application
Meg Vaughn, CCC/LB
Jane Smith

APPLICATION GUIDELINES

GENERAL INFORMATION AND APPLICATION MATERIALS REGARDING SURFACE LEASING OF STATE LANDS

The State Lands Commission ("Commission") has jurisdiction and management control over those public lands of the State received by the State upon its admission to the United States in 1850 ("sovereign lands"). Generally these sovereign lands include all ungranted tidelands and submerged lands, beds of navigable rivers, streams, lakes, bays, estuaries, inlets, and straits. The Commission manages these sovereign lands for the benefit of all the people of the State, subject to the Public Trust for water related commerce, navigation, fisheries, recreation, open space and other recognized Public Trust uses. In addition the State manages lands received after Statehood including swamp and overflowed lands and school lands. The Commission's Land Management Division in Sacramento administers the surface leasing of these lands, sand and gravel extraction from these lands, and dredging or disposal of dredged material on these lands. The Commission also manages the development of all mineral resources contained on such lands.

Land Ownership Determination

Upon receipt of an application or an inquiry about use of State lands, the Commission's Title Unit reviews its files and information submitted by the applicant to determine the extent of the State's property interest in the proposed project site. In some cases, the complex nature of the title to the lands may result in the applicant having to submit a title report (preliminary report of title or title policy) as part of the application process.

Leasing Policies

The lands managed by the Commission vary widely in character and utility. The Commission maintains a multiple use management policy to assure the greatest possible public benefit is derived from these lands. The Commission will consider numerous factors in determining whether a proposed use of the State's land is appropriate, including, but not limited to, consistency with the Public Trust under which the Commission holds the State's sovereign lands, protection of natural resources and other environmental values, and preservation or enhancement of the public's access to State lands.

Applicants are advised that the Commission is under no obligation to approve any application submitted to it. The Commission may approve, condition, or deny any application, based upon the above referenced factors or other issues raised during the application review process.

California Environmental Quality Act (CEQA)

The issuance of any lease, permit or other entitlement for use of State lands by the Commission requires review for compliance with the California Environmental Quality Act (CEQA). The terms of CEQA may be found in the California Public Resources Code (PRC), Sections 21000 et seq., and in the State CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq. No proposed project will be approved until the requirements of CEQA have been met. Additionally, if the application involves lands found to contain "Significant Environmental Values" within the meaning of PRC Section 6370, consistency of the proposed use with the identified values must also be determined through the CEQA review process. Pursuant to its regulations the Commission may not issue a lease for use of "Significant Lands" if such use is detrimental to the identified values.

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Most leases, permits or other entitlements for use require approvals from other public agencies. On many proposed projects the Commission is the Lead Agency under CEQA (the public agency with the principal responsibility for carrying out or approving a project.)

Where the Commission is the Lead Agency, its initial step in reviewing an application is to determine whether the proposed project is exempt from CEQA. Exemptions from CEQA are either statutory or categorical. A listing of some exemptions may be found in the Commission's administrative regulations and others may be found in Title 14 of the California Code of Regulations. Categorical exemptions will not apply if there is a reasonable possibility that a proposed project will have a significant effect on the environment due to unusual circumstances.

If a proposed project is not exempt from CEQA, the staff of the Commission conducts an Initial Study to determine whether the proposed project may have a significant effect on the environment. The Initial Study is circulated to Responsible, Trustee, and interested public agencies and others who have expressed an interest in such documents of the Commission for review and comment. The circulation period is normally 30 days. Based upon the responses received and Commission staff analysis, a determination is made as to whether a Negative Declaration or an Environmental Impact Report is required.

A Negative Declaration ("ND") is the simpler of the two documents. Generally, the ND consists of the Initial Study accompanied by a determination by the staff that the proposed project will not have a significant effect on the environment. The ND may also include mitigation measures that help insure that the proposed project is not environmentally harmful. The ND is circulated for 30 days to appropriate agencies and interested persons. This review is provided through the State Clearinghouse. If no significant environmental effects are identified, the Commission considers the ND together with any comments received, and approves or disapproves the ND, and then approves or disapproves the proposed project.

An Environmental Impact Report ("EIR") is required in instances where responses to the Initial Study reflect concern that the proposed project may or will have a significant effect on the environment. In some cases it is clear without preparation of an Initial Study that a project could have a significant effect on the environment. In such cases, the EIR process may begin without preparation of an Initial Study. Usually a third party consultant will be hired by the Commission to prepare the EIR.

In most instances, the preparation of an EIR takes from six to nine months. A Draft EIR is circulated for 45 days to agencies and individuals concerned about the project. The State Clearinghouse provides for circulation to State agencies. During the 45-day review period, a public hearing may be held. Comments and recommendations received and significant environmental points raised in the review and consultation process are responded to in the final EIR. This document is then circulated for an additional 15 days to those agencies and persons who commented on the Draft EIR. After the review period has ended, the final EIR is presented to the Commission for certification, and the proposed project, including any recommended alterations or mitigation measures, is presented to the Commission for approval or disapproval.

The applicant will be required to cover the costs of preparation of the environmental documentation for the project. Experience has shown that ND and EIR costs vary considerably, from several hundred to hundreds of thousands of dollars. The applicant must deposit an amount specified by the staff of the Commission within 21 days after Commission staff gives written notice of the anticipated costs of environmental processing, and will be required to execute a reimbursement agreement committing to full payment of the Commission's costs. (IMPORTANT: Please refer to Submittal of Fees below for more specific information regarding payment of Commission costs in processing your

application.) If the cost for the preparation of a ND or EIR exceeds the amount deposited, the amount of excess costs must be deposited within 15 days after written notice is given. Any unexpended portion of the deposit will be refunded to the applicant after the ND or EIR is determined by the Commission to be adequate. Should the applicant fail to deposit the requested costs, the application may be canceled without further notice. Staff will not contact consultants regarding preparation of an EIR until required deposits and reimbursement agreements are received.

Where the Commission is a Responsible Agency as defined in CEQA (a permitting agency other than the Lead Agency), it must review the environmental documentation prepared by the Lead Agency, and comply with all applicable, substantive and procedural requirements of CEQA.

Time Constraints/Completeness of Application

Not later than 30 calendar days after the Commission receives an application for a development project, the staff will notify the applicant in writing whether the application is complete. Please see PART IV of the attached application form for the definition of "development project".

The Staff of the Commission shall deem an application complete if:

1. The data submitted is sufficient to allow the staff of the Commission to locate and describe the nature and extent of State-owned land to be utilized in the project;
2. The applicant submits all deposits and fees required by the Commission (See Submittal of Fees below);
3. The applicant submits environmental data sufficient for the Commission to determine the level and scope of environmental review required under CEQA and the State CEQA Guidelines;
4. The applicant submits data sufficient for the State to determine the fair rental to be paid the State for the applicant's use of the State's property; and
5. The data submitted by the applicant is sufficient to allow staff of the Commission to begin an analysis to determine if the application is: (a) consistent with Commission policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and is (d) otherwise in the best interests of the State.

In the event the application is determined not to be complete, the staff will specify what additional information is required. Upon receipt of any additional material, the staff will respond within 30 days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any part of the fees retained by the Commission. Please see Notice on Page vii of these guidelines. There is an appeal process whereby an applicant may appeal the determination of the staff that the application material is incomplete. The adequate completion of Parts I through IV of the attached application form shall constitute a complete application.

After an application is found to be complete, applicant may be required to submit additional information to clarify, amplify, correct or otherwise supplement the information requested in the application form.

Where the Commission is the Lead Agency and an EIR is prepared, the Commission must approve or disapprove a development project within one year from the date on which the application was

received and accepted as complete by the staff of the Commission. Where an ND is prepared or if the development project is exempt from CEQA, the development project shall be approved or disapproved within six months from the date the application was received and accepted as complete by the staff. One extension of this time period of up to 90 days may be allowed if mutually agreed to by the staff and the applicant.

Where the Commission is a Responsible Agency, it must approve or disapprove a development project within 180 days from the date the Lead Agency approves the project, or within 180 days from the date the application was received and accepted as complete by the staff of the Commission, whichever is later.

The following are some of the circumstances that may cause the Commission to deny a project:

1. Failure of an applicant to furnish requested additional information;
2. Environmental considerations;
3. Failure to meet any statutory requirements;
4. Failure to submit requested additional fees;
5. Failure to conclude negotiations or to execute documents;
6. Inability of applicant to meet financial qualifications as deemed appropriate by the staff;
7. Misrepresentation by the applicant or its agent; or
8. Inconsistency with Public Trust restrictions, resources, or values.

This list should not be considered exclusive.

Application Processing

It is the policy of the State Lands Commission to recover all costs for the processing of leases, permits or other entitlements for the use of State land.

As soon as the application is accepted as complete the staff will take all steps necessary, including but not limited to title work, land descriptions, and appraisals to process the application. In most cases many of the terms and conditions of a Commission lease, permit or entitlement are subject to negotiation on a case by case basis. Once the terms and conditions have been agreed to and the lease, permit or entitlement has been executed by the applicant, staff will schedule the item for consideration by the Commission. The Commission normally meets one day per month. Items to be considered by the Commission must be finalized at least one month prior to the scheduled meeting in order for the item to meet applicable legal notice requirements.

Submittal of Fees

Each applicant is required to pay the Commission's costs of processing the application. Each applicant, at the time of filing an application, shall submit a Filing Fee and the appropriate Minimum Expense Deposit for processing fees as set forth below. Each applicant will also be asked to execute a reimbursement agreement to cover the total cost of processing the application (see below). **(IMPORTANT: Submittal of this form will NOT be considered an application unless accompanied by the Filing Fee and appropriate Minimum Expense Deposit set forth in Part IV of this form.)** The Minimum Expense Deposits listed below are based upon typical Commission costs in processing routine uncomplicated transactions, and may not cover the total cost of processing your application.

A. Filing Fee. Same fee required of all applicants. \$ 25.00

B. Minimum Expense Deposits for Processing Fees. Use the chart below to determine the deposit required for this project.

<u>TRANSACTION</u>	<u>MINIMUM EXPENSE DEPOSIT</u>
(a) Commercial Lease (New)	\$17,500.00
(b) Industrial Lease (New)	\$25,000.00
(c) Right of Way	\$ 2,500.00
(d) Public Agency Lease/Permit	\$ 3,000.00
(e) Recreational Pier Lease	\$ 1,000.00
(f) Protective Structure	\$ 2,500.00
(g) Grazing or other Agricultural Lease	\$ 2,500.00
(h) Dredging Lease	\$ 1,500.00
(i) Lake Tahoe Trust Inspections	* \$ 1,000.00
(j) Consent to Encumber Leasehold	\$ 1,000.00
(k) Assignment not involving amendment of Lease	\$ 1,000.00
(l) Amendment of Lease to accommodate Lessee	\$ 2,000.00
(m) Sublease Approval	\$ 1,500.00
(n) Most other transactions not listed herein	\$ 1,500.00

*Fee included in environmental processing cost if Negative Declaration or EIR required.

In addition to the above listed application processing fees, the Commission may require reimbursement of its costs in providing other services associated with processing applications for leases. These services include but are not limited to:

1. Processing environmental documents (See General Information enclosed with this application).
2. Review of environmental documents by the California Department of Fish and Game (See Fish and Game Code Section 711.4)
3. Advertising or public notification.
4. Duplicating or certifying papers.
5. Searching records or ordering title reports.
6. Processing archaeological, biological or other necessary surveys.
7. Appraisals
8. Monitoring compliance with environmental mitigation requirements of lease.
9. Lease management, including rent reviews, compliance with lease terms, etc.
10. Engineering Review

Upon receipt of your application form and determination by staff of estimated costs to process your application, you will be provided a reimbursement agreement to assure recovery by the Commission of the total cost to process your application for the use of State land.

NOTE: The California State Lands Commission is now accepting MasterCard, Visa and Novus/Discover Cards for payments including filing fees, application fees, rent, etc., if you wish to use this method of payment, please contact our Accounting Office at (916) 574-1886.

Miscellaneous Information

The following concerns all applications:

An applicant acquires no property interest in State lands or the right to the use of State lands until the Commission grants a lease, permit or other entitlement, and until the appropriate document is complete in all respects has been executed by the applicant and the State.

An application is not transferable; therefore, an agent should not submit an application without disclosing his agency status and the principal's identity, nor should an application be submitted with the later intention of attempting to transfer the application or an interest in an application.

The preceding information is an outline of the general requirements and procedures applicable to all surface leasing developments. Prospective applicants wishing to obtain a lease, permit or other entitlement for use of State lands should read and complete the attached application form and any attached parts that may be applicable and return it together with the data requested to the staff of the Commission for review and processing. Questions involving the surface leasing of State lands and the completed application form should be directed to:

**California State Lands Commission
Land Management Division
100 Howe Avenue, Suite 100 South
Sacramento, California 95825-8202
Telephone: (916) 574-1900**

Accommodations for the Deaf and Hearing Impaired

The State Lands Commission has available the services of the California Relay Service to provide telephone capabilities to deaf or hearing impaired persons. The telephone number of the California Relay Service is 1-800-735-2929 (TDD/TT). In addition, a sign language interpreter will be provided, upon reasonable advance notification of need by a deaf or hearing impaired individual.

Submission of Fees

APPLICATION INSTRUCTIONS

FOR LEASE OF STATE LANDS

This application form has been developed in accordance with California Government Code Section 65940. The form has been designed to apply to a variety of surface use situations including commercial, industrial, right-of-way, and recreational developments. The form requires an applicant to fully describe its proposed use of State lands and consists of several parts: Part I - General Data; Part II - Specific Project Information; Part III - Project Environmental Data; and Part IV - Signature and Certification.

The information sought in this application form is required from the applicant, and the sufficiency of the information provided by the applicant will be the basis by which the staff will determine the completeness of the application as specified in Government Code Section 65940.

When completing this application, please type or print clearly and submit it to the principal office of the Commission in Sacramento. Please answer all applicable questions and write "N.A." where questions do not apply. Applications for any use or entitlement of State lands, including but not limited to, applications for amendments, assignments, new leases for continuation of existing uses, or replacements of existing leases or permits, must be submitted on this form. Requests or inquiries not submitted on this form will not be considered applications and will be returned to the submitting party. (IMPORTANT: Submittal of this form will NOT be considered an application unless accompanied by the Filing Fee and appropriate Minimum Expense Deposit set forth in Submittal of Fees above.)

In addition, please submit any information believed important in support of the application. All plans or other materials submitted become a part of the official file and cannot be returned; however, certain information deemed proprietary by statute may be withheld from public view if requested by the applicant.

NOTICE

If an application becomes inactive for a period of six months, the application will be terminated and all fees submitted with the application will be forfeited, subject only to the return of any unused deposit of processing fees. An application will be considered inactive if the applicant fails to provide requested information or indicate in writing why such information is not forthcoming for a period of ninety days following written request for such information by Commission staff.

PROCESSING COSTS

In addition to the costs of preparation of environmental documentation for the proposed project, applicant will be charged for Commission costs and expenses for processing this application. The applicant shall deposit with the Commission the applicable Minimum Expense Deposit as set forth in Submittal of Fees above, and submit an executed reimbursement agreement to cover those costs. A reimbursement agreement form will be provided by Commission staff following review of the application and an estimate of anticipated Commission costs. If any reimbursement agreement(s) and any payment required under any reimbursement agreement(s), is(are) not received within 21 days of request, the application may be canceled. Processing costs and environmental fees are calculated based on actual or estimated costs plus proportional overhead. If the deposit amount is less than those costs, the applicant will be required to submit additional costs within the allowable time period. If the deposit amount is more than these costs, the applicant will be refunded the

difference.

Please note that if your application is ultimately approved by the Commission, you may also be charged other fees as provided by law, including, but not limited to environmental review fees charged by the California Department of Fish and Game, pursuant to Fish and Game Code Section 711.4.

MISCELLANEOUS

The application information outlined on the following forms is necessary in order to process your application for use of State land. You have the right to review files maintained about your project by the Commission, except as provided by law. The Commission Records Coordinator, State Lands Commission, 100 Howe Avenue, Suite 100 South, Sacramento, California, 95825, telephone (916) 574-1900, is responsible for maintenance of the information which is collected by the Commission.

The conduct of the Commission is governed by California Public Resources Code Sections 6000 et seq. and Title 2, Division 3, Sections 1900 et seq. of the California Code of Regulations. These provisions are included herein by reference.

DEFINITIONS

1. **CEQA:** California Environmental Quality Act: Public Resources Code Sections 21000 et seq.
2. **EIR:** Environmental Impact Report
3. **PRC:** Public Resources Code
4. **"Proposed Project"** shall include the construction, operation, and maintenance of a new facility, a change in an existing facility, or the continued use of State land for an existing facility for which Commission authorization has expired or never been granted.
5. **"Water body"** shall include the Pacific Ocean and any river, stream, slough, lake, bay, estuary, inlet, or strait.

PART I

GENERAL DATA

SECTION A: IDENTIFICATION OF APPLICANT

1. Applicant:

Name:		
Address:		
City:	State:	Zip:
Phone:	FAX:	
E-mail Address:		

2. Applicant's authorized agent or representative (if any):

Name:		
Address:		
City:	State:	Zip:
Phone:	FAX:	
E-mail Address:		

3. Who should receive correspondence relevant to this application? (Check one):

Applicant: Representative: Both:

FOR COMMISSION USE ONLY:

Date Received:	
Work Order No.:	Assigned to:
Type of Document:	
Filing Fee:	Processing Fee:
Other Fees:	

SECTION B: LEGAL STATUS OF APPLICANT

Check one of the following and submit the required information:

- INDIVIDUAL(S):
- CORPORATION: Attach a Certificate of Incorporation issued by the State of California or a Certificate of Incorporation issued by the State of incorporation with the Certificate of Good Standing of Foreign Corporation issued by the Secretary of State of California authorizing the transaction of business in California; Articles of Incorporation and/or By-Laws; a certified statement of the names of the corporate president, secretary and/or officer(s) authorized to execute contracts; and a board resolution or other evidence of authority to enter into the requested transaction.
- PARTNERSHIP: Attach a certified copy of the partnership statement. If no partnership statement has been filed in the county in which the partnership does business, so state in the application and further give all particulars of the partnership.
- PUBLIC AGENCY: Generally, all permits and leases issued by the State Lands Commission require monetary consideration. However, a public agency applicant may qualify for a rent-free lease/permit. In order to so qualify, the applicant must submit in writing a statement of justification for the rent-free status, which status shall be based on a statewide, as compared to a primarily local, public benefit. Such statement shall detail the statewide public benefit derived from the project. The State Lands Commission shall determine whether a statewide public benefit is derived from the project.

Leases and permits involving "School Lands" cannot qualify for rent-free status.

Public agencies will also be required to submit evidence of the authority of the official(s) to execute contracts together with a resolution or other document authorizing execution of the appropriate lease or permit.

- OTHER: State the nature, membership and other particulars regarding the legal status of applicant. Provide legal documentation establishing the authority of applicant to enter into the requested transaction, and designating who is authorized to act on behalf of applicant.

SECTION C: TYPE OF PROJECT AND AUTHORIZATION

You will be asked to provide specific project information in Parts II and III of this application.

1. Please check the type(s) of activity for which you are seeking Commission authorization:
- Commercial (Income-producing uses such as marinas, restaurants, clubhouses, recreation piers or facilities, docks, moorings, buoys, helicopter pads, decks or gas service facilities).
- Industrial (Uses such as oil terminals, piers, wharves, warehouses, stowage sites, moorings, dolphins and islands together with necessary appurtenances).
- Right of Way (Uses such as roadways, power lines, pipelines or outfall lines, except when used only as necessary appurtenances).
- Public Agency Use for public roads, bridges, or for recreational, ecological or open space purposes of statewide benefit.
- Private Recreational Pier. Uses are limited to any fixed facility for the docking or mooring of boats constructed for the use of the littoral landowner, as specified in Public Resources Code Section 6503.5, and does not include swimming floats or platforms, sun decks, swim areas, fishing platforms, residential, recreational dressing, storage or eating facilities or areas attached or adjacent to recreational piers, or any other facilities not constructed for the docking or mooring of boats.
- Non-income producing uses such as piers, buoys, floats, etc., which do not qualify as Private Recreational Piers (above).

- Protective Structure (Riprap, seawall, groins, jetties, breakwaters, bulkheads, etc.).
- Grazing or other Agricultural Use.
- Dredging Permit (Please check if any portion of the proposed project will involve dredging during construction or ongoing maintenance of the project).
- Sand and Gravel Extraction.
- Salvage Permit (Salvage of any abandoned property on State owned lands; see Public Resources Code Section 6309).
- Other (please describe):

2. Please indicate whether you are seeking Commission authorization for:

- A new lease or permit for a proposed use of State owned land.
- A new lease for the continuation of an existing use of State owned land.
- An amendment of an existing lease*.
- A sublease of an existing lease*.
- Consent to encumber an existing lease*.
- An assignment of an existing lease*.
- Other (please describe):

*Where applicable, please indicate file number of existing or prior lease _____.

SECTION D: PROJECT LOCATION

County:	
If unincorporated, nearest City:	
Waterway:	Assessor's Parcel # (APN):
Township, Range, Section and Reference Meridian:	
Upland Owner's Name:	
Upland Owner's Address (if different from applicant):	
Telephone: ()	Upland Address:
Subdivision, Block, and Lot Number:	

SECTION E: PROPERTY DESCRIPTION, INCLUDING TITLE AND BOUNDARY INFORMATION

1. Submit a copy of the current vesting document (deed) for the property lying landward of and adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, you should also submit a copy of a lease, permit, or other evidence of your right to use this property.
2. Submit a detailed plan or plot of proposed lease areas and existing and proposed structures showing their locations with respect to property lines, high and low water with reference to the datum of water line elevation and their dimensions.
3. Submit a vicinity map (8 1/2" x 11" with scale) showing the general area and the project site in relation to the shoreline, major roadways, and other landmarks.
4. Submit a legal description of the area to be leased from the State, tied to a monument or monuments of record. The area to be leased includes the area occupied by the structures, or otherwise under the exclusive control of the lessee/permittee.

SECTION F: OTHER GOVERNMENTAL JURISDICTIONS

On a separate sheet of paper, please provide the following:

Identify other public agencies having approval authority over your proposed project: (i.e., U.S. Army Corps of Engineers, local or regional planning bodies, city and/or county governmental permitting authorities, air or water quality boards, Coastal Commission, San Francisco Bay Conservation and Development Commission, Tahoe Regional Planning Agency, etc.)

If applicable, submit a U.S. Army Corps of Engineers Public Notice, Notice Number, or Letter of Approval for the project. If applicable, submit the number assigned to the project from the San Francisco Bay Conservation and Development Commission or the State Coastal Commission. Submit copies of any other existing approvals with the application.

Identify any General Plan and Specific Plans which include the area in which the project will be located, including the date of the most recent revisions to such Plan(s). What is the land use designation and zoning of the upland portion of the project under the General Plan and any applicable Specific Plan? Will the project require the amendment of the General and/or the Specific Plan? Will a variance from the existing zoning be required? Please provide the name and telephone number of the individual(s) contacted within the local jurisdiction to answer the foregoing questions.

You will be required to submit a copy of local approvals (city and/or county) for your project prior to consideration of your application by the State Lands Commission. If you cannot obtain local approval of your project prior to consideration by the State Lands Commission, you must submit a letter or other document from the local agency setting forth the status of your local application and any concerns the local governmental agency has regarding your project.

PART II

SPECIFIC PROJECT INFORMATION

Please complete this Part II as indicated below. Submit responses on separate 8½" x 11" paper, indicating clearly the number of the information request to which each response applies.

SECTION A: EXISTING CONDITIONS

1. Describe in detail existing activities, uses and improvements at the proposed project site, both on water covered lands ("water bodies") and on adjacent uplands. Provide construction dates and aerial or ground photographs of existing improvements. Indicate whether facilities are temporary or permanent.
2. Describe existing public use of the water body and adjacent uplands, the type and frequency of the public use, and any existing public access to the water body across the project site.
3. Provide maps and/or aerial or ground photographs which delineate existing vegetation at the proposed project site and along the shore of the water body upon which the project is to be located within a one-half (½) mile radius of the proposed project site.
4. Identify the type and location of any known habitat of rare, threatened, or endangered species of plant or animal within a one mile radius of the proposed project site. Information in this regard may be acquired from the California Department of Fish and Game or the United States Fish and Wildlife Service.
5. Only if the proposed project involves a marina, list and describe, within one river or lakeshore

mile of the proposed project site:

- (a) Existing or proposed marina facilities (indicating for each facility) available berthing by berth size, whether finger, slip or side tie, fuel facilities, pump outs, restrooms, restaurants, grocery stores, and other ancillary facilities.
- (b) Public and private boat launching and storage facilities.
- (c) Public fishing access and parking availability.
- (d) Other recreational facilities open to the public which are used for swimming, sunbathing, picnicking, sightseeing, etc.

Provide a site map illustrating the approximate distances of each of these facilities from the proposed project site.

SECTION B: PROJECT DESCRIPTION

SUBSECTION 1: ALL PROJECTS. All applicants should respond to (a) - (d) below.

a. Provide a project development plan which clearly shows the following:

- (1) A scale drawing of proposed improvements that show existing topographic features and dimensions of the area to be occupied within any water body. (This should include identification of the width of the waterway at the project site).
- (2) The nature and location of all significant project features, including, but not limited to, the number, size and design of any berths, boat ramps or launches; the type, dimensions and location of any associated commercial facilities, utilities, parking, public access, and marine services; and any proposed exterior lighting or other security measures.
- (3) The type and location of any existing vegetation which will be preserved, any existing vegetation proposed for removal, and any planned restoration of vegetation or other landscaping.
- (4) The size of the proposed project relative to any other improvements or facilities within 100 feet upstream or downstream of the proposed project site, including facilities on the opposite bank, particularly with regard to its linear extension into and along the waterbody.

b. If the project will involve construction, describe in detail the construction methods and equipment which will be used and the anticipated time frame for construction activities.

c. Describe how the project will affect any levees in the project area. Identify existing ecological and/or habitat features along the levee, and any proposed alterations or modifications to any levees and associated ecological and/or habitat features.

d. Identify any project features which you believe will avoid or mitigate any effects of moving vessels (e.g., wave wash) on the proposed facility or shore of the waterbody.

SUBSECTION 2: SPECIFIC PROJECTS: Applicants should respond only to those paragraphs which apply to their project.

a. For any project which involves a **MARINA OR OTHER MULTIPLE BERTHING FACILITY**, provide the following:
(If your project does not involve a marina or other multiple berthing facility, go on to (b) below).

- (1) Identify whatever provisions are proposed for sewage disposal from boats, commercial uses, etc. If none, please identify the nearest pump-out facility, by name, location, and operating hours.
- (2) Identify whatever provisions are proposed for litter/garbage disposal, including frequency of pick-up.
- (3) Identify any proposed fueling facility and fully describe spill prevention and control features. Are fueling stations such that they are accessible by boat without entering or passing through the main berthing area, in order to avoid collisions? Provide a spill contingency plan and list equipment and training needed to implement the plan.
- (4) Describe any proposed vessel maintenance facility, i.e., its capacity, typical activities and quantities of potentially toxic materials expected to be used. Boat maintenance areas should be designed so that all maintenance activities that are significant potential sources of pollution can be accomplished over dry land and under roofs (where practical), allowing for proper control of by-products, debris, residues, solvents, spills, and stormwater runoff. All drains from maintenance areas should lead to a sump, holding tank, or pumpout facility from which the wastes can later be extracted for treatment and/or disposal. Indicate whether maintenance areas drain directly into surface or ground water or wetlands.

Will curbs, beams or other barriers be built or placed around areas used for the storage of liquid hazardous materials to contain spills?

If no boat maintenance facility is proposed, identify the off-site facility(ies) most likely to be used.

- (5) Identify the location of any engine and hull washing activities, expected numbers of washings and the types of detergents proposed for use. Only phosphate-free and biodegradable detergents should be used for boat washing.
- (6) Describe any proposed pollution control measures for vessel maintenance and haulout facilities.

Examples include:

Use of tarps and vacuums to collect solid wastes produced by cleaning and repair of boats. Such wastes should be prevented from entering adjacent water.

- Vacuum or sweep up and catch debris, sandings, and trash from boat maintenance areas on a regular basis so that runoff will not carry it into the water.
- An oil water separator should be used on outside drains and maintained to ensure performance.
- Tarps should be used to catch spills of paints, solvents, or other liquid materials used in the repair or maintenance of boats.
- Used antifreeze should be stored in a barrel labeled "Waste Antifreeze Only" and should be recycled.

- (7) Describe any special measures proposed to control the quality and quantity of urban and other runoff from surrounding areas.

- (8) Describe the terms and conditions under which periodic and transient berthing will be permitted at the proposed facility, and how those terms and conditions will be enforced. Indicate percentage of dry boat storage compared to wet slips.
- (9) Identify the method of handling fish wastes back into the natural ecosystem. Indicate how recycling of fish wastes will not degrade water quality or cause other adverse environmental impacts.
- (10) Describe the depth and location of navigation and access channels, if any. Are these channels located in areas with safe and convenient access to waters of navigable depth, based on the kind of vessel expected to use the marina?
- (14) Describe the stormwater management system. Does the system provide a bypass or overflow systems so that the peak discharge from a 10-year, 14-hour storm will be safely conveyed to an erosion and scour-protected storm water outfall?
- (12) For proposed offshore marinas or berthing facilities, provide a water circulation plan for the facility which has been prepared and certified by a qualified hydrologic engineer. Such plan must indicate the direction and amount of flushing action in the facility.

b. For any project which involves a **LAUNCH RAMP OR OTHER LAUNCHING FACILITY** describe the following:

(If your project does not involve any launching facility, go on to (c) below).

- (1) The capacity of related parking areas for boats, trailers, and vehicles.
- (2) Any ancillary features such as restrooms, trash disposal bins, and the like.
- (3) Any provisions for pump out and disposal of bilge water.

c. For all projects involving **DREDGING OR DREDGED MATERIAL DISPOSAL**, provide the following: This section is to be prepared and certified by a qualified engineer with relevant expertise.

(If your project does not involve dredging or dredged material disposal, go on to (d) below).

- (1) An estimate of the amount and description of the method of dredging necessary to complete construction of the proposed project.
- (2) An estimate of the amount and frequency and a description of the method of any maintenance dredging anticipated for operation and maintenance of the project.
- (3) Identification and estimate of amounts and persistence of contaminants which may be released from the sediments during dredging, and during construction and operation and maintenance of the proposed project.
- (4) The method and location of disposal of dredged materials.
- (5) During dredging operations, will the dredging result in turbidity? If so, indicate how turbidity can be minimized (e.g., through the proper placement of silt screens or turbidity curtains).
- (6) Describe how the need to dredge has been minimized or avoided. For example, the marina could be sited adjacent to deep water and the area to be dredged could be the minimum needed for the marina itself, including the docking areas, fairways, and channels, and for other maneuvering areas that are needed. Is the bottom of the marina deeper than the adjacent open water?

(7) Has siting been planned near currently permitted public areas for disposal of dredged materials? How far is it to the disposal area?

d. For all projects involving **GRAZING**, provide the following:

(If your project does not involve grazing, go on to Subsection 3, below).

(1) Indicate the type and number of animals that will be located on State lands.

(2) Indicate the months during which the animals will be located on State lands.

(3) Estimate the carrying capacity of each parcel applied for.

(4) Indicate whether applicant holds a current grazing permit from the United States Bureau of Land Management (BLM). If so, indicate when the permit expires, and provide a map showing the location of the grazing allotment.

(5) Indicate whether there are any known water sources on the parcel(s) applied for. If such water sources are inadequate for the number of animals to be located on the State land, indicate how you will provide additional water.

SUBSECTION 3: PROJECT SITING AND FEASIBILITY. Complete if the proposed project is a commercial or industrial use as defined in Part I, Section C, above.

a. If the project involves berthing or docking facilities, describe how siting has been planned to ensure that tides and currents are adequate to flush the site, or renew its water regularly. Will water quality standards be violated?

b. Will the project be sited away from wetlands, shellfish resources, submerged aquatic vegetation, and critical habitat areas?

c. Is the project sited such that it will have easy access to roads, utilities, public sewers (where available), and water lines?

d. Were alternative sites considered for the proposed project? If the answer is no, please explain. If the answer is yes, please identify such alternative sites. List any criteria which were used during the site selection process: 1) What factors were used in the selection of the proposed site? 2) What factors make this site superior for the proposed project?

e. On what basis is there a demonstrated public need for the proposed project at the designated location?

f. Please furnish any studies, which demonstrate demand for and feasibility of the proposed project. What is the minimum size or level of activity necessary to sustain the commercial viability of the project?

g. If the proposed project will generate revenue, estimate the anticipated annual gross and net revenues and show your basis for the estimates.

h. Describe any other existing or proposed projects that will be related to or dependent upon this project, will be affected by this project, or will affect this project, and explain the anticipated relationship or effect.

SUBSECTION 4: PUBLIC BENEFIT

Describe any statewide or regional, rather than purely local, benefits of the proposed project, and the extent to which such benefits are provided by other facilities within a one mile radius of the proposed project site.

PART III

PROJECT ENVIRONMENTAL DATA

SECTION A: ENVIRONMENTAL SETTING

1. Describe the project site as it presently exists. Include information such as topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, the use of the structures, and whether they will be retained or removed. Include photograph(s) of the site. Information regarding historic or archaeologically significant values within the site may be obtained from the University Information Center in the county in which the project is to be located.
2. * Describe the surrounding properties. Include information such as topography, soil stability, plants and animals, and any cultural, historic or scenic aspects. Indicate the type of land use, (e.g. residential, commercial, agricultural, etc.) intensity of land use (e.g., single-family dwellings, apartments, shops, etc.) and the scale of development. Include photographs.
3. Include a statement of the proposed liquid, solid or gaseous waste disposal methods necessary for the protection and preservation of existing land and water uses.

SECTION B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

All phases of a project, such as planning, acquisition, development, and operation, shall be considered when evaluating its impact on the environment. Please answer the following questions by placing a check in the appropriate box. Provide an explanation of each answer on a separate 8½" x 11" paper, listing, as appropriate, studies, documents, or other information used to support your answer.

Will the project involve:

	Yes	Maybe	No
--	-----	-------	----

- | | | | |
|--|--------------------------|--------------------------|--------------------------|
| 1. A change in existing features of any bays, tidelands, beaches, lakes, or hills, or substantial alteration of ground contours? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A change in scenic views from existing residential areas or public lands or roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. A change in pattern, scale or character of the land use at or in the general area of the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Impacts to plants or animals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Significant amounts of solid waste or litter? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Generation of or additional, dust, smoke, fumes or odors in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. A change in ocean, bay, lake, stream or ground water quality or quantity or an altering of existing drainage patterns? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- 8. A change in existing noise or vibration levels in the vicinity?
- 9. Construction on filled land or on a slope of 10% or more?
- 10. Use or disposal of potentially hazardous materials such as flammable, toxic, or radioactive substances, or explosives?
- 11. A change in demand for municipal services (e.g., police, fire, water, sewage, electricity, gas)?
- 12. Increase in fossil fuel consumption (e.g. electricity, oil, natural gas)?
- 13. A larger project or a series of projects?
- 14. Historic structures and/or archeological sites?

SECTION C: STATE LANDS COMMISSION AS A RESPONSIBLE AGENCY

When it is determined that the Commission is a Responsible Agency under CEQA (another governmental agency prepares the appropriate environmental documentation) the applicant must submit the following materials as early as possible in the application process and substantially prior to scheduling the application for consideration by the Commission:

- 1. A copy of the project's environmental documents prepared by the Lead Agency, i.e. the Initial Study, a Negative Declaration, or the draft and Final EIR, and evidence that these documents have been circulated through the State Clearinghouse pursuant to CEQA Guidelines Section 15073.
- 2. A copy of any environmental mitigation monitoring program prepared and adopted by the Lead Agency pursuant to PRC Section 21080.6.
- 3. A copy of the "findings" made by the Lead Agency relative to potential environmental impacts of the project as approved by the Lead Agency, pursuant to Section 15091 of the State CEQA Guidelines.
- 4. A copy of the Notice of Determination filed with the Office of Planning and Research by the Lead Agency.

PART IV

SIGNATURE AND CERTIFICATION

AB 884 (Government Code Section 65920 and following). Government Code Section 64943 requires that an applicant state whether its proposal constitutes a development project. A "development project" is defined as "... any project undertaken for the purposes of development. 'Development project' does not include any ministerial projects to be carried out or approved by public agencies."

Government Code Section 65928 - Development is defined as "... on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions to the Z'berg-Nejedly Forest Practice Act of 1973" (commencing with Section 4511 of the Public Resources Code).

As used in this section, "structure" includes, but is not limited to, any building, road pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Government Section 65927 - Please complete the following statement:

The project which is the subject of this application is is not a development project as defined by Government Code Section 65928.

Your application will not be complete without this information.

Government Code Section 65941.5 requires the State Lands Commission to notify its applicants of the public notice distribution requirements relative to any proposed Commission action on applications for development projects. The Commission has compiled an extensive list of persons who have requested notice of all Commission actions and are notified of all Commission meetings. Additional parties must be provided notice of pending Commission action on a project specific basis. Upon your request, staff will provide a list of persons entitled to notice of proposed Commission action on your application.

All statements contained on the application form(s) submitted herewith and related exhibits are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant: _____

Applicant: _____

By: _____ Title: _____

(If Agent)

Date: _____

NOTE: Please remember to submit the fees as outlined on pages iv and v of the Application Guidelines. You only need to return pages 1-11 of the application.

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

FAX & MAIL

December 5, 2006

Rami Talleh
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH#: 2002041144
Log #: 1063-A
PCH

Subject: Park Avenue Marina Project

Dear Mr. Talleh,

Thank you for the opportunity to review and comment on the **Initial Study and Mitigated Negative Declaration (MND) for the Park Avenue Marina Project**. The previous Draft MND circulated in May 2004 was not adopted because the project was halted to address access to the site. The proposal is to construct a boat marina on 6,179 square foot property including five offshore floating docks, a pedestrian ramp, public access to the water's edge, three story marina office, parking garage and car port. The project site is located at the terminus of Park Avenue. The nearest State route to the project site is Pacific Coast Highway (PCH) in the City of Huntington Beach.

Caltrans District 12 status is a commenting agency on this project and has the following comments:

1. No additional surface run-off is allowed to drain to Caltrans right-of-way.
2. Post project discharge quantity and pattern must be less than or equal to pre project condition.
3. Any project work (e.g. street widening, emergency access improvements, sewer connections, sound walls, stormdrain construction, street connections, lighting and signage, etc.) proposed in the vicinity of the Caltrans right-of-way, would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near Caltrans right-of-way. (See Attachment: Environmental Review Requirements for Encroachment Permit)
4. A copy of the Final Environmental Document must be submitted with the Caltrans Encroachment Permit Application.

City of Huntington Beach

DEC 11 2006

ENVIRONMENTAL REVIEW REQUIREMENTS FOR ENCROACHMENT PERMITS

Any Party, outside of Caltrans, that does work on a State Highway or Interstate Highway in California needs to apply for an encroachment permit. To acquire any encroachment permit, environmental concerns must be addressed. Environmental review of encroachment permit applications may take 3 weeks if the application is complete or longer if the application is incomplete. For soil disturbing activities (e.g. geotechnical borings, grading, usage of unpaved roads from which dirt and other materials may be tracked onto the State/Interstate highways, etc.), compliance with Water Quality and Cultural Resources Provisions are emphasized. Surveys may/ may not be soil-disturbing activities, depending on the site and survey method.

A complete application for environmental review includes the following:

1. If an environmental document (CE, EIR/EIS, ND, etc.) has been completed for the project, copy of the final, approved document must be submitted with the application.
2. **Water Quality Provision:** All work within the State Right of Way must conform to Caltrans Standard Plans and Standard Specifications for Water Pollution Control including production of a Water Pollution Control Program or Storm Water Pollution Prevention Plan as required. The applicant must provide Encroachments with a copy of the Storm Water Pollution Prevention Plan (SWPPP) including Best Management Practices (BMPs) to be implemented for construction activities impacting Caltrans Right of Way, prepared for this as required by the NPDES Statewide Storm Water Permit for General Construction Activities. If no SWPPP has been prepared for this project, then the applicant must follow the requirements described in the attached Water Pollution Control Provisions (please see attachment).
3. **Cultural Resources Provisions:** If not included in the environmental document, before permit approval and project construction, the encroachment permit applicant must complete a Cultural Resource Assessment pursuant to Caltrans Environmental Handbook, Volume 2, Appendix B-1, and Exhibit 1, as amended. The Cultural Resources Assessment ascertains the presence or absence of cultural resources within a one-mile radius of the project area and evaluates the impact to any historical/cultural resource. Cultural Resources include "those resources significant in American history, architecture, archaeology, and culture, including Native American Resources" (Caltrans Environmental Handbook, Volume 2, Chapter 1, as amended)]. The Cultural Resource Assessment must include:
 - a) a clear project description and map indicating project work, staging areas, site access, etc.;
 - b) a Record Search conducted at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton. For information call (714) 278-5395;
 - c) proof of Native American consultation. Consultation involves contacting the Native American Heritage Commission (NAHC), requesting a search of their Sacred Lands File, and following the recommendations provided by the NAHC. For information call (916) 653-4082;
 - d) documentation of any historic properties (e.g. prehistoric and historic sites, buildings, structures, objects, or districts listed on, eligible for, or potentially eligible for listing on the National Register of Historic Places) within a one mile radius of the project area;
 - e) and a survey by qualified archaeologist for all areas that have not been previously researched.

The SCCIC and NAHC have an approximate turn around time of 2 weeks.

4. **Biological Resources Provisions:** Work conducted within Caltrans Right of Way should have the appropriate plant and wildlife surveys completed by a qualified biologist. If the information is not included in the environmental document, Environmental Planning requests that the applicant submit a copy of the biological study, survey, or technical report by a qualified biologist that provides details on the existing vegetation and wildlife at the project site and any vegetation that is to be removed during project activities. Official lists and databases should also be consulted for sensitive species such as the California Natural Diversity Database and lists provided by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Any impacts that affect waterways and drainages and/or open space during construction, or that occur indirectly as a result of the project must be coordinated with the appropriate resource agencies. As guidance, we ask that the applicant include:
 - a) clear description of project activities and the project site
 - b) completed environmental significance checklist (not just yes and no answers, but a description should be given as to the reason for the response),
 - c) staging/storage areas noted on project plans,
 - d) proposed time of year for work and duration of activities (with information available),
 - e) any proposed mitigation (if applicable to the project),
 - f) and a record of any prior resource agency correspondence (if applicable to the project).

TRANSMISSION VERIFICATION REPORT

TIME : 12/01/2006 01:46
NAME :
FAX :
TEL :
SER.# : BROE2J341404

DATE, TIME	12/01 01:44
FAX NO. /NAME	917143741540
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STATE OF CALIFORNIA—BUSINESS TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



*Flex your power!
Be energy efficient!*

FAX & MAIL

December 5, 2006

Rami Talleh
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

File: IGR/CEQA
SCH#: 2002041144
Log #: 1063-A
PCH

Subject: Park Avenue Marina Project

Dear Mr. Talleh,

Thank you for the opportunity to review and comment on the **Initial Study and Mitigated Negative Declaration (MND)** for the Park Avenue Marina Project. The previous Draft MND circulated in May 2004 was not adopted because the project was halted to address access to the site. The proposal is to construct a boat marina on 6,179 square foot property including five offshore floating docks, a pedestrian ramp, public access to the water's edge, three story marina office, parking garage and car port. The project site is located at the terminus of Park Avenue. The nearest State route to the project site is Pacific Coast Highway (PCH) in the City of Huntington Beach.

Caltrans District 12 status is a commenting agency on this project and has the following comments:

1. No additional surface run-off is allowed to drain to Caltrans right-of-way.
2. Post project discharge quantity and pattern must be less than or equal to pre project condition.

2. An official 30 day public review period for the draft MND was established by the State Clearinghouse. It began on November 9, 2006 and ended on December 7, 2006. Public comment letters were accepted by the City of Huntington Beach through December 11, 2006.
3. Notice of the draft MND was published in the Huntington Beach Independent on November 9 2006. Upon request, copies of the document were distributed to agencies, groups, organizations, and individuals.

III. COMMENTS

Copies of all written comments received as of December 12, 2006, are contained in Appendix A of this document. All comments have been numbered and are listed on the following pages. All comments from letters received have been retyped verbatim in a comment-response format for clarity. Responses to Comments for each comment which raised an environmental issue are contained in this document.

IV. RESPONSE TO COMMENTS

The draft Mitigated Negative Declaration No. 00-07 was distributed to responsible agencies, interested groups, organizations, and individuals. The report was made available for public review and comment for a period of 30 days. The public review period for the draft MND established by the State Clearinghouse commenced on November 9, 2006, and expired on December 7, 2006. The City of Huntington Beach accepted comment letters through December 11, 2006. Copies of all documents received as of December 12, 2006, are contained in Appendix A of this report.

A total of seven comment letters were received during the review period. The comment letters addressed the following issues:

- Access to the site from Park Avenue;
- Use of boats as residences; and
- Size of the caretaker's unit.

The comments do not raise significant environmental issues. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment acknowledged" reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration.

A fourth issue raised in the comment letters addresses:

- Increase in traffic generated by the project;

Response: The size and scope of the project will not result in significant increases in traffic above levels anticipated in the area. According to the City of Huntington Beach Transportation Division, the existing residential units on Park Avenue generate approximately 240 traffic trips per day. The project will generate 24 daily trips on weekdays, 25 trips on Saturdays, and 38 trips during the peak traffic period on Sundays.

It is likely that these estimated trips are somewhat overstated as the proposed marina has none of the commercial amenities typically associated with marinas. The project will result in a 16% increase in traffic during peak times on Sunday. This incremental increase in traffic will not result in significant changes to the residential character of Park Avenue and can certainly be accommodated by the Park Avenue's capacity. The caretaker's unit, which is considered equivalent to a single family dwelling, accounts for 12 of the generated daily vehicle trips.

V. ERRATA TO DRAFT MITIGATED NEGATIVE DECLARATION NO. 00-07

The following changes to the draft MND and Initial Study Checklist are as noted below.

Section VI Transportation/Traffic, page 12

According to the City of Huntington Beach Public Works Transportation Division and the Sixth Edition ITE Trip General Manual, a marina generates 2.96 vehicle trips/berth for weekdays, 3.22 trips/berth for Saturdays, and 6.40 trips/berth for Sundays. The caretaker's unit is assumed to be equivalent to a single family home and generates 12 vehicle trips per day. Therefore, the proposed project is expected to generate ~~27~~ 24 daily trips on weekdays, ~~28~~ 25 trips on Saturdays, and ~~44~~ 38 trips on Sundays... The addition of ~~44-38~~ trips for the proposed project represents an ~~18%~~ 16% increase in traffic on Park Avenue during the peak traffic period on Sunday...

The changes to the Draft Mitigated Negative Declaration as they relate to issues contained within this errata sheet do not affect the overall conclusions of the environmental document. The changes are identified by the comment reference.

D1 . 189

ATTACHMENT #10

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LEFT
BLANK**

1 MARK A. NIALIS, ESQ., SBN 89923
WILDISH & NIALIS
2 500 North State College Boulevard, Suite 1200
Orange, California 92868
3 Tel: (714) 634-8001
Fax: (714) 634-3869
4

DEC 07 2006

5 Attorneys for CONCERNED CITIZENS OF
PARK AVENUE, an unincorporated association
6
7

8 COMMENTS AND OBJECTIONS RE
9 CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT
10 CONDITIONAL USE PERMIT NO. 00-07 AND
11 ENVIRONMENTAL ASSESSMENT NO. 00-07
12

13 CONCERNED CITIZENS OF PARK
AVENUE,
14 CITY OF HUNTINGTON BEACH
15
16 Lead Agency,
HUGH SEEDS,
17
18 Real Party in Interest,
19

) INITIAL COMMENTS AND
) OBJECTIONS TO CUP NO. 00-07 AND
) ENVIRONMENTAL ASSESSMENT NO.
) 00-07
) [California Environmental Quality Act
) ("CEQA") and Code of Regs. Title 14,
) §§15201 and 14100, et seq.]
)
) NOTICE OF REPRESENTATION BY
) COUNSEL AND REQUEST FOR
) OPPORTUNITY TO BE HEARD AT
) PUBLIC HEARING

20 AGENCIES AND PERSONS TO WHOM COMMENTS AND OBJECTIONS ARE
21 DIRECTED:

22 The CONCERNED CITIZENS OF PARK AVENUE ("CITIZENS ASSOCIATION")
23 submits to the following agency comments to the Conditional Use Permit No. 00-13; Coastal
24 Development Permit No. 00-43 (CDP No. 00-43); Lot Line Adjustment No. 00-07 and
25 Environmental Assessment No. 00-07.

26 City of Huntington Beach Planning Department as lead agency c/o the City Clerk, 2000 Main
27 Street, Huntington Beach, California 92848.
28

1 Planning Commissioner, c/o the Associate Planner, Rami Talleh, 2000 Main Street,
2 Huntington Beach, California 92848.

3 City of Huntington Beach ("City") Council Members c/o the City Manager, 2000 Main
4 Street, Huntington Beach, California 92846.

5 Project Proponent/Real Property in Interest, Hugh Seeds, 16958 Bolsa Chica Street, #223,
6 Huntington Beach, California 92649.

7
8 1. **NOTICE OF REPRESENTATION BY COUNSEL AND REQUEST**
9 **FOR OPPORTUNITY TO SPEAK AT PUBLIC HEARING**

10 Please take notice that Mark A. Nialis of Wildish & Nialis, Attorneys at Law, is representing
11 CITIZENS ASSOCIATION, and its membership, and requests an opportunity to be heard at the
12 Public Hearing presently unscheduled. Counsel for CITIZENS ASSOCIATION estimates that this
13 portion of introductory oral presentation would be limited to approximately 10 to 15 minutes.

14
15 2. **REQUEST THAT A COPY OF THE COMMENTS AND**
16 **OBJECTIONS OF CITIZENS ASSOCIATION BE INCLUDED IN**
17 **THE ADMINISTRATIVE RECORD**

18 Please take notice that CITIZENS ASSOCIATION hereby requests that a copy of these
19 Comments and Objections be included in any official administrative record prepared by the City
20 Clerk.

21
22 3. **NATURE AND DESCRIPTION OF PROJECT.**

23 The proposed project is a request to construct a largely unregulated boat marina on a small
24 parcel of land at the terminus of Park Avenue, Sunset Beach, California. The proposed
25 improvements include floating docks, a floating pedestrian ramp, a 2,793 square foot 3-story marina
26 office, caretaker's quarters, a 1,189 square foot associated parking garage and carport, and a 145
27 square foot balcony. The proposed project will arguably operate twenty-four (24) hours per day
28

1 which will purportedly be supervised by a caretaker. The project presently has no suitable access
2 and any action on the proposed project is premature.

3
4 **4. INTRODUCTION.**

5 The CITIZENS ASSOCIATION is an unincorporated association and community
6 organization composed primarily of residential homeowners located on Park Avenue which abuts
7 the proposed project. The CITIZENS ASSOCIATION includes but is not limited to the following
8 individual members:

9 **Michael Van Voorhis, 16923 Park Avenue, Sunset Beach, CA 90742;**

10 **Denise Van Voorhis, 16923 Park Avenue, Sunset Beach, CA 90742.**

11 The comments herein contained are made on behalf of the CITIZENS ASSOCIATION and
12 its individual members.

13 The comments set forth herein are submitted pursuant to California Environmental Quality
14 ACT (CEQA) and the California Code of Regulations (CEQA Guidelines). These comments are
15 intended to set forth the present concerns of CITIZENS ASSOCIATION and its individual members
16 concerning the proposed project to assist in evaluating the Mitigated Negative Declaration including
17 but not limited to traffic reports, geological reports, noise reports, air quality reports and hydrology
18 and water quality reports. The comments are not intended to be exclusive or exhaustive of any
19 singular claim or comment of any member or members of CITIZENS ASSOCIATION. The
20 CITIZENS ASSOCIATION and each of its members reserves the right to amend or supplement its
21 comments and to provide further documentation, if any, during the review process, including the
22 CEQA review period by the lead agency.

23
24 **5. GENERAL COMMENTS.**

25 The proposed project is a boat marina on a small 6,100 square foot property which will
26 disproportionately increase the amount of vehicular traffic on Park Avenue. The proposed project
27 will operate with an ingress/egress for vehicular and truck traffic which will have a significant
28 impact upon the environment, including but not limited to significant increases in traffic movement,

1 significant increases in ambionic and periodic noise levels, significant increases in local air pollution,
2 significant impacts on the socio-economic environment of surrounding and adjacent present a
3 future residential homes, all of which will impact the quality of life in surrounding and adjacent
4 residential neighborhoods. The Mitigated Negative Declaration for the proposed project does not
5 completely and adequately consider, disclose, assess and discuss all potentially significant impacts
6 of the proposed project, and therefore, it must be rejected. At a minimum, a full and complete
7 environmental impact report must be prepared for this project. This initial comment will address
8 the following areas in the Mitigated Negative Declaration:

9
10 **II. Population and Housing:**

11 The Mitigated Negative Declaration has found that this is a less than significant impact. The
12 Board has failed to consider that the population, both permanent and transient, will increase
13 disproportionately than if the property had been used as a single family residence and/or some other
14 suitable housing that would be permitted on such a small lot. Essentially, the proposed project is
15 permitting boats to be utilized as condominiums whether on a full or part-time basis
16 disproportionately increase the number of persons occupying the subject area. Therefore, it is the
17 effects are not less than significant but rather are potentially significant and the Mitigated Negative
18 Declaration has, by its term, not sought to mitigate any of these adverse impacts.

19
20 **IV. Hydrology and Water Quality.**

21 The Mitigated Negative Declaration has failed to address what impact the marina boat
22 residence will have on the hydrology and water quality once the proposed project is open to the
23 public.

24
25 **VI. Transportation/Traffic.**

26 The Mitigated Negative Declaration is incorrect when it states that the proposed project will
27 be served by Park Avenue 30 foot wide local street located entirely within the County of Orange and
28 intercepting with Pacific Coast Highway. The Mitigated Negative Declaration is incorrect in th

1 the only presently available access to the property is an alleged 10 foot wide easement to provide
2 access to the property. All other access to the property has been permissive use by adjacent property
3 owners and no other easements exist for access to the proposed private project. Further, on June 9,
4 2004, a Covenant and Agreement running with the land was executed and recorded by and between
5 property owners on Park Avenue wherein they specifically agreed to restrictive nature and use of
6 each of their respective properties, including that neither of them would voluntarily convey fee title,
7 license profit or easement for ingress and egress, road, or utility purpose or for any other purpose
8 with respect to their respective properties, along and on Park Avenue.

9 Therefore, the proposed project has inadequate access for the proposed purpose, and clearly
10 would have inadequate access for emergency situations.

11 The anticipated increase in traffic as alleged in report, will have at a minimum potentially
12 significant impact on the adjacent properties, particularly, when it is viewed in relation to the
13 existing traffic flow, in its capacity as a dead end street. Presently, there is one single family
14 residence at the terminus of Park Avenue and the proposed project will increase that traffic volume
15 by approximately 500%, at the terminus point. The proposed project anticipates that the Mitigated
16 Negative Declaration, while it incorrectly states that the proposed project will be served by 30 foot
17 wide local street, does not specify how wide, the driveway will be to access the marina project.

18 **A. Health & Safety:**

19 This residential neighborhood, with a street that presently dead ends prior to Lot 11, as
20 specified in the project map, is utilized as a playground area; such as for basketball, street hockey
21 and the like. This is particularly true since the water oriented nature of the area, has created small
22 backyards which are utilized for access to boats. The Mitigated Negative Declaration fails to take
23 into account these activities by the neighboring children and the CITIZENS ASSOCIATION clearly
24 believe that this marina will have a potentially significant unmitigated impact on the health and
25 safety of children in the area.

26
27 **VII. Biological Resources.** The Mitigated Negative Declaration specified that there are
28 potential significant impacts as a result of the project to biological resources and specifies a

1 mitigation program. CITIZENS ASSOCIATION believe that the mitigation measures undertaken
2 are to be overseen by a biologist hired by the project proponent, instead of being hired by the le
3 agency and paid by the project proponent. Further, the project proposed mitigation measures do not
4 include a monitoring or reporting program as required by Public Resources Code Section 221081.6.
5

6 X. Noise.

7 The Mitigated Negative Declaration states that with respect to all noise issues, that there is
8 less than a significant impact or no impact. The proposed project description states that the marina
9 docks and office operating hours will be from 8:00 a.m. to 5:00 p.m. daily. However, the full-time
10 caretaker's quarters will allow for 24 hour supervision of the facility. The Mitigated Negative
11 Declaration does not specify that a caretaker must be on site for 24 hour supervision, but rather that
12 it permits this to occur and it is a condition. Further, the fact that the marina docks and office will
13 have operating hours from 8:00 a.m. to 5:00 p.m., does not specifically state that no one can be on
14 the boats after 5:00 p.m. The Mitigated Negative Declaration is completely silent on the issue of
15 when the public may utilize their boats at the docks, at the proposed project/marina. It is typical th
16 those persons who utilize the proposed projects boat slips may do so as a vacation home. The
17 Mitigated Negative Declaration fails to address the hours upon which the persons may utilize their
18 boats, if they can only be on their boats from 8:00 a.m. until 5:00 p.m. If so, how is the City going
19 to ensure that all persons will be removed from their boats by 5:00 p.m.; by the caretaker and/or by
20 local police. However, boats and harbors have typically always been utilized by their owners as
21 their weekend getaway homes with parties and the like occurring at all hours. These types of
22 activities will greatly increase the ambient noise levels for all surrounding homeowners. The
23 CITIZENS ASSOCIATION are surprised that the Mitigated Negative Declaration failed to address
24 this issue in any manner whatsoever.
25

26 XII. Utilities and Service Systems.

27 The storm water catch basin referred to in Section C, is presently on the property of Michael
28 Van Voorhis, and he is responsible for its upkeep, and it was installed to catch the runoff from h

1 property. The proposed marina project would greatly increase his maintenance responsibilities and
2 the present storm water catch basin is, in all probability, insufficient for the proposed project.
3 Therefore, this is a potentially significant impact unless mitigation is incorporated. Therefore, the
4 proposed project should be required to install their own storm water catch/desilting basin.

5
6 **6. CONCLUSION.**

7 The Mitigated Negative Declaration fails to contain an adequate and complete assessment
8 of the commutative impacts for the proposed project as required by CEQA and CEQA Guidelines,
9 including an adequate and accurate list of past, present, foreseeable future projects which will
10 contribute to the cumulative traffic, air quality, noise, health and safety, biological and other impacts
11 in the area. The CEQA guidelines define cumulative impacts as two or more individual effects,
12 which considered together, are considerable or which compound or increase other environmental
13 impacts.

14 The CEQA Guidelines provide the cumulative impact from several projects is the change in
15 the environment that results from the incremental effect of the project when added to other closely
16 related past, present, and probable future projects. Cumulative impacts may result from individually
17 minor, but collectively significant projects taking place over a period of time.

18 The Mitigated Negative Declaration fails to address cumulative impacts and therefore, an
19 environmental impact report to discuss cumulative impacts; the biological impacts, noise impacts
20 and traffic impacts must be addressed in an environmental impact report. Such an environmental
21 impact report could and should discuss whether cumulative impacts, if the proposed projects
22 incremental contribution to a potentially significant impact is cumulatively considerable. The EIR
23 must also, of course, discuss significant environmental effects that is specific to the project under
24 review as mentioned above. Therefore, the proposed projects, specific impacts and cumulative
25 impacts must be evaluated for potential significance in any environmental impact analysis. The
26 proposed Mitigated Negative Declaration fails to conduct any such analysis.

27 The CITIZENS ASSOCIATION believe that the Mitigated Negative Declaration utilized in
28 lieu of a project, EIR has not satisfied the requirements of CEQA. At a minimum, a project EIR

1 should be required for the proposed project. However, since the entire area surrounding Huntington
2 Harbor has been developed through a seriatim Mitigated Negative Declarations and negativ
3 declarations, the CITIZENS ASSOCIATION strongly urge that an area wide EIR be adopted and
4 required before a proposed project can be fairly considered.

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Dated: December 6, 2006

Respectfully submitted,

WILDISH & NIALIS

By: 
MARK A. NIALIS
Attorneys for CITIZENS ASSOCIATION OF
PARK AVENUE, an unincorporated association

F:\Clients\2804\PI\InitialCommentsCUP&PPA.01 (USE).wpd

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California. I am over the age of
4 eighteen years and not a party to the within entitled action; my business address is 500 North
State College Boulevard, Suite 1200, Orange, California 92868.

5 On December 7, 2006, I caused to be served the foregoing document described as
6 **Initial Comments and Objections to CUP NO. 00-07 and Environmental Assessment No. 00-07;**
7 **[California Environmental Quality Act ("CEQA") and Code of Regs. Title 14, §§15201 and**
8 **14100, et seq.]; Notice of Representation by Counsel and Request for Opportunity to be Heard**
9 **at Public Hearing on the interested parties as follows:**

8 City of Huntington Beach Planning Department
c/o the City Clerk
9 2000 Main Street
10 Huntington Beach, CA 92848

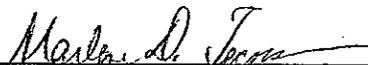
Planning Commissioner
c/o the Associate Planner, Rami Talleh
2000 Main Street
Huntington Beach, California 92848

11 City of Huntington Beach
c/o the City Manager
12 2000 Main Street
13 Huntington Beach, California 92846

Project Proponent/Real Property in Interest
Attention: Hugh Seeds
16958 Bolsa Chica Street, #223
Huntington Beach, California 92649

14
15 **(PERSONAL DELIVERY BY DDS PROCESS SERVICE)** By placing the
16 **original a true copy** thereof enclosed in a sealed envelope(s) addressed as to the
17 **above-named parties. I caused such envelope to be delivered to the office of the**
18 **addressee by DDS PROCESS SERVICE.**

19 Dated: December 7, 2006

20
21
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23
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27
28

MARLENE D. TECSON

original

City of Huntington Beach

DATE: DECEMBER 2, 2006

DEC 11 2006

TO: CHAIRMAN AND MEMBERS OF THE HUNTINGTON BEACH PLANNING
COMMISSION

FROM: RESIDENTS SURROUNDING PARK AVENUE MARINA PROJECT

SUBJECT: PARK AVENUE MARINA PROJECT---

1. COMMENTS ON THE ADEQUACY OF ENVIRONMENTAL
ASSESSMENT NO. 00-07 AND MITIGATED NEGATIVE DECLARATION NO 00-0

2. RECOMMENDATION AND FINDINGS OF FACT TO NOT CERTIFY
AND ADOPT AMENDED ENVIRONMENTAL ASSESSMENT NO. 00-07

3. RECOMMENDATION AND FINDING OF FACT TO DENY
CONDITIONAL USE PERMIT NO. 00-13, COASTAL DEVELOPMENT PERMIT
NO. 00-43 AND LOT LINE ADJUSTMENT NO. 00-07 FOR THE PARK AVENUE
MARINA PROJECT LOCATED AT 16926 PARK AVENUE HUNTINGTON BEACH,
CA 92649

OVERVIEW

The entitlements requested for the proposed Park Avenue Marina project should be denied by the Planning Commission and the Mitigated Negative Declaration must be rejected.

The information contained herein will demonstrate that the project will have significant adverse environmental impacts which have not been adequately mitigated. Further, there are alternatives to this project that reduce or eliminate the significant adverse effects. These alternatives have not been adequately considered.

The project is ill-conceived and is inconsistent with the City's overall General Plan goals, objectives and policies with respect to public open space and waterfront recreation. The project is contrary to the purpose, intent and specific provisions of the zoning applied to this property and should be disapproved.

In light of the significant adverse environmental impacts of this project, which have not been mitigated, and the inconsistency with both zoning and General Plan provisions, the Commission must deny this project and not certify the environmental documentation.

Further, it is recommended that the Planning Commission recommend that all provisions with respect to the OS-W-CR zone be examined with respect to their consistency with the City's General Plan objectives.

It is reasonable to expect that such an examination will reveal that serious deficiencies exist between the General Plan objectives and the specific provisions of the zoning applied to the subject site. Absent such consistency, the Planning Commission should defer to the General Plan as the overriding policy document.

Given the preponderance of evidence that this project has both significant adverse environmental impacts which are not adequately mitigated and the fact that substantial evidence exists that the project will have other adverse impacts on the neighborhood and community in general, the Planning Commission must deny the requested entitlements and not certify the environmental documentation.

RATIONAL AND FINDINGS FOR REJECTION

Section 201.08 of the Huntington Beach Municipal Code provides that the Planning Commission shall not approve a discretionary application, such as the requested CUP, Lot Line Adjustment and Coastal Development Permit unless and until it has been shown that the project will not have significant adverse environmental impacts. This section further provides that such projects must be considered and planned for in the long term (capital improvement) plans for the community.

ANALYSIS

The construction of 4 offshore floating docks and a 2,793 square foot, 3-story marina office and caretaker's quarters along with 1,189 square feet of associated parking garage and carports was not considered for this open space and water-recreation site. The subject property is environmentally sensitive and the proposed use is inconsistent with open space goals for this site.

The following is the specific language contained in the Huntington Beach Municipal Code:

201.08 Consideration of Discretionary Applications

In the consideration of any discretionary application pursuant to the provisions of this ordinance, the City official or body charged with review responsibility shall not approve any such application unless it is established that the development will be appropriately timed and phased such that the development will be supported by adequate public facilities and services, and such that appropriate measures can be taken to mitigate adverse environmental impacts. Adequacy of public facilities and services shall be determined in accordance with the planned long-term buildout of community areas as provided in capital-improvement programs in which facilities are actually available or funded and the General Plan elements in effect at the time of the consideration of the application.

The subject property was originally intended to accommodate public use and enjoyment including unrestricted access to the water's edge.

The proposed project, although purporting to provide public access does little or nothing to support public access. In their application, the applicant asserts that the public will be able to transport or carry hand launched craft. However, no provisions have been made for public parking to utilize this access.

The application does not guarantee that public access will be provided. Further, specific statements in the environmental documentation which state that, "guest dock facilities will be provided at a "reasonable charge" do little to guarantee that such facilities will be open and accessible to the general public.

It is highly questionable that a site containing only four long-term public slips should require the construction of a "caretaker's" residence. It is further questionable that such a residence should exceed the minimum dwelling unit prescribed by the zoning ordinance.

If such a use were be deemed to be necessary for these four docks (slips), it would follow that every marina in the harbor should have a ratio of one housing unit per four slips. Many options for the management and supervision of four slips exist to avoid the construction of a permanent residence.

The construction of a 2,793 square foot residence with such amenities as a "Great Room", as indicated in the plans submitted, is clearly contrary to the open space and water recreation goals for this property.

Furthermore, the proposed residential use (caretaker's facility) is prohibited by the specific provisions of Section 213.06 of the Huntington Beach Municipal Code which provides that unless a use classification is listed it is prohibited. This section reads as follows:

213.06 OS District: Land Use Controls

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

Section 203.06 of the Huntington Beach Municipal Code provides both the definition of "Caretaker's Unit" and "Dwelling Unit". Neither use classification is listed as permitted or conditionally permitted in the OS-WR-CZ zone. Further, the construction of 2,793 square foot three-story structure on a 6,179 square foot site is not ancillary or incidental to the intended primary open space and water recreation use of the property.

The City's Municipal Code provides specific definitions of the term "dwelling unit" and permits the construction of single room units as small as 250 square feet and traditional dwelling units as small as 500 square feet. The proposed residential use is over five times larger than the minimum unit size.

Access to the site is substandard to support the proposed development

As discussed in staff's environmental assessment, access to the site is limited and constrained and requires easements over two properties. The access to this property via a 30 foot wide alley is insufficient to support the requested uses. The 10 existing dwelling units served by Park Avenue generate 240 daily trips and the project would add 27 weekday trips, 28 trips on Saturday and 44 trips on Sunday. This represents an increase of 18 percent above existing conditions and is significant due to the substandard assess.

The Environmental Assessment states that the City's Fire Department concludes that inadequate access exists to provide protection to this property. The installation of fire sprinklers and alarms is not an adequate substitute for fully improved emergency access to the site. The development of the site with a large residential dwelling creates the risk that the occupants of the dwelling and owners of surrounding properties will be exposed to significant safety impacts.

Mitigation measures recommended in the environmental assessment requiring full width fire access roads cannot be implemented and are therefore infeasible.

The project will result in significant water quality degradation

The project would result in the covering of 34 percent of the site with building and 49 percent with parking. The resulting 83 percent coverage with impervious surface will cause significant additional site runoff into an already deficient drainage system. The area experiences frequent flooding and the project will contribute a significant amount of surface drainage to an already overburdened system without mitigation.

The elevation of the site at 6 feet above MSL is inadequate to prevent exposure to potential flooding. The exposure of this lot to potential flooding conditions should be considered significant. The artificial raising of grades to the extent necessary to alleviate this condition is not compatible with surrounding development and the area.

Adequate public notice has not been provided

The City has not provided proper public notice of the availability of the Environmental Assessment or the public hearing on the land use entitlements. Owners of property and residents within 300 feet of the subject property have not received the required notice and have not been given the opportunity to review and comment on the environmental documentation nor the proposed entitlements.

202.04 General Rules for Applicability of the Zoning and Subdivision Ordinance

H. Notice to Surrounding Property Owners. Notice shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the property that is the subject of the hearing, as required by state law. Applicants may submit and the Director may use records of the County Assessor or Tax Collector which contain more recent information than the assessment roll.

The required findings cannot be made to approve this project

The establishment of the proposed marina and residential "caretaker's" unit will have significant and adverse impacts on the neighborhood and surrounding community. The project will produce significant light, glare, noise, odors and will result in the relegation of open space to private use without adequate provision of adequate public access, use and enjoyment.

The project is not in conformance with the City's General Plan goals and objectives with respect to public open space and waterfront recreation as it establishes a residential use on a site not zoned or designated for this purpose.

The proposed project will significantly contribute to area traffic without providing mitigation for the increase.

The project will also expose the occupants of the project and the neighbors to unacceptable safety risks to inadequate site access and safety considerations which have not been mitigated.

The project has not demonstrated that the construction of dock structures will

not have adverse impacts on navigation of public waterways. More specifically, the reduction in width of the turning basin has not been evaluated. This area is already constrained and is essential for public use.

Conclusion

In summary, the Planning Commission should reject the Mitigated Negative Declaration and deny the requested project entitlements.

Sincerely,

Alicia Dose-Wild 3242 Gilbert Dr., HB 92649
Stu BWH 3242 Gilbert Dr., HB 92649

CC:

- MAYOR AND MEMBERS OF THE HUNTINGTON BEACH CITY COUNCIL
- MEMBERS OF THE HUNTINGTON BEACH ENVIRONMENTAL ASSESSMENT COMMITTEE
- HUNTINGTON HARBOUR HOA-BOARD OF DIRECTORS AND FULL MEMBERSHIP

DEC 11 2006

Thomas J Barry
17331 Wild Rose Lane
Huntington Beach, Ca, 92649
(714) 840-8298
Fax (714) 840-8900

Owner of property address of 16924 Park Ave, Sunset Beach, CA, 90742, Parcel No. 178-532-45.

Subject: Initial Comments and Objections to CUP No.00-07, Environmental Assessment No. 00-07, Conditional Use Permit No. 00-13, Coastal Development Permit No. 00-43 and Lot Line Adjustment No. 00-07.

I have read the Comments and Objections letter submitted by Mark Nialis ESQ, representing the Citizens for Responsible Planning (CFRP) and as part of the CFRP, includes the representation of Michael Van Voorhis and Denise Van Voorhis. I agree with the entire document submitted as well as would like to add my own additional comment:

- 1) In regards to section VI Transportation/Traffic : This project is not feasible as it requires an easement to be able to widen the current access road across my private property to 30 feet wide. Due to the significant impact that this 30' wide road would have on my property, I am not allowing for an easement.

I would also like to respectfully request for an opportunity to speak at the Public Hearing whenever it is scheduled for this matter.

In addition, I would request that a copy of the Comments and Objections that I am submitting here be included in any official administrative record prepared by the City Clerk.

Dated: 12/8/06

Respectfully submitted,

By: Thomas J Barry
Thomas J. Barry
Property owner 16924 Park Ave
Parcel No. 178-532-45

To: City of Huntington Beach Planning Department, 2000 Main Street,
Huntington Beach, CA, 92648.

Talleh, Rami

From: Hess, Scott
Sent: Wednesday, December 06, 2006 2:17 PM
To: Talleh, Rami; Fauland, Herb
Subject: FW: Park Avenue Public Marina project-email from citizen

fyi

-----Original Message-----

From: Blair Farley [mailto:blair.farley@fcc-connection.com]
Sent: Wednesday, December 06, 2006 9:57 AM
To: Hess, Scott
Subject: Re: Park Avenue Public Marina project-email from citizen

I got my packet yesterday and was reading this email and noticed there was mention made of a 50 page EIR. Should we receive a copy of this?

I am sure that you are already prepared for this, but I would like to hear any rebuttal that there is to the claims made in this email at our Study Session. In particular I am interested in hearing about noise and traffic that would be generated on on this waterway or "residential street" as it is viewed by these neighbors.

//blair farley

On 12/5/06 3:25 PM, "Salcedo, Cathy" <CSalcedo@surfcity-hb.org> wrote:

>
> Dr. Boucher requested this be emailed to the Planning Commissioners.
>
> Cathy

> -----Original Message-----

> **From:** Alan Boucher [mailto:boucherfam@earthlink.net]
> **Sent:** Monday, December 04, 2006 7:39 PM
> **To:** bclt@bolsachicalandtrust.org; Glenda Reid CORAL CAY ASSOC
> **Cc:** Glenda Reid CORAL CAY ASSOC; Marianne Makler
> **Subject:** Park Avenue Public Marina project

>
> I have lived in Huntington Beach for forty two years and I am a member
> of the Coral Cay Homeowners association in Huntington Beach. I have
> many concerns that I wish to share regarding the proposed building of
> a public marina directly across the channel from my home (the
> termination of Park Avenue in Sunset Beach). Mr. Hugh Seeds proposes
> to build a public marina in order to be able to also build his dream
> home on the waterfront in Huntington Beach. After reading the nearly
> 50 page environmental assessment (#00-07), it is my understanding that
> Mr. Seeds must build his home under the guise of a caretaker's
> facility. In fact, according to my sources, the only way to get
> around the Coastal Commissions' moratorium on building a private home
> at that location requires Mr. Seeds to build and maintain a public
> marina and thus he will be allowed to also build a 2800 square foot
> home - called a "caretaker's facility." Obviously a marina caretaker
> would not require a 2800 square foot home to maintain four small boat
> docks.

>
> The ripple effect of such a project would be extensive and I will
> state only some of my concerns. From a financial standpoint, having a
> public marina at this location of many of the Coral Cay homes as well
> as other surrounding Huntington Harbour homes. Historically, in my

> forty years as a boater, boats in marina slips are often used as
> "party boats" with the attendant noise and water pollution. Around
> these channels are many boats, so why not a few more? Unlike the
> proposed marina boats, our boats sit in our "front yard" so that if a
> fuel leak occurs and pumps into the channel, we take care of it
> immediately. I am concerned that the delayed response from these
> "renters" would damage our harbor. My wife and I swim in the channel
> daily as do our neighbors during the warmer months. The estimated
> number of vehicle trips will be in excess of two hundred per week.
> Public marinas also attract fishermen with their mess - a walk down
> the Seal Beach pier will illustrate my concern with public fishing.

>
> Although there are numerous other personal concerns of mine, the main
> worry that I have is the environmental impact. In my twenty two years
> living here in Coral Cay, I have watched the mud swallows arrive at
> the same time each March. Their nests are made with the mud located
> directly beneath the proposed boat slips. The ice plants just a few
> feet above this mud are used for nesting by many of the various
> migratory birds. Do we really need to upset this longstanding
> ecosystem in order to "get around the red tape"
> and
> build one more home?

>
> My understanding is that public input must be received by the
> Huntington Beach planning commission by this Friday, December 8th.
> There is a public hearing planned for the month of January, 2007.
> Please visit website at surfcity-hb.org and email the planning
> commission of Huntington Beach.

>
> I appreciate your attention to this matter. Please feel free to
> contact me if you have any questions.

>
> Sincerely,
>
> Alan Boucher

>
>
>
>

RECEIVED

JAN 08 2007

City of Huntington Beach
City Council Office

December 29, 2006

To the City of Huntington Beach
Re: coast Development# 00-13, filed June 26, 2000

Dear Council,

As a resident/owner of Harbour Pacific adjacent to proposed development, I strongly disagree that this is an appropriate project for this area. One only needs to come down to this area at low tide to see that it is too shallow for a floating dock, and it would impede residents of my complex and Coral Cay. At low tide there is often MAYBE 4-6 inches of water in that area. Without dredging the entire basin area, I believe this builder just wants to build a 3 story HOME, not a "caretaker's residence." It is a sham! Pay attention Council Members...this is what you were voted in for.

I and the residents of my complex (244 units) will pay strict attention to this and will be sure to let the California Coastal Commission know the true facts.

See you at the meeting.

Michelle Larsson
17132 PCH Unit 201
Huntington Harbour, CA 92649

January 8, 2007

Huntington Beach Planning Commission
c/o Mr. Scott Hess
Planning Commission Secretary
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: Park Avenue Marina
Conditional Use Permit No. 00-13
Coastal Development Permit No. 00-43

Dear Commissioners:

I am a resident and homeowner at 16901 Marina Bay Drive in the Coral Cay/Huntington Harbor neighborhood of Huntington Beach. My home is directly across the bay from the proposed Park Avenue Marina project. This project is ill conceived, is in direct conflict with the Zoning Code as it applies to the site, fails to meet numerous and significant criteria of the Zoning Code for the proposed construction of a residential structure and will have a negative impact on the neighborhood including those Coral Cay residents that face the site from across the bay. In all good conscience, the project as proposed should be denied.

This project is characterized by Planning Department documents as a "request to build a boat marina" when in fact it is a proposal to build a 2,700 square foot, three story, single family dwelling. The explanation for the dwelling is that it is the "caretaker's quarters" for a four slip public marina. Indeed, the proposed 2,700 square foot building has a 100 square foot office area designated, but it also has a full kitchen, living room dining room and three bedrooms. The farce of a "caretaker's quarters" is obvious.

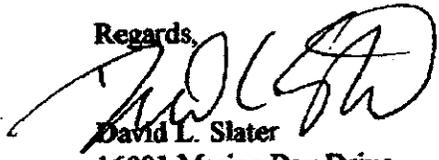
The zoning designation for this site is "OS-WR". I have attached Chapter 213 Open Space District of the City of Huntington Beach Zoning Code. The only allowance for structures under the OS-WR zoning is "Accessory Uses and Structures" which is further defined in note (A) as "Limited to facilities incidental to an open space use". I don't believe that there is any reasonable argument that a 2,700 square foot, three bedroom single family dwelling is "incidental to an open space use" where the open space use is a four slip marina.

Further, this project fails to meet the setback requirements for construction of the residential building. On the bay side, the building has a setback of only a couple of feet from the top of the proposed remanufactured slope that adjoins the bay. This will result

in a 33 foot high building towering over the bay which is a condition inconsistent with the current neighborhood.

For these reasons and others this project should be referred back to staff to work with the developer to create a plan that is consistent with the Zoning Code and consistent with the neighborhood.

Regards,



David L. Slater
16901 Marina Bay Drive
Huntington Beach, California 92649

Chapter 213 OS Open Space District

(3334-8/97, 3568-8/02)

Sections:

- 213.02 Open Space District Established
- 213.04 Applicability
- 213.06 OS District: Land Use Controls
- 213.08 OS District: Development Standards
- 213.10 Review of Plans

213.02 Open Space District Established

An Open Space District is established by this Chapter. This district provides areas for public or private use and areas for preservation and enhancement. Three subdistricts have been identified. (3334-8/97)

Subdistricts of the OS District include:

- A. OS-PR Open Space - Parks and Recreation Subdistrict.
- B. OS-S Open Space - Shoreline.
- C. OS-WR Open Space - Water Recreation Subdistrict. (3334-8/97)

213.04 Applicability

The OS district shall be the base district for the use classifications listed in Section 213.06 where these classifications have a minimum contiguous site area of 2 acres, including alleys, streets or other rights-of-way. Open-space use classifications on sites of less than 2 acres shall be subject to the provisions of the base and overlay districts in which they are located.

213.06 OS District: Land Use Controls

In the following schedule, letter designations are used as follows:

- "P" designates use classifications permitted in the OS district.
- "L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" which follow.
- "PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.
- "ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designate use classifications permitted on approval of a temporary use permit.

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

OS DISTRICT LAND USE CONTROLS	P = Permitted	L = Limited (see <u>Additional Provisions</u>)	PC = Conditional use permit approved by Planning Commission	ZA = Conditional use permit approved by Zoning Administrator	TU = Temporary Use Permit	P/U = Requires conditional use permit on site of conditional use	= Not Permitted
	OS-PR	OS-S	OS-WR	Additional Provisions			
Public and Semipublic				(F)			
Marinas	-	-	PC				
Park & Recreation Facilities	PC	PC	-				
Public Safety Facilities	-	PC	-				
Utilities, Major	-	-	-				
Utilities, Minor	ZA	-	ZA				
Commercial Uses				(F)			
Animal Sales and Services							
Equestrian Centers	PC	-	-	(E)			
Commercial Recreation and Entertainment	PC	-	-				
Communication Facilities	L-4			(3568-9/02)			
Eating & Drinking Establishments	L1	L1	-				
With Take-Out Service, Limited	L1	L3	-				
Vehicle/Equipment Sales and Services			-				
Commercial Parking Facility	L2	L2	-				
Accessory Uses				(A)(D)			
Accessory Uses and Structures	P/U	P/U	P/U				
Temporary Uses				(B)			
Animal Shows	TU	-	-				
Circuses and Carnivals	TU	-	-				
Commercial Filming	TU	TU	TU				
Nonconforming Uses				(C)			
(3334-6/97)							
Huntington Beach Zoning and Subdivision Ordinance							
Chapter 213	213-2			8/02			

OS District: Additional Provisions

- L1** Allowed with a conditional use permit approval by the Zoning Administrator only as an ancillary use that is compatible with and part of a park or recreational facility. Only in the coastal zone overlay district, in public parks in both the Parks and Recreation and the Shoreline Subdistricts, only the following type of eating and drinking establishment shall be permitted: (3334-6/97)
- (a) Take-out service establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption; and persons are not served in vehicles. (3334-6/97)
- L2** Public parking is permitted, but commercial parking facilities on City-owned land require a conditional use permit approval by the Planning Commission. Recreational vehicle overnight parking is limited to 10 percent of available public parking. No encroachment onto sandy beach area shall be permitted. (3334-6/97)
- L3** Beach concession stands for sale of refreshments and sundries (not to exceed 2,500 square feet) must be located a minimum 1,000 feet apart. Beach concession structures shall be located within or immediately adjacent to paved parking or access areas. (3334-6/97)
- L-4** Only wireless communication facilities permitted subject to Section 230.96 Wireless Communication Facilities. (3568-6/02)
- (A) Limited to facilities incidental to an open space use.
- (B) See Section 241.22: Temporary Use Permits.
- (C) See Chapter 236: Nonconforming Uses and Structures.
- (D) Private cantilevered decks abutting residential uses; private boat ramps, slips, docks, windscreen and boat hoists in conjunction with adjacent single family dwellings. See Residential Districts and Chapter 17.24.
- (E) See Section 230.48: Equestrian Centers.
- (F) The permitted uses for recreation areas on the Huntington Beach mesa shall be limited to low-intensity uses including picnic grounds, arboretums, bird sanctuaries, trails. High-intensity uses such as tennis courts, athletic fields, stables, campgrounds or other commercial or recreation uses shall be conditional only, and shall be located in nodes adjacent to existing developed areas or roads and shall avoid adverse impacts on environmentally sensitive habitats. (3334-6/97)
-

213.08 OS District: Development Standards

The following schedule prescribes development standards for the OS-PR, OS-S and OS-WR subdistricts. The first three columns prescribe basic requirements for permitted and conditional uses in each subdistrict. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions. (3334-6/97)

OS-PR, OS-S and OS-WR DISTRICTS DEVELOPMENT STANDARDS				
	OS-PR	OS-S	OS-WR	Additional Requirements
Nonresidential Development				
Minimum Lot Area (sq. ft.)	5 ac	-	-	
Minimum Lot Width (ft.)	100	-	-	
Minimum Setbacks				
Front (ft.) -	25	50	-	
Side (ft.) -	25	-	-	
Street Side (ft.)	-	25	-	
Rear (ft.) -	25	20	-	
Maximum Height of Structures (ft.)	45	20	-	(A)(E)
Maximum Lot Coverage (%)	25	-	-	
Minimum Site Landscaping	See Chapter 232			(B)(F)
Building Design				(A)(C)
Fences and Walls	See Section 230.88			
Off-Street Parking/Loading	See Chapter 231			
Outdoor Facilities	See Section 230.74			
Screening of Mechanical Equipment	See Section 230.76			
Refuse Storage Areas	See Section 230.78			
Underground Utilities	See Chapter 17.64			(D)
Performance Standards	See Section 230.82			
Nonconforming Structures	See Chapter 236			
Signs	See Chapter 233			

(3334-6/97)

OS District: Additional Development Standards

(A) All development shall be compatible with the established physical scale of the area and shall not encroach on major view corridors. Public visual resources within the coastal zone shall be preserved and enhanced. Maximum height limit for development within the coastal zone in the Open Space Recreation Subdistrict shall be 35 feet. (3334-6/97)

- (B) To the extent feasible, mature trees, shall be protected. Development shall assure maximum protection of native vegetation and sensitive wildlife habitats. (3334-6/97)
 - (C) All buildings and structures shall be sited and designed to assure stability and structural integrity for their expected economic life span and to minimize alterations to natural landforms.
 - (D) Underground utilities shall be provided unless underground installation would have a substantial adverse impact on the environment.
 - (E) Facilities necessary for public safety may exceed maximum height.
 - (F) All setback areas along street frontages in OS-PR shall be fully landscaped.
-

213.10 Review of Plans

All applications for new construction and exterior alterations and additions shall be submitted to the Community Development Department for review. Discretionary review shall be required as follows:

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots.
- B. Design Review Board. Projects within redevelopment project areas, OS-PR and OS-S districts and areas within 500 feet of a PS district; see Chapter 244.
- C. Planning Commission. Projects requiring a conditional use permit from the Commission.
- D. Projects in the Coastal Zone. A Coastal Development permit is required unless the project is exempt; see Chapter 245.

February 16, 2007

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City of Huntington Beach
City Council Office

City of Huntington Beach
City Council Office
FEB 16 2007
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Honorable Mayor Gil Coerper & City Council Members,

Here is a DVD & Video copy of the January 9, 2007 Planning Commission meeting addressing the proposed Park Ave Marina. Unfortunately, the company that reproduced the video did not record the first minute. You will not see Chairperson Scandura announce he is opening the Public Hearing on the Mitigated Negative Declaration and Conditional Use Permit for the proposed Park Ave Marina. It also did not record the disclosures of Commissioner Farley & Commissioner Dwyer. I hope you are able to review the whole DVD or Video. If you are pressed for time, please fast forward to the end of the public speakers and listen to the questions, comments and vote of the Planning Commissioners. On the following pages, I have a list of many reasons why this proposal is not compatible and wrong for the neighborhood. Our home is closest to the proposed Marina & residence. Thank you for taking the time to consider our concerns.

Denise & Mike Van Voorhis
16923 Park Ave.
Sunset Beach, Ca.

Here is a recap of the main issues against the proposed Park Ave Marina as it was submitted to the Planning Commission .

- 1) The Marina is incompatible with the residential neighborhood. Boat owners in a marina use their boats as floating condominiums that create a noise nuisance. Please listen to Tim Haley (speaker #10 at the Planning Commission) about how he leased his dock space to a boat broker who then allowed the owners of three boats to utilize their vessels. Even though the boat broker was the caretaker & lived in an apartment on premises, the noise that resulted was intolerable to the neighbors. This took place last summer and was 2 blocks from the proposed marina.
- 2) The lot is zoned Open Space Water Recreation. The proponent is trying to circumvent the California Coastal Commission designation and Huntington Beach zoning by building a 2793 square foot 3 bedroom residence and calling it a caretakers unit. The 33 foot high house would be built on a 4 foot pad resulting in a 37 foot high structure that would be out of scale and taller than any of the other homes in the area. It's a single family residence trying to be built on land zoned Open Space.
- 3) The proposal has inadequate parking. The plans attached to the staff report are ambiguous. One drawing shows eight parking spots, another shows six and several show only five. It was confirmed at the Planning meeting that there will only be 5 parking spots. The proponent maintains only 2 spots are required for the single family residence and only 3 spots are required for the four boat slips. However, the Huntington Beach Zoning Code requires 2 enclosed spaces & 2 spaces open for the single family residence. (Attachment "A") The Marina parking is also inadequate. The plans show 3 parking spots for the full time slips, but no parking spot for the public slip. When someone wants to launch their kayak, they will expect to park there. There is no parking available on Park Ave.
- 4) The access is too narrow. Although Park Ave. is 30' wide, the proposal is for the last 57' entering the marina to be only 20' wide. The County of Orange requires a minimum road width of 28'. They would require a traffic analysis to consider anything less, but a 24' width would be absolute minimum. (Attachment "B")
- 5) The Sunset Beach Specific Plan requires a minimum width of 24' for two way access. This Local Coastal Plan (LCP) was approved by the Orange County Board of Supervisors and confirmed by the California Coastal Commission. (Attachment "C")
- 6) Having a 20' wide road is simply too dangerous. In fact, the current asphalt driveway is only 14 feet wide. The plans show the 3 foot wide gutters on both sides as part of the road. To put this into perspective, look at the driveway from Yorktown to the parking lot at City Hall. The asphalt is 25 ½ feet wide with each cement curb & gutter 2 ½ feet wide. Imagine a road 1/3 narrower. The staff report says the Marina & residence would generate over 200 vehicle trips per week. There are currently 3 garages 5' away that back onto the driveway. There will be pedestrians, wheelchairs, pets and skateboarders competing with cars for that narrow strip of road. With the pad of the proposed house being raised 4', it will be

the tallest hill in the area and it's logical to assume that it will become a skateboard park.

- 7) Access has not been secured. There currently is only a 10' wide easement accessing the proposed Marina's lot. There is a Covenant Running with the Land that prohibits any easement for ingress & egress, road or utilities across the other adjoining lot owned by Tom Berry. The Huntington Beach Planning Department has had a copy of this Covenant for over two years.
- 8) You can hear Mr. Berry at the January 9 Planning Commission meeting state that he will not grant permission to cross his property for a Marina (Speaker #12).
- 9) The proponent, Hugh Seeds, does not own the property. The lot is owned by Robert Bacon. Mr. Seeds recognized that the lot may not be able to be developed and his agreement is contingent on getting all the permits to build.
- 10) The final two pages in this packet is the Huntington Beach Planning Commission's denial of the Mitigated Negative Declaration, Coastal Development Permit and the Conditional Use Permit.

OFF-STREET PARKING SPACES REQUIRED: SCHEDULE A (3334-6/97)

Use Classification	Spaces
Residential	
Single-family Dwellings	
<u>New construction</u>	
0-4 bedrooms	2 enclosed and 2 open
5 or more bedrooms	3 enclosed per unit and 3 open per unit
<u>Existing Dwellings</u>	
0-4 bedrooms	2 enclosed and 2 open ¹
5 or more bedrooms	2 enclosed per unit and 3 open per unit ¹
<u>In the RMH-A district</u>	2 enclosed spaces per unit with up to three bedrooms, and 1 space for each additional bedroom; 1 additional space per dwelling where no on-street parking is allowed
Multi-family Dwellings	
Studio/one bedroom	1 enclosed space per unit
2 bedrooms	2 spaces (1 enclosed) per unit
3 or more bedrooms	2.5 spaces (1 enclosed) per unit
Guests	0.5 space per unit

¹Open spaces may be behind any required spaces and/or on a street adjacent to the property. On-street parking may not be reserved for residents and/or guests but must be available to the general public on a first-come, first-serve basis.

(rest of page not used)

Attachment "A"



COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

Bryan Speegle, Director
300 N. Flower Street
Santa Ana, CA
P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5188

January 8, 2007

Rami Talleh, Assistant Planner
City of Huntington Beach
Department of Planning
2000 Main Street
Huntington Beach, CA 92648

Subject: Park Avenue Marina (Mitigated ND # 00-07/CDP # 00-13/CUP # 00-43)

Dear Mr. Talleh:

This letter serves as a follow-up to the County's previous correspondence of September 12, 2002 regarding the subject project.

The Mitigated Negative Declaration (p. 12) indicates that access to the site is via Park Avenue, a 30 foot wide local street. This statement could be misleading since access to the project will be from the terminus of Park Avenue via a proposed 22 foot easement to the project site. As previously stated, County standards for public access would require a minimum road width of 28 feet. Any deviation from this standard would require a traffic analysis. The County is not aware of any such traffic analysis in support of the proposed 22 foot access proposed for this project. Notwithstanding the potential results of such an analysis, the City should address the access requirements of the Sunset Beach Specific Plan. That document which governs the two vacant unincorporated parcels over which the 22 foot access easement is proposed requires a minimum of 24 feet for two-way traffic. Therefore, the County recommends that the discussion of the access issue as described in the City's staff report and Negative Declaration be clarified and that the County's concerns be considered by the Planning Commission prior to its action on the project.

The County does appreciate proposed Condition 6(d) that provides indemnification of the County from any liability associated with public use of the project access way.

Thank you for the opportunity to review this project. Please contact Harry Persaud of my staff at (714) 834-5282 if you have any questions.

Sincerely,

Tim Neely, Director
Planning and Development Services

Cc: Mario Mainero, Second District Office

D1. 221

Attachment "B"

- b. Modifications to the off-street parking standards shall be by a Coastal Development Permit.
- c. Parking stalls for commercial uses requiring backing onto public streets shall be prohibited, except where they presently exist. In the case of minor alterations to existing structures, nonconforming parking stalls may remain subject to a Coastal Development Permit. Minor alterations are defined as those that 1.) do not increase the intensity of use and 2.) do not increase the existing parking capacity.
- d. Subject to a Coastal Development Permit, the off-street parking facilities may be located on separate non-contiguous building sites subject to assurances that would guarantee their continuous maintenance for the uses they serve. Non-contiguous building sites shall be within four hundred seventy (470) feet of the site of the uses they serve.
- e. Up to fifty (50) percent of the required parking for commercial uses may be compact size, eight (8) feet by fifteen and one-half (15½) feet, subject to a Coastal Development Permit. The point of entry or exit for compact space shall be no closer than twenty (20) feet from the ultimate right-of-way at the street opening.
- f. One-way accessways shall have a minimum width of fourteen (14) feet unless it is a fire lane which requires a minimum of twenty (20) feet.
- g. Two-way accessways shall have a minimum width of twenty-four (24) feet.
- h. The point of exit or entry from any off-street parking space, except compact, may be at the ultimate right-of-way to a street opening.
- i. Aisle width requirements of Section 7-9-145.5 of the Orange County Zoning Code shall prevail, except that one-way aisles with parallel parking on one or both sides shall be a minimum of twelve (12) feet.
- j. Up to forty (40) percent of the required parking spaces may be tandem parking subject to a Coastal Development Permit.
- k. Subject to a Coastal Development Permit, a reduction in the number of required parking spaces may be allowed for uses which utilize shared parking on site between uses which have different peak parking periods.

ATTACHMENT NO. 1

FINDINGS FOR DENIAL

MITIGATED NEGATIVE DECLARATION NO. 00-07/
COASTAL DEVELOPMENT PERMIT NO. 00-13/
CONDITIONAL USE PERMIT NO. 00-43

FINDINGS FOR DENIAL - MITIGATED NEGATIVE DECLARATION NO. 00-07:

1. The Mitigated Negative Declaration No. 00-07 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration and Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43.
2. Mitigation measures are not adequate to avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. There are flooding issues and unsafe pedestrian access to the site. The large structure, elevated pad height, and pavement for parking eliminate open space to handle runoff from flooded streets thus impacting adjacent property owners. The proposed project does not comply with the County of Orange, Sunset Beach Specific Plan requirements for a minimum 24 foot wide vehicular access and submittal of a traffic study.
3. There is substantial evidence in light of the whole record before the Planning Commission that the project, Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43, will have a significant effect on the environment.

FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 00-13:

1. Coastal Development Permit No. 00-13 for the construction of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot, as proposed, does not conform with the General Plan, including the Local Coastal Program. There is inadequate vehicular and pedestrian access from Park Ave. to the subject site. The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue to the subject site. In addition the size and scale of the building does not adequately provide public coastal views.
2. At the time of occupancy the proposed development cannot be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project is an infill development but will not provide all necessary infrastructure to adequately service the site with regard to storm drains and access.

3. The development does not conform with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed access to the subject site from Park Ave. as well as the proposed on-site ten foot wide public access path is inadequate because of conflicts between pedestrians and vehicles. Safe pedestrian access is not provided to the site.

FINDINGS FOR DENIAL – CONDITIONAL USE PERMIT NO. 00-43:

1. Conditional Use Permit No. 00-43 for the establishment, maintenance, and operation of a boat marina consisting of an offshore floating dock with four boat slips, a pedestrian ramp, public access to the water, a 2,793 square foot, three story marina office with caretaker's unit and 1,189 square feet of associated parking garage and carport on an approximately 6,179 square foot lot will be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The size and scope of the project will result in significant increases in traffic, noise, light and odor above levels anticipated in the area.
2. The Conditional Use Permit is not compatible with surrounding uses because the marina is a commercial use that would impose unmitigatable burdens on the neighborhood.
3. The proposed marina will not comply with the provisions of the base district. The proposed caretaker's unit is not incidental to an open space use because the size and scale of the caretaker's unit is considerably large compared to the proposed marina size which is only four boat slips.
4. The granting of the conditional use permit will adversely affect the General Plan. It is inconsistent with the Land Use Element designation of OS-W (Open Space – Water Recreation) on the subject property. In addition, it is inconsistent with the following policies of the General Plan:

Coastal Element

Policy C 3.2.1 Establish the responsibility for long term maintenance and liability prior to approval of any major recreational facility, including marina, Public Park, trail, etc.

Policy C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

The proposed marina does not establish responsibility for long term maintenance and liability for the driveway access from Park Avenue and the subject site. In addition the size and scale of the proposed building does not adequately provide public coastal views.

**Roger and Lora Anderson
16862 Marina Bay Drive
Huntington Beach, California 92649
562-592-3836
FAX 562-592-3838
randerson4@socal.rr.com**

**City of Huntington Beach
Honorable Mayor Gil Coerper
Members of the City Council
2000 Main Street
Huntington Beach, CA 92648**

RE: Proposed Park Avenue Marina Project

I am writing to advise all members of the City Council that we oppose the idea of allowing the building of three boat spaces to be used as a public marina.

We urge you to follow the recommendations of your Planning Commission (they voted six to one against); especially since the County of Orange will not endorse this project and has advised the City that they will not accept any responsibility should the City encounter legal problems. We see it as a 'loose-loose' proposition.

We sincerely feel such an undertaking will risk the devaluation of property values as well as inviting the city to supervisory concerns that are not worth the effort. A vote in favor of this request will not benefit the city's time or possible legal implications which will, in all likelihood, occur.

Additionally, we feel these boaters would be free to stay on their boats and have social gatherings which could be greatly disturbing to the local home owners.

Coral Cay Bay gets too many boaters now that exceed the legal speed limit as they feel it's acceptable since there are no boats docked there. This would only add to the problem. Huntington Harbour has a full service marina which can accommodate these boaters.

Thank you,



Roger C. Anderson

RECEIVED

FEB 21 2007

City of Huntington Beach
City Council Office

RECEIVED

FEB 21 2007

City of Huntington Beach
City Council Office

February 16, 2007

We are writing to inform each of the city council members that my wife and I are opposed to the "Park Avenue Marina Project". As you know the Huntington Beach planning commission once again voted down the proposed investment development by a vote of six to one in January of this year. Basically Hugh Seeds and his partners are building a three boat slip marina that will allow them to build a "2800 square foot caretaker's facility" and thus get around the coastal commission's moratorium of building a private residence ^{at} in this location. It is an obvious sham. We are not opposed to having a home built there, but having a public marina with 24 hour security would negatively impact our neighborhood.

My family and I moved into Huntington Harbor across the channel from the proposed project in 1964 and my wife and I have lived in Coral Cay directly across from the proposed project since 1984. The area under the proposed public boat docks would have to be dredged and this will impact several bird species. This area provides the mud to build nests for the mud swallows that return here each year approximately on March 22nd and just above this area is the nesting area for many migratory birds. An environmental impact report has not been done and my guess is that the coastal commission would not approve of the necessary dredging to allow public boat slips.

This property, at the terminus of Park Avenue, Sunset Beach, is a unique "island" of Huntington Beach land that would require easement right of way through Orange County

property. The easements required for the project have not been obtained. As of now, there is only a ten foot easement on the north side of the street for private development only, NOT for public access. Furthermore, Orange County has notified the city of Huntington Beach that it opposes this project and in fact has indemnified itself from future litigation. Among other major safety issues that would arise, the exit from Park Avenue onto PCH south is an extremely hazardous turn. With the proposed 207 public trips per week, undoubtedly, the number of traffic accidents at this site will increase. As a Huntington Beach taxpayer, I see little positive financial reward for the city to approve this plan and I see a potential large negative financial burden to deal with the inevitable litigious consequences.

Sincerely,



Bob and Diana Boucher

**Bob and Diana Boucher
16861 Marina Bay Drive
Huntington Beach, CA 92649**

March 1, 2007

Mayor Gil Coerper
City of Huntington Beach
2000 Main St.
Huntington Beach, Ca. 92648

RECEIVED

MAR 02 2007

City of Huntington Beach
City Council Office

Honorable Mayor Gil Coerper and City Council Members,

I oppose the Park Ave Marina proposal because of its obvious attempt to circumvent its zoning designation. The developer is trying to take land zoned Open Space and build a single family residence by calling it a caretaker's home. No other marinas in the area have a caretaker's home. It's unethical to approve a project that requires a "wink & a nod" to circumvent the rules. I am a 16 year resident of Huntington Beach and was a Realtor for many years.

If the developer were to build the project, he would not market it as a 3 slip marina with a caretaker's home. It would be marketed as a single family residence with a 30' boat slip and two income producing slips. Why do we have zoning ordinances if they can be so blatantly disregarded? The proposal is a farce.



Mitch Palmer
16872 Pacific Coast Highway #203
Huntington Beach, Ca. 92649

Honorable Mayor Gill Coerper and Members of the City Council

City of Huntington Beach
2000 Main Street
Huntington Beach, Ca 92648

RECEIVED

MAR - 6 2007

CITY OF HUNTINGTON BEACH
ADMINISTRATION OFFICE

Proposed Park Ave. Marina

Dear Honorable Mayor and City Council Members

We own the home at 16922 Park Ave. and have resided there for 13 years. We have a wonderful neighborhood of residential users with commercial developments on Pacific Coast Highway. As you can see in picture #1 there is no parking for anything but neighborhood vehicles in front of their own properties. During the summer Pacific Coast parking is full on both sides with beachgoers seeking a space on Park. Not finding one they make a "U" turn in a street that is reduced to 15' when owners are parked on both sides. We as residents are continually dealing with damage caused from the forced "U" turns in a dead end street.

It is my understanding that the proposed use provides space for 4 boats. If you project 4 people per boat you have potential of 16 cars. Where do the other 12 cars park? If they elect to unload in front of our properties, which police department do we call? The county or Huntington Beach. I'm sure the police have better things to do then respond to unhappy property owners to mediate issues created by a facility that does not provide adequate parking for the proposed use.

Attached are 7 pictures establishing lack of parking and of a flooding condition that occurs periodically. They speak for themselves. This lot in its present state has afforded considerable space for water percolation, minimizing additional water that would be added to our flooding condition. In the event that the new development is allowed, where is our recourse for making a bad situation worse? Do we seek recourse from the city for allowing this development? I understand that this lot was created when the channel was dredged and basically is landfill.

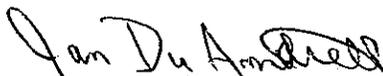
When reviewing the pictures please note that lack of visibility on Coast Highway when exiting Park, this is an accident ready to happen. By increasing the traffic on our street, it also increases that chance of accidents. Who will be responsible for this eventually that is exacerbated by the increased traffic on Park?

Thank you for your consideration to the above and note we strenuously object to the proposed development.

Sincerely,

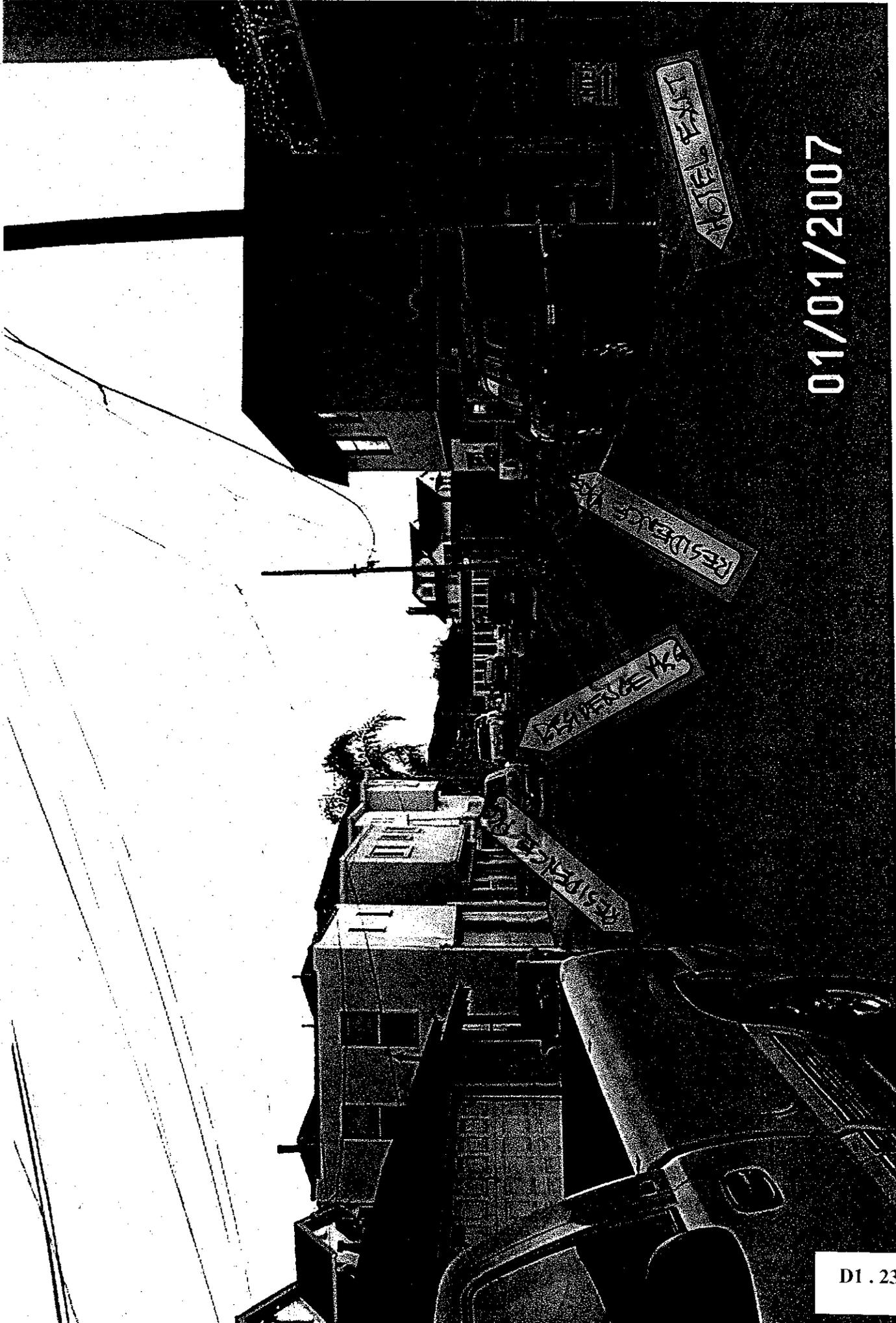


Bruce Du Amarell



Jan Du Amarell

①

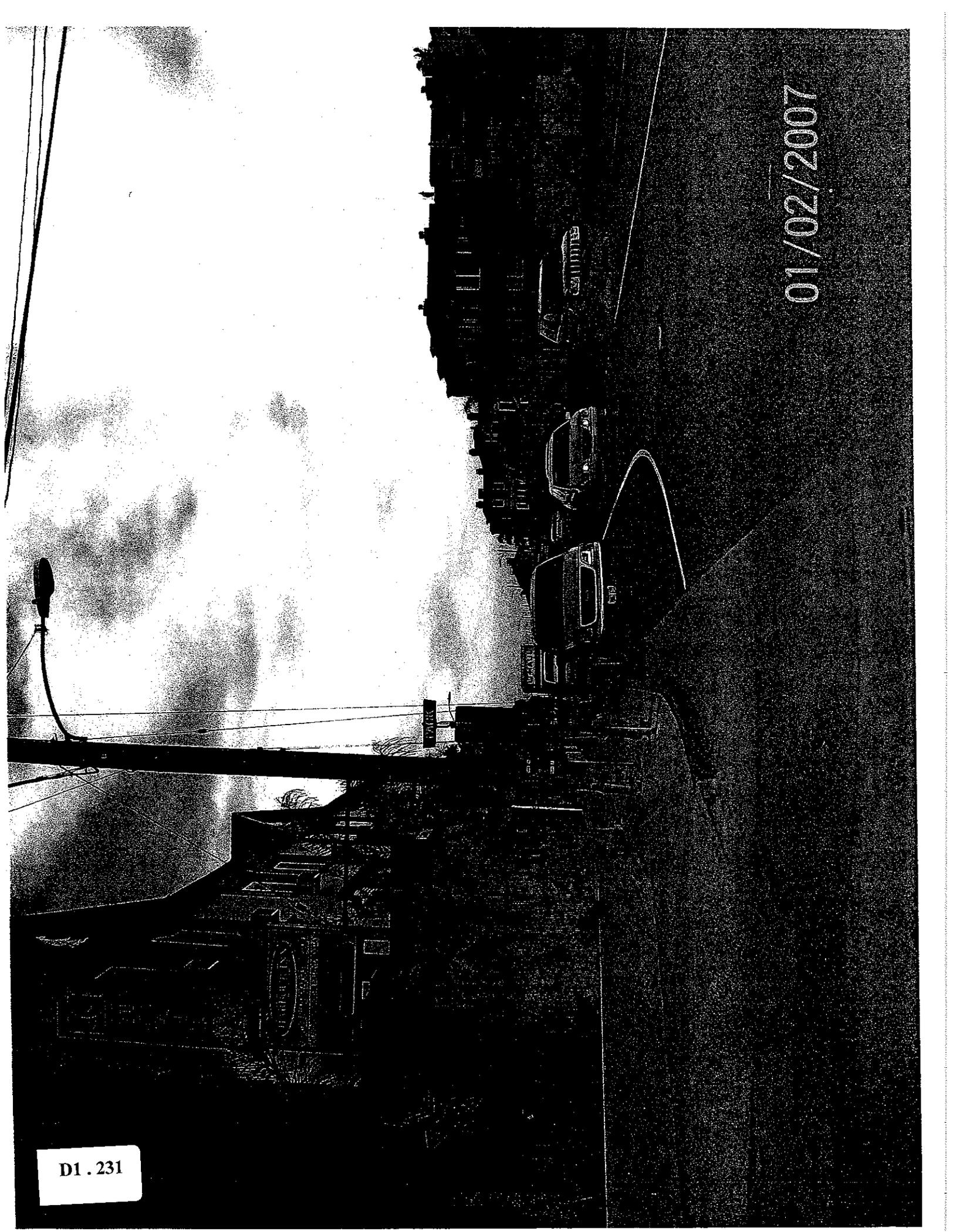


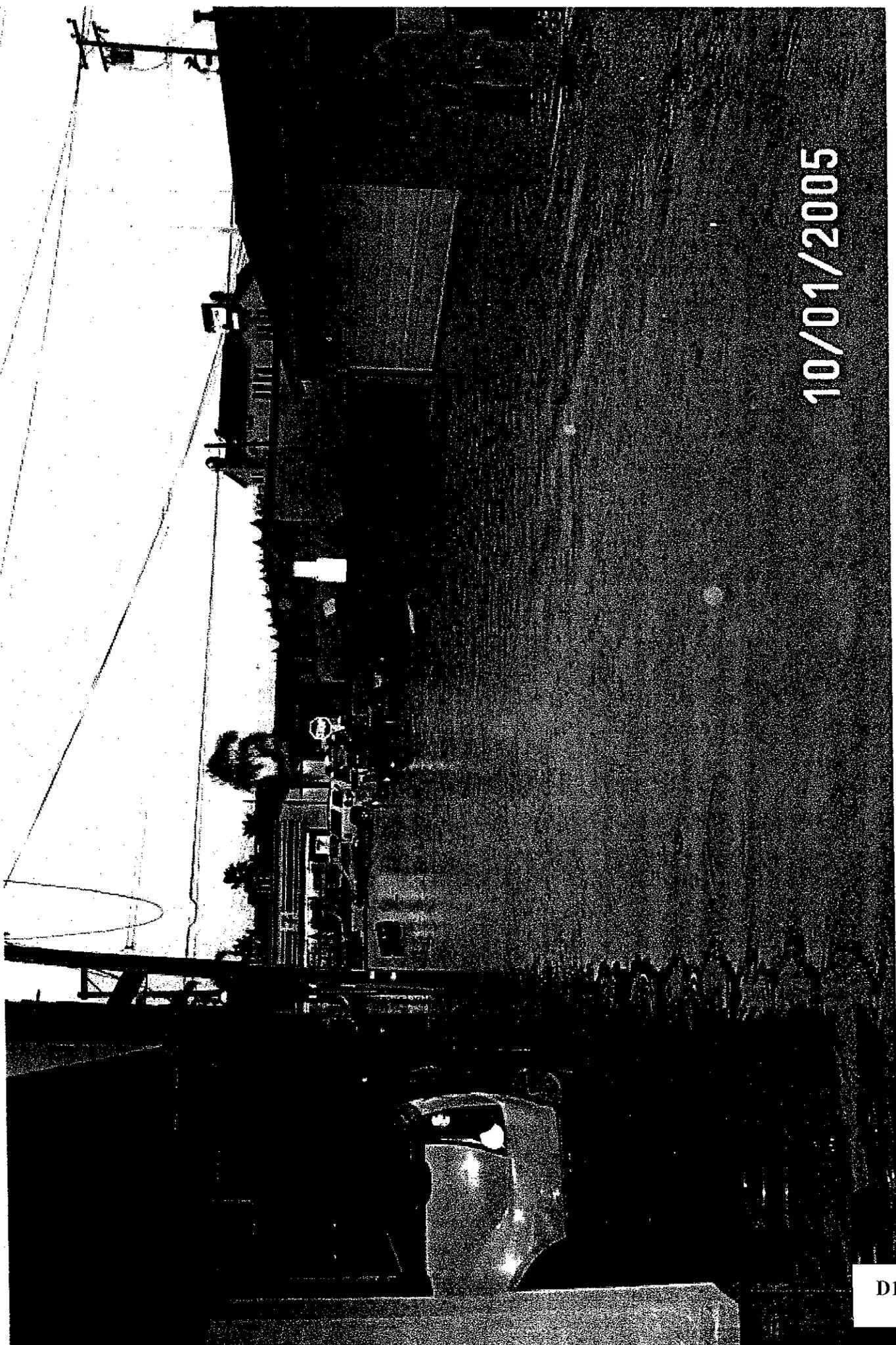
01/01/2007

D1 . 230

D1.231

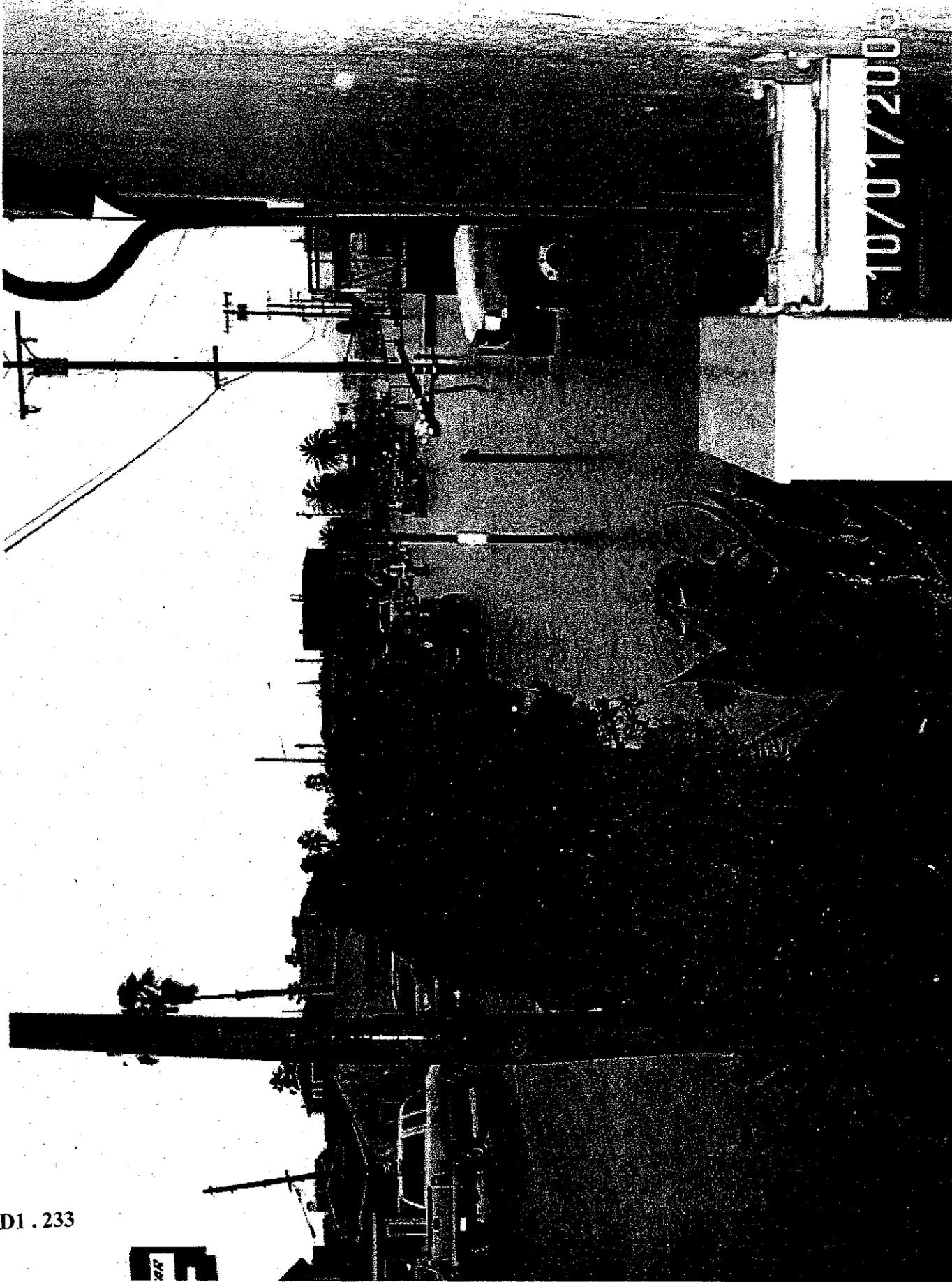
01/02/2007



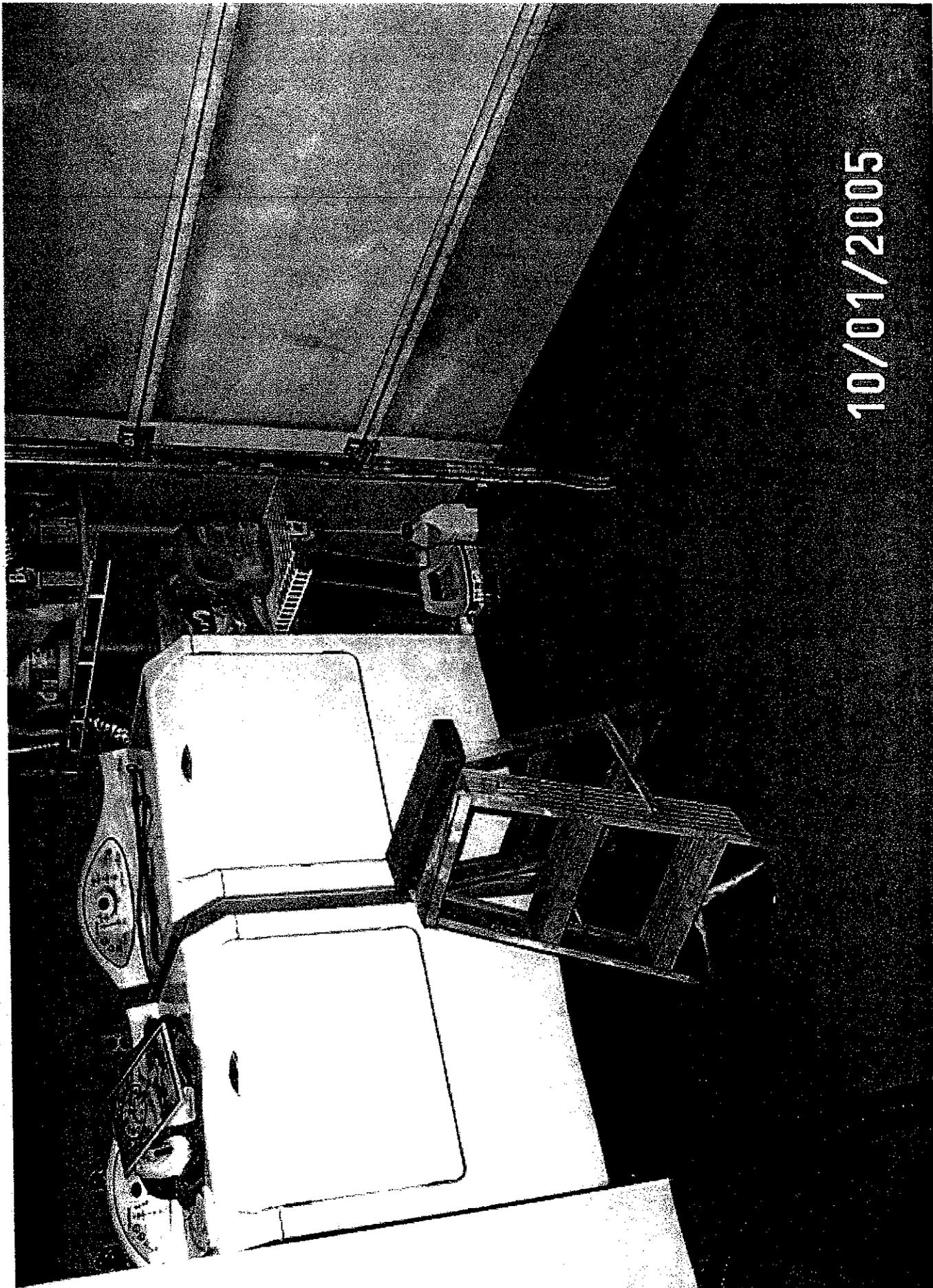


10/01/2005

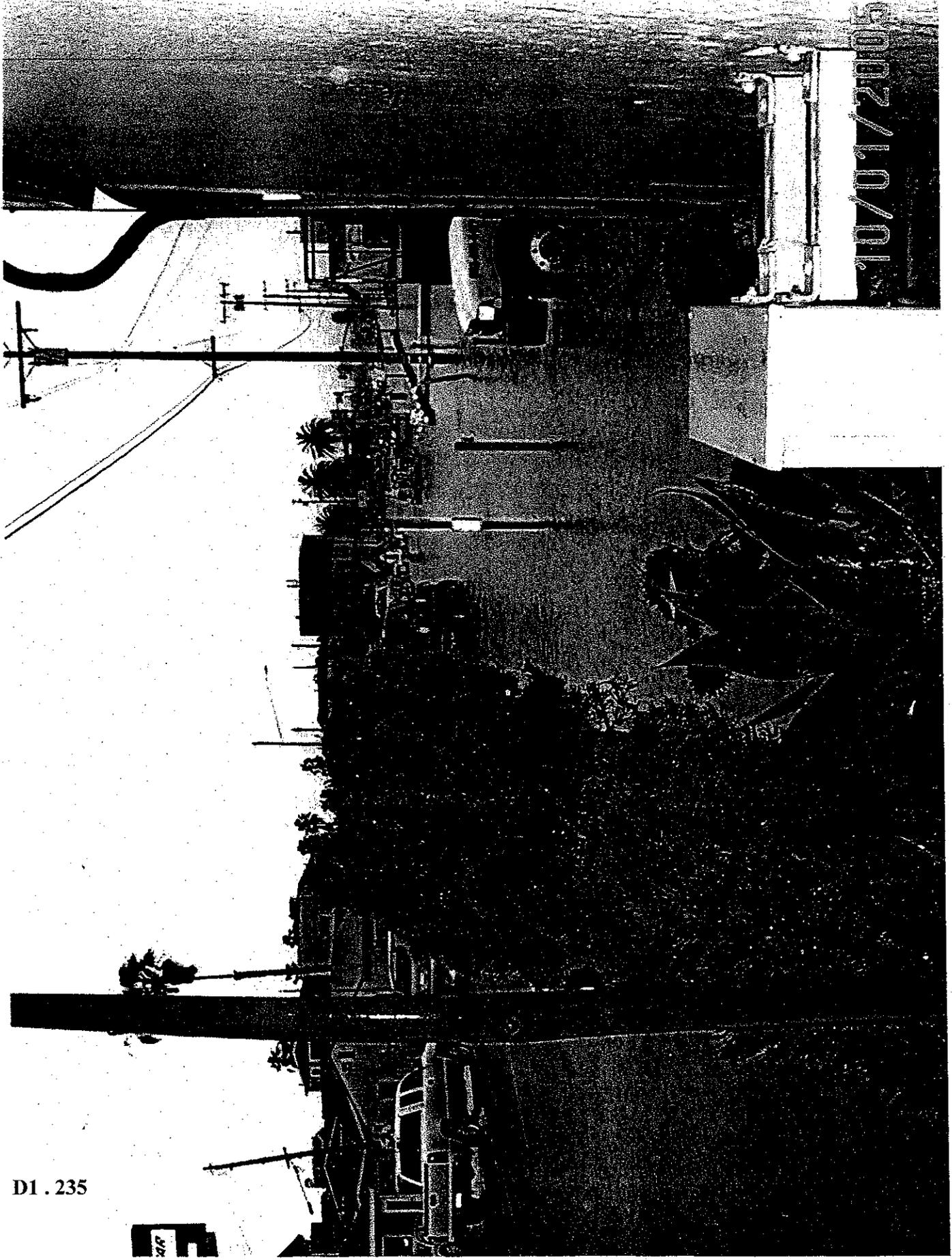
D1 . 233



10/01/2006

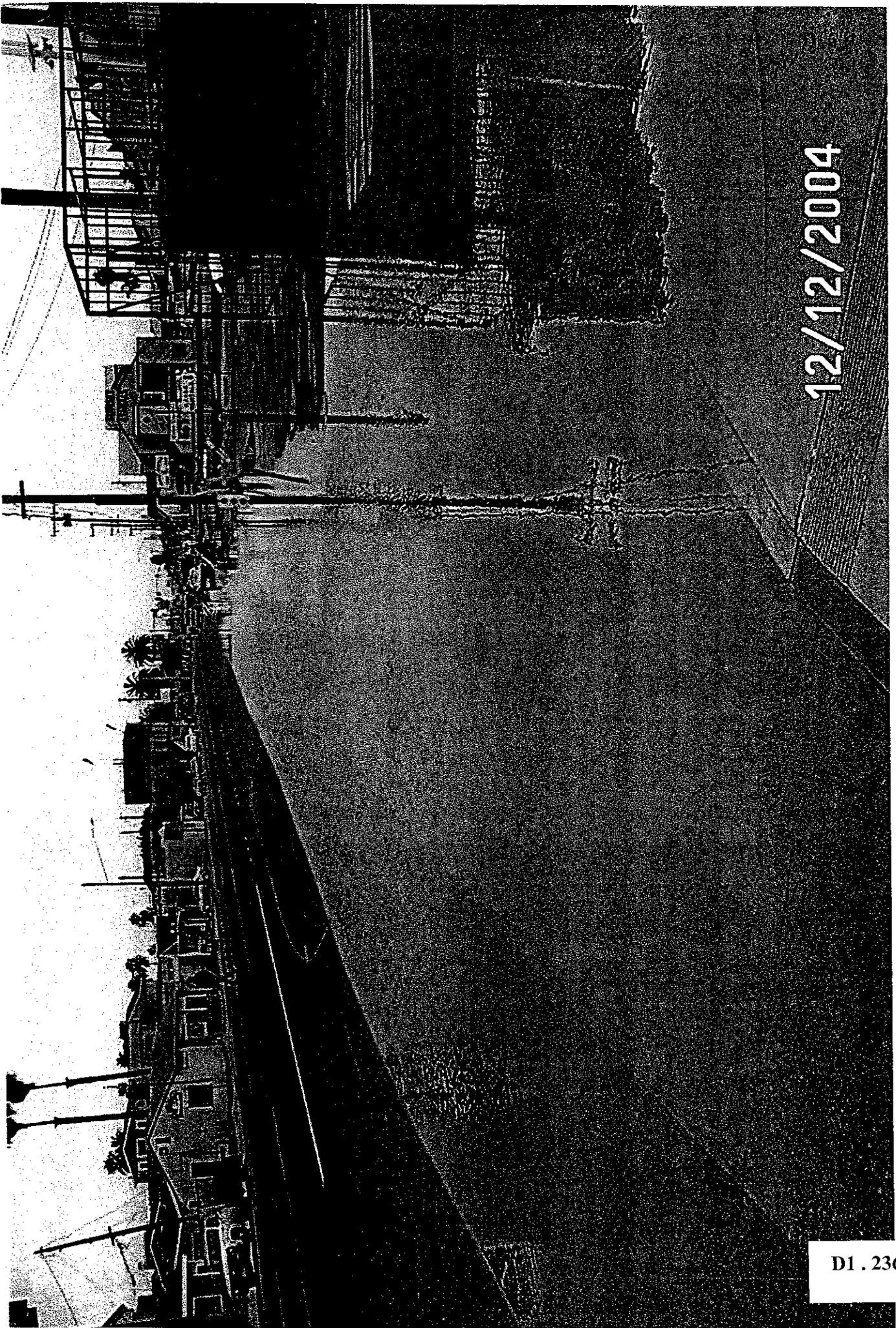


10/01/2005



D1 . 235

10/01/2005



12/12/2004

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ATTACHMENT #11

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**Appeal of Planning Commission's
Denial of
Mitigated Negative Declaration No. 00-07
Coastal Development Permit No. 00-13
Conditional Use Permit No. 00-43**

Park Avenue Marina

Applicant: Hugh Seeds/Mike Adams

Location: 16926 Park Avenue

March 19, 2007

Request

- **MND** Analyzes potential environmental impacts from the proposed development.
- **CUP/CDP**
 - To construct a boat marina with off-shore floating dock, four boat slips, pedestrian ramp, and public access to the water.
 - To construct a 2,793 sq. ft. three story marina office with caretaker's unit and 1,189 sq. ft. of associated parking garage and carport.



Planning Commission Action

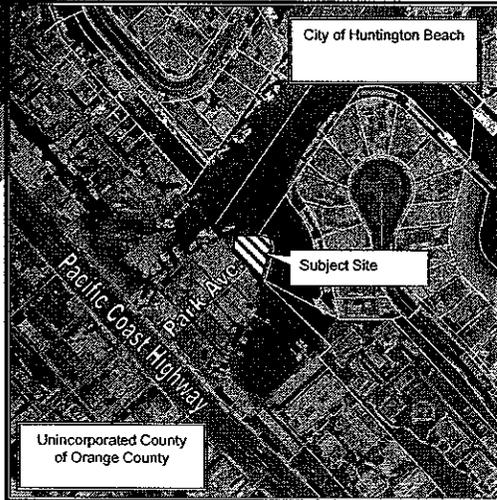
- Planning Commission Denied on January 9, 2007
 - Inadequate vehicular access.
 - No public sidewalks along the entire length of the street.
 - Two parking spaces provided for the proposed caretakers unit is insufficient.
 - Size and scale of the project is not consistent with that of the surrounding residences.
 - Size and scale of the structure obstructs public's view of the coast.
 - Development of the project would have an impact on seasonal flooding on Park Avenue.



Appeal of Planning Commission Action

- Appeal filed by Michael Adams on Behalf of Hugh Seeds, applicant
 - Flooding and unsafe pedestrian access does not occur within the scope of the proposed project site.
 - Project complies with the City General Plan and Zoning.
 - The site can be adequately provided with the necessary infrastructure to serve the project.
 - Proposed marina is the only allowable use which can produce an economic return on the property due to current land use designation and zoning.

Location and Surroundings



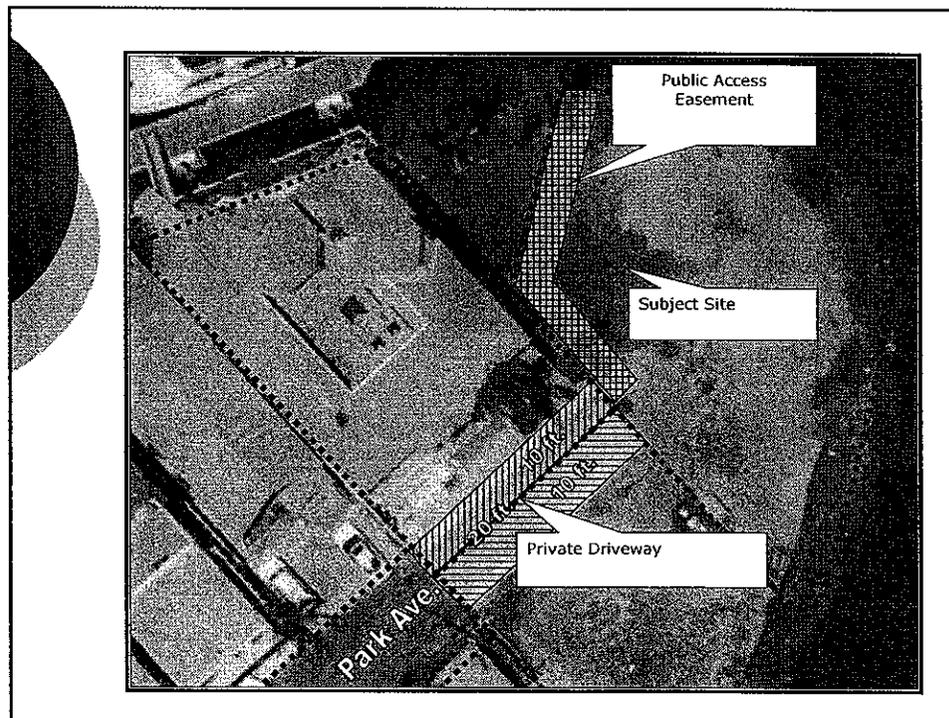
- Description of project site
 - Terminus of Park Ave.
 - 6,179 sq. ft. vacant lot
 - Flat with slope to water
 - 205 ft. unprotected shoreline
- Description of surrounding area
 - South: Residential uses (unincorporated)
 - North, east, and west: Midway Channel

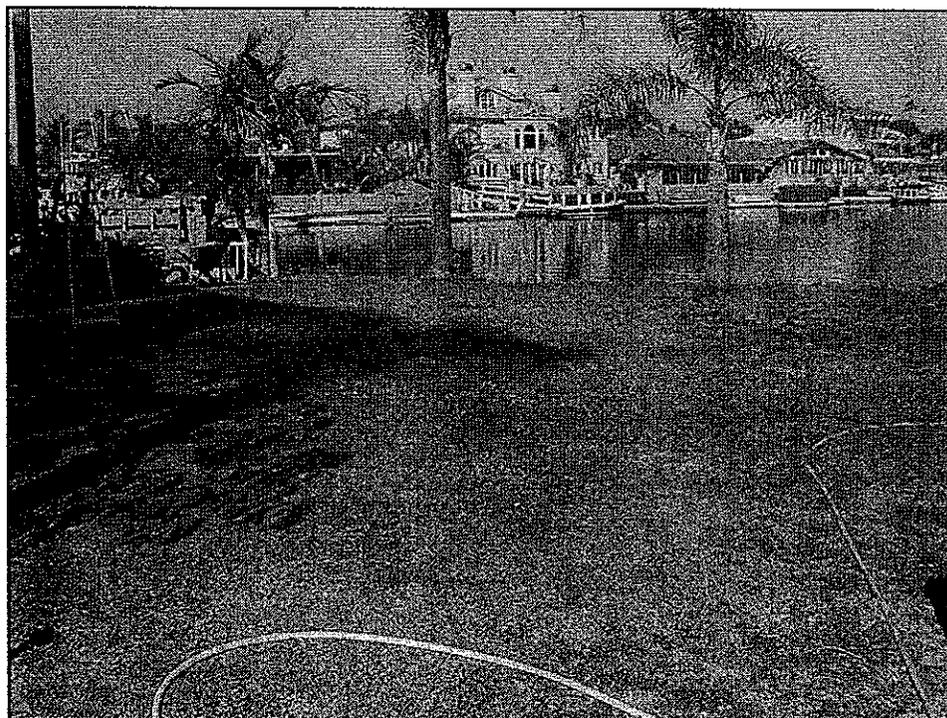
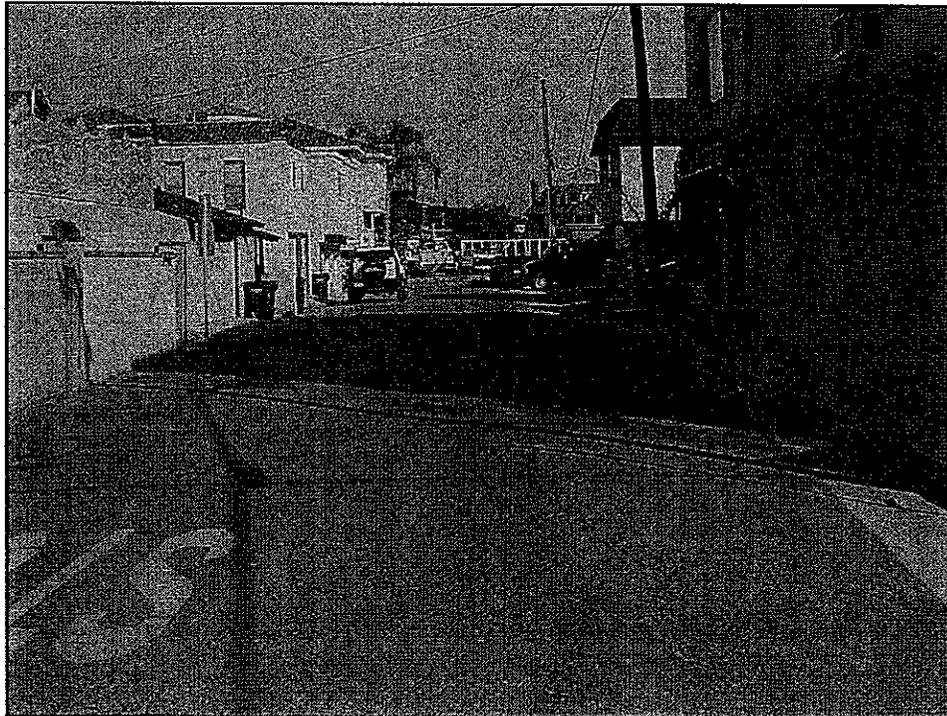
Project Proposal

- Three boat slips for rent long term
- One boat slip free to public
 - Two hour maximum
 - Capable of launching small hand held water craft
- Three parking spaces (carports) for marina
- Two-car garage for caretaker's unit

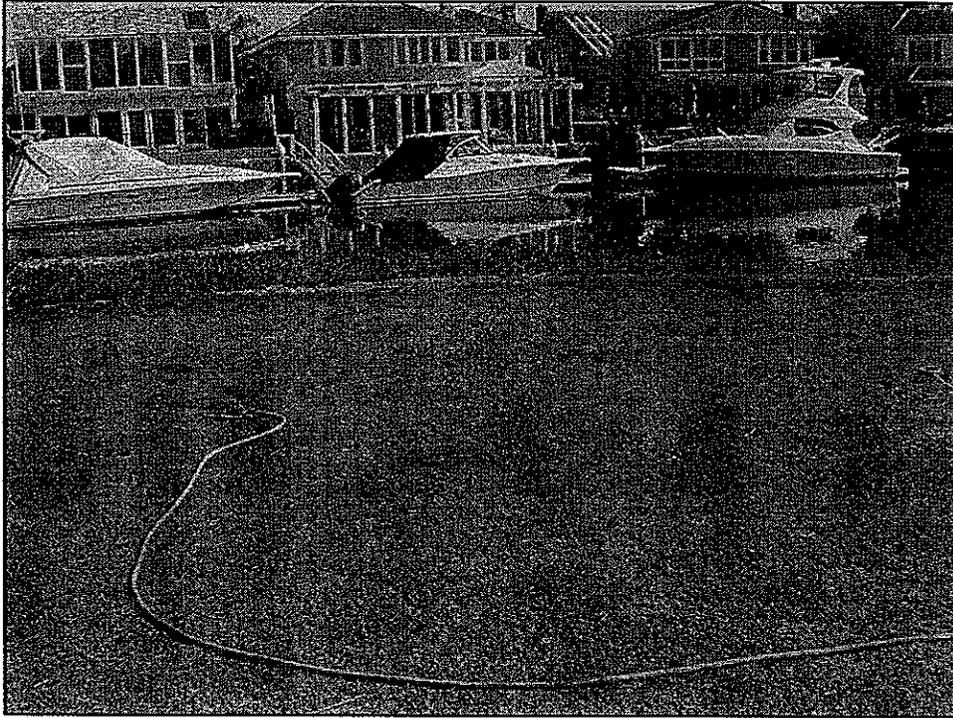
Project Proposal (continued)

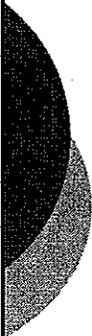
- Existing banks on the site will remain intact and protected from erosion
- Decomposed launch ramp will be removed and the bank reformed
- 275 cubic yards will be dredged from the bottom of the channel
- Ten ft. wide public easement to water
- 20 ft. wide driveway easement





D1 . 242





Analysis

- Six Mitigation Measures proposed to address issues pertaining to water quality and biological resources.
- The marina does not provide services such as restaurants, coffee shops, provisioning stores, fuel, water or pump out services that may be incompatible with the surrounding residential uses.
- The structure is similar in size, scale, and design with the adjacent residences.
- The site will be required to continue to handle water runoff occurring from Park Avenue in the event of seasonal flooding.



Analysis

- The project will not result in an increase in traffic above levels anticipated in the area.
- The lack of pedestrian facilities is an existing off-site condition.
- Private access easements will be required to provide vehicular access to the site.
- Fire sprinklers and a dockside wet standpipe system will be installed in lieu of a 24-foot wide driveway access easement.



Alternative Action: Design Modifications

- Alternative A – Eliminate Southeast section of building:
 - Reduces the size of the structure to 2,211 square feet square (308 square foot manager's office and 1,903 square foot caretaker's unit feet).
 - preserves views of the coast from Pacific Coast Highway and Park Avenue.
 - Provides room for one additional open parking space (total of six on-site parking spaces).



Alternative Action: Design Modifications

- Alternative B – Eliminate third floor area:
 - Reduces the size of the structure to 2,373 square feet square (308 square foot manager's office and 2,065 square foot caretaker's unit feet).
 - Provides a lower profile building with less visible roof .
 - Brings the structure into greater conformance with surrounding area.



Recommendation

- Staff recommends approval of the project based on the following:
 - Project (with mitigation) will have no significant adverse environmental impacts.
 - Provides additional public recreational opportunities within the coastal zone.
 - Provides public access to the coastal resources.
 - Proposed use and structure are compatible with adjacent single family dwellings.
 - Complies with City of Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

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March 5, 2007

RECEIVED

MAR 09 2007

City of Huntington Beach
City Council Office

Mayor Gil Coerper and Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, Ca. 92648

Honorable Mayor Gil Coerper and Members of the City Council

The Sunset Beach Community Association unanimously passed a resolution opposing the proposed Park Ave. Marina. The marina would not be compatible with the residential area because of noise, pollution and traffic issues. The noise resulting from boat owners entertaining on their boats would negatively impact the homes in the area. With no marina showers provided, the grey water from the boat showers along with liquid waste from sinks will diminish the water quality in the bay.

We oppose the project because no parking will be provided for the public slip. Had this property been located in Sunset Beach, two parking spots would be required for the public slip. The 20' wide access violates our 24' wide minimum requirements in our Local Coastal Plan. The proposed marina would be detrimental to the resident's quality of life and would negatively impact property values. We urge you to deny the marina.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Griffin".

Greg Griffin
President

3/19/07
COMMUNICATION - D-1

March 4, 2007

Mayor and City Council
City of Huntington Beach
2200 Main St.
Huntington Beach, CA 92648

RECEIVED

MAR 08 2007

City of Huntington Beach
City Council Office

RE: Proposed Problematic Park 'Marina' Project -Declined 6-1, Appeal Hearing Set for 3/19/07

Dear Honorable Mayor Gil Coerper and Members of the City Council:

I was sad to learn that despite the fact that our well-informed Planning Commission Members overwhelmingly voted AGAINST the so-called "Park marina project" is being appealed to the city council. While the title may sound glamorous on the surface, the reality is far from it. It is obvious that a 3-story, nearly 3,000 sq. ft. caretaker's home is not necessary for a 3 boat slip marina, especially since there is no guarantee anyone will be there all the time. Worse is the liability due to the compromised access and parking; terrible for Park Street residents.

Most of the planning commission members took their valuable time to visit the site and educate themselves on the facts. They went to see for themselves the impact this exploitation would have on the neighborhood, which led to their decision that the project was NOT a fit for the site or the neighborhood.

This property was bought for a comparatively lower price because it had restrictions as to what could be done with it. The original intent of the zoning seems to be to benefit those around it - recreational open space.

Unfortunately, the projects proposed thus far actually exploit not only the land, but the spirit of the zoning requirements. The community has had to band together to oppose these outrageous proposals, causing our neighborhood to be up in arms.

As a Huntington Beach resident and homeowner directly across from the parcel in question, I am vehemently opposed to:

- an artificially elevated lot shocking the neighborhood such as is being done on the Mesa
- the tallest building around, between the 3 stories in addition to the raised lot
- losing the open space that the swallows nest on
- noise (which amplifies across the water at night) from partying boat tenants and their 'guests'
- weekend live-aboard (and likely more often than that)
- waste water draining into this more stagnant part of our harbour to further pollute it

This property was acquired knowingly far below market value due to zoning issues. I don't think it is fair or right to make those who did pay market value suffer so a handful of speculating investors can profit exponentially by pushing the use code envelopes beyond their intent thereby exploiting not only the land, but also this peaceful neighborhood comprised of 2 cities. This allows the perpetrating party an artificial, maximized, one time windfall profit at the future, perpetuated expense of the residents by being forced to live with the ongoing, irreversible consequences.

PLEASE DO NOT to allow this monstrous infringement to overbear the neighborhood and take away so much open space, both vertically, from the land, from the waterways and from the wild life that uses it. This would be to the detriment of our property values and community.

Respectfully,

Alicia Dose
Alicia Dose
3242 Gilbert Dr.
Huntington Beach, CA 92649

3/19/07
COMMUNICATION - D-1

Steve Wild
3242 Gilbert Dr.
Huntington Beach, CA 92649

RECEIVED

MAR 08 2007

City of Huntington Beach
City Council Office

March 4, 2007

City of Huntington Beach
2200 Main St.
Huntington Beach, CA 92648

RE: Thumbs Down to the Proposed Park 'Marina' Project

Dear Honorable Mayor Gil Coerper and City Council Members:

I live directly across the water from this ill-conceived project. An ugly chain link fence was installed Saturday March 3, 2007. It was obviously done to prevent maintenance and turn the lot into an overgrown eyesore.

As a long time member of the International Palm Society of Southern California, I was disheartened to see a chain link fence go up yesterday. I know the neighbor was not only watering the well established palm trees, but also was maintaining the grass, keeping it green and mowed. It would be a shame to have these beautiful palms die from a lack of water.

Furthermore, I thought the zoning was meant to be recreational open-space. There have been people coming and playing with their dogs on this recreational open-space lot, which they now cannot do as they are fenced out.

It is sad that the desire to unfairly profit at the expense of others has come to such bad feelings in our neighborhood. The proposed plans of the 3 boat marina, with HUGE 'caretaker' home were not so outrageous and detrimental, I don't believe the neighbors and I would feel so upset.

If the owner/developers want to build a house, get the lot zoned residential and build a house with a private dock. Otherwise, they should find another lot to build on.

Sincerely,



Steve Wild

3/19/07
COMMUNICATION - D-1

3-8-09

Arthur Jan Jr., D.M.D.
17444 Beach Blvd.
Huntington Beach, Ca 92647
714-842-6969

RECEIVED

MAR 08 2007

City of Huntington Beach
City Council Office

To: Honorable Mayor Gil Coerper and Members of the City Council

Re: Proposed Park Ave. Marina

I live directly across the water from Park Ave. Marina proposed project. I object to the marina because of the noise and nuisance cause by a commercial operation. In my opinion the city should give the land owner a CUP for a single family home with one private dock. Then all parties will be happy. Let the owner of the land, build what he really wants, instead of going in a round about approach to satisfy the existing zoning.

Sincerely,

 P.M.D.

Arthur Jan Jr., D.M.D.

Marina Bay Drive, Huntington Beach, Ca

3/19/07
COMMUNICATION - D-1

MARCH 3, 2007

TO: HONORABLE MAYOR GIL COERPER
AND
MEMBERS OF THE CITY COUNCIL
CITY OF HUNTINGTON BEACH
2000 MAIN STREET
HUNTINGTON BEACH, CA. 92648

RECEIVED

MAR 12 2007

City of Huntington Beach
City Council Office

FROM: ANNA BOSTELMAN
16917 PARK / P.O. BOX 544
SUNSET BEACH, CA. 90742

OBJECT: OPPOSITION TO PROPOSED PARK AVE. - MARINA

I HAVE OWNED AND LIVED ON PARK FOR OVER 40 YEARS AND WAS THE
TAX ACCESSOR FOR THE SUNSET BEACH SANITARY DISTRICT FOR 10 YEARS.

FLOODING IS A MAJOR PROBLEM ON PARK. I HAVE SPENT MANY
THOUSANDS TO TRY AND PROTECT MY PROPERTY. THIS CONSTRUCTION
WOULD INCREASE WATER DRAINAGE TO OUR STREET. PLUS A HAZARD AT
HIGH TIDES WITH THE INCREASE OF TRAFFIC OF APPROXIMATELY 207 CARS
WEEKLY AS ESTIMATED BY YOUR ENGINEERS. THE WATER MOTION CAUSED
BY CARS WOULD FLOOD HOUSES. OWNERS KNOW HOW TO HANDLE SITUATION.

PARKING & TRAFFIC IS NOT ADEQUATE, 3 SPACES FOR 4 BOAT SLIPS. WE DO
NOT HAVE ENOUGH PARKING FOR RESIDENCE. WHEN RESIDENCE PARK IN FRONT
OF THEIR HOMES, THE STREET IS ONLY WIDE ENOUGH FOR 1 CAR. FIRE
TRUCKS CANNOT GET IN. BACKED UP TRAFFIC TRYING TO GET IN AND OUT
TO PACIFIC COAST HWY. WOULD BE DANGEROUS. THERE IS ALSO NO AREA
FOR FOOT TRAFFIC. THERE IS NOT A WIDE ENOUGH EASEMENT FOR INGRES/EGRES
TO PROPERTY. PRIVATE PROPERTY OWNERS DO NOT INTEND TO GRANT ONE.
WE ARE JUST A SHORT LITTLE PENINSULA THAT CANNOT HANDLE ALL THIS ACTIVITY.

CARETAKERS & MARINA OFFICE OF 2,793 sq.ft IS JUST A RESIDENCE IN
DISGUISE. PROPOSED BUYER ORIGINALLY WANTED TO BUILD A HOME, BUT
WAS DENIED BECAUSE ZONING FOR SAID PROPERTY IS RECREATIONAL. THE
FINAL SALE OF THIS PROPERTY IS CONTINGENT UPON HIM GETTING TO BUILD.

I DON'T KNOW HOW YOU CAN APPROVE THIS PROJECT, WHEN THERE
ARE SO MANY UNDECEIDED FACTORS PENDING.

THANK YOU FOR SPENDING YOUR TIME TO STUDY THIS
PROPOSEL THROUGHLY.

3/19/07 COMMUNICATION - D-1

March 8, 2007

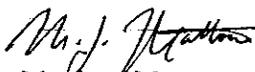
Dear Honorable Mayor Gil Coerper and Members of the City Council,

I am writing this letter in regards to the Park Ave. Marina proposal. I am a resident at 16918 Park St, and I am a right of way agent for Paragon Partners in Huntington Beach. It is to my understanding that there has been an appeal for this proposal. In this letter I would like to address the traffic situation that is currently on Park St. With the current situation in the renovation of the house on the end of Park St., there is a worker's truck that usually arrives before 7:30 a.m. This truck alone, blocks the neighbors on the other side of the street from parking in their own garages.

Since this is a substandard street, it is not wide enough to handle traffic for two ways, along with the existing flooding conditions at high tide, and during the rains, parking becomes a tricky situation. With the current overflow of parking from the existing Kayak store, and the Harbor Inn, people who do not have a respect for our private property often take our parking spaces in our carports. Along the PCH street during the summer months especially, many tourists and beach enthusiasts love to utilize Park St., as a parking structure for their vehicles, which creates accidents and a dangerous situation for the young children that play on our street. Throughout the day, a UPS truck is not able to maneuver through the street and will block access and exiting to and from Park St.

Overall, adding a disguised marina to this parking fiasco would be detrimental to the safety of residents and tourists. It is in the best interest of Sunset Beach and the city of Huntington Beach to reject this proposal.

Sincerely,


Matthew Mattoon

16918 Park

Sunset Beach, Ca

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RECEIVED

MAR 14 2007

City of Huntington Beach
City Council Office

3/19/2007

COMMUNICATION

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