Minutes
Council/RDA Meeting
City Council/Redevelopment Agency
City of Huntington Beach

Monday, March 19, 2007
4:45 P.M. - Room B-8
6:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audio recording of the 4:00 p.m. portion of this meeting and a video recording of the 6:00 p.m. portion of this meeting are available on the website. A videotape of the 6:00 p.m. portion of this meeting is on file in the Office of the City Clerk.

The 4:00 p.m. portion of the meeting was recessed by Deputy City Clerk Kelly Mandic to 4:45 p.m. in Room B-8 due to a lack of quorum.

Call to Order

Mayor Coerper called the regular meeting of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:46 p.m. in Room B-8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Carchio, Cook, Coerper, Green, Hansen (arrived at 4:50 p.m.), and Hardy.
Absent: Bohr.

The City Clerk Announced a Late Communication

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced a Late Communication that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Keith Bohr requesting permission for his absence at the March 19, 2007 City Council meeting. Pursuant to Resolution 2001-54, the City Council granted permission for Councilmember Bohr's absence.

No Public Comments Regarding the 4:00 P.M. Portion of the Council Meeting

(City Council/Redevelopment Agency) Study Session Held – Members of the Communications Committee (Mayor Coerper, Mayor Pro Tem Cook, Councilmember Bohr) Recommended to the City Council that a Discussion be Held Regarding the City's Centennial, Which Will be Celebrated on February 17, 2009. Community Relations Officer Laurie Payne Presented a PowerPoint to Introduce the Concept of a Centennial Celebration.

Community Relations Officer Laurie Payne gave a PowerPoint report titled *HB Centennial Celebration*, which was included in the agenda packet. She described some options for celebration events including commemorative publications, a Rose Parade

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float, a rotating exhibit, a gala event, and time capsules. She suggested a Centennial Celebration Committee be formed, comprised of Steve Bone as a Co-Chair and other members of the community, and that the committee pursue fundraising to help pay for the celebration.

Councilmember Carchio asked for clarification on the committee's size and scope. Officer Payne described a committee of approximately 20 to 25 members, suggesting committee meetings be held every two months for the first year and monthly the following year. She suggested the committee pursue fundraising with outside assistance. Councilmember Carchio suggested the committee gain the cooperation of local large corporations and newspapers, that a contest be considered to generate an event logo, and that a commemorative coin be offered for sale. Officer Payne suggested the redesign of the City Seal also be considered at this time.

Councilmember Hardy commented on a recent Historical Resources Board meeting and discussion of possibilities for the Board to contribute to the Centennial Celebration effort. Officer Payne stated she would return to Council with a report after the committee is formed. Mayor Coerper thanked her for her efforts and emphasized the importance of the event to the City.

Motion to Recess to Closed Session – Approved

A motion was made by Green, second Carchio to recess to Closed Session on the following items. The motion carried by the consensus of all present, Bohr absent.

(City Council) Closed Session - Pursuant to Government Code Section §54956.9, the City Council shall recess into Closed Session to confer with the City Attorney regarding the following lawsuit: **Civitano v. City of Huntington Beach**, Workers' Compensation Appeals Board Case No. ANA 0325352, Claim No. COHB 97-0202.

(City Council) Closed Session - Pursuant to Government Code Section §54957.6, the City Council shall recess to Closed Session to meet with its designated labor negotiators: Penelope Culbreth-Graft, City Administrator; Bob Hall, Deputy City Administrator; Dan Villella, Finance Director; and Renee Mayne, Chief Negotiator, regarding labor negotiations with the following employee organizations: **MEO, MEA, FMA, HBFA, SCLEA, and Non-Associated.**

(City Council) Closed Session) - Pursuant to Government Code Section §54957, the City Council shall recess to Closed Session to discuss the following personnel matter: **Contract for Planning Director.**

Reconvened City Council/Redevelopment Agency Meeting – 6:11 p.m.

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on March 19, 2007 (Pursuant to Government Code §54957.1) Regarding Civitano versus City of Huntington Beach

City Attorney Jennifer McGrath reported that on March 19, 2007 Council voted 6-0 (Bohr absent) on the Civitano matter, Workers' Compensation Appeals Board Case No. ANA 0325352, Claim No. COHB 97-0202, to approve a compromise and release in the amount of $64,960 less prior payments of $9,960.

City Council/Redevelopment Agency Meeting Roll Call

Present: Carchio, Cook, Coerper, Green, Hansen, and Hardy.
Absent: Bohr.

Pledge of Allegiance/Flag Salute - Led by Cub Scout Pack 1226

Invocation - Led by Reverend David Phears, Senior Minister, Sangha Center for Spiritual Living (formerly Huntington Beach Church of Religious Science.)

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Councilmember Keith Bohr requesting permission for his absence at the March 19, 2007 City Council meeting.

Communication submitted by Michael Van Voorhis dated March 6, 2007 and addressed to Meg Vaughn at the California Coastal Commission regarding the proposed Park Avenue Marina.

Communication submitted by Michael C. Adams Associates dated March 12, 2007 titled *Park Avenue Marina, Mitigated Negative Declaration No. 00-07, Coastal Development Permit No. 00-13, Conditional Use Permit No. 00-43.*

Communication submitted by Steve Stafford dated March 17, 2007, untitled, regarding the appeal of the Planning Commission's denial of the Park Avenue Marina project.

Correction to agenda language on the Consent Calendar item pertaining to the Annual Drainage Fund Report: The Recommended Action is to approve the 2005/06 **Drainage Fund** Annual Report.

The Following Communications Were Submitted During the Meeting:

Communication submitted by Mike Adams dated March 16, 2007, untitled, which is a letter pertaining to the Park Avenue Marina project written on behalf of Hugh Seeds.

Communication submitted by Catherine Stip dated March 19, 2007 and titled *Building in the Harbor,* pertaining to the Park Avenue Marina project.

Presentation - Mayor Coerper called on Police Captain Bill Stuart who introduced Gail Butler and Fran Beckman from the Orange County Chapter of Mothers Against Drunk Driving. Ms. Butler and Ms. Beckman presented awards to worthy officers.

The following officers received awards for making a minimum of 25 driving-under-the-influence arrests in the last year: Mike Lyons, Marc Eskes, Keith Smith, Tim Pappas, Corwin Bales, John Baggs, Thoby Archer, Dave Stover, Dave Wiederin, Bryan Knorr, Tai Huynh and Dennis Fulton. Also recognized with Centurion Awards were Wade Wilson and Dale Shields. Captain Stuart spoke of the importance of targeting impaired drivers in maintaining safety. Mayor Coerper commented on the Every 15 Minutes event and thanked the officers for their efforts.

Presentation - Mayor Coerper called on Carol Kent from the National Charity League who talked about her group's ten year anniversary and received a proclamation in honor of the League's "Decade of Dedication."

Ms. Kent described the group's goals and fundraising efforts, and introduced the League's Past Presidents: Elise Hartman, Darlene Clifford, Barbara Cross, Andrew Cannon, Tracy Pellman, Tony Gregory, and Barbara Reinhardt. She stated further information may be obtained at NCLPacificCoast.org.

Presentation - Mayor Coerper called on John Von Holle, Past President, Municipal Employees Association (MEA) who presented a check for $1,000 to Jesse Molinaro, who accepted on behalf of the Huntington Beach YMCA.

Presentation - Mayor Gil Coerper called on Pam Alagata from the Huntington Beach Women in Action who introduced Miss Huntington Beach Erin Britt and Princesses Karissa Kent and Lauren Butler.

Mayor's Award - Mayor Gil Coerper called on Economic Development Director Stanley Smalewitz who assisted in presenting the Mayor's Award to Kathi Nelson, Administrative Secretary from the Economic Development Department. Director Smalewitz described Kathi Nelson's many positive attributes including her excellent customer service.

Public Comments

(The numbers following speakers' comments reflect the approximate point of time in the archived video the speaker appears, available at http://www.surfcity-hb.org/Government/Agendas/)

Alan Flaschner stated he is a resident and spoke about a communication he submitted to Council pertaining to property taxes and the impact on funding of schools. He suggested a Council committee be formed to ensure that adequate revenue is available to support local schools. (37:50)

Dean Zitko spoke regarding the Go Local program and voiced concerns with safety for children and seniors in the area of the potential rail line. He described graffiti and vandalism in Long Beach near the Metro Blue Line transit center and urged Council to oppose the project. (40:53)

David Cohen stated he lives in the area bordering the easement for the proposed light rail. He explained he had offered his home for sale and, due to declining interest from prospective buyers that learned of the study of the light rail project, he had to remove his home from the market. Mr. Cohen commented on notice to the public and asked the City to provide full disclosure. He also suggested alternative routes be considered, including near the existing OCTA bus transit center near Old World. (42:32)

Laurie Larson thanked City Officials for conducting a meeting on March 8th pertaining to the Go Local program. She opined that the General Plan should be updated and rebutted comments made at the March 5, 2007 City Council meeting regarding required real estate disclosures. Ms. Larson described her safety and noise concerns pertaining to the project and asked for a meeting with each Councilmember. (45:35)

Shari Noriega stated she is a resident, a licensed real estate agent, and speaks on behalf of many homeowners who are opposed to the Go Local project. She stated concerns with public disclosure of the project and rebutted the City Attorney's opinion that the project study does not require a real estate disclosure. Ms. Noriega suggested Beach Boulevard be considered as an alternate route and that the General Plan be modified. (48:18)

(City Council) AB 1234 Disclosure Reporting

Mayor Pro Tem Cook reported attendance at the League of California Cities' division dinner along with Councilmembers Green and Hardy. She also reported attendance at the Green California Summit.

Mayor Coerper reported on the Mixed Use Tour, including lunch, on March 15, 2007 and travel to Washington D.C. to meet with Congressmen and Senators regarding local project funding. He described the projects that were addressed in the meetings with the legislators and stated a report is available and would be submitted to the City Administrator.

City Administrator Penny Culbreth-Graft reported attendance at the Orange County City Managers' Association meeting and at the Mixed Use Tour. She stated that the tour was audio recorded and is available in the Office of the City Clerk.

City Treasurer Shari Freidenrich reported attendance at the Association of Public Treasurers of the United States meeting in Salt Lake City, Utah.

City Administrator's Report – None

(City Council) Reviewed and Accepted City Treasurer Shari L. Freidenrich's January 2007 Investment Summary Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2007.*

The City Council considered a communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for January 2007.

City Treasurer Freidenrich gave a PowerPoint presentation titled *January Treasurer's Report,* which was included in the agenda packet.

A motion was made by Hansen, second Green to review and accept the Monthly Investment Report entitled *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for January 2007*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach. The motion carried by the following roll call vote:

AYES:	Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES:	None
ABSENT:	Bohr

(City Council) Public Hearing Held - Denied Appeal 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 (Park Avenue Marina – Four Boat Slips, Manager's Office and Caretaker's Unit)

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: APPEAL OF THE 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/Appellant: Hugh Seeds, 16458 Bolsa Chica Street, #223, Huntington Beach, CA 92649

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

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Acting Director of Planning Scott Hess gave an overview of the project and introduced Project Planner Rami Talleh. Planner Talleh gave a PowerPoint report titled *Appeal of Planning Commission's Denial of Mitigated Negative Declaration No. 00-07 Coastal Development No. 00-13 Conditional Use Permit No. 00-43 Park Avenue Marina.*

Councilmember Green inquired about the requirement for a pump station. Planner Talleh stated the applicant would be required to obtain pump out services from an outside party, and the small size of the project restricts usage by others residents. Public Works Director Robert F. Beardsley commented on Regional Water Board requirements regarding pump stations, stating they are by area rather than specific lot. Councilmember Green suggested the project be conditioned to require a pump station or the applicant should be required to pay a portion of the cost to build a new pump station. Acting Director of Planning Scott Hess clarified that the Conditions of Approval require evidence of pump out services. Councilmember Green inquired about vehicular easement requirements by the County and the City and about the proposed bulkhead, voicing concern with erosion of the embankment. Planner Talleh commented on easement requirements, stating the City could require an easement up to 28 feet; however County approval would also be required. He explained that the embankment would have steel plates installed to prevent erosion of the embankment.

Councilmember Hardy asked for clarification on the size of the boats, the turnaround space available on the street, the number of parking spaces, the proposed building, and the grading of the property. Planner Talleh explained that the project complies with minimum parking requirements and that no launch facilities, except for hand-carry boats such as kayaks, are allowed on the site. He stated that the four slips would each

accommodate a 22-30 foot vessel, and one would be for public use. He clarified that the proposed building is permitted as a caretaker's unit, that the property would slope upward, and that the structure is planned to be 33 feet high.

Mayor Pro Tem Cook asked for clarification on "incidental use," the Coastal Commission's definition of "marina," and the City's definition of "caretaker's unit." Acting Director of Planning Scott Hess stated that the Coastal Commission has adopted the Huntington Beach local coastal program. Planner Talleh described accessory uses allowed within a project.

Councilmember Carchio inquired if zoning allows building a house on the site without a marina. Acting Director Hess replied in the negative and clarified that the project would only be reviewed by the Coastal Commission if Council's approval is appealed.

Councilmember Hansen asked if a zoning amendment for the site is possible. Acting Director Hess explained that the Coastal Commission has a strong preference for a commercial use or marina on the site.

Councilmember Hardy inquired about the potential for live-aboards in the rented slips. Planner Talleh explained that the Municipal Code prohibits overnight stays on the vessels. City Attorney McGrath clarified that the Code allows overnights on vessels up to 72 hours.

Mayor Coerper declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by Michael Van Voorhis dated March 6, 2007 and addressed to Meg Vaughn at the California Coastal Commission regarding the proposed Park Avenue Marina.

Communication submitted by Michael C. Adams Associates dated March 12, 2007 titled *Park Avenue Marina, Mitigated Negative Declaration No. 00-07, Coastal Development Permit No. 00-13, Conditional Use Permit No. 00-43.*

Communication submitted by Steve Stafford dated March 17, 2007, untitled, regarding the appeal of the Planning Commission's denial of the Park Avenue Marina project.

Communication submitted by Mike Adams dated March 16, 2007, untitled, which is a letter pertaining to the Park Avenue Marina project written on behalf of Hugh Seeds.

Communication submitted by Catherine Stip dated March 19, 2007 and titled *Building in the Harbor,* pertaining to the Park Avenue Marina project.

Mike Adams stated he represents the property owner and thanked staff for their recommendation on the project. He confirmed that the applicant would be open to discussions pertaining to an additional parking space and downsizing of the building, and described the design as having the appearance of a two-story building. He explained the difficulties with the piece of property and easements, and suggested Council imposes limitations on overnight parking of cars if that is a concern. Mr. Adams confirmed that the property owner plans to live on site. In response to an inquiry made by Council, he defined "incidental use" as a secondary activity to the marina and

reiterated the property owner desires to be a compatible neighbor. He submitted to Council a letter from the property owner. (1:44:16)

Medhat Rafael stated he is a seventeen-year resident and interested furture owner of the property in question. He explained his reasons for acquiring the property, his contacts with the neighbors, and his willingness to work with the City and neighbors to ensure success of the project. (1:48:00)

John Scandura, Chair of the Planning Commission, described the reasons for the Planning Commission's denial of project, including concern with the large caretaker's unit, drainage issues, loss of coastal views, and incompatibility of a marina with current land use on the street. He opined that site access is problematic, stating concern for adequate access by law enforcement and emergency vehicles. (1:50:46)

Tim Geddes stated he is a Southeast Huntington Beach resident who viewed the televised Planning Commission meeting that considered the project, visited the site, and is in agreement with the Planning Commission's decision to deny the project. Mr. Geddes urged Council to deny the appeal. (1:53:32)

Alicia Dose voiced her opposition to the project as a local resident. She stated she is concerned about an increase in noise, parties, and pollution to the water. Ms. Dose opined that approval of the project would hurt property values. (1:56:08)

Steve Stafford stated he has a friend that lives on Park Avenue who regularly experiences parking problems. He described the County's easement requirements and voiced concern with emergency vehicle access. (1:58:12)

Sophia Muccino stated she is a twelve-year resident of the Sea Harbour community and is opposed to the project due to concerns with placing a commercial use in a residential district, flooding, damage to views, and degradation of property values. She suggested that either a residence or a park be developed on the site. (2:00:18)

Phyllis Maywhort stated she is a Sunset Beach resident who lives across from a public marina that is a nuisance. She described problems she has experienced including loud parties, drinking, foul language, yelling, early morning fishing sounds, pollution to water, and live-aboards. Ms. Maywhort stated she is opposed to the project. (2:02:24)

David Klunk stated he is a resident of the Sea Harbour community and is opposed to the project. He voiced concerns with a loss of view and a decrease of property values. Mr. Klunk opined that the residence is too large, the site lacks access for emergency vehicles, and asked Council to oppose the project. (2:05:17)

John Woods stated he is a resident of Sunset Beach and thanked Council for visiting the site. He voiced his concern with additional traffic, the launching of kayaks at the site, and the twenty-foot easement. Mr. Woods opined that Park Avenue can not support 200 more vehicular trips per week, voiced concerns about flooding in the area, and asked that a sidewalk be added to the project for safety. (2:08:08)

Fred Grether stated he is a resident of Park Avenue and asked Council to deny the project. He opined that the building is a single-family residence that should require three additional parking spaces and greater access. (2:11:15)

Greg Griffin stated that a resolution was passed at the last Sunset Beach Property Owners' Association meeting to oppose the project. He opined that a 24-foot wide access is required in Sunset Beach and asked Council to deny the project. (2:13:34)

Michael Van Voorhis stated he is a resident of Park Avenue and opined that the width of the driveway is too small for marina access. He voiced concern with the elevation of the site, an increase in risk of accidents, and stated he would lose parking spaces in front of his driveway if the project is approved. Mr. Van Voorhis urged Council to deny the project. (2:15:18)

Councilmember Green asked Mr. Van Voorhis for further clarification on his property. Mr. Van Voorhis stated that fire lanes are proposed for the street, which would eliminate existing street parking spaces.

Tom Barry stated he is a property owner on Park Avenue who owns a portion of the private driveway on the street. He described an existing written agreement that prohibits an easement on this property. Mr. Barry stated he would not grant easement access to the property for a marina. (2:20:00)

Councilmember Green asked staff for clarification on the easement. Acting Director Hess explained that staff recommends a 24-foot easement. Councilmember Hardy asked Mr. Barry what his plans are for the property he owns on Park Avenue and if he would consider transferring ownership of an additional four feet. Mr. Barry stated the property would no longer be usable for building if reduced by an additional four feet. (2:25:57)

Mark Nialis stated that title on the property is currently under a name other than the applicant's and that a ten-foot easement does not necessarily allow commercial use. Mr. Nialis opined that Mr. Barry does not have the ability to allow an easement without the agreement of Mr. Van Voorhis due to the existence of a reciprocal negative covenant. (2:31:27)

Councilmember Hardy asked for clarification on the property owner who holds title. Mr. Nialis stated that the title is in the name of Mr. and Mrs. Bacon.

Bryce Boucher stated he is a resident of Marina Bay Drive and opined that the project does not fit into the surrounding neighborhood. He asked members of the audience in the Council Chambers to stand if they oppose the project. (2:35:26)

Anna Warner stated she is a twenty-year resident and voiced concern with the funds spent to consider this project. She suggested Council "screen out" these types of applications in the future in order to save taxpayer money. (2:36:26)

Mike Adams, representing the applicant, described the history of ownership of the property stating that in 1990, the State vacated the property. He explained that after the City rejected ownership of the property, Mr. Bacon purchased the property and filed several applications. He stated that in 1999, Power of Attorney was given to Mr. Hugh Seeds, and presently Mr. Rafael is pursuing the development project. Mayor Pro Tem Cook clarified that the property was purchased as zoned for open space.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Mayor Pro Tem Cook commented on the width of the slips, the lack of conditions on operations of a marina, and rebutted the caretakers building as an incidental use to the marina. She voiced disappointment that the project proceeded so far in the application process. Acting Director Hess clarified the City's Zoning Code allows units such as caretaker's units.

Councilmember Hansen stated concurrence with some of Mayor Pro Tem Cook's comments; however he stated Council should also take responsibility. He described due process requirements, stating that the applicant paid for the right to be heard. He suggested Council deny the project.

Councilmember Green commented on alternative actions and voiced her opposition to the project. Associate Civil Engineer Jim Wagner described current site conditions and requirements to mitigate drainage issues.

Councilmember Carchio commented on the rights of property owners; however opined that the concerns of the other residents take priority in this case.

Mayor Coerper stated he has several concerns with the project.

A motion was made by Hansen, second Cook to approve the Planning Commission's Recommendation to **DENY** Mitigated Negative Declaration No. 00-07/Coastal Development Permit No. 00-13/Conditional Use Permit No. 00-43 with findings for denial. The motion carried by the following roll call vote:

AYES:	Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES:	None
ABSENT:	Bohr

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. Mitigation measures cannot be incorporated into conditions of approval to avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.

2. There is substantial evidence before the Planning Commission that the project will have a significant effect on the environment. The project cannot be conditioned to reduce such impacts through Coastal Development Permit No. 00-13 and Conditional Use Permit No. 00-43.

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 a 6,179

square foot lot does not conform with the General Plan, including the Local Coastal Program.

2. The project is inconsistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code.

3. At the time of occupancy the proposed development cannot be provided with infrastructure in a manner that is consistent with the Local Coastal Program.

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 a 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 project will result in significant increases in traffic, noise, light, or odor above levels anticipated in the area.

2. The conditional use permit will not be compatible with surrounding uses. The proposed marina, caretaker's quarter, and manager's office is out of scale and not in character with the adjacent residential uses.

3. The granting of the conditional use permit will 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 inconsistent with the following goals and policies of the General Plan:

   LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

   LU 14.1.3: Require that structures located in the City's park and other open spaces be designed to maintain the environmental character in which they are located.

   Objective CE 2.2: Decrease non-residential traffic on local residential-serving streets.

(City Council) Administrative Public Hearing Held – Adopted City Council Resolution No. 2007-20 and Approved Certification of Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations

Mayor Coerper announced that this was the time noticed for a public hearing to consider the following: To consider the adoption of proposed Resolution entitled *A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessment for Collecting Delinquent Civil Fines for Municipal Code Violations.*

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

City Attorney Jennifer McGrath gave an oral report.

Mayor Coerper declared the administrative public hearing open.

The City Clerk announced no public speakers or Late Communications submitted pertaining to this public hearing.

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Green, second Cook to adopt Resolution No. 2007-20 entitled *A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.* The motion carried by the following roll call vote:

AYES: Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None
ABSENT: Bohr

Consent Calendar – Items Approved

A motion was made by Green, second Cook to approve the following Consent Calendar items, as recommended: The motion carried by the following roll call vote:

AYES: Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None
ABSENT: Bohr

(City Council/Redevelopment Agency) Approved and Adopted Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency regular meeting of March 5, 2007 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved the Annual Sanitary Sewer Facilities Fund Report for Fiscal Year 2005/06 in Accordance with Section 14.36 of the Huntington Beach Municipal Code (HBMC) - Approved the Annual Sanitary Sewer Facilities Fund Report for Fiscal Year 2005/06. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(City Council) Approved the Annual Fair Share Traffic Impact Fee Report for Fiscal Year 2005/06 in Accordance with Section 17.65.130 of the Huntington Beach Municipal Code (HBMC) - Approved the 2005/06 Traffic Impact Fee Annual Report. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(City Council) Approved the Annual Drainage Fund Report for Fiscal Year 2005/06 in Accordance with Section 14.48 of the Huntington Beach Municipal Code (HBMC) - Approved the Annual Drainage Fund Report for Fiscal Year 2005/06. Submitted by the Director of Public Works. Funding Source: No funding is required for this action.

(City Council) Adopted City Council Resolution No. 2007-21 Adopting Local Coastal Program Amendment (LCPA) No. 07-01 to Forward Entitlements (11 Zoning Text Amendments, 2 Zoning Map Amendments and 1 General Plan Amendment) Previously Approved by the City Council to the California Coastal Commission for Certification - Approved Local Coastal Program Amendment No. 07-01 by adopting Resolution No. 2007-21, *A Resolution of the City Council of the City of Huntington Beach, State of California, Adopting Local Coastal Program Amendment No. 07-01 and Requesting Its Certification by the California Coastal Commission* and forwarding to the California Coastal Commission for certification. Submitted by the Acting Director of Planning. Funding Source: Not applicable.

(City Council) Adopted City Council Resolution No. 2007-22 Revising and Restating the Fee Schedule for Civil Fines for Municipal Code Violations to Increase Fines for Acts of Destruction to City Property and Fireworks Violations - Adopted Resolution No. 2007-22, *A Resolution of the City Council of the City of Huntington Beach Revising and Restating the Fee Schedule for Civil Fines for Municipal Code Violations,* increasing minimum fines for violations of the Huntington Beach Municipal Code Section 9.52.010 regarding acts of vandalism to City property and Huntington Beach Fire Code 7802.3, as adopted by Municipal Code Section 17.56.010, regarding prohibition of fireworks. Submitted by the Fire Chief and the Chief of Police. Funding Source: None required.

(City Council) Adopted Ordinance No. 3765 Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Nuisance/Graffiti and Adopted Resolution No. 2007-16 Establishing a Reward for Information Leading to the Conviction of a Person who Applies Graffiti Within the City of Huntington Beach

A motion was made by Green, second Hansen to after the City Clerk read by title, adopt Ordinance No. 3765, *An Ordinance of the City of Huntington Beach Amending Chapter 17.10 of the Huntington Beach Municipal Code Relating to Nuisance/Graffiti.* The motion carried by the following roll call vote:

AYES:	Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES:	None
ABSENT:	Bohr

(City Council) Submitted By Mayor Gil Coerper – Changed Assignment to the Beautification, Landscape, and Tree (BLT) Committee

The City Council considered a communication from Mayor Gil Coerper transmitting the following Statement of Issue: I respectfully request that the City Council approve a change in assignment to the Beautification, Landscape, and Tree (BLT) Committee effective immediately.

I am currently one of the three Councilmembers that make up the Beautification, Landscape, and Tree (BLT) Committee. Councilmember Don Hansen has agreed to take my place on the committee.

A motion was made by Green, second Hardy to approve the change in assignment to the Beautification, Landscape and Tree (BLT) Committee to replace Mayor Gil Coerper with Councilmember Don Hansen. The motion carried by the following roll call vote:

AYES: Carchio, Cook, Coerper, Green, Hansen, and Hardy
NOES: None
ABSENT: Bohr

(City Council) Councilmember Hansen Reported on Community Meeting Pertaining to Status of Shopping Center on Hamilton Avenue

Councilmember Don Hansen reported that he had conducted a community meeting regarding the status of the shopping center on Hamilton Avenue along with Councilmember Carchio. He stated 200 residents attended to remain informed and express opinions about the status of the vacant property at the shopping center.

(City Council) Councilmember Green Announced Community Emergency Response Team (CERT) Program Training and Upcoming Meeting with Huntington Beach Realtors Regarding Go Local

Councilmember Cathy Green announced that CERT program training on First Aid was held the prior Saturday and had over 100 attendees. She announced a meeting scheduled for March 21 at 9:00 a.m. for Huntington Beach realtors regarding the OCTA Go Local program.

(City Council) Councilmember Carchio Announced Surf City Nights

Councilmember Joe Carchio offered a reminder that Surf City Nights events are scheduled for Tuesdays, and invited everyone to attend.

(City Council) Mayor Coerper Stated Attendance at Surf City Nights, Rotary Club Presentation to Oak View School, Chapman University Holocaust Art and Writing Contest Awards Ceremony

Mayor Gil Coerper stated he had attended a successful Surf City Nights event, the Rotary Club presentation of 1,800 books to Oak View School, and the Chapman University Eighth Annual Holocaust Art and Writing Contest Awards ceremony.

(City Council) Councilmember Hardy Stated Attendance at League of California Cities Forum Group Meeting Pertaining to Coastal Commission

Councilmember Jill Hardy stated she had attended the League of California Cities' forum group meeting regarding the Coastal Commission and voiced her preference to be involved in future efforts to support the commission.

(City Council) Mayor Coerper Announced Attendance at Citizens' Advisory Committee Transit Tour, Eagle Scout Court of Honor, Huntington Beach Chamber of Commerce Women of Action Installation of Officers, and Huntington Beachcruiser Meet. He Announced U.S. Open of Beach Volleyball to be Held in Huntington Beach.

Mayor Coerper announced he attended Citizens' Advisory Committee Rail and Bus tour from Orange to Los Angeles, Los Angeles to Pasadena. He attended the Eagle Scout Court of Honor for Robert J. McCarty III. He attended the Chamber of Commerce Women of Action Installation of Officers, and received a badge. He attended the Huntington Beachcruiser Meet, which highlighted Woodies. He commented further on his trip to Washington D.C., and stated he and Councilmember Bohr attended an event for the U.S. Open of Beach Volleyball, scheduled to be held September 21-23, 2007 in Huntington Beach.

Adjournment – City Council/Redevelopment Agency

Mayor Coerper adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 9:21 p.m. to Monday, April 2, 2007 at 4:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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

ATTEST:

City Clerk-Clerk

Mayor-Chair

INTENTIONALLY
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