

CITY OF HUNTINGTON BEACH

MEETING DATE: March 21, 2005

DEPARTMENT ID NUMBER: PL05-08

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: March 21, 2005	Department ID Number: PL05-08

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, City Administrator

PREPARED BY: HOWARD ZELEFSKY, Director of Planning *HZ G HF*

SUBJECT: APPROVE ENTITLEMENT PLAN AMENDMENT NO. 04-08
(NAUTICAL NORTH - MODIFICATION TO REAR SLOPES)

2005 MAR 10 P 12:41
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA

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

Statement of Issue:

Transmitted for your consideration is a request by Fred Tinker on behalf of four property owners within the Nautical North residential development. The tract is located on the west side of Edwards Street, approximately 150 feet south of Ellis Avenue, directly adjacent to the Harriet Wieder Regional Park. This application represents a request to amend the previously approved Tentative Tract Map No. 15690 (8 Lots) to allow modifications to the rear slopes of four single family residential properties. The purpose of the modification is to permit fill and retaining walls for larger usable rear yards on the four subject lots.

The City Council approved the tentative tract map on February 4, 2002 with a condition of approval that requires Planning Director approval for modifications to the rear yard sloped areas. The Planning Director has referred the item to the City Council because the Director felt it appropriate for the City Council to review the amendment since they conditioned the map restricting the modifications to the rear yard sloped areas. Staff is recommending that the City Council approve the request as it allows for an increase of the rear yards while preserving the lower portion of the sloped area as a natural buffer between the residential development and park site. Staff is recommending a condition of approval that the lower slope areas of the four lots be landscaped with native vegetation including shrubs and groundcover capable of preventing slope erosion.

Funding Source: Not applicable.

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Recommended Action:

STAFF RECOMMENDATION:

Motion to:

"Approve Entitlement Plan Amendment No. 04-08 to permit modifications to the rear slopes of four lots within the Nautical North development with findings and conditions of approval (ATTACHMENT NO. 1)."

Alternative Action(s):

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

1. "Deny Entitlement Plan Amendment No. 04-08 to permit modification to the rear slopes of four lots within the Nautical North development with findings for denial."
2. "Continue Entitlement Plan Amendment No. 04-08 and direct staff accordingly."

Analysis:

A. PROJECT PROPOSAL:

Applicant: Fred Tinker, 6465 Marygale Circle, Huntington Beach, CA 92648

Location: 6454, 6455, 6464, and 6465 Marygale Circle (Terminus of Marygale Circle, west of Edwards Street, south of Ellis Avenue)

Entitlement Plan Amendment No. 04-08 represents a request to amend a condition of approval to modify the rear slopes of four residential properties located at the terminus of Marygale Circle. The proposal includes filling a portion of the lots with dirt and the construction of 5-foot high retaining walls topped with a one-foot block wall and two feet of view fencing within the sloped portion of the rear yards. The proposed modifications will allow for an extension of the usable rear yard area adjacent to the residences. In addition to allowing an increase in their usable rear yards, the applicant indicates that the proposed wall will add an additional layer of security based on its location adjacent to the park and will deter wildlife from accessing the rear yards (See Attachment No. 4). A perimeter fence consisting of block wall pilasters and view fencing currently exists and will remain along the rear property line separating the subject lots from the adjacent park.

The fill portion of the slope and retaining wall design will result in an extension in the usable rear yards of approximately 30 feet to 12 feet. The retaining walls will consist of a Keystone Retention Wall System on the slope with concrete steps accessing the lower portion of the slope (See Attachment No. 5). This retaining wall system consists of staggered blocks with a split-face exterior finish that has a slight slope from the top of the wall to the base.

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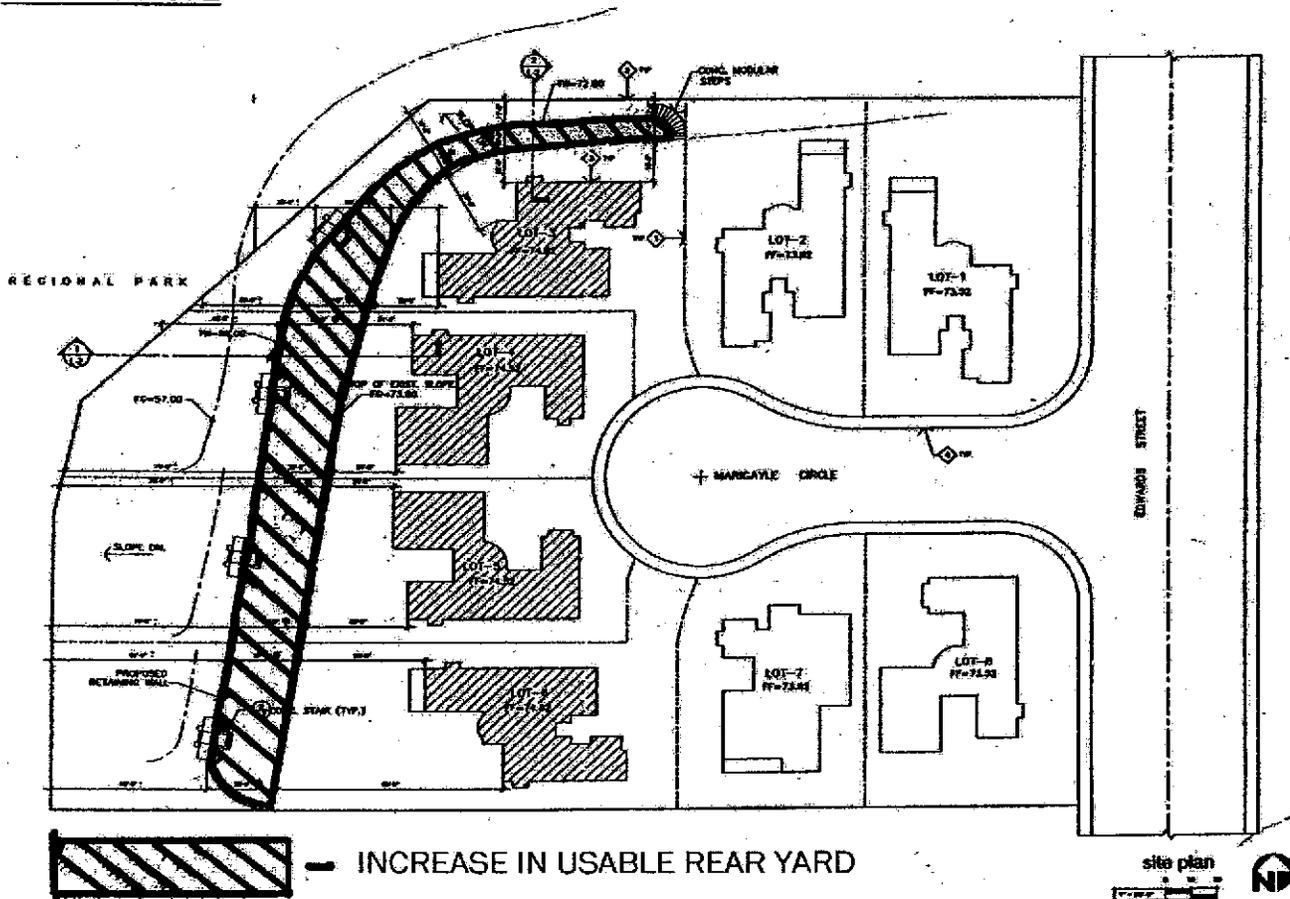
DEPARTMENT ID NUMBER: PL05-08

was completed in July of 2003. Since occupancy of the units, Planning staff has had several inquiries from the new homeowners regarding potential modifications to slopes or placement of structures within the rear sloped areas. Staff informed the residents that there is a condition of approval on the tentative tract map requiring Planning Director approval for proposed modifications to slopes.

C. STAFF ANALYSIS AND RECOMMENDATION:

The Nautical North residential tract is bordered by the Harriet Wieder Regional Park to the north and west. Based on its location adjacent to the park and proximity to the Bolsa Chica wetlands, staff analyzed the proposal to address compatibility issues such as grading and continuity of native vegetation between the lower sloped areas on the subject properties and adjacent park. The General Plan contains policies that encourage protection of natural topography. The proposal would modify the slopes with the proposed fill and construction of a five-foot high retaining wall topped with a one foot block wall and two feet of view fencing, which results in an increase in the usable rear yards ranging from 12 feet to 30 feet in increased depth across the four properties. Currently, the rear slopes occupy the majority of land area within the rear yards (See Attachment No. 5). Exhibit No. 2 illustrates the increase in usable rear yard:

EXHIBIT NO. 2



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The increase in usable rear yards is predominately 30 feet in depth across Lots 4, 5, and 6 and reduces to 12 feet in depth along the northerly portion of Lot 3. The majority of the slope area would still remain intact, measuring approximately 75 feet to 12 feet in depth (See Attachment No. 5). In contrast, the existing slopes range from approximately 105 feet to 27 feet deep, measured from the top of slope to the rear property line. The modification would allow for an increase in the usable rear yard while still preserving a majority of the existing slope. The remaining portion of slope acts as a natural buffer between the park at the bottom of the slopes and residences located at the top of the slopes.

The proposed five-foot high retaining wall consists of interlocking concrete blocks with a split-face finish on the exterior. Above the retaining wall will be an additional foot of block wall topped with two feet of view fencing for a total wall height of eight feet when viewed from the park. The proposed retaining wall system will be constructed of quality materials including a keystone retaining block system consisting of staggered blocks with a split-face exterior and topped with decorative wrought iron. As previously mentioned, the retaining wall system will be substantially setback (12 ft. to 75 ft.) from the rear property line and will be aesthetically appealing when viewed from the park.

The general development plan for the Harriet M. Wieder Regional Park identifies the abutting land to the north and west of the subject site as native habitat for coastal sage scrub and native grasslands. Staff is recommending a condition of approval that would require landscaping on the lower sloped areas to consist of native vegetation and low-profile shrubs that are consistent with the native plantings proposed in the plan for the abutting park.

While the proposed modification to the rear slopes alters the existing topography of the four lots, a majority of the slope on each lot (except Lot 3) will remain intact. It is staff's position that the remaining slope will provide a natural progression between the adjacent park and single family homes while allowing the expanded use of their rear yards. To ensure this natural progression, a condition of approval has been included that requires native landscaping in compliance with the regional park landscaping. The proposed modification to the slope areas on the four lots along with the landscaping will provide a balance between the needs of the homeowners and the contrasting park area.

Environmental Status:

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 which states that minor alterations to existing developed sites shall not require further environmental review.

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Attachment(s):

City Clerk's Page Number	No.	Description
7	1.	Suggested Findings and Conditions of Approval (EPA No. 04-08)
10	2.	Findings and Conditions of Approval dated 2/27/02 (ND No. 99-18/LCPA No. 00-1/ZMA No. 99-2/ZTA No.00-1/TTM No. 15690(R)/CUP No. 99-14(R)
23	3.	Request for Council Action dated 2/4/02 (Prior Entitlement Approval)
32	4.	Narrative dated 11/3/05
35	5.	Site Plan and Sections dated 11/3/05 ⁰⁴

RCA Author: PDV/HF

ATTACHMENT 1

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FINDINGS AND CONDITIONS OF APPROVAL
ENTITLEMENT PLAN AMENDMENT NO. 04-08

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves a minor alteration to the topography of the subject properties.

FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 04-08:

1. Entitlement Plan Amendment No. 04-08 for modifications to the rear slopes of four single family residential properties resulting in an increase ranging from approximately 30 feet to 12 feet of increased usable rear yards, 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 proposed modifications, as conditioned, will include substantial slopes that will provide a natural buffer between the adjacent park site and the subject lots.
2. The conditional use permit will be compatible with surrounding uses because the proposed retaining wall will consist of quality materials which will be aesthetically appealing when viewed from the regional park site. A substantial landscape buffer ranging from approximately 75 feet to 12 feet in width will be provided between the regional park site and residential structures.
3. Entitlement Plan Amendment No. 04-08 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.
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 Residential, Low Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. Avoid building materials, colors, and construction elements that visually dominate their setting and contrast significantly with the character of the neighborhood. (LU 9.1.2.b)
 - b. Include an adequate landscape setback that provides continuity throughout the neighborhood. (LU 9.2.1.e)

The project, as conditioned, will be developed with a landscape buffer along the rear portion of the subject lots. This buffer will allow for a natural progression between the adjacent regional park site and residences on the subject lots. The buffer will be developed with native plantings consistent with landscaping proposed within the regional park site.

CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 04-08:

1. The site plan and cross-sections received and dated November 3, 2004 shall be the conceptually approved layout.

2. Prior to issuance of building permits for the retaining walls, a landscape and irrigation plan shall be submitted to the Department of Public Works that identifies the proposed landscaping and irrigation within the sloped areas that is capable of preventing erosion. The landscape plan shall identify the native plants and low-lying shrubs in accordance with the general development plan for the Harriet M. Wieder Regional Park.
3. All landscaping and irrigation shall be installed prior to final inspection of the retaining walls.

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 2

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FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 99-18/LOCAL COASTAL PROGRAM AMENDMENT NO. 00-1/ZONING MAP AMENDMENT NO. 99-2/ZONING TEXT AMENDMENT NO. 00-1 TENTATIVE TRACT MAP NO. 15690 (R)/CONDITIONAL USE PERMIT NO. 99-14 (R)

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 99-18:

1. The Negative Declaration No. 99-18 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and 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 Negative Declaration, Zoning Text Amendment No. 00-1, Zoning Map Amendment No. 99-2, Local Coastal Program Amendment, Tentative Tract Map No. 15690, and Conditional Use Permit No. 99-14.
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 Zoning Text Amendment No. 00-1, Zoning Map Amendment No. 99-2, Local Coastal Program Amendment, Tentative Tract Map No. 15690, and Conditional Use Permit No. 99-14 will have a significant effect on the environment.

FINDINGS FOR APPROVAL - LOCAL COASTAL PROGRAM AMENDMENT NO. 00-1:

1. The Local Coastal Program amendment to the Huntington Beach Local Coastal Program to modify the boundary of the Holly Seacliff Specific Plan to incorporate the subject property and to establish the RL-1 zoning designation is consistent with the designation for Estate Residential cited in the 1990 Holly Seacliff Specific Plan General Plan Amendment.
2. The proposed change to the Local Coastal Program is in accordance with the policies, standards, and provisions of the Coastal Element that encourages a mix of housing opportunities that vary in price and type. The proposed land use will provide for future upscale residential opportunities.
3. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project will not interfere with public access opportunities provided along the Weider Regional Park, and will not impact public views.

FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 99-2/ ZONING TEXT AMENDMENT NO. 00-1:

1. Zoning Map Amendment No. 99-2 and Zoning Text Amendment No. 00-1 to establish a zoning designation of Holly Seacliff Specific Plan (RL-1) on a 2.7 acre parcel, and to incorporate the subject property into the Holly Seacliff Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The proposed

zoning will be compatible with the adjacent estate residential zoning designations of the Holly Seacliff and Ellis Goldenwest Specific Plans.

2. In the case of a general land use provision, the zoning map and text amendment are compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed zoning will allow estate residential uses consistent with the existing land uses in the area.
3. A community need is demonstrated for the change proposed. The new zoning will allow for new single family residential development.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed zoning will not result in isolated or spot zoning, and will be consistent with the existing Estate Residential General Plan designation. The Holly Seacliff Specific Plan RL-1 allows up to four units per gross acre which is consistent with the Estate Residential General Plan designation.

FINDINGS FOR APPROVAL - TENTATIVE TRACT MAP NO. 15690 (R):

1. Tentative Tract Map No. 15690 (R) for a subdivision of approximately 2.7 acres into eight (8) residential lots with two lettered lots for landscaping purposes is consistent with the General Plan Land Use Element designation of Estate Residential on the subject property, or any applicable specific plan, or other applicable provisions of this Code. The proposed subdivision will be compatible in size and intensity with the adjacent residential developments in the Holly Seacliff and Ellis Goldenwest Specific Plan areas.
2. The site is physically suitable for the type and density of development. The subdivision will involve grading that will provide sufficient rear yards for the eight single family homes without impacting the adjacent Wieder Regional Park site.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The eight lot subdivision will have no adverse impacts on any fish or wildlife or their habitats.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. All necessary easements will be provided with the creation of the parcels and the development of the site.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 99-14 (R):

1. Conditional Use Permit No. 99-14 (R) for the development of a site with greater than a three foot grade differential between the high and low points 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. Based upon the conditions imposed, the development will be designed to minimize impacts from grading, and will not be detrimental to the surrounding properties.

2. The conditional use permit will be compatible with surrounding uses based on proposed zoning and development standards. Any future development of the site will be required to comply with identical development standards set forth in the Holly Seacliff Specific Plan.
3. The proposed eight lot subdivision 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. In addition, any specific condition required for the proposed use in the district in which it would be located. Any future development will be required to comply with the Holly Seacliff Specific Plan unless separate variances are approved by the City of Huntington Beach.
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 Estate Residential on the subject property

CONDITIONS OF APPROVAL - TENTATIVE TRACT MAP NO. 15690 (R):

1. The tentative map received and dated January 8, 2002 shall be the approved layout.
2. **Prior to submittal of the final map to the Public Works Department for processing and approval by the City Council, the following shall be required:**
 - a. The Settlement and Release Agreement pertaining to the PLC lawsuit of the City's denial of entitlements associated with the original 10 lot subdivision shall be approved by the City Council.
 - b. The Affordable Housing Agreement Plan shall be submitted to the Planning Department for review and approval. The agreement shall provide for affordable housing on-site or off-site. Said agreement shall be executed prior to issuance of the first building permit for the tract. The contents of the agreement shall include the following:
 - 1) Minimum 15 percent of the units (2 units) shall be affordable to families of moderate income level (less than 120% of Orange County median) for a period of thirty years.
 - 2) A detailed description of the type, size, location and phasing of the affordable units.
 - 3) If affordable units (new or rehabilitate) are off-site, they must be under the full control of the applicant.
 - 4) The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first residential unit in the tract shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units.
 - c. The grade on the sloped landscaped areas adjacent to the park shall not be modified without the approval of the Planning Director. A covenant restricting the grading and redesign of the sloped condition shall be recorded on the properties. A copy of the covenant shall be reviewed by the City Attorney prior to recordation. A copy of the recorded documents shall be submitted to the Planning Department for inclusion in the Tract file.

3. **The following conditions shall be completed prior to recordation of the final map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. (PW)**
- a. A reproducible mylar copy and a print of the recorded map shall be submitted to the Department of Public Works at the time of recordation. (PW)
 - b. The engineer or surveyor preparing the final map shall comply with Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18 for the following items:
 - 1) Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.
 - 2) Provide a digital-graphics file of said map to the County of Orange. (PW)
 - c. Provide a digital-graphics file of said map to the City per the following design criteria:
 - 1) Design Specification:
 - a) Digital data shall be full size (1:1) and in compliance with the California coordinate system – STATEPLANE Zone 6 (Lambert Conformal Conic projection), NAD 83 datum in accordance with the County of Orange Ordinance 3809.
 - b) Digital data shall have double precision accuracy (up to fifteen significant digits).
 - c) Digital data shall have units in US FEET.
 - d) A separate drawing file shall be submitted for each individual sheet.
 - e) Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
 - f) Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
 - 2) File Format and Media Specification:
 - a) Shall be in compliance with the following file format:
 - AutoCAD (version 13 or later) drawing file: ____ .DWG
 - b) Shall be in compliance with the following media type:
 - CD Recordable (CD-R) 650 Megabytes
 - d. The following shall be shown as a dedication to the City of Huntington Beach on the Final Map:
 - 1) "A" Street for public street purposes.
 - 2) A 2.00 foot wide public utility easement as shown on said map (7 ft. parkways or less).
 - 3) The water system and appurtenances as shown on the improvement plans.

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- 4) The sewer system and appurtenances as shown on the improvement plans.
 - 5) The easement for sewer purposes as shown on said map. (PW)
- e. All vehicular access rights to Edwards Street shall be released and relinquished to the City of Huntington Beach except at locations approved by the City Council. (PW)
 - f. All improvement securities (Faithful Performance, Labor & Material and Monument Bonds) and Subdivision Agreement shall be posted with the Public Works Department and approved as to form by the City Attorney. (PW)
 - g. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. (PW)
 - h. The Final Map shall be recorded with the County of Orange prior to issuance of building permits. (PW).
 - i. All Public Works fees shall be paid. (PW)
 - j. The area covered by this tentative map shall be annexed to the Reservoir Hill Assessment District in order to provide Zone 2 water service. All necessary studies and processing fees shall be paid by the Subdivider. (PW)
 - k. Zoning Map Amendment No. 99-2 and Zoning Text Amendment No. 00-1 shall be approved by the City Council.
 - l. The subdivider shall work with the Department of Public Works to establish a fund to provide for the on-going maintenance costs of Lots A and B (landscaping).
4. The following conditions shall be completed prior to issuance of a grading permit:
- a. A Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. This plan shall also include an erosion and silt control plan for all water runoff during construction and site preparation work. (PW)
 - b. A Street Improvement Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. The following improvements shall be shown on the plan:
 - 1) Curb and gutter, sidewalk, street pavement, signing, striping and street lighting for "A" Street.
 - 2) An ADA compliant access ramp at the northwest and southwest corners of Edwards Street and "A" Street.
 - 3) Sewage collection system including individual sewer laterals for each lot.
 - 4) Water distribution system connecting to the existing 12-inch main in Edwards Street.
 - 5) A new domestic water service and meter for each lot shall be installed per Water Division standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The water service shall be a minimum of 1-inch in size.

- 6) A separate water service, meter and backflow protection device shall be installed to serve reclaimed water for common area landscaping (Lots "A" and "B"). (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. 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, retaining walls, streets, and utilities. (PW)
- e. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect, shall be submitted to the Public Works Department for review and approval by the Park, Tree and Landscape Division. The Developer shall submit irrigation demands to ensure proper irrigation demands to ensure proper irrigation service sizing. Plans for temporary erosion control on slopes at rear and sides of lots shall be included. (PW)
- f. 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)
- g. 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)
- h. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. (PW)
- i. 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 include a truck haul route diagram and be submitted for approval to the Department of Public Works Transportation Division. No fees are required for such haul route permit. (PW)

- j. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (PW)
 - k. Blockwall/fencing plans (including a site plan, section drawings, and elevations depicting the height and material of all retaining walls, walls, and fences) consistent with the grading plan shall be submitted to and approved by the Planning Department. The plans shall identify materials, seep holes and drainage.
5. During grading operations, the following shall be complied with:
- a. Due to the proximity of the site to a known archeological site, grading activities during remedial site grading work shall be monitored by an archeologist. (Mitigation Measure)
 - b. 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)
 - c. 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)
 - d. 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)
 - e. The construction disturbance area shall be kept as small as possible. (PW)
 - f. 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)
 - g. 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)
 - h. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (PW)
 - i. Wind barriers shall be installed along the perimeter of the site. (PW)
 - j. 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)
 - 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.

The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement may be required pursuant to the HBZSO.

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 99-14 (R):

1. The site plan received and dated January 8, 2002 shall be the conceptually approved layout with the following modifications:
 - a. The site plan, floor plans, building elevations, and fencing plans shall be subject to review and approval by the Planning Commission. Any deviation from development standards specified in the Holly Seacliff Specific Plan shall be subject to review and approval of a variance by the Planning Commission.
 - b. Lots 3-6 shall be provided with one additional off-street parking space pursuant to the Holly Seacliff Specific Plan for lots with 30 ft. frontages.
 - c. Depict all utility apparatus, such as but not limited to back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public rights-of-way. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(Code Requirement)**
 - d. Depict all gas meters, water meters, electrical panels, air conditioning units, mailbox facilities and similar items on the site plan and elevations. If located on a building, they shall be architecturally designed into the building to appear as part of the building. They shall be architecturally compatible with the building and non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - e. 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. Prior to submittal for building permits, the following shall be completed:

- a. Zoning entitlement conditions of approval shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- b. All Fire Department requirements shall be noted on the building plans. (FD)
- c. An engineering geologist shall be engaged to submit a report indicating the ground surface acceleration from earth movement for the subject property. All structures within this development shall be constructed in compliance with the g-factors as indicated by the geologist's report. Calculations for footings and structural members to withstand anticipated g-factors shall be submitted to the City for review prior to the issuance of building permits. (Code Requirement)
- d. Floor plans shall depict natural gas and 220V electrical shall be stubbed in at the location of clothes dryers; natural gas shall be stubbed in at the locations of cooking facilities, water heaters and central heating units.

3. Prior to issuance of building permits, the following shall be completed:

- a. Applicant shall modify the sewer alignment on the fire station site per the City Engineer's direction. (PW)
- b. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (PW)
- c. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Existing trees to remain shall also be addressed by said Arborist with recommendations/requirements for protection during construction. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (PW)
- d. An Automatic sprinkler and fire alarm system shall be installed throughout if the building gross square footage exceeds 5000 sq. ft. Shop drawings shall be submitted and approved by the Fire Department prior to system installation. (FD)
- e. Fire hydrants shall be installed prior to combustible construction. 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 connections. (FD)
- f. Fire access roads shall be provided in compliance with City Specification No. 401. Include the Circulation Plan and dimensions of all access roads. (FD)

- g. Submit a Fire Protection Plan in compliance with City Specification No. 426 for Fire Department approval. (FD)
 - h. The project shall comply with all provisions of the HBFC and City specification 422, Well Abandonment. (FD)
 - i. The project shall comply with all provisions of the HBMC Section 17.04.085 and City Specification 429, Methane District Building Permit Requirements. (FD)
 - j. Installation and/or removal of underground flammable or combustible liquid storage tanks shall comply with Orange County Environmental Health and HBFD requirements. Treatment areas may require conformance to City Specification No. 431, Gas Fired Appliances. (FD)
 - k. Address numbers shall be installed to comply with City Specification No. 428. (FD)
 - l. Street names shall be approved by the Fire Department. Please refer to City Specification No. 409. (FD)
4. **The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:**
- a. A section of existing curb, gutter and sidewalk along Edwards Street must be removed and replaced. Existing street tree(s) must be inspected by the City of Huntington Beach, Park, Trees and Landscape Inspector during removal of concrete and prior to construction of "A" Street improvements. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. (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. Applicant shall provide the City with Microfilm copies (in City format) and CD (AutoCAD only) copy 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)
 - d. A covenant prohibiting the removal of the open view fencing along the perimeter of the west and north property lines shall be recorded with the County Recorder's Office. The covenant shall be submitted to the Planning Department, and shall be reviewed as to form by the City Attorney's Office. A copy of the recorded covenant shall be filed with the Planning Department.
5. Prior to final building permit inspection and approval of the first residential unit, the following shall be completed:
- a. Compliance with all conditions of approval specified herein shall be accomplished and verified by the Planning Department.

- b. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
6. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the City Council's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement may be required pursuant to the HBZSO.
7. Conditional Use Permit No. 99-14 (R) shall not become effective until Zoning Text Amendment No. 00-1 and Zoning Map Amendment No. 99-2 have been approved by the City Council and are in effect.

INFORMATION ON SPECIFIC CODE REQUIREMENTS – TENTATIVE TRACT MAP NO. 15690 (R)/CONDITIONAL USE PERMIT NO. 99-14 (R):

1. Tentative Tract Map No. 15690 (R) and Conditional Use Permit No. 99-14 (R) shall not become effective until the Zoning Text Amendment No. 00-1 and Zoning Map Amendment No. 99-2 have been approved by the City Council and are in effect.
2. Tentative Tract Map No. 15690 (R) and Conditional Use Permit No. 99-14 (R) shall become null and void unless exercised within two years of the date of final zoning text amendment and zoning map amendment approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
3. The Planning Commission reserves the right to revoke Tentative Tract Map No. 15690 (R) and Conditional Use Permit No. 99-14 (R), pursuant to a public hearing for revocation, if any violation of these conditions or the Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
5. Standard landscape code requirements apply (Chapter 232 of the ZSO). (PW)
6. The Water Ordinance No. 14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping or larger. (PW)
7. All applicable Public Works fees shall be paid prior to map recordation. (PW)
8. Traffic impact fees shall be paid at a rate of \$150 per daily trip (\$14,400). (PW)
9. An Encroachment Permit is required for all work within the City's right-of-way. (PW)

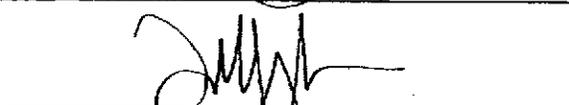
10. Park and recreation in-lieu fees shall be paid, or accrued credits assigned, prior to Council approval of the final map.
11. The applicant shall submit a check in the amount of \$43 for the posting of the Notice of Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the City Council's action.
12. Construction shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
13. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.

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ATTACHMENT 3

D-3.23

(02/27) - H. ZELEFSKY, PLANNING
(02/27) - W. CANVALHO, PLANNING

Council/Agency Meeting Held: <u>02-04-02</u>	
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	Dep. City Clerk's Signature
Council Meeting Date: February 4, 2002	Department ID Number: PL02-02

02-19-02: ~~ADDED~~ ORD. NOS. 3536 AND 3537 5-0-2 (GREEN, HORTON ABSENT)

CITY OF HUNTINGTON BEACH REQUEST FOR ACTION

2002 JAN 30 A 11:30
HUNTINGTON BEACH, CA
CITY CLERK

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: RAY SILVER, City Administrator *RS*

PREPARED BY: HOWARD ZELEFSKY, Director of Planning *HZ*

SUBJECT: APPROVE TENTATIVE TRACT MAP NO. 15690(R)/CONDITIONAL USE PERMIT NO. 99-14 (R)/LOCAL COASTAL PROGRAM AMENDMENT NO. 00-1/ZONING MAP AMENDMENT NO. 99-2/ZONING TEXT AMENDMENT NO. 00-1/NEGATIVE DECLARATION NO. 99-18 (PLC LAND CO. 8 LOT SUBDIVISION)

Ord. No. 3536 and Ord. No. 3537

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

Statement of Issue:

Transmitted for your consideration is a revised request for approval of Tentative Tract Map No. 15690, Conditional Use Permit No. 99-14, Local Coastal Program Amendment No. 00-1, Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, and Negative Declaration No. 99-18 by PLC Land Company. These applications represent a request to establish zoning on a 2.7 acre parcel located on the west side of Edwards Street, approximately 150 feet south of Ellis Avenue (north of Fire Station No. 6), and to permit the subdivision of the property into eight (8) lots for single family residences.

The City Council denied the project in its entirety on July 5, 2000 with findings for denial (Attachment No. 9). On April 18, 2001 the applicant filed suit, challenging the denial (PLC v. City of Huntington Beach, OCSC # 01CC05117). The applicant has revised the proposed development in response to concerns raised at the previous public hearing with respect to the grading of the site. The revised project consists of: 1) reducing the number of single family residential lots from 10 to 8; and 2) reorienting the lots including reducing the length of the cul de sac. The revision is an effort to minimize the amount of grading to the existing topography on the site and impacts to the adjacent Wieder Regional Park site. If the revised project is approved as submitted, it would likely result in dismissal of the litigation.

D-3.24

D-2

REQUEST FOR ACTION

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Funding Source: Not applicable.

Staff is recommending approval of the revised request (**Recommended Action**), because:

- The project complies with the goals and objectives of the City's General Plan, which encourage development of new residential subdivisions that incorporate a diversity of uses and are configured to establish a distinct sense of neighborhood identity. The project will provide 8 single family units with its own sense of architectural identity, yet will be compatible with other developments in the area including The Bluffs, Country View Estates, and Central Park Estates.
- With the implementation of mitigation measures, the proposed subdivision will not have any adverse environmental impacts. In addition, with standard conditions of approval and the revised site design, project issues will be mitigated to a level of insignificance.
- The single family residential subdivision will comply with the Holly Seacliff Specific Plan RL-1 zoning designation.
- Based upon the scale of development and the residential estate density, the proposal will be compatible with existing developments in the area.

Recommended Action:

STAFF RECOMMENDATION:

Motion to:

1. "Approve Negative Declaration No. 99-18 with findings (Attachment No. 8)"; and
2. "Approve Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, and Local Coastal Program Amendment No. 00-1 with findings for approval and adopt Ordinance Nos. 3536 and 3537 (Attachment No. 3 and 4)"; and
3. Approve Tentative Tract Map No. 15690 (R) and Conditional Use Permit No. 99-14 (R) with findings and suggested conditions of approval (Attachment No. 5)."

2

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Alternative Action(s):

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

1. "Deny Negative Declaration No. 99-18, Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1, Tentative Tract Map No. 15690 (R), and Conditional Use Permit No. 99-14 (R)."
2. "Continue Negative Declaration No. 99-18, Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1, Tentative Tract Map No. 15690 (R), and Conditional Use Permit No. 99-14 (R) and direct staff accordingly."

Analysis:

A. BACKGROUND

On March 28, 2000, following a public hearing, the Planning Commission approved Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1 and Negative Declaration No. 99-18. The Commission subsequently denied Tentative Tract Map No. 15690 and Conditional Use Permit No. 99-14 for the 10 lot subdivision.

On April 11, 2000, the Planning Commission voted to reconsider the approval of Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1 and Negative Declaration No. 99-18 and scheduled a separate public hearing.

On May 9, 2000, after a second public hearing, the Planning Commission denied Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1 and Negative Declaration No. 99-18.

On July 5, 2000, the City Council upheld the Planning Commission's action by denying the request for annexation, denying Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1 and Negative Declaration No. 99-18, Tentative Tract Map No. 15690 and Conditional Use Permit No. 99-14. The City Council denied the request based on potential environmental impacts including impacts to views to and from Wieder Regional Park, and drainage to surrounding properties.

On August 22, 2000, PLC re-initiates the request for annexation with LAFCO.

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On May 11, 2001, PLC requests LAFCO to issue a Certificate of Filing of PLC's annexation request. LAFCO approves Certificate of Filing and schedules hearing on PLC's annexation request on June 13, 2001.

On June 11, 2001, LAFCO approves PLC's annexation request, and Certificate of Completion of Annexation is recorded on October 18, 2001.

B. PROJECT PROPOSAL:

Applicant: PLC Land Co. c/o Bill Holman, 19 Corporate Plaza Drive, Newport Beach, CA 92660

Location: West side of Edwards Street, approximately 150 feet south of Ellis Avenue

Zoning Map Amendment No. 99-2 is a request to modify the City's zoning map (DM 38) by designating the subject property Holly Seacliff Specific Plan (SP-9) with an RL-1 (Low Density Residential) land use category pursuant to Section 247.02 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO). The minimum lot size in RL-1 district is 7,000 square feet with a maximum density of four (4) units per gross acre.

Zoning Text Amendment No. 00-1 is a request to amend the Holly Seacliff Specific Plan by incorporating the subject property into the specific plan pursuant to Section 247.02 of the ZSO.

Local Coastal Program Amendment No. 00-1 is a request to amend the City's Local Coastal Program to incorporate the proposed zoning map amendment and zoning text amendment pursuant to Section 247.16 of the ZSO.

Tentative Tract Map No. 15690 (R) is a request to subdivide approximately 2.7 net acres into eight residential lots for the purpose of constructing eight single family residences pursuant to Section 251.02 of the ZSO. The proposed density is 3 units per net acre.

Conditional Use Permit No. 99-14 (R) represents a request to develop on property with greater than a three foot grade differential between the high and low points pursuant to Section 230.70 of the ZSO. The purpose is to evaluate the proposed grading plan, which should terrace proposed buildings with the grade. There is a 16 foot difference between the highest point along Edwards Street to the lowest point along the west property line.

The revision to the proposed single family subdivision consists of increased lot sizes ranging from 8,372 to 19,340 square feet, with an average size of 12,772 square feet. This compares to an average lot size of 9,900 sq. ft. on the originally proposed 10 lot tract. Access to the tract will be provided from Edwards Street through a public non-gated cul-de-

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sac (see Attachment No. 5). A 15-foot wide landscape parkway is designed along Edwards Street which will be maintained by a homeowners association.

The revised request involves grading the entire site and importing approximately 8,100 cubic yards of soil to design the site for drainage compared with 12,500 cubic yards under the 10 lot proposal. The majority of the fill (up to 11.2 ft.) will occur toward the northwest corner of the tract near the slope adjacent to Wieder Regional Park (Attachment No. 5).

The applicant has also submitted a site plan, floor plans and elevations for the eight single family homes. However, since these plans were not included in the original submittal, separate review and approval by the Planning Commission is required. Staff will be scheduling a separate public hearing before the Planning Commission if the City Council approves the zoning and subdivision applications.

The following table identifies the subject property and surrounding Land Use, Zoning and General Plan Designations.

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Residential Estate (Holly Seacliff General Plan Amendment - 1990)	Existing – None Proposed – Holly Seacliff Specific Plan (RL-1)	Existing – Vacant Proposed – Single family residences
East of Subject Property (across Edwards St.):	Residential Estate	Ellis Goldenwest Specific Plan	Single family residences
South of Subject Property:	Residential Low Density	Holly Seacliff Specific Plan (RL-1)	Fire Station/Water Reservoir
West of Subject Property (in Orange Co.):	Open Space	A-1 (General Agriculture)	Vacant (Wieder Regional Park)
North of Subject Property (in Orange Co.):	Recreation/ Conservation	Recreation/ Conservation	Vacant (Wieder Regional Park)

Attached are area maps that depict the proposed zoning and surrounding General Plan and zoning designations (Attachment Nos. 10 and 11). Attachment No. 10 identifies the current General Plan designation on the subject property while Attachment No. 11 identifies the proposed zoning.

The applicant indicates that the proposed Holly Seacliff Specific Plan (RL-1) zoning designation will be compatible with the adjacent zoning designations and land uses, and will allow for future housing opportunities.

D-3.28

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This property is part of the Holly Seacliff Development Agreement No. 90-1. The terms of the development agreement became effective upon annexation of the subject property into the City of Huntington Beach. The property was annexed to the City following LAFCO approval in June of 2001 and recording of a Certificate of Completion of Annexation on October 18, 2001. The development agreement offered the City the option for five years to accept dedication for park purposes on either the subject 2.7 acre parcel (Parcel 7a) or a 4.5 acre parcel at the northeast corner of Edwards Street and Ellis Avenue (Parcel 7b). In April of 1994, the City accepted dedication of the 4.5 acre Parcel 7b. Attachment No. 12 provides a chronology of the County's and City's actions regarding the subject property.

C. STAFF ANALYSIS AND RECOMMENDATION:

Zoning

In 1990, the City Council approved the Holly Seacliff General Plan Amendment and Environmental Impact Report (EIR) that included a land use designation on the property of Estate Residential (max. 4 units per gross acre). It specifically depicted the subject property as part of a ten acre planning area with a maximum of 25 residential units (see Attachment No. 4). The intent of the pre-general planning action was to inform the property owner and surrounding landowners that the City has reviewed and pre-approved the Estate Residential designation for the site should it ever be annexed into the City.

The subject property was annexed to the City on October 18, 2001, with a General Plan Land Use designation of Estate Residential. However, according to our zoning maps and records, the property has never had a pre-zoning designation. Over the years, the City has pre-zoned surrounding areas but not this site. The proposed Holly Seacliff Specific Plan, RL-1 zoning designation will allow a density up to four units per gross acre with an average density of 1.6 units per gross acre (Attachment No. 4) consistent with the pre-general plan designation.

Based on the annexation in October of 2000, the Development Agreement now applies to the subject property. Staff supports the proposed zoning of Holly Seacliff Specific Plan (RL-1) because it is consistent with the general plan land use designation of Estate Residential. The Holly Seacliff Specific Plan (RL-1) allows up to four units per gross acre that is consistent with the Estate Residential General Plan designation. Furthermore, the zoning designation will be compatible with the adjacent designations to the south (The Bluffs), and east across Edwards Street (Ellis Goldenwest Specific Plan). The adjacent property located in the County of Orange (Wieder Regional Park) will remain designated as open space.

Staff further supports the establishment of the Holly Seacliff Specific Plan (RL-1) zoning on the property, along with the amendment to the boundary of the specific plan because the estate residential use would be most compatible with the surrounding land uses. Staff also supports the minor modifications to the acreage figures cited in the text and tables of the

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specific plan. The acreage figures within the specific plan will be revised by adding approximately 3 acres. The zoning will allow estate residential uses to be constructed at a maximum density of four units per gross acre.

Development Proposal

In September of 2001, the applicant submitted site plans, floor plans and elevations for eight single family homes requesting concurrent approval with the zoning and tentative map applications. However, the original application submittal only involved the zoning and subdivision requests; no plans for the homes were reviewed. Now that an application for the construction of the homes has been received, separate review and approval by the Planning Commission is required.

One of the issues discussed at the prior Planning Commission and City Council meetings were the potential impacts the development would have on the adjacent Wieder Regional Park. Staff is recommending a condition of approval requiring a covenant be recorded on Lots 1-6 that would restrict grading and construction of any structures between the top of the slope and rear property lines (tract perimeter) without the approval of the City of Huntington Beach. The condition is recommended to minimize view impacts to and from the park site. The applicant has conceptually agreed to this condition.

D. SUMMARY

Staff supports the applicant's request because the subdivision complies with the Holly Seacliff Specific Plan, and will not adversely impact surrounding uses. Staff believes the project should be approved because it is designed to minimize impacts to the existing topography along the Wieder Regional Park site.

Staff recommends the City Council approve Negative Declaration No. 99-18, Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Local Coastal Program Amendment No. 00-1, Tentative Tract Map No. 15690 (R), and Conditional Use Permit No. 99-14 (R) based on the following:

- The project complies with the goals and objectives of the City's General Plan, which encourage development of new residential subdivisions that incorporate a diversity of uses and are configured to establish a distinct sense of neighborhood identity. The project will provide 8 single family units with it's own sense of architectural identity, yet will be compatible with other developments in the area including The Bluffs, Country View Estates, and Central Park Estates.
- With the implementation of mitigation measures, the proposed subdivision will not have any adverse environmental impacts. In addition, with standard conditions of approval, project issues will be mitigated to a level of insignificance.

REQUEST FOR ACTION

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DEPARTMENT ID NUMBER: PL02-02

- The single family residential subdivision will comply with the Holly Seacliff Specific Plan RL-1 zoning designation.
- Based upon the scale of development and the residential estate density, the proposal will be compatible with existing developments in the area.

Environmental Status:

Negative Declaration No. 99-18 was prepared with mitigation measures pursuant to Section 240.04 of the HBZSO and the provisions of the California Environment Quality Act (CEQA). Prior to any action on Local Coastal Program Amendment No. 00-1, Zoning Map Amendment No. 99-2, Zoning Text Amendment No. 00-1, Tentative Tract Map No. 15690 (R), and Conditional Use Permit No. 99-14 (R), it is necessary for the City Council to review and act on Negative Declaration No. 99-18.

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Vicinity Map
	2.	Suggested Findings and Conditions of Approval
	3.	Ordinance No. <u>3536</u> (ZMA 99-2) amending District Map No. 38
	4.	Ordinance No. <u>3537</u> with Legislative Draft (ZTA 00-1) amending Holly Seacliff Specific Plan
	5.	Tentative Tract Map No. 15690 (Revised 8 Lots)
	6.	Revised site plan dated January 9, 2002
	7.	Letter from applicant dated September 14, 2001
	8.	Negative Declaration No. 99-18 (Includes environmental checklist, mitigation measures, and comment letters)
	9.	City Council Minutes dated July 5, 2000
	10.	Existing and Proposed General Plan Designations
	11.	Existing and Proposed Zoning
	12.	Chronology of County, City and LAFCO actions

RCA Author - Wayne Carvalho

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ATTACHMENT 4

D-3.32

City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, Ca 92648

RECEIVED
NOV 03 2004
City of Huntington Beach

Re: Nautical North
Tract # 15690

The honorable members of the City Council:

We are grateful for the opportunity to present our project plan for landscape of our newly purchased homes. Our project pertains to the new community recently developed on the west side of Edwards in Huntington Beach, north of the Fire Station, and south of Ellis. The construction of this community of eight homes was completed in mid July of 2003. Four of the homes are located on the view lots with the backyards facing the ocean. The back yards of these four homes have two levels with a *three to one* slope ending in a lower flat level. The lower level is adjacent to the land that belongs to the county.

As new homeowners, we are eager to proceed with landscaping our homes, yet supposed restrictions in altering the slope have hindered our progress. Complying with such restrictions would require constructing landscape elements such as swimming pools, fireplaces, BBQ, etc. on the lower flat level, bringing the backyards in the immediate vicinity of the county land and taking away the natural blend of the county land and lower level back yards. On the other hand, constructing swimming pools and BBQ, etc. on the upper level would consume the entire upper backyard, not allowing for any significant usable "sitting area". Consequently we would like to propose a landscape plan for the four homes facing the ocean that involves altering the slope slightly. All home owners of the community are unanimous and have agreed with the general plan and wish to proceed with the landscape as soon as feasible.

Enclosed is a copy of our plan for your review. It outlines installation of a Keystone Retention Wall System on the slope with staircase access to the lower level. We also enclose a rendering of the artist's view of the project as well as digitized pictures of the current landscape. This plan will preserve the natural look of the lower flat level similar to the surrounding county land, and will assure adequate space in the upper level to be used both for landscape (swimming pool, BBQ, etc) and for "sitting areas".

Our plan allows for maximizing usable space in the backyard, and at the same time would increase privacy by placing landscape components at the upper level away from the by passers at the county land. It would also add another layer of security against potential intrusion by unwelcome wanderers from the county land. The wild life would also be potentially kept out of the backyards.

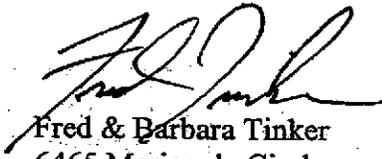
D-3.33

The staircase will assure safe access to the lower level, and decrease potential accidental injury resulting from slipping/falling off the slope, a cause for liability lawsuits. Planting native shrubs and trees would hide the keystone systems and serve to beautify the slope making it esthetically pleasing. The Keystone retaining systems along with the shrubs and trees would also help break the strength of the on shore winds, allowing for less damage to the property and landscape over time, making use of the backyard more enjoyable as well as more private.

In summary our application requesting altering the slope per plan, would allow us to maximize our usable landscape area, increase privacy and security, lessen harmful effects of on shore winds, improve safety, prevent wild life access, and at the same time improve esthetics of the community as being viewed from the county land

We appreciate and request you're most serious consideration of our application and look forward to hearing from you soon in a very positive fashion.

Sincerely,



Fred & Barbara Tinker
6465 Marigayle Circle
Huntington Beach, Ca 92648
Lot # 3



Abe & Linda Rayhaun
6455 Marigayle Circle
Huntington Beach, Ca 92648
Lot # 4



Sam & Ana Talmood
6454 Marigayle Circle
Huntington Beach, Ca 92648
Lot # 5



Quyen Tran
6464 Marigayle Circle
Huntington Beach, Ca 92648
Lot # 6

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ATTACHMENT 5

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NOV 03 2004

City of Huntington Beach

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TRACT 10880
HUNTINGTON BEACH, CA 92618

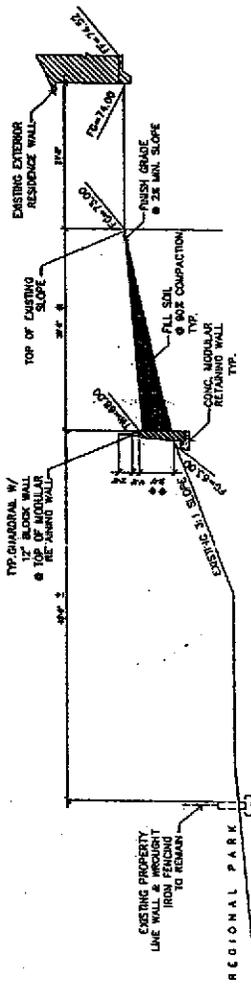
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NO. 50	50

Proposed: Keystone Retaining Wall System

DATE: 10/28/04
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT: retaining wall section
KEYSTONE retaining wall system

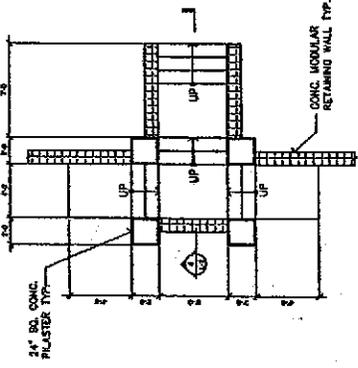
DATE: 10/28/04
SCALE: AS SHOWN
PROJECT: retaining wall section
KEYSTONE retaining wall system
L.2

October 28 '04



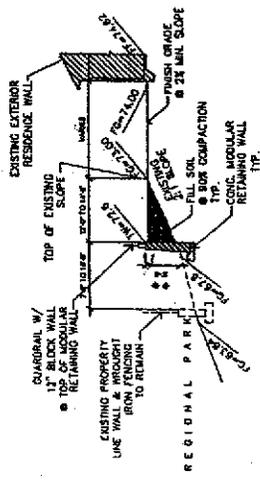
retaining wall section

1



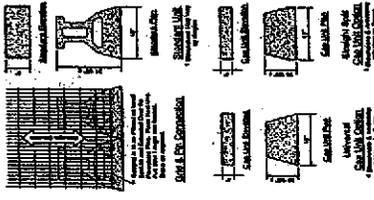
typical concrete stair plan

3



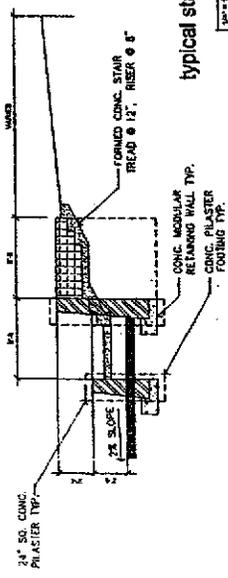
retaining wall section

2



"keystone" retaining wall system

5



typical stair section

4

D-3.37

**INTENTIONALLY
LEFT
BLANK**