City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner TN
DATE: October 23, 2012

SUBJECT: **MITIGATED NEGATIVE DECLARATION NO. 2012-004, ZONING MAP AMENDMENT NO. 2008-001, CONDITIONAL USE PERMIT NO. 2008-014, COASTAL DEVELOPMENT PERMIT NO. 2008-008, VARIANCE NO. 2011-007, TENTATIVE PARCEL MAP NO. 2011-138 (HARMONY COVE MARINA DEVELOPMENT)**

APPLICANT/ PROPERTY OWNERS: Joe Daichendt, Harmony Cove LLC, c/o TheoryR Properties, 1 Hammond Road, Ladera Ranch, CA 92694
California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825

LOCATION: 3901 Warner Avenue, 92649 (2.28-acre site on the north side of Warner Avenue, west of Weatherly Lane)

STATEMENT OF ISSUE:

- Mitigated Negative Declaration No. 2012-004 analyzes the potential environmental impacts associated with the project and legislative amendment.

- Zoning Map Amendment No. 2008-001 amends the existing zoning designation of the land portion of the site from Residential Low Density–Coastal Zone–Flood Plain 2 (RL-CZ-FP2) to Open Space–Parks and Recreation–Coastal Zone–Flood Plain 2 (OS-PR-CZ-FP2).

- Conditional Use Permit No. 2008-014 represents a request to permit the development of a 23-boat slip marina (14 slips on the property owner's property, eight slips on the State Lands Commission property, one transient slip on the City and State channel area), an eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment.

- Coastal Development Permit No. 2008-008 represents a request to "approve in concept" a 23-boat slip marina, eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment in the coastal zone.

- Variance No. 2011-007 represents a request to permit reductions in required setbacks for buildings, rooftop mechanical equipment, backflow prevention device, trash enclosure, and reductions in minimum landscaping requirements.

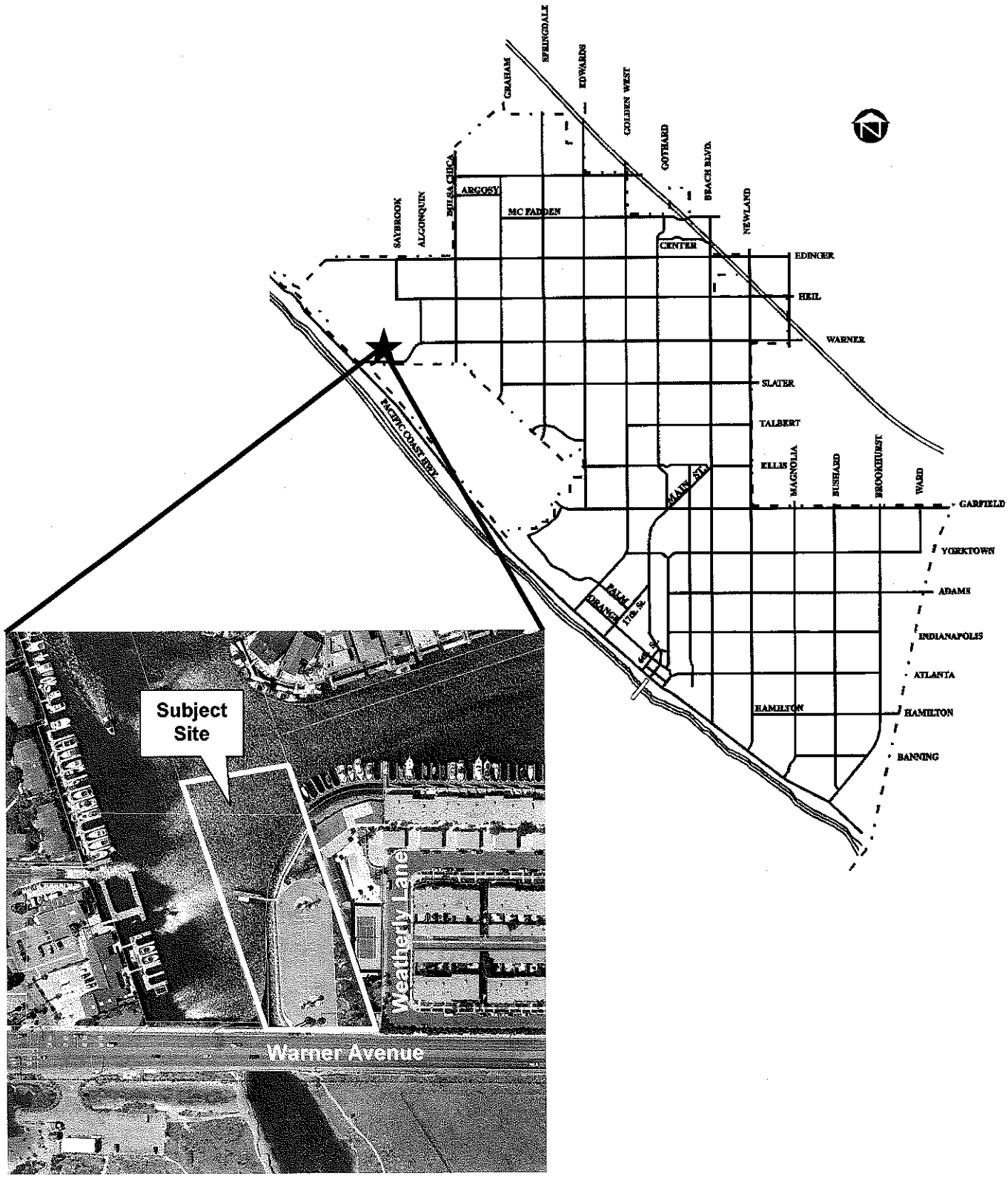
- Tentative Parcel Map No. 2011-138 represents a request to subdivide the existing privately-owned portion of the site (1.91 acre parcel) into two parcels (0.94 acre parcel for the marina portion of the site and 0.97 acre for the land portion of the site).

- Staff's Recommendation:

  Approve Mitigated Negative Declaration No. 2008-004 based upon the following:
  - The project, with the incorporation of mitigation measures, will not have significant adverse impacts on the environment.

  Approve Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, and Variance No. 2011-007 with modifications based upon the following:
  - The proposed amendment to the zoning designation from Residential Low Density–Coastal Zone–Flood Plain 2 to Open Space–Parks and Recreation–Coastal Zone–Flood Plain 2 will:
    - allow a development compatible with and sensitive to the existing land uses in the project area and adjoining properties;
    - provide compatible zoning and General Plan land use designations;
  - The project will conform with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO), except for the requested variances;
  - The project furthers goals and policies of the General Plan;
  - The project will comply with the provisions of the Coastal Act; and
  - The development will be compatible with surrounding uses.

  Deny Tentative Parcel Map No. 2011-138 based upon the following:
  - The land portion of the project site will not comply with the minimum lot area of the Open Space–Parks and Recreation zoning district.



VICINITY MAP
MITIGATED NEGATIVE DECLARATION NO. 2012-004/ZONING MAP AMENDMENT NO. 2008-001/CONDITIONAL USE PERMIT NO. 2008-014/COASTAL DEVELOPMENT PERMIT NO. 2008-008/VARIANCE NO. 2011-007/TENTATIVE PARCEL MAP NO. 2011-138
(HARMONY COVE MARINA DEVELOPMENT)

- Staff Recommended Modifications:

  Conditional Use Permit No. 2008-014 and Coastal Development Permit No. 2008-008

  –Require the pierhead line to be a minimum 25 feet east of the western property line unless an alternative pierhead line is established by the City Council.

  –Require the transient boat slip to be located entirely within the water portion of the subject property.

  –Require the public accessway (sidewalk) along the western perimeter of the site, adjacent to the proposed marina, to be a minimum 10 feet in width.

  –Require the correct location of the gangway to the public dock, gangway to the boats to the north, and eelgrass mitigation area to be depicted on the site plan.

  –Require the eating and drinking establishment to have a maximum of 12 seats and to be a maximum of 600 sq. ft. in size.

  –Require the outdoor dining area to be a maximum of 400 sq. ft. in size.

  –Require the outdoor storage and display areas for retail sales and rental of water-related equipment to be a maximum of 200 sq. ft., adjacent to the retail/rental kiosk, and outside of any required building setback areas, required landscaping areas, required public accessway area, and required pedestrian and vehicular circulation areas.

  –Require additional stone tiles to be incorporated to the façade of the kiosk building similar to that of the restaurant building. (DRB)

  –Require the roof design of the kiosk building to be similar to that of the restaurant building. (DRB)

  Variance No. 2011-007

  –Require the eating and drinking establishment/marina office building to be setback a minimum 10 feet from the western perimeter of the land portion of the property.

  –Require the landscaped area along the entire frontage on Warner Avenue (except for driveway openings and walkways) to be a minimum of 25 feet in width.

  –Require an area five feet in plantable width and one tree for each 90 sq. ft. of landscaped area along the entire east property line that is adjacent to the parking area and driveway.

  –Require the interior landscaping areas to be distributed throughout the parking area and be approximately 63 sq. ft. or equal to five percent of the perimeter landscaping area.

  –Require rooftop mechanical equipment to be setback a minimum of three feet from the edge of the eating and drinking establishment/marina office building and be fully screened from view on all sides.

  –Require the backflow prevention device to be setback a minimum five feet from the southern property line for backflow protection devices two-inches and smaller and be setback a minimum 10 feet from the southern property line for backflow protection devices larger than two-inches.

  –Require the trash enclosure to be setback a minimum of six feet, eight inches from the eastern property line and be screened from view from the street.

RECOMMENDATION:

Motion to:

A. "Approve Mitigated Negative Declaration No. 2012-004 with findings and mitigation measures (Attachment No. 1);"

B. "Approve Zoning Map Amendment No. 2008-001 with findings for approval (Attachment No. 1) by approving the draft City Council Ordinance No. ____ (Attachment No. 2) and forward to the City Council for adoption;"

C. "Approve Conditional Use Permit No. 2008-014 and Variance No. 2011-007 as modified with findings and suggested conditions of approval (Attachment No. 1);"

D. "Approve in Concept Coastal Development Permit No. 2008-008 as modified with findings and suggested conditions of approval (Attachment No. 1);"

E. "Deny Tentative Parcel Map No. 2011-138 with findings (Attachment No. 1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

A. "Approve Mitigated Negative Declaration No. 2012-004, Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, Variance No. 2011-007, Tentative Parcel Map No. 2011-138 with findings and suggested conditions of approval." **(Applicant's Request)**

B. "Deny Mitigated Negative Declaration No. 2012-004, Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, Variance No. 2011-007, Tentative Parcel Map No. 2011-138 with findings for denial."

C. "Continue Mitigated Negative Declaration No. 2012-004, Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, Variance No. 2011-007, Tentative Parcel Map No. 2011-138 and direct staff accordingly."

PROJECT PROPOSAL:

Mitigated Negative Declaration No. 2012-004 analyzes the potential environmental impacts associated with implementation of the proposed project and legislative amendment.

Zoning Map Amendment No. 2008-001 represents a request to amend the zoning designation of the land portion of the project site from Residential Low Density–Coastal Zone Overlay–Flood Plain 2 (RL-CZ-FP2) to Open Space–Parks and Recreation–Coastal Zone Overlay–Flood Plain 2 (OS-PR-CZ-FP2). The site has a zoning designation of Open Space-Park (OS-PR) on the Certified Local Coastal Program

Implementation Plan (Zoning) and the designation of Residential Low Density–Coastal Zone Overlay–Flood Plain 2 (RL-CZ-FP2) on the City's Zoning Map. The request is to amend the zoning designation on the City's Zoning Map to Open Space–Parks and Recreation (OS-PR) to be consistent with the zoning designation on the Certified Local Coastal Program Implementation Plan (Zoning) which is Open Space-Park (OS-PR).

LAND PORTION	EXISTING	PROPOSED
Certified Local Coastal Program Land Use Plan (LUP)	OS-P	----
Certified Local Coastal Program Implementation Plan (IP) (Zoning)	OS-PR	----
City's General Plan	OS-P	----
City's Zoning Map	RL-CZ	OS-PR-CZ

Conditional Use Permit No. 2008-014 represents a request to permit the development of a 23-boat slip marina, an eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses) pursuant to HBZSO 213.06, metered parking pursuant to HBZSO 231.18.E.2, and outdoor display of sale and rental equipment pursuant to HBZSO 230.74 on the project site owned by Harmony Cove LLC and the California State Lands Commission;

Coastal Development Permit No. 2008-008 represents a request to review and "approve in concept" the boat slips/marina, eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment in the coastal zone on the water and land portions of the project site;

Variance No. 2011-007 represents a request to permit a reduction in required building setbacks, rooftop equipment setback, backflow prevention device setback, trash enclosure setback, and minimum landscaping as follows:

- building setbacks (eating and drinking establishment): 10 feet interior side setback in lieu of 25 feet and eight feet water side setback in lieu of 25 feet
- rooftop equipment (eating and drinking establishment): three feet roof equipment setback in lieu of 15 feet from the edge of building
- backflow prevention device: zero setback in lieu of 25 feet setback
- trash enclosure: six feet, eight inch setback in lieu of 25 feet setback
- landscaping: 10 feet landscape setback along the street frontage in lieu of 25 feet, zero landscaping in lieu of 750 sq. ft. of perimeter landscaping for off-street parking facilities, zero trees in lieu of 9 trees per 90 sq. ft. of perimeter landscaping, 48 sq. ft. of interior landscaping in lieu of 397 sq. ft. of interior landscaping for off-street parking facilities

Tentative Parcel Map No. 2011-138 represents a request to subdivide the existing privately-owned portion of the site (1.91 acre parcel) into two parcels (0.94 acre parcel for the water portion of the site and 0.97 acre for the land portion of the site).

The proposed project is a request to allow the development of a 23-boat slip marina, an eating and drinking establishment with outdoor dining area and alcoholic beverage sales, and ancillary uses to the marina (a marina office and retail/rental of water-related recreational equipment). The project site is 2.28 acres, 0.97 acre of which is terra firma and 1.31 acres of which is submerged. The majority of the project site (1.91-acres) is owned by the applicant, Harmony Cove LLC, and the remainder (0.37-acre) is owned by the California State Lands Commission.

The marina consists of 22 boat slips (35-65 feet in length) for lease to the public on a monthly or long-term basis; 14 boat slips are within the water portion of the property owned by the applicant and eight boat slips are within the California State Lands Commission jurisdiction. One transient side-tie slip (100 feet) is proposed to be available for first-come, first-serve basis for temporary mooring and located within the City and State channel area. A 50-foot long and eight-foot wide public dock is proposed to provide public access to the waterways. The marina would consist primarily of floating docks attached to a series of concrete piles placed in the channel. The floating docks are connected to the upland walkway or bulkhead by ramps. The dock improvements would include the installation of approximately 30 guide piles.

An eight-foot wide public sidewalk exists along the western perimeter of the site, adjacent to the proposed marina. The project proposes 44 time-restricted or metered parking spaces to deter unauthorized use by surrounding uses and beach traffic. Access to the site is proposed via an existing two-way driveway on Warner Avenue. Two buildings are proposed at the site. Building 1 (1,200 sq. ft.) consists of an eating and drinking establishment (880 sq. ft.), a marina office (170 sq. ft.), restrooms (150 sq. ft.), and an screened and covered outdoor dining area (800 sq. ft.). Building 2 (600 sq. ft.) consists of storage, rental and sales areas for kayaks, paddleboards and other water-related recreational equipment. The proposed buildings are approximately 18 feet in height. The eating and drinking establishment, outdoor dining area, and marina office are proposed to be open seven days a week from 6:00 am to 10:00 pm, and the retail/rental kiosk is proposed to be open seven days a week from 7:00 am to 7:00 pm.

The project will be constructed in two phases, lasting a total of approximately 10 months. The first phase of construction will include dredging approximately 12,000 cubic yards from the submerged channel area, repairing the existing revetted rock slope, and installation of the marina piles, floating boat docks and access ramps. The second phase of construction will involve construction of the ancillary commercial structures, utilities, parking, landscaping and signage. The marina portion will take approximately seven months (1-2 months for dredging and repair of rock slope and 4-5 months for installation of floating docks, utilities and gangways). The commercial structures and associated site improvements will take approximately 3 months to construct.

Background:

The property, formerly known as Percy Dock, was used as a public boat dock/parking facility operated by the City's Community Services Department from 1986 to 2002. This facility consisted of a 60-foot long floating dock and 35-space parking lot. The land portion of the site included 350 feet of rip rap slope, 765 feet of concrete curb and 24,465 sq. ft. of paving. The land portion of the site has not been in use since approximately 2005. The City was required to remove all improvements from the site and removed the parking meters, boat dock, and associated lights in 2005. However, the paved parking lot, sidewalk, railing, and landscaping remain and the site is fenced off. The water portion of the site is currently used as

a waterway or open channel. Public and Marine Safety Division boats use the waterway to access docks to and from the Main Channel in Huntington Harbour.

In 1984, the Huntington Harbour Corporation (previous owner of the property) granted the City a revocable easement over this property for a boat dock/parking facility. In 1997, Tierrasanta (previous owner of the property after Huntington Harbour Corporation) filed a petition and complaint against the City as a result of a change in zoning by the City. The Settlement Agreement between the City and Tierrasanta in 2002 stipulated the reinstatement of R1 (now called RL) zoning on the unsubmerged (land) portion of the property. The City changed the zoning of the site in response to a court decision. In 2002, Tierrasanta recorded a Notice of Termination of the Easement on the Property.

Study Session:

The Planning Commission held a study session for the project on October 9, 2012, and discussed the following issues:

- *Coastal Development Permit*
  Commissioner Bixby requested clarification over the processing of the Coastal Development Permit. The City has permit issuing jurisdiction over the land portion of the project site and the California Coastal Commission has permit issuing jurisdiction over the water portion of the project site. The proposed development for the water portion requires "approval in concept" of a Coastal Development Permit from the City with final approval of the permit from the California Coastal Commission. According to Section 30601.03 of the Coastal Act, a single and consolidated coastal development permit for the entire project may be processed by the California Coastal Commission if the applicant and local government agree to the process. This could occur where a project is located in both the California Coastal Commission's and a local government's coastal development permit jurisdiction. Because the entire project is within either the California Coastal Commission's original or appellate jurisdiction, staff and the applicant agreed to process the entire project under a consolidated Coastal Development Permit by the California Coastal Commission. Therefore, Coastal Development Permit No. 2008-008 is being processed by the City as an "approval in concept" with final approval by the California Coastal Commission.

- *Navigation and Maneuvering Requirements*
  Commissioner Bixby requested information regarding the navigation and maneuvering requirements for boats. Several guidelines and manuals are available for the design and layout of recreational boating facilities, including the California Department of Boating and Waterways (DBW) *Guidelines for Marina Berthing Facilities, July 2005* and the US Army Corps of Engineers *Environmental Engineering for Small Boat Basins, October 1993*. Design parameters applicable to the design of water areas within marina and harbors include minimum channel width, vessel backing distances, vessel offset distances, and vessel turning areas. The proposed marina is designed to have all the boat slips occupy the entire water portion of the subject property and utilize the water portion of the City channel area for maneuvering and navigation, including minimum channel width, vessel backing distances, and vessel turning areas. Conceptually, the proposed marina complies with these guidelines with staff's suggested modifications.

- *Establishing the Pierhead Line*
  Commissioner Bixby requested information regarding establishing the pierhead line and the potential expansion of the City's property across the channel from the subject property. In order to provide adequate maneuvering area based on the potential future needs of the Marine Safety Division and to accommodate the potential expansion of the docks on the west side of the channel for recreational uses, staff is recommending that a minimum channel width of 50 feet be maintained between the City channel area and the subject property channel area for navigation. As a result, staff is recommending that the pierhead line for the subject property be established 25 feet east of the western property of the subject property.

- *Public Use Signage*
  Commissioner Bixby requested information regarding the signage for coastal access and public use areas. Section 221.12 of the HBZSO requires all new development on lots on or adjacent to recreation areas, public accessways, public use areas, trails, bikeways or the shoreline, or in conjunction with dedications of lateral or vertical access to provide signs identifying the public access and public use areas. The project is conditioned to provide signage identifying the public access and public use areas.

- *Pump-Out Facilities*
  Commissioner Bixby requested information regarding the pump-out facilities for the proposed marina. According to Chapter 13.44 of the Huntington Beach Municipal Code (Harbor Sanitation), the owner and operator of every commercial marina shall provide a permanent holding tank pump-out facility or equivalent service which is operable and available for use at all times and which is capable of servicing all vessels berthed, docked or moored at the marina. The proposed project is conditioned to comply with all applicable requirements of Chapter 13.44 of the Municipal Code.

- *Ownership History*
  Commissioner Ryan requested information regarding the ownership history of the project site. In 1984, the Huntington Harbour Corporation (previous owner of the property) granted the City a revocable easement over this property for a boat dock/parking facility. The property, formerly known as Percy Dock, was used as a public boat dock/parking facility operated by the City's Community Services Department from 1986 to 2002. In 2002, Tierrasanta (previous owner of the property after Huntington Harbour Corporation) recorded a Notice of Termination of the Easement on the Property. The land portion of the site has not been in use since approximately 2005. In March 2008, BayviewHB LLC (previous property owner after Tierrasanta) submitted applications for a residential development consisting of 15 dwelling units and a 27-boat slip marina. During the environmental review process, the applicant decided not to pursue the proposed development. In December 2011, BayviewHB LLC submitted applications for a of a 23-boat slip marina, an eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment. In August 2012, Harmony Cove LLC purchased the project site from BayviewHB LLC. In September 2012, Harmony Cove LLC decided to move forward with the development as proposed by BayviewHB LLC.

- *Transient Side-Tie Boat Slip*
  Chair Mantini requested information regarding the proposed transient side-tie boat slip. The proposed transient side-tie boat slip is 100 feet in length and located within the City and State channel area. Staff is recommending that the transient boat slip be located entirely within the subject property channel area instead of the City and State channel area.

ISSUES:

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

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Land Portion: OS-P (Open Space–Park) Water Portion: OS-W (Open Space–Water Recreation)	Land Portion: RL-CZ-FP2 (Residential Low Density–Coastal Zone Overlay–Flood Plain 2) Water Portion: OS–WR–CZ (Open Space–Water Recreation–Coastal Zone Overlay)	Vacant
North (across the Channel) of the Subject Property:	RL–7 (Residential Low Density–7 du/ac max)	RL–CZ (Residential Low Density–Coastal Zone Overlay)	Single Family Residential
East of Subject Property:	OS–P (Open Space–Park); RL–7 (Residential Low Density–7 du/ac max)	OS-PR (Open Space–Parks and Recreation); RL–CZ (Residential Low Density–Coastal Zone Overlay)	Single Family Residential
South of the Subject Property (across Warner Avenue):	Outside City Limit (County of Orange)	Outside City Limit (County of Orange)	Bolsa Chica Ecological Reserve–Outer Bolsa Bay
West of Subject Property (across the Channel):	P (OS–CR) (Public–Open Space–Commercial Recreation); RM–15 (Residential Medium Density–15 du/ac max)	CG (Commercial General); PS (Public–Semipublic); RM–CZ (Residential Medium Density–Coastal Zone Overlay)	Fire Station No. 7, Huntington Harbour Yacht Club, and Multi-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the land portion of the subject property is OS-P (Open Space–Park) and the water portion of the subject property is OS-W (Open Space–Water Recreation). The proposed project and legislative amendment are consistent with the following applicable goals, objectives, and policies of the General Plan Land Use, Coastal, and Recreation and Community Services Elements.

A. *Land Use Element*

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Objective 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.

Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

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

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

Approval of the project will allow for the construction of a marina and ancillary uses on a privately owned parcel of land. The marina will provide water-related recreational opportunities for existing and future residents. Services offered by the marina include 22 slips rented to the public on a monthly basis, one boat slip used as a transient dock, and public access to the water. The eating and drinking establishment along with the retail/rental kiosk will complement the proposed marina and enhance public opportunities for coastal recreation. The project will also provide for enhanced coastal access through the provision of a 10-foot wide pedestrian public walkway to allow views of the coast, wetlands, bluff areas, and the Harbour.

B. *Coastal Element*

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 1.1.3: The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone by (a) applying the City's parking standards at a minimum.

Policy C 2.5.1: Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.

Policy C 2.6.2: Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access along the shoreline, public recreation areas or to public trails or bikeways unless the following condition(s) exists:

a. Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected; or
b. Access to the site would significantly degrade environmentally sensitive habitat areas; or
c. An offer of dedication for lateral access in accordance with this policy shall be required in conjunction with new development or redevelopment and along all sandy beach areas. Access along the bulkhead may be appropriate, particularly in public use areas such as fishing piers or provided in new development through such accessways.

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1: Encourage, where feasible, facilities, programs, services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.2.3: Privately-owned recreation facilities on public land shall be open to the public. Encourage privately-owned recreation facilities on private land to be open to the public.

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

The project is in close proximity to similar developments such as the Bay Club and Coral Cay marinas and is consistent with the existing land use pattern where recreational boating activities are currently present in Huntington Harbour. The proposed marina and ancillary uses will be a privately-owned facility open to the public. The marina will increase recreational boating use of coastal waters by providing berthing spaces for existing and future residents of the City to complement other facilities in the Huntington Harbour area. The retail/rental kiosk for kayaks, paddleboards, and other equipment would increase the use of the Harbour for water-related recreation. The new marina will enhance the public's use of recreational resources in the Harbour through the proposed transient side-tie slip that is available to the public for temporary boat mooring and the public dock to launch recreational watercrafts. The proposed project would provide public access to recreational opportunities in the Coastal Zone by a 10-foot wide pedestrian public walkway along the west side of the land portion of the site to allow views of the coast, wetlands, bluff areas, and the Harbour. Environmental impacts

from the proposed project were analyzed in Draft MND No. 2012-004. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

C. *Recreation and Community Services Element*

Goal RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

Policy RCS 8.1.3: Encourage commercial recreational facilities to provide recreational services and facilities that may or may not otherwise be provided by the City.

The proposed marina and ancillary uses will be a privately-owned facility on private land open to the public. The project proposes to develop a public marina, restaurant, and retail/rental shop for water-related recreational equipment. The proposed marina will increase recreational boating opportunities in Huntington Harbour, an existing recreational boating harbor constructed in the 1960s. The retail/rental kiosk for kayaks, paddleboards, and other equipment would increase the use of the Harbour for water-related recreation for existing and future residents.

Zoning Compliance:

The proposed Zoning Map Amendment will amend the Zoning designation for the site from RL-CZ (Residential Low Density-Coastal Zone Overlay) to OS-PR (Open Space-Parks and Recreation-Coastal Zone Overlay). The project will be required to comply with the proposed OS-PR zoning and development standards. With the exception of the variances and incorporation of the suggested modifications and conditions of approval, the project complies with the minimum requirements of the base zoning district of Open Space–Parks and Recreation. The proposed project is also required to comply with other requirements of the HBZSO including regulations pertaining to subdivisions and the Coastal Zone overlay. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 6) for information purposes only.

Urban Design Guidelines Conformance:

The Huntington Beach Urban Design Guidelines contains guidelines specific to commercial development. The project generally conforms or is conditioned to comply with the objectives and standards for commercial projects contained in the Guidelines, including the following:

- Consider the scale, proportion and character of development in the surrounding area.
- Preserve and incorporate natural amenities unique to the site such as ocean views, mature trees, etc. into the project development proposal.

- The selected architectural style/design should consider compatibility with surrounding character, including harmonious building style, form, size, color, materials, and roofline. In developed areas infill projects should meet or exceed the standards of quality which have been set by surrounding development.
- The building should employ variations in form and building detail in order to create visual interest. In all cases the selected architectural style should be employed on all building elevations, especially with all vertical and horizontal building projections.
- Buildings should be divided in distinct massing elements. Building facades should be articulated with architectural elements and details. Vertical and horizontal offsets should be provided to minimize building bulk.

The buildings are designed with consideration of scale, proportion, and character in the surrounding area. Existing structures adjacent to the project site consist of two-story structures to the immediate east and north, two-story to three-story structures to the west, and four-story structures to the east (Bay Club). The proposed one-story structures at 18 feet high are consistent with the established development pattern in the area based on the surrounding buildings. The natural amenity of the site, specifically views of the Harbour, has been incorporated into the project layout. The buildings are designed to add visual interest through the use of different building materials and minimize building bulk through the varying rooflines and horizontal projections.

Environmental Status:

On April 30, 2012, the Environmental Assessment Committee (EAC) approved the processing of a mitigated negative declaration for the project. The draft MND concluded that the project would not have significant environmental impacts with incorporation of recommended mitigation measures that were identified for potential impacts to biological resources, geology and soils, hydrology and water quality, hazards and hazardous materials, noise, cultural resources, and utilities. A 30-day public comment period for draft MND No. 2012-004 commenced on May 10, 2012 and concluded on June 8, 2012. A total of nine comment letters were received during the comment period. A Response to Comments and Errata were prepared and are included in Attachment No. 8.

Prior to any action on Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, Variance No. 2011-007, and Tentative Parcel Map No. 2011-138, it is necessary for the Planning Commission to review and act on Mitigated Negative Declaration No. 2012-004. Based on the initial study of the project, staff is recommending that the proposed mitigated negative declaration be approved with findings and mitigation measures.

Coastal Status:

The land portion of the project site is located in the appealable area of the Coastal Zone. The water portion of the project site is located in the original jurisdiction of the California Coastal Commission (CCC) and will require separate approval from the CCC. A consolidated Coastal Development Permit for the land and water portions of the project site will be reviewed and processed by the California Coastal Commission. Coastal Development Permit No. 2008-008 is being processed concurrently with Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Variance No. 2011-007, and

Tentative Parcel Map No. 2011-138. The proposed project, as conditioned, complies with the zoning code (with exception to the requested variances) and Coastal Zone requirements, and is consistent with the Coastal Element of the General Plan.

Redevelopment Status: Not applicable.

Design Review Board:

The proposed project was reviewed by the Design Review Board (DRB) on September 27, 2012. The DRB reviewed the design, colors, materials, and plans for the proposed marina and ancillary uses (eating and drinking establishment, retail/rental kiosk). The DRB generally supported the project design and recommended approval to the Planning Commission with the following modifications:

1. Additional stone tiles shall be incorporated to the façade of the kiosk building similar to that of the restaurant building.
2. The roof design of the kiosk building shall be similar to that of the restaurant building.

The Design Review Board also recommended that the project return to the Board for review and approval if the Planning Commission's approval of the project necessitates a change in building architecture. The DRB recommendation is included as suggested Condition of Approval No. 1(r) and 1(s) for the proposed project.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Planning and Building, Community Services, Economic Development, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements (Attachment No. 6). In addition, the evaluation of environmental factors included in Draft Mitigated Negative Declaration No. 2012-004 reflect and is based in part on consultation with the Departments of Community Services, Economic Development, Fire, Planning and Building, Police, and Public Works.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 11, 2012, and notices were sent to property owners of record and occupants within a 500-foot radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), applicant, and interested parties. As of October 15, 2012, no communication regarding the project has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

- Draft Mitigated Negative Declaration: April 30, 2012
- Zoning Map Amendment: Not Applicable
- Conditional Use Permit, Coastal Development Permit, Variance, Tentative Parcel Map: March 16, 2012

MANDATORY PROCESSING DATE(S):

Within 180 days of complete application: October 30, 2012
Not Applicable
All others: Within 60 days of adoption of MND

Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, Variance No. 2011-007, and Tentative Parcel Map No. 2011-138 were filed on December 1, 2011 and deemed complete on March 16, 2012. The Environmental Assessment was file on December 1, 2011 and Draft Mitigated Negative Declaration was deemed complete on April 30, 2012.

ANALYSIS:

The primary issues identified below are the amendment to the Zoning Map; compliance of the proposed project with the HBZSO; land use compatibility of the proposed project with the surrounding properties; compliance of the proposed project with the Coastal Zone Overlay District; compliance with maneuvering requirements within the adjacent channel and establishing a pierhead line; "approval in concept" of the Coastal Development Permit that is subject to final review and approval by the California Coastal Commission; land use consistency with the Public Trust Easement under the California State Lands Commission's jurisdiction; tentative parcel map compliance with the Subdivision Map Act and HBZSO; and variances to permit deviations in setbacks, landscaping,

Zoning Map Amendment

The land portion of the project site currently has a General Plan designation of Open Space-Park (OS-P). It has a zoning designation of Open Space-Park (OS-PR) on the Certified Local Coastal Program Implementation Plan (Zoning) and the zoning designation of Residential Low Density–Coastal Zone–Flood Plain 2 (RL-CZ-FP2) on the City's Zoning Map. The proposed Zoning designation for the subject site is Open Space-Parks and Recreation (OS-PR). Attachment No. 3 includes the existing and proposed zoning maps.

The Open Space-Parks and Recreation zoning designation permits public and semipublic uses (park and recreation facilities, minor utilities), commercial uses (equestrian centers, commercial recreation and entertainment, communication facilities, eating and drinking establishments with take-out service, limited, vehicle/equipment sales and services commercial parking facility), and accessory uses and structures. The sale and service of alcohol is prohibited in the OS-PR zone. See the *Eating and Drinking Establishment with Outdoor Dining and Alcoholic Sales and Service* section for more discussion. Development standards permit a minimum parcel size of 5 acres, minimum lot width of 100 feet, maximum building height of 45 feet, and maximum lot coverage of 25 percent. Additional requirements are identified in Chapter 213, Open Space District. It should be noted that the project site does not comply with the minimum lot size and other development standards in the OS-PR zoning district. A discussion regarding the

lot size and compliance with development standards is in the *Development Standards, Tentative Parcel Map* and *Variances* sections.

Properties to the north are zoned and developed with single-family residential uses. Properties to the south are outside of the City limit and are developed as the Bolsa Chica Ecological Reserve. Properties to the east are zoned and developed with open space-parks and recreation and single-family residential uses. Properties to west are zoned and developed with general commercial, public-semipublic, and multi-family residential uses. The proposed zoning map amendment to OS-PR would be compatible with existing zoning designation to the east of the project site. Implementation of the proposed project would require a Zoning Map Amendment from Residential Low Density–Coastal Zone Overlay–Flood Plain 2 (RL-CZ-FP2) to Open Space-Parks and Recreation–Coastal Zone Overlay–Flood Plain 2 (OS-PR-CZ-FP2) to change the City's open space zoning designation for the land portion of the project site. The amendment is consistent with the General Plan and Local Coastal Program land uses currently allowed on the project site.

Compliance with HBZSO

The Open Space zoning district (Chapter 213) of the HBZSO allows for a range of public and semipublic uses, commercial uses, and accessory uses. Below is a summary of uses that is applicable to the proposed project:

USES	OS-PR	OS-WR
Marinas		CUP (PC)
Eating and Drinking Establishments with Take-Out Service, Limited *In the Coastal Zone Overlay:* *"Take-out service establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption; and persons are not served in vehicles."*	Permitted	Not Permitted
Accessory Uses and Structures *Limited to facilities incidental to an open space use.*	CUP on site of conditional use	CUP on site of conditional use

- Marina
  The proposed 23-boat slip marina consists of 22 boat slips for lease to the public and one transient side-tie slip available for temporary mooring. Fourteen boat slips will be within the water portion of the property owned by Harmony Cove LLC (property owner) and eight boat slips are within the California State Lands Commission jurisdiction. The transient side-tie slip is proposed to be located within the City and State channel area. Several guidelines and manuals are available for the design and layout of recreational boating facilities, including the California Department of Boating and Waterways (DBW) *Guidelines for Marina Berthing Facilities, July 2005* and the US Army Corps of Engineers *Environmental Engineering for Small Boat Basins, October 1993.* Design parameters applicable to the design of water areas within marina and harbors include

minimum channel width, vessel backing distances, and vessel turning areas. A more detailed discussion regarding the maneuvering and navigation requirements is in the *Maneuvering Requirements Within the Adjacent Channel and Establishing a Pierhead Line* section. Staff supports the approval of the proposed marina and the proposed transient side-tie slip if it is located entirely within the subject property channel area. Staff is also recommending that the pierhead line be established 25 feet east of the western property line of the subject property.

- Eating and Drinking Establishment with Outdoor Dining and Alcoholic Sales and Service
  The proposed project includes an eating and drinking establishment (880 sq. ft.) with an outdoor dining area (800 sq. ft.) and alcoholic beverage sales and service. Eating and drinking establishments in the Coastal Zone Overlay district are limited to take-out service establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption. The layout and size of the proposed eating and drinking establishment and outdoor dining area are not consistent with a take-out establishment. Staff supports a maximum 600 sq. ft. eating and drinking establishment with 12 seats or less and a maximum 400 sq. ft. outdoor dining area to be consistent with other take-out establishments throughout the City. The concession stands along the beach are limited to 2,500 sq. ft. in size and include both an eating and drinking establishment and a rental of recreational equipment facility. These concession stands cater to thousands of customers. The proposed eating and drinking establishment and separate building for a retail/rental facility at the project site will cater to a significant less number of people. Staff recommends that the size of the two buildings be approximately half the size of the concession stands along the beach (1,200 sq. ft. at the project site vs. 2,500 sq. ft at the beach). Therefore, the eating and drinking establishment will be a maximum of 600 sq. ft. in order to be consistent with a take-out establishment and based on the activity level at the project site and the retail/rental kiosk is 600 sq. ft. The 400 sq. ft. outdoor dining limit is a City standard for the Downtown area and a policy citywide. Considered as an ancillary use to the eating and drinking establishment, the 400 sq. ft. of outdoor dining area does not require additional parking spaces. Since alcoholic beverage sales and service is not listed as an allowable use in the OS-PR subdistrict, it is not permitted as a use. No on-site or off-site sale of alcoholic beverage is permitted with this request. This is consistent with all other OS-PR designations in the City and its parks. A condition of approval limiting the indoor and outdoor dining area is included in Attachment No. 1.

- Ancillary Uses to the Marina
  The proposed ancillary uses to the marina (marina office, restrooms, retail/rental of water-related recreational equipment) are related and incidental to the proposed marina use and are allowed under the OS-WR subdistrict. The project also proposes to have outdoor storage and display of the water-related recreational equipment (kayaks, paddleboards, etc.) for the sales/rental operation. Outdoor storage and display of equipment sales and rentals are allowed under HBZSO Section 230.74 (Outdoor Facilities). Staff supports the proposed ancillary uses to the marina and the outdoor storage and display provided that the area of outdoor storage and display is shown on the site plan to ensure adequate pedestrian and vehicular circulation and minimal visual impact.

- Metered Parking
  The project includes a proposal for metered parking. The tenants of the marina would be issued a parking pass or decal to allow them to park and their guests could obtain a temporary parking pass from the dock master. The customers of the restaurant and retail/rental kiosk would obtain a parking pass from the business owner. Signage on the property would inform that non-payment of the parking meters would result in towing from an independent towing company. Parking controls (collection of fees) are allowed with a conditional use permit under HBZSO Section 231.18.E.2 (Parking Controls). Staff is recommending that metered parking be allowed at the project site. In order to evaluate the proposed metered parking for consistency with other allowed parking controls in the Coastal Zone, staff recommends that a Parking Management Plan be submitted for review and approval by the Director of Planning and Building. This would ensure that adequate public parking be provided for those using the public dock and the required public accessway (sidewalk) at the project site. A condition of approval requiring a Parking Management Plan is included in Condition of Approval No. 6(h).

- Development Standards
  The land portion of the subject site is proposed to be zoned OS-PR (Open Space-Parks and Recreation) and the proposed project is in substantial compliance with the applicable development standards of the HBZSO. The development standards of the OS-PR zone apply to a typical 5 acre park sites. Due to the size and shape of the land portion of the lot, staff can support some of the variance requests. The proposed buildings comply with code requirements regarding building height, lot coverage, site landscaping percentage, tree requirements, and parking requirements. A Variance is being processed concurrently to allow reductions in required building setbacks, rooftop equipment setback, backflow prevention device setback, trash enclosure setback, and minimum landscaping for areas along the street and off-street parking facilities.

Land Use Compatibility

The proposed marina and commercial buildings will be compatible with the surrounding uses because they are located within an existing waterway of a recreational boating harbor. Boat traffic in and around the Harbour is common. The project site is located adjacent to a waterway available for use by the public as well as the City's Marine Services Division and Huntington Harbour Yacht Club across the channel. Single family dwellings and private boat docks are located to the north, east, and to a certain extent west of the property. The proposed marina will add 23 boat slips to the existing approximately 2,000 boat slips in the Harbour, providing additional recreational opportunities to complement other facilities in Huntington Harbour.

The proposed commercial buildings and marina would be consistent with the overall visual character and scale of existing structures surrounding the project site. Existing structures adjacent to the project site consist of two-story structures to the immediate east and north, two-story to three-story structures to the west, and four-story structures to the east. The proposed one-story structures at 18 feet high would be consistent with the established development pattern in the area based on the surrounding buildings. The commercial buildings and marina would not introduce a new visible element different than those already existing in the vicinity.

Compliance with the Coastal Zone Overlay District

The project site is located within the Coastal Zone Overlay boundary of the City and development within the Coastal Zone is subject to the provisions of Chapter 221 (CZ Coastal Zone Overlay District) of the HBZSO. The following sections are applicable to the proposed development:

- Coastal Access and Public Use Areas, Signs Required
  The applicant shall provide signs identifying the public access and public use areas on lots on or adjacent to recreation areas, public accessways, public use areas, trails, bikeways or to shoreline, or in conjunction with dedications of lateral or vertical access. There is no information regarding signs identifying the public access and public use areas. Staff recommends that the project conditions require the applicant to provide signs identifying the public access and public use areas. A condition of approval requiring the required signs is included in Condition of Approval No. 1(o).

- Preservation of Visual Resources
  The applicant shall provide an evaluation of the project's visual impact and incorporate in its design the preservation of public views to and from the bluffs, to the shoreline and ocean, and to the wetlands and the preservation of existing mature trees to the maximum extent feasible. There is no information regarding an evaluation of the project's visual impact or incorporation of the preservation of public views and existing mature trees. The project will be conditioned to provide an evaluation of the project's visual impact and incorporate in its design the preservation of public views and existing mature trees to the maximum extent feasible subject to approval by the Director of Planning and Building. A condition of approval requiring an evaluation of the project's visual impact is included in Condition of Approval No. 4(e).

- Phasing
  The provision of public access and recreation benefits associated with private development (such as but not limited to public accessways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any of the private development. The project will be conditioned to provide public access prior to the occupancy and operation of the proposed uses. A condition of approval requiring the provision of public access prior to the occupancy and operation of the proposed uses is included in Condition of Approval No. 8(f).

- Diking, Dredging, and Filling
  Diking, dredging or filling shall be permitted only where there is no feasible, less environmentally-damaging alternative and where feasible mitigation measures have been provided, consistent with the Coastal Conservation District in Chapter 216. The project will be conditioned to comply with the Coastal Conservation District in Chapter 216 of the HBZSO. A condition of approval requiring the compliance with the Coastal Conservation District is included in Condition of Approval No. 9.

- Hazards
  The applicant shall be required to submit a report evaluating flood hazards and shall be designed to comply with all provisions relating to the Floodplain Overlay District. All structures are proposed to be constructed at a minimum elevation of nine feet, two feet above the base flood elevation. The project will be conditioned to submit a report evaluating flood hazards and comply with all provisions relating to the Floodplain Overlay District. A condition of approval requiring the submittal of a report evaluating the flood hazards and compliance with all provisions relating to the Floodplain Overlay District is included in Condition of Approval No. 4(f).

- Public Access Implementation
  An offer to dedicate an easement shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline. An eight foot-wide public sidewalk exists along the western perimeter of the site, adjacent to the proposed marina. Staff is recommending that the existing eight-foot wide sidewalk be increased by two feet for a total of 10-foot wide public sidewalk along the western perimeter of the site, adjacent to the proposed marina. This recommendation is consistent with the previous developments in the Harbour such as the Simple Green Development, Huntington Harbour Bay Club, and Portofino Development. The project will be conditioned to record an irrevocable offer to dedicate an easement for the required lateral access. A condition of approval requiring the recordation of an irrevocable offer to dedicate an easement for the required lateral access is included in Condition of Approval No. 6(b).

Maneuvering Requirements Within the Adjacent Channel and Establishing a Pierhead Line

The proposed marina consists of 22 boat slips and one transient side-tie boat slip; 14 boat slips are within the water portion of the property owned by the property owner (Harmony Cove LLC), eight boat slips are within the California State Lands Commission jurisdiction, and 1 side-tie boat slip is within the City and State channel area. The 22 boat slips range from 35 feet to 65 feet in length and the transient side-tie boat slip is 100 feet in length. A 50-foot long and eight-foot wide public dock is proposed to provide public access to the waterways. The main navigation channel adjacent to the proposed development "dead-ends" to the south at the Warner Avenue bridge. Thus the channel at this location functions more as a "fairway" or watercourse with the purpose of providing sufficient navigation area for vessels entering and leaving their boat slips.

Several guidelines and manuals are available for the design and layout of recreational boating facilities, including the California Department of Boating and Waterways (DBW) *Guidelines for Marina Berthing Facilities, July 2005* and the US Army Corps of Engineers *Environmental Engineering for Small Boat Basins, October 1993*. Design parameters applicable to the design of water areas within marina and harbors include:

DESIGN PARAMETERS	DEPARTMENT OF BOATING AND WATERWAYS	US ARMY CORPS OF ENGINEERS
minimum channel width	75 feet	
vessel backing distances	1.75 times the length of longest vessel perpendicular to the fairway	
vessel offset distances	1.5 times the length of longest vessel side-tied parallel to fairway	
vessel turning areas		diameter from 2.25 to 2.75 times the length of the longest boat

The proposed marina is designed to have all the boat slips occupy the entire water portion of the subject property and utilize the water portion of the City channel area for maneuvering and navigation, including minimum channel width, vessel backing distances, and vessel turning areas. The site plan shows a channel width dimension of approximately 123 feet between the existing docks of the City's Marine Services Division and Huntington Harbour Yacht Club and the proposed boats and docks on the subject project site. The DBW guidelines recommend a minimum channel width of 75 feet so this minimum is met. However, this channel area is entirely within the City's channel area. In order to provide adequate maneuvering area based on the potential future Marine Safety Division's needs and to accommodate the potential expansion of the docks on the west side of the channel for recreational uses, staff is recommending that a minimum channel width of 50 feet be maintained between the City channel area and the subject property channel area for navigation. As a result, staff is recommending that the pierhead line be established 25 feet east of the western property line of the subject property.

The conceptual marina layout generally complies with the DBW guidelines for vessel backing distances and vessel offset distances and the US Army Corps of Engineers standards for vessel turning areas. Staff believes there is adequate room for maneuvering and the project design results in a functional layout. Staff is recommending approval of the marina and boat slips and approval of the transient side-tie boat slip if it is located entirely within the subject property channel area instead of the City and State channel area. A condition of approval has been included to specifically require this improvement. Since the proposed Tentative Parcel Map is recommended to be denied, the pierhead line will be established by City Council resolution.

"Approval in Concept" of Coastal Development Permit

The land portion of the project site is located in the appealable area of the Coastal Zone and requires approval of a Coastal Development Permit under the City's permit issuing jurisdiction. However, the City's action would be subject to appeal to the California Coastal Commission. The water portion of the project site is located in the original jurisdiction of the California Coastal Commission. The proposed development for the water portion requires "approval in concept" of a Coastal Development Permit from the City. The proposed development for the water portion requires final approval of a Coastal Development Permit from the California Coastal Commission.

Section 30601.03 of the Coastal Act provides that where a project is located in both the California Coastal Commission's and a local government's coastal development permit jurisdiction, a single and consolidated coastal development permit for the entire project may be processed by the California Coastal

Commission if the applicant and local government agree to that process. Because the entire project is within either the California Coastal Commission's original or appellate jurisdiction, staff and the applicant agreed to process the entire project under a consolidated Coastal Development Permit by the California Coastal Commission. Therefore, Coastal Development Permit No. 2008-008 is being processed by the City as an "approval in concept" with final approval by the California Coastal Commission.

The standard of review of a coastal development permit in the water portion of the site is the Chapter 3 policies of the Coastal Act with the certified Local Coastal Program as guidance. The standard of review of the land portion of the site is the policies of the City's certified Local Coastal Program and the public access and recreation policies of the Coastal Act. Under the consolidated permit provisions, the entire project would be reviewed under the Chapter 3 policies of the Coastal Act with the Local Coastal Project as guidance.

Staff is recommending "approval in concept" of the Coastal Development Permit for the proposed development, as modified and conditioned, because it conforms with the General Plan, including the Local Coastal Program, and is consistent with the proposed land use designation on the property, the Open Space–Parks and Recreation zoning standards, and Coastal Zone overlay standards. In addition, the development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. Upon final City action on the proposed project, the applicant will submit the Coastal Development Permit to the California Coastal Commission for final review and approval.

Land Use Consistency with the Public Trust Easement (California State Lands Commission Jurisdiction)

According to the California State Lands Commission (CSLC), the project site is located in the survey of tidelands patented by the State as Tideland Location 221 (TLL 221). According to the CSLC, there exists a Public Trust Easement over much of the areas patented pursuant to TLL 221. The Public Trust Easement over TLL 221 reserves the rights of the public to portions of said land for the purpose of access to navigable waters and to the rights of the public to fish therein and thereupon.

The proposed project includes a 23-boat slip marina, an eating and drinking establishment with alcoholic beverage sales, ancillary uses to the marina, and metered parking. Based on a letter from the California State Lands Commission dated February 23, 2012 (Attachment No. 9), the proposed uses of a public marina, restaurant, and rental shop are not inconsistent with the Public Trust Easement. With the determination by the California State Lands Commission, staff recommends that the proposed uses be approved as modified by conditions of approval.

Tentative Parcel Map

The minimum lot area is 5 acres for a site in the Open Space-Parks and Recreation zoning district. There is no minimum lot area for a site in the Open Space-Water Recreation zoning district. The proposed subdivision will create a 0.97 acre parcel and will not comply with the minimum five acre lot area.

The proposed uses on the project site are related to each other (a marina in the water portion, the marina office, water-related recreational equipment sales and rental, and parking on the land portion). The

proposed uses on the land portion are necessary to serve the proposed marina use in the water portion. It would not be appropriate to separate these portions of the proposed project into separate parcels. Thus, it should not be divided in a manner that may allow them to potentially come into separate ownership in the future. Based on the size of the proposed parcel and the interrelatedness of the proposed uses on the water and land portions of the subject site, staff is recommending denial of the tentative parcel map.

Variances

The development standards of the OS-PR (Open Space-Parks and Recreation) zoning district apply for sites with a minimum lot size of 5 acres. Because the land portion of the project site is only 0.97 acre and is irregular in shape, the applicant is requesting a reduction in required building setbacks, rooftop equipment setback, backflow prevention device setback, trash enclosure setback, and minimum landscaping requirements.

- Building Setbacks
  Staff supports the reduction in the interior side setback because the site is irregularly shaped, especially at the rear of the property where the proposed building is located. To the east of the proposed 18 feet high building is a swimming pool area for a residential complex and the nearest residential structure is approximately 130 feet away from the proposed building. Therefore, no impacts to the nearest residential structure are anticipated. Staff recommends that the proposed building be setback 10 feet from the water side to provide for a 10-foot wide public sidewalk along the western perimeter of the site, adjacent to the proposed marina. This recommendation is consistent with the previous developments in the Harbour such as the Simple Green Development, Huntington Harbour Bay Club, and Portofino Development. A condition of approval specifying the 10-foot setback for the proposed building from the water side is included in Condition of Approval No. 1(h).

- Rooftop Equipment Setback
  The proposed building is approximately 1,200 sq. ft. and configured in a way that does not allow for the roof equipment to be setback 15 feet from the edge of the building. Staff supports the reduction in the roof equipment setback if all the equipment is fully screened from view on all sides. A condition of approval requiring a three-foot setback for the roof equipment from the edge of the building and screening of the equipment is included in Condition of Approval No. 1(l).

- Backflow Prevention Device Setback
  Staff supports the reduction in the backflow prevention device setback because they are required to be as close as possible to the property line to prevent cross-connection with other uses such as irrigation lines. Staff recommends that the backflow prevention device be setback five feet from the property line for backflow protection devices 2-inches and smaller and be setback 10 feet from the property line for backflow protection devices larger than 2-inches. In addition, backflow prevention devices will be screened from view. A condition of approval specifying the setback requirements for the backflow prevention device is included in Condition of Approval No. 1(m).

- Trash Enclosure Setback
  Staff supports the reduction in the trash enclosure setback because the site is irregularly shaped and the existing site improvements do not allow for an alternative location of the trash enclosure. The proposed trash enclosure will be screened from view by landscaping on three sides. A condition of approval specifying a six feet, 8 inch setback for the trash enclosure is included in Condition of Approval No. 1(n).

- Minimum Landscaping
  Staff recommends that a 25-foot wide landscape planter be provided along the street frontage as required by the OS-PR zoning district. Staff supports zero landscaping and zero trees along the west side of the property for off-street parking facilities but recommends that a 5-foot planter be provided and appropriate number of trees (one tree per 92 sq. ft. of perimeter landscaping) be provided along the east property line. Staff recommends an appropriate amount (5% of perimeter landscaping) of interior landscaping be provided for off-street parking facilities. The zero landscaping and zero trees along the west property allows for views of the harbor, taking into consideration that the project site is adjacent to the water channel and located in Huntington Harbour. Conditions of approval requiring the landscape requirements for the off-street parking facilities are included in Attachment No. 1.

SUMMARY:

Staff recommends the Planning Commission approve Mitigated Negative Declaration No. 2008-004, Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, and Variance No. 2011-007 with modifications based upon the following:

- The project, with the incorporation of mitigation measures, will not have significant adverse impacts on the environment.
- The proposed amendment to the zoning designation will allow a development compatible with and sensitive to the existing land uses in the project area and adjoining properties and provide compatible zoning and General Plan land use designations.
- The proposed project will conform with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, except for the requested variances.
- The proposed project will be compatible with surrounding uses with respect to building height and architectural design.
- The project furthers goals and policies of the General Plan.
- The project will comply with the provisions of the Coastal Act.
- The project, as modified by conditions of approval, will substantially comply with the Department of Boating and Waterways and US Army Corps of Engineers standards for vessel backing distances, vessel offset distances, and vessel turning areas.
- The project site has physical hardships, resulting from the size and shape of the site, that warrants approval of requested variances in setbacks for the building, roof equipment, backflow prevention device, trash enclosure, and landscaping requirements.

Staff recommends the Planning Commission deny Tentative Parcel Map No. 2011-138 based upon the following:

- The project site will not comply with the minimum lot area of the Open Space–Parks and Recreation zoning district.
- The lot should not be divided into two parcels that could be sold separately from each other in the future.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval–Mitigated Negative Declaration No. 2012-004, Zoning Map Amendment No. 2008-001, Conditional Use Permit No. 2008-014, Coastal Development Permit No. 2008-008, and Variance No. 2011-007 and Suggested Findings for Denial for Tentative Parcel Map No. 2011-138
2. Draft City Council Ordinance No. ____ for Zoning Map Amendment No. 2008-001
3. Existing and Proposed Zoning Maps
4. Site plans, floor plans and building elevations dated and received February 17, 2012
5. Project Narrative dated and received February 17, 2012
6. Code Requirements Letter dated September 14, 2012 (for informational purposes)
7. Draft Mitigated Negative Declaration No. 2012-004
8. Response to Comments and Errata for Draft Mitigated Negative Declaration No. 2012-004
9. Letter from the California State Lands Commission dated February 23, 2012

SH:HF:TN:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 2012-004
ZONING MAP AMENDMENT NO. 2008-001
CONDITIONAL USE PERMIT NO. 2008-014
COASTAL DEVELOPMENT PERMIT NO. 2008-008
VARIANCE NO. 2011-007
TENTATIVE PARCEL MAP NO. 2011-138

SUGGESTED FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 2012-004:

1. Mitigated Negative Declaration No. 2012-04 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 Planning Commission prior to action on Mitigated Negative Declaration No. 2012-04, Zoning Map Amendment No. 2008-01, Conditional Use Permit No. 2008-14, Coastal Development Permit No. 2008-08, Variance No. 2011-07, and Tentative Parcel Map No. 2011-138.

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 Planning Commission that the project, as mitigated through the code requirements and mitigation measures, will have a significant effect on the environment.

SUGGESTED FINDINGS FOR APPROVAL - ZONING MAP AMENDMENT NO. 2008-001:

1. Zoning Map Amendment No. 2008-001 amends the existing zoning designation of the land portion by changing the Residential Low Density–Coastal Zone Overlay–Flood Plain 2 (RL-CZ-FP2) zoning designation on the subject site to Open Space–Parks and Recreation–Coastal Zone Overlay–Flood Plain 2 (OS-PR-CZ-FP2). The proposed amendment will establish the Open Space–Parks and Recreation zoning and development standards and will be consistent with the goals, objectives, and land use policies of the General Plan and Local Coastal Program. The proposed zoning is consistent with the goals and policies of the Land Use, Coastal, and Recreation and Community Services Elements of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. The Zoning Map Amendment is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed land uses identified in the Open Space–Parks and Recreation land use designation is consistent with the General Plan.

3. A community need is demonstrated for the change proposed. The proposed Open Space–Parks and Recreation zoning provides the standards necessary for the development of water-related recreational uses complementing the proposed marina use and enhancing public opportunities for coastal recreation. The project will also provide for enhanced coastal access through the provision of a 10-foot wide pedestrian public walkway to allow views of the coast, wetlands, bluff areas, and the Harbour.

4. Its adoption of the Open Space–Parks and Recreation zoning will be in conformity with public convenience, general welfare and good zoning practice. The adoption of the zoning utilizes a comprehensive approach, involving public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape requirements. The zoning map amendment would result in zoning and General Plan land use designations that are consistent with one another.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-014:

1. Conditional Use Permit No. 2008-014 for the development of the proposed 23-boat slip marina, an eating and drinking establishment with an outdoor dining area, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment 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 project will be designed to be consistent with the scale and character of the surrounding area with the modifications and conditions of approval imposed. Existing structures adjacent to the project site consist of two-story structures to the immediate east and north, two-story to three-story structures to the west, and four-story structures to the east. The proposed one-story structures at 18 feet high would be consistent with the established development pattern in the area based on the surrounding buildings. The commercial buildings and marina would not introduce a new visible element different than those already existing in the vicinity.

2. The conditional use permit will be compatible with surrounding uses because the project site is located within an existing waterway of a recreational boating harbor where boat traffic in and around the Harbour is common. Single family dwellings and private boat docks are located to the north, east, and to a certain extent west of the property. The proposed marina will add 23 boat slips to the existing approximately 2,000 boat slips in the Harbour, providing additional recreational opportunities to complement other facilities in Huntington Harbour. The project is designed to be consistent with the overall visual character and scale of existing structures surrounding the project site. The project includes one-story structures that are similar to the established development pattern in the area. The project is designed to add visual interest through the use of different building materials and minimize building bulk through the varying rooflines and horizontal projections. The natural amenity of the site such as view of the Harbour has been incorporated into the project layout.

3. The proposed project, as modified, 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 (HBZSO). The proposed project, as modified and conditioned, and with the variances provides a development that is consistent with the design guidelines and is compatible with the scale and character of the surrounding development.

4. The granting of the conditional use permit will not adversely affect the General Plan. The General Plan Land Use Map designation on the land portion of the subject property is OS-P (Open Space-Park) and the water portion of the subject property is OS-W (Open Space-Water Recreation). The project, as modified, is consistent with the designations and the goals, policies, and objectives of the General Plan Land Use, Coastal, and Recreation and Community Services Elements:

   A. *Land Use Element*

   Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

   Objective 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.

   Objective LU 7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding subregion, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

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

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

   Approval of the project will allow for the construction of a marina and ancillary uses on a privately owned parcel of land. The marina will provide water-related recreational opportunities for existing and future residents. Services offered by the marina include 22 slips rented to the public on a monthly basis, one boat slip used as a transient dock, and public access to the water. The eating and drinking establishment along with the retail/rental kiosk will complement the proposed marina and enhance public opportunities for coastal recreation. The project will also provide for enhanced coastal access through the provision of a 10-foot wide pedestrian public walkway to allow views of the coast, wetlands, bluff areas, and the Harbour.

   B. *Coastal Element*

   Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

   Policy C 1.1.3: The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

private residential, general industrial or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.3a: The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any private development.

Goal C 2: Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.4.2: Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone by (a) applying the City's parking standards at a minimum.

Policy C 2.5.1: Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.

Policy C 2.6.2: Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access along the shoreline, public recreation areas or to public trails or bikeways unless the following condition(s) exists:

a. Findings are made consistent with Section 30212 of the Coastal Act that access is inconsistent with public safety, military security needs, or that agriculture would be adversely affected; or
b. Access to the site would significantly degrade environmentally sensitive habitat areas; or
c. An offer of dedication for lateral access in accordance with this policy shall be required in conjunction with new development or redevelopment and along all sandy beach areas. Access along the bulkhead may be appropriate, particularly in public use areas such as fishing piers or provided in new development through such accessways.

Goal C 3: Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1: Encourage, where feasible, facilities, programs, services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.2.3: Privately-owned recreation facilities on public land shall be open to the public. Encourage privately-owned recreation facilities on private land to be open to the public.

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

The project is in close proximity to similar developments such as the Bay Club and Coral Cay marinas and is consistent with the existing land use pattern where recreational boating activities are currently present in Huntington Harbour. The proposed marina and ancillary uses will be a privately-owned facility on private land open to the public. The marina will increase recreational boating use of coastal waters by providing berthing spaces for existing and future residents of the City to complement other facilities in the Huntington Harbour area. The retail/rental kiosk for kayaks, paddleboards, and other equipment would increase the use of the Harbour for water-related recreation. The new marina will enhance the public's use of recreational resources in the Harbour through the proposed transient side-tie slip that is available to the public for temporary boat mooring and the public dock to launch recreational watercrafts. The proposed project would provide public access to recreational opportunities in the Coastal Zone by a 10-foot wide pedestrian public walkway along the west side of the land portion of the site to allow views of the coast, wetlands, bluff areas, and the Harbour. Environmental impacts from the proposed project were analyzed in Draft MND No. 2012-004. Potential impacts have either been minimized through the project's design or can be mitigated so that all impacts would be less than significant.

C. *Recreation and Community Services Element*

Goal RCS 1: Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective RCS 1.1: Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

Policy RCS 8.1.3: Encourage commercial recreational facilities to provide recreational services and facilities that may or may not otherwise be provided by the City.

The proposed marina and ancillary uses will be a privately-owned facility on private land open to the public. The project proposes to develop a public marina, restaurant, and retail/rental shop for water-related recreational equipment. The proposed marina will increase recreational boating opportunities in Huntington Harbour, an existing recreational boating harbor constructed in the 1960s. The retail/rental kiosk for kayaks, paddleboards, and other equipment would increase the use of the Harbour for water-related recreation for existing and future residents.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-008:

1. Coastal Development Permit No. 2008-008 for the "approval in concept" of the boat slips/marina, eating and drinking establishment with outdoor dining and alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment in the coastal zone conforms with the General Plan, including the Local Coastal Program. The project layout is consistent with the proposed Open Space-Park land use designation on the property and the applicable provisions of the Coastal Zone overlay standards of the City's certified Local Coastal Program as well as the Open Space-Parks and Recreation zoning standards, except for the modifications and requested variances.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed project, as modified and conditioned, complies with all development standards except for the requested variances.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project, as conditioned and with the implementation of all mitigation measures, will provide all required infrastructure consistent with the Local Coastal Program and City requirements.

4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact existing public access or recreation opportunities in the coastal zone. The project will enhance public recreation opportunities within the vicinity by providing berthing spaces for existing and future residents of the City to complement other facilities in the Huntington Harbour area. The retail/rental kiosk for kayaks, paddleboards, and other equipment would increase the use of the Harbour for water-related recreation. The new marina will enhance the public's use of recreational resources in the Harbour through the proposed transient side-tie slip that is available to the public for temporary boat mooring and the public dock to launch recreational watercrafts. The proposed project would provide public access to recreational opportunities in the Coastal Zone by a 10-foot wide pedestrian public walkway along the west side of the land portion of the site to allow views of the coast, wetlands, bluff areas, and the Harbour.

SUGGESTED FINDINGS FOR APPROVAL – VARIANCE NO. 2011-007:

1. The granting of Variance No. 2011-007 to allow a 10-foot interior side and water side setbacks for the eating and drinking establishment building, a 3-foot roof equipment setback for the eating and drinking establishment building, a 5-foot or 10-foot setback for the backflow prevention device depending on the size of the device, a 6-foot 8-inch setback for the trash enclosure, and zero landscaping and zero trees along the west side of the property for off-street parking facilities will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. The development standards in the OS-PR zoning district apply to sites with a minimum lot size of 5 acres. With the minimum lot size of 5 acres, sites under the OS-PR zoning district are large enough to accommodate the required setbacks and other development standards. The subject site, a remnant parcel of the Huntington Harbour subdivision, is only 0.97 acre in size and shaped like a triangle. Due to its size and shape, the project would not be able to comply with the required development standards. Approval of the requested deviations will not constitute a grant of special privilege as the variance will allow the development of the site with a marina, an eating and drinking establishment, and ancillary uses to provide additional recreational opportunities to complement other facilities in Huntington Harbour.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The site is small, only 0.97 acre in size, and irregularly shaped like a triangle. Because of its size and shape, the property would not be able to provide the setbacks or comply with other development standards as compared to a larger site with a standard shape. Granting the deviations in

setbacks and landscaping standards allows the subject property to enjoy the same privileges as the other properties in the vicinity and under identical zone classification.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variances are necessary to allow the proposed project to be developed with a marina and ancillary uses, similar to developments such as the Bay Club and Coral Cay marinas in close proximity to the subject site. Granting the requested variances will not affect the overall visual character and scale of the proposed development onsite in the context of the surrounding area. The subject site is able to enjoy the right to develop the site in accordance with the OS-PR zoning district.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a marina, eating and drinking establishment with outdoor dining, and ancillary uses will not be materially detrimental to the public welfare because the proposed buildings are designed to be consistent with the scale and character of the surrounding area. The proposed one-story structures at 18 feet high would be consistent with the established development pattern of two- to three-story structures in the vicinity. The granting of the variances will not adversely affect the General Plan. It is consistent with the Land Use Element designation of OS-P (Open Space-Park) on the subject property.

SUGGESTED FINDINGS FOR DENIAL - TENTATIVE PARCEL MAP NO. 2011-138:

1. Tentative Parcel Map No. 11-138 for the subdivision of the existing privately-owned portion of the site (1.91 acre parcel) into two parcels (0.94 acre parcel for the marina portion of the site and 0.97 acre for the land portion of the site) is not consistent with the requirements of the OS-PR zoning district on the subject property. The minimum lot area is 5 acres for a site in the OS-PR zoning district; however, the proposed subdivision will create a 0.97 acre parcel and will not comply with the minimum lot area of 5 acres.

2. The subdivision is not consistent with the proposed type and density of development because the proposed uses on the project site are related to each other and should not be sold separately from each other. The proposed uses on the land portion (marina office, water-related equipment sales and rental, and required parking) are necessary to serve the proposed marina use in the water portion. It would not be appropriate to separate these portions of the proposed project into separate parcels. Thus, it should not be divided in a manner that may allow them to potentially come into separate ownership in the future.

MITIGATION MEASURES FOR ENVIRONMENTAL CONCERNS:

1. Pre-construction (within 60 days of a disturbing activity) and post-construction (30 days after cessation of the marina portion of the project and prior to issuance of a Certificate of Occupancy or final inspection for the marina) eelgrass surveys shall be conducted to determine the level of eelgrass loss, if any, as a result of the project activities. This survey shall be valid for 60 days unless conducted between August and October, in which case it is valid until March 1 of the following year. **(Mitigation Measure)**

2. Prior to issuance of a Certificate of Occupancy or final inspection for the marina, any loss in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies. Mitigation may include out-of kind mitigation (suitable to the resource agencies) if the total area is less than 10 square meters, or replacement at a 1.2 to 1 ratio (for every 1 square meter of eelgrass disturbed or lost, 1.2 square meters is to be replaced) in a suitable location if the total is more than 10 square meters. In the event of replacement, subsequent success monitoring at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **(Mitigation Measure)**

3. Prior to issuance of a Certificate of Occupancy or final inspection for the marina, if no eelgrass is found on site then the project shall provide 50 square meters of eelgrass to compensate for other non-specific project impacts such as short term disruption of the epifauna and infauna biota. The eelgrass shall be monitored for subsequent success at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **(Mitigation Measure)**

4. During construction, dredging and other turbidity generating work shall be limited to the months of November to March to minimize impacts to foraging and nesting for protected avian species. If dredging and pile driving activities cannot be timed to avoid encroachment into the least tern nesting season, the applicant shall be required to effectively contain visibly detectable surface turbidity associated with in water construction activities to the smallest footprint practicable and not more than 0.5 acre maximum during the least tern season. During construction, a qualified biologist shall conduct weekly monitoring of the silt curtain(s) and monitor water quality at a distance of no more than 10 meters outside of the silt curtain and 100 meters upcurrent of the silt curtain. Turbidity (via light transmittance) shall be measured at one meter above the bottom, mid-depth, and one meter below the surface both at 10 meters and 100 meters from the dredge operations. A decrease in light transmittance of more than 30% (average of the three readings) from that found 100 meter upcurrent shall result in a suspension of dredging until the cause is corrected. Additionally, dissolved oxygen concentrations (DO) and hydrogen ion concentrations (pH) shall be measured at the same depths and locations. Dredge operations shall be suspended at any time the biological oxygen demand causes concentrations of DO to be less than 5 mg/l and pH to drop below 7.5 (average of the three measurements) in the area within 10 meters of the silt curtain unless ambient condition DOs are below 5 mg/l and pH below 7.5 at the station 100 meters upcurrent. In the event that turbidity extends beyond the allowable limits, turbidity generating activities shall cease until such time as turbidity levels are brought back into compliance. **(Mitigation Measure)**

5. During construction, if sea lions, seals (or other marine mammals), or sea turtles are observed within 100 meters of the construction or dredging process, all in water activity shall cease until observations indicate the marine mammals or turtles have departed the work site. **(Mitigation Measure)**

6. During construction, a biological observer shall be present during the pile driving and dredging activities and shall have the authority to cease operations if a marine mammal or turtle comes within the exclusion zone, fish species are observed to be dead, and California least terns are present within the exclusion zone. **(Mitigation Measure)**

7. During construction, if any marine mammal is observed within 100 meters of the work site, all pile driving and dredging activities shall cease until the marine mammals or turtle has left the area of concern. If a marine mammal enters the safety zone after pile-driving of a segment has begun, pile-driving shall continue. If a marine mammal in the 100-meter safety zone is observed, but more than 10 meter away, the contractor shall wait at least 15 minutes to commence pile-driving. If the marine mammal has not left the 100-meter safety zone after 15 minutes, pile-driving can commence. All pile driving activities shall be accomplished by a soft start sequence. At the beginning of each pile driving event and after breaks of more than 15 minutes, the soft start method shall be employed for impact pile driving. The hammer shall be operated at less than full capacity (i.e. approximately 40-60% energy levels) with no less than a 1-minute interval between each of five strikes for a 5-minute period. After the 5-minute soft-start period, full capacity strikes shall be allowed during the duration of each individual pile driving event. **(Mitigation Measure)**

8. Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Huntington Beach, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Huntington Beach for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with the procedures for the identification for paleontological resources. **(Mitigation Measure)**

9. During any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), if evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human

activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered, all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center. **(Mitigation Measure)**

10. During construction, should paleontological resources (i.e., fossil remains) be identified at a particular site, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:
    a. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
    b. Assess effects on identified sites
    c. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
    d. Obtain comments from the researchers
    e. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

    In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out. **(Mitigation Measure)**

11. Prior to the issuance of a Certificate of Occupancy, automatic seismic shutoff devices shall be installed for utilities such as electricity and gas. **(Mitigation Measure)**

12. During all phases of the project during construction and post-construction, Best Management Practices (BMPs) shall be implemented to prevent and control untreated runoff, turbidity and implement water quality standards and waste discharge requirements. BMPs may include sandbags, detention basins, clarifiers, and silt curtain(s). The silt curtain(s) shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the marina construction and dredging activities or until permanent BMPs are installed and operational. **(Mitigation Measure)**

13. During construction, if turbidity is observed at a distance of 100 ft. or greater from the actual work site, either the work shall be stopped until the water returns to normal or, if deemed necessary, a silt curtain shall be installed until turbidity returns to normal. **(Mitigation Measure)**

14. During construction, the applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:
    a. Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the Harbour channel from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification shall include the identification and contact number for a community liaison and designated construction manager that shall be available on-site during all construction activities. Contact information for the community liaison and construction manager shall be located at the construction office, City Hall, and the Police Department.
    b. Ensure that construction equipment is properly muffled according to industry standards. Shut off or run noise generating equipment and machinery on their lowest settings when not in use.
    c. Implement the best available technology throughout all construction activities in noise attenuation measures, including but not limited to sound barriers and noise blankets.
    d. Ensure that all construction work that would be expected to create high noise and/or vibration levels shall be carefully scheduled to be performed in the least amount of time possible.
    e. All project personnel shall be made aware of the potential for noise and vibration impacts and shall practice good neighbor policies designed to minimize noise and vibration impacts at all times. **(Mitigation Measure)**

15. During construction, the applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City. **(Mitigation Measure)**

16. Prior to the start of construction, the applicant shall be required to submit a noise and vibration control plan to the Planning and Building Director for approval. Features that shall be included in the noise and vibration control plan are:
    a. A list of all major noise and vibration generating equipment that will be used on the site for each phase of construction.
    b. Noise and vibration predictions at each of the sensitive receptors that were indentified in the report for each phase of the construction.
    c. Locations, heights, and materials for noise barriers that may be employed and schedule for their installation.
    d. Other mitigation measures that will be used. These might include use of temporary noise barriers for stationary equipment, use of low-noise and vibration equipment or highly efficient mufflers, and alternative construction methods. **(Mitigation Measure)**

17. During construction, pile-driving activities shall be scheduled between the hours of 8:00 AM and 4:00 PM on Mondays through Fridays only. Piles shall be installed with jetting, predrilling, or pile cushioning to reduce the duration of pile-driving. **(Mitigation Measure)**

18. Prior to the start of construction and during construction, the applicant shall perform the following tasks:

a. Conduct pre- and post-construction video and survey inspections of the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.
b. Install meters to measure and monitor vibrations.
c. Visually monitor the above structures for damage on a daily basis, and video and survey once per week during construction.
d. Upon evidence of structural damage to the above structures, the applicant shall cease construction operations immediately and assess, repair, and remediate any damages to the structures in accordance with the recommendations in the Preliminary Geology and Soils Report.
e. Provide a bond in an amount determined by the City Engineer for the repair and/or replacement of structural damage to the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge. **(Mitigation Measure)**

19. Prior to issuance of a Certificate of Occupancy for the land portion of the site, the applicant shall be required to pay a fair-share fee for mitigation of the impacts to the public sanitary sewer system resulting from the increase in flow anticipated as a result of the development. **(Mitigation Measure)**

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-014/COASTAL DEVELOPMENT PERMIT NO. 2008-008/VARIANCE NO. 2011-007:

1. The site plan, floor plans, and elevations received and dated February 17, 2012, shall be the conceptually approved design with following modifications:

   a. The project pierhead line shall be established a minimum 25 feet east of the westerly property line of the subject site and the marina/boat slips shall be redesigned to comply with the pierhead line unless an alternative pierhead line is established by the City Council.

   b. The project pierhead line shall be established at the north property line of the subject site unless the proposed boat slips are approved by the California State Lands Commission.

   c. The transient side-tie boat slip shall be located entirely within the water portion of the subject property.

   d. Depict on the site plan the correct location of the following:
      i. gangway to the public dock
      ii. gangway to the boats to the north
      iii. eelgrass mitigation area

   e. The public accessway (sidewalk) along the western perimeter of the site, adjacent to the proposed marina, shall be a minimum 10 feet in width.

   f. The eating and drinking establishment shall have a maximum of 12 seats and be a maximum of 600 sq. ft. in size. The outdoor dining area shall be a maximum of 400 sq. ft. in size.

g. The site plan shall depict the location of the outdoor storage and display areas for retail sales and rental of water-related equipment. The outdoor storage and display areas shall be a maximum of 200 sq. ft. in size and be adjacent to the retail/rental kiosk. It shall not be located in any required building setback areas, required landscaping areas, required public accessway areas, and required pedestrian and vehicular circulation areas.

h. The eating and drinking establishment/marina office building shall be setback a minimum 10 feet from the western perimeter of the land portion of the property.

i. The landscaped areas along the entire frontage on Warner Avenue (except for driveway openings and walkways) shall be a minimum of 25 feet in width.

j. The landscaped area along the entire east property line that is adjacent to the parking area and driveway shall have a minimum 5-foot plantable width and one tree for each 90 sq. ft. of landscaped area.

k. The interior landscaping areas for the parking lot shall provide approximately 63 sq. ft. or equal to five percent of the perimeter landscaping area and be distributed throughout the parking area.

l. The rooftop mechanical equipment on the eating and drinking establishment/marina office building shall be setback a minimum of three feet from the edge of the building and be fully screened from view on all sides.

m. The backflow prevention device shall be setback a minimum five feet from the southern property line for backflow protection devices 2-inches and smaller and shall be setback a minimum 10 feet from the southern property line for backflow protection devices larger than 2-inches.

n. The trash enclosure shall be setback a minimum of six feet, eight inches from the eastern property line and be screened from view from the street.

o. The site plan shall depict the locations of all signs identifying public access and public use areas. **(HBZSO 221.12)**

p. Additional stone tiles shall be incorporated to the façade of the kiosk building similar to that of the restaurant building. **(DRB)**

q. The roof design of the kiosk building shall be similar to that of the restaurant building. **(DRB)**

2. All development within the California State Lands Commission's jurisdiction shall not be constructed until all appropriate approvals are obtained.

3. The project shall comply with all mitigation measures adopted for the project in conjunction with Mitigated Negative Declaration No. 2012-004.

4. Prior to the issuance of grading permits, the following shall be completed:

   a. The property owner shall obtain all required approvals for the boat slips/marina from the appropriate regulatory agencies, including but not limited to, U.S. Fish and Wildlife, California Department of Fish and Game, State Lands Commission, California Coastal Commission, and the City. **(PL)**

   b. The pierhead line shall be established by a City Council resolution.

   c. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.

   d. The required domestic, irrigation and fire water services to be shown on the project's Precise Grading Plan shall be connected to the existing 6-inch diameter water main located in Weatherly Lane. **(PW)**

   e. Provide an evaluation of the project's visual impact and incorporate in its design the preservation of public views to and from the bluffs, to the shoreline and ocean, and to the wetlands and the preservation of existing mature trees to the maximum extent feasible. The report shall be reviewed and approved by the Director of Planning and Building. **(HBZSO 221.14)**

   f. A report evaluating flood hazards shall be submitted and the project shall be designed to comply with all provisions relating to the Floodplain Overlay District. The report shall be reviewed and approved by the Director of Planning and Building. **(HBZSO 221.20)**

5. Prior to submittal for building permits, the following shall be completed:

   a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Division.

   b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works 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.

   c. Submit three (3) copies of the site plan and floor plans and the processing fee to the Planning and Building Department for addressing purposes. The address assignment shall be reviewed and approved prior to submittal for building permits.

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

   a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning and Building Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.

   b. An offer to dedicate an easement for the lateral public access shall be required. The property owner shall execute and record a document in a form and content acceptable to the City Attorney's Office and Department of Planning and Building irrevocably offering to dedicate to the City of Huntington Beach an easement for a 10-foot wide lateral public access along the bulkhead for public walkway purposes for a period of 21 years. The recorded document shall provide that the offer to dedicate shall not be used or construed to allow anyone, prior to acceptance of the dedication, to interfere with any rights of public access acquired through use which may exist on the property. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area and a map to scale. The offer shall be recorded free of prior liens and any other encumbrances which the City determines may affect the interest being conveyed. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording. Liability and responsibility (maintenance) shall be assumed by the property owner. The document shall be recorded with the County Recorder's Office and a copy filed with the Department of Planning and Building. **(HBZSO 221.36.C and J)**

   c. The applicant shall furnish a title report and all necessary subordination agreements. Title insurance shall be provided for the easements. The amount of insurance shall reflect the estimated cost to acquire an equivalent accessway elsewhere in the vicinity. All offers to dedicate shall be made free of all encumbrances. The report shall be reviewed and approved by the Director of Planning and Building. **(HBZSO 221.36.N)**

   d. The property owner shall obtain all required approvals for the boat slips/marina from the appropriate regulatory agencies, including but not limited to, U.S. Fish and Wildlife, California Department of Fish and Game, State Lands Commission, California Coastal Commission, and the City prior to any construction of the slips. A copy of the written notice of approval from each applicable agency shall be submitted to the Planning and Building Department for inclusion in the entitlement file. **(PL)**

   e. The property owner shall submit to the Community Services Department for review and approval the appropriate signage to be posted at the project site to inform the public that the dock is available for public use. **(CS)**

   f. The property owner shall submit to the Community Services Department for review and approval the appropriate signage to be posted at the project site to inform the public that the parking meters and pay stations are not operated by the City. **(CS)**

g. The property owner and/or marina operator shall submit to the Director of Planning and Building for review and approval the appropriate language within each lease agreement prohibiting persons living aboard any boat docked or moored at the proposed facility. **(HBMC 13.36.150)**

h. The property owner shall submit to the Director of Planning and Building for review and approval a Parking Management Plan to evaluate the proposed metered parking for consistency with the Coastal Zone Overlay District and ensure that adequate public parking be provided at the project site. **(PL)**

7. During demolition, grading, site development, and/or construction, the following shall be adhered to:

a. Construction equipment shall be maintained in peak operating condition to reduce emissions. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. Truck idling shall be prohibited for periods longer than 10 minutes. **(PW)**

b. Use low sulfur (0.05% by weight) fuel by weight for construction equipment. **(PW)**

c. Phase and schedule construction activities to avoid high ozone days. Discontinue construction during second stage smog alerts. **(PW)**

d. A phased schedule for construction activities to minimize daily emissions shall be complied with. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods. **(PW)**

e. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Department of Public Works. **(PW)**

f. The property owner for the subject project shall be responsible for all required clean up of off-site dirt tracking, pavement damage and/or restriping of the public rights-of-way as determined by the Department of Public Works. **(PW)**

g. Any operation involving dewatering shall require approval of a dewatering plan and the applicant shall obtain the necessary De Minimis Permit from the California Regional Water Quality Control Board [Order No. R8-2009-0003 (CAG998001)] and provide a copy to Public Works. Discharges to the City's sanitary sewer system shall only be permitted during off-peak hours and non-raining times and with the approval by permit from the Orange County Sanitation District. **(PW)**

h. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.

i. Pre-construction (within 60 days of a disturbing activity) and post-construction (30 days after cessation of the marina portion of the project and prior to issuance of a Certificate of Occupancy or final inspection for the marina) eelgrass surveys shall be conducted to determine the level of

eelgrass loss, if any, as a result of the project activities. This survey shall be valid for 60 days unless conducted between August and October, in which case it is valid until March 1 of the following year. **(Mitigation Measure)**

j. During construction, dredging and other turbidity generating work shall be limited to the months of November to March to minimize impacts to foraging and nesting for protected avian species. If dredging and pile driving activities cannot be timed to avoid encroachment into the least tern nesting season, the applicant shall be required to effectively contain visibly detectable surface turbidity associated with in water construction activities to the smallest footprint practicable and not more than 0.5 acre maximum during the least tern season. During construction, a qualified biologist shall conduct weekly monitoring of the silt curtain(s) and monitor water quality at a distance of no more than 10 meters outside of the silt curtain and 100 meters upcurrent of the silt curtain. Turbidity (via light transmittance) shall be measured at one meter above the bottom, mid-depth, and one meter below the surface both at 10 meters and 100 meters from the dredge operations. A decrease in light transmittance of more than 30% (average of the three readings) from that found 100 meter upcurrent shall result in a suspension of dredging until the cause is corrected. Additionally, dissolved oxygen concentrations (DO) and hydrogen ion concentrations (pH) shall be measured at the same depths and locations. Dredge operations shall be suspended at any time the biological oxygen demand causes concentrations of DO to be less than 5 mg/l and pH to drop below 7.5 (average of the three measurements) in the area within 10 meters of the silt curtain unless ambient condition DOs are below 5 mg/l and pH below 7.5 at the station 100 meters upcurrent. In the event that turbidity extends beyond the allowable limits, turbidity generating activities shall cease until such time as turbidity levels are brought back into compliance. **(Mitigation Measure)**

k. During construction, if sea lions, seals (or other marine mammals), or sea turtles are observed within 100 meters of the construction or dredging process, all in water activity shall cease until observations indicate the marine mammals or turtles have departed the work site. **(Mitigation Measure)**

l. During construction, a biological observer shall be present during the pile driving and dredging activities and shall have the authority to cease operations if a marine mammal or turtle comes within the exclusion zone, fish species are observed to be dead, and California least terns are present within the exclusion zone. **(Mitigation Measure)**

m. During construction, if any marine mammal is observed within 100 meters of the work site, all pile driving and dredging activities shall cease until the marine mammals or turtle has left the area of concern. If a marine mammal enters the safety zone after pile-driving of a segment has begun, pile-driving shall continue. If a marine mammal in the 100-meter safety zone is observed, but more than 10 meter away, the contractor shall wait at least 15 minutes to commence pile-driving. If the marine mammal has not left the 100-meter safety zone after 15 minutes, pile-driving can commence. All pile driving activities shall be accomplished by a soft start sequence. At the beginning of each pile driving event and after breaks of more than 15 minutes, the soft start method shall be employed for impact pile driving. The hammer shall be operated at less than full capacity (i.e. approximately 40-60% energy levels) with no less than a 1-minute interval between

each of five strikes for a 5-minute period. After the 5-minute soft-start period, full capacity strikes shall be allowed during the duration of each individual pile driving event. **(Mitigation Measure)**

n. Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Huntington Beach, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Huntington Beach for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with the procedures for the identification for paleontological resources. **(Mitigation Measure)**

o. During any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), if evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered, all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center. **(Mitigation Measure)**

p. During construction, should paleontological resources (i.e., fossil remains) be identified at a particular site, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:
   i. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
   ii. Assess effects on identified sites
   iii. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
   iv. Obtain comments from the researchers
   v. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

   In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out. **(Mitigation Measure)**

q. During all phases of the project during construction and post-construction, Best Management Practices (BMPs) shall be implemented to prevent and control untreated runoff, turbidity and implement water quality standards and waste discharge requirements. BMPs may include sandbags, detention basins, clarifiers, and silt curtain(s). The silt curtain(s) shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the marina construction and dredging activities or until permanent BMPs are installed and operational. **(Mitigation Measure)**

r. During construction, if turbidity is observed at a distance of 100 ft. or greater from the actual work site, either the work shall be stopped until the water returns to normal or, if deemed necessary, a silt curtain shall be installed until turbidity returns to normal. **(Mitigation Measure)**

s. During construction, the applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:
   i. Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the Harbour channel from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification shall include the identification and contact number for a community liaison and designated construction manager that shall be available on-site during all construction activities. Contact information for the community liaison and construction manager shall be located at the construction office, City Hall, and the Police Department.
   ii. Ensure that construction equipment is properly muffled according to industry standards. Shut off or run noise generating equipment and machinery on their lowest settings when not in use.

iii. Implement the best available technology throughout all construction activities in noise attenuation measures, including but not limited to sound barriers and noise blankets.
iv. Ensure that all construction work that would be expected to create high noise and/or vibration levels shall be carefully scheduled to be performed in the least amount of time possible.
v. All project personnel shall be made aware of the potential for noise and vibration impacts and shall practice good neighbor policies designed to minimize noise and vibration impacts at all times. **(Mitigation Measure)**

t. During construction, the applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City. **(Mitigation Measure)**

u. Prior to the start of construction, the applicant shall be required to submit a noise and vibration control plan to the Planning and Building Director for approval. Features that shall be included in the noise and vibration control plan are:
   i. A list of all major noise and vibration generating equipment that will be used on the site for each phase of construction.
   ii. Noise and vibration predictions at each of the sensitive receptors that were indentified in the report for each phase of the construction.
   iii. Locations, heights, and materials for noise barriers that may be employed and schedule for their installation.
   iv. Other mitigation measures that will be used. These might include use of temporary noise barriers for stationary equipment, use of low-noise and vibration equipment or highly efficient mufflers, and alternative construction methods. **(Mitigation Measure)**

v. During construction, pile-driving activities shall be scheduled between the hours of 8:00 AM and 4:00 PM on Mondays through Fridays only. Piles shall be installed with jetting, predrilling, or pile cushioning to reduce the duration of pile-driving. **(Mitigation Measure)**

w. Prior to the start of construction and during construction, the applicant shall perform the following tasks:
   i. Conduct pre- and post-construction video and survey inspections of the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.
   ii. Install meters to measure and monitor vibrations.
   iii. Visually monitor the above structures for damage on a daily basis, and video and survey once per week during construction.
   iv. Upon evidence of structural damage to the above structures, the applicant shall cease construction operations immediately and assess, repair, and remediate any damages to the structures in accordance with the recommendations in the Preliminary Geology and Soils Report.

v. Provide a bond in an amount determined by the City Engineer for the repair and/or replacement of structural damage to the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge. **(Mitigation Measure)**

8. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released, and issuance of a Certificate of Occupancy until the following has been completed:

   a. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning and Building Department.

   b. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.

   c. 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.

   d. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building and Safety Division.

   e. The applicant shall provide signs identifying the public access and public use areas subject to the review and approval by the Director of Planning and Building. **(HBZSO 221.12)**

   f. The public accessway associated with private development shall be provided. **(HBZSO 221.17)**

   g. The owner and operator of the marina shall provide a permanent holding tank pump-out facility or equivalent service which is operable and available for use at all times and which is capable of servicing all vessels berthed, docked, or moored at the marina. **(HBMC 13.44.070)**

   h. The property owner shall install appropriate signage at the project sign to inform the public that the dock is available for public use. **(CS)**

   i. The property owner shall install appropriate signage at the project site to inform the public that the parking meters and pay stations are not operated by the City. **(CS)**

   j. The property owner and/or marina operator shall provide a sample lease agreement with the appropriate language within each lease agreement prohibiting persons living aboard any boat docked or moored at the proposed facility. **(HBMC 13.36.150)**

   k. Pre-construction (within 60 days of a disturbing activity) and post-construction (30 days after cessation of the marina portion of the project and prior to issuance of a Certificate of Occupancy or final inspection for the marina) eelgrass surveys shall be conducted to determine the level of eelgrass loss, if any, as a result of the project activities. This survey shall be valid for 60 days unless conducted between August and October, in which case it is valid until March 1 of the following year. **(Mitigation Measure)**

l. Prior to issuance of a Certificate of Occupancy or final inspection for the marina, any loss in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies. Mitigation may include out-of kind mitigation (suitable to the resource agencies) if the total area is less than 10 square meters, or replacement at a 1.2 to 1 ratio (for every 1 square meter of eelgrass disturbed or lost, 1.2 square meters is to be replaced) in a suitable location if the total is more than 10 square meters. In the event of replacement, subsequent success monitoring at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **(Mitigation Measure)**

m. Prior to issuance of a Certificate of Occupancy or final inspection for the marina, if no eelgrass is found on site then the project shall provide 50 square meters of eelgrass to compensate for other non-specific project impacts such as short term disruption of the epifauna and infauna biota. The eelgrass shall be monitored for subsequent success at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **(Mitigation Measure)**

n. Prior to the issuance of a Certificate of Occupancy, automatic seismic shutoff devices shall be installed for utilities such as electricity and gas. **(Mitigation Measure)**

o. Prior to issuance of a Certificate of Occupancy for the land portion of the site, the applicant shall be required to pay a fair-share fee for mitigation of the impacts to the public sanitary sewer system resulting from the increase in flow anticipated as a result of the development. **(Mitigation Measure)**

9. All diking, dredging, and filling shall be permitted only where there is no feasible, less environmentally-damaging alternative and where feasible mitigation measures have been provided, consistent with the Coastal Conservation District in Chapter 216. **(HBZSO 221.18)**

10. Dredging activities shall be coordinated with the City to ensure that there will not be any disruption to Marine Safety vessels and Huntington Harbour Yacht Club activities. **(CS)**

11. The property owner shall be responsible for the maintenance and/or dredging of the water portion of any adjacent property to provide adequate access from the main channel to the marina/boat slips. **(PL)**

12. The marina use shall comply with the following:

    a. Any proposed boats shall not extend beyond the pierhead line.

    b. The proposed public dock shall be maintained by the developer and remain open to the general public. **(CS)**

    c. The hours of operation for the public dock shall be 5:00 AM to 10:00 PM in order to be consistent with public park curfews. **(CS)**

d. Appropriate signage shall be posted and maintained to inform the public that the dock is available for public use. **(CS)**

e. Appropriate signage shall be posted and maintained to inform the public that the parking meters and pay stations are not operated by the City. **(CS)**

f. The property owner and/or marina operator shall provide a clause within each lease agreement prohibiting persons living aboard any boat docked or moored at the proposed facility. **(HBMC 13.36.150)**

g. The property owner shall obtain all required approvals from the appropriate regulatory agencies, including but not limited to, U.S. Fish and Wildlife, California Department of Fish and Game, State Lands Commission, California Coastal Commission, and the City prior to any maintenance work requiring permits. A copy of the written notice of approval from each applicable agency shall be submitted to the Planning and Building Department for inclusion in the entitlement file. **(PL)**

13. Alcoholic beverage sales and service shall be prohibited.

14. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

15. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

16. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.

17. Conditional Use Permit No. 2008-014 and Variance No. 2008-009 shall not become effective until the California Coastal Commission approves the Coastal Development Permit and the City Council establishes the pierhead line.

18. Conditional Use Permit No. 2008-014 and Variance No. 2008-009 in conjunction with Coastal Development Permit No. 2008-008 shall become null and void unless exercised within two years of the date of final approval by the City Council, or within one year of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is

appealed, 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.

19. Incorporation of sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems (http://www.builditgreen.org/green-building-guidelines-rating/).

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.

DRAFT

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING DISTRICT MAP 35 (SECTIONAL DISTRICT MAP 30-5-11) OF THE HUNTINGTON BEACH ZONING AND SUBDIVISION ORDINANCE TO REZONE THE REAL PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF WARNER AVENUE AND WEST OF WEATHERLY LANE (FORMER PERCY DOCK) FROM RESIDENTIAL LOW DENSITY-COASTAL ZONE-FLOOD PLAIN 2 (RL-CZ-FP2) TO OPEN SPACE-PARKS AND RECREATION-COASTAL ZONE-FLOOD PLAIN 2 (OS-PR-CZ-FP2) (ZONING MAP AMENDMENT NO. 08-001)

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Map Amendment No. 08-001, which rezones the property generally located on the north side of Warner Avenue and west of Weatherly Lane (former Percy Dock) from Residential Low Density-Coastal Zone-Flood Plain 2 (RL-CZ-FP2) to Open Space-Parks and Recreation-Coastal Zone-Flood Plain 2 (OS-PR-CZ-FP2); and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan.

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

SECTION 1. That the real property, referred to as Parcel 1, that is the subject of this Ordinance (hereinafter referred as the "Subject Property") is generally located on the north side of Warner Avenue and west of Weatherly Lane, and is more particularly described in the map and legal description attached hereto as Exhibit A, and incorporated by reference.

SECTION 2. That the zoning designation of the Subject Property is hereby changed from RL-CZ-FP2 (Residential Low Density-Coastal Zone-Flood Plain 2) to OS-PR-CZ-FP2 (Open Space-Parks and Recreation-Coastal Zone--Flood Plain 2) (Exhibit B).

SECTION 3. That Huntington Beach Zoning and Subdivision Ordinance Section 201.04B District Map 35 (Sectional District Map 30-5-11) is hereby amended to reflect Zoning Map Amendment No. 08-001 as described herein. The Director of Planning and Building is hereby directed to prepare and file an amended map. A copy of said District Map, as amended, shall be available for inspection in the Office of the City Clerk.

12-3387/81574

ATTACHMENT NO. 2.1

SECTION. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

INITIATED AND APPROVED:

_____
Director of Planning and Building

REVIEWED AND APPROVED:

_____
City Manager

APPROVED AS TO FORM:

_____
City Attorney mv- 7-9-12

ATTACHMENT NO. 2.2

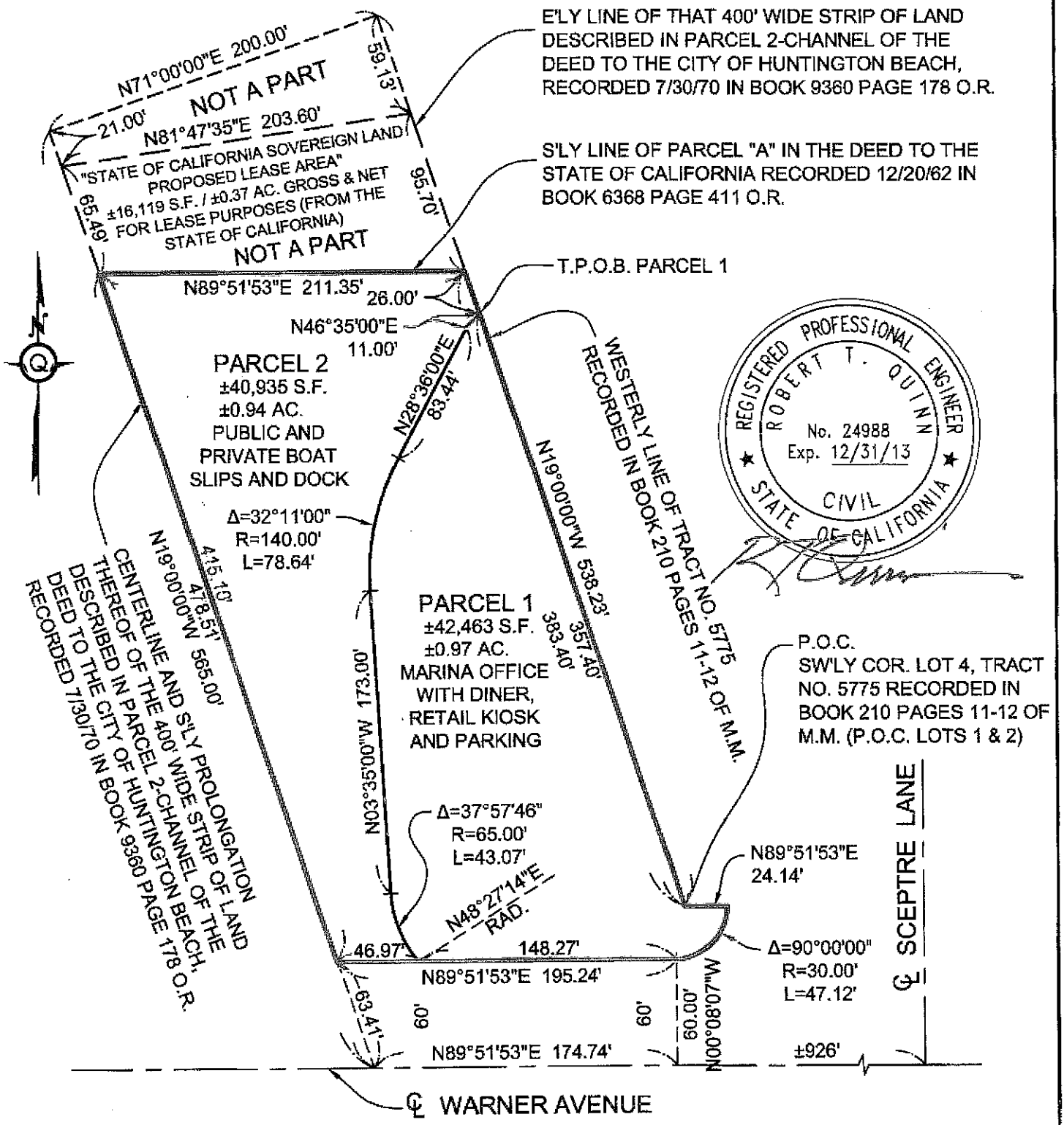
12-3387/81574

R. T. QUINN & ASSOCIATES
CIVIL ENGINEERS LAND SURVEYORS
1907 Border Avenue
Torrance, California 90501
(310) 320-4125 Fax (310) 320-5125
E-Mail Address: burt@rtquinn.net

EXHIBIT "A"

FOR
TENTATIVE PARCEL MAP NO. 2011-138
IN THE CITY OF HUNTINGTON BEACH
STATE OF CALIFORNIA

W.O.	207027-001 P. 1 OF 1
DATE:	6-6-12
DESIGNED BY:	BM
DRAWN BY:	SAZ



GRAPHIC SCALE

80 0 40 80 160 320

(IN FEET)
1 inch = 80 ft.

ATTACHMENT NO. 2-3

APN:178-301-01

LEGAL DESCRIPTION PROPOSED PARCEL 1, TENTATIVE PARCEL MAP NO. 2011-138:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 30, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, BOUNDED AS FOLLOWS:

BOUNDED NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL A IN THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 20, 1962 IN BOOK 6368, PAGE 411 OF OFFICIAL RECORDS OF SAID COUNTY;

BOUNDED WESTERLY BY THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF THE LAND DESCRIBED IN PARCEL 2 - CHANNEL OF THE DEED TO THE CITY OF HUNTINGTON BEACH, RECORDED JULY 30, 1970 IN BOOK 9360, PAGE 178 OF SAID OFFICIAL RECORDS;

BOUNDED EASTERLY BY THE WESTERLY BOUNDARY OF TRACT NO. 5775, AS SHOWN ON A MAP RECORDED IN BOOK 210, PAGES 11 AND 12 OF MISCELLANEOUS MAPS OF SAID COUNTY; AND

BOUNDED SOUTHERLY BY THE CENTERLINE OF WARNER AVENUE, AS SAID CENTERLINE IS SHOWN ON THE MAP OF SAID TRACT NO. 5775.

EXCEPT THE FOLLOWING DESCRIBED PARCEL;

COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 4 AS SHOWN ON THE MAP OF TRACT NO. 5775 RECORDED IN BOOK 210 PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, THENCE NORTH 19°00'00" WEST ALONG THE WESTERLY LINE OF SAID LOT 4, 357.40 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 19°00'00" WEST, 26.00 FEET TO THE SOUTHERLY LINE OF PARCEL A OF THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 20, 1962 AS RECORDED IN BOOK 6368 PAGE 411, O.R.; THENCE SOUTH 89°51'53" WEST ALONG SAID SOUTHERLY LINE, 211.35 FEET TO THE CENTERLINE OF SAID 400 FOOT WIDE STATE OF CALIFORNIA CHANNEL; THENCE ALONG THE SOUTHERLY PROLONGATION OF SAID CENTERLINE SOUTH 19°00'00" EAST, 415.10 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID WARNER AVENUE (60 FEET FROM SAID CENTERLINE OF WARNER AVENUE); THENCE ALONG SAID NORTHERLY LINE NORTH 89°51'53" EAST, 46.97 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 65 FEET, A RADIAL LINE OF SAID CURVE TO SAID POINT BEARS SOUTH 48°27'14" WEST, THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°57'46", AN ARC DISTANCE OF 43.07 FEET; THENCE TANGENT TO SAID CURVE NORTH 03°35'00" WEST 173.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 140 FEET, THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°11'00", AN ARC DISTANCE OF 78.64 FEET; THENCE TANGENT TO SAID CURVE NORTH 28°36'00" EAST 83.44 FEET; THENCE NORTH 46°35'00" EAST 11.00 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THE SOUTHERLY 60 FEET OF SAID PROPERTY (WARNER AVENUE)

EXCEPTING THEREFROM ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES AND ALL OTHER MINERALS OF EVERY KIND AND CHARACTER (EXCEPT WATER AND RIGHT TO APPROPRIATE OF DIVERT WATER, WHETHER SUCH RIGHTS BE VESTED OR CONTINGENT) IN, UNDER OR RECOVERABLE FROM SAID LAND WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OR SUBSURFACE OF SAID LAND ABOVE 500 FEET BELOW THE PRESENT NATURAL LEVEL OF THE SURFACE OF SAID LAND, AS RESEVED IN VARIOUS DEEDS TO JASAM INC., A CORPORATION, RECORDED OCTOBER 11, 1960 IN BOOK 5456, PAGES 410 AND FOLLOWING OF OFFICIAL RECORDS.

SAID PARCEL CONTAINS: ±42,463 S.F. / ±0.97 ACRES, MORE OR LESS.

REGISTERED PROFESSIONAL ENGINEER
ROBERT T. QUINN
No. 24988
12-31-12
CIVIL
STATE OF CALIFORNIA

ATTACHMENT NO. 2.4

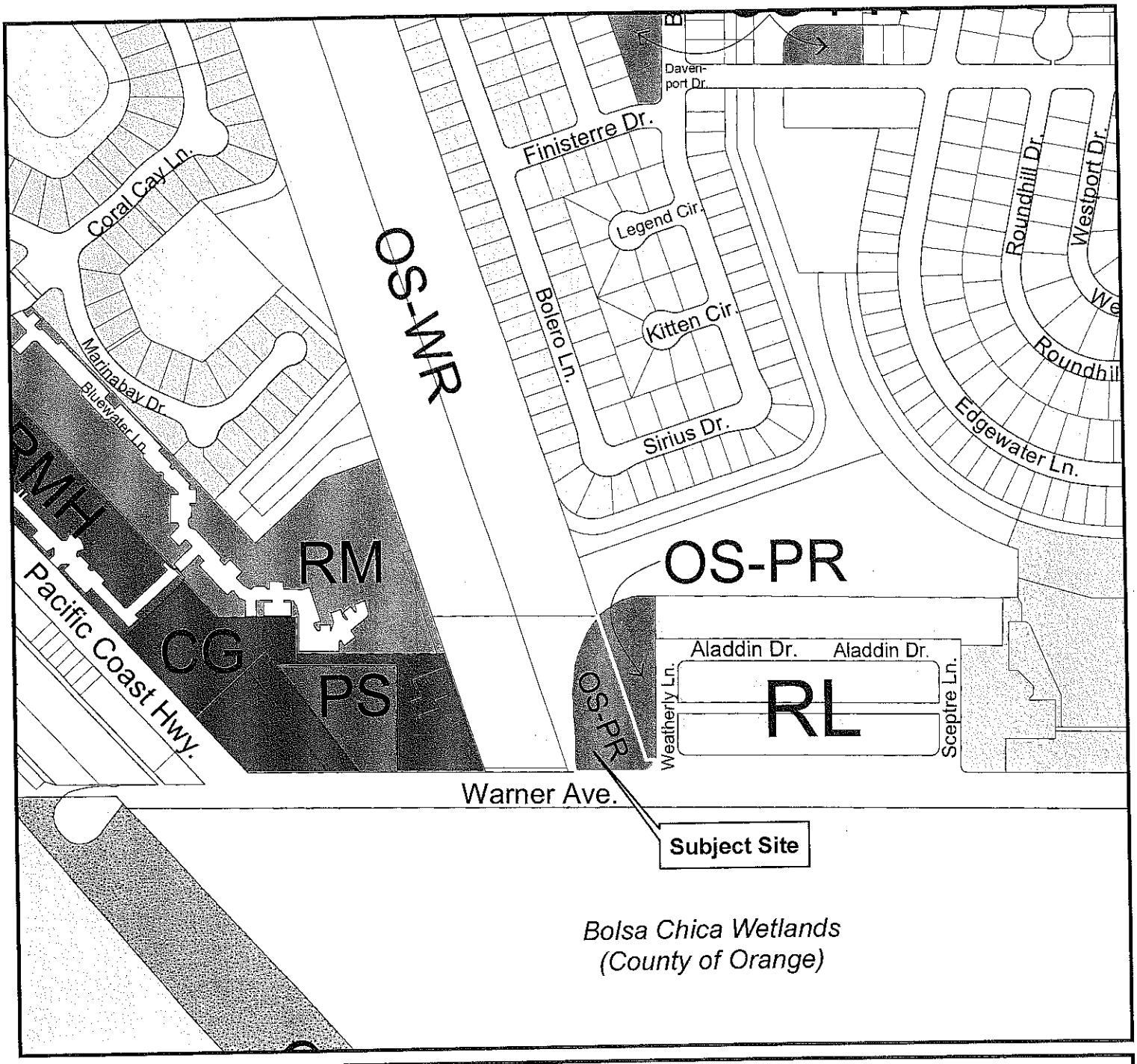


Exhibit B
Amended Zoning Map

Zoning Designations

Residential
- RL — Residential Low Density
- Residential Medium Density
- Residential Medium High Density
- Residential Medium High Density (Small Lot Subdistrict)
- Residential High Density
- Residential Agriculture
- Manufactured Home Park

Commercial
- Commercial Visitor
- Commercial General
- Commercial Office

Industrial
- Industrial General
- Industrial Limited

Mixed Use
- Mixed Use - Transit Center

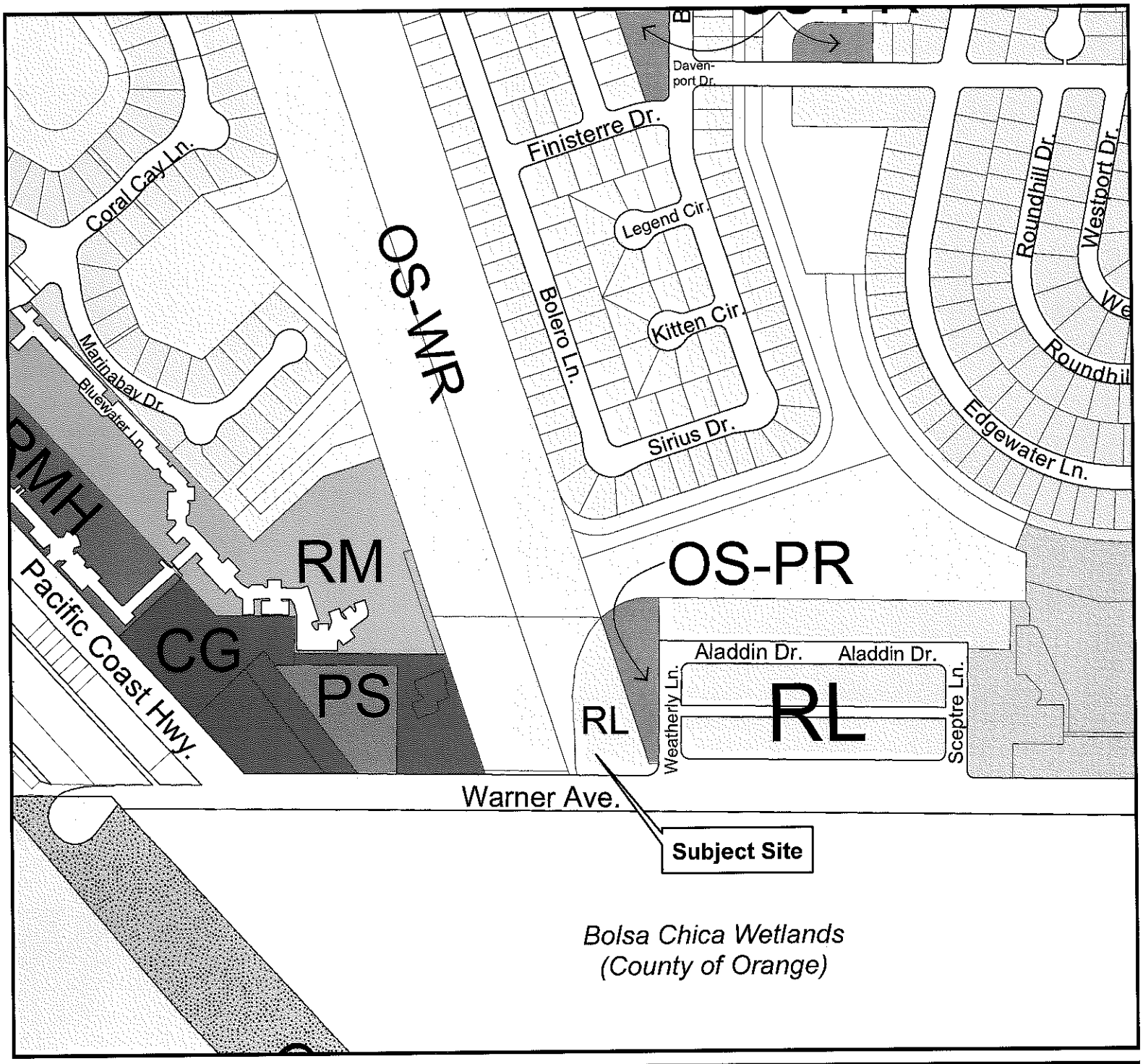
Conservation
- Coastal Conservation

Public
- Public-Semipublic

Open Space
- Parks and Recreation Subdistrict
- Shoreline Subdistrict
- Water Recreation Subdistrict

Miscellaneous
- Specific Plan Designations
- Qualified Classification
- Parcels
- Right of Ways, Bridges, Channels

ATTACHMENT NO. 2.5



Existing Zoning Map

Zoning Designations

Residential
- RL — Residential Low Density
- RM — Residential Medium Density
- RMH — Residential Medium High Density
- RMH-SL — Residential Medium High Density (Small Lot Subdistrict)
- RH — Residential High Density
- RA — Residential Agriculture
- MHP — Manufactured Home Park

Commercial
- CV — Commercial Visitor
- CG — Commercial General
- CO — Commercial Office

Industrial
- IG — Industrial General
- IL — Industrial Limited

Mixed Use
- MU-TC — Mixed Use - Transit Center

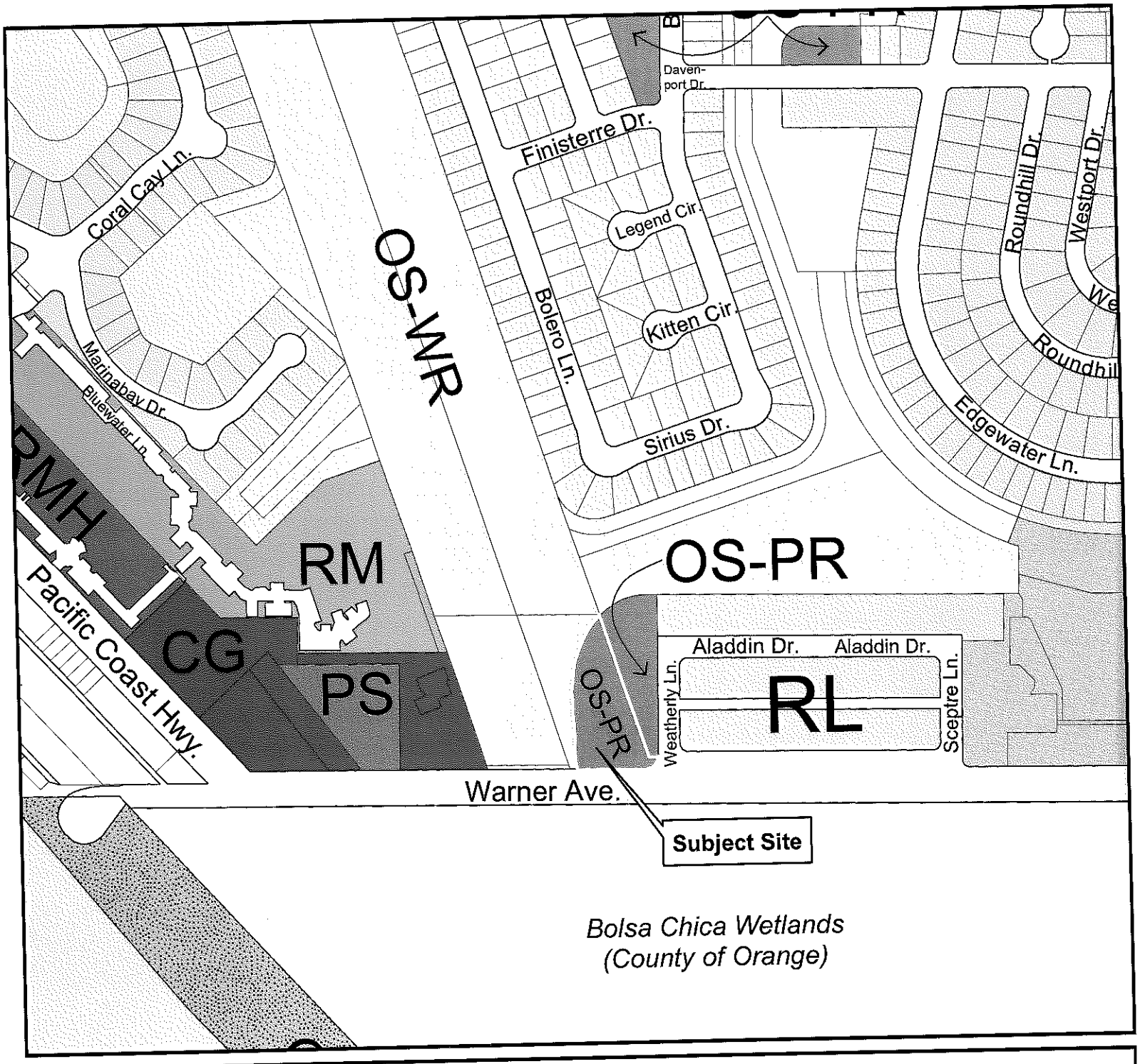
Conservation
- CC — Coastal Conservation

Public
- PS — Public-Semipublic

Open Space
- OS-PR — Parks and Recreation Subdistrict
- OS-SL — Shoreline Subdistrict
- OS-WR — Water Recreation Subdistrict

Miscellaneous
- SP — Specific Plan Designations
- (Q) — Qualified Classification
- Parcels
- Right of Ways, Bridges, Channels

ATTACHMENT NO. 3.1



Proposed Zoning Map

Zoning Designations

Residential
- RL Residential Low Density
- RM Residential Medium Density
- RMH Residential Medium High Density
- RMH Residential Medium High Density (Small Lot Subdistrict)
- RH Residential High Density
- RA Residential Agriculture
- MHP Manufactured Home Park

Commercial
- CV Commercial Visitor
- CG Commercial General
- CO Commercial Office

Industrial
- IG Industrial General
- IL Industrial Limited

Mixed Use
- MU-TC Mixed Use - Transit Center

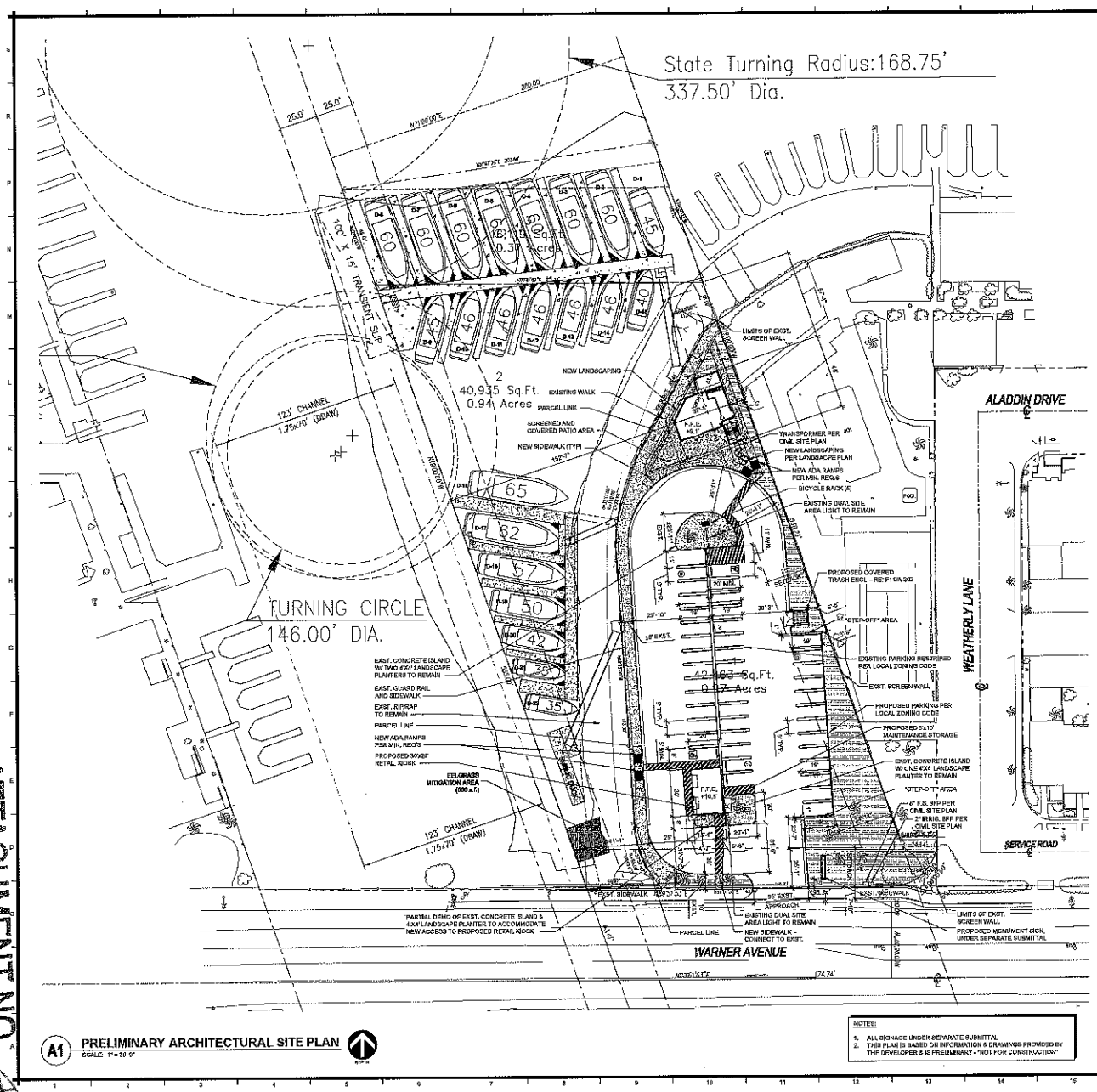
Conservation
- CC Coastal Conservation

Public
- PS Public-Semipublic

Open Space
- OS-PR Parks and Recreation Subdistrict
- OS-SL Shoreline Subdistrict
- OS-WR Water Recreation Subdistrict

Miscellaneous
- SP Specific Plan Designations
- (Q)- Qualified Classification
- Parcels
- Right of Ways, Bridges, Channels

ATTACHMENT NO. 3.2



A1 **PRELIMINARY ARCHITECTURAL SITE PLAN**
SCALE: 1" = 30'-0"

NOTES:
1. ALL SIGNAGE UNDER SEPARATE SUBMITTAL
2. THIS PLAN IS BASED ON INFORMATION & DRAWINGS PROVIDED BY THE DEVELOPER & IS PRELIMINARY - "NOT FOR CONSTRUCTION"

PROJECT SUMMARY:

LOT/PARCEL SQ.FT.	=	±83,398 SQ.FT. / ±1.915 ACRES
HARDSCAPE SQ.FT. SHOWN THUS:	=	± 32,861 SQ.FT.
LANDSCAPE SQ.FT. SHOWN THUS:	=	± 7,984 SQ.FT.
BUILDING SQ.FT.	=	± 1,163 SQ.FT.
OUTDOOR DINING	=	± 796 SQ.FT.
RETAIL KIOSK	=	± 600 SQ.FT
PARKING PROVIDED	=	44 STALLS (INCL. 2 ADA STALLS)

LEGAL DESCRIPTION:

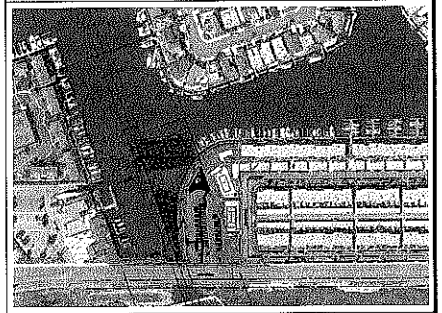
THAT PORTION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 39, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MER., JAN. 31, 1911, 20 ST. LOWS:

BOUNDED NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL A IN THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 30, 1952 IN BOOK 3355, PAGE 411 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY;

BOUNDED WESTERLY BY THE NORTHEASTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, OF THE LAND DESCRIBED IN PARCEL 2-CHANNEL OF THE DEED TO THE CITY OF HUNTINGTON BEACH, RECORDED JULY 29, 1970 IN BOOK 8369, PAGE 178 OF SAID OFFICIAL RECORDS;

BOUNDED EASTERLY BY THE WESTERLY LINE OF TRACT NO. 5775, AS SHOWN ON A MAP RECORDED IN BOOK 218, PAGES 11 AND 12 OF SAID MISCELLANEOUS RECORDS;

GENERAL NOTES



VICINITY/AERIAL OVERLAY

SCALE: 1" = 30'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARNAAR ARCHITECTURE - DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.3133 F. 816.474.1621

Harmony Cove
Marina Office & Diner
3901 Warner Ave.
Huntington Beach, CA 92649

PRELIMINARY SITE PLAN

BAYVIEW LLC
13512 Seal Beach Blvd
Seal Beach, CA 90740

#	BY	DATE	REVISIONS	SOURCE

DATE: 09.21.11
DESIGNED BY: jjo
DRAWN BY: cdh
APPROVED BY: KAW

SHEET NUMBER
AS-101

JOB NUMBER
4658-10

Y:\Projects\4658-10 Harmony Cove @ 4121 Warner, Huntington Beach, CA\Planning & Zoning\4658_AS101-G.dwg,
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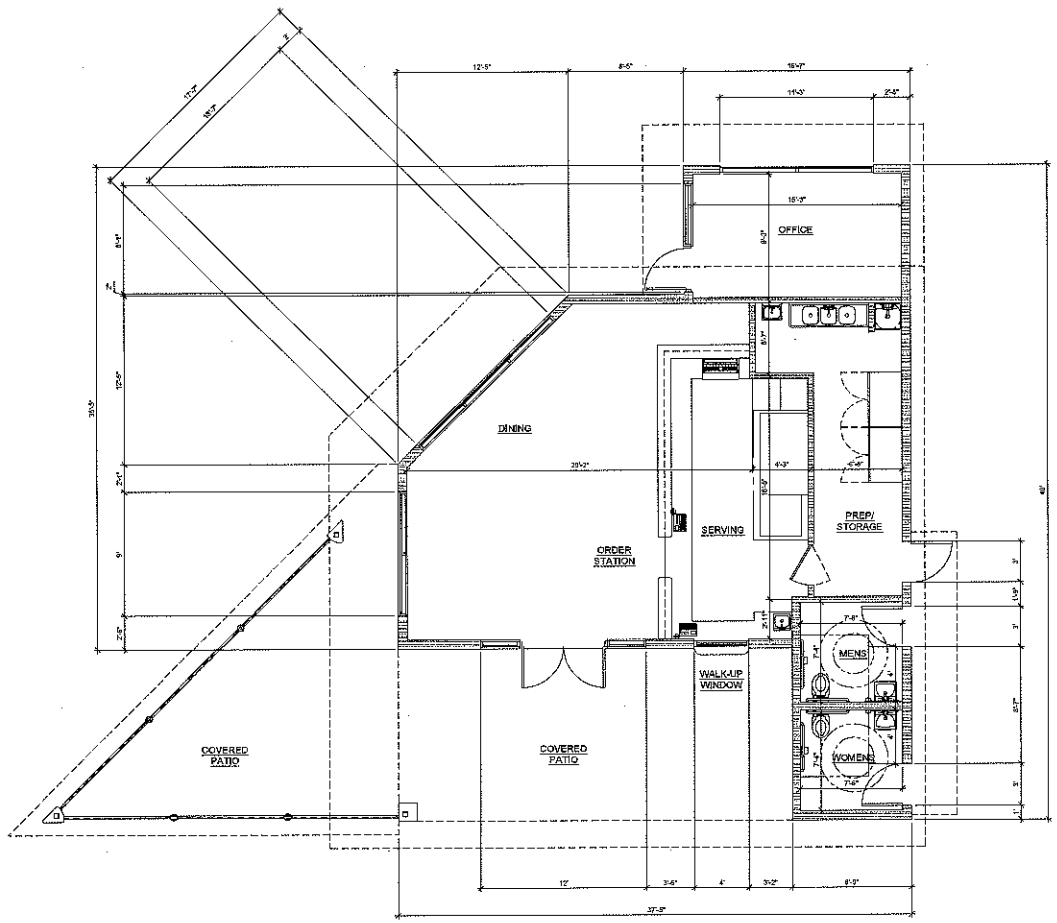
ATTACHMENT NO. 4



NOTE:

PROVIDE WINDSCREEN AS REQUIRED FOR COVERED PATIO

BUILDING AREA (SF)

MARINA OFFICE	164 SF
RESTAURANT (INCLD SERVING/STOR/PREP)	858 SF
RESTROOMS	141 SF
TOTAL	1,163 SF

A1 PRELIMINARY FLOOR PLAN - F
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARMAN ARCHITECTURE DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 F. 816.474.1051

Harmony Cove
Marina Office & Diner
3801 Warner Ave
Huntington Beach, CA 92649

PRELIMINARY FLOOR PLAN - E

BAYVIEW LLC
13912 Seal Beach Blvd
Seal Beach, CA 90740

REVISIONS

#	BY	DATE	SOURCE

DATE: 09.21.11
DESIGNED BY: jde
DRAWN BY: jde
APPROVED BY: KAW

SHEET NUMBER
A-101-G

JOB NUMBER
4658-10

ATTACHMENT NO. 4.2

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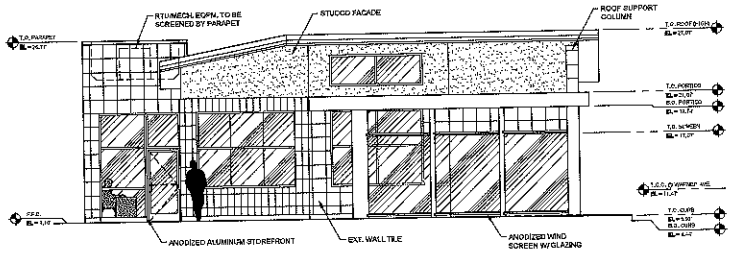
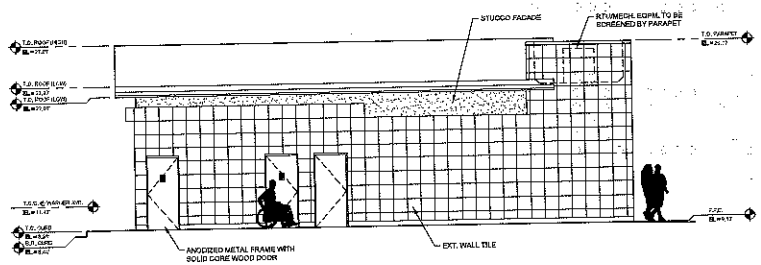
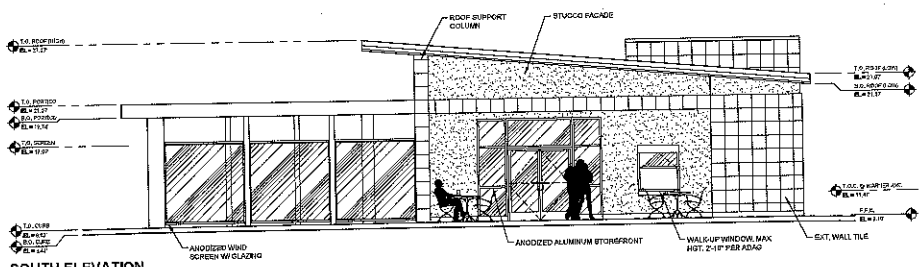


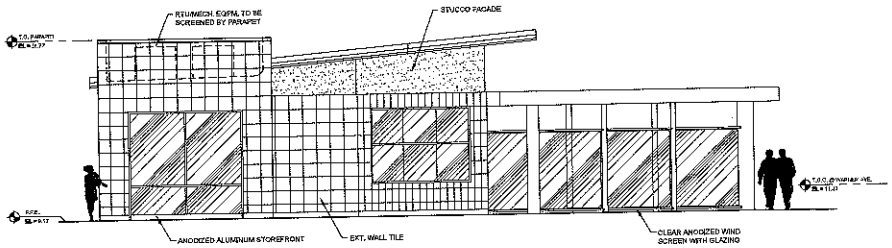
L1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



L11 EAST ELEVATION
SCALE: 3/16" = 1'-0"



F1 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



A1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
ANY/ALL SIGNAGE SHOWN ON THE PLANS IS FOR REFERENCE PURPOSES ONLY. ALL PROPOSED SIGNAGE WILL BE REVIEWED THROUGH A SEPARATE APPLICATION TO THE PLANNING DIVISION

SCALE: 3/16" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARMAN ARCHITECTURE / DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 F. 816.474.1051

Harmony Cove
Marina Office & Diner
4121 Warner Ave
Huntington Beach, CA 92649

RESTAURANT EXTERIOR ELEVATIONS

BAYVIEW LLC
15912 Seal Beach Blvd
Seal Beach, CA 90740

#	BY	DATE	REVISIONS	ISSUE

DATE:	09.21.11
DESIGNED BY:	jde
DRAWN BY:	cdl
APPROVED BY:	KAW

SHEET NUMBER
A-201.D

JOB NUMBER
4658-10

ATTACHMENT NO. 4.3

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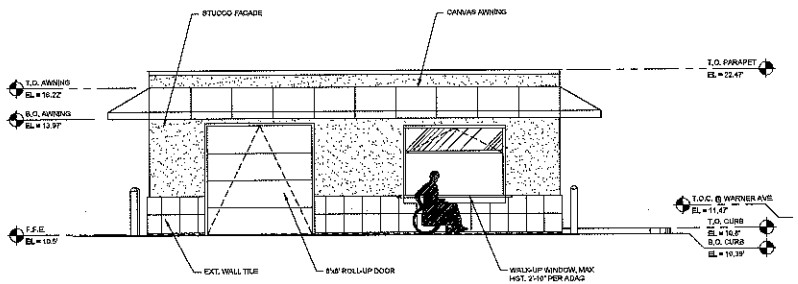
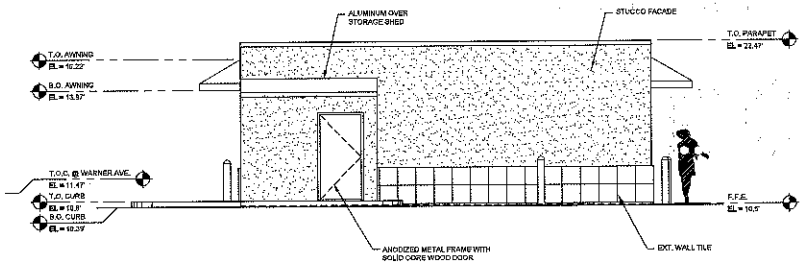
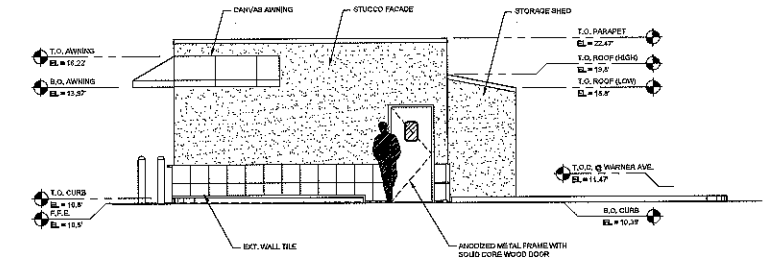


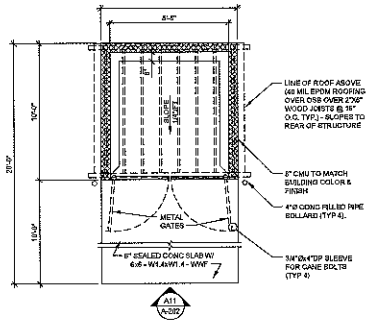
L1 KIOSK WEST ELEVATION
SCALE: 1/4" = 1'-0"



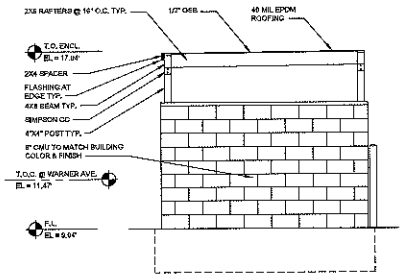
L11 KIOSK EAST ELEVATION
SCALE: 1/4" = 1'-0"

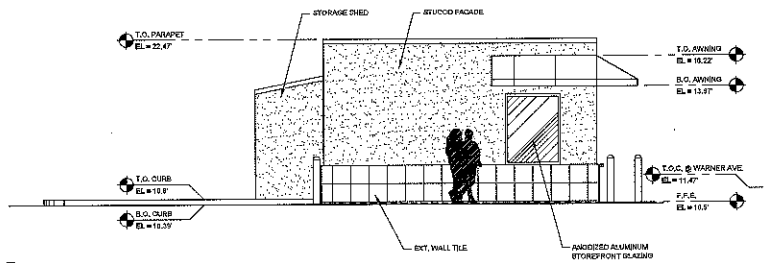


F1 KIOSK SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



F11 TRASH ENCL. PLAN
SCALE: 1/4" = 1'-0"





A1 KIOSK NORTH ELEVATION
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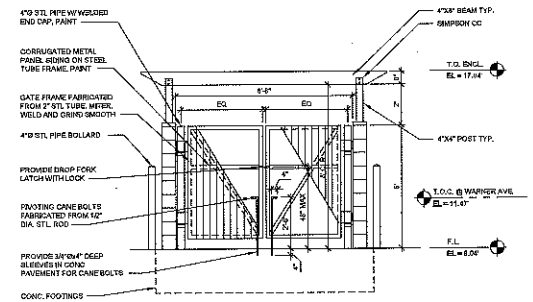

A11 TRASH ENCL. ELEVATION
SCALE: 3/8" = 1'-0"

NOTE:
ANY/ALL SIGNAGE SHOWN ON THE PLANS IS FOR REFERENCE PURPOSES ONLY. ALL PROPOSED SIGNAGE WILL BE REVIEWED THROUGH A SEPARATE APPLICATION TO THE PLANNING DIVISION

SCALE: 3/8" = 1'-0"

SCALE: 1/4" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARRAN ARCHITECTURE + DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 F. 816.474.1051

Harmony Cove
Marina Office & Diner
3961 Warner Ave.
Huntington Beach, CA 92649

RETAIL KIOSK EXTERIOR ELEVATIONS

BAYVIEW LLC
13512 Seal Beach Blvd
Seal Beach, CA 90740

#	BY	DATE	REVISIONS	SOURCE

DATE:	08.21.11
DESIGNED BY:	jde
DRAWN BY:	cdt
APPROVED BY:	KAW

SHEET NUMBER
A-202.B

JOB NUMBER
4658-10

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ATTACHMENT NO. 4.4

Recommended Plant List

Area to be Planted with Drought Tolerant Shrubs and Groundcovers.
The following are recommendations:

RECOMMENDED SHRUB LIST
Artemisia species (California Sage Brush)
Atriplex lentiformis breweri (Quail Bush)
Eriogonum fasciculatum (Buckwheat)
Galvezia speciosa "Firecracker"
Heteromeles arbutifolia (Toyon)
Salvia clevelandii (Cleveland Sage)
Rhus ovata (Sugar Bush)

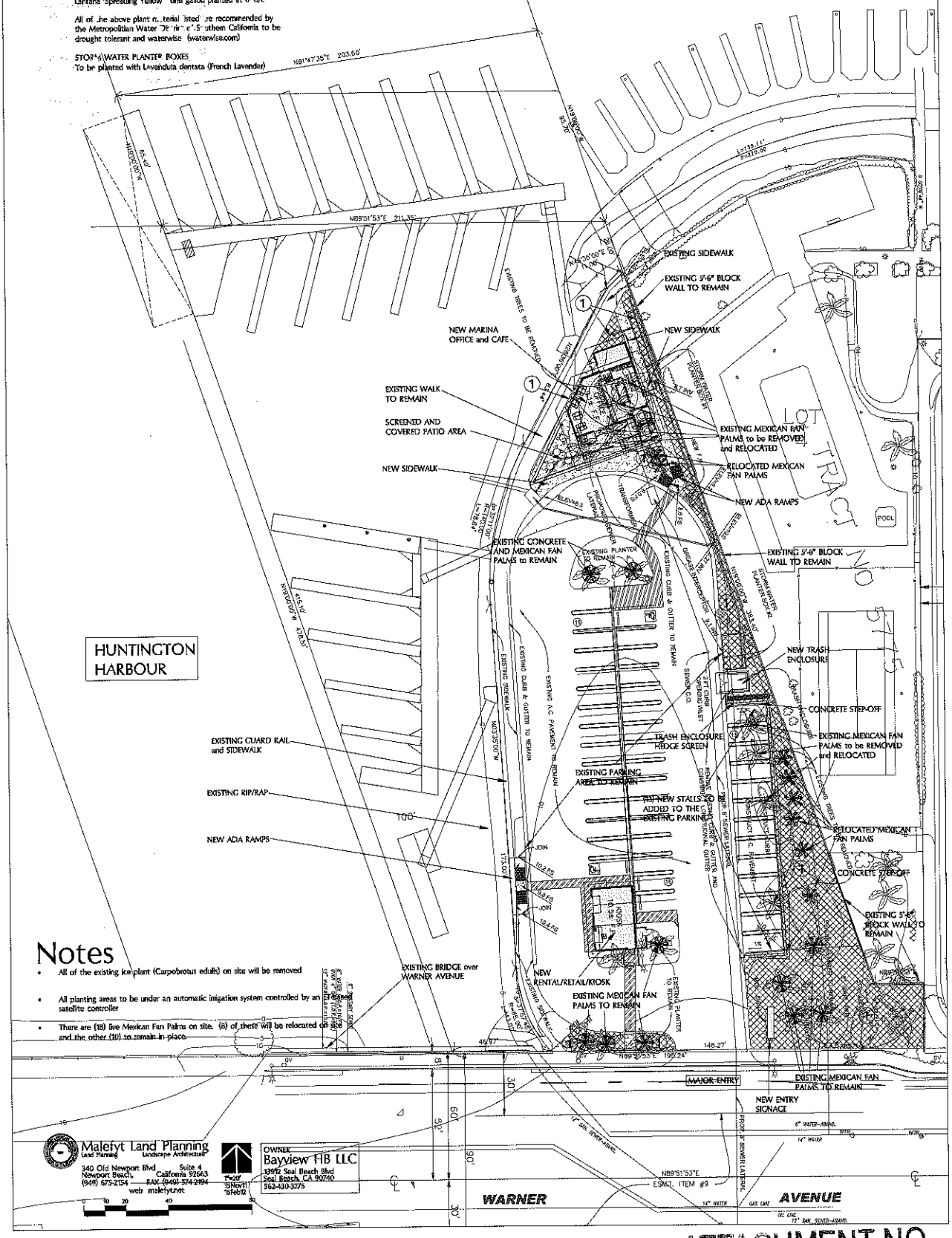
RECOMMENDED GROUNDCOVER LIST
Baccharis pilularis "Twin Peaks" (Coyote Bush) one gallon planted at 6' o/c
Carissa "Green Carpet" (Natal Plum) one gallon planted at 6' o/c
Cistus species (Rockrose)
Erigeron karvinskianus (Santa Barbara Daisy) one gallon planted at 48" o/c
Lantana montevidensis (Purple Lantana) one gallon planted at 6' o/c
Lantana "Spreading Orange" one gallon planted at 6' o/c
Lantana "Spreading Yellow" one gallon planted at 6' o/c

All of the above plant material listed are recommended by the Metropolitan Water District of Southern California to be drought tolerant and waterwise (waterwise.com)

STORMWATER PLANTER BOXES
To be planted with Lavendula dentata (French Lavender)

Conceptual Landscape Plan
Harmony Cove

3901 Warner Avenue
Huntington Beach, CA



Notes

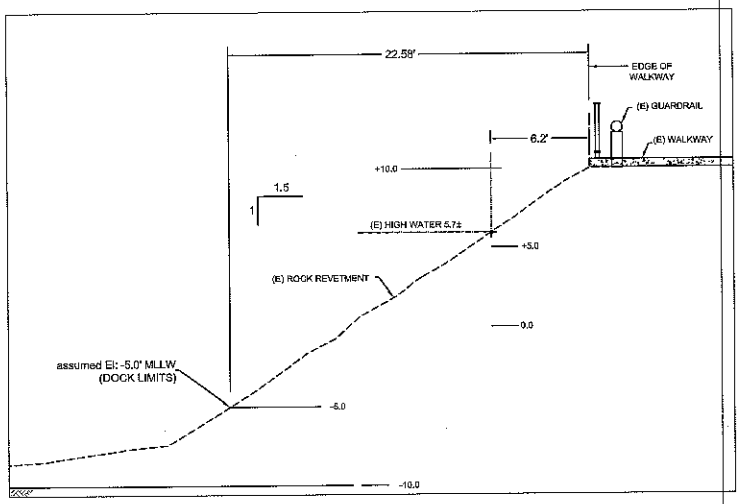
- All of the existing ice plant (Carpobrotus edulis) on site will be removed
- All planting areas to be under an automatic irrigation system controlled by an satellite controller
- There are (18) live Mexican Fan Palms on site. (8) of these will be relocated on site and the other (10) to remain in place.

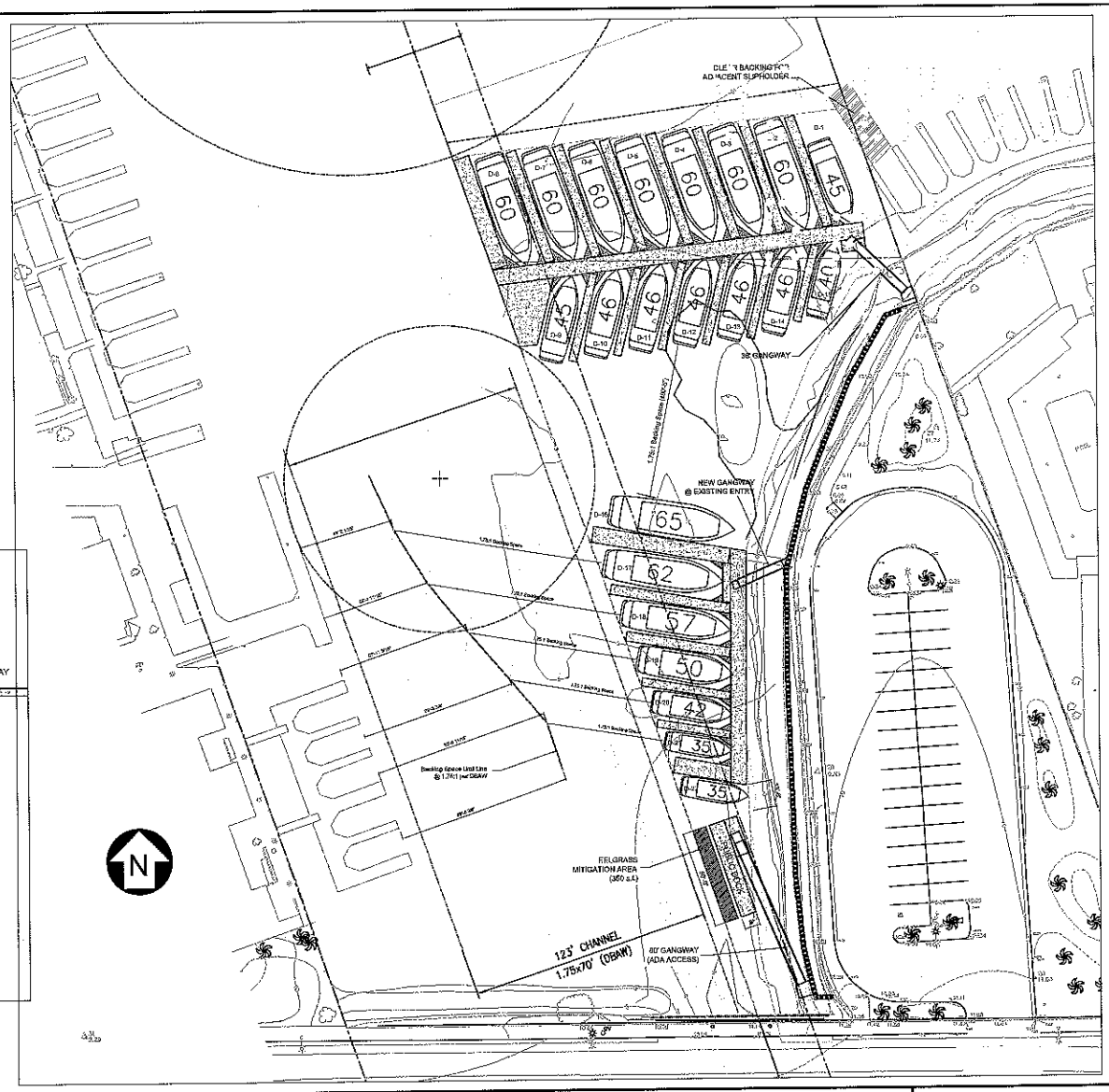
Malefyt Land Planning
Land Planning Landscape Architecture
340 Old Newport Blvd Suite 4
Newport Beach, California 92663
(949) 675-2154 FAX (949) 574-2194
web malefyt.net

1"=20'
15Nov11
15Feb12

OWNER
Bayview HB LLC
33912 Seal Beach Blvd
Seal Beach, CA 90740
562-430-3275

ATTACHMENT NO. 4.5





NO.	DATE	DESCRIPTION	BY

REVISIONS

Bellingham MARINE
The World's Most Comprehensive Marina Builder
Southwest Division
1205 Business Park Drive
Orion, CA 95620
TEL: (707) 678-2385
FAX: (707) 678-1760

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SITE IMPROVEMENT PLAN

ACCEPTED BY: _____
CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: _____
CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER:	10-3-642
ENGINEER / DESIGNER:	DeCaro
PROJECT MANAGER:	Noegel
CHECKED BY:	owner
SCALE:	1" = 40'
DRAWN BY:	D. D.
DATE:	5-17-11
SHEET NO.:	1
DRAWING:	5

HARMONY COVE MARINA
HUNTINGTON BEACH, CA

CONCEPTUAL DOCK LAYOUT - #5

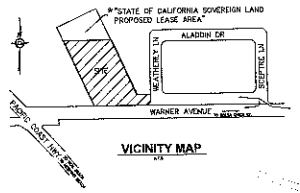
ATTACHMENT NO. 4.6

TENTATIVE PARCEL MAP 2011-138

IN THE CITY OF HUNTINGTON BEACH
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE FRACTIONAL SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MERIDIAN

FOR A PUBLIC RECREATIONAL MARINA, MARINA OFFICE, DINER, RETAIL KIOSK AND PARKING



VICINITY MAP

UTILITY SERVICES
HUNTINGTON BEACH IS SERVED BY THE FOLLOWING UTILITY COMPANIES:

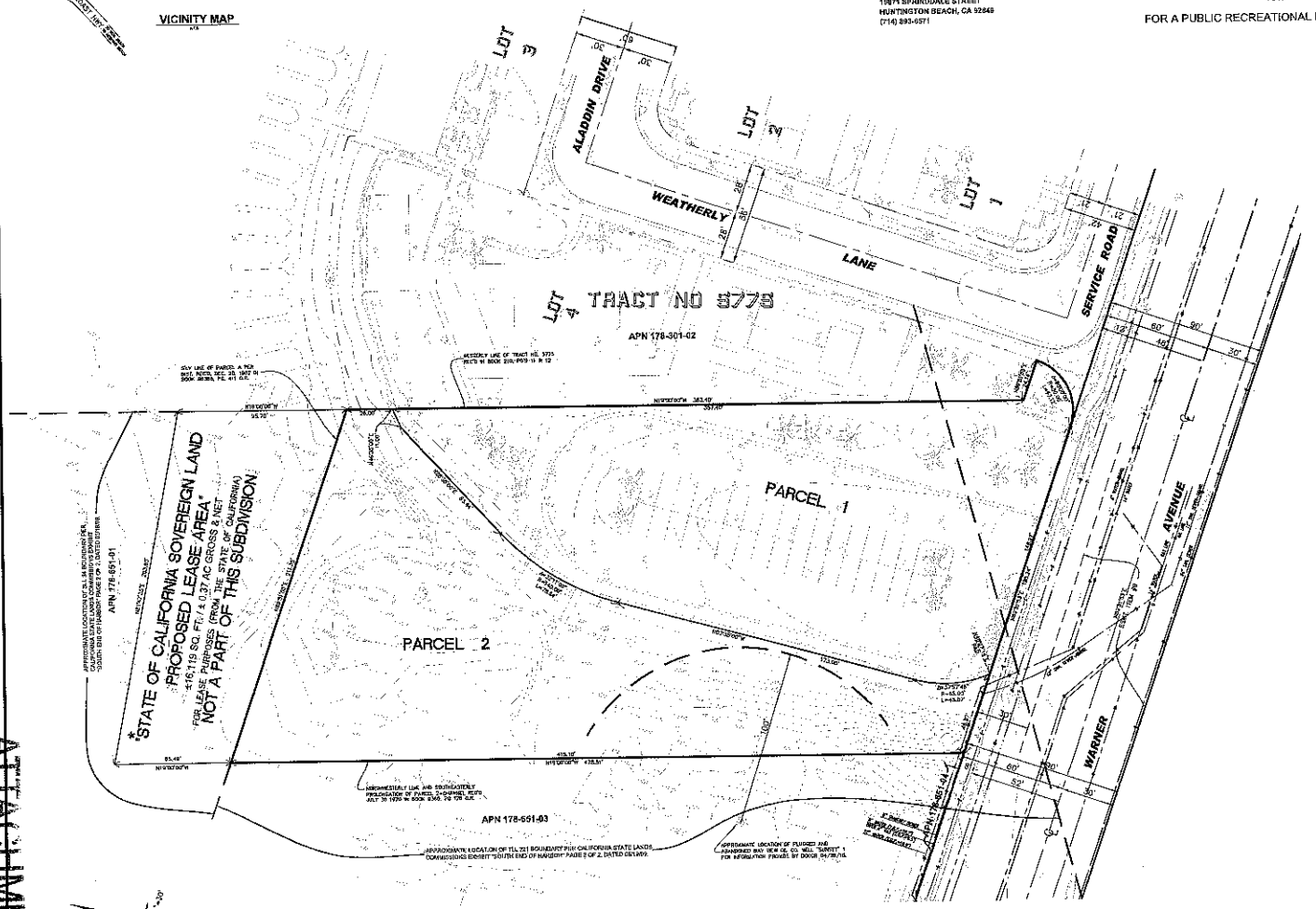
SERVICE	PROVIDER	TELEPHONE #
CABLE TELEVISION	TIME WARNER	(714) 992-4900
ELECTRICITY	SOUTHERN CALIFORNIA EDISON	(800) 409-2345
NATURAL GAS	SOUTHERN CALIFORNIA GAS CO.	(800) 427-2200
WATER/TRASH/SEWER	CITY OF HUNTINGTON BEACH	(714) 536-5519
LOCAL TELEPHONE	VERIZON	(800) 483-4000

SCHOOL DISTRICT - OCEAN VIEW

ELEMENTARY — HARBOR VIEW ELEMENTARY SCHOOL, 4140 PICKWICK CIRCLE, HUNTINGTON BEACH, CA (714) 846-6662

MIDDLE SCHOOL — MARINE VIEW MIDDLE SCHOOL, 5882 TILBURG DRIVE, HUNTINGTON BEACH, CA (714) 846-0524

HIGH SCHOOL — MARINA HIGH SCHOOL, 15871 SPRINDDALE STREET, HUNTINGTON BEACH, CA 92649 (714) 893-6371



BASIS OF BEARINGS:
THE BEARING NORTH 89°53'53" EAST ALONG THE CENTERLINE OF WARNER AVENUE AS SHOWN ON TRACT NUMBER 5775 RECORDED IN BOOK 210 PAGES 11 AND 12 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGAL DESCRIPTION:
THAT PORTION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MERIDIAN, BOUNDED AS FOLLOWS:

BOUNDED NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL A IN THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 28, 1962 IN BOOK 6368, PAGE 411 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY;

BOUNDED WESTERLY BY THE NORTHEASTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, OF THE LAND DESCRIBED IN PARCEL 2-CHANNEL OF THE DEED TO THE CITY OF HUNTINGTON BEACH, RECORDED JULY 30, 1970 IN BOOK 9349, PAGE 119 OF SAID OFFICIAL RECORDS;

BOUNDED SOUTHERLY BY THE WESTERLY LINE OF TRACT NO. 5775, AS SHOWN ON A MAP RECORDED IN BOOK 210, PAGES 11 AND 12 OF SAID MISCELLANEOUS RECORDS;

SUBDIVIDER:
BAYVIEW HB, LLC
13912 SEAL BEACH BLVD.
SEAL BEACH, CA 90740

NOTES:
A. SEE ARCHITECTS PLANS FOR DETAIL OF SITE
B. SEE MARINA ARCHITECTS PLANS FOR DETAIL OF DOCK SLIPS

RECORDS OWNERS:
PARCELS 1 & 2
BAYVIEW HB, LLC
JOHN & HEATHER TROUWALD
HOWARD & MARIANNE MAKLER
16251 CONAL CAYLN.
HUNTINGTON BEACH, CA 92649

STATE LAND LEASE PARCEL
STATE OF CALIFORNIA

NOTES:
1. ASSESSORS PARCEL: 178-301-01
2. THOMAS BROS.: 857/B1
3. PARCEL MAP 2011-138 AREA:
   LOT 1: 442,892 S.F. / ±9.97 AC. NET
   LOT 2: ±40,898 S.F. / ±0.94 AC. NET
   TOTAL: 483,790 S.F. / ±11.91 AC.
4. PUBLIC UTILITIES ARE EXISTING AND AVAILABLE TO SERVE THIS PROJECT.
5. EXISTING ZONES: RL-CZ-FP2 AND OS-WR-CZ PER INFORMATION BEACH INFORMATION SERVICES DEPARTMENT, HB OS MAP (REVISED: APRIL, 2010, PROPOSED ZONING: PARCEL 1: OS-PR-CZ-FP2; PARCEL 2: OS-WR-CZ
6. EXISTING ON SITE IMPROVEMENTS ARE TO BE REMAIN EXCEPT IN AREAS OF NEW CONSTRUCTION.
7. LAND USE: EXISTING: PARKING LOT, SIDEWALK AND LANDSCAPING
   PROPOSED: LOT 1 ..... MARINA OFFICE WITH DINER, RETAIL KIOSK AND PARKING.
   LOT 2 ..... 14 PRIVATE AND 1 PUBLIC BOAT SLIPS AND DOCK.
   * LEASE PARCEL ... 3 PRIVATE BOAT SLIPS AND DOCK.
8. FLOOD ZONE: "X" (LAND) & "AE" (WATER) PER FEMA MAP 06059C0237H DATED 2/16/04, WITH BASIC FLOOD ELEV. 7.4' MSL.
9. THE UTILITIES SHOWN ON THIS MAP ARE BASED UPON THE BEST AVAILABLE PUBLIC INFORMATION OBTAINED FROM THE CITY OF HUNTINGTON BEACH.
10. PROJECT: DEVELOPMENT OF A 23 SLIP PUBLIC RECREATIONAL BOAT MARINA INCLUDING A MARINA OFFICE WITH A DINER, OUTDOOR PATIO SEATING PLUS A RETAIL KIOSK SPACE. THE PROJECT WILL PROVIDE 42 STANDARD PARKING SPACES PLUS 2 ADA ACCESSIBLE SPACES.
11. PROPOSED PARKING: 42 SPACES, 2 ADA ACCESSIBLE SPACES (44 TOTAL SPACES)
12. EASEMENTS: LISTED ARE PER CHICAGO TITLE COMPANY REPORT NO. 1886218-SM DATED MAY 12, 2011.
    ITEM: 6: AN EASEMENT TO DRILL, MODRILL, DEEPEN, LINE, CONSTRUCT(L) AND OPERATE ONE OR MORE WELLS AND MINE TUNNELS PER INSTRUMENT RECORDED IN BOOK 5654, PAGE 418, RECORDED OCTOBER 11, 1989, OF OFFICIAL RECORDS. (THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD)
    ITEM: 9: AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES PER INSTRUMENT RECORDED IN BOOK 8102, PAGE 372, RECORDED NOVEMBER 30, 1995, OF OFFICIAL RECORDS. (PLOTTED)
13. BASE FLOOD ELEVATION = 7
14. PRELIMINARY GRADING QUANTITIES - PARCEL 1
    CUT ± 200 C.Y.
    FILL ± 50 C.Y.

* THE INCLUSION OF THE AREA IS SOLELY FOR INFORMATIONAL PURPOSES AND CONVEYS NO PRESENT OR FUTURE RIGHTS, TITLE OR INTEREST AND THAT THERE IS NO GUARANTEE OR RIGHT ON THE PART OF THIS APPLICANT OR ANY OTHER PARTY THAT THE COMMISSION WILL ISSUE A LEASE FOR THE PROPOSED LEASE AREA.

BENCH MARK FOR TOPOGRAPHY:
NGS BM # DY0906 DESIGNATION 941 0846 TIDAL 2 RESET EL=8.88' NAVD '88 (OCS BM TIDAL-2-2662) LOCATED AT THE NW COR OF PACIFIC COAST HIGHWAY AND WARNER AVE. (TO CHANGE AN ELEVATION SHOWN HEREON FROM NAVD '88 TO MLLW ADD 0.39' (I.E. 10.00 NAVD '88 + 0.39=10.39' MLLW).
(TO CHANGE AN ELEVATION SHOWN HEREON FROM NAVD '88 TO NGVD '29 SUBTRACT 2.37' (I.E. 10.00 NAVD '88 - 2.37'=8.63' NGVD '29)

TOPOGRAPHY SHOWN HEREON WAS PROVIDED BY ARCHITECT FOR SITE STUDY PURPOSES. TOPO WAS PREPARED BY BILL CARR SURVEYS AND DATED 03/02/06. BOUNDARY WAS REVISED BY BILL CARR SURVEYS AND DATED 9-11-08

#	DATE	BY	DESCRIPTION

REVISIONS

PREPARED BY: R. T. QUINN & ASSOCIATES, CIVIL ENGINEERS LAND SURVEYORS, 1507 Dover Avenue, Tustin, California 92780, Voice (949) 394-4325 Fax (949) 394-5165, E-Mail: rtquinn@rtquinn.net

REGISTERED PROFESSIONAL ENGINEER, ROBERT T. QUINN, No. 24898, Exp. 12/31/13, STATE OF CALIFORNIA

PLANS PREPARED FOR: BAYVIEW HB, LLC, 13912 SEAL BEACH BLVD., SEAL BEACH, CA 90740

PROJECT TITLE: HARMONY COVE

JOB ADDRESS: 4181 WARNER AVENUE, HUNTINGTON BEACH, CA

LEGAL DESCRIPTION: SEE ABOVE HEREON

TENTATIVE PARCEL MAP 2011-138

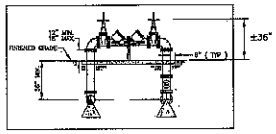
DRAWING FILE NO.

SCALE: 1"=20'

SHEET 1 OF 2

SHEET TITLE: TENTATIVE PARCEL MAP 2011-138

ATTACHMENT NO. 4



BACKFLOW ASSEMBLY
NOT TO SCALE

PRELIMINARY GRADING QUANTITIES - PARCEL 1
CUT ±200 C.Y.
FILL ± 60 C.Y.

NOTE:
SEE ARCHITECTURAL PLANS FOR SITE DIMENSIONS

CONSTRUCTION NOTES

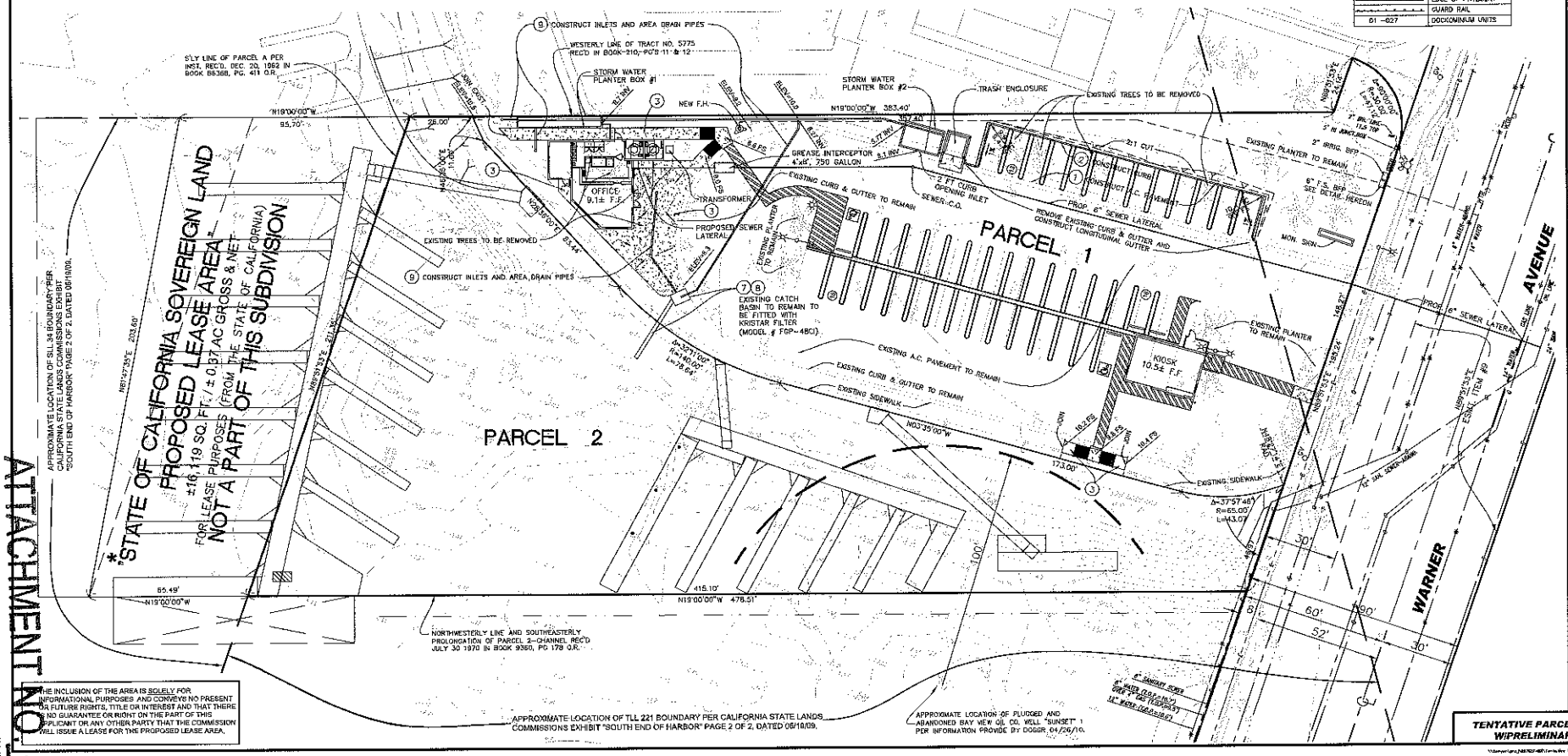
1. A.C. PAVEMENT
2. CONCRETE CURB
3. P.C.C. SIDEWALK
7. EXISTING CATCH BASIN AND PIPE TO REMAIN
8. EXISTING STORM DRAIN PIPE TO REMAIN
9. 4" P.V.C.
10. 4" N.D.S. NO. 50 ROUND GRATE

LEGEND:
D = DOCKOMINIUM MARINA SLIPS
L = LEASED MARINA SLIPS

SYMBOLS LEGEND

WM20	WATER METER
	WATER VALVE
	WATER VAULT
	FIRE HYD. ANT
	GAS VAL.
	P. MEN F. JE
	LIGHT POLE
	ELECTRIC MANHOLE
	ELECTRIC VAULT
	GUY POLE
	GUY ANCHOR
	SIGN
	AFFIC SIG. L
	STREET SIGHT
	PROJ. BE
(1140)	EX. CONTOUR
1140	PROP. CONTOUR
	PROP. SLOPE
1100.0	EX. SPOT ELEV.
1100	PROP. ELEV.
	DIRECTION OF FLOW
	CUT/FILL LINE
	RETAINING WALL
	GARDEN WALL
	STORM DRAIN & M.H.
	FENCE
	BUILDING FOOTPRINT
	EDGE OF PAVEMENT
	GUARD RAIL
61 -027	DOCKOMINIUM UNITS

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.



THE INCLUSION OF THE AREA IS SOLELY FOR INFORMATIONAL PURPOSES AND CONVEYS NO PRESENT OR FUTURE RIGHTS, TITLE OR INTEREST AND THAT THERE IS NO GUARANTEE OR RIGHT ON THE PART OF THIS APPLICANT OR ANY OTHER PARTY THAT THE COMMISSION WILL ISSUE A LEASE FOR THE PROPOSED LEASE AREA.

No.	DATE	BY	REVISIONS DESCRIPTION

PLANS PREPARED BY
R. T. QUINN & ASSOCIATES
CIVIL ENGINEERS LAND SURVEYORS
1900 Sandor Avenue
Long Beach, CA 90810
Voice (310) 639-0125 Fax (310) 420-0139
E-Mail Address: rtq@rtquinn.net
TOPO BY: L. KOSER
FIELD BOOK: UDP 13/113
PREPARED BY: J. MAGNUSSON
DATE: 02/14/12
JOB No.: 2010-0-AD
DRAWN BY: SKZ

REGISTERED PROFESSIONAL ENGINEER ROBERT T. QUINN No. 24985 Exp. 12/31/13 CIVIL STATE OF CALIFORNIA

PLANS PREPARED FOR:
BAYVIEW HBL, LLC
13912 SEAL BEACH BLVD.
SEAL BEACH, CA 90740

PROJECT TITLE
HARMONY COVE

JOB ADDRESS
4121 WARNER AVENUE
HUNTINGTON BEACH, CA

LEGAL DESCRIPTION
SEE ABOVE HEREON

TENTATIVE PARCEL MAP
2011-138

DRAWING FILE NO.

SCALE: 1"=20'

SHEET 2 OF 2

SHEET TITLE
TENTATIVE PARCEL MAP 2011-138
W/PRELIMINARY GRADING

ATTACHMENT NO. 4-8

RECEIVED

FEB 17 2012

Dept. of Planning
& Building

Harmony Cove Marina Project Description
Revised February 16, 2012

The proposed project involves the development of a recreational boat marina, to include a 100-foot long transient dock and 50-foot public dock open to the general public, and 22 boat slips available for lease to the public. As part of the marina project, ancillary uses including a 1,200 square foot building incorporating a marina office, eating and drinking establishment with alcoholic beverage sales, 800 square-foot enclosed outdoor patio dining and seating area, and a 600 square foot rental/retail kiosk space, and associated access, utilities, parking, landscaping and drainage/water quality improvements are also proposed.

The project is proposed to be developed on a 1.91-acre parcel of private property. The private property as it currently exists includes 42,463 square feet (0.97 acre) of developed upland area and 40,935 square feet (0.94 acre) of slope area and submerged land. In addition, a portion of the public marina is proposed to be developed within an adjacent 16,119 square foot (0.37 acre) portion of the State-owned harbor channel under the jurisdiction of the California State Lands Commission (CSLC) subject to a proposed lease agreement with CSLC. The existing site boundary and adjacent CSLC parcel are depicted on the project Site Plan and Tentative Parcel Map.

The property, formerly known as Percy Dock, was developed and operated as a public boat dock/parking facility by the City of Huntington Beach Community Services Department from 1986 to 2002. This facility consisted of a 60-foot long floating dock and 35-space parking lot. Existing improvements upon the site include approximately 395 linear feet of rip rap slope (approximately 25 feet wide on average) with adjacent sidewalk and railing, 765 linear feet of concrete curb, and 24,465 square feet of asphalt paving and landscaped areas. The site has not been in use since 2002 and is presently fenced off to public use; however, the onsite improvements remain intact. The proposed public marina and ancillary office, eating and drinking, and retail/rental uses are intended to serve the recreational needs of the Huntington Harbour area and a regional demand for permanent and transient small craft moorings with convenient ocean access.

The Applicant proposes to preserve and/or repair the majority of the existing onsite access, parking and landscaping improvements, and to construct additional improvements and establish ancillary visitor-serving eating and drinking, retail, office and restroom uses to complement and support the public marina use in conformance with the proposed OS-PR-CZ-FP2 zoning. The sale of alcoholic beverages as part of the eating and drinking use is requested pursuant to Chapter 230.74.A of the City's Zoning and Subdivision Ordinance. Vehicular and pedestrian access to the site will continue to be taken from the existing driveway on Warner Avenue. Boat access to the marina docks and slips will be by way of the public Huntington Harbour channels.

The marina component of the project consists of 22 permanent boat slips to accommodate boats ranging from 35 to 65 feet in length, plus one 100-foot long transient slip. The permanent slips are proposed to be made available to the general public for lease on a monthly or longer-term basis. The transient slip consists of a 100-foot long side-tie dock

ATTACHMENT NO. 5.1

which can accommodate multiple boats and will be available on a first-come, first-served basis for temporary mooring. In addition, a 50-foot long public dock is proposed to provide public access to the waterways for swimming, kayaking, stand-up paddleboards, fishing and other public recreational or emergency activities. The public dock will have a separate ramp and is proposed to be open from 7:00am to 7:00pm daily, while the permanent and transient slips will be available on a 24 hour basis as needed by lessees, boat owners and visitors.

As depicted on the project Site Plan, fourteen of the permanent slips, the 50-foot public dock and the dock for the side-tie transient slip are located on private property within the boundary of the proposed Parcel Map No. 2011-138. Eight of the permanent boat slips are to be located within the adjacent 0.37-acre area of the channel under a proposed lease agreement with the State Lands Commission. The 100-foot long transient slip is located within the City and State channel area.

The ancillary uses and structures proposed on the site will consist of:

a) A 1,200 square foot, one-story structure incorporating a small café eating and drinking area, kitchen and food preparation area, dining counter, take-out window (880 square feet +/-), restrooms (150 square feet +/-) and marina office (170 square feet +/-). The sale of alcoholic beverages as part of the café use is requested as permitted by Section 230.74.A of the Zoning and Subdivision Ordinance.
b) An 800 square foot enclosed outdoor dining patio and seating area.
c) A 600 square foot modular or prefabricated structure for the storage, rental and sale of kayaks, paddleboards and other water-related recreational equipment.
d) A trash enclosure.
e) A parking control kiosk or pedestal.
f) Parking lot and security light posts & fixtures.
g) Project monument sign and other coastal access signage as required/permitted.

The café, outdoor dining area and marina office are proposed to be open seven days a week from 6:00am-10:00pm, and the retail/rental kiosk is proposed to be open seven days a week from 7:00am-7:00pm.

A total of 44 onsite parking spaces (31 existing plus 13 new spaces) are proposed to provide adequate parking for the public marina and ancillary uses. The parking spaces are proposed to be time-restricted or metered to deter unauthorized use by surrounding uses and beach traffic. A public sidewalk and access easement will be provided along the entire channel edge of the site to provide horizontal and vertical access from the existing public sidewalk on Warner Avenue to the harbor channels and public docks.

Preparation of the existing site to construct the project will entail dredging of approximately 12,000 cubic yards from the submerged channel area to remove an existing shoal and navigation hazard and to allow construction of the marina. The existing revetted rock slope and sidewalk will require minor repairs in several areas to fill eroded areas with approximately 50 cubic yards of concrete or slurry material. Approximately 5,000 square feet of existing paved and landscaped area will be removed to provide a pad for the new eating and drinking, office and restrooms structure, outdoor patio area and new additional

ATTACHMENT NO. 5.2

parking spaces along the east side of the existing drive aisle. Where feasible, existing paved areas, sidewalks, driveway and grades will be preserved to minimize construction impacts. Per the preliminary grading plan, an estimated 200 cubic yards of cut and overexcavation grading and 50 cubic yards of fill will be required to condition the building pads, create new parking spaces and adjust drainage patterns for onsite collection and treatment of storm water runoff.

The project will be constructed in two phases, lasting a total of approximately ten months. The first phase of construction will include dredging and offsite disposal of 12,000 cubic yards of dredged material from the marina area, repair of the existing revetted rock slope, installation of the marina piles, floating boat docks and access ramps and installation of eelgrass mitigation. The second phase of construction will involve the removal and onsite stockpiling of eight existing mature palms, demolition and offsite disposal of 5,000 square feet of landscape area and invasive plants, and the construction of the ancillary retail structures, utilities, parking, landscaping and signage. The marina portion will take approximately seven months (1-2 months for dredging and repair of rock slope and 4-5 months for installation of floating docks, utilities and gangways). The retail structures and associated site improvements will take approximately three months to construct.

The proposed project includes the following entitlements:

- Zoning Map Amendment—To amend the zoning designation of the land portion of the site from RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) to OS-PR-CZ-FP2 (Open Space-Parks and Recreation-Coastal Zone-Flood Plain 2) to conform with the City's General Plan and Local Coastal Plan land use designations. Findings in support of the proposed Zoning Map Amendment include:
    - The proposed change of zoning for the land portion of the site is consistent the General Plan policies and objectives listed on Attachment 1
    - The proposed OS-PR zoning will allow for limited recreational and visitor-serving retail uses and outdoor activities to complement the proposed public marina, and which are compatible with surrounding land uses.
    - The proposed zoning and uses permitted thereunder help meet the growing demand for coastal access, active recreational opportunities and casual eating and drinking uses for residents and visitors oriented to the Huntington Harbour channels and Southern California outdoor and beach-oriented lifestyle.
    - Adoption of the proposed Zoning Map Amendment will be in conformity with public convenience, general welfare and good zoning practice.
- Conditional Use Permit—To permit the following uses:
    - Development of a recreational boat marina with a 100-foot long transient slip, 50-foot long public dock and 22 permanent boat slips for lease within the submerged portion of the property.
    - Ancillary uses including a 1,200 square foot building including 1,030 square foot eating and drinking establishment with take-out window, alcoholic beverage sales, an 800 square foot enclosed outdoor seating area, 170 square foot office and restrooms, and 600 square feet of retail/rental uses ancillary to

ATTACHMENT NO. 53

the recreational marina pursuant to Chapters 213, 221, 222, 230, 231 and 232 of the City's Zoning and Subdivision Ordinance.
    - Time-restricted or metered parking.
- Coastal Development Permit—To permit new development in the coastal zone and to review and "approve in concept" the public recreational boat marina.
- Tentative Parcel Map—To permit subdivision of the existing 1.91 acre parcel into two legal parcels – a 0.94 acre parcel for the marina portion of the site and a 0.97 acre parcel for the upland portion of the site.
- Variances
    - To permit a side yard setback of 10 feet in lieu of 25 feet.
    - To permit a street side (water side) setback of 8 feet in lieu of 25 feet. **Note: the structure is 8 feet from the property line but 40 feet from the waterline.**
    - To permit an existing 10-foot wide landscaped planter along a 50 foot long section of Warner Avenue in lieu of a 25 foot wide landscaped front setback.
    - To permit screened rooftop mechanical equipment to be placed within 15 feet of the edge of the café/office building.
    - To permit an above-ground electrical transformer to be placed within a required side yard setback (vs. placed in an underground vault).
    - To permit existing and new backflow prevention devices to be located within the front yard setback.
    - To permit a trash enclosure to be located in a required side yard setback.
    - To eliminate the requirement to provide a 750 square foot, 3 foot wide by 250 foot long, perimeter planter area with 9 trees between the existing parking lot and the existing public sidewalk adjacent to the harbor channel.
    - To permit the existing interior planter areas totaling 48 square feet (0.6%) in lieu of 397 square feet (5% of perimeter planter areas totaling 7,936 square feet).
- Environmental Assessment – to evaluate the potential environmental impacts of the proposed development and recommend mitigation measures if necessary to mitigate impacts to a level of insignificance.

ATTACHMENT NO. 5.4

ATTACHMENT 1
GENERAL PLAN POLICIES AND OBJECTIVES

The proposed project is consistent with the following goals and policies of the Land Use, Recreation and Community Services, and Coastal Elements of the General Plan:

Goal LU 4—Achieve and maintain high quality architecture, landscape, and public open spaces within the City.

Policy 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.

Policy LU 4.3.2—Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.

Policy LU 5.1.6—Promote site development that limits impact on and protects the natural integrity of topography, drainage systems, infiltration and water bodies.

Policy LU 5.1.7—Promote integration of water quality protection into construction and post-construction activities at all development and redevelopment sites.

Objective LU 8.1—Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use of, selected subareas in order to improve their character and identity.

Policy LU 10.1.19—Require that visitor-serving commercial developments be designed to reflect and be compatible with their setting and/or function (e.g., design of park buildings avoiding colors, materials, and architectural forms that visually dominate the park setting).

Goal RCS 1—Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective RCS 1.1.1—Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

Policy RCS 3.1.7—Develop and/or retrofit park and recreation sites in ways which maximizes efficiency and minimizes maintenance cost.

Policy RCS 8.1.3—Encourage commercial recreational facilities to provide recreational services and facilities that may or may not otherwise be provided by the City.

Goal C 1—Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 1.1.2—Coastal dependent developments shll have priority overother developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent uses they support.

Policy C 1.1.3—The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

ATTACHMENT NO. 5.5

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.4—Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 2—Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.4.6—Consistent with the Water and Marine Resources policies of this LCP, design parking lots to minimize the adverse impacts of urban runoff by:

a. Minimizing the area covered by impervious surfaces,
b. Minimizing pollutant loads associated with runoff, and
c. Periodic sweeping of parking lots on a regular basis

Objective C 2.5—Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Policy C 2.5.1—Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.

Objective C 2.6—Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

Policy C 2.6.1—Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow vertical access to the shoreline or to public recreation areas or to public trails and bikeways.....

Policy C 2.6.2—Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access to the shoreline or to public recreation areas or to public trails and bikeways.....

Policy C 2.6.3—The City shall accept offers of dedication for access consistent with its ability to assume maintenance and liability. If not accepted by the City, offers of dedication for access may be accepted by any other public agency or private association, provided that any association or agency which proposes to accept accessways is able to assume maintenance and operation of such accessway prior to opening it to the public.

Goal C 3—Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.1—Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.2.3—Privately-owned recreation facilities on public land shall be open to the public. Encourage privately-owned recreation facilities on private land to be open to the public.

Policy C 3.2.4—Encourage the provision of a variety of visitor-serving commercial estab lishments whthin the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

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

Goal C 6—Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Policy C 6.1.1—Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water.

Policy C 6.1.5—Require containment curtains around waterfront construction projects on inland waterways to avoid turbid waters drifting into the ocean.

Policy C 6.1.6--.....The City shall require that new development and redevelopment, as appropriate, employ nonstructural Best Management Practices (BMPs) and structural BMPs designed to minimize the volume, velocity and pollutant load of storm water runoff, prior to runoff discharge into storm water conveyance systems, receiving waters and/or other sensitive areas. All development shall include effective site design and source control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, structural treatment BMPs along with site design and source control measures shall be required. BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses.....

Policy C 6.1.24—Promote the improvement of tidal circulation in the Talbert Marsh, the Bolsa Chica, Huntington Harbour, and Anaheim Bay resulting in minimal impacts to sand migration, aesthetics, and usability of the beach area.

ATTACHMENT 2
FINDINGS IN SUPPORT OF VARIANCE REQUESTS

Applicant requests approval of the following variances due to the small and irregular shape of the subject property:

ZSO Section	Standard	Variance Request
2.13.08	Minimum Setback –Side	10 feet in lieu of 25 feet required
2.13.08	Minimum Setback – Street	8 feet in lieu of 25 feet required
2.13.08	25 foot wide landscaped front yard setback	10 foot wide landscaped planter (existing) for 50 foot section along Warner Avenue
230.76	Rooftop Equipment Setback	3 feet in lieu of 15 feet from edge of building
230.76	Transformer in side yard setback	Above-ground transformer in lieu of enclosed in subsurface vault
230.76	Backflow Prevention Devices not allowed in front yard setback	Permit backflow devices in front yard setback as requested by Public Works Water Division
230.78	Trash Enclosure not allowed in side yard setback	Permit trash enclosure in side yard setback
232.08.C.2	3 foot wide perimeter planter with 9 trees required around parking facilities	Relief from requirement to construct a new planter area between the existing parking lot and existing public sidewalk adjacent to harbor channel
232.08.C.3	Interior parking planter areas equal to 5 percent of perimeter planter area	Interior planter areas of 48 square feet, 0.6 percent of perimeter planter area

Required findings for approval of the variance are as follows:

1. The granting of this variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

   Finding: There are few, if any, properties in Huntington Beach that are zoned OS-PR-CZ-FP2 that are only 0.97 acre in size. The subject property is a remnant parcel of the Huntington Harbour subdivision and was developed with the existing parking lot and improvements before the OS zoning standards were adopted. Most properties with OS-PR zoning exceed 10 acres in size and can accommodate larger setbacks. The proposed marina

ATTACHMENT NO. 5.8

office and café building and trash enclosure are small structures for which the requested setbacks are adequate.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

   Finding: The site is very small and irregularly shaped, with approximately 400 linear feet of frontage on the Huntington Harbour channel. The requirement for a 3-foot wide perimeter landscape planter around parking facilities is appropriate for larger parking facilities abutting residential uses, but is not appropriate where the existing parking area abuts a public access walkway with views to the Huntington Harbour channels. The site plan provides for more than adequate landscaping along Warner Avenue and along the east property line abutting the Weatherly Bay condominiums. Nineteen percent of the small site will be landscaped, greatly exceeding the 8 percent requirement. Strict application of the perimeter planter requirements would reduce the width of the public walkway or drive aisle, neither of which are feasible given the existing site improvements.

3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.

   Finding: The property owner is requesting to rezone the subject property from Residential Low Density to Open Space-Parks and Recreation in order to permit development of a small public recreational marina and limited ancillary retail uses required to support and complement the recreational use, while maintaining as much of the existing site improvements and character as possible and with limited impacts. The proposed zoning places significant restrictions on future use of the property. Strict application of the setback and landscaping requirements would require the site to be completely reconstructed, which would result in greater adverse environmental impacts and is economically infeasible.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

   Finding: The proposed public recreational marina and limited ancillary visitor serving retail uses conform to the intent of the existing coastal land use and zoning designations and will not be materially detrimental to the public welfare or injurious to other properties with OS-PR zoning. The requested variances are minor in nature and are intended to permit the requested development while minimizing significant changes to the existing character of the site.

City of Huntington Beach

2000 MAIN STREET CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division
714.536.5271

Building Division
714.536.5241

September 14, 2012

Joe Daichendt
Harmony Cove LLC
c/o TheoryR Properties
1 Hammond Rd
Ladera Ranch, CA 92694

SUBJECT: ZONING MAP AMENDMENT NO. 08-001, CONDITIONAL USE PERMIT NO. 08-014, COASTAL DEVELOPMENT PERMIT NO. 08-008, VARIANCE NO. 11-007, TENTATIVE PARCEL MAP NO. 11-138, ENVIRONMENTAL ASSESSMENT NO. 08-004 (HARMONY COVE MARINA DEVELOPMENT)—3901 WARNER AVENUE
PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Mr. Daichendt:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Tess Nguyen

TESS NGUYEN
Associate Planner

Enclosures

cc: Khoa Duong, Building & Safety – 714-872-6123
Dave Dominguez, Community Services – 714-374-5309
Jim Brown, Fire Department – 714-374-5344
Jason Kelly, Planning & Building Department
Project File
Steve Bogart, Public Works – 714-374-1692
Luis Gomez, Economic Development – 714-536-5544
Arvar Elkins, Police – 714-625-9702
Herb Fauland, Planning Manager

ATTACHMENT NO. 6.1

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 7, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	KHOA DUONG, P.E
TELEPHONE/E-MAIL:	(714) 872-6123/KHOA@CSGENGR.COM
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

I. SPECIAL CONDITIONS:

1. None

ATTACHMENT NO. 6.2

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2010 California Building Code (CBC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy Code, and The Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

2. Provide Project Data showing:
   - Occupancy group(s)
   - Type of building construction

3. Provide compliance to disabled accessibility requirements of Chapter 11B of CBC.
   a. Please show the required clear space in front of lavatory. Door cannot encroach into the required clear space in front of lavatory.
   b. Provide accessible paths of travel to loading dock areas.

4. Kiosk Floor plan did not include in this submittal. Please provide Kiosk Floor plan.

5. Please contact me or our office to review preliminary code analyses to examine any possible building code issue that may arise.

*****Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings*****

ATTACHMENT NO. 6.3

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	April 16, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	**FEBRUARY 17, 2012**
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	David Dominguez
TELEPHONE/E-MAIL:	(714) 374-5309/ ddominguez@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ATTACHMENT NO. 6.4

Plan Sheet Comments:

- The gangway leading to the public dock is shown in different locations on the Preliminary Site Plan (Sheet AS-101) and on the Conceptual Dock Layout - #5. Plans should be made modified to show the intended location.
- Gangway and public dock dimensions should be indicated and include ADA access dimensions at transition points.
- Site Plan should show continuous access from ADA parking spaces to the sidewalk and to the public dock gangway.

Recommended Project Conditions:

- Pierhead line to be set back 25 feet from the westerly property line of the proposed project to provide adequate maneuvering area based on the potential for future expansion of the Marine Safety Division's needs and to accommodate the potential expansion of the public docks on the west side of the channel for recreational uses.
- The proposed public dock must be maintained by the developer and remain open to the general public.
- Proposed hours for the public dock should be consistent with public park curfews (5:00 AM – 10:00 PM)
- Appropriate signage must be in place to inform the public that the dock is available for use.
- Signage must be in place informing the public that parking meters and pay stations are not operated by the City.
- Use of the proposed transient slip proposed to be located over the city-owned portion of the channel must be coordinated through the City and made available to the Huntington Harbor Yacht Club.
- Dredging activity should be coordinated to ensure that there is no disruption to Marine Safety vessels and Huntington Harbor Yacht Club activities.

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MAY 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	LUIS GOMEZ
TELEPHONE/E-MAIL:	(714) 536-5544/ luis.gomez@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ATTACHMENT NO. 66

The Economic Development Department has reviewed the proposed project and has the following comments/concerns:

1. The project as proposed, takes boat access from City property and that will not be allowed.

2. The proposed project would limit the future development potential of the City owned marina property. This would significantly reduce the value of the City owned marina property, while increasing the value of the Applicant's property. Such an exchange could be viewed as a "gift of public funds".

3. The project pierhead line shall be established 25-feet from the common property line. There is no easement request on the property.

4. The Applicant seeks to extend the project boundary onto State owned property. The Applicant must obtain proper State signatures authorizing the proposed use within State owned property.

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& Building

HUNTINGTON BEACH

HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 13, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	PLANNING APPLICATION NO. 08-065
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744/ tnguyen@surfcity-hb.org
PLAN REVIEWER-FIRE:	JAMES BROWN, FIRE PROTECTION ANALYST
TELEPHONE/E-MAIL:	(714) 374-5344/ jbrown@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 22, 2012. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANALYST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

ATTACHMENT NO. 6.8

Environmental

Environmental – Oil well on property.

NOTE: An abandoned oil well is located on the proposed construction property.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. ***DOGGR "CONSTRUCTION SITE REVIEW"* is required.** A California Division of Oil, Gas & Geothermal Resources (DOGGR – 714-816-6847), *Site Plan Review* is required for this project. (See included application).

   Identify the well name and well API number. Show the location of the abandoned oil well in question. Accurately locate with "x" and "y" parameters delineated. A completed DOGGR *Site Plan Review* must be on-file with the Fire Department prior to plan approval.

   Wells identified in the Site Review not meeting current DOGGR requirements may require re-abandonment. If required, the following permits shall be obtained and submitted:

   - From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a *Permit to Conduct Well Operations* for all on-site active/abandoned oil wells.

   - Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of *City Specification #422, Oil Well Abandonment Permit Process.* Reference compliance with *City Specification #422, Oil Well Abandonment Permit Process* in the plan notes.

(Location of the well is not certain, waiting on DOGGR Site Review to determine the requirements based on location to the project)

DEPENDING ON THE LOCATION OF THE ABANDONED WELL(S) TO THE PROPOSED CONSTRUCTION, THE FOLLOWING CONDITIONS MAY BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

2. "***OIL WELL HISTORY DISPOSITION REPORT*" is required**. A California licensed third-party petroleum engineer or geologist compiles a disposition report for submittal to the Fire Department – Development Section. (see *City Specification # 429, section 3.2*)

3. ***"CITY CONSULTANT - OIL WELL HISTORY REVIEW"* is required**. The city consultant reviews the submitted *OIL WELL HISTORY DISPOSITION* REPORT for completeness, well integrity, and recommended safety measures. (see *City Specification # 429, section 3.3)*

ATTACHMENT NO. 6.9

Fire Hydrants and Water Systems

Fire Hydrant is required. Hydrant must be portrayed on the site plan. Hydrant shall be installed and in service **before** combustible construction begins. Installation of hydrant and service mains shall meet NFPA 13 and 24, 2010 Edition, California Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments for connection to street main and DCDA. For Fire Department approval of all piping downstream of the DCDA and the private hydrant, submit a separate plan to the HBFD reflecting the fire hydrant location and meeting all requirements of the 2010 CFC, NFPA 13 and 24, and City Specification #407 Fire Hydrant Installation Standards. Reference this in the plan notes. **(FD)**

Fire Suppression Systems

Fire Protection Systems

Fire Extinguishers shall be installed and located in all areas to comply with California Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. **(FD)**

Commercial Food Preparation Fire Protection System required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. **(FD)**

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. **(FD)**

Piers, Marinas and Docks.

Marina Fire Protection System for the proposed marina shall be provided per California Fire Code Section 511, *Marina Fire Protection*. Shop drawings shall be submitted to the Fire Department and approved prior to system installation. Marina plans shall be submitted (three sets) showing the dock layout, wet standpipes, and location of fire extinguisher cabinets. All pipe schedules and hydraulic calculations shall be included. The system shall be supplied with a Fire Department Siamese connection located within 5 feet of the nearest fire apparatus access roadway. The system shall be central station monitored.

511.1 Marina Fire Protection equipment. All piers, wharves, floats with facilities for mooring or servicing five (5) or more vessels, and marine service stations shall be equipped with fire protection equipment as follows:

1. A wet standpipe system shall be installed on all docks, piers, wharves or marine service stations that exceed 100 feet in length or are otherwise inaccessible from city hydrants. The wet standpipe system shall be capable of delivering 250 gallons per minute at a residual pressure of 50 PSI at the outlet. The outlet shall be two- and one-half inch (2 1/2") national standard thread with an appropriate gate valve. Outlets shall be spaced at 200 foot intervals, in approved locations, preferably at a point of public access. Outlets shall be installed so that they are readily visible, unobstructed and readily discernable as a piece or fire fighting equipment.

2. Piers and wharves shall be provided with fire apparatus access roads and water supply systems with on-site fire hydrants as may be required by the fire code official.

3. A 4-A; 40 BC fire extinguisher shall be located every 150 feet along the dock. The fire extinguisher shall be located in a standard fire extinguisher cabinet with a breakable glass front. The cabinet shall have placards on both sides with the words "Fire Extinguisher" and either have an additional placard on the front or shall be easily recognized from the front as a fire extinguisher cabinet.

4. The fire code official shall designate the type and number of all other fire appliances to be installed and maintained in each marina. **(FD)**

Building Construction

Exit Signs And Exit Path Markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED <u>DURING</u> CONSTRUCTION:

a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

OTHER:

a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**

b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at

http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	SEPTEMBER 14, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.:	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001, CONDITIONAL USE PERMIT NO. 08-014, COASTAL DEVELOPMENT PERMIT NO. 08-008, VARIANCE NO. 11-007, TENTATIVE PARCEL MAP NO. 11-138, ENVIRONMENTAL ASSESSMENT NO. 12-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, HUNTINGTON BEACH
PLAN REVIEWER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744/ tnguyen@surfcity-hb.org
PROJECT DESCRIPTION:	ZONING MAP AMENDMENT: TO AMEND THE ZONING DESIGNATION OF THE LAND PORTION OF THE SITE FROM RL-CZ-FP2 (RESIDENTIAL LOW DENSITY—COASTAL ZONE—FLOOD PLAIN 2) TO OS-PR-CZ-FP2 (OPEN SPACE-PARKS AND RECREATION—COASTAL ZONE—FLOOD PLAIN 2). CONDITIONAL USE PERMIT: TO PERMIT THE DEVELOPMENT OF A 23-BOAT SLIP MARINA, AN EATING AND DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, ANCILLARY USES (MARINA OFFICE, RETAIL/RENTAL USES), METERED PARKING, AND OUTDOOR DISPLAY OF SALE AND RENTAL EQUIPMENT). COASTAL DEVELOPMENT PERMIT: TO PERMIT DEVELOPMENT IN THE COASTAL ZONE, TO REVIEW AND "APPROVE IN CONCEPT" THE BOAT SLIPS/MARINA. VARIANCE: TO PERMIT A REDUCTION IN REQUIRED SETBACKS, ROOFTOP EQUIPMENT LOCATION, ELECTRICAL TRANSFORMER LOCATION, BACKFLOW PREVENTION DEVICE LOCATION, TRASH ENCLOSURE LOCATION, AND LANDSCAPING. TENTATIVE PARCEL MAP: TO SUBDIVIDE 1.91 ACRES OF LAND INTO TWO PARCELS (0.94 ACRE PARCEL FOR THE MARINA PORTION AND 0.97 ACRE FOR THE LAND PORTION). ENVIRONMENTAL ASSESSMENT: TO EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 17, 2012. The list is intended to assist the applicant by

ATTACHMENT NO. 6.13

identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

TENTATIVE PARCEL MAP NO. 11-138:

1. Prior to submittal of the final parcel map to the Public Works Department for processing and approval, the following shall be required:

   a. Final parcel map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). **(HBZSO Section 254.16)**

   b. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. **(HBZSO Section 255.14.H)**

   c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications.* The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*). **(Ordinance No. 3562, Resolutions No. 2002-56 and 2002-57)**

2. Prior to the issuance of the grading permit, the final map shall be recorded with the County of Orange. **(HBZSO Section 253.22)**

3. Prior to issuance of Building Permits, a Mitigation Monitoring Fee for a Mitigated Negative Declaration shall be paid to the Planning and Building Department pursuant to the fee schedule adopted by resolution of the City Council. ***(City of Huntington Beach Planning and Building Department Fee Schedule)***

4. During demolition, grading, site development, and/or construction, all requirements of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code including the Noise Ordinance shall be adhered to. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**

5. The Departments of Planning, Public Works and Fire shall be responsible for ensuring 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 parcel map are proposed during 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 Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO. **(HBZSO Section 241.10)**

6. Tentative Parcel Map No. 11-138 shall not become effective until the ten calendar day appeal period has elapsed from Planning Commission action. **(HBZSO Section 251.12)**

7. Tentative Parcel Map No. 11-138, Zoning Map Amendment No. 08-001, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning and Building pursuant to a written request submitted to the Planning and Building Department a minimum 60 days prior to the expiration date. **(HBZSO Section 251.14 and 251.16)**

8. The subdivision) shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as all applicable local, State and Federal Codes, Ordinances and standards, except as noted herein. **(City Charter, Article V)**

9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**

10. The applicant shall submit a check in the amount of $50 for the posting of a 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 Planning Commission's action. **(California Code Section 15094)**

11. 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/Zoning Administrator. **(HBZSO Section 232.04)**

CONDITIONAL USE PERMIT NO. 08-014/COASTAL DEVELOPMENT PERMIT NO. 08-008/ VARIANCE NO. 11-007:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:

   a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**

   b. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**

   c. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. **(HBZSO 231.18(C))**

2. Prior to issuance of demolition permits, the following shall be completed:

   a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead,

and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies. **(AQMD Rule 1403)**

b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed. **(AQMD Rule 1403)**

c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District. **(AQMD Rule 1403)**

d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed. **(AQMD Rule 1403)**

e. The applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution No. 4545)**

f. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**

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

a. Prior to submittal of a landscape plan, the applicant shall provide a Consulting Arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution No. 4545)**

b. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Planning and Building Department for review and approval. **(HBZSO Section 232.04)**

c. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**

d. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. **(HBZSO Section 232.04.D)**

e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. **(HBZSO Section 232.04.B)**

f. Standard landscape code requirements apply. **(HBZSO Chapter 232)**

g. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. **(HBZSO Section 232.06.A)**

h. 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. 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. **(Resolution No. 4545)**

4. Prior to submittal for building permits, a minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Planning Department. **(City Specification No. 409)**

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

   a. A General Plan Maintenance Fee shall be paid. The fee is $1.85/$1,000 valuation of new construction. **(City of Huntington Beach Planning Division Fee Schedule)**

   b. A Mitigation Monitoring Fee for the Mitigated Negative Declaration shall be paid to the Planning and Building Department pursuant to the fee schedule adopted by resolution of the City Council (***City of Huntington Beach Planning Division Fee Schedule***)

   c. All new commercial and industrial development shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – Payment of Park Fee. The fees shall be paid and calculated according to a schedule adopted by City Council Resolution. **(City of Huntington Beach Planning Division Fee Schedule)**

6. During demolition, grading, site development, and/or construction, all Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance shall be adhered to. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and commencement of use and issuance of a Certificate of Occupancy) until the following has been completed:

   a. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for each building shall be submitted to the Planning and Building Department. **(HBZSO Section 222.14.B)**

   b. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division. **(HBMC 17.04.036)**

   c. Complete all improvements as shown on the approved grading, landscape and improvement plans. **(HBMC 17.05)**

   d. All trees shall be maintained or planted in accordance to the requirements of Chapter 232. **(HBZSO Chapter 232)**

e. 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. **(HBZSO Section 232.04.D)**

f. The provisions of the Water Efficient Landscape Requirements shall be implemented. **(HBMC 14.52)**

8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of **HBZSO Section 241.18.**

9. Tentative Parcel Map No. 11-138, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 shall not become effective until Zoning Map Amendment No. 08-001 has been approved by the City Council and is in effect. **(HBZSO Section 247.10 and 247.16)**

10. Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 shall not become effective until the appeal period following the approval of the entitlements has elapsed. **(HBZSO Section 241.14)**

12. The Planning Commission reserves the right to revoke Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**

13. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**

14. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC Section 8.40.090)**

15. The applicant shall submit a check in the amount of $50.00 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 Planning Commission's action. An additional check in the amount of $ 2,101.50 for California Department of Fish and Game shall be made out to County of Orange and submitted within two (2) days of the Planning Commission's action. **(California Code Section 15094 and Fish and Game Section 711.4)**

16. 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. **(HBZSO Section 232.04)**

17. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 30, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	Arvar Elkins, Police Officer
TELEPHONE/E-MAIL:	(714) 625-9702 / AElkins@hbpd.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

ATTACHMENT NO. 6.20

The following conditions are recommended for this project:

1. The parking lot, eating/drinking establishment, and the entire perimeter of the eating/drinking establishment, shall be well lit.

2. The landscaping shall be designed in such a manner as to provide a clear view of the parking lot and eating/drinking establishment from Warner Avenue.

CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	APRIL 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 GENERAL PLAN AMENDMENT NO. 08-001 ZONING MAP AMENDMENT NO. 08-001 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004 TENTATIVE PARCEL MAP NO. 2011-0138
PLNG APPLICATION NO:	2008-0065
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER:	STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL:	714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and

Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL PARCEL MAP TO THE CITY FOR REVIEW:

1. A California-licensed Geotechnical Engineer shall prepare and submit to the City a detailed final soils and geological/seismic analysis which shall address onsite soils characteristics, as well as all operations required to properly prepare the site for the proposed marina development. This analysis shall provide detailed recommendations for clearing and grubbing, grading, overexcavation, engineered fill, dewatering, shoring and stabilization of soils to support the proposed development and protect adjacent properties from slope failure, settlement, monitoring requirements, landscaping, chemical and fill properties, liquefaction requirements, retaining walls, streets, and utilities. The report shall provide recommendations for grading for the site. (ZSO 253.12.B, MC 17.05.150)

TENTATIVE PARCEL MAP

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF THE FINAL PARCEL MAP:

2. The Final Parcel Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Parcel Map. (ZSO 253.12.I)

3. The Final Parcel Map shall be consistent with the approved Tentative Parcel Map. (ZSO 253.14)

4. The following shall be shown as a dedication to the City of Huntington Beach on the Final Parcel Map. (ZSO 253.10.K, ZSO 254)

    a. Warner Avenue shall be dedicated in fee for public roadway and utility purposes for a width of 60 feet from the centerline of the roadway.

    b. All vehicular access rights to Warner Avenue shall be released and relinquished to the City of Huntington Beach, except at locations approved by the Planning Commission.

5. A reproducible Mylar copy and a print of the recorded Final Parcel Map shall be submitted to the Department of Public Works at the time of recordation.

6. 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 item:

    a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.

    b. Provide a digital-graphics file of said map to the County of Orange.

7. Provide a digital-graphics file of said map to the City per the following design criteria:
   a. Design Specification:
      i. 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.
      ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
      iii. Digital data shall have units in US FEET.
      iv. A separate drawing file shall be submitted for each individual sheet.
      v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
      vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
   b. File Format and Media Specification:
      i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
         - AutoCAD (version 2000, release 4) drawing file: ___.DWG
         - Drawing Interchange file: _____.DXF
      ii. Shall be in compliance with the following media type:
         - CD Recordable (CD-R) 650 Megabytes
8. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

9. Prior to the issuance of any demolition, grading, building or harbor permits, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements and shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (MC 14.25, DAMP)
   a. The SWPPP shall be prepared and updated as needed during the course of construction. Updates or amendments to the SWPPP shall incorporate any changes or revisions that occur in relation to overexcavation, waterway and seawall slope revetment and reconstruction, dredging and drying of materials to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMP's) and other City requirements to eliminate polluted runoff until all construction work for the project is completed.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

10. The Final Parcel Map shall be recorded with the County of Orange.
11. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)
    a. Warner Avenue improvement plans shall show the dedication in fee for public roadway and utility purposes a width of 60 feet from the centerline of the roadway.
    b. All vehicular access rights to Warner Avenue shall be released and relinquished to the City of Huntington Beach, except at locations approved by the Planning Commission.
12. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05, ZSO 230.84) Final grades and elevations on the grading plan shall not vary by more than one (1) foot from the grades and elevations on the approved Tentative Parcel Map unless otherwise required by these conditions and shall conform to FEMA requirements for elevation above the flood water levels as directed by the Department of Public Works. The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
    a. ADA compliant access, in conformance with Title 24, shall be provided from the public sidewalk to any of the public portions of the marina, dock or waterway.
    b. The applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.
    c. A new sewer lateral shall be installed connecting to the main in the Warner Avenue (ZSO 230.84)
    d. New domestic water service(s) and meter(s) shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (MC 14.08.020)
    e. A separate irrigation water service and meter shall be installed per Water Division Standards. (ZSO 232)
    f. A separate fire service shall be installed for the proposed private fire hydrant that is to be located on the property site and shall be sized to meet the Fire Department requirements. The fire service line and fire hydrant will be privately maintained by the development and shall be separated from the public water system, located in Weatherly Lane, by a backflow protection device installed per Water Division Standard No. 618 (Install Double Check Detector Assembly "DCDA" without using the Fire Department Connection "FDC"). (Resolution 5921 and Title 17)
    g. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation and fire water services. (Resolution 5921 and Title 17)
    h. Final finished grades for proposed building pads and common areas and provide minimum FEMA elevation requirements.
    i. Retaining walls, decorative walls and slopes along the Huntington Harbor Channel, docks, building foundation, and adjacent property lines.
    j. All swales along slopes, walls, walkways and associated drainage control devices.

13. An Improvement Plan for the project's waterfront frontage, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plan shall include the following improvements on the plan:

    a. Improvements along/within the waterway, including match-up with adjacent harbor slope improvements and the Warner Avenue bridge and abutments, per the approved Geology and Soils Study, Sediment Characterization Results Report, Analysis of Changes in Water Levels, Current Speeds and Sedimentation Report, and Dock Design Report. Requirements of the U.S. Army Corps of Engineers, Federal Emergency Management Agency (FEMA), City of Huntington Beach Public Works Department and the Orange County Flood Control District shall be observed in the design and construction of all Huntington Harbor Channel improvements and abutting slope improvements in and adjacent to the waterway.

    b. The ADA compliant access, required to be shown on the project's Precise Grading Plan, shall be referenced on the Improvement Plan.

    c. The pedestrian/bicycle safety along the perimeter sidewalks, required to be shown on the project's Precise Grading Plan, shall be referenced on the Improvement Plan.

14. A Signage and Striping Plan on Warner Avenue shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to the Public Works Department for review and approval. The Plans shall be prepared according to the Public Works Transportation Division Signing and Striping Plan Preparation Guidelines. (ZSO 230.84)

15. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues.

16. The project WQMP shall include the following:

    a. Low Impact Development.

    b. Discusses regional or watershed programs (if applicable).

    c. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

    d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)

    e. Incorporates Treatment Control BMPs as defined in the DAMP.

    f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

    g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.

    h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

    i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.

    j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for

the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:

i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).

ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.

k. The applicant shall return one CD media to Public Works for the project record file.

17. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP.

18. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)

19. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)

20. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. 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, 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.

21. 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.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

22. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010, MC 14.36.030)

23. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)

24. 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. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)

25. 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. (MC 17.05)
26. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1, MC 17.05)
27. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
28. 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. (DAMP)
29. 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. (DAMP)
30. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
31. Wind barriers shall be installed along the perimeter of the site. (DAMP)
32. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

33. A Precise Grading Permit shall be issued. (MC 17.05)
34. A Drainage Fee for the subject project shall be paid at the rate applicable prior to issuance of a building permit. The current rate of $13,880 per gross acre is subject to periodic adjustments. This project consists of 0.97 net acres for a total required drainage fee of $13,464. City records indicate the current use on the subject property has never paid this required fee. Per provisions of the City Municipal Code, this one-time fee shall be paid for all subdivisions or development of land. (MC 14.48)
35. The project developer shall pay all applicable Orange County Sanitation District Capital Facilities fees. (ZSO 250.16)
36. Traffic Impact Fees shall be paid at the rate applicable at the time of Building Permit issuance. The current Traffic Impact Fee rate is $172 per net new added daily trip. The rate is adjusted annually on December 1st. This project is forecast to generate 68 new daily trips. The Traffic Impact Fee based on the existing rate is $11,696.00. (MC 17.65)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A HARBOR PERMIT:

37. The Final Parcel Map shall be recorded with the County of Orange.
38. The project's required Improvement Plan shall be approved.
39. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative construction schedule at least 30 days prior to such grading.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

40. Complete all improvements as shown on the approved grading and improvement plans. (MC 17.05)
41. All new utilities shall be undergrounded. (MC 17.64)
42. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf. (ZSO 240.06, ZSO 250.16)
43. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
    a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
    b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
    c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
    d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.

HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT

SUGGESTED CONDITIONS OF APPROVAL

DATE:	APRIL 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 GENERAL PLAN AMENDMENT NO. 08-001 ZONING MAP AMENDMENT NO. 08-001 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004 TENTATIVE PARCEL MAP NO. 2011-0138
PLNG APPLICATION NO:	2008-0065
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER:	STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL:	714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

ATTACHMENT NO. 6.30

1. The Tentative Parcel Map received and dated February 17, 2012 shall be the approved layout, except for the following:

   a. All property line dimensions shall be clearly shown and legible while not interfering with underlying topographic spot elevations.

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO RECORDATION OF THE FINAL MAP:

2. A Title Settlement Agreement (TSA) shall be executed between the Applicant and the State of California over that portion of the subdivision where a claim of a Sovereign Public Trust Easement exists. The TSA shall be approved by the California State Lands Commission for the Public Trust Easement across parcels 1 and 2 of the Final Parcel Map. Reference information for the said agreement shall be noted on the Final Parcel Map. All requirements and mitigations required by the subject TSA shall be completed in accordance with the terms of said agreement.

3. The Property Owner shall submit a management plan, to the Planning, Public Works and Community Service Departments for review and approval, for maintenance of the Public Access Easement. The management plan shall include standards and requirements for maintenance of hours of use and aesthetic values for the pathway and a privacy buffer, including, but not limited to, litter control, water quality, structural condition, and materials finish.

4. The Property Owner shall submit a plan, to the Planning, Public Works and Community Service Departments for review and approval, for funding and implementation of a periodic dredging and waterway maintenance program for the operations of the marina.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

5. The required domestic, irrigation and fire water services to be shown on the project's Precise Grading Plan shall be connected to the existing 6-inch diameter water main located in Weatherly Lane.

DURING DEMOLITION, GRADING, SITE DEVELOPMENT, AND/OR CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL BE ADHERED TO:

6. Construction equipment shall be maintained in peak operating condition to reduce emissions. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. Truck idling shall be prohibited for periods longer than 10 minutes.

7. Use low sulfur (0.05% by weight) fuel by weight for construction equipment.

8. Phase and schedule construction activities to avoid high ozone days. Discontinue construction during second stage smog alerts.

9. A phased schedule for construction activities to minimize daily emissions shall be complied with. Treat unattended construction areas with water (disturbed lands which have been, or are expected to be unused for four or more consecutive days). Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.

ATTACHMENT NO. 6.31

10. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Department of Public Works.

11. The property owner for the subject project shall be responsible for all required clean up of off-site dirt tracking, pavement damage and/or restriping of the public rights-of-way as determined by the Department of Public Works.

12. Any operation involving dewatering shall require approval of a dewatering plan and the applicant shall obtain the necessary De Minimis Permit from the California Regional Water Quality Control Board [Order No. R8-2009-0003 (CAG998001)] and provide a copy to Public Works. Discharges to the City's sanitary sewer system shall only be permitted during off-peak hours and non-raining times and with the approval by permit from the Orange County Sanitation District.

ATTACHMENT NO. 6.32

ENVIRONMENTAL CHECKLIST FORM
CITY OF HUNTINGTON BEACH
PLANNING & BUILDING DEPARTMENT
ENVIRONMENTAL ASSESSMENT NO. 12-004

1. PROJECT TITLE:	**Harmony Cove Marina Development**
Concurrent Entitlements:	**Zoning Map Amendment No. 08-001** **Conditional Use Permit No. 08-014** **Coastal Development Permit No. 08-008** **Variance No. 11-007** **Tentative Parcel Map No. 11-138**
2. LEAD AGENCY:	City of Huntington Beach 2000 Main Street Huntington Beach, CA 92648
Contact: **Phone:**	Tess Nguyen, Associate Planner (714) 374-1744
3. PROJECT LOCATION:	3901 Warner Avenue (north side of Warner Avenue, west of Weatherly Lane)—formerly Percy Dock. The project site is 2.28 acres, 0.97 acre of which is terra firma and 1.31 acres which is submerged (Huntington Harbour). The majority of the project site (1.91-acres) is owned by the property owner, Bayview HB LLC, and the remainder (0.37-acre) is owned by the California State Lands Commission.
4. PROJECT PROPONENT:	John Trommald, Bayview HB, LLC, 13912 Seal Beach Boulevard, Seal Beach, CA 90740
Contact Person: **Phone:**	John Trommald (562) 430-3275
5. GENERAL PLAN DESIGNATION:	Land Portion - OS-P (Open Space-Park); Water Portion - OS-W (Open Space-Water Recreation)
6. ZONING:	Land Portion – OS-P-CZ-FP2 (Open Space-Park - Coastal Zone - Flood Plain 2): Certified Local Coastal Program Implementing Ordinance and RL-CZ-FP2: City's Zoning Map (not certified) Water Portion – OS-WR-CZ (Open Space - Water Recreation - Coastal Zone)

ATTACHMENT NO. 7.1

7. PROJECT DESCRIPTION:

The proposed project is a request to allow the development of a 23-boat slip marina, an eating and drinking establishment with outdoor dining area and alcoholic beverage sales, and ancillary uses to the marina (a marina office and retail/rental of water-related recreational equipment). The project site is 2.28 acres, 0.97 acre of which is terra firma and 1.31 acres which is submerged. The majority of the project site (1.91-acres) is owned by the property owner, Bayview HB LLC, and the remainder (0.37-acre) is owned by the California State Lands Commission.

The marina consists of 22 boat slips (35-65 ft. in length) for lease to the public on a monthly or long-term basis; 14 boat slips are within the water portion of the property owned by the property owner and 8 boat slips are within the California State Lands Commission jurisdiction. One transient side-tie slip (100 ft.) is proposed to be available for first-come, first-serve basis for temporary mooring and located within the City and State channel area. A 50 ft. long and 8 ft. wide public dock is proposed to provide public access to the waterways. The total area of the proposed permanent and floating docks is 9,898 sq. ft. The marina would consist primarily of floating docks attached to a series of concrete piles placed in the channel. The floating docks are connected to the upland walkway or bulkhead by ramps. The dock improvements would include the installation of approximately 30 guide piles.

An 8 ft.-wide public sidewalk exists along the western perimeter of the site, adjacent to the proposed marina. The project proposes 44 metered parking spaces and access to the site is proposed via an existing two-way driveway on Warner Avenue. Two buildings are proposed at the site. Building 1 (1,200 sq. ft.) consists of an eating and drinking establishment (880 sq. ft.), a marina office (170 sq. ft.), restrooms (150 sq. ft.), and an screened and covered outdoor dining area (800 sq. ft.). Building 2 (600 sq. ft.) consists of storage, rental and sales areas for kayaks, paddleboards and other water-related recreational equipment. The proposed buildings are approximately 18 ft. in height.

The project will be constructed in two phases, lasting a total of approximately 10 months. The first phase of construction will include dredging approximately 12,000 cubic yards from the submerged channel area, repairing the existing revetted rock slope, and installation of the marina piles, floating boat docks and access ramps. The second phase of construction will involve construction of the ancillary commercial structures, utilities, parking, landscaping and signage. The marina portion will take approximately seven months (1-2 months for dredging and repair of rock slope and 4-5 months for installation of floating docks, utilities and gangways). The commercial structures and associated site improvements will take approximately 3 months to construct.

The project requires the following entitlements:

- Zoning Map Amendment—To amend the zoning designation of the land portion of the site from RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) to OS-PR-CZ-FP2 (Open Space—Parks and Recreation—Coastal Zone—Flood Plain 2). The site has a zoning designation of OS-P (Open Space-Park) on the Certified Local Coastal Program Land Use Map and the designation of RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) on the City's Zoning Map. The request is to amend the zoning designation on the City's Zoning Map to OS-PR (Open Space-Parks and Recreation) to be consistent with the zoning designation on the Certified Local Coastal Program Land Use Map.
- Conditional Use Permit—To permit the development of a 23-boat slip marina, an eating and drinking establishment with alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment.
- Coastal Development Permit—To permit new development and associated infrastructure in the coastal zone, to review and "approve in concept" the boat slips/marina, and to allow metered parking.
- Variance—To permit a reduction in required setbacks, rooftop equipment location, backflow prevention device location, trash enclosure location, and landscaping.
    - setbacks: 10 ft. interior side setback in lieu of 25 ft., 8 ft. water side setback in lieu of 25 ft.

ATTACHMENT NO. 7.2

- rooftop equipment: 3 ft. roof equipment setback in lieu of 15 ft. from the edge of building
- backflow prevention device: locate in the front yard setback in lieu of 25 ft. setback
- trash enclosure: locate in the side yard setback in lieu of outside the required setback
- landscaping: 10 ft. landscape setback along street in lieu of 25 ft., no landscaping in lieu of 750 sq. ft. of perimeter landscaping for off-street parking facilities, no trees in lieu of 9 trees per 90 sq. ft. of perimeter landscaping, 48 sq. ft. of interior landscaping in lieu of 397 sq. ft. of interior landscaping for off-street parking facilities

- Tentative Parcel Map—To subdivide the existing privately-owned portion of the site (1.91 acre parcel) into two parcels (0.94 acre parcel for the marina portion of the site and 0.97 acre for the land portion of the site).

The property, formerly known as Percy Dock, was used as a public boat dock/parking facility operated by the City's Community Services Department from 1986 to 2002. This facility consisted of a 6-ft. long floating dock and 35-space parking lot. The land portion of the site was constructed to include 395 ft. of rip rap slope, 765 ft. of concrete curb and 24,465 sq. ft. of paving. The land portion of the site has not been in use since 2002. However, the onsite improvements (paved parking lot, sidewalk and railing, landscaping) remain and the site is fenced off. The water portion of the site is currently used as a waterway or open channel. Public and Marine Safety Division boats use the waterway to access docks to and from the Main Channel in Huntington Harbour.

8. SURROUNDING LAND USES AND SETTING:

Single-family residences are located to the north (across the channel) and east of the subject property. The Bolsa Chica Ecological Reserve-Outer Bolsa Bay is located across Warner Avenue to the south of the subject property. Fire Station No. 7, the Huntington Harbour Yacht Club, and multi-family residences are located to the west (across the channel) of the subject property.

The Huntington Harbour Main Channel surrounds the land portion of the subject site to the north and the west. The portion of the Main Channel to the west is used by the public as well as the City of Huntington Beach Marine Safety Division. The Warner Dock, a public dock, is used by the general public and the Yacht Club to secure and launch boats. The Marine Safety Division uses the dock to secure two to three rescue boats on a regular basis and gain access to the open waters for patrols and rescues. The portion of the Main Channel to the north is used by the public to access docks located to the east of the subject site.

9. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

In 2010, the project applicant was processing a request for the construction of 15 residential condominium units and a 27-boat slip marina on the project site. Draft Mitigated Negative Declaration No. 08-004 was prepared by the City of Huntington Beach for this project and made available for public review and comment from April 15, 2010 to May 14, 2010. Comments were received by the California Coastal Commission, State Lands Commission, California Department of Fish and Game, California Department of Transportation, and the Huntington Harbour Yacht Club. After the comment period closed, the applicant decided not to proceed with the project.

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

- U.S. Army Corps of Engineers (404 Permit – Any Work Within Waters of the U.S.)
- California Department of Fish and Game (Streambed Alteration Agreement)
- California State Lands Commission (Recreational Pier License, Lease of the Water Portion North of the Project Site for Marina Use)
- Santa Ana Regional Water Quality Control Board (Harbor Permit, 404 Water Quality Certification, Deminimus De-Watering Permit)
- Clean Water Act Section 401 State Water Quality Certification or Waiver
- California Coastal Commission (Coastal Development Permit)
- Rivers and Harbors Act Section 10 Permit.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Land Use / Planning	☐ Transportation / Traffic	☐ Public Services
☐ Population / Housing	☑ Biological Resources	☑ Utilities / Service Systems
☑ Geology / Soils	☐ Mineral Resources	☐ Aesthetics
☑ Hydrology / Water Quality	☐ Hazards and Hazardous Materials	☐ Cultural Resources
☐ Air Quality	☑ Noise	☑ Recreation
☐ Agriculture Resources	☐ Greenhouse Gas Emissions	☑ Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required**. ☐

Signature _____ Date _____

Printed Name _____ Title _____

ATTACHMENT NO. 7.4

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.

   All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

2. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.

3. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XIX, "Earlier Analyses," may be cross-referenced).

4. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XIX at the end of the checklist.

5. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XIX. Other sources used or individuals contacted have been cited in the respective discussions.

6. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

SAMPLE QUESTION:

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

ATTACHMENT NO. 7.5

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. Would the project:				
a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 28, 31)	☐	☐	☑	☐

Discussion:

Land Portion of the Site

The land portion of the project site is currently a vacant boat dock/parking facility. It has a General Plan designation of OS-P (Open Space-Park) and a zoning designation of OS-P (Open Space-Park) on the Certified Local Coastal Program Land Use Map and the designation of RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) on the City's Zoning Map, which is inconsistent with the General Plan. The uses permitted under the current land use and Local Coastal Program designation include public parks and recreational facilities. The uses permitted under the City current zoning designation include a range of residential uses and other public and semipublic uses. In 1984, the Huntington Harbour Corporation (previous owner of the property) granted the City a revocable easement over this property for a boat dock/parking facility. In 2002, Tierrasanta (previous owner of the property after Huntington Harbour Corporation) recorded a Notice of Termination of the Easement on the Property. The Settlement Agreement between the City and Tierrasanta stipulated the reinstatement of R1 (currently RL) zoning on the unsubmerged (land) portion of the property. The City changed the zoning of the site in response to a court decision but did not process the zone change through the California Coastal Commission.

Implementation of the proposed project would require a Zoning Map Amendment from RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) to OS-PR-CZ-FP2 (Open Space—Parks and Recreation—Coastal Zone—Flood Plain 2) to change the City's open space zoning designation for the land portion of the project site. The amendment is consistent with the General Plan and Local Coastal Program land uses currently allowed on the project site.

According to the California State Lands Commission, i.e. "State", the project site is located in the survey of tidelands patented by the State as Tideland Location 221 (TLL 221). According to the State, there exists a Public Trust Easement over much of the areas patented pursuant to TLL 221. The Public Trust Easement over TLL 221 reserves the rights of the public to portions of said land for the purpose of access to navigable waters and to the rights of the public to fish therein and thereupon. Based on a letter from the California State Lands Commission dated February 23, 2012 (Attachment No. 5), the proposed uses of a public marina, restaurant, and rental shop are not inconsistent with the Public Trust Easement.

Water Portion of the Site

The water portion of the site has a General Plan designation of OS-W (Open Space—Water Recreation) and a zoning designation of OS-WR-CZ (Open Space—Water Recreation—Coastal Zone). The uses permitted under the current land use designation include uses for recreational purposes such as boating. The uses permitted under the current zoning designation include marinas and minor utilities. The current General Plan and zoning designations are not proposed to be amended.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

In addition to the Zoning Map Amendment, the following entitlements are required for project implementation: 1) a Conditional Use Permit for development of a 23-boat slip marina, an eating and drinking establishment with alcoholic beverage sales, ancillary uses to the marina, metered parking, and outdoor display of sale and rental equipment; 2) a Coastal Development Permit for the new development and infrastructure, and review and "approval in concept" of the boat slips/marina; 3) a Variance for reduction in required setbacks, rooftop equipment location, backflow prevention device location, trash enclosure location, and landscaping; and 4) a Tentative Parcel Map for subdivision of the existing 1.91 acre parcel into two parcels (0.94 acre parcel for the marina portion and 0.97 acre parcel for the land portion).

Eight of the proposed 23 boat slips are located in the area within the California State Lands Commission's (CSLC) jurisdiction. In order to use this area for commercial boat slips, a lease from the CSLC would be needed. The applicant has provided a letter of intention to enter into a lease agreement with the CSLC. Based on the Harmony Cove Navigation Channel Impact Review, prepared by Moffat & Nichol (February 2009), there is currently adequate maneuvering area for boats to navigate the channel with implementation of the proposed project. However, there is a staff recommended condition to provide a setback from the property line to provide adequate maneuvering area based on the potential future Marine Safety Division's needs and to accommodate the potential expansion of the docks on the west side of the channel.

The project includes variance requests to deviate from the following development standards of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) (refer to discussion under Section XIII.—Aesthetics item c): 1) minimum interior side and water side setbacks; 2) location of the rooftop equipment; 3) location of backflow prevention device; 4) location of trash enclosure; and 5) landscaping requirements along street frontage, perimeter and interior landscaping for off-street facilities. The proposed project complies with other provisions of the OS-PR (Open Space-Parks Recreation) zoning district and other applicable provisions of the HBZSO including building height, off-street parking, and lot coverage. The requested variances would not change the permitted uses, hamper the use of the project site, affect the aesthetic quality of the site, or generate significant noise or other adverse physical environmental impacts.

The proposed eating and drinking establishment, marina, and ancillary uses to the marina would be consistent with the current General Plan and Local Coastal Program allowable land uses. The proposed project would be consistent with the following goals and policies of the Land Use and Coastal Elements of the General Plan:

> Policy LU 14.1.1—Accommodate the development of public parks, coastal and water-related recreational uses, and the conservation of environmental resources in areas designed for Open Space on the Land Use Plan Map and in accordance with Policy LU 7.1.1.
>
> Goal C 1—Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.
>
> Policy C 1.1.3—The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
>
> Policy C 1.1.3a—The provision of public access and recreation benefits associated with private development (such as but not limited to public access ways, public bike paths, habitat restoration and enhancement, etc.) shall be phased such that the public benefit(s) are in place prior to or concurrent with the private development but not later than occupation of any of the private development.
> Goal C 2—Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.
>
> Policy C 2.5.1—Require that existing public access to the shoreline and Huntington Harbour waterways be

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.

Policy C 3.2.1—Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Goal C 6—Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Policy C 6.1.1—Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water.

The City's land use policies generally encourage projects that are compatible and harmonious with surrounding development, be designed to convey a high level of quality, promote public access and enhance recreational opportunities in the Coastal Zone. The proposed project would not conflict with the identified goals and policies contained in the General Plan. The requested variances are due to the small and irregular shape of the property and the desire to maintain existing improvements on the site. The proposed deviations in development standards would not change the type of allowable uses onsite, hinder the use of the site for the proposed uses, diminish the aesthetic quality of the site, or generate noise impacts. The proposed project would provide public access to recreational opportunities in the Coastal Zone. In addition, the applicant has provided a letter of intention to pursue the lease to use the water portion of the project site for boat slips. Therefore, less than significant impacts are anticipated.

b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 1)	☐	☐	☐	☑

Discussion:

The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan as none exists in the City. No impacts are anticipated.

c) Physically divide an established community? (Sources: 3, 4)	☐	☐	☐	☑

Discussion:

The proposed project would not disrupt or physically divide an established community. The project is proposed on a vacant lot adjacent to a residential development and channel and therefore it will not divide any established communities. The project would not impact access to surrounding development. No impacts are anticipated.

II. <u>POPULATION AND HOUSING</u>. Would the project:

a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources: 1, 5)	☐	☐	☑	☐

Discussion:

The proposed project includes an eating and drinking establishment, a retail/rental of water-related recreational

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

equipment kiosk, and a 23-boat slip marina. The project will not induce substantial population growth in the area through construction or extension of roads or other infrastructure. The proposed commercial uses of the site will cater to local residents and regional visitors. Less than significant impacts are anticipated.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 5)	☐	☐	☐	☑

Discussion:

The proposed project site is currently vacant. No residential uses exist on the subject site. Therefore, the project will not result in the displacement of any existing housing. No impacts are anticipated.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: 4)	☐	☐	☐	☑

Discussion:

The proposed project site is currently vacant. The project will not result in the displacement of any existing residents. No impacts are anticipated.

III. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault ? (Sources: 1, 12, 16)	☐	☐	☑	☐

Discussion:

The site is located within the seismically active southern California area. Although the site is not located within the Alquist-Priolo Earthquake Fault area, a portion of the Newport-Inglewood fault traverses through Huntington Harbour, and the project site is approximately 1,000 ft. from the southerly limit of the Special Studies Zone boundary for the Newport-Inglewood fault zone. Seismic hazards constitute an existing safety condition experienced by all development in the southern California region. According to the Preliminary Geology and Soils Report by TerraCosta Consulting Group Inc. (December 2011), the risk of ground rupture associated with fault movement is considered low as no active faults have been mapped across the site. Refer to discussion in III.a.ii. below, regarding standard construction and engineering practices required by the California Building Code (CBC). Less than significant impacts are anticipated.

ii) Strong seismic ground shaking? (Sources: 1, 12, 16)	☐	☐	☑	☐

Discussion:

The project site is located in a seismically active region of Southern California. Therefore, the site could be subjected to strong ground shaking in the event of an earthquake. Structures built in Huntington Beach are required to comply

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

with standards set forth in the California Building Code (CBC) and standard City codes, policies, and procedures which require submittal of a detailed soils analysis prepared by a Licensed Soils Engineer. Based on the Preliminary Geology and Soils Report, ground shaking is influenced by the fault systems surrounding the site, the distance from the site to the faults, and the subsurface conditions at the site. To evaluate the potential level of ground shaking, a probabilistic assessment was performed. The approximate peak ground acceleration of 0.44g for the site is within range of the maximum peak ground acceleration of 0.66g for a design earthquake under CBC. Conformance with CBC requirements and standard City code requirements will ensure potential impacts from seismic ground shaking are less than significant.

iii) Seismic-related ground failure, including liquefaction? (Sources: 1, 12, 16)	☐	☑	☐	☐

Discussion:

Huntington Harbour is located on a tidal flat alluvium. According to the Liquefaction Potential map in the City of Huntington Beach General Plan, the project site is located within an area identified as having a very high potential for liquefaction.

Land Portion of the Site

Based on the Preliminary Geology and Soils Report by TerraCosta Consulting Group, Inc. (December 2011), the landside portion of the site is prone to and exposed to the effects of seismic instability, which include lateral spreading and slope failure. Soils considered susceptible to liquefaction are generally loose to medium dense sands and non-plastic silt deposits that are located below the water table. At the project site, there is a layer of loose silts and silty sands between elevations -2 and -6 feet (NAVD 88). Within this zone of soil between elevations -2 to -6 ft., approximately 2 ft. of these soils are prone to liquefaction. The potential for slope displacement due to seismic-induced settlement and lateral movements would be up to several feet. Using conventional excavation and recompaction of soil under structures, and improvements and structural design of habitable structures would stabilize the soil to prevent slope displacement and liquefaction during a seismic-related event. To avoid fires following an earthquake, automatic seismic shutoff devices will be installed for utilities such as electricity and gas. The following mitigation measure is proposed to avoid fires after an earthquake:

GEO-1: Automatic seismic shutoff devices shall be installed for utilities such as electricity and gas.

Water Portion of the Site

The waterside portion of the project is not susceptible to the impacts of lateral spreading and slope failure because this portion would be dredged to an approximate elevation of -7 ft. (NAVD 88), which would remove the potentially liquefiable soils.

The marina portion of the project consists primarily of floating docks attached to a series of concrete piles placed in the channel. The floating docks are connected to the upland walkway or bulkhead by ramps that can move up and down with the tides. As described in the Preliminary Geology and Soils Report by TerraCosta Consulting Group, Inc., a total of approximately 30 guide piles will be installed in the channel using a combination of jetting (digging with jetted water) and driving of the final 5 ft. of penetration into competent earthen materials and consolidation of substrates around the piles for adequate lateral load resistance. The piles and docks will be designed to withstand constant tidal fluctuations, current movements, and storm flows in addition to a design seismic event as required by the California Building Code. Less than significant impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Landslides? (Sources: 1, 16)	☐	☐	☑	☐

Discussion:

According to the City of Huntington Beach General Plan (1996), the site is not in an area susceptible to slope instability. However, the site is bound along the western and northern limits by a revetted slope that descends into the bay. Existing soil conditions of the slope are prone to and exposed to the effects of seismic instability, which could include lateral spreading and slope failure. There are no known landslides in the vicinity of the site, nor is the site in the path of any known or potential landslides. According to the Preliminary Geology and Soils Report, the proposed dredging work, repairing of the revetted slope, and excavation and recompaction of the soils under structures will be engineered to ensure stability of the soil. The existing revetted slope retains, protects, and provides lateral support for the bay front edge of the property. The seawall will undergo minor repairs, including additional concrete grout under the sidewalk. As such, impacts associated with slopes and non-seismic slope instability are considered negligible. In addition, no collapsible soils were encountered during site investigation. Construction activities and the project will be engineered to ensure the stability of the soil and to protect the surrounding properties and structures from landslides. Less than significant impacts are anticipated.

b) Result in substantial soil erosion, loss of topsoil, or changes in topography or unstable soil conditions from excavation, grading, or fill? (Sources: 1, 6, 16)	☐	☐	☑	☐

Discussion:

The project site and vicinity are urbanized and have relatively flat topography. Construction of the proposed project would require excavation to an approximate depth of 2 ft. below existing ground surface for the land portion of the site which could potentially result in erosion of soils or unstable soil conditions. Approximately 200 cubic yards of cut will be excavated. Erosion will be minimized by compliance with standard City requirements for submittal of an erosion control plan prior to issuance of building permits, for review and approval by the Department of Public Works. According to the Preliminary Geology and Soils Report, implementation of standard erosion control measures would sufficiently address potential impacts due to off-site soil erosion during construction. In addition, the report concluded that unstable soil conditions during construction would be less than significant as no significant excavations would occur and the site's grades will remain mostly unchanged. In the event that unstable soil conditions occur on the project site due to grading or placement of fill materials, these conditions would be remedied pursuant to the recommendations in the required geotechnical study for the project site. In addition, any plan for marina dredging and construction will incorporate recommendations of the Geotechnical Engineer to prevent landslides on the existing slope and adjacent properties and structures. Less than significant impacts are anticipated.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 6, 16)	☐	☐	☑	☐

Discussion:

Subsidence is large-scale settlement of the ground surface generally caused by withdrawal of groundwater or oil in sufficient quantities such that the surrounding ground surface sinks over a broad area. The project site has not been identified as an area with the potential for subsidence. In addition, withdrawal of oil, or other mineral resources would not occur as part of the proposed project. The Preliminary Geology and Soils Report by TerraCosta Consulting Group, Inc. does not indicate that dewatering of the excavation is required. Since ground settlement or soil instability is caused

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

by the lowering of groundwater levels, the soil would not become unstable as a result of excavation. In addition, the proposed project will comply with all conditions imposed as part of any required 401 or 404 Water Quality Certification issued by the Regional Control Board. Refer to a.iii, a.iv, and b for other listed impacts. Less than significant impacts associated with subsidence are anticipated.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources:, 16)	☐	☐	☑	☐

Discussion:

According to the Preliminary Geology and Soils Report, soils with medium expansive potential were found on the site. Construction of the project will be subject to compliance with the California Building Code regarding applicable soils, grading, and structural foundation requirements, codes and ordinances, such that any potential geologic impacts will be reduced to a level of insignificance. Less than significant impacts are anticipated.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater? (Sources: 1, 16)	☐	☐	☐	☑

Discussion:

The project site is located in an urbanized area in which wastewater infrastructure is currently in place. Therefore, the capability of the soils to support septic tanks or alternative waste water systems is not relevant to the proposed project. No impact would occur related to septic tanks or alternative waste water disposal systems.

IV. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 20, 21)	☐	☑	☐	☐

Discussion:

The proposed project is located adjacent to a recreational boating channel in Huntington Harbour and will include 23 slips and commercial uses (restaurant and retail/rental of water-related recreational equipment). The currently vacant site contains landscaping and an asphalt concrete parking lot. Stormwater runoff drains to a catch basin located at the northeast corner of the parking area where it is collected and discharged directly into Huntington Harbor. There are currently no water quality treatment measures in place to mitigate pollutants in stormwater runoff discharged from the site. Since the project is subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements regarding discharge into impacted bodies of water, submittal of a Storm Water Pollution Prevention Program (SWPPP) is required to address construction site pollution prevention and a Water Quality Management Plan (WQMP) is required to address post-construction pollution prevention. The project proposes to install two flow-through planter boxes to capture and treat runoff. The planter boxes will allow biotreatment and evapotranspiration (ET) to occur, thereby reducing the pollutants discharged from the site. The existing catch basin will remain and will continue collecting a majority of the runoff from the site (e.g. existing parking lot and landscaping). A Kristar FloGard Plus Catch Basin Filter Insert or other City-approved LID BMP will be fitted to the existing catch basin to remove trash, debris, sediment, oil and grease from stormwater runoff.

Operation of the proposed marina and commercial uses may potentially result in the discharge of urban runoff into

ATTACHMENT NO. 7.12

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity), including water disturbances common to recreational boat operation and floating docks within the man-made harbor with the addition of the new docks or slips. The implementation of the WQMP would ensure the installation of Best Management Practices (BMP's) to comply with water quality standards and waste discharge requirements of the NPDES and would reduce project impacts to a less than significant level.

Construction of the project, including dredging of approximately 12,000 cubic yards of material to accommodate boat navigation and the placement of piles and floats, will result in increases in turbidity, sedimentation and lowered dissolved oxygen levels associated with the disturbance of sulfidic anoxic sediments during dredging operations at the work site for a short duration. Dredging operations will occur over a one to two month period and may utilize a suction dredge or a mechanical excavator. During dredging and dock construction a general degradation of water quality will occur when bottom sediments are disturbed and fine particulates are suspended into the water column. The particulates could cause a short-term turbidity plume that would dissipate and clear with tidal movement of the water. Turbidity creates a murky condition in the water caused by the suspended particulates that absorb heat from the sunlight creating warmer waters. The suspended particulates also scatter the sunlight decreasing the photosynthetic activity of plants and algae. Impacts from turbidity can lead to a reduction in the concentration of oxygen in the water, which could inhibit growth of submerged aquatic plants and, in turn, affect the survival of other species dependent on those plants. The placement of filter fabric over the sediment within the water surrounding the dock construction zone will greatly reduce the likelihood of significant turbidity. Based on the scope of work, a less than significant increase in turbidity is anticipated. However, turbidity will be visually monitored during project implementation and a silt curtain will be installed to contain the suspended sediments if necessary. Use of a silt curtain will remain in place until the sediments settle and turbidity returns to normal. In cases where turbidity does not occur outside of the immediate work area and a silt curtain is not used, any localized turbidity will likely dissipate within one hour due to tidal flow. The silt curtain will be installed prior to construction within the water way and/or prior to any dredging activity. The following mitigation measures are proposed to prevent and control turbidity and reduce impacts to a less than significant level:

> **HYDRO-1**: During all phases of the project during construction and post-construction, Best Management Practices (BMPs) shall be implemented to prevent and control untreated runoff, turbidity and implement water quality standards and waste discharge requirements. BMPs may include sandbags, detention basins, clarifiers, and silt curtain(s). The silt curtain(s) shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the marina construction and dredging activities or until permanent BMPs are installed and operational.
>
> **HYDRO-2**: If turbidity is observed at a distance of 100 ft. or greater from the actual work site, either the work shall be stopped until the water returns to normal or, if deemed necessary, a silt curtain shall be installed until turbidity returns to normal.

Furthermore, the project will be required to obtain a 401 and 404 Water Quality Certification from the Santa Ana Regional Water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted? (Sources: 1, 19)	☐	☐	☑	☐

ATTACHMENT NO. 7.13

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

In 2010, the Huntington Beach Public Works Department prepared an Urban Water Management Plan (UWMP), which analyzed the City's past and future water pipeline infrastructure, sources, supplies, reliability and availability. Based on the estimated water demand required for this project, it would not result in a significant increase in water demand consumption that was not previously planned for in the Water Master Plan and UWMP. Therefore, this project would not present a substantial impact to the groundwater supply and table.

According to the City's 2010 UWMP, groundwater wells currently supply 62 percent of the City's water, while the remaining 38 percent is imported. The project site largely consists of impervious surfaces at this time and the amount of impervious surfaces would not change substantially with implementation of the proposed project. The project site is neither a designated groundwater recharge area nor does the project site serve as a primary source of groundwater recharge. The City of Huntington Beach has two recharge facilities, the Talbert and Alamitos Barriers; neither of which will be impacted by the proposed project. Therefore, the potential for a reduction in groundwater recharge would be negligible and would not affect City groundwater wells. Less than significant impacts are anticipated.

The project is subject to compliance with the City's Water Ordinance, including the Water Efficiency Landscape Requirements, as well as Title 24 conservation measures such as low flow fixtures, which will ensure that water consumption is minimized. Less than significant impacts are anticipated.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources: 1, 20, 21)	☐	☐	☑	☐

Discussion:

The proposed project will increase the impervious area from the existing 70 percent to a proposed 81 percent impervious area where approximately 77 percent of the site will be paved, 4 percent will be covered with buildings, and 19 percent will be landscaped. The site currently drains from south to north where the majority of the runoff is collected in an onsite catch basin near the northwest corner of the parking lot and is discharged directly into Huntington Harbour. A small amount of runoff from the northernmost part of the site sheet flows directly into Huntington Harbour. In the proposed condition, the existing catch basin will continue collecting runoff from the site. However, the site runoff from the proposed development will first enter two proposed flow-through planter boxes to capture and treat runoff from the impervious surfaces prior to entering the catch basin and discharge into the Harbour. The increase in imperviousness of the project site is negligible and mitigated with the implementation of Low Impact Development (LID) BMP's such as the flow-through planter boxes and therefore the proposed drainage pattern will not result in substantial erosion or siltation on or off-site.

The water portion of the proposed project will include docks and walkway areas for the marina, increasing the impervious area by a small amount. Since the existing dock drains directly into the Harbour and the new docks and the walkway areas for the marina are proposed to drain directly into the Harbour, there would be no change to the existing drainage pattern of the water portion of the site. The marina would not result in erosion or siltation on- or off-site. The proposed marina is approximately 135 ft. and 150 ft. away from the existing docks to the west and north of the main channel, respectively. Based on the location of the proposed marina and the locations of the surrounding properties, the marina would not alter the course of the harbor or cause increase in seawall erosion of surrounding properties. Less than significant impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount or surface runoff in a manner which would result in flooding on or off-site? (Sources: 1, 20, 21)	☐	☐	☑	☐

Discussion:

The proposed project will increase the impervious area from the existing parking lot paving and sidewalks at approximately 70 percent of impervious area to approximately 81 percent impervious area where approximately 77 percent of the site will be paved, 4 percent will be covered with buildings, and 19 percent will be landscaped. The developer shall be required to evaluate the impacts from any additional runoff generated by the proposed project and design the project such that runoff for the proposed development does not exceed the pre-development condition. Any additional runoff will be mitigated by the implementation of Low Impact Development BMPs before being conveyed to the Harbour. Therefore, less than significant impacts are anticipated.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 20, 21)	☐	☐	☑	☐

Discussion:

The project, including the additional dock and walkway area for the marina, would increase the impervious surface area within the project site, contributing to a potential increase in runoff of stormwater. A Hydrology and Hydraulics Study, subject to review and approval by the Public Works Department shall be required to evaluate impacts from runoff generated by the proposed project. However, any increase in the quantity of stormwater runoff is anticipated to be negligible and shall be required to be mitigated to pre-development flow rates. The runoff from the development currently flows through an existing catch basin and drains directly into Huntington Harbour. The runoff from the proposed development will continue to flow through the existing catch basin and drain into the Harbour. Since any increase in stormwater runoff will be mitigated, the existing catch basin would not handle any additional flows and is adequate in handling the stormwater runoff from the site. Less than significant impacts are anticipated.

Stormwater runoff may contain pollutants that could potentially degrade surface water quality. Since the project is subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements regarding discharge into impacted bodies of water, submittal of a Storm Water Pollution Prevention Program (SWPPP) is required to address construction site pollution prevention and a Water Quality Management Plan (WQMP) is required to address post-construction pollution prevention. A preliminary Water Quality Management Plan prepared by R.T. Quinn & Associates (December 2011) proposes to install two flow-through planter boxes to capture and treat runoff. The planter boxes will allow biotreatment and evapotranspiration (ET) to occur, thereby reducing the pollutants discharged from the site. The Report also indicates that the treatment devices are appropriate for removing pollutants from stormwater runoff to comply with Section 303(d) of the Clean Water Act. The required pollutants to be removed from runoff include chlordane, copper, lead, nickel, pathogens, PCBs, and sediment toxicity. Required SWPPP and WQMP, to be submitted in accordance with City of Huntington Beach standard development requirements, will ensure a less than significant impact associated with polluted runoff.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality? (Sources: 1, 20, 21)	☐	☑	☐	☐

Discussion:

Refer to discussion under item IV (a).

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 1, 7)	☐	☐	☑	☐

Discussion:

The Federal Emergency Management Agency (FEMA) has designated the land portion of the site as Flood Zone AE (partially) and the water portion as AE with a base flood elevation of 7.0 ft. (NAVD 88). Compliance with flood plain standards requires elevation of the nonresidential structures to be at least one foot above the base flood elevation, or 8.0 ft. (NAVD 88). The project proposes to construct the restaurant/office building at 9.1 ft. (NAVD 88) and the retail kiosk at 10.5 ft. (NAVD 88). The proposed construction, therefore, complies with the elevation requirements for new construction within the flood plain. The project does not propose housing on the site. Less than significant impacts are anticipated.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources: 1, 7, 26)	☐	☐	☑	☐

Discussion:

Two commercial structures are proposed to be constructed on the project site with Building 1 at approximately 1,200 sq. ft. and Building 2 at approximately 600 sq. ft. The two structures with their small sizes and footprints would not impede or redirect flood flows within a 100-yr flood hazard area.

The proposed marina is located in the main channel of Huntington Harbour that provides tidal exchange between Huntington Harbour and existing wetlands. This channel conveys flood flow originating from the East Garden Grove Wintersburg Flood Control Channel that flows through Outer Bolsa Bay under Warner Avenue Bridge to Huntington Harbour and out to the Pacific Ocean. The location of the proposed marina is currently open water lined with a rock revetment adjacent to the Warner Avenue Bridge. The area has experienced sedimentation in the past, resulting in the formation of a shoal that presents a hazard to navigation. To allow safe navigation, the area of the proposed marina will be dredged.

An Analysis of Changes in Water Levels, Current Speeds, and Sedimentation for the proposed project was prepared by Everest International Consultants, Inc. (March 2009). A hydrodynamic model was used to estimate current speeds and water levels throughout the study area of Anaheim Bay, Seal Beach National Wildlife Refuge, Huntington Harbour and tidally connected parts of the Bolsa Chica Wetlands. As mentioned above, the area of the proposed marina will be dredged to allow for safe navigation. The dredging will increase the cross sectional area at the marina, creating a deeper underwater ground level. For long-term water levels and current speeds, the study found that there will be no discernible change in the water levels and the current speeds will become slower in ebb and flood tide currents associated with the proposed marina. For extreme water levels and current speeds (including flood flows of a 10-, 50-, and 100-year flood), the study concluded that there will be negligible changes in high water levels and current speeds with the proposed marina. Based on this information, the construction of the marina would not impede or redirect flood flows within a 100-yr flood hazard area. Less than significant impacts are anticipated.

ATTACHMENT NO. 7.16

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 1, 7, 27)	☐	☐	☑	☐

Discussion:

The land portion of the subject property is located within Flood Insurance Rate Map Zone AE with the base flood elevation of 7.0 ft. (NAVD 88). Compliance with Federal Flood Development standards requires elevation of the nonresidential structures to be at least one foot above the base flood elevation, or 8.0 ft. (NAVD 88). The project proposes to construct the restaurant/office building at 9.1 ft. (NAVD 88) and the retail kiosk at 10.5 ft. (NAVD 88). Because the commercial buildings are built at least 2.1 ft. above the base flood elevation of 7.0 ft., the project will not expose people or structures to a significant risk of loss from a 100-year flood event, including levee failure.

According to Randy Mason of URS Cash & Associates, the marina designer for the Harmony Cove Project, the proposed marina (docks, guide piles) will be designed to accommodate the flood flow with high current velocity of a 100-year storm event. The docks nearest to the Warner Bridge will be designed as "wave-attenuator" dock type and the remaining docks will be designed in typical industry fashion. Pre-stressed concrete piles ranging from 20 to 24 inch diameter will be installed to support the "wave attenuator" docks and the guide piles will be set at +15.0 or +16.0 Mean Lower Low Water (MLLW) to ensure that docks will not be overtopped during severe high water conditions of a storm event. For floating docks to withstand the forces of a severe flood event, a standard design procedure for wave attenuator docks of using structural wide flange beams with nailers will be used to connect floating concrete modules together. In addition, the orientation of the proposed marina being slightly angled to the north will provide protection from floating debris during flood-type events. These design features would reduce the risk of damage to the proposed marina during a flooding event. Less than significant impacts are anticipated.

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

Discussion:

According to the Moderate Tsunami Run-up Area map in the City of Huntington Beach General Plan and Local Coastal Program, the project site is not located in an identified moderate tsunami run-up area. The project site is not subject to inundation by seiche, tsunami, or mudflow and therefore no impacts are anticipated.

k) Potentially impact stormwater runoff from construction activities? (Sources: 1, 20, 21)	☐	☑	☐	☐

Discussion:

Refer to discussion under item IV (a) and (e). Refer to the mitigation measures under Section IV (a).

l) Potentially impact stormwater runoff from post-construction activities? (Sources: 20, 21)	☐	☑	☐	☐

Discussion:

Refer to discussion under item IV (a), (c) and (d). The preliminary Water Quality Management Plan, prepared by R.T. Quinn & Associates, discusses the Best Management Practices for marina/dock from the Clean Marinas California Program in order to prevent or reduce pollution in coastal waters. The project, including the additional dock and walkway area for the marina, will be subject to standard code requirements necessitating submittal of a final Water Quality Management Plan for review and approval by the Public Works Department to ensure compliance with water quality standards and water discharge requirements. The WQMP shall be submitted to the Public Works Department

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

for review and approval prior to issuance of a precise grading permit for the project. Less than significant impacts are anticipated.

m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Sources: 20, 21)	☐	☑	☐	☐

Discussion:

Refer to discussion under item IV (a). In accordance with standard City of Huntington Beach development requirements, Hydrology and Hydraulic studies for both on-site and off-site facilities, Storm Drain, Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Management Plans (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements, prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and approval. Specific requirements and measures to be incorporated into the required studies and plans are identified in City Policies, Standard Plans, and Code Requirements of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code. The proposed commercial and marina project is not anticipated to have areas of material storage, vehicles or equipment fueling, vehicle or equipment maintenance, waste handling or storage, or other outdoor work areas. Less than significant impacts are anticipated.

n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources: 20, 21)	☐	☐	☑	☐

Discussion:

The receiving waters for the project site are Huntington Harbour channels. Designated beneficial uses for Huntington Harbour include: navigation; water and non-water contact recreation; commercial and sport fishing; wildlife habitat; rare, threatened, or endangered species; spawning, reproduction, and/or early development; and marine habitat. Huntington Harbour is on the 2006 Federal Clean Water Act Section 303(d) list for the following pollutants: chlordane, copper, lead, nickel, pathogens, PCBs, and sediment toxicity. The required Water Quality Management Plan will establish Best Management Practices (BMPs) to address the pollutants of concern from the discharge of stormwater.

The Preliminary Water Quality Management Plan identifies a stormwater treatment system (flow-through planters) as one potential treatment control BMP for the commercial portion of the project, chosen for its ability to treat and detain runoff without allowing seepage into the underlying soil. Pollutants entering the treatment system would be removed as the runoff passes through the soil layer and is collected in an underlying layer of gravel or drain rock. The treatment devices are appropriate for removing pollutants from stormwater runoff to levels acceptable in terms of water quality standards to comply with Section 303(d) of the Clean Water Act.

For the marina project, BMPs from the Clean Marinas California Program will be utilized to prevent or reduce pollution in coastal waters. These BMPs relate to good boat-keeping practices, education, signs, notices, marina rules and regulations, waste receptacles, spill prevention, and rapid clean-up plans such as:

- All spills must be cleaned up immediately. Use absorbent materials to clean up liquid spills. Do not rinse spills into the water. Dry sweeping techniques or vacuuming must be used for the cleanup of spills.
- Boaters must properly manage and dispose of all wastes and materials.
- Place trash receptacles and dumpsters in convenient locations for boaters and guests. Keep trash enclosures clean and free of debris.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

- Dispose all solid wastes in accordance with local, state, and federal laws and regulations.
- Use pamphlets, flyers, newsletters, inserts and/or meetings to convey the importance of any environmental precautions that the marina has instituted.
- Use signs to inform boaters about equipment, disposal containers, cleaning practices, etc. Special instructions should be clearly noted.

The requirement of submittal of and compliance with the approved Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) conforming with the current National Pollution Discharge Elimination System (NPDES) requirements would prevent violation of water quality standards. Existing regulations would ensure that the potential of discharges of polluted stormwater to affect beneficial uses of receiving waters would not be substantial. Implementation of the BMPs would minimize stormwater discharge pollution into the Harbour. Therefore, less than significant impacts are anticipated.

o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources: 20, 21)	☐	☐	☑	☐

Discussion:

Refer to discussion under item IV (e).

p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: 20, 21)	☐	☐	☑	☐

Discussion:

Refer to discussion under item IV (c). The precise grading plan will include an erosion control plan for the construction phase of the project. The repair of the revetted slope would protect the land side from the water side of the project and therefore minimize the potential erosion of the project. Less than significant impacts are anticipated.

V. <u>AIR QUALITY.</u> The city has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:

a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 8, 9, 15)	☐	☐	☑	☐

Discussion:

<u>Short-term</u>

Construction of the project may result in short-term air pollutant emissions from the following activities: the commute of workers to and from the project site; grading activities including the transport of any necessary soil import and/or export, delivery and hauling of construction materials and supplies to and from the project site; fuel combustion by on-site construction equipment; and dust generating activities from soil disturbance. To reduce emissions, standard City requirements regulate operational construction conditions by requiring construction equipment be maintained in peak operating condition, the use of low sulfur fuel by weight, prohibiting truck idling for periods longer than ten minutes, and discontinuing construction activity during second stage smog alerts. Emissions during construction were

calculated using CalEEMod program (version 2011.1.1). The allotment of equipment to be utilized during each phase was based on defaults in the CalEEMod program and was modified as needed to represent the specifics of the proposed project. The amount of soil excavation (200 cubic yards), dredged materials (12,000 cubic yards), and the truck trips necessary to haul the excavated soil were taken into consideration. The default level of detail was used to calculate fugitive dust emissions from activity on the approximately 1.00 acre site.

The CalEEMod model calculates total emissions, on-site and off-site, resulting from each construction activity which are compared to the SCAQMD Regional Thresholds. A comparison of the project's total emissions with the regional thresholds is provided below. A project with daily construction emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

Construction Emissions SCAQMD Regional Pollutant Emission Thresholds of Significance						
	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM10	PM2.5	SOx
Estimated Construction Emissions for proposed project	108.9	47.3	60.0	3.5	3.1	0.3
Significance Threshold	550	75	100	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the aforementioned table, construction emissions from the proposed project would not exceed the regional thresholds. VOC levels are associated with only the exterior coating for the commercial structures. Therefore, a less than significant impact during construction is anticipated.

Long-term

Air pollutant emissions due to the project were also calculated using the CalEEMod program version (2011.1.1). The program was set to calculate emission for a 23-boat slip marina, restaurant/retail use, and office use. The default CalEEMod variables were used for the calculations.

Operational Emissions SCAQMD Regional Pollutant Emission Thresholds of Significance						
	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM10	PM2.5	Sox
Estimated Project Emissions for proposed project	364.6	21.1	38.1	3.1	0.9	0.0
Significance Threshold	550	75	55	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the aforementioned table, operational emissions from the proposed project would not exceed the regional thresholds.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Typical sensitive receptors include residences, schools, playgrounds, childcare centers, etc. The nearest sensitive receptors that have the potential to be affected by the project development are residences to the east and north of the project site. Since the project's emissions would not exceed the regional thresholds, impacts to sensitive receptors are less than significant.

The project site is located in the SCAQMD, which is currently in nonattainment for ozone and PM10 under national and State standards, and CO under national standards. Because the project would not exceed regional significance thresholds, the proposed project would not make a cumulatively considerable contribution with regards to criteria pollutants.

The 2007 Air Quality Management Plan (AQMP) is the region's applicable air quality plan and was prepared to accommodate growth, to reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD, to return clean air to the region, and to minimize the impact on the economy. Projects that are considered to be consistent with the General Plan are considered to be consistent with the AQMP. The proposed uses are consistent with the uses permitted in the General Plan (refer to discussion under Section I. Land Use and Planning). Therefore, the proposed project would not conflict with the AQMP and less than significant impacts are anticipated.

Based on the calculations using the CalEEMod program version (2011.1.1) and the CEQA Air Quality Handbook, less than significant impacts are anticipated.

b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 8, 15)	☐	☐	☑	☐

Discussion:

Refer to the discussion for items V (a).

c) Create objectionable odors affecting a substantial number of people? (Sources: 9)	☐	☐	☑	☐

Discussion:

The operation of the 23-boat slip marina will contribute additional boat exhaust within Huntington Harbour. However, the marina is proposed within an existing recreational boating harbor, contributing only a small incremental increase in exhaust odors. The commercial uses are not expected to create any objectionable odors. The emissions of significant odors would not be anticipated during construction. Less than significant impacts are anticipated.

d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 8, 9, 15)	☐	☐	☑	☐

Discussion:

Refer to the discussion for items V (a).

e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 8, 9, 15)	☐	☐	☑	☐

ATTACHMENT NO. 7.21

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

Refer to the discussion for items V (a).

VI. TRANSPORTATION/TRAFFIC. Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Sources: 1, 10, 23)	☐	☐	☑	☐

Discussion:

Based on the Harmony Cove Trip Generation and Parking Analysis prepared by LSA Associates, Inc. (December 2011), the proposed development is projected to result in approximately 303 new vehicle trips per day. The existing ingress and egress driveway is located along Warner Avenue, approximately 750 ft. east of the intersection of Pacific Coast Highway and Warner Avenue. Warner Avenue is designated as a Major Arterial Street in the Circulation Element of the General Plan (1996).

The Transportation Division of the City of Huntington Beach has indicated that acceptable levels of service (LOS) for roadway segments and intersections exist in the project vicinity. The City's General Plan considers LOS for all surrounding roadway segments and intersections acceptable. The Trip Generation and Parking Analysis concluded that traffic generation associated with the project would not cause a significant increase in vehicle trips affecting levels of service on the surrounding roadways. The project is subject to standard code requirements including the payment of traffic impact fees to minimize any potential impacts.

Construction traffic resulting from development of the project may result in short-term interruptions to traffic circulation, including pedestrian, bicycle, and boat flow. Based on the scope of the project construction, the short-term interruptions to traffic are not considered to be significant. These potential impacts will be reduced through implementation of code requirements requiring Department of Public Works approval of a construction vehicle control plan.

With regard to the Harbour right-of-way, the project site is located adjacent to a public waterway cul-de-sac available to the City's Marine Services Division, Huntington Harbour Yacht Club, and members of the public. There may be temporary disruptions to boat traffic within the channel but the flow of boat traffic would not be impeded as a result of construction because the staging area would be within the project boundary. Less than significant impacts are anticipated.

b) Conflict in an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources: 1, 10)	☐	☐	☑	☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

Refer to the discussion under item VI.a. Increased trip generation from long-term operation of the project will not exceed level of service (LOS) standards on designated Orange County Congestion Management Program (CMP) intersections in the project vicinity, including Warner Avenue/Pacific Coast Highway and Bolsa Chica Street/Warner Avenue intersections. Less than significant impacts are anticipated.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 10, 11)	☐	☐	☐	☑

Discussion:

The project site is not located within two miles of a public or private airstrip and does not propose any structures of substantial height to interfere with existing airspace or flight patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources: 1)	☐	☐	☑	☐

Discussion:

The project site is located along a major arterial street that provides access to the site. Project access will be provided via an existing driveway off Warner Avenue. The project is subject to compliance with City standards for vision clearance at street/driveway intersections, minimum drive aisle widths and vehicle turning radii designed to ensure hazards are minimized. Less than significant impacts are anticipated.

The project site is located adjacent to a public waterway cul-de-sac available for use by the public as well as the City's Marine Services Division and Huntington Harbour Yacht Club across the channel. The proposed marina will be designed to accommodate the existing boat traffic volumes and uses in the waterway in terms of maneuvering and flow. The channel will be dredged to achieve the appropriate depth to support the different boat types and sizes. Less than significant impacts are anticipated.

e) Result in inadequate emergency access? (Sources: 1)	☐	☐	☑	☐

Discussion:

Emergency access to and within the project site would be designed to meet City of Huntington Beach Police Department and City of Huntington Beach Fire Department requirements, as well as the City's general emergency access requirements. The proposed marina would be designed to accommodate the emergency boat launching capabilities of the Marine Services Division's current operations at the Warner Dock, a city-owned dock located across the channel from the project site. The Marine Services Division utilizes the Warner Dock to store three 30-foot long boats which are used to patrol the city's coastline. Less than significant impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Result in inadequate parking capacity? (Sources: 2)	☐	☐	☐	☑

Discussion:

Chapter 231 (Off-Street Parking and Loading Provisions) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) requires eating and drinking establishments and outdoor dining areas (above 400 sq. ft.) to provide parking at a rate of one space per 100 sq. ft. of floor area, commercial establishments to provide one space per 200 sq. ft. of floor area, and offices to provide one space per 250 sq. ft. of floor area. In addition, the project proposes to provide ¾ space per boat slip. Based on the HBZSO, 40 parking spaces are required for the project (refer to the table below). A total of 44 parking spaces are proposed for the project. The proposed parking complies with parking requirements of the Huntington Beach Zoning and Subdivision Ordinance. No significant impacts are anticipated.

PARKING REQUIREMENT FOR HARMONY COVE PROJECT			
	Quantity	Parking Rate	Required Parking
Eating/Drinking & Outdoor Dining	1,830 sf	1 space/100 sf	18 spaces
Commercial	600 sf	1 space/200 sf	3 spaces
Office	170 sf	1 space/250 sf	1 spaces
Boat Slips	23 slips	¾ space/slip	18 spaces
Total			40 spaces

g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 2)	☐	☐	☐	☑

Discussion:

The project will provide bicycle racks onsite, in accordance with the requirements of the HBZSO Section 231.20—*Bicycle Parking*. No impacts are anticipated.

VII. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources: 1, 9, 24)	☐	☑	☐	☐

Discussion:

The proposed project involves the construction of a new 23-boat slip marina within Huntington Harbour, which supports some marine biological habitats. The construction of the marina would result in the removal of the piles and dock floats, dredging, repairing the revetment of rock riprap, and construction of new piles and dock floats. In order to assess the potential impacts of the proposed marina project, a Biological Assessment was originally prepared by MBC

ATTACHMENT NO. 7.24

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Applied Environmental Sciences in 2009. The Biological Assessment included a survey of Intertidal Organisms, Subtidal Eelgrass, Algae, Fish and Invertebrates, Subtidal Organisms, and Subtidal Soft Bottom Benthos. Based on the survey in 2009, the Biological Assessment found the following marine resources within the project area: for the Intertidal Organisms, there were barnacles, limpets, bay mussels, oysters, sea squirts, and sponges; for the Subtidal Organisms, there were mollusks, snails, crabs, bay mussels, algae, and no eelgrass; for the Subtidal Soft Bottom Benthos, there were anemone and worms.

The Biological Assessment also identified sensitive species (two bird species and two marine mammals) that are identified as protected, rare, sensitive, threatened or endangered by the California Department of Fish and Game or the U.S. Fish and Wildlife Service that may be expected in the area at various times. They include California Brown Pelican, Peregrine Falcon, Harbor Seal, and California Sea Lion, but they were not observed at the time of the study in 2009.

In November 2011, MBC Applied Environmental Sciences revised the 2009 Biological Assessment to reflect the current project but did not resurvey the area. The consultant's summary and explanation of changes to the Biological Assessment is included with the November 2011 Report provided as Attachment No. 9. Based on the project submittals, the 2011 Biological Assessment indicates a net increase in permanent and floating docks totaling approximately 9,898 sq. ft. from the previous cover of approximately 480 sq. ft. Development of the proposed project would have the following impacts to marine resources:

Subtidal Fish and Invertebrates—There would be a loss of infauna organisms during dredging but they would recolonize the area. Invertebrates and fish would move out of the area temporarily during construction including during periods of time when turbidity, noise, and vibrations would occur, such as when piles are being driven or dredging is occurring. There would be another small loss (46 sq. ft.) of subtidal habitat due to the placement of pier pilings. This loss would be small in area and mitigated by the increase in hard subtidal and intertidal area afforded by the pilings and docks. The placement of docks on the surface will enhance opportunities for fish and invertebrates to feed and provide habitat. There will be a gain in hard bottom habitat due to the installation of 26 pilings within intertidal and subtidal area of 1,690 sq. ft. The short term loss of these species is then mitigated by the additional hard bottom habitat.

Subtidal Eelgrass and Algae—While eelgrass is known to occur in the harbor area, small eelgrass beds could disappear and reappear on an irregular basis. An eelgrass bed was found to cover at least 23 square meters in one area of the project site in 2006 but was not observed in 2009. Because of the variability in eelgrass beds persistence, there is the potential for eelgrass to grow again in that location or in other areas at similar depths. The project would, however, affect the potential for eelgrass to reestablish at this location. Therefore, mitigation would be required if it is found during any future survey. The following mitigation measures for impacts to eelgrass in accordance with the Southern California Eelgrass Mitigation Policy shall be implemented:

BIO-1: Pre-construction (within 60 days of a disturbing activity) and post-construction (30 days after cessation of the marina portion of the project and prior to issuance of a Certificate of Occupancy or final inspection for the marina) eelgrass surveys shall be conducted to determine the level of eelgrass loss, if any, as a result for the project activities. This survey shall be valid for 60 days unless conducted between August and October, in which case it is valid until March 1 of the following year.

BIO-2: Prior to issuance of a Certificate of Occupancy or final inspection for the marina, any loss in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies. Mitigation may include out-of kind mitigation (suitable to the resource agencies) if the total area is less than 10 square meters, or replacement at a 1.2 to 1 ratio (for every 1 square meter of eelgrass disturbed or lost, 1.2 square meters is to be replaced) in a suitable location if the total is more than 10 square meters. In the event of replacement,

subsequent success monitoring at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy.

BIO-3: Prior to issuance of a Certificate of Occupancy or final inspection for the marina, if no eelgrass is found on site then the project shall provide 50 square meters of eelgrass to compensate for other non-specific project impacts such as short term disruption of the epifauna and infauna biota. The eelgrass shall be monitored for subsequent success at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy.

Sensitive Species—Although no sensitive species were observed within the project site during the survey, they are known to use the Harbour area for foraging and nesting. The close proximity of Huntington Harbour to other environmentally sensitive habitats such as Bolsa Chica suggests that some of these marine species have used and will continue to use the site for foraging or roosting. Increased turbidity during project construction may reduce localized foraging ability for these species within the immediate area of work. A reduction in local foraging ability may result in adverse effects if the turbidity plume extends over a large portion of the surrounding area. The marine mammals of concern include Harbor Seal and California Sea Lion. The avian species of primary concern is the California least tern, a migratory water-associated bird present in the Harbour from April to October of each year. An extensive least tern nesting colony exists at the nearby Bolsa Chica State Ecological Reserve located further up the tidal system. The nest sites are approximately 1.0 mile from the project area. To mitigate the potential significant impacts to the foraging opportunities for protected species, it is recommended that seasonal timing restrictions be employed for dredging and other turbidity generating work.

BIO-4: Dredging and other turbidity generating work shall be limited to the months of November to March to minimize impacts to foraging and nesting for protected avian species. If dredging and pile driving activities cannot be timed to avoid encroachment into the least tern nesting season, the applicant shall be required to effectively contain visibly detectable surface turbidity associated with in-water construction activities to the smallest footprint practicable and not more than 0.5 acre maximum during the least tern season. During construction, a qualified biologist shall conduct weekly monitoring of the silt curtain(s) and monitor water quality at a distance of no more than 10 meters outside of the silt curtain and 100 meters upcurrent of the silt curtain. Turbidity (via light transmittance) shall be measured at one meter above the bottom, mid-depth, and one meter below the surface both at 10 meters and 100 meters from the dredge operations. A decrease in light transmittance of more than 30% (average of the three readings) from that found 100 meter upcurrent shall result in a suspension of dredging until the cause is corrected. Additionally, dissolved oxygen concentrations (DO) and hydrogen ion concentrations (pH) shall be measured at the same depths and locations. Dredge operations shall be suspended at any time the biological oxygen demand causes concentrations of DO to be less than 5 mg/l and pH to drop below 7.5 (average of the three measurements) in the area within 10 meters of the silt curtain unless ambient condition DOs are below 5 mg/l and pH below 7.5 at the station 100 meters upcurrent. In the event that turbidity extends beyond the allowable limits, turbidity generating activities shall cease until such time as turbidity levels are brought back into compliance.

BIO-5: If sea lions, seals (or other marine mammals), or sea turtles are observed within 100 meters of the construction or dredging process, all in water activity shall cease until observations indicate the marine mammals or turtles have departed the work site.

With implementation of the mitigation measures recommended above, all impacts to sensitive biological special and their habitat can be mitigated to a less than significant level.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 1, 9, 24)	☐	☑	☐	☐

Discussion:

Refer to discussion under item VII (a). Refer to mitigation measures under Section VII (a).

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 9)	☐	☐	☑	☐

Discussion:

The project does not contain any wetlands. However, the Bolsa Chica Ecological Reserve is located approximately 100 feet south of the project site across Warner Avenue. The construction and operation of the project would not have a substantial adverse effect on federally protected wetlands through removal or hydrological interruption. Less than significant impacts would occur.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources: 1, 9, 24)	☐	☑	☐	☐

Discussion:

Refer to discussion under item VII (a). Refer to mitigation measures under Section VII (a).

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources: 1, 9, 24)	☐	☑	☐	☐

Discussion:

The Coastal Element of the City's General Plan includes goals and policies to prevent degradation of marine resources in the Coastal Zone from activities associated with an urban environment. Per the Coastal Element, new development within the coastal zone is required to include measures to mitigate adverse impacts of human activities on the marine environment and to protect areas and species of biological significance. The development of the commercial and marina project would have potentially significant impacts upon marine organisms and sensitive biological species. Refer to item VII (a) for the discussion on biological resources impacts and mitigation measures. The incorporation of the mitigation measures would ensure that the project would conform to the policies of the Coastal Element. With mitigation, less than significant impacts are anticipated.

The site currently contains approximately eight trees that would be impacted by construction. All the trees are

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

proposed to be removed, stored and planted back on the site after the construction. Construction of the project will be subject to standard City requirements for the submittal of landscape plans demonstrating compliance with current code requirements and the replacement of existing mature healthy trees to be removed at a minimum of 2:1 ratio. Less than significant impacts are anticipated.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

There is no Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan for the area; therefore, no impacts are anticipated.

VIII. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

The proposed development will not result in the loss of a known mineral resource. The project site is not designated as a known mineral resource recovery site in the General Plan. No impacts are anticipated.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

The project site is not designated as an important mineral resource recovery site in the General Plan or any other land use plan. Development of the project is not anticipated to have any impact on any mineral resource. No impacts to mineral resources are anticipated.

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 1, 13)	☐	☐	☑	☐

Discussion:

Development and operation of the proposed project does not include uses that involve the routine transport, use or disposal of hazardous materials beyond typical commercial wastes and cleaning products. In addition, the recreational boat marina does not include any fueling stations. Less than significant impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 1, 13, 16)	☐	☐	☑	☐

Discussion:

Recreational boating activities are currently present within Huntington Harbour. The proposed 23 floating docks represent a small increase in boat storage capacity and therefore a small increase in boat traffic within the vicinity. Although the additional boat traffic may result in a small increased risk of accident, the increase of 23 boat slips is not considered significant.

Hazardous or flammable substances that would be used during the construction phase would include vehicle fuels and oils in the operation of heavy equipment for onsite excavation and construction. Construction vehicles may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid or other materials. The proposed construction and operation would comply with CalOSHA (California Occupational Safety and Health Administration) requirements, the Hazardous Materials Management Act (HMMA), and other State and local requirements. Compliance with local, State, and Federal regulations would minimize risks associated with accident conditions involving the release of hazardous materials into the environment. All fill soil (on-site and imported) shall meet City Specification #431-92 – Soil Cleanup Standards and would be submitted to the Fire Department for review and joint approval with the Public Works Department prior to issuance of a grading permit. Discovery of additional soil contamination during ground disturbing activities is required to be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92.

According to Preliminary Geology and Soils Report by TerraCosta Consulting Group, Inc., the construction of the marina would require dredging 12,000 cubic yards of sediment from the channel. The dredged materials could be disposed of at sea or processed on land and disposed of by trucking to an off-site landfill. Because the dredged materials may contain contaminants, the method of disposal is dependent on approvals of federal (Army Corps of Engineers and Environment Protection Agency) and state (California Coastal Commission and State Regional Water Quality Control Board) regulatory agencies based on the chemical and biological composition of the dredged sediment. The project would be required to comply with the applicable regulations by the federal and state agencies for the disposal of dredged materials. Less than significant impacts are anticipated.

c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 13)	☐	☐	☑	☐

Discussion:

The nearest school, Harbour View Elementary School, is approximately one mile from the project site. The proposed commercial and marina uses do not represent uses that involve the routine use or transport of hazardous materials beyond typical wastes and cleaning products. Less than significant impacts are anticipated.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 1, 13)	☐	☐	☐	☑

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

The project site is not listed on any list of hazardous materials sites. No impacts are anticipated.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 11)	☐	☐	☐	☑

Discussion:

The project site is not within the vicinity of a private airstrip. Although the City of Huntington Beach is included in the Orange County Airport Environs Land Use Plan due to the Los Alamitos Armed Forces Reserve Center, the project does not propose any structures with heights that would interfere with existing airspace or flight patterns. No impacts are anticipated.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 11)	☐	☐	☐	☑

Discussion:

The project site is not located near any private airstrips. No impacts are anticipated.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 11, 28)	☐	☐	☐	☑

Discussion:

The project has been reviewed by the Fire Department and is designed to be in compliance with fire access and circulation requirements. Based on the Harmony Cove Navigation Channel Impact Review, prepared by Moffat & Nichol (February 2009), there is currently adequate maneuvering area for boats to navigate the channel with implementation of the proposed project. However, there is a staff recommended condition to provide a 25-ft. setback from the property line to provide adequate maneuvering area based on future Marine Safety Division needs and to accommodate the potential expansion of the docks on the west side of the channel. The proposed development of the site will not interfere or conflict with an adopted emergency response plan or emergency evacuation plan. No impacts are anticipated.

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

Discussion:

The project is located in Huntington Harbour, a man-made residential marina complex constructed in the 1960s and is not near any wildlands. No impacts would occur.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
X. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 14, 29)	☐	☑	☐	☐

Discussion:

Implementation of the proposed project would involve the construction of two commercial buildings and a 23-boat slip marina. Construction would involve dredging, repairing the existing revetted rock slope, construction of the marina, construction of commercial structures, utilities, parking, and landscaping, all of which would involve the use of heavy equipment and therefore sources of noise. Each stage of construction would involve a different mix of operating equipment and noise levels would vary based on the number and types of equipment in operation and the location of the activity. Residential uses near the property will experience audible noise levels during construction of the proposed project. The closest sensitive uses to the proposed project site would be the occupants of the residential uses across the Harbour channel to the north, approximately 250 ft. from the project site, the residential uses east of the site, approximately 90 ft. from the project site, and the residential uses across the Harbour channel to the west, approximately 250 ft. from the project site. The construction phase that would generate the greatest noise levels would be the pile driving phase associated with the construction of the marina, which is anticipated to last approximately 4 months total. The installation of the piles will be spread over a six-week period with one week for the initial guide piles and five weeks for the remaining piles. The guide piles will be jetted into place while a vibratory hammer will only be used to penetrate the last five feet to the final depth recommended by the soils engineer. It is anticipated that it could take approximately 30 minutes to two hours to install each pile. Based on the installation methods, the noise and vibration impacts are intermittent. With a total of 30 piles and the duration of six weeks, an average of one pile per day will be installed. Based on the Environmental Noise and Vibration Analysis, prepared by Gordon Bricken & Associates (February 2012), the approximate noise levels experienced by these adjacent sensitive uses due to construction activities occurring at the project site have been estimated to reach 89 dBA for uses to the north, 111 dBA for uses to the east, and 89 dBA for uses to the west. These noise levels could exceed the maximum measured ambient noise levels by as much as 25 dBA to the north, 47 dBA to the east, and 30 dBA to the west.

Short-Term

Under Section 8.40.090 (d) of Chapter 8.40 of the City's Municipal Code, noise sources associated with construction are exempt from the requirements of the Municipal Code, provided that the applicant has acquired the proper permit(s) from the City and construction activities do not occur between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturdays, or at any time on Sundays or federal holidays. In order to minimize disruptions to adjacent properties, the project will be required to comply with the limitation of construction hours. Noise related to construction activities are exempt by the Municipal Code. Therefore, less than significant impacts are anticipated.

Recognizing that there are residential uses in the vicinity of the project site that will experience audible noise levels during construction, mitigation measures are recommended to minimize the noise levels to the extent feasible. These mitigation measures include:

NOISE-1: The Applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the Harbour channel from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In

addition, the notification shall include the identification and contact number for a community liaison and designated construction manager that shall be available on-site during all construction activities. Contact information for the community liaison and construction manager shall be located at the construction office, City Hall, and the Police Department.

- Ensure that construction equipment is properly muffled according to industry standards. Shut off or run noise generating equipment and machinery on their lowest settings when not in use.
- Implement the best available technology throughout all construction activities in noise attenuation measures, including but not limited to sound barriers and noise blankets.
- Ensure that all construction work that would be expected to create high noise and/or vibration levels shall be carefully scheduled to be performed in the least amount of time possible.
- All project personnel shall be made aware of the potential for noise and vibration impacts and shall practice good neighbor policies designed to minimize noise and vibration impacts at all times.

NOISE-2: The Applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City.

NOISE-3: The applicant shall be required to submit a noise and vibration control plan to the Planning and Building Director for approval prior to the start of construction. Features that shall be included in the noise and vibration control plan are:

- A list of all major noise and vibration generating equipment that will be used on the site for each phase of construction.
- Noise and vibration predictions at each of the sensitive receptors that were indentified in the report for each phase of the construction.
- Locations, heights, and materials for noise barriers that may be employed and schedule for their installation.
- Other mitigation measures that will be used. These might include use of temporary noise barriers for stationary equipment, use of low-noise and vibration equipment or highly efficient mufflers, and alternative construction methods.

Under mitigation measure NOISE-1, the implementation of noise attenuation measures may include the use of noise barriers (e.g., sound walls) or noise blankets. As a general rule, a sound wall is able to reduce noise by 5 dBA. In addition, mitigation measure NOISE-2, which requires that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible, would also reduce construction-related noise levels. Mitigation measure NOISE-3 would assist surrounding residential properties anticipate the timing and duration of noise activities by providing information on noise and vibration generating equipment and their installation schedule.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Long-Term

The 23-boat slip marina and commercial buildings are proposed within an existing waterway of a recreational and residential Harbour channel. Boat traffic in and around the Harbour is common. The proposed project will contribute to current ambient boat noise within the recreational boat harbor. However, the project is not anticipated to create long-term noise impacts different from existing ambient conditions and no services typically found in a marina are proposed. The site will not provide pump-out facilities, fueling, laundry, restrooms, showers, or any other type of amenity that may produce noise impacts.

The potential noise impacts for proposed commercial uses would come from the outdoor dining area, air conditioning units, and guest parking areas. Based on the Environmental Noise and Vibration Analysis, prepared by Gordon Bricken & Associates (February 2012), the approximate noise levels experienced by the nearest sensitive receptors (residential uses to the east) are 48 dBA associated with people talking in the outdoor dining area, 32 dBA associated with air conditioning units, and 27 dBA associated with guest parking areas. The daytime noise threshold is 55 dBA for residential properties. Since these noise levels do not exceed the daytime noise threshold for residential properties, less than significant impacts are anticipated.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1, 14, 29, 30)	☐	☑	☐	☐

Discussion:

Short-Term

Groundborne Vibration and Noise Affecting People

Certain construction activities, such as pile driving activities, related to the proposed project would have the potential to generate groundborne vibration and noise and impact sensitive receptors surrounding the project site. Groundborne noise from vibration that would impact sensitive receptors was analyzed by Gordon Bricken & Associates in the Environmental Noise and Vibration Analysis (February 2012). According to the Study, the vibration levels due to construction of the proposed project would exceed the vibration impact threshold of 85 VdB set by the Federal Transit Administration for sensitive receptors. The approximate vibration levels experienced by these adjacent sensitive uses due to construction activities occurring at the project site have been estimated to reach 102 VdB for uses to the north, 129 VdB for uses to the east, and 98 VdB for uses to the west. These vibration levels could exceed the vibration threshold levels by as much as 17 VdB to the north, 44 VdB to the east, and 13 VdB to the west.

The vibration levels are associated only with construction of the marina and will be temporary in nature. The pile driving phase during construction of the marina is anticipated to last approximately six weeks. The pile driving activities will last approximately 30 minutes to two hours per pile with an average of one pile per day installed. Although construction of the proposed project would generate groundborne noise and vibration levels higher than the threshold for residential properties, noise sources associated with construction are exempt under Chapter 8.4 – *Noise Control* of the City's Municipal Code. Consequently, impacts are considered less than significant. However, in addition to a standard condition of approval limiting construction to 7:00 AM to 8:00 PM, Monday through Saturday and prohibiting construction on Sundays and Federal holidays, a mitigation measure further limiting the hours and duration of pile-driving activities is recommended to reduce noise from groundborne vibration resulting from construction of the proposed project.

To reduce the groundborne noise and vibration resulting from construction of the proposed project to the extent possible, the following mitigation measures shall be implemented:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

NOISE-4: Pile-driving activities shall be scheduled between the hours of 8:00 AM and 4:00 PM on Mondays through Fridays only. Piles shall be installed with jetting, predrilling, or pile cushioning to reduce the duration of pile-driving.

Groundborne Vibration and Noise Affecting Structures

Groundborne vibration impacting sensitive structures was analyzed by TerraCosta Consulting Group, Inc. in the Preliminary Geology and Soils Report (December 2011). The study utilized the Caltrans Vibration Manual in determining vibration threshold criteria for possible damage to structures. According to the study, vibration levels at which structures could be potentially damaged vary depending on the type of structure. For instance, the threshold for possible damage to older residential buildings is 0.30 ips (inches per second), whereas the threshold for engineered structures would be 1.5 ips. Within the limits of the study area, there are four structures that may potentially be impacted due to vibration from construction activities. The structures include the Weatherly Bay swimming pool complex (approximately 22 ft. from the eastern property line), Weatherly Bay tennis court (approximately 9 ft. from the eastern property line), Weatherly Bay eastern site property wall (adjacent to the eastern property line), and the Warner Avenue Bridge (adjacent to the southern property line). Attachment # 4 shows the proximity of the project site to these four structures. Although the tennis court is not necessarily a structure, there is a potential "trip" hazard that could be created due to movement between panels or cracks as a result of groundborne vibration. Therefore, for purposes of this analysis, the tennis court has been categorized as a "special structure". Of the various construction activities, pile driving activities and the vibratory hammer for the installation of piles for the marina would exceed the established thresholds for groundborne vibration and potentially cause damage to all of the structures described above.

Groundborne vibration that could result in damage to structures would not be considered noise in the same way that groundborne noise and vibration affecting humans would. As such, impacts from groundborne vibration to structures would not be a construction activity that is exempt under the City's Noise Ordinance and would be potentially significant unless mitigated. To mitigate the potential risk of damage to the structures during construction activities involving pile driving activities and the vibratory hammer for the installation of piles for the marina, the following mitigation measure shall be implemented:

NOISE-5: The applicant shall perform the following tasks:

- Conduct pre- and post-construction video and survey inspections of the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.
- Install meters to measure and monitor vibrations.
- Visually monitor the above structures for damage on a daily basis, and video and survey once per week during construction.
- Upon evidence of structural damage to the above structures, the applicant shall cease construction operations immediately and assess, repair, and remediate any damages to the structures in accordance with the recommendations in the Preliminary Geology and Soils Report.
- Provide a bond in an amount determined by the City Engineer for the repair and/or replacement of structural damage to the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.

Implementation of the above mitigation measure would reduce the potentially significant risk of structural damage to a less than significant level.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Long-Term

The long-term operation of the 23-boat slip marina and commercial buildings are not expected to create excessive groundborne vibration or noise levels. No substantial sources of groundborne vibration would be built as part of the proposed project; therefore, operation of the proposed project would not expose sensitive receptors on-site or off-site to excessive groundborne vibration levels. Less than significant impacts related to long-term groundborne vibration resulting from the new development project are anticipated.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 14, 29)	☐	☐	☑	☐

Discussion:

Refer to discussion under item X (a) for long term noise impacts.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 14, 29)	☐	☑	☐	☐

Discussion:

Refer to discussion under item X (a).

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 9, 11)	☐	☐	☐	☑

Discussion:

The project site is located within the Airport Environs Land Use Plan for the Joint Forces Training Base Los Alamitos, but is not located within two miles of a public airport. No impacts are anticipated.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 9, 11)	☐	☐	☐	☑

Discussion:

The project site is not within the vicinity of a private airstrip that would expose residents and users of the proposed project to excessive noise levels. No impacts are anticipated.

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

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
performance objectives for any of the public services:				
a) Fire protection? (Sources: 1)	☐	☐	☑	☐

Discussion:

Fire and emergency services to the project and vicinity are provided by the City of Huntington Beach Fire Department. Primary response services are provided by the Warner Station, Fire Station No. 5, located at 3831 Warner Avenue, approximately 330 ft. west of the project site. The proposed development can be adequately served by existing Fire protection service levels. Less than significant impacts are anticipated.

b) Police Protection? (Sources: 1)	☐	☐	☑	☐

Discussion:

Police services to the project site and vicinity are provided by the City of Huntington Beach Police Department. The closest police station is the Harbour Sub-Station at 16889 Algonquin Street, approximately 0.75 mile northeast of the project site. The proposed development can be adequately served by existing Police protection service levels. Less than significant impacts are anticipated.

c) Schools? (Sources: 1)	☐	☐	☑	☐

Discussion:

The project site is located approximately 1.0 mile from the nearest elementary school (Harbour View) and will not result in substantial adverse physical impacts. The project does not propose new residential development that may increase demand on schools. However, the project is subject to payment of school impact fees for improvements to school facilities. Less than significant impacts are anticipated.

d) Parks? (Sources: 1)	☐	☐	☑	☐

Discussion:

The proposed project will not interfere with any parks, and the 23-boat slip marina will increase recreational boating opportunities within the Huntington Harbour area. The proposed project is not expected to have significant impacts to park facilities nor result in a significant demand on existing park facilities. Less than significant impacts are anticipated.

e) Other public facilities or governmental services? (Sources: 1, 28)	☐	☐	☑	☐

Discussion:

The Huntington Harbour Main Channel surrounds the land portion of the subject site to the north and the west. The portion of the Main Channel to the west is used by the City of Huntington Beach Marine Safety Division on a regular basis to gain access to the open waters for patrols and rescues and to secure rescue boats. Based on the Harmony Cove Navigation Channel Impact Review, prepared by Moffat & Nichol (February 2009), there is currently adequate maneuvering area for boats to navigate the channel with implementation of the proposed project. However, there is a staff recommended condition to provide a 25-ft. setback from the property line to provide adequate maneuvering area based on future Marine Safety Division needs and to accommodate the potential expansion of the docks on the west side of the channel. With compliance of standard code requirements and compliance with City conditions of approval and specifications, less than significant impacts to public facilities or governmental services are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1)	☐	☐	☑	☐

Discussion:

The proposed sewer flow at the project site will be approximately 1,100 gpd. The new wastewater discharges from the proposed project would place additional demand upon regional treatment facilities. The operational discharges of the proposed project will be sent to the project's sewer system, which would ultimately be treated at one or more of the OCSD wastewater treatment plants. The OCSD wastewater treatment plants are required to comply with their associated waste discharge requirements (WDRs). WDRs set the level of pollutants allowable in water discharged from a facility.

Compliance with any applicable WDRs as monitored and enforced by the OCSD would ensure that the proposed project would not exceed the applicable wastewater treatment requirements of the Santa Ana Regional Water Control Board with respect to discharges to the sewer system. This would result in a less than significant impact.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1, 22)	☐	☑	☐	☐

Discussion:

The project site is currently vacant. There are existing public water pipelines along Warner Avenue that could satisfy the demands of the project. A Utility Plan for new water service connections shall be reviewed and approved by the Public Works Department. All utility connections to the project site will be in accordance with all applicable City standards and will be required to pay a sewer connection fee for the installation of the proposed sewer lateral. Wastewater services for the proposed project will be provided by a 12-inch sewer main located on Warner Avenue, which is owned by the City of Huntington Beach. The system connects to the sewer lift station #9 (D Station) at Edgewater and Warner, which is pumped to a 12-inch OCSD line in Marina View Place. A previous Sewer Study prepared by Nunez Engineering (December 2008) identified the 12" main on Warner Avenue as deficient and flowing above the allowable levels. Therefore, implementation of the proposed project would contribute to flows to the existing deficient system. The following mitigation measure is proposed to reduce impacts from the proposed project to a less than significant level:

UTIL-1: Prior to issuance of a Certificate of Occupancy for the land portion of the site, the developer shall be required to pay a fair-share fee for mitigation of the impacts to the public sanitary sewer system resulting from the increase in flow anticipated as a result of the development.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1)	☐	☐	☑	☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

The existing private storm drain and catch basin are adequate in handling the stormwater runoff from the site. However, a Hydrology and Hydraulics Study, subject to review and approval by the Public Works Department, will evaluate impacts from runoff generated by the proposed project. If the storm water drainage facility is determined to be inadequate per the Hydrology and Hydraulics Study, the construction impacts of the replacement of the private storm water facility will be addressed by the required precise Grading Plan, Storm Drain Improvement Plan, and Storm Water Pollution Prevention Program. Less than significant impacts are anticipated.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources: 1, 19)	☐	☐	☑	☐

Discussion:

The project site is currently vacant. Because the proposed project would be consistent with the General Plan land use designation of OS-P (Open Space-Park), the allocation of water usage has been planned for in the 2005 Water Master Plan and 2010 Urban Water Management Plan. As compared to the total City water usage of over 30,000 acre feet per year, the estimated water usage of 3 acre feet per year for the site does not represent a significant impact and could be accommodated by the City's water supply. The project is subject to compliance with the City's Water Ordinance, including the Water Efficiency Landscape Requirements, as well as Title 24 conservation measures such as low flow fixtures, which ensure water consumption is minimized. Less than significant impacts are anticipated.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources: 1)	☐	☐	☑	☐

Discussion:

The proposed project would generate approximately 1,100 gallons of wastewater per day. Sewage from the proposed project will be delivered to City-owned sewer lines that connect to the Orange County Sanitation District's trunk sewer lines. The wastewater generated from the proposed project would be treated by Orange County Sanitation District's Plants No. 1 and No. 2. The two plants have a treatment capacity of 276 million gallons per day (mgd). Average daily flow to both plants combined is 243 mgd. These levels provide an additional capacity of 33 mgd for both Plants No. 1 and No. 2. The proposed project would generate negligible wastewater and would require the use of approximately 0.00333% of the remaining capacity of the OCSD's facilities; therefore, less than significant impacts are anticipated.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources: 1)	☐	☐	☑	☐

Discussion:

Rainbow Environmental Services is the exclusive hauler of all solid waste for the City of Huntington Beach. Rainbow Environmental Services operates a Transfer Station, located at 17121 Nichols Street within the City of Huntington Beach, and two Materials Recovery Facilities (MRFs) through which all solid waste is processed. Rainbow Environmental Services' Transfer Station has a design capacity of 2,800 tons per day, and current utilization ranges between 53 and 71 percent. Assuming a worse-case scenario of 71 percent utilization, the daily solid waste contribution to this transfer station under the proposed project would be less than one percent at approximately

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

0.000002 percent of its entire design capacity. Utilization of the transfer station would not be noticeably impacted with implementation of the proposed project.

The Orange County Integrated Waste Management Department (IWMD) currently owns and operates three active landfills that serve the Orange County region, including: Frank R. Bowerman Landfill in Irvine; Olinda Alpha Landfill in Brea; and Prima Deschecha Landfill in San Juan Capistrano. All three landfills are permitted as Class III landfills and have a combined design capacity of 20,500 tons per day. Solid waste from the project site would be sent to the Frank R. Bowerman Landfill in Irvine. Permitted capacity for the landfill is limited to 8,500 tons per day. However, if the per day capacity is reached at the Bowerman Landfill, trucks are diverted to one of the other two landfills: Olinda Alpha in Brea (capacity 8,000 tons/day) and Prima Deschecha in San Juan Capistrano (capacity 4,000 tons/day) in the county.
Using the solid waste generation factors identified by the California Integrated Waste Management Board (CIWMB), the estimated amount of solid waste generated by the proposed project is shown in the table below.

Land Use	***Solid Waste Generation Rates (lbs/unit/day)***	***Proposed Project***	
		S.F.	***Waste Generated (lbs/day)***
Restaurant	0.005 lbs/sf/day	1,680 S.F	8.4 lbs/day
Retail	0.006 lbs/sf/day	600 S.F.	3.6 lbs/day
	Total	***2,280 S.F.***	***12 lbs/day (tons/day)*** ***4,380 lbs/yr (tons/yr)***
SOURCE: California Integrated Waste Management Board, Estimated Solid Waste Generation Rates, http:www.ciwmb.ca.gov/wastechar/wastegenrates.			

Based on landfill capacity, the solid waste contribution to any of the three landfills that serve the project site is less than one percent of their allowed daily capacity. With Rainbow Disposal able to accept all commercial and construction waste from the project site and with sufficient current and future landfill capacity, the solid waste impacts resulting from the proposed project would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources: 1)	☐	☐	☐	☑

Discussion:

The project will be served by Rainbow Disposal and will be subject to participation in any solid waste reduction programs presently required in the City including AB 939 compliance.

h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources: 1, 20, 21)	☐	☐	☑	☐

Discussion:

Stormwater runoff may contain pollutants which could potentially degrade surface water quality. A preliminary Hydrology Report and Water Quality Management Plan prepared by R.T. Quinn & Associates (December 2011) indicates that the proposed site runoff will enter the two proposed flow-through planter boxes to capture and treat runoff from the impervious surfaces prior to release into the Harbour. The Report indicated that the treatment devices are appropriate for removing pollutants from stormwater runoff to comply with Section 303(d) of the Clean Water Act. The required pollutants to be removed from Huntington Harbour include chlordane, copper, lead, nickel, pathogens, PCBs, and sediment toxicity.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (Sources: 1, 3, 4)	☐	☐	☑	☐

Discussion:

According to the City of Huntington Beach General Plan, enhancing and preserving the aesthetic resources of the City, including natural area, beaches, bluffs, and significant public views is a City objective. The proposed project consists of development of a currently vacant parcel of land adjacent to a water channel of Huntington Harbour, one of the visual strengths of the community. The project includes two structures with maximum building height of 18 ft. However, scenic vistas in the City are primarily located along the coast. Since the site is located approximately 1,200 ft. away from the ocean, views of the ocean are limited from this vantage point. Views of the coast, wetlands, bluff areas, and Harbour will be available along the public sidewalk adjacent to Warner Avenue and from some portions of the eight-foot public walkway adjacent to the marina. The site itself is not a scenic vista and development of the parcel will not have a substantial adverse effect on a scenic vista. Less than significant impacts are anticipated.

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

Discussion:

The State of California Department of Transportation designates scenic highway corridors. The project site is not within a state scenic highway; nor is the project site visible from any (officially designated) scenic highway. In addition, as the project site is presently a vacant boat dock/parking facility, the site does not contain rock outcroppings or historic buildings. No impacts are anticipated.

c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 9)	☐	☐	☑	☐

Discussion:

The proposed commercial development and 23-boat slip marina will not degrade the existing visual character or quality of the site. Single family dwellings and private boat docks are located to the north, east, and to a certain extent west of the property. Degradation of existing visual character or quality of the site would occur if the project introduces a new visible element that would be inconsistent with the overall quality, scale, and character of the surrounding development. Existing structures adjacent to the project site consist of two-story structures to the immediate east and north, two-story to three-story structures to the west, and four-story structures to the east (Bay Club). The proposed one-story structures at 18 ft. would be consistent with the established development pattern in the area based on the surrounding buildings. The project also includes variance requests to deviate from the following development standards: 1) minimum interior side and water side setbacks; 2) location of the rooftop equipments; 3) location of backflow prevention device; 4) location of trash enclosure; and 5) landscaping requirements along street frontage, perimeter and interior landscaping for off-street facilities. The applicant is requesting the variances due to the small and irregular shape of the property and the desire to maintain existing improvements on the site. The restaurant/marina office building is proposed to be placed in the narrowest part of the site. The applicant is proposing to provide a 10 ft. interior side setback and an 8 ft. water side setback because there is not enough land to comply with the required 25 ft. setback. The proposed restaurant/marina office building is small (1,200 sq. ft.) and therefore there is not enough room to provide a 15 ft. setback for rooftop equipment. However, the rooftop equipment will be screened from view. The

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

backflow prevention device and trash enclosure, to be screened from view, will be located in areas that are not occupied by the existing parking lot. The applicant is proposing to maintain the existing parking lot and the existing landscaping planter along Warner Avenue without providing the additional landscaping required by the HBZSO. However, the applicant is proposing to provide 19 percent of the site in landscaping in lieu of the 8 percent required by the HBZSO. The majority of the site landscaping will be along the eastern portion of the site. The proposed project is subject to the City's urban design guidelines to ensure compatibility with the surroundings in terms of architectural quality and use of property. Therefore, less than significant impacts are anticipated.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 3, 4)	☐	☐	☑	☐

Discussion:

The proposed project is located within a highly urbanized area. Because the project site is currently vacant, implementation of the proposed project would introduce new light sources within the vicinity and result in additional nighttime lighting and the potential for glare from the building, parking lot, and the increased number of vehicles and boat traffic on the project site. Although the project will result in changes to light in the area, the project's contribution to ambient lighting in the area is considered negligible. The project will be subject to standard code requirements, which require that lighting be directed to prevent spillage onto adjacent properties. Although the project will result in the potential for glare in the area due to building materials such as window glass, the orientation of the building will minimize the amount of glare to sensitive uses. Glare sensitive uses within the project vicinity include single-family residential uses to the east and north (approximately 200 ft. across the channel) and multi-family residential uses to the northwest (approximately 350 ft. across the channel). The majority of the glare-producing building materials are oriented to the west and south, away from glare sensitive uses. Less than significant impacts are anticipated.

XIV. CULTURAL RESOURCES. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in δ15064.5? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

The project site is located in Huntington Harbour, a man-made residential marina that was dredged out of mudflats in the early 1960s. In addition, the project site is previously graded and disturbed and does not have any existing structures. Intact cultural, paleontological, archeological or historic resources would not exist within the project site. The site is not located within the vicinity of any identified archaeological sites, paleontological sites, or cultural resources. No impacts are anticipated.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to δ15064.5? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

Refer to discussion under item XIV (a).

c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: 1, 9)	☐	☐	☐	☑

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

Refer to discussion under item XIV (a).

d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

Refer to discussion under item XIV (a).

XV. RECREATION. Would the project:

a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 1)	☐	☐	☑	☐

Discussion:

The project includes commercial buildings and a 23-boat slip marina. The commercial buildings will not generate significant demand for or use of neighborhood, community, or regional parks. The retail/rental kiosk for kayaks, paddleboards, and other equipment would slightly increase the use of the Harbour for water-related recreation. The new marina will enhance the public's use of recreational resources in the Harbour through the proposed transient side-tie slip that is available to the public for temporary boat mooring and the public dock to launch recreational watercrafts. The proposed addition of 23 boat slips to the existing approximately 2,000 boat slips in the Harbour would not cause significant physical deterioration of the Harbour. Less than significant impacts are anticipated.

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

Discussion:

In accordance with the Open Space – Water Recreation zoning designation on the submerged portion of the site, the developer proposes to construct a 23-boat slip marina with floating docks and a floating pedestrian access ramp. The marina and boat slips will contribute to the recreational boating opportunities available in Huntington Harbour. The proposed facility is intended to provide dock space for a variety of boats and sizes. Furthermore, an eight-foot wide sidewalk is existing and would remain for ingress and egress to the proposed docks allowing public access to the waterfront.

As discussed in the Hydrology and Water Quality, Biological Resources, and Noise sections, construction of the marina and docks will result in impacts to water quality due to dredging, disturbance of sensitive species and habitat, and noise and vibration associated with pile driving activities. Although the project does have the potential for significant environmental impacts, the project design and recommended mitigation measures would reduce impacts to less than significant levels.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Affect existing recreational opportunities? (Sources: 1, 31)	☐	☐	☑	☐

Discussion

During construction of the marina's boat slips, there may be temporary disruptions to boat traffic within the channel. However, most of the construction activities will be staged from land and the width of the adjacent channel is wide enough to accommodate boats during the temporary construction process. There exists a Public Trust Easement over a portion of the project site that reserves the rights of the public to access navigable waters and to fish. The project is consistent with this easement pursuant to correspondence from the California State Lands Commission. Currently, there are no recreational opportunities on the land portion of the project site. Although there is an existing dock, due to sedimentation, the channel adjacent to the project site is not navigable except by canoes or kayaks. The project proposes to develop a public marina, restaurant, and retail/rental shop for water-related recreational equipment. The proposed 23-boat slip marina will provide additional recreational opportunities to complement other facilities in the Huntington Harbour area. During construction of the commercial structures, there would be temporary interruption (approximately three months) of the use of the bike lane and sidewalk on the north side of Warner Avenue. However, there is a bike lane on the south side of Warner Avenue and the Bolsa Chica Reserve Wetlands bridge south of Warner Avenue to accommodate bicycle and pedestrian traffic and provide continued access to the coast during project construction. Less than significant impacts are anticipated.

XVI. AGRICULTURE RESOURCES.

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

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 9)	☐	☐	☐	☑

Discussion:

Refer to discussion under item XVI (b) below.

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

Discussion:

The land portion of the subject site is presently zoned OS-P (Open Space-Park) on the Certified Local Coastal Program Land Use Map and the designation of RL-CZ (Residential Low Density—Coastal Zone) on the City's Zoning Map. It is located in Huntington Harbour, a man-made residential marina complex developed in the 1960s. The water portion of the subject site is presently zoned OS-WR-CZ (Open Space—Water Recreation—Coastal Zone). The land portion of the site was previously used as a parking facility with a 35-space paved parking lot and the water portion of the site was used as public boat dock with a 6-foot long floating dock. There is no agriculturally zoned property in the vicinity

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

of the project. In addition, the project site is not under a Williamson Act contract. Development of the site will not conflict with agricultural uses or zoning or convert farmland mapped by the California Resources Agency. No impacts are anticipated.

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

Discussion:

This site is currently vacant but is surrounded by institutional and residential uses. No environmental changes associated with the proposed project would result in the conversion of farmland to non-agricultural uses. No impacts are anticipated.

XVII. GREENHOUSE GAS EMISSIONS Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 8)	☐	☐	☑	☐

Discussion:

The proposed project would result in a total of approximately 394 tons of CO_2 emissions during construction and would emit 13.1 tons of CO_2 amortized over the 30-year lifetime. Operational CO_2 emissions would be approximately 959 tons/year. Therefore, the project would produce GHG emissions. Other GHG emissions could result from increases in electricity and natural gas usage and solid waste production, all of which would occur with the proposed project. The total annual project GHG emissions, including amortized construction emissions, are expected to be 972.1 tons, which is less than the 3,000 ton annual threshold proposed by the SCAQMD. Therefore, construction and operational emissions are expected to result in less than significant impacts based on the total GHG emissions.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 8)	☐	☐	☑	☐

Discussion:

AB 32 codifies the state's goal to reduce its global warming by requiring that the state's greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on greenhouse gas emissions that will be phased in starting in 2012. In order to effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop appropriate regulations and establish a mandatory reporting system to track and monitor greenhouse gas emissions levels. In addition, the Natural Resources Agency recently adopted amendments to the CEQA guidelines (effective March 18, 2010) that require an evaluation and determination of the significance of a project's greenhouse gas emissions. The amendments require the lead agency to make a good faith effort in describing, calculating or estimating the amount of greenhouse gas emissions resulting from a project using qualitative and/or quantitative analyses and methodologies.

The proposed project would incorporate design features that promote energy efficiency and a reduction in GHG emissions, both directly and indirectly. In addition, the project is required to comply with all applicable City codes and requirements pertaining to energy efficiency and water use efficiency as well as applicable requirements for construction equipment that would limit truck and equipment idling times, exhaust and dust. The identified project design features and applicable requirements are consistent with the GHG reduction strategies recommended by the

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

California Climate Action Team (CCAT), the California Air Pollution Control Officers Association (CAPCOA) and the California Attorney General's office. The proposed project's impacts on greenhouse gases emissions are described in item (a) above.

Because the proposed project would comply with City codes and the project emissions would be less than the SCAQMD threshold for annual GHG emissions, the project would not conflict with adopted plans to carry out AB 32. Less than significant impacts are anticipated.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1, 3, 4, 24)	☐	☑	☐	☐

Discussion:

The project site is currently a vacant boat dock/parking facility.

As discussed in section IV. Hydrology and Water Quality, the project construction activities would have the potential to increase in water turbidity and degrade water quality for a short duration. Mitigation measures relative to prevent and control turbidity shall be implemented to reduce potential impacts to a less than significant level.

As discussed in section VII. Biological Resources, the proposed project site contains some sensitive species that may be impacted as a result of the proposed project. Mitigation measures relative to the sensitive species shall be implemented to reduce potential impacts to a less than significant level.

As discussed in section XIV. Cultural Resources, the project site does not contain any historically aged structures or any unique archeological or paleontological resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources: 1, 9, 14)	☐	☑	☐	☐

Discussion:

As discussed in Sections I to XVII, the project with implementation of standard code requirements and mitigation measures is anticipated to have less than significant impacts due to the small scale of the project and would not result in any cumulatively considerable impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources: 1, 9, 14)	☐	☑	☐	☐

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

Discussion:

As discussed in Section X. Noise, the project construction activities would have the potential to generate noise and groundborne vibration that impact sensitive receptors surrounding the project site. Mitigation measures relative to noise and groundborne vibration shall be implemented to reduce the potential impacts to a less than significant level.

ATTACHMENT NO. 7.46

XIX. EARLIER ANALYSIS/SOURCE LIST

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). Earlier documents prepared and utilized in this analysis, as well as sources of information are as follows:

Earlier Documents Prepared and Utilized in this Analysis:

Reference #	Document Title	Available for Review at:
1	City of Huntington Beach General Plan	City of Huntington Beach Planning and Building Dept., 2000 Main St., Huntington Beach and at http://www.huntingtonbeachca.gov/Government/Departments/Planning/gp/index.cfm
2	City of Huntington Beach Zoning and Subdivision Ordinance	City of Huntington Beach City Clerk's Office, 2000 Main St., Huntington Beach and at http://www.huntingtonbeachca.gov/government/elected_officials/city_clerk/zoning_code/index.cfm
3	Project Vicinity Map	See Attachment #1
4	Reduced Site Plan	See Attachment #2
5	Project Narrative	See Attachment #3
6	City of Huntington Beach Geotechnical Inputs Report	City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
7	FEMA Flood Insurance Rate Map (December 3, 2009)	"
8	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	"
9	City of Huntington Beach CEQA Procedure Handbook	"
10	Trip Generation Handbook, 7th Edition, Institute of Traffic Engineers	"
11	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (October 17, 2002)	"
12	State Seismic Hazard Zones Map	"
13	Hazardous Waste and Substances Sites List	www.calepa.gov/sitecleanup/cortese
14	City of Huntington Beach Municipal Code	City of Huntington Beach City Clerk's Office, 2000 Main St., Huntington Beach and at

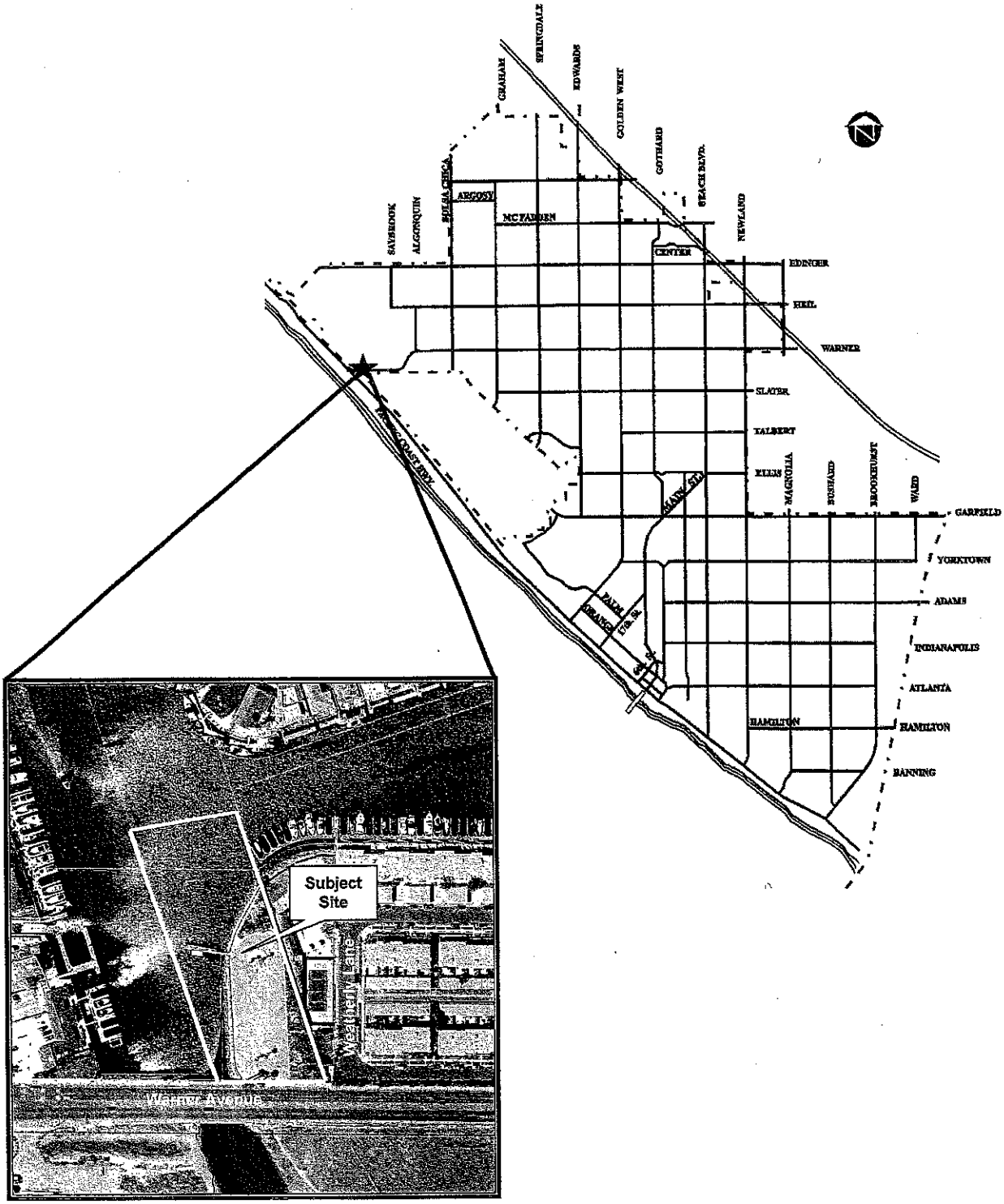
ATTACHMENT NO. 747

		http://www.huntingtonbeachca.gov/government/charter_codes/municipal_code.cfm
15	CalEEMod Air Quality Assessment (December 2011)	City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
16	Preliminary Geology and Soils Prepared by Terra Costa Consulting Group, Inc. (December 2011)	"
17	Phase 1 Environmental Site Assessment Prepared by Cornerstone Technologies, Inc. (February 2006)	"
18	Limited Phase 2 Environmental Site Assessment Prepared by Cornerstone Technologies, Inc. (February 2006)	"
19	2005 Urban Water Management Plan	"
20	Preliminary Water Quality Management Plan Prepared by R.T. Quinn & Associates, Inc. (December 2011)	"
21	Hydrology Report Prepared by R.T. Quinn & Associates, Inc. (April 2009)	"
22	Sanitary Sewer Report Nunez Engineering (December 22, 2008)	"
23	Trip Generation and Parking Analysis Prepared by LSA Associates, Inc. (December 2011)	"
24	Biological Assessment Prepared by MBC Applied Environmental Sciences (November 2011); Comments on Biological Assessment (January 2012)	"
25	Sediment Characterization Results Report Bayview HB Marina Maintenance Dredging Prepared by Anchor Environmental CA, L.P. (June 2008)	City of Huntington Beach Planning and Building Dept., 2000 Main St. Huntington Beach
26	Analysis of Changes in Water Levels, Current Speeds, and Sedimentation Prepared by Everest International Consultants, Inc. (March 2009)	"
27	Dock Design Prepared by URS Cash & Associates (March 2009)	"
28	Harmony Cove Mitigation Channel Impact Review Prepared by Moffat and Nichol (February 2009)	"

ATTACHMENT NO. 7.48

29	Environmental Noise and Vibration Analysis Prepared by Gordon Bricken & Associates (February 2012)	"
30	Structures Sensitive to Groundborne Vibration	See Attachment #4
31	California State Lands Commission Letter (February 2012)	See Attachment #5
32	Summary of Mitigation Measures	See Attachment #6
33	Code Requirements Letters	See Attachment #7

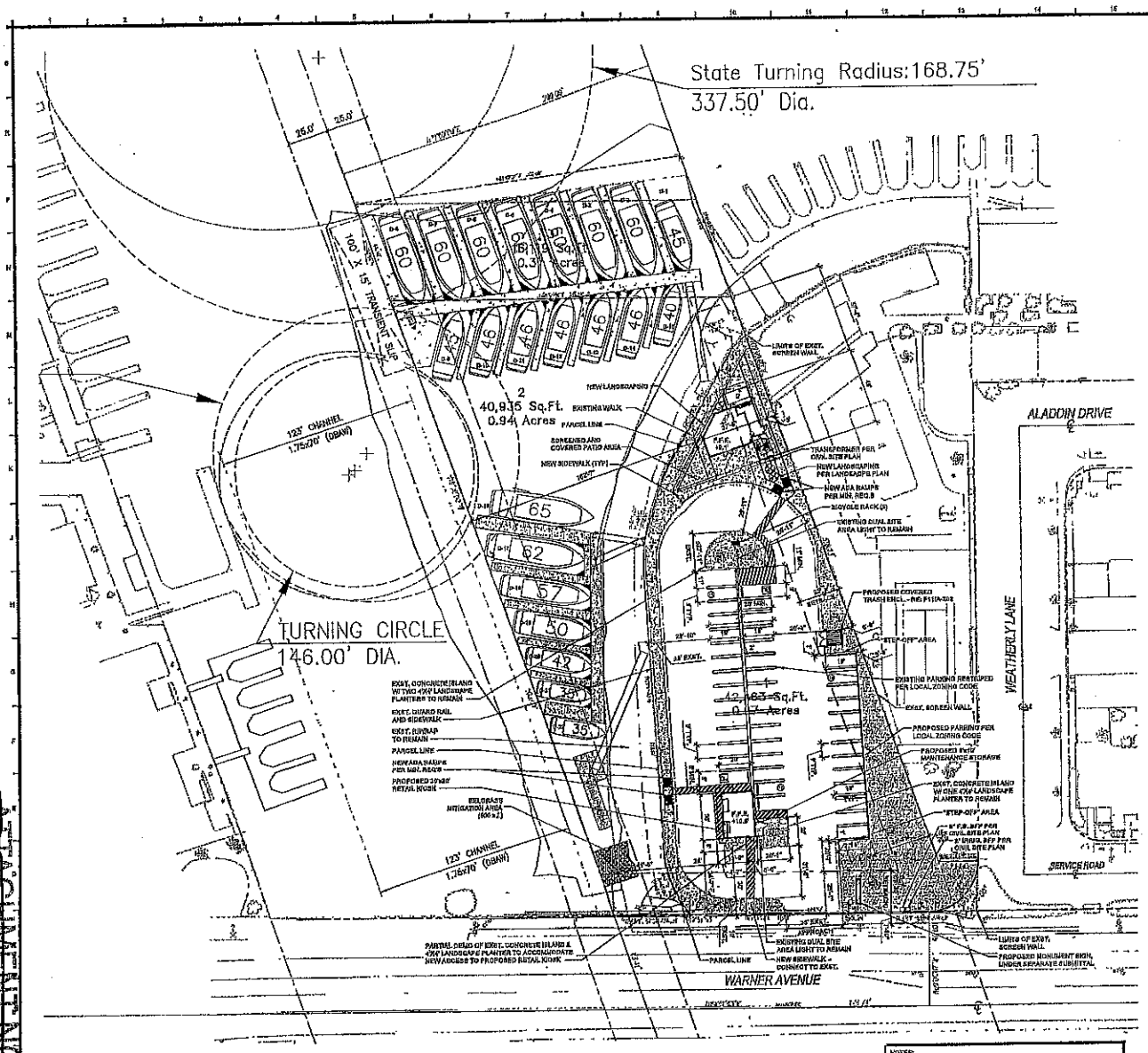
ATTACHMENT NO. 7.49



VICINITY MAP
ZMA NO. 08-001/CUP NO. 08-014/CDP NO. 08-008/VAR NO. 11-007/TPM NO. 11-138
(HARMONY COVE MARINA DEVELOPMENT – 3901 WARNER AVENUE)

~~ATTACHMENT NO. 1.1~~

ATTACHMENT NO. 7.50



A1 PRELIMINARY ARCHITECTURAL SITE PLAN
SCALE: 1" = 30'-0"

NOTES:
1. ALL SIGNAGE UNDER SEPARATE SUBMITTAL
2. "THIS PLAN IS BASED ON INFORMATION & DRAWINGS PROVIDED BY THE DEVELOPER & IS PRELIMINARY - NOT FOR CONSTRUCTION"

PROJECT SUMMARY:

LOT/PARCEL SQ.FT.	=	53,398 SQ.FT. / ±1.315 ACRES
HARDSCAPE SQ.FT. SHOWN THUS:	=	± 32,691 SQ.FT.
LANDSCAPE SQ.FT. SHOWN THUS:	=	± 984 SQ.FT.
BUILDING SQ.FT.	=	±183 SQ.FT.
OUTDOOR DINING	=	± 795 SQ.FT.
RETAIL KIOSK	=	± 600 SQ.FT
PARKING PROVIDED	=	44 STALLS (INCL. 2 ADA STALLS)

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 36, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO BASE AND MERIDIAN, BOUNDED AS FOLLOWS:

BOUNDED NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL A IN THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 28, 1961 IN BOOK 7[illegible], PAGE 411 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY;

BOUNDED WESTERLY BY THE NORTHEASTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, OF THE LAND DESCRIBED IN PARCEL 3-CHANNEL OF THE DEED TO THE CITY OF HUNTINGTON BEACH, RECORDED JULY 30, 1970 IN BOOK 8[illegible], PAGE 174 OF SAID OFFICIAL RECORDS;

BOUNDED EASTERLY BY THE WESTERLY LINE OF TRACT NO. 9774, AS SHOWN ON A MAP RECORDED IN BOOK 419, PAGES 11 AND 12 OF SAID MISCELLANEOUS RECORDS;

GENERAL NOTES

VICINITY/AERIAL OVERLAY

SCALE: 1" = 30'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARMAN ARCHITECTURE+DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.7333 F. 816.474.1051

Harmony Cove
Marina Office & Diner
301 Warner Ave
Huntington Beach, CA 92649

PRELIMINARY SITE PLAN

BAYVIEW LLC
15322 Seal Beach Blvd
Seal Beach, CA 90740

REVISIONS			
#	BY	DATE	SOURCE

DATE: 09.21.11
DESIGNED BY: JJA
DRAWN BY: [illegible]
APPROVED BY: [illegible]

SHEET NUMBER
AS-101

JOB NUMBER
4658-10

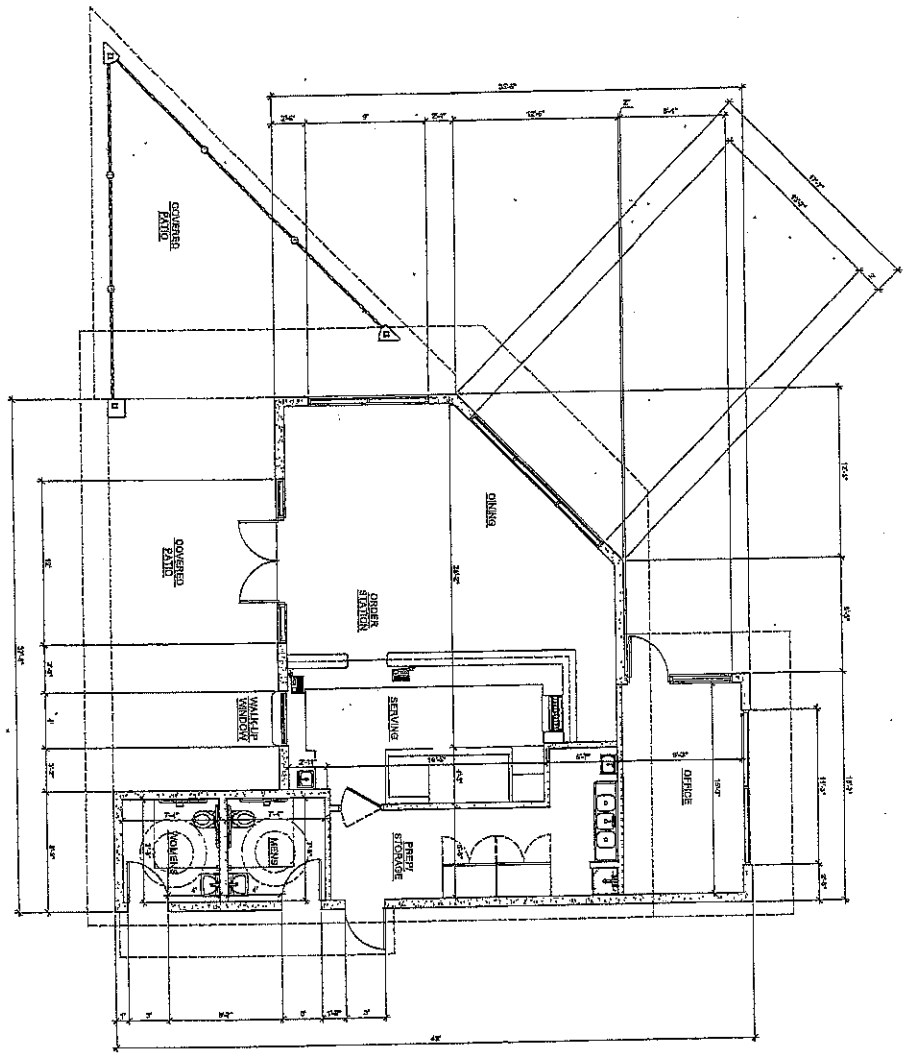
ATTACHMENT NO. 7.51

ATTACHMENT NO. 2

ATTACHMENT NO. 1.52

ATTACHMENT NO. 2.2

A1 PRELIMINARY FLOOR PLAN - F



NOTE:
PROVIDE WINDOW SCREEN AS REQUIRED FOR COVERED PATIO

BUILDING AREA (SF):
MARINA OFFICE 164 SF
RESTAURANT (WALK SERVING/ORDER/PREP) 659 SF
RESTROOMS 141 SF
TOTAL 1,164 SF

SCALE: 1/4" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

DATE:	02/16/12
DESIGNED BY:	MA
DRAWN BY:	MA
APPROVED BY:	MW

SHEET NUMBER: A-101-G

JOB NUMBER: 4658-10

REVISIONS

#	BY	DATE	SOURCE

BAYVIEW LLC
13912 Seal Beach Blvd
Seal Beach, CA 90740

Harmony Cove
Marina Office & Diner
3901 Warner Ave
Huntington Beach, CA 92649

PRELIMINARY FLOOR PLAN - E

WARMAN ARCHITECTURE+DESIGN
1828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
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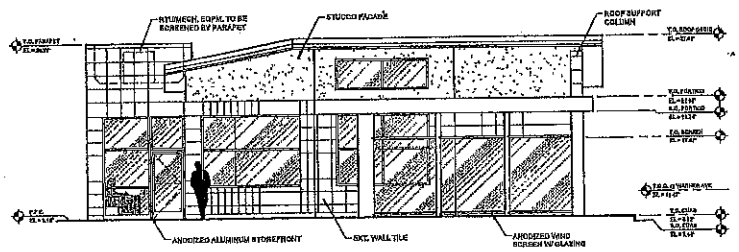

L1 WEST ELEVATION
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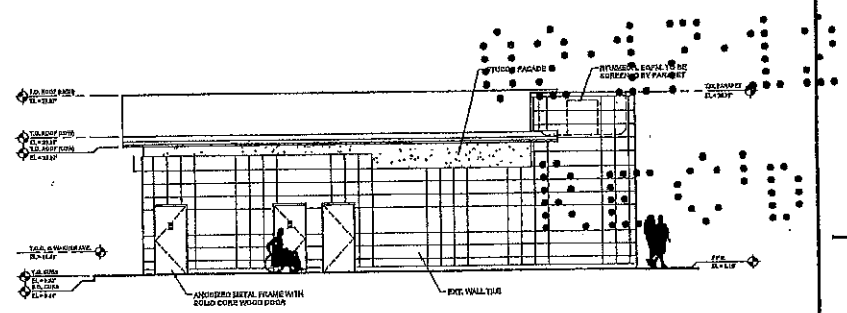
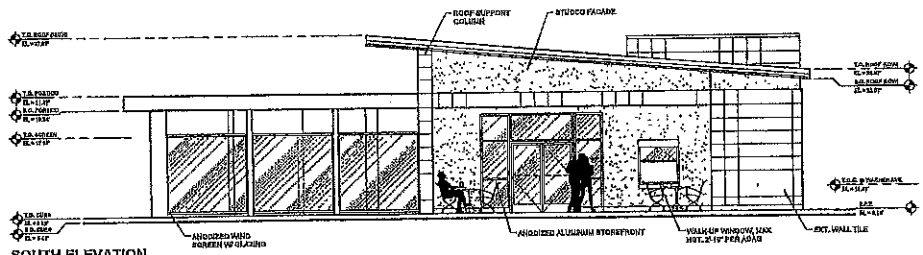


L11 EAST ELEVATION
SCALE: 3/16" = 1'-0"



F1 SOUTH ELEVATION
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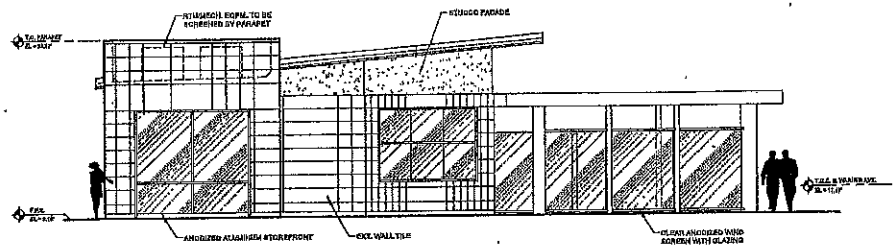


A1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

NOTE:
ANY/ALL SIGNAGE SHOWN ON THE PLANS IS FOR REFERENCE PURPOSES ONLY. ALL PROPOSED SIGNAGE WILL BE REVIEWED THROUGH A SEPARATE APPLICATION TO THE PLANNING DIVISION

SCALE: 3/16" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARMAN ARCHITECTURE+DESIGN
18828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V: 816.474.2255 F: 816.474.1051

Harmony Cove
Marina Office & Diner
3501 Warner Ave
Huntington Beach, CA 92649

RESTAURANT EXTERIOR ELEVATIONS

BAYVIEW LLC
12912 Seal Beach Blvd
Seal Beach, CA 90740

#	BY	DATE	REVISIONS	SOURCE

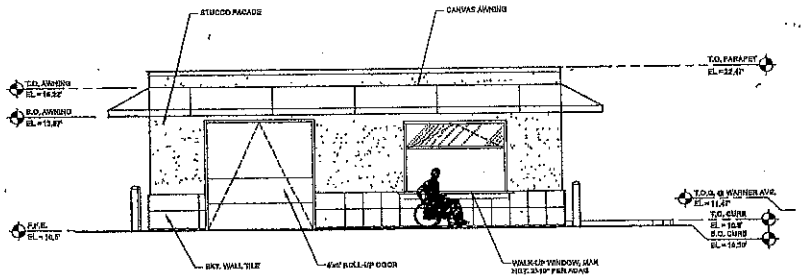
DATE: 06.21.11
DESIGNED BY: JM
DRAWN BY: JR
APPROVED BY: NAW

SHEET NUMBER
A-201.D

JOB NUMBER
4658-10

ATTACHMENT NO. 7.53

ATTACHMENT NO. 2.3



L1 KIOSK WEST ELEVATION
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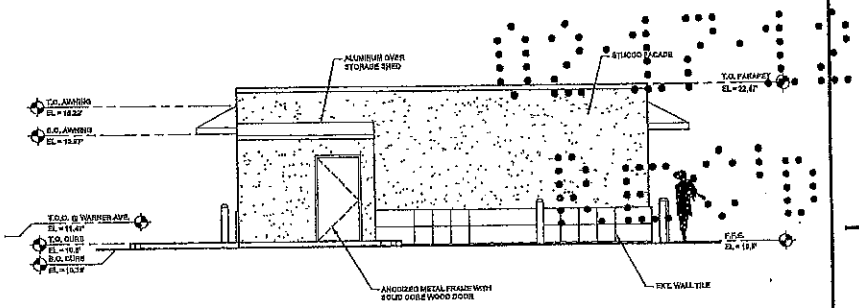

L11 KIOSK EAST ELEVATION
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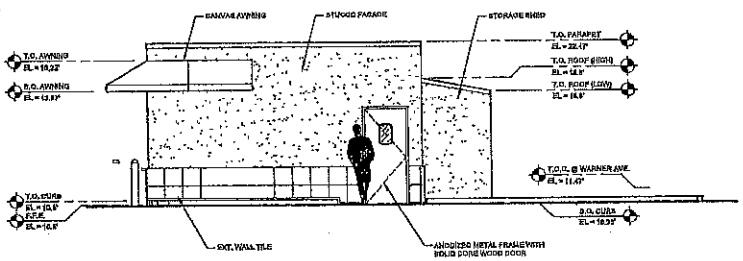
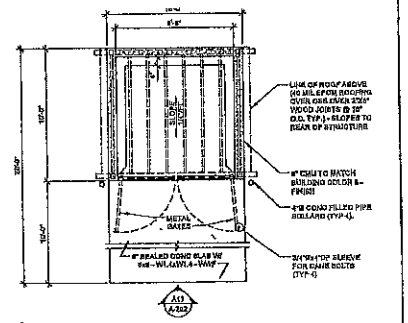
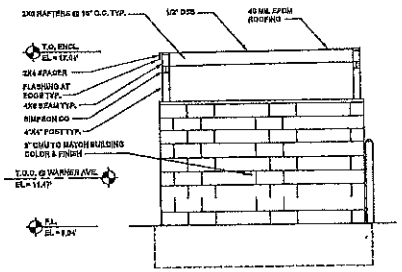
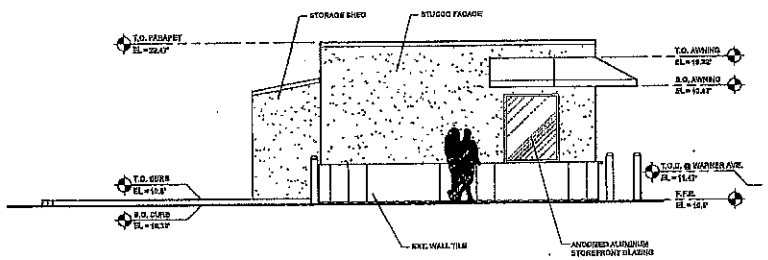


F1 KIOSK SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

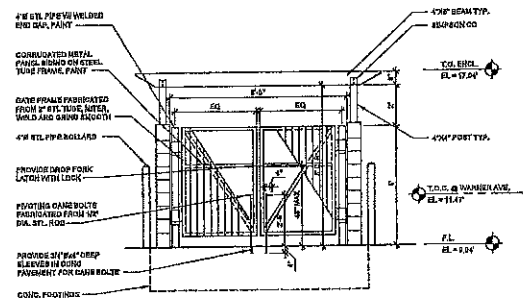


F11 TRASH ENCL. PLAN
SCALE: 1/4" = 1'-0"





A1 KIOSK NORTH ELEVATION
SCALE: 1/4" = 1'-0"



A11 TRASH ENCL. ELEVATION
SCALE: 3/8" = 1'-0"

NOTE:
ANY WALL SIGNAGE SHOWN ON THE PLANS IS FOR REFERENCE PURPOSES ONLY. ALL PROPOSED SIGNAGE WILL BE REVIEWED THROUGH A SEPARATE APPLICATION TO THE PLANNING DIVISION

SCALE: 3/8" = 1'-0"

SCALE: 1/4" = 1'-0"

ISSUE TYPE = 2ND SUBMITTAL
Date of Issue = 02/16/12

WARMAN ARCHITECTURE+DESIGN
3828 SWIFT SUITE 101
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2293 F. 816.474.3051

Harmony Cove
Marina Office & Diner
3801 Warner Ave
Huntington Beach, CA 92649

RETAIL KIOSK EXTERIOR ELEVATIONS

BAYVIEW LLC
13312 East Beach Blvd
Seal Beach, CA 90740

#	DATE	REVISIONS	SOURCE

DATE: 02.21.12
DESIGNED BY: JK
DRAWN BY: MB
APPROVED BY: MAW

SHEET NUMBER
A-202.B

JOB NUMBER
4656-10

ATTACHMENT NO. 2

ATTACHMENT NO. 7-54

Conceptual Landscape Plan

Harmony Cove

3901 Warner Avenue
Huntington Beach, CA

Recommended Plant List

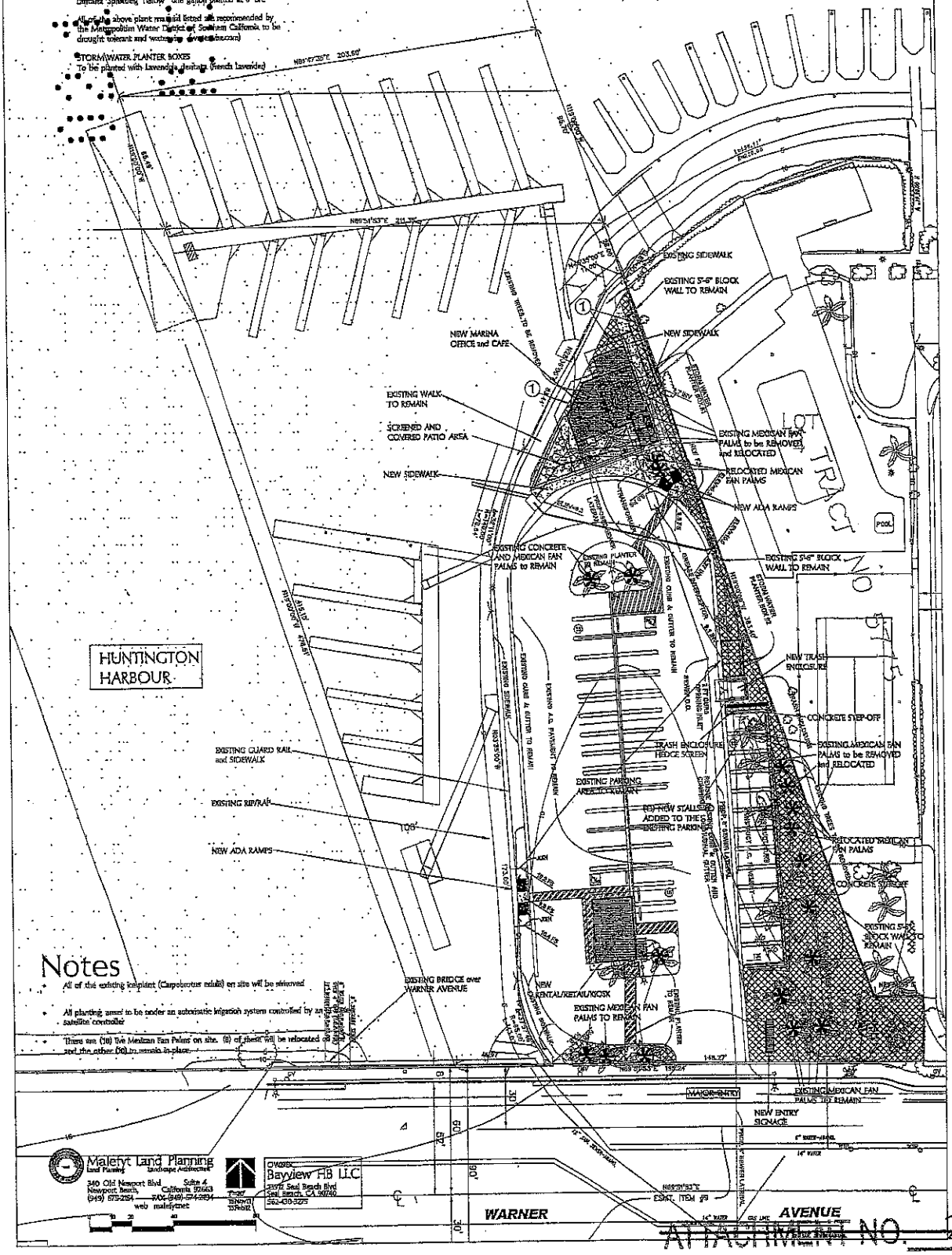
Area to be Planted with Drought Tolerant Shrubs and Groundcovers
The following are recommendations:

RECOMMENDED SHRUB LIST
Artemisia species (California Sage Brush)
Atriplex lentiformis breweri (Quail Bush)
Eriogonum fasciculatum (Buckwheat)
Galvezia speciosa 'Firecracker'
Heteromeles arbutifolia (Toyon)
Salvia clevelandii (Cleveland Sage)
Rhus ovata (Sugar Bush)

RECOMMENDED GROUNDCOVER LIST
Baccharis pilularis 'Twin Peaks' (Coyote Bush) one gallon planted at 6' o/c
Carissa 'Green Carpet' (Natal Plum) one gallon planted at 6' o/c
Ceanothus species (Rockrose)
Erigeron karvinskianus (Santa Barbara Daisy) one gallon planted at 48" o/c
Lantana montevidensis (Purple Lantana) one gallon planted at 6' o/c
Lantana 'Spreading Orange' one gallon planted at 6' o/c
Lantana 'Spreading Yellow' one gallon planted at 6' o/c

(All of the above plant material listed are recommended by the Metropolitan Water District of Southern California to be drought tolerant and water wise species.)

STORM WATER PLANTER BOXES
To be planted with Lavandula dentata (French Lavender)



Notes

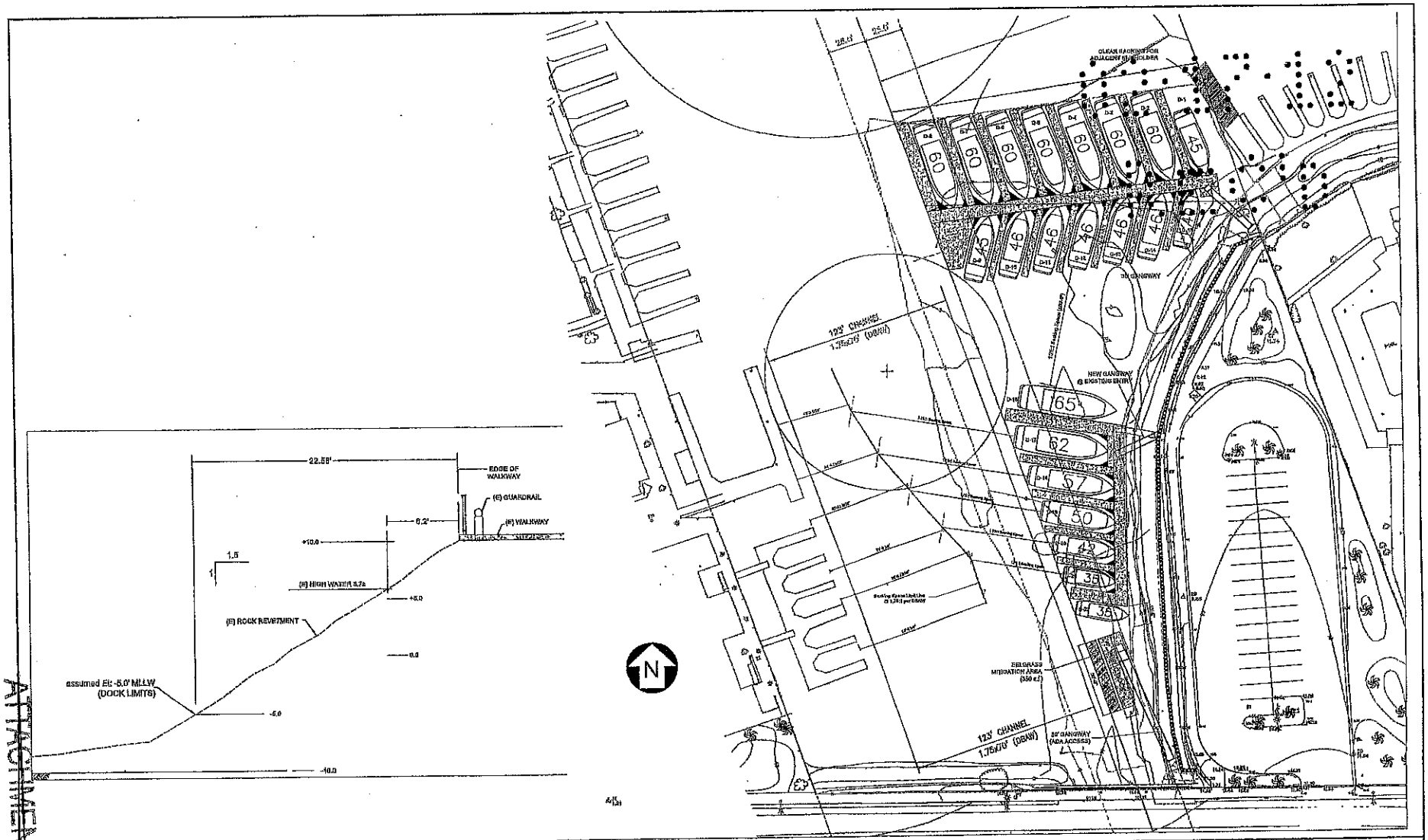
- All of the existing ice plant (Carpobrotus edulis) on site will be removed
- All planting areas to be under an automatic irrigation system controlled by an satellite controller
- There are (38) five Mexican Fan Palms on site. (8) of them will be relocated on site, the other (30) to remain in place.

Maleyt Land Planning
Land Planning Landscape Architecture
340 Old Newport Blvd Suite 4
Newport Beach, California 92663
(949) 675-2154 FAX (949) 574-2894
web maleytnet

OWNER:
Bayview HB LLC
2975 East Beach Blvd
Huntington Beach, CA 92648
562-430-3275

ATTACHMENT NO. 2.5

ATTACHMENT NO. 7.55



NO.	DATE	DESCRIPTION	BY
		REVISIONS	

Bellingham MARINE
The World's Most Comprehensive Marine Builder
Southwest Division
1205 Business Park Drive
Dixon, CA 95620
TEL: (707) 678-2305
FAX: (707) 678-1760

This drawing contains proprietary information which is the property of Bellingham Marine Industries, Inc. and shall not be copied, reproduced or made available to third parties without prior written permission from Bellingham Marine Industries, Inc. UNIFLOATS, UNIDECK® and © Bellingham Marine Industries, Inc.

SITE IMPROVEMENT PLAN

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

ACCEPTED BY: CITY ENGINEER R.C.E. EXP. DATE

PROJECT NUMBER: 10-3-642
ENGINEER / DESIGNER: DeCeju
PROJECT MANAGER: Noegel
CHECKED BY: owner

SCALE: 1" = 40'
DRAWN BY: D. D.
DATE: 5-17-11
SHEET NO.: 1
DRAWING: 6

HARMONY COVE MARINA
HUNTINGTON BEACH, CA

CONCEPTUAL DOCK LAYOUT - #5

ATTACHMENT NO. 2.6

ATTACHMENT NO. 7.56

TENTATIVE PARCEL MAP 2011-138

IN THE CITY OF HUNTINGTON BEACH
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF A PORTION OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE FRACTIONAL SECTION 35, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MERIDIAN

FOR A PUBLIC RECREATIONAL MARINA, MARINA OFFICE, DINER, RETAIL KIOSK AND PARKING

"STATE OF CALIFORNIA SOVEREIGN LAND PROPOSED LEASE AREA"

VICINITY MAP

UTILITY SERVICES
HUNTINGTON BEACH IS SERVED BY THE FOLLOWING UTILITY COMPANIES:

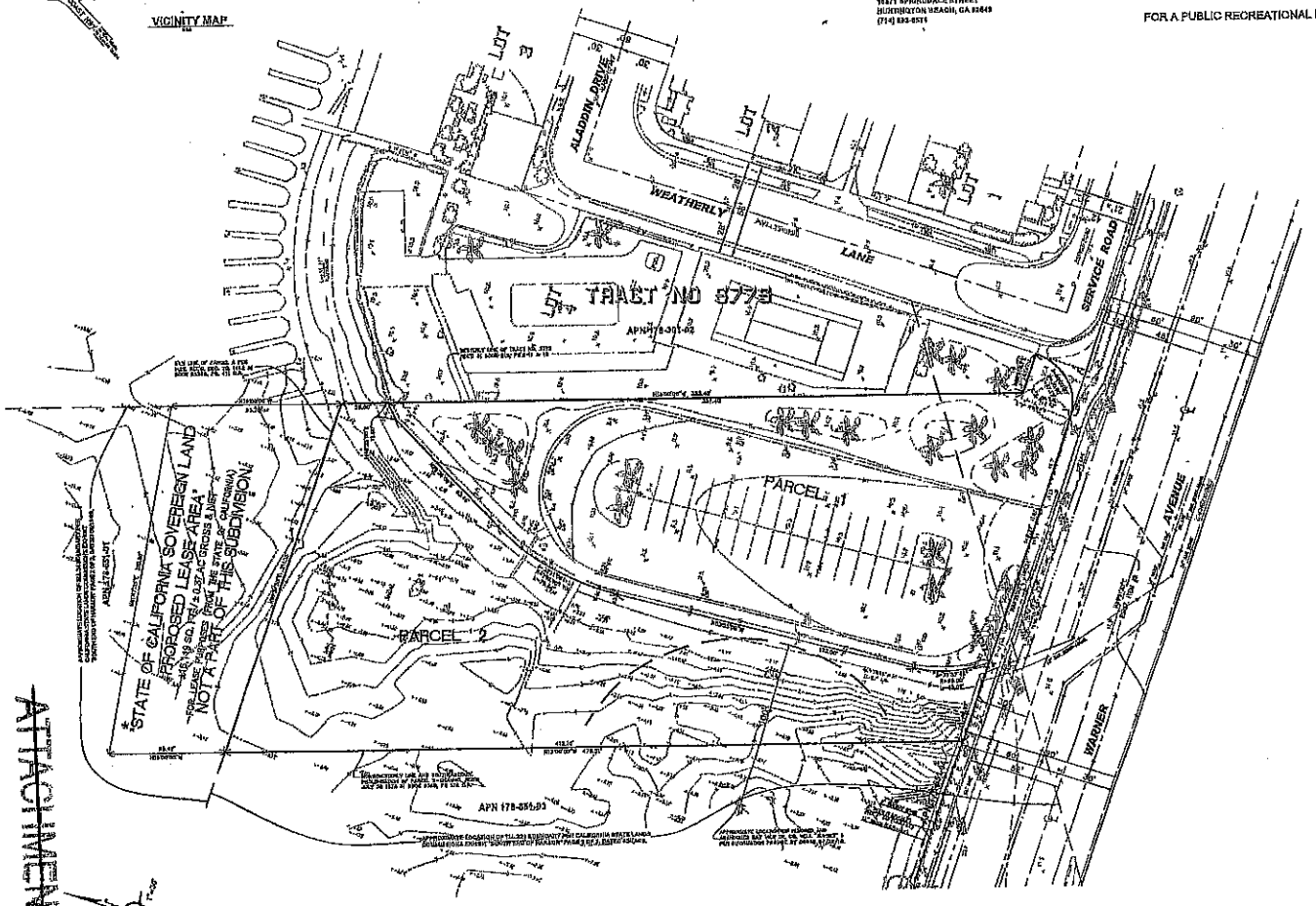
SERVICE	PROVIDER	TELEPHONE #
CABLE TELEVISION	TIME WARNER	(714) 853-4000
ELECTRICITY	SOUTHERN CALIFORNIA EDISON	(800) 655-2345
NATURAL GAS	SOUTHERN CALIFORNIA GAS CO.	(800) 427-2200
WATER/TRASH/SEWER	CITY OF HUNTINGTON BEACH	(714) 536-5419
LOCAL TELEPHONE	VERIZON	(800) 483-4000

SCHOOL DISTRICT - OCEAN VIEW

ELEMENTARY: HARBOR VIEW ELEMENTARY SCHOOL, 4143 PICKWICK CIRCLE, HUNTINGTON BEACH, CA (714) 846-6912

MIDDLE SCHOOL: HARBOR VIEW MIDDLE SCHOOL, 5453 TILBURY DRIVE, HUNTINGTON BEACH, CA (714) 846-0924

HIGH SCHOOL: MARINA HIGH SCHOOL, 15871 SPRINGDALE STREET, HUNTINGTON BEACH, CA 92649 (714) 893-5511



BASIS OF BEARINGS:
THE BEARING NORTH OF EAST BAY AVENUE THE CENTERLINE OF WARNER AVENUE AS SHOWN ON TRACT NUMBER 8773 RECORDED IN BOOK 418 PAGES 14 AND 15 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

LEGAL DESCRIPTION:
THAT PORTION OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 35, TOWNSHIP 5 SOUTH, RANGE 11 WEST, SAN BERNARDINO MERIDIAN, BOUNDED AS FOLLOWS:

BOUNDED NORTHERLY BY THE SOUTHERLY LINE OF THE LAND DESCRIBED IN PARCEL A OF THE DEED TO THE STATE OF CALIFORNIA RECORDED DECEMBER 26, 1962 IN BOOK 8388, PAGE 411 OF OFFICIAL RECORDS OF SAID ORANGE COUNTY;

BOUNDED WESTERLY BY THE NORTHEASTERLY LINE AND THE SOUTHEASTERLY PROLONGATION THEREOF, OF THE LAND DESCRIBED AS PARCEL 2 IN DEED TO THE CITY OF HUNTINGTON BEACH, RECORDED JULY 24, 1970 IN BOOK 8910, PAGE 176 OF SAID OFFICIAL RECORDS;

BOUNDED SOUTHERLY BY THE NORTHERLY LINE OF TRACT NO. 8773, AS SHOWN ON A MAP RECORDED IN BOOK 418, PAGES 14 AND 15 OF SAID MISCELLANEOUS RECORDS;

SUBDIVIDER:
BAYVIEW HB, LLC
13910 SEAL BEACH BLVD.
SEAL BEACH, CA 90740

NOTES:
A. SEE ARCHITECT'S PLANS FOR DETAIL OF SITE
B. SEE MARINE ARCHITECT'S PLANS FOR DETAIL OF DOCK SLIPS

RECORDS OWNERS:
PARCELS 1 & 2
BAYVIEW HB, LLC
JOHN & HEATHER THOMAS
HOWARD & MARIANNE BARKER
13910 SEAL BAY DR.
HUNTINGTON BEACH, CA 92649

STATE LAND LEASE PARCEL
STATE OF CALIFORNIA

NOTES:

1. ASSESSOR'S PARCEL: 178-351-01
2. THOMAS BROS. 848/A3
3. PARCEL MAP 2011-111 AREA
   LOT 1: 462,481 S.F./10.62 AC. NET
   LOT 2: 150,863 S.F./3.64 AC. NET
   TOTAL: 613,344 S.F./14.07 AC.
4. PUBLIC UTILITIES ARE EXISTING AND AVAILABLE TO SERVE THIS PROJECT.
5. EXISTING ZONING: CG-RPD AND CG-WA PER HUNTINGTON BEACH INFORMATION SERVICES DEPARTMENT, HB GIS MAP REVISED APRIL 2006. PROPOSED ZONING: PARCEL 1: CG-RPD-CZ-FPZ; PARCEL 2: CG-WA-CZ
6. EXISTING ON SITE IMPROVEMENTS ARE TO BE REMOVED EXCEPT IN AREAS OF NEW CONSTRUCTION.
7. LAND USE: EXISTING: PARKING LOT, RESTAURANT AND LANDSCAPING
   PROPOSED: LOT 1 ..... MARINA OFFICE WITH DINER, RETAIL KIOSK AND PARKING.
   LOT 2 ..... 94 PRIVATE AND 5 PUBLIC BOAT SLIPS AND DOCK.
   *LEASE PARCEL ... 8 PRIVATE BOAT SLIPS AND DOCK.
8. FLOOD ZONE "C" (ZONE X) & "AE" (WATER) PER FEMA MAP 06 059 0038 DATED 9/1/84, WITH BASE FLOOD ELEV. 7.0' MSL.
9. THE STATUTES SHOWN ON THIS MAP ARE BASED UPON THE BEST AVAILABLE PUBLIC INFORMATION OBTAINED FROM THE CITY OF HUNTINGTON BEACH.
10. PROJECT: DEVELOPMENT OF A 3.33 AC. PUBLIC RECREATIONAL BOAT MARINA INCLUDING A MARINA OFFICE WITH A DINER, OUTDOOR PATIO SEATING PLUS A RETAIL KIOSK AT ARE. THE PROJECT WILL PROVIDE 94 STANDARD PARKING SPACES PLUS 5 ADA ACCESSIBLE SPACES.
11. PROPOSED PARKING: 94 STANDARD, 5 ADA ACCESSIBLE SPACES. (99 TOTAL SPACES)
12. EASEMENTS LISTED ARE PER CHICAGO TITLE COMPANY REPORT NO. 01102-0016 AM DATED MAY 19, 2011.
    ITEM 8: AN EASEMENT TO DRILL, EQUIPPE, OPERATE, USE, DECONTAMINATE AND OPERATE GAS OR MORE WELLS AND MAKE TUNNELS PER INSTRUMENT RECORDED IN BOOK 8388, PAGE 419, RECORDED OCTOBER 11, 1967, OF OFFICIAL RECORDS. (THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD)
    ITEM 9: AN EASEMENT FOR PUBLIC STREET AND UTILITIES PURPOSES PER INSTRUMENT RECORDED IN BOOK 8910, PAGE 176, RECORDED NOVEMBER 19, 1969, OF OFFICIAL RECORDS. (PLOTTED)
13. BASE FLOOD ELEVATION = 7
14. PRELIMINARY GRADING QUANTITIES - PARCEL 1
    CUT: ±500 C.Y.
    FILL: ± 50 C.Y.

* THE INCLUSION OF THE AREA IS SOLELY FOR INFORMATIONAL PURPOSES AND CONVEYS NO PRESENT OR FUTURE RIGHTS, TITLE OR INTEREST AND THAT THERE IS NO GUARANTEE OR RIGHT ON THE PART OF THE APPLICANT OR ANY OTHER PARTY THAT THE COMMISSION WILL ISSUE A LEASE FOR THE PROPOSED LEASE AREA.

BENCH MARK FOR TOPOGRAPHY:
NGS BM # DY0038 DESIGNATION 841 0048 TIDAL 2 REBET EL=2.59' NAVD '88 (OCS BM TIDAL-2 NGS) LOCATED AT THE NW COR OF PACIFIC COAST HIGHWAY AND WARNER AVE. (TO CHANGE AN ELEVATION SHOWN HEREON FROM NAVD '88 TO MLLW ADD 0.38' (I.E. 10.80 NAVD '88 + 0.38=10.38' MLLW)
(TO CHANGE AN ELEVATION SHOWN HEREON FROM NAVD '88 SUBTRACT 2.37' (I.E. 10.80 NAVD '88 - 2.37=8.43' NAVD 29)

TOPOGRAPHY SHOWN HEREON WAS PROVIDED BY ARCHITECT FOR SITE STUDY PURPOSES. TOPO WAS PREPARED BY BILL CARR SURVEYS AND DATED 03/02/06. BOUNDARY WAS REVISED BY BILL CARR SURVEYS AND DATED 8-11-06

NO.	DATE	BY	DESCRIPTION

REVISIONS

R. T. QUINN & ASSOCIATES, CIVIL ENGINEERS
1401 Bank Avenue, Suite 100
Costa Mesa, CA 92627
Phone (949) 548-6400 Fax (949) 548-6401
PROJECT ENGINEER: R. T. QUINN
PRELIMINARY REVISION DATE: 02-14-12
ORIGINAL DATE: 06-14-11
JOB # 2010-2-401
DRAWN BY: SAE

REGISTERED PROFESSIONAL ENGINEER
RICHARD T. QUINN
No. 24194
Exp. 12/31/12
STATE OF CALIFORNIA

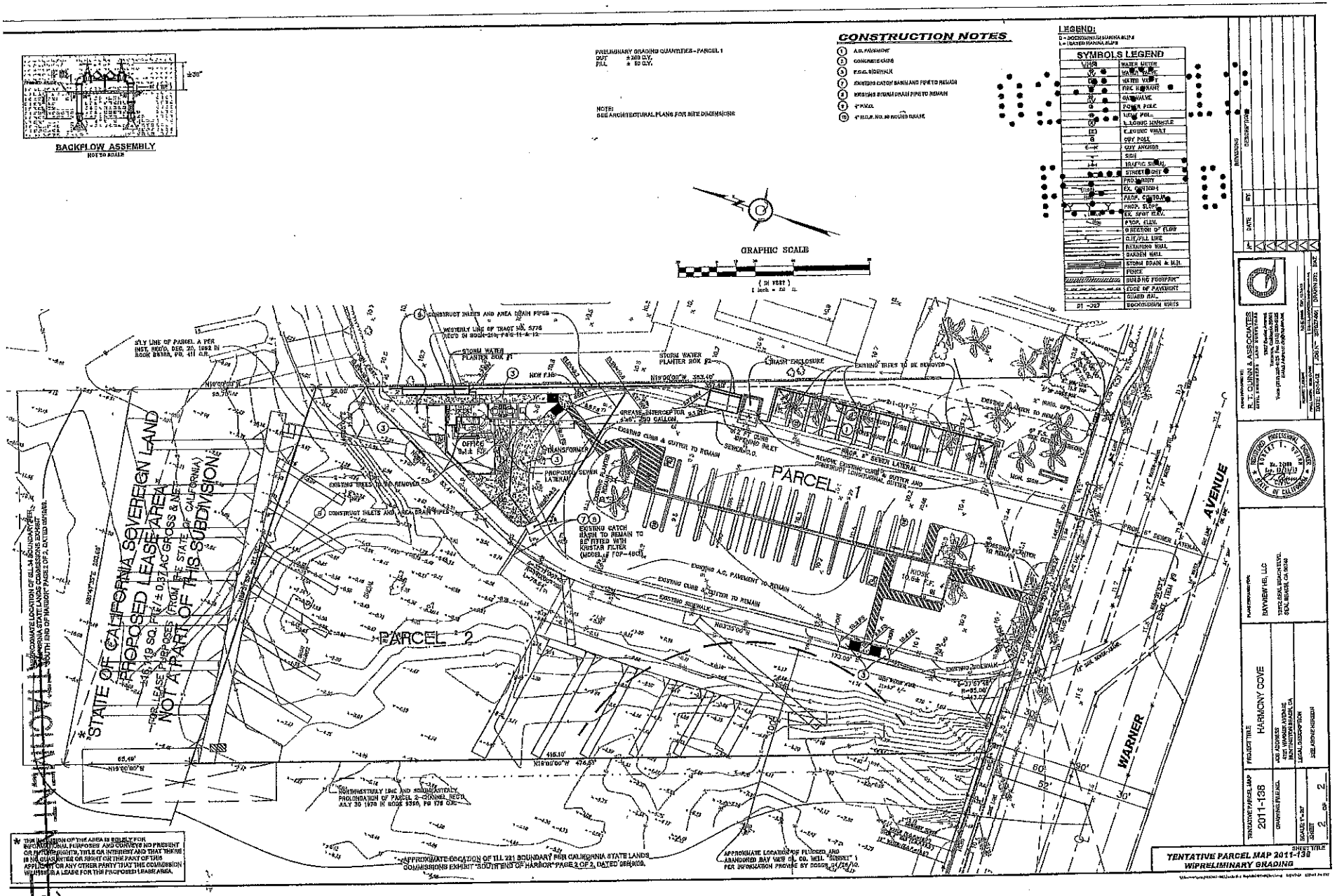
SUBDIVIDER: BAYVIEW HB, LLC
13910 SEAL BEACH BLVD.
SEAL BEACH, CA 90740

PROJECT TITLE: HARMONY COVE
SITE ADDRESS: 4181 WARNER AVENUE, HUNTINGTON BEACH, CA
LEGAL DESCRIPTION: SEE ABOVE VERSION

TENTATIVE PARCEL MAP 2011-138
DRAWING FILE NO.
SCALE: 1"=30'
SHEET 1 OF 2
SHEET TITLE: TENTATIVE PARCEL MAP 2011-138

ATTACHMENT NO. 7.57

ATTACHMENT NO. 2



ATTACHMENT NO. 758

RECEIVED

FEB 17 2012

Dept. of Planning
& Building

Harmony Cove Marina Project Description
Revised February 16, 2012

The proposed project involves the development of a recreational boat marina, to include a 100-foot long transient dock and 50-foot public dock open to the general public, and 22 boat slips available for lease to the public. As part of the marina project, ancillary uses including a 1,200 square foot building incorporating a marina office, eating and drinking establishment with alcoholic beverage sales, 800 square-foot enclosed outdoor patio dining and seating area, and a 600 square foot rental/retail kiosk space, and associated access, utilities, parking, landscaping and drainage/water quality improvements are also proposed.

The project is proposed to be developed on a 1.91-acre parcel of private property. The private property as it currently exists includes 42,463 square feet (0.97 acre) of developed upland area and 40,935 square feet (0.94 acre) of slope area and submerged land. In addition, a portion of the public marina is proposed to be developed within an adjacent 16,119 square foot (0.37 acre) portion of the State-owned harbor channel under the jurisdiction of the California State Lands Commission (CSLC) subject to a proposed lease agreement with CSLC. The existing site boundary and adjacent CSLC parcel are depicted on the project Site Plan and Tentative Parcel Map.

The property, formerly known as Percy Dock, was developed and operated as a public boat dock/parking facility by the City of Huntington Beach Community Services Department from 1986 to 2002. This facility consisted of a 60-foot long floating dock and 35-space parking lot. Existing improvements upon the site include approximately 395 linear feet of rip rap slope (approximately 25 feet wide on average) with adjacent sidewalk and railing, 765 linear feet of concrete curb, and 24,465 square feet of asphalt paving and landscaped areas. The site has not been in use since 2002 and is presently fenced off to public use; however, the onsite improvements remain intact. The proposed public marina and ancillary office, eating and drinking, and retail/rental uses are intended to serve the recreational needs of the Huntington Harbour area and a regional demand for permanent and transient small craft moorings with convenient ocean access.

The Applicant proposes to preserve and/or repair the majority of the existing onsite access, parking and landscaping improvements, and to construct additional improvements and establish ancillary visitor-serving eating and drinking, retail, office and restroom uses to complement and support the public marina use in conformance with the proposed OS-PR-CZ-FP2 zoning. The sale of alcoholic beverages as part of the eating and drinking use is requested pursuant to Chapter 230.74.A of the City's Zoning and Subdivision Ordinance. Vehicular and pedestrian access to the site will continue to be taken from the existing driveway on Warner Avenue. Boat access to the marina docks and slips will be by way of the public Huntington Harbour channels.

The marina component of the project consists of 22 permanent boat slips to accommodate boats ranging from 35 to 65 feet in length, plus one 100-foot long transient slip. The permanent slips are proposed to be made available to the general public for lease on a monthly or longer-term basis. The transient slip consists of a 100-foot long side-tie dock

~~ATTACHMENT NO. 3.1~~

ATTACHMENT NO. 7.59

which can accommodate multiple boats and will be available on a first-come, first-served basis for temporary mooring. In addition, a 50-foot long public dock is proposed to provide public access to the waterways for swimming, kayaking, stand-up paddleboards, fishing and other public recreational or emergency activities. The public dock will have a separate ramp and is proposed to be open from 7:00am to 7:00pm daily, while the permanent and transient slips will be available on a 24 hour basis as needed by lessees, boat owners and visitors.

As depicted on the project Site Plan, fourteen of the permanent slips, the 50-foot public dock and the dock for the side-tie transient slip are located on private property within the boundary of the proposed Parcel Map No. 2011-138. Eight of the permanent boat slips are to be located within the adjacent 0.37-acre area of the channel under a proposed lease agreement with the State Lands Commission. The 100-foot long transient slip is located within the City and State channel area.

The ancillary uses and structures proposed on the site will consist of:

a) A 1,200 square foot, one-story structure incorporating a small café eating and drinking area, kitchen and food preparation area, dining counter, take-out window (880 square feet +/-), restrooms (150 square feet +/-) and marina office (170 square feet +/-). The sale of alcoholic beverages as part of the café use is requested as permitted by Section 230.74.A of the Zoning and Subdivision Ordinance.
b) An 800 square foot enclosed outdoor dining patio and seating area.
c) A 600 square foot modular or prefabricated structure for the storage, rental and sale of kayaks, paddleboards and other water-related recreational equipment.
d) A trash enclosure.
e) A parking control kiosk or pedestal.
f) Parking lot and security light posts & fixtures.
g) Project monument sign and other coastal access signage as required/permitted.

The café, outdoor dining area and marina office are proposed to be open seven days a week from 6:00am-10:00pm, and the retail/rental kiosk is proposed to be open seven days a week from 7:00am-7:00pm.

A total of 44 onsite parking spaces (31 existing plus 13 new spaces) are proposed to provide adequate parking for the public marina and ancillary uses. The parking spaces are proposed to be time-restricted or metered to deter unauthorized use by surrounding uses and beach traffic. A public sidewalk and access easement will be provided along the entire channel edge of the site to provide horizontal and vertical access from the existing public sidewalk on Warner Avenue to the harbor channels and public docks.

Preparation of the existing site to construct the project will entail dredging of approximately 12,000 cubic yards from the submerged channel area to remove an existing shoal and navigation hazard and to allow construction of the marina. The existing revetted rock slope and sidewalk will require minor repairs in several areas to fill eroded areas with approximately 50 cubic yards of concrete or slurry material. Approximately 5,000 square feet of existing paved and landscaped area will be removed to provide a pad for the new eating and drinking, office and restrooms structure, outdoor patio area and new additional

~~ATTACHMENT NO. 3.2~~

ATTACHMENT NO. 7.60

parking spaces along the east side of the existing drive aisle. Where feasible, existing paved areas, sidewalks, driveway and grades will be preserved to minimize construction impacts. Per the preliminary grading plan, an estimated 200 cubic yards of cut and overexcavation grading and 50 cubic yards of fill will be required to condition the building pads, create new parking spaces and adjust drainage patterns for onsite collection and treatment of storm water runoff.

The project will be constructed in two phases, lasting a total of approximately ten months. The first phase of construction will include dredging and offsite disposal of 12,000 cubic yards of dredged material from the marina area, repair of the existing revetted rock slope, installation of the marina piles, floating boat docks and access ramps and installation of eelgrass mitigation. The second phase of construction will involve the removal and onsite stockpiling of eight existing mature palms, demolition and offsite disposal of 5,000 square feet of landscape area and invasive plants, and the construction of the ancillary retail structures, utilities, parking, landscaping and signage. The marina portion will take approximately seven months (1-2 months for dredging and repair of rock slope and 4-5 months for installation of floating docks, utilities and gangways). The retail structures and associated site improvements will take approximately three months to construct.

The proposed project includes the following entitlements:

- Zoning Map Amendment—To amend the zoning designation of the land portion of the site from RL-CZ-FP2 (Residential Low Density—Coastal Zone—Flood Plain 2) to OS-PR-CZ-FP2 (Open Space-Parks and Recreation-Coastal Zone-Flood Plain 2) to conform with the City's General Plan and Local Coastal Plan land use designations. Findings in support of the proposed Zoning Map Amendment include:
    - The proposed change of zoning for the land portion of the site is consistent the General Plan policies and objectives listed on Attachment 1
    - The proposed OS-PR zoning will allow for limited recreational and visitor-serving retail uses and outdoor activities to complement the proposed public marina, and which are compatible with surrounding land uses.
    - The proposed zoning and uses permitted thereunder help meet the growing demand for coastal access, active recreational opportunities and casual eating and drinking uses for residents and visitors oriented to the Huntington Harbour channels and Southern California outdoor and beach-oriented lifestyle.
    - Adoption of the proposed Zoning Map Amendment will be in conformity with public convenience, general welfare and good zoning practice.
- Conditional Use Permit—To permit the following uses:
    - Development of a recreational boat marina with a 100-foot long transient slip, 50-foot long public dock and 22 permanent boat slips for lease within the submerged portion of the property.
    - Ancillary uses including a 1,200 square foot building including 1,030 square foot eating and drinking establishment with take-out window, alcoholic beverage sales, an 800 square foot enclosed outdoor seating area, 170 square foot office and restrooms, and 600 square feet of retail/rental uses ancillary to

~~ATTACHMENT NO. 3-3~~

ATTACHMENT NO. 7.61

the recreational marina pursuant to Chapters 213, 221, 222, 230, 231 and 232 of the City's Zoning and Subdivision Ordinance.
  - Time-restricted or metered parking.
- Coastal Development Permit—To permit new development in the coastal zone and to review and "approve in concept" the public recreational boat marina.
- Tentative Parcel Map—To permit subdivision of the existing 1.91 acre parcel into two legal parcels – a 0.94 acre parcel for the marina portion of the site and a 0.97 acre parcel for the upland portion of the site.
- Variances
  - To permit a side yard setback of 10 feet in lieu of 25 feet.
  - To permit a street side (water side) setback of 8 feet in lieu of 25 feet. **Note: the structure is 8 feet from the property line but 40 feet from the waterline.**
  - To permit an existing 10-foot wide landscaped planter along a 50 foot long section of Warner Avenue in lieu of a 25 foot wide landscaped front setback.
  - To permit screened rooftop mechanical equipment to be placed within 15 feet of the edge of the café/office building.
  - To permit an above-ground electrical transformer to be placed within a required side yard setback (vs. placed in an underground vault).
  - To permit existing and new backflow prevention devices to be located within the front yard setback.
  - To permit a trash enclosure to be located in a required side yard setback.
  - To eliminate the requirement to provide a 750 square foot, 3 foot wide by 250 foot long, perimeter planter area with 9 trees between the existing parking lot and the existing public sidewalk adjacent to the harbor channel.
  - To permit the existing interior planter areas totaling 48 square feet (0.6%) in lieu of 397 square feet (5% of perimeter planter areas totaling 7,936 square feet).
- Environmental Assessment – to evaluate the potential environmental impacts of the proposed development and recommend mitigation measures if necessary to mitigate impacts to a level of insignificance.

ATTACHMENT NO. 3.4

ATTACHMENT NO. 7.62

ATTACHMENT 1
GENERAL PLAN POLICIES AND OBJECTIVES

The proposed project is consistent with the following goals and policies of the Land Use, Recreation and Community Services, and Coastal Elements of the General Plan:

Goal LU 4—Achieve and maintain high quality architecture, landscape, and public open spaces within the City.

Policy 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.

Policy LU 4.3.2—Promote and support community and neighborhood based efforts for the maintenance, upkeep, and renovation of structures and sites.

Policy LU 5.1.6—Promote site development that limits impact on and protects the natural integrity of topography, drainage systems, infiltration and water bodies.

Policy LU 5.1.7—Promote integration of water quality protection into construction and post-construction activities at all development and redevelopment sites.

Objective LU 8.1—Maintain the pattern of existing land uses while providing opportunities for the evolution, including intensification and re-use of, selected subareas in order to improve their character and identity.

Policy LU 10.1.19—Require that visitor-serving commercial developments be designed to reflect and be compatible with their setting and/or function (e.g., design of park buildings avoiding colors, materials, and architectural forms that visually dominate the park setting).

Goal RCS 1—Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.

Objective RCS 1.1.1—Encourage recreational opportunities unique to Huntington Beach which will enhance visitation and economic development.

Policy RCS 3.1.7—Develop and/or retrofit park and recreation sites in ways which maximizes efficiency and minimizes maintenance cost.

Policy RCS 8.1.3—Encourage commercial recreational facilities to provide recreational services and facilities that may or may not otherwise be provided by the City.

Goal C 1—Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Policy C 1.1.2—Coastal dependent developments shll have priority overother developments on or near the shoreline. Coastal-related developments should be accommodated within reasonable proximity of the coastal-dependent uses they support.

Policy C 1.1.3—The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

~~ATTACHMENT NO. 3.5~~

ATTACHMENT NO. 7.63

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.4—Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 2—Provide coastal resource access opportunities for the public where feasible and in accordance with the California Coastal Act requirements.

Policy C 2.4.6—Consistent with the Water and Marine Resources policies of this LCP, design parking lots to minimize the adverse impacts of urban runoff by:

a. Minimizing the area covered by impervious surfaces,
b. Minimizing pollutant loads associated with runoff, and
c. Periodic sweeping of parking lots on a regular basis

Objective C 2.5—Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

Policy C 2.5.1—Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy issues.

Objective C 2.6—Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

Policy C 2.6.1—Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow vertical access to the shoreline or to public recreation areas or to public trails and bikeways.....

Policy C 2.6.2—Require an offer of dedication of an easement in all new development, pursuant to Article 2, Section 30212 of the Coastal Act, to allow lateral access to the shoreline or to public recreation areas or to public trails and bikeways.....

Policy C 2.6.3—The City shall accept offers of dedication for access consistent with its ability to assume maintenance and liability. If not accepted by the City, offers of dedication for access may be accepted by any other public agency or private association, provided that any association or agency which proposes to accept accessways is able to assume maintenance and operation of such accessway prior to opening it to the public.

Goal C 3—Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Policy C 3.2.1—Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.2.3—Privately-owned recreation facilities on public land shall be open to the public. Encourage privately-owned recreation facilities on private land to be open to the public.

Policy C 3.2.4—Encourage the provision of a variety of visitor-serving commercial estab lishments whthin the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

~~ATTACHMENT NO. 36~~

ATTACHMENT NO. 7.64

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

Goal C 6—Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Policy C 6.1.1—Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water.

Policy C 6.1.5—Require containment curtains around waterfront construction projects on inland waterways to avoid turbid waters drifting into the ocean.

Policy C 6.1.6—.....The City shall require that new development and redevelopment, as appropriate, employ nonstructural Best Management Practices (BMPs) and structural BMPs designed to minimize the volume, velocity and pollutant load of storm water runoff, prior to runoff discharge into storm water conveyance systems, receiving waters and/or other sensitive areas. All development shall include effective site design and source control BMPs. When the combination of site design and source control BMPs is not sufficient to protect water quality, structural treatment BMPs along with site design and source control measures shall be required. BMPs should be selected based on efficacy at mitigating pollutants of concern associated with respective development types or uses.....

Policy C 6.1.24—Promote the improvement of tidal circulation in the Talbert Marsh, the Bolsa Chica, Huntington Harbour, and Anaheim Bay resulting in minimal impacts to sand migration, aesthetics, and usability of the beach area.

~~ATTACHMENT NO. 3.7~~

ATTACHMENT NO. 7.65

ATTACHMENT 2
FINDINGS IN SUPPORT OF VARIANCE REQUESTS

Applicant requests approval of the following variances due to the small and irregular shape of the subject property:

ZSO Section	Standard	Variance Request
2.13.08	Minimum Setback –Side	10 feet in lieu of 25 feet required
2.13.08	Minimum Setback – Street	8 feet in lieu of 25 feet required
2.13.08	25 foot wide landscaped front yard setback	10 foot wide landscaped planter (existing) for 50 foot section along Warner Avenue
230.76	Rooftop Equipment Setback	3 feet in lieu of 15 feet from edge of building
230.76	Transformer in side yard setback	Above-ground transformer in lieu of enclosed in subsurface vault
230.76	Backflow Prevention Devices not allowed in front yard setback	Permit backflow devices in front yard setback as requested by Public Works Water Division
230.78	Trash Enclosure not allowed in side yard setback	Permit trash enclosure in side yard setback
232.08.C.2	3 foot wide perimeter planter with 9 trees required around parking facilities	Relief from requirement to construct a new planter area between the existing parking lot and existing public sidewalk adjacent to harbor channel
232.08.C.3	Interior parking planter areas equal to 5 percent of perimeter planter area	Interior planter areas of 48 square feet, 0.6 percent of perimeter planter area

Required findings for approval of the variance are as follows:

1. The granting of this variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification.

   Finding: There are few, if any, properties in Huntington Beach that are zoned OS-PR-CZ-FP2 that are only 0.97 acre in size. The subject property is a remnant parcel of the Huntington Harbour subdivision and was developed with the existing parking lot and improvements before the OS zoning standards were adopted. Most properties with OS-PR zoning exceed 10 acres in size and can accommodate larger setbacks. The proposed marina

~~ATTACHMENT NO. 3.8~~

ATTACHMENT NO. 7.66

office and café building and trash enclosure are small structures for which the requested setbacks are adequate.

2. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

   Finding: The site is very small and irregularly shaped, with approximately 400 linear feet of frontage on the Huntington Harbour channel. The requirement for a 3-foot wide perimeter landscape planter around parking facilities is appropriate for larger parking facilities abutting residential uses, but is not appropriate where the existing parking area abuts a public access walkway with views to the Huntington Harbour channels. The site plan provides for more than adequate landscaping along Warner Avenue and along the east property line abutting the Weatherly Bay condominiums. Nineteen percent of the small site will be landscaped, greatly exceeding the 8 percent requirement. Strict application of the perimeter planter requirements would reduce the width of the public walkway or drive aisle, neither of which are feasible given the existing site improvements.

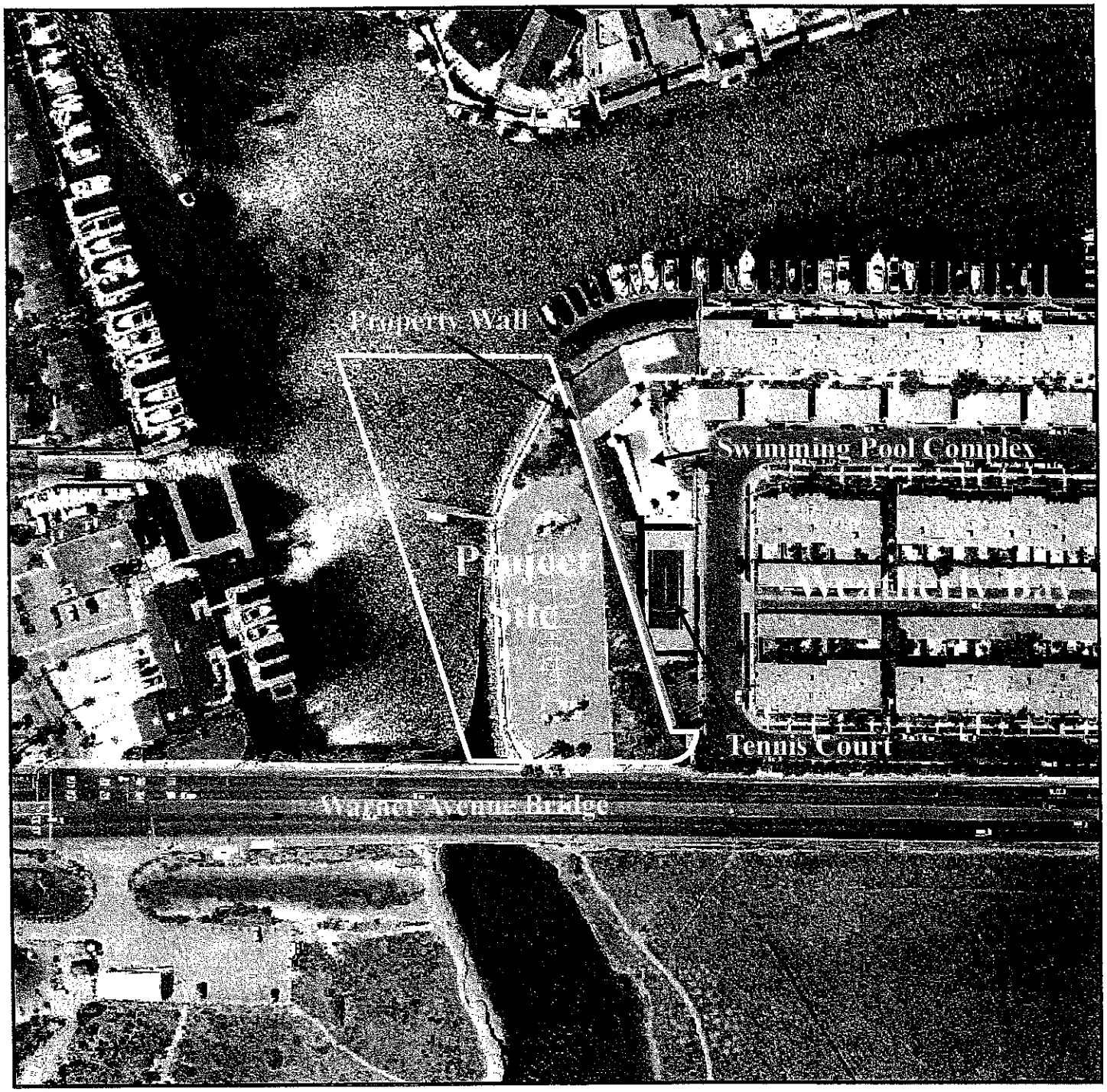
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights.

   Finding: The property owner is requesting to rezone the subject property from Residential Low Density to Open Space-Parks and Recreation in order to permit development of a small public recreational marina and limited ancillary retail uses required to support and complement the recreational use, while maintaining as much of the existing site improvements and character as possible and with limited impacts. The proposed zoning places significant restrictions on future use of the property. Strict application of the setback and landscaping requirements would require the site to be completely reconstructed, which would result in greater adverse environmental impacts and is economically infeasible.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan.

   Finding: The proposed public recreational marina and limited ancillary visitor serving retail uses conform to the intent of the existing coastal land use and zoning designations and will not be materially detrimental to the public welfare or injurious to other properties with OS-PR zoning. The requested variances are minor in nature and are intended to permit the requested development while minimizing significant changes to the existing character of the site.

Attachment No. 4



Structures Sensitive to Groundborne Vibration

~~ATTACHMENT NO. 4.1~~

ATTACHMENT NO. 7.68

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

CURTIS L. FOSSUM, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service from TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: **(916) 574-1227**
Contact FAX: **(916) 574-1835**

February 23, 2012

File Ref: W 26455

John Trommald
Bayview HB LLC
13912 Seal Beach Blvd
Seal Beach, CA 90740

SUBJECT: Proposed Harmony Cove Development, Located in the Main Channel of Huntington Harbour, Adjacent to 4121 Warner Avenue, Huntington Beach, Orange County

Dear Mr. Trommald:

Please accept this letter as a response to your request for the California State Lands Commission (CSLC) to review your latest plans for the proposed development within the main channel of Huntington Harbour, adjacent to 4121 Warner Avenue, Huntington Beach, Orange County.

As you are aware, the CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

~~ATTACHMENT NO. 5.1~~

ATTACHMENT NO. 7.69

Based on a Site Improvement Plan and brief project description provided to CSLC staff, the proposed project will consist of a 22-berth marina, a parking lot, and an 800-1,000 square foot structure that will be used for marina facilities, and possibly a small restaurant and rental shop (kayaks, bicycles, etc.). A subsequent telephone conversation with Colin Connor, Assistant Chief of the Land Management Division, confirmed that the marina will be open to the public on a first-come, first-serve basis.

A portion of the proposed public marina will be located on lands owned in fee by the Commission and will require a lease from the Commission (application enclosed for your convenience and is also available at www.slc.ca.gov). On lands where the Commission asserts a sovereign Public Trust Easement claim, any development must be consistent with the common law Public Trust. Since there is currently no proposal to include dockominiums (i.e., the sale of a sovereign interest, fractional or otherwise, in either sovereign land or of a leasehold on sovereign land) and the proposed project includes a public marina and restaurant, staff concludes that this project, according to the information provided, is not inconsistent with the common law Public Trust.

If you have any questions, please feel free to contact me at (916) 574-1227 or via email at grace.kato@slc.ca.gov. Thank you.

Sincerely,

Grace Kato

Grace Kato
Public Land Manager

Enclosure

~~ATTACHMENT NO. 5.2~~

ATTACHMENT NO. 7.70

Attachment No. 6
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
Geology & Soils ◆ Seismic-related ground failure, including liquefaction	**GEO-1**: Automatic seismic shutoff devices shall be installed for utilities such as electricity and gas.
Hydrology & Water Quality ◆ Violate any water quality standards or waste discharge requirements ◆ Otherwise substantially degrade water quality ◆ Potentially impact stormwater runoff from construction activities ◆ Potentially impact stormwater runoff from post-construction activities ◆ Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas	**HYDRO-1**: During all phases of the project during construction and post-construction, Best Management Practices (BMPs) shall be implemented to prevent and control untreated runoff, turbidity and implement water quality standards and waste discharge requirements. BMPs may include sandbags, detention basins, clarifiers, and silt curtain(s). The silt curtain(s) shall be continually maintained free and clear of debris, shall be properly maintained without holes, rips, or tears, and shall remain in place for the duration of the marina construction and dredging activities or until permanent BMPs are installed and operational. **HYDRO-2**: If turbidity is observed at a distance of 100 ft. or greater from the actual work site, either the work shall be stopped until the water returns to normal or, if deemed necessary, a silt curtain shall be installed until turbidity returns to normal.
Biological Resources ◆ Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S, Fish and Wildlife Service ◆ Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service ◆ Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites	**BIO-1**: Pre-construction (within 60 days of a disturbing activity) and post-construction (30 days after cessation of the marina portion of the project and prior to issuance of a Certificate of Occupancy or final inspection for the marina) eelgrass surveys shall be conducted to determine the level of eelgrass loss, if any, as a result of the project activities. This survey shall be valid for 60 days unless conducted between August and October, in which case it is valid until March 1 of the following year. **BIO-2**: Prior to issuance of a Certificate of Occupancy or final inspection for the marina, any loss in acreage of eelgrass habitat shall be mitigated according to State and Federal environmental policies. Mitigation may include out-of kind mitigation (suitable to the resource agencies) if the total area is less than 10 square meters, or replacement at a 1.2 to 1 ratio (for every 1 square meter of eelgrass disturbed or lost, 1.2 square meters is to be replaced) in a suitable location if the total is more than 10

Attachment No. 6
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
	square meters. In the event of replacement, subsequent success monitoring at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **BIO-3**: Prior to issuance of a Certificate of Occupancy or final inspection for the marina, if no eelgrass is found on site then the project shall provide 50 square meters of eelgrass to compensate for other non-specific project impacts such as short term disruption of the epifauna and infauna biota. The eelgrass shall be monitored for subsequent success at six months, and annually beginning at one year through five years with success criteria as determined in the Southern California Eelgrass Mitigation Policy. **BIO-4**: Dredging and other turbidity generating work shall be limited to the months of November to March to minimize impacts to foraging and nesting for protected avian species. If dredging and pile driving activities cannot be timed to avoid encroachment into the least tern nesting season, the applicant shall be required to effectively contain visibly detectable surface turbidity associated with in water construction activities to the smallest footprint practicable and not more than 0.5 acre maximum during the least tern season. During construction, a qualified biologist shall conduct weekly monitoring of the silt curtain(s) and monitor water quality at a distance of no more than 10 meters outside of the silt curtain and 100 meters upcurrent of the silt curtain. Turbidity (via light transmittance) shall be measured at one meter above the bottom, mid-depth, and one meter below the surface both at 10 meters and 100 meters from the dredge operations. A decrease in light transmittance of more than 30% (average of the three readings) from that found 100 meter upcurrent shall result in a suspension of dredging until the cause is corrected. Additionally, dissolved oxygen concentrations (DO) and hydrogen ion concentrations (pH) shall be measured at the same depths and locations. Dredge operations shall be suspended at any time the biological oxygen demand causes concentrations of DO to be less than 5 mg/l and pH to drop below 7.5 (average of the three measurements) in the area within 10 meters of the silt curtain unless ambient condition DOs are below 5 mg/l and pH below 7.5 at the station 100 meters upcurrent. In

Attachment No. 6
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
	the event that turbidity extends beyond the allowable limits, turbidity generating activities shall cease until such time as turbidity levels are brought back into compliance. **BIO-5**: If sea lions, seals (or other marine mammals), or sea turtles are observed within 100 meters of the construction or dredging process, all in water activity shall cease until observations indicate the marine mammals or turtles have departed the work site.
Noise ◆ Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies ◆ Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels	**NOISE-1:** The Applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels: ▪ Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the Harbour channel from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification shall include the identification and contact number for a community liaison and designated construction manager that shall be available on-site during all construction activities. Contact information for the community liaison and construction manager shall be located at the construction office, City Hall, and the Police Department. ▪ Ensure that construction equipment is properly muffled according to industry standards. Shut off or run noise generating equipment and machinery on their lowest settings when not in use. ▪ Implement the best available technology throughout all construction activities in noise attenuation measures, including but not limited to sound barriers and noise blankets. ▪ Ensure that all construction work that would be expected to create high noise and/or vibration levels shall be carefully scheduled to be performed in the least amount of time possible. ▪ All project personnel shall be made aware of the potential for noise and vibration impacts and shall practice good neighbor policies designed to

~~ATTACHMENT NO. 6.3~~

ATTACHMENT NO. 7.73

Attachment No. 6
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
	minimize noise and vibration impacts at all times. **NOISE-2:** The Applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City. **NOISE-3**: The applicant shall be required to submit a noise and vibration control plan to the Planning and Building Director for approval prior to the start of construction. Features that shall be included in the noise and vibration control plan are: ▪ A list of all major noise and vibration generating equipment that will be used on the site for each phase of construction. ▪ Noise and vibration predictions at each of the sensitive receptors that were indentified in the report for each phase of the construction. ▪ Locations, heights, and materials for noise barriers that may be employed and schedule for their installation. ▪ Other mitigation measures that will be used. These might include use of temporary noise barriers for stationary equipment, use of low-noise and vibration equipment or highly efficient mufflers, and alternative construction methods. **NOISE-4**: Pile-driving activities shall be scheduled between the hours of 8:00 AM and 4:00 PM on Mondays through Fridays only. Piles shall be installed with jetting, predrilling, or pile cushioning to reduce the duration of pile-driving. **NOISE-5**: The applicant shall perform the following tasks: ▪ Conduct pre- and post-construction video and survey inspections of the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.

~~ATTACHMENT NO. 6.4~~

ATTACHMENT NO. 7.74

Attachment No. 6
Summary of Mitigation Measures

Description of Impact	Mitigation Measure
	▪ Install meters to measure and monitor vibrations. ▪ Visually monitor the above structures for damage on a daily basis, and video and survey once per week during construction. ▪ Upon evidence of structural damage to the above structures, the applicant shall cease construction operations immediately and assess, repair, and remediate any damages to the structures in accordance with the recommendations in the Preliminary Geology and Soils Report. ▪ Provide a bond in an amount determined by the City Engineer for the repair and/or replacement of structural damage to the Weatherly Bay Swimming Pool complex, Weatherly Bay tennis court, Weatherly Bay perimeter wall adjacent to the project site, and Warner Avenue Bridge.
Utilities and Service Systems ◆ Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	**UTIL-1**: Prior to issuance of a Certificate of Occupancy for the land portion of the site, the Applicant shall be required to pay a fair-share fee for mitigation of the impacts to the public sanitary sewer system resulting from the increase in flow anticipated as a result of the development.

~~ATTACHMENT NO. 6.5~~

ATTACHMENT NO. 7.75

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 7, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	KHOA DUONG, P.E
TELEPHONE/E-MAIL:	(714) 872-6123/KHOA@CSGENGR.COM
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

I. SPECIAL CONDITIONS:

1. None

~~ATTACHMENT NO. 7.1~~

ATTACHMENT NO. 7.76

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2010 California Building Code (CBC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy Code, and The Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

2. Provide Project Data showing:
   - Occupancy group(s)
   - Type of building construction

3. Provide compliance to disabled accessibility requirements of Chapter 11B of CBC.
   a. Please show the required clear space in front of lavatory. Door cannot encroach into the required clear space in front of lavatory.
   b. Provide accessible paths of travel to loading dock areas.

4. Kiosk Floor plan did not include in this submittal. Please provide Kiosk Floor plan.

5. Please contact me or our office to review preliminary code analyses to examine any possible building code issue that may arise.

*****Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings*****

~~ATTACHMENT NO. 7.2~~

ATTACHMENT NO. 7.77

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	April 16, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	**FEBRUARY 17, 2012**
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	David Dominguez
TELEPHONE/E-MAIL:	(714) 374-5309/ ddominguez@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

~~ATTACHMENT NO. 7.3~~

ATTACHMENT NO. 7.78

Plan Sheet Comments:

- The gangway leading to the public dock is shown in different locations on the Preliminary Site Plan (Sheet AS-101) and on the Conceptual Dock Layout - #5. Plans should be made modified to show the intended location.
- Gangway and public dock dimensions should be indicated and include ADA access dimensions at transition points.
- Site Plan should show continuous access from ADA parking spaces to the sidewalk and to the public dock gangway.

Recommended Project Conditions:

- Pierhead line to be set back 25 feet from the westerly property line of the proposed project to provide adequate maneuvering area based on the potential for future expansion of the Marine Safety Division's needs and to accommodate the potential expansion of the public docks on the west side of the channel for recreational uses.
- The proposed public dock must be maintained by the developer and remain open to the general public.
- Proposed hours for the public dock should be consistent with public park curfews (5:00 AM – 10:00 PM)
- Appropriate signage must be in place to inform the public that the dock is available for use.
- Signage must be in place informing the public that parking meters and pay stations are not operated by the City.
- Use of the proposed transient slip proposed to be located over the city-owned portion of the channel must be coordinated through the City and made available to the Huntington Harbor Yacht Club.
- Dredging activity should be coordinated to ensure that there is no disruption to Marine Safety vessels and Huntington Harbor Yacht Club activities.

~~ATTACHMENT NO. 7.4~~

ATTACHMENT NO. 7.79

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MAY 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	LUIS GOMEZ
TELEPHONE/E-MAIL:	(714) 536-5544/ luis.gomez@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

~~ATTACHMENT NO. 7.5~~

ATTACHMENT NO. 7.80

The Economic Development Department has reviewed the proposed project and has the following comments/concerns:

1. The project as proposed, takes boat access from City property and that will not be allowed.

2. The proposed project would limit the future development potential of the City owned marina property. This would significantly reduce the value of the City owned marina property, while increasing the value of the Applicant's property. Such an exchange could be viewed as a "gift of public funds".

3. The project pierhead line shall be established 25-feet from the common property line. There is no easement request on the property.

4. The Applicant seeks to extend the project boundary onto State owned property. The Applicant must obtain proper State signatures authorizing the proposed use within State owned property.

~~ATTACHMENT NO. 7.6~~

ATTACHMENT NO. 7.81

RECEIVED
MAR 14 2012
Dept. of Planning
& Building

HUNTINGTON BEACH

HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 13, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	PLANNING APPLICATION NO. 08-065
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744/ tnguyen@surfcity-hb.org
PLAN REVIEWER-FIRE:	JAMES BROWN, FIRE PROTECTION ANALYST
TELEPHONE/E-MAIL:	(714) 374-5344/ jbrown@surfcity-hb.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 22, 2012. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANALYST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

~~ATTACHMENT NO. 7.7~~

ATTACHMENT NO. 7.82

Environmental

Environmental – Oil well on property.

NOTE: An abandoned oil well is located on the proposed construction property.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. ***DOGGR "CONSTRUCTION SITE REVIEW"* is required.** A California Division of Oil, Gas & Geothermal Resources (DOGGR – 714-816-6847), *Site Plan Review* is required for this project. (See included application).

   Identify the well name and well API number. Show the location of the abandoned oil well in question. Accurately locate with "x" and "y" parameters delineated. A completed DOGGR *Site Plan Review* must be on-file with the Fire Department prior to plan approval.

   Wells identified in the Site Review not meeting current DOGGR requirements may require re-abandonment. If required, the following permits shall be obtained and submitted:

   - From the Division of Oil, Gas & Geothermal Resources (DOGGR – (714) 816-6847), provide a *Permit to Conduct Well Operations* for all on-site active/abandoned oil wells.
   - Obtain a Huntington Beach Fire Department *Permit to Abandon Oil Well* and follow the requirements of *City Specification #422, Oil Well Abandonment Permit Process.* Reference compliance with *City Specification #422, Oil Well Abandonment Permit Process* in the plan notes.

(Location of the well is not certain, waiting on DOGGR Site Review to determine the requirements based on location to the project)

DEPENDING ON THE LOCATION OF THE ABANDONED WELL(S) TO THE PROPOSED CONSTRUCTION, THE FOLLOWING CONDITIONS MAY BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

2. ***"OIL WELL HISTORY DISPOSITION REPORT"* is required.** A California licensed third-party petroleum engineer or geologist compiles a disposition report for submittal to the Fire Department – Development Section. (see *City Specification # 429, section 3.2*)

3. ***"CITY CONSULTANT - OIL WELL HISTORY REVIEW"* is required.** The city consultant reviews the submitted *OIL WELL HISTORY DISPOSITION* REPORT for completeness, well integrity, and recommended safety measures. (see *City Specification # 429, section 3.3*)

~~ATTACHMENT NO. 7.8~~

Fire Hydrants and Water Systems

Fire Hydrant is required. Hydrant must be portrayed on the site plan. Hydrant shall be installed and in service **before** combustible construction begins. Installation of hydrant and service mains shall meet NFPA 13 and 24, 2010 Edition, California Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments for connection to street main and DCDA. For Fire Department approval of all piping downstream of the DCDA and the private hydrant, submit a separate plan to the HBFD reflecting the fire hydrant location and meeting all requirements of the 2010 CFC, NFPA 13 and 24, and City Specification #407 Fire Hydrant Installation Standards. Reference this in the plan notes. **(FD)**

Fire Suppression Systems

Fire Protection Systems

Fire Extinguishers shall be installed and located in all areas to comply with California Fire Code standards found in *City Specification #424.* The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. **(FD)**

Commercial Food Preparation Fire Protection System required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. **(FD)**

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. **(FD)**

Piers, Marinas and Docks.

Marina Fire Protection System for the proposed marina shall be provided per California Fire Code Section 511, *Marina Fire Protection.* Shop drawings shall be submitted to the Fire Department and approved prior to system installation. Marina plans shall be submitted (three sets) showing the dock layout, wet standpipes, and location of fire extinguisher cabinets. All pipe schedules and hydraulic calculations shall be included. The system shall be supplied with a Fire Department Siamese connection located within 5 feet of the nearest fire apparatus access roadway. The system shall be central station monitored.

~~ATTACHMENT NO. 7.9~~

ATTACHMENT NO. 7.84

511.1 Marina Fire Protection equipment. All piers, wharves, floats with facilities for mooring or servicing five (5) or more vessels, and marine service stations shall be equipped with fire protection equipment as follows:

1. A wet standpipe system shall be installed on all docks, piers, wharves or marine service stations that exceed 100 feet in length or are otherwise inaccessible from city hydrants. The wet standpipe system shall be capable of delivering 250 gallons per minute at a residual pressure of 50 PSI at the outlet. The outlet shall be two- and one-half inch (2 1/2") national standard thread with an appropriate gate valve. Outlets shall be spaced at 200 foot intervals, in approved locations, preferably at a point of public access. Outlets shall be installed so that they are readily visible, unobstructed and readily discernable as a piece or fire fighting equipment.

2. Piers and wharves shall be provided with fire apparatus access roads and water supply systems with on-site fire hydrants as may be required by the fire code official.

3. A 4-A; 40 BC fire extinguisher shall be located every 150 feet along the dock. The fire extinguisher shall be located in a standard fire extinguisher cabinet with a breakable glass front. The cabinet shall have placards on both sides with the words "Fire Extinguisher" and either have an additional placard on the front or shall be easily recognized from the front as a fire extinguisher cabinet.

4. The fire code official shall designate the type and number of all other fire appliances to be installed and maintained in each marina. **(FD)**

Building Construction

Exit Signs And Exit Path Markings will be provided in compliance with the Huntington Beach Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED <u>DURING</u> CONSTRUCTION:

a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

OTHER:

a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**

~~ATTACHMENT NO. 7.10~~

ATTACHMENT NO. 7.85

b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at

http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

~~ATTACHMENT NO. 7.11~~

ATTACHMENT NO. 7.86

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 28, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.:	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001, CONDITIONAL USE PERMIT NO. 08-014, COASTAL DEVELOPMENT PERMIT NO. 08-008, VARIANCE NO. 11-007, TENTATIVE PARCEL MAP NO. 11-138, ENVIRONMENTAL ASSESSMENT NO. 12-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, HUNTINGTON BEACH
PLAN REVIEWER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744/ tnguyen@surfcity-hb.org
PROJECT DESCRIPTION:	ZONING MAP AMENDMENT: TO AMEND THE ZONING DESIGNATION OF THE LAND PORTION OF THE SITE FROM RL-CZ-FP2 (RESIDENTIAL LOW DENSITY—COASTAL ZONE—FLOOD PLAIN 2) TO OS-PR-CZ-FP2 (OPEN SPACE-PARKS AND RECREATION—COASTAL ZONE—FLOOD PLAIN 2). CONDITIONAL USE PERMIT: TO PERMIT THE DEVELOPMENT OF A 23-BOAT SLIP MARINA, AN EATING AND DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, ANCILLARY USES (MARINA OFFICE, RETAIL/RENTAL USES), METERED PARKING, AND OUTDOOR DISPLAY OF SALE AND RENTAL EQUIPMENT). COASTAL DEVELOPMENT PERMIT: TO PERMIT DEVELOPMENT IN THE COASTAL ZONE, TO REVIEW AND "APPROVE IN CONCEPT" THE BOAT SLIPS/MARINA. VARIANCE: TO PERMIT A REDUCTION IN REQUIRED SETBACKS, ROOFTOP EQUIPMENT LOCATION, ELECTRICAL TRANSFORMER LOCATION, BACKFLOW PREVENTION DEVICE LOCATION, TRASH ENCLOSURE LOCATION, AND LANDSCAPING. TENTATIVE PARCEL MAP: TO SUBDIVIDE 1.91 ACRES OF LAND INTO TWO PARCELS (0.94 ACRE PARCEL FOR THE MARINA PORTION AND 0.97 ACRE FOR THE LAND PORTION). ENVIRONMENTAL ASSESSMENT: TO EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 17, 2012. The list is intended to assist the applicant by

~~ATTACHMENT NO. 7.12~~

ATTACHMENT NO. 7.87

identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

TENTATIVE PARCEL MAP NO. 11-138:

1. Prior to submittal of the final parcel map to the Public Works Department for processing and approval, the following shall be required:

   a. Final parcel map review fees shall be paid, pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*). **(HBZSO Section 254.16)**

   b. A Certificate of Insurance shall be filed with the Public Works Department and approved as to form by the City Attorney. **(HBZSO Section 255.14.H)**

   c. Park Land In-Lieu Fees shall be paid pursuant to the requirements of HBZSO Section 254.08 – *Parkland Dedications*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*). **(Ordinance No. 3562, Resolutions No. 2002-56 and 2002-57)**

2. Prior to the issuance of the grading permit, the final map shall be recorded with the County of Orange. **(HBZSO Section 253.22)**

3. Tentative Parcel Map No. 11-138 shall not become effective until the ten calendar day appeal period has elapsed from Planning Commission action. **(HBZSO Section 251.12)**

4. Tentative Parcel Map No. 11-138 and Zoning Map Amendment No. 08-001/Conditional Use Permit No. 08-014/Coastal Development Permit No. 08-008/Variance No. 11-007 shall become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning and Building pursuant to a written request submitted to the Planning and Building Department a minimum 60 days prior to the expiration date. **(HBZSO Section 251.14 and 251.16)**

CONDITIONAL USE PERMIT NO. 08-014/COASTAL DEVELOPMENT PERMIT NO. 08-008/ VARIANCE NO. 11-007:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:

   a. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. **(HBZSO Chapter 231)**

   b. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally

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ATTACHMENT NO. 7.88

integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**

c. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. **(HBZSO 231.18(C))**

2. Prior to issuance of demolition permits, the following shall be completed:

   a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies. **(AQMD Rule 1403)**

   b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed. **(AQMD Rule 1403)**

   c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District. **(AQMD Rule 1403)**

   d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed. **(AQMD Rule 1403)**

   e. The applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution No. 4545)**

   f. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**

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

   a. Prior to submittal of a landscape plan, the applicant shall provide a Consulting Arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. **(Resolution No. 4545)**

   b. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Planning and Building Department for review and approval. **(HBZSO Section 232.04)**

~~ATTACHMENT NO. 7.44~~

ATTACHMENT NO. 7.89

c. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**

d. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. **(HBZSO Section 232.04.D)**

e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. **(HBZSO Section 232.04.B)**

f. Standard landscape code requirements apply. **(HBZSO Chapter 232)**

g. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. **(HBZSO Section 232.06.A)**

h. 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. 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. **(Resolution No. 4545)**

4. Prior to submittal for building permits, a minimum of 14 days prior to submittal for building permits, an application for address assignment, along with the corresponding application processing fee and applicable plans (as specified in the address assignment application form), shall be submitted to the Planning Department. **(City Specification No. 409)**

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

   a. A General Plan Maintenance Fee shall be paid. The fee is $1.85/$1,000 valuation of new construction. **(City of Huntington Beach Planning Division Fee Schedule)**

   b. A Mitigation Monitoring Fee shall be paid to the Planning and Building Department pursuant to the fee schedule adopted by resolution of the City Council (***City of Huntington Beach Planning Division Fee Schedule***)

   c. All new commercial and industrial development shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – Payment of Park Fee. The fees shall be paid and calculated according to a schedule adopted by City Council Resolution. **(City of Huntington Beach Planning Division Fee Schedule)**

6. During demolition, grading, site development, and/or construction, the following shall be adhered to:

   a. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. **(Resolution No. 4545)**

   b. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries

~~ATTACHMENT NO. 7.15~~

ATTACHMENT NO. 7.90

associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**

7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and commencement of use and issuance of a Certificate of Occupancy) until the following has been completed:

   a. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for each building shall be submitted to the Planning and Building Department. **(HBZSO Section 222.14.B)**

   b. A Certificate of Occupancy must be approved by the Planning Division and issued by the Building Division. **(HBMC 17.04.036)**

   c. Complete all improvements as shown on the approved grading, landscape and improvement plans. **(HBMC 17.05)**

   d. All trees shall be maintained or planted in accordance to the requirements of Chapter 232. **(HBZSO Chapter 232)**

   e. 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. **(HBZSO Section 232.04.D)**

   f. The provisions of the Water Efficient Landscape Requirements shall be implemented. **(HBMC 14.52)**

8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of **HBZSO Section 241.18.**

9. Tentative Parcel Map No. 11-138, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 shall not become effective until Zoning Map Amendment No. 08-001 has been approved by the City Council and is in effect. **(HBZSO Section 247.10 and 247.16)**

10. Tentative Parcel Map No. 11-138, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 shall not become effective until the appeal period following the approval of the entitlements has elapsed. **(HBZSO Section 241.14)**

11. Tentative Parcel Map No. 11-138 and Zoning Map Amendment No. 08-001/Conditional Use Permit No. 08-014/Coastal Development Permit No. 08-008/Variance No. 11-007 shall

~~ATTACHMENT NO. 7.16~~

ATTACHMENT NO. 7.91

become null and void unless exercised within two (2) years of the date of final approval. An extension of time may be granted by the Director of Planning and Building pursuant to a written request submitted to the Planning and Building Department a minimum 60 days prior to the expiration date. **(HBZSO Section 251.14 and 251.16)**

12. The Planning Commission reserves the right to revoke Tentative Parcel Map No. 11-138, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, and Variance No. 11-007 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**

13. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**

14. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC Section 8.40.090)**

15. The applicant shall submit a check in the amount of $50.00 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 Planning Commission's action. An additional check in the amount of $ 2,101.50 for California Department of Fish and Game shall be made out to County of Orange and submitted within two (2) days of the Planning Commission's action. **(California Code Section 15094 and Fish and Game Section 711.4)**

16. 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. **(HBZSO Section 232.04)**

17. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**

~~ATTACHMENT NO. 7.17~~

ATTACHMENT NO. 7.92

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 6, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	STEVEN FONG, DETECTIVE/VICE
TELEPHONE/E-MAIL:	(714) 536-5960/ SFONG@HBPD.ORG
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

~~ATTACHMENT NO. 7.18~~

ATTACHMENT NO. 7.93

The proposed redevelopment significantly alters the proposed location specifically by adding a restaurant with a new alcohol sales (ABC) license.

The Police Department does not believe the development with the addition of the restaurant will drastically affect the business activity or increase the potential to create public nuisances.

To preserve the current atmosphere and to reduce the likelihood of disturbances created by intoxicated patrons and to reduce the risk of minors obtaining alcoholic beverages, the police department recommends the following conditions be applied to the proposed Conditional Use Permit.

1. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time.

2. If outside dining and alcohol consumption are allowed, a protective barrier shall be mandatory and installed around the outside dining areas. This will help prevent alcohol from being easily handed from the dining area to the surrounding sidewalks and walkways where people may loiter.

3. All alcoholic beverages shall remain within the interior of the restaurant or within the confines of the enclosed patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio.

4. To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM.

5. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.

6. Dancing will not be allowed by anyone.

~~ATTACHMENT NO. 7.19~~

ATTACHMENT NO. 7.94

CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	MARCH 30, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
PLANNING APPLICATION NO.	PLANNING APPLICATION NO. 08-065
ENTITLEMENTS:	ZONING MAP AMENDMENT NO. 08-001 CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 TENTATIVE PARCEL MAP NO. 11-138 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN NO. 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:	Arvar Elkins, Police Officer
TELEPHONE/E-MAIL:	(714) 625-9702 / AElkins@hbpd.org
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

~~ATTACHMENT NO. 7.20~~

ATTACHMENT NO. 7.95

The following conditions are recommended for this project:

1. The parking lot, eating/drinking establishment, and the entire perimeter of the eating/drinking establishment, shall be well lit.

2. The landscaping shall be designed in such a manner as to provide a clear view of the parking lot and eating/drinking establishment from Warner Avenue.

~~ATTACHMENT NO. 7.81~~

ATTACHMENT NO. 7.96

CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:	APRIL 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 GENERAL PLAN AMENDMENT NO. 08-001 ZONING MAP AMENDMENT NO. 08-001 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004 TENTATIVE PARCEL MAP NO. 2011-0138
PLNG APPLICATION NO:	2008-0065
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER:	STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL:	714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION:	TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES: 1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION 2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA 3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA 4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS 5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE 6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and

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Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO SUBMITTAL OF THE FINAL PARCEL MAP TO THE CITY FOR REVIEW:

1. A California-licensed Geotechnical Engineer shall prepare and submit to the City a detailed final soils and geological/seismic analysis which shall address onsite soils characteristics, as well as all operations required to properly prepare the site for the proposed marina development. This analysis shall provide detailed recommendations for clearing and grubbing, grading, overexcavation, engineered fill, dewatering, shoring and stabilization of soils to support the proposed development and protect adjacent properties from slope failure, settlement, monitoring requirements, landscaping, chemical and fill properties, liquefaction requirements, retaining walls, streets, and utilities. The report shall provide recommendations for grading for the site. (ZSO 253.12.B, MC 17.05.150)

TENTATIVE PARCEL MAP

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO RECORDATION OF THE FINAL PARCEL MAP:

2. The Final Parcel Map shall be submitted to the City of Huntington Beach Public Works Department for review and approval and shall include a title report to indicate the fee title owner(s) as shown on a title report for the subject properties. The title report shall not be more than six (6) weeks old at the time of submittal of the Final Parcel Map. (ZSO 253.12.I)

3. The Final Parcel Map shall be consistent with the approved Tentative Parcel Map. (ZSO 253.14)

4. The following shall be shown as a dedication to the City of Huntington Beach on the Final Parcel Map. (ZSO 253.10.K, ZSO 254)

    a. Warner Avenue shall be dedicated in fee for public roadway and utility purposes for a width of 60 feet from the centerline of the roadway.

    b. All vehicular access rights to Warner Avenue shall be released and relinquished to the City of Huntington Beach, except at locations approved by the Planning Commission.

5. A reproducible Mylar copy and a print of the recorded Final Parcel Map shall be submitted to the Department of Public Works at the time of recordation.

6. 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 item:

    a. Tie the boundary of the map into the Horizontal Control System established by the County Surveyor.

    b. Provide a digital-graphics file of said map to the County of Orange.

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7. Provide a digital-graphics file of said map to the City per the following design criteria:
   a. Design Specification:
      i. 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.
      ii. Digital data shall have double precision accuracy (up to fifteen significant digits).
      iii. Digital data shall have units in US FEET.
      iv. A separate drawing file shall be submitted for each individual sheet.
      v. Digital data shall be in compliance with the Huntington Beach Standard Sheets, drawing names, pen color and layering conventions.
      vi. Feature compilation shall include, but shall not be limited to: Assessor's Parcel Numbers (APN), street addresses and street names with suffix.
   b. File Format and Media Specification:
      i. Shall be in compliance with one of the following file formats (AutoCAD DWG format preferred):
         - AutoCAD (version 2000, release 4) drawing file: ___.DWG
         - Drawing Interchange file: _____.DXF
      ii. Shall be in compliance with the following media type:
         - CD Recordable (CD-R) 650 Megabytes
8. All applicable Public Works fees shall be paid. Fees shall be calculated based on the currently approved rate at the time of payment unless otherwise stated. (ZSO 250.16)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

9. Prior to the issuance of any demolition, grading, building or harbor permits, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements and shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (MC 14.25, DAMP)
   a. The SWPPP shall be prepared and updated as needed during the course of construction. Updates or amendments to the SWPPP shall incorporate any changes or revisions that occur in relation to overexcavation, waterway and seawall slope revetment and reconstruction, dredging and drying of materials to satisfy the requirements of each phase of the development. The plan shall incorporate all necessary Best Management Practices (BMP's) and other City requirements to eliminate polluted runoff until all construction work for the project is completed.

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THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

10. The Final Parcel Map shall be recorded with the County of Orange.

11. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)

    a. Warner Avenue improvement plans shall show the dedication in fee for public roadway and utility purposes a width of 60 feet from the centerline of the roadway.

    b. All vehicular access rights to Warner Avenue shall be released and relinquished to the City of Huntington Beach, except at locations approved by the Planning Commission.

12. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05, ZSO 230.84) Final grades and elevations on the grading plan shall not vary by more than one (1) foot from the grades and elevations on the approved Tentative Parcel Map unless otherwise required by these conditions and shall conform to FEMA requirements for elevation above the flood water levels as directed by the Department of Public Works. The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:

    a. ADA compliant access, in conformance with Title 24, shall be provided from the public sidewalk to any of the public portions of the marina, dock or waterway.

    b. The applicant shall demonstrate to the satisfaction of the City Traffic Engineer that standards (including ADA) regarding pedestrian/bicycle safety along the perimeter sidewalks will be met.

    c. A new sewer lateral shall be installed connecting to the main in the Warner Avenue (ZSO 230.84)

    d. New domestic water service(s) and meter(s) shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). (MC 14.08.020)

    e. A separate irrigation water service and meter shall be installed per Water Division Standards. (ZSO 232)

    f. A separate fire service shall be installed for the proposed private fire hydrant that is to be located on the property site and shall be sized to meet the Fire Department requirements. The fire service line and fire hydrant will be privately maintained by the development and shall be separated from the public water system, located in Weatherly Lane, by a backflow protection device installed per Water Division Standard No. 618 (Install Double Check Detector Assembly "DCDA" without using the Fire Department Connection "FDC"). (Resolution 5921 and Title 17)

    g. Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation and fire water services. (Resolution 5921 and Title 17)

    h. Final finished grades for proposed building pads and common areas and provide minimum FEMA elevation requirements.

    i. Retaining walls, decorative walls and slopes along the Huntington Harbor Channel, docks, building foundation, and adjacent property lines.

    j. All swales along slopes, walls, walkways and associated drainage control devices.

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13. An Improvement Plan for the project's waterfront frontage, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plan shall include the following improvements on the plan:

    a. Improvements along/within the waterway, including match-up with adjacent harbor slope improvements and the Warner Avenue bridge and abutments, per the approved Geology and Soils Study, Sediment Characterization Results Report, Analysis of Changes in Water Levels, Current Speeds and Sedimentation Report, and Dock Design Report. Requirements of the U.S. Army Corps of Engineers, Federal Emergency Management Agency (FEMA), City of Huntington Beach Public Works Department and the Orange County Flood Control District shall be observed in the design and construction of all Huntington Harbor Channel improvements and abutting slope improvements in and adjacent to the waterway.

    b. The ADA compliant access, required to be shown on the project's Precise Grading Plan, shall be referenced on the Improvement Plan.

    c. The pedestrian/bicycle safety along the perimeter sidewalks, required to be shown on the project's Precise Grading Plan, shall be referenced on the Improvement Plan.

14. A Signage and Striping Plan on Warner Avenue shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to the Public Works Department for review and approval. The Plans shall be prepared according to the Public Works Transportation Division Signing and Striping Plan Preparation Guidelines. (ZSO 230.84)

15. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues.

16. The project WQMP shall include the following:

    a. Low Impact Development.

    b. Discusses regional or watershed programs (if applicable).

    c. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

    d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)

    e. Incorporates Treatment Control BMPs as defined in the DAMP.

    f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

    g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.

    h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

    i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.

    j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for

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acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:

i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).

ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.

k. The applicant shall return one CD media to Public Works for the project record file.

17. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP.

18. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)

19. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)

20. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. 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, 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.

21. 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.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

22. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010, MC 14.36.030)

23. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)

24. 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. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
25. 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. (MC 17.05)
26. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1, MC 17.05)
27. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
28. 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. (DAMP)
29. 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. (DAMP)
30. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
31. Wind barriers shall be installed along the perimeter of the site. (DAMP)
32. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

33. A Precise Grading Permit shall be issued. (MC 17.05)
34. A Drainage Fee for the subject project shall be paid at the rate applicable prior to issuance of a building permit. The current rate of $13,880 per gross acre is subject to periodic adjustments. This project consists of 0.97 net acres for a total required drainage fee of $13,464. City records indicate the current use on the subject property has never paid this required fee. Per provisions of the City Municipal Code, this one-time fee shall be paid for all subdivisions or development of land. (MC 14.48)
35. The project developer shall pay all applicable Orange County Sanitation District Capital Facilities fees. (ZSO 250.16)
36. Traffic Impact Fees shall be paid at the rate applicable at the time of Building Permit issuance. The current Traffic Impact Fee rate is $172 per net new added daily trip. The rate is adjusted annually on December 1st. This project is forecast to generate 68 new daily trips. The Traffic Impact Fee based on the existing rate is $11,696.00. (MC 17.65)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A HARBOR PERMIT:

37. The Final Parcel Map shall be recorded with the County of Orange.
38. The project's required Improvement Plan shall be approved.
39. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative construction schedule at least 30 days prior to such grading.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

40. Complete all improvements as shown on the approved grading and improvement plans. (MC 17.05)
41. All new utilities shall be undergrounded. (MC 17.64)
42. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf. (ZSO 240.06, ZSO 250.16)
43. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
    a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
    b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
    c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
    d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.

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ATTACHMENT NO. 7.104

HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
SUGGESTED CONDITIONS OF APPROVAL

DATE:	APRIL 3, 2012
PROJECT NAME:	HARMONY COVE MARINA DEVELOPMENT
ENTITLEMENTS:	CONDITIONAL USE PERMIT NO. 08-014 COASTAL DEVELOPMENT PERMIT NO. 08-008 GENERAL PLAN AMENDMENT NO. 08-001 ZONING MAP AMENDMENT NO. 08-001 VARIANCE NO. 11-007 ENVIRONMENTAL ASSESSMENT NO. 08-004 TENTATIVE PARCEL MAP NO. 2011-0138
PLNG APPLICATION NO:	2008-0065
DATE OF PLANS:	FEBRUARY 17, 2012
PROJECT LOCATION:	3901 WARNER AVENUE, APN 178-301-01 (FORMERLY PERCY DOCK)
PROJECT PLANNER:	TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL:	(714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER:	STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL:	714-374-1692 / SBOGART@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT A MARINA DEVELOPMENT CONSISTING OF 23-BOAT SLIP PUBLIC AND ANCILLARY USES. THE PROJECT INCLUDES:

1. AMEND THE ZONING MAP DESIGNATION FROM RESIDENTIAL LOW DENSITY TO OPEN SPACE—PARKS AND RECREATION
2. PERMIT A 23-BOAT SLIP PUBLIC MARINA AND AN EATING/DRINKING ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES, MARINA OFFICE, RESTROOMS RETAIL/RENTAL USES ANCILLARY TO THE MARINA
3. PERMIT NEW DEVELOPMENT IN THE COASTAL ZONE AND "APPROVE IN CONCEPT" OF THE BOAT SLIPS/MARINA
4. SUBDIVIDE THE EXISTING 1.91 ACRE PARCEL INTO 2 PARCELS
5. PERMIT A REDUCTION IN REQUIRED SETBACKS, LANDSCAPING, LOCATIONS OF ROOFTOP EQUIPMENT, BACKFLOW PREVENTION DEVICE, AND TRASH ENCLOSURE
6. EVALUATE THE POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROPOSED DEVELOPMENT

1. The Tentative Parcel Map received and dated February 17, 2012 shall be the approved layout, except for the following:

    a. All property line dimensions shall be clearly shown and legible while not interfering with underlying topographic spot elevations.

THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO RECORDATION OF THE FINAL MAP:

2. A Title Settlement Agreement (TSA) shall be executed between the Applicant and the State of California over that portion of the subdivision where a claim of a Sovereign Public Trust Easement exists. The TSA shall be approved by the California State Lands Commission for the Public Trust Easement across parcels 1 and 2 of the Final Parcel Map. Reference information for the said agreement shall be noted on the Final Parcel Map. All requirements and mitigations required by the subject TSA shall be completed in accordance with the terms of said agreement.

3. The Property Owner shall submit a management plan, to the Planning, Public Works and Community Service Departments for review and approval, for maintenance of the Public Access Easement. The management plan shall include standards and requirements for maintenance of hours of use and aesthetic values for the pathway and a privacy buffer, including, but not limited to, litter control, water quality, structural condition, and materials finish.

4. The Property Owner shall submit a plan, to the Planning, Public Works and Community Service Departments for review and approval, for funding and implementation of a periodic dredging and waterway maintenance program for the operations of the marina.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

5. The required domestic, irrigation and fire water services to be shown on the project's Precise Grading Plan shall be connected to the existing 6-inch diameter water main located in Weatherly Lane.

DURING DEMOLITION, GRADING, SITE DEVELOPMENT, AND/OR CONSTRUCTION, THE FOLLOWING CONDITIONS SHALL BE ADHERED TO:

6. Construction equipment shall be maintained in peak operating condition to reduce emissions. During clearing, grading, earth moving, or excavation, maintain equipment engines in proper tune. Truck idling shall be prohibited for periods longer than 10 minutes.

7. Use low sulfur (0.05% by weight) fuel by weight for construction equipment.

8. Phase and schedule construction activities to avoid high ozone days. Discontinue construction during second stage smog alerts.

9. A phased schedule for construction activities to minimize daily emissions shall be complied with. Treat unattended construction areas with water (disturbed lands which have been, or

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ATTACHMENT NO. 7.106

are expected to be unused for four or more consecutive days). Schedule activities to minimize the amount of exposed excavated soil during and after the end of work periods.

10. On-site parking shall be provided for all construction workers and equipment unless approved otherwise by the Department of Public Works.

11. The property owner for the subject project shall be responsible for all required clean up of off-site dirt tracking, pavement damage and/or restriping of the public rights-of-way as determined by the Department of Public Works.

12. Any operation involving dewatering shall require approval of a dewatering plan and the applicant shall obtain the necessary De Minimis Permit from the California Regional Water Quality Control Board [Order No. R8-2009-0003 (CAG998001)] and provide a copy to Public Works. Discharges to the City's sanitary sewer system shall only be permitted during off-peak hours and non-raining times and with the approval by permit from the Orange County Sanitation District.

RESPONSE TO COMMENTS FOR
DRAFT MITIGATED NEGATIVE DECLARATION NO. 12-004

I. This document serves as the Response to Comments on the Draft Mitigated Negative Declaration (MND) No. 12-004. This document contains all information available in the public record related to Zoning Map Amendment No. 08-001, Conditional Use Permit No. 08-014, Coastal Development Permit No. 08-008, Variance No. 11-007, and Tentative Parcel Map No. 11-138 (Harmony Cove Marina Development) as of July 3, 2012 and responds to comments in accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines.

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

The Public Participation section outlines the methods the City of Huntington Beach has used to provide public review and solicit input on the Draft Mitigated Negative Declaration No. 12-004. The Comments section contains those written comments received from agencies, groups, organizations, and individuals as of July 2, 2012. The Response to Comments section contains individual responses to each comment. The Errata to Draft MND is provided to show corrections of errors and inconsistencies in the Draft MND.

It is the intent of the City of Huntington Beach to include this document in the official public record related to the Draft Mitigated Negative Declaration No. 12-004. Based on the information contained in the public record, the decision-makers will be provided with an accurate and complete record of all information related to the environmental consequences of the project.

II. PUBLIC PARTICIPATION AND REVIEW

The City of Huntington Beach notified all responsible and interested agencies and interested groups, organizations, and individuals that Draft Mitigated Negative Declaration No. 12-004 had been prepared for the proposed project. The City also used several methods to solicit input during the review period for the preparation of the Draft Mitigated Negative Declaration No. 12-004. The following is a list of actions taken during the preparation, distribution, and review of the Draft Mitigated Negative Declaration No. 12-004.

1. An official 30-day public review period for the Draft Mitigated Negative Declaration No. 12-004 was established by the State Clearinghouse. It began on May 10, 2012 and ended on June 8, 2012. Public comment letters were accepted by the City of Huntington Beach through July 2, 2012.
2. Notice of the Draft Mitigated Negative Declaration No. 12-004 was published in the Huntington Beach Independent on May 10, 2012. Upon request, copies of the document were distributed to agencies, groups, organizations, and individuals.

ATTACHMENT NO. 8.1

3. Notice of Draft Mitigated Negative Declaration No. 12-004 was provided by mail to property owners and occupants within 500 ft. radius of the project site and interested parties on May 10, 2012.
4. Notice of Draft Mitigated Negative Declaration No. 12-004 was posted on the internet on the City of Huntington Beach website (http://www.huntingtonbeachca.gov/Government/Departments/Planning/major/HarmonyCoveAttachments.cfm) on May 10, 2012.

III. COMMENTS

Copies of all written comments received as of July 2, 2012 are contained in Appendix A of this document. All comments have been numbered and are listed on the following pages. Responses to Comments for each comment which raised an environmental issue are contained in this document.

IV. RESPONSE TO COMMENTS

The Draft Mitigated Negative Declaration No. 12-004 was distributed to responsible agencies, interested groups, organizations, and individuals. The report was made available for public review and comment for a period of 30 days. The public review period for the Draft Mitigated Negative Declaration No. 12-004 established by the State Clearinghouse commences on May 10, 2012 and expired on June 8, 2012. The City of Huntington Beach accepted comment letters through July 2, 2012.

Copies of all documents received as of July 2, 2012 are contained in Appendix A of this report. Comments have been numbered with responses correspondingly numbered. Responses are presented for each comment which raised a significant environmental issue.

Several comments do not address the completeness or adequacy of the Draft Mitigated Negative Declaration No. 12-004, do not raise significant environmental issues, or request additional information. A substantive response to such comments is not appropriate within the context of the California Environmental Quality Act (CEQA). Such comments are responded to with a "comment acknowledged" reference. This indicates that the comment will be forwarded to all appropriate decision makers for their review and consideration. Responses to comments are contained in Appendix B of this document.

V. ERRATA TO DRAFT MITIGATED NEGATIVE DECLARATION NO. 12-004

Changes to the Draft Mitigated Negative Declaration No. 12-004 and Initial Study Checklist are provided in an Errata. The changes to the Draft Mitigated Negative Declaration No. 12-004 as they relate to issues contained within this errata do not affect the overall conclusions of the environmental document. The changes are identified by the comment reference. The errata to the Draft Mitigated Negative Declaration No. 12-004 are contained in Appendix C of this document.

ATTACHMENT NO. 8.2

APPENDIX A
COMMENTS ON THE DRAFT MND

Below are the original comment letters which have been bracketed to isolate the individual comments. Comments that raise significant environmental issues are provided with responses. Comments that are outside of the scope of the CEQA review will be forwarded for considerations to the decision makers as part of the project approval process or to the applicant for their information.

COMMENT LETTERS RECEIVED DURING THE DRAFT MND COMMENT PERIOD		
No.	*Commenter/Organization*	*Abbreviation*
	STATE DEPARTMENTS	
1	California Coastal Commission, Meg Vaughn, June 27, 2012	CCC
2	California State Lands Commission, Cy R. Oggins, June 7, 2012	CSLC
3	Department of Fish and Game, Loni Adams, June 21 and June 25, 2012	DFG
4	Department of Transportation, Christopher Herre, May 30, 2012	DOT
5	Native American Heritage Commission, Dave Singleton, May 25, 2012	NAHC
	REGIONAL/LOCAL AGENCIES	
6	Orange County Public Works, Michael Balsamo, June 13, 2012	OCPW
	ORGANIZATIONS	
7	Orange County Coastkeeper, Garry Brown, June 8, 2012	OCC
8	Huntington Beach Environmental Board, Michael Marshall, June 8, 2012	HBEB
	INDIVIDUALS	
9	Francis Maywhort, May 20, 2012	MAYW

ATTACHMENT NO. 8.3

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

June 27, 2012

Tess Nguyen, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
JUL 02 2012
Dept. of Planning
& Building

Re: Draft Mitigated Negative Declaration for Revised Harmony Cove Project
State Clearinghouse No. 2010041051
Huntington Harbour, Huntington Beach, Orange County

Dear Ms. Nguyen:

Coastal Commission staff received the above referenced document on May 10, 2012. We appreciate this opportunity to provide comments on the Draft Mitigated Negative Declaration (MND) and the development under consideration. These comments are directed primarily to identify information that will be necessary at the time the required coastal development permit for the project is pursued. These comments are intended as guidance. Different and/or additional information may be requested once a permit application is actually submitted. CCC-1

The MND describes the project, generally known as Harmony Cove Marina Development, as a request to allow, on the water, the development of a 23-boat slip marina, and on the land, an eating and drinking establishment with outdoor dining area and alcoholic beverage sales, and ancillary uses to the marina (a marina office and retail/rental of water-related recreational equipment). A 44 space, metered parking lot, a restroom, and a public sidewalk along the harbor frontage are included in the proposal. The marina portion of the project would include an estimated 30 guide piles and 12,000 cubic yards of dredging. Repair of an existing rock rip rap slope is also included as part of the project under consideration. The project site is 2.28 acres, 0.97 acre of which is terra firma and 1.31 acres of which is submerged. The MND states that the majority of the project site (1.91 acres) is owned by Bayview HB LLC, and the remainder (0.37 acre) is owned by the California State Lands Commission. CCC-2

The list of requested entitlements includes: Zoning Map Amendment No. 08-001; Conditional Use Permit No. 08-014; local Coastal Development Permit No. 08-008; Variance No. 11-007; and Tentative Parcel Map No. 11-138. The Zoning Map Amendment would bring the City's zoning designation (Residential Low Density) into conformance with the Local Coastal Program (LCP) zoning designation (Open Space-Park). The Zoning Map amendment is proposed in order to make the City's zoning map consistent with the City's LCP land use and zoning designation for the subject site.

Coastal Development Permit

The proposed development, as acknowledged in the MND, would require approval of a coastal development permit. The land portion of the project appears to fall within the City's permit issuing jurisdiction. However, the City's action would be subject to appeal to the Coastal Commission. The water portion of the site is in the original jurisdiction of the CCC-3

ATTACHMENT NO. 8.4

Coastal Commission and so would require approval of a coastal development permit from the Coastal Commission.

Section 30601.3 of the Coastal Act provides that where a project is located in both the Coastal Commission's and a local government's coastal development permit jurisdiction, a single, consolidated coastal development permit for the entire project may be processed by the Coastal Commission if the applicant and local government agree to that process. In any case, any portion of the project not in the Commission's original permit jurisdiction is in the Commission's appeals jurisdiction. Thus, the entire project is within either the Commission's original or appellate jurisdiction. To reduce complications, staff would recommend making use of the consolidated permit provisions. CCC-3

The MND lists local coastal development permit 08-008 as one of the entitlements for the proposed project. It is not clear from the MND what portion of the site/project that local coastal development permit would include. In any case, a local coastal development permit cannot include any portion of the site/project that is in or over the water. Of course, should you choose to use the 'consolidated permit' provision of Section 30601.3 of the Coastal Act, these distinctions won't be necessary as the Commission itself would process the permit for the whole project.

The standard of review for a coastal development permit in the water portion of the site is the Chapter 3 policies of the Coastal Act, with the certified LCP as guidance. The standard of review for the land portion of the site is the policies of the City's certified Local Coastal Program and the public access and recreation policies of the Coastal Act. Under the consolidated permit provisions, the entire project would be judged against the Chapter 3 policies of the Coastal Act, with the LCP as guidance.

LCP Land Use Designation & Zoning

The land portion of the subject site is land use designated Open Space – Parks (OS-P) in the City's certified Coastal Element/Land Use Plan (LUP). According to Table C-1 of the LUP, uses permitted within the OS-P designation include: "Public parks and recreational facilities, which provide activities, such as, but not limited to: picnic and observation areas, nature trails, peripheral bike paths, tot-lots, play fields, informational signs and/or displays. Ancillary development may include buildings such as maintenance equipment storage, restrooms, nature centers, concession stands, and parking." The land portion of the subject site is zoned Open Space – Parks and Recreation (OS-PR). Uses permitted within the certified Zoning and Subdivision Ordinance/Implementation Plan (IP) zone OS-PR include parks and recreational facilities and eating and drinking establishments. Eating and drinking establishments are "*allowed with a conditional use permit approval by the Zoning Administrator only as an ancillary use that is compatible with and part of a park or recreational facility. Only in the coastal zone overlay district, in public parks in both the Parks and Recreation and the Shoreline subdistricts, only the following type of eating and drinking establishment shall be permitted: (a) Take-out service establishments where* CCC-4

ATTACHMENT NO. 8.5

patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption; and persons are not served in vehicles."

From the MND project description (an 880 square foot eating and drinking establishment) it is not clear whether the proposed eating and drinking establishment conforms to the requirements of the LUP and IP land use and zoning designation. More information on the operational aspects of the proposed eating and drinking establishment is necessary to determine whether the proposal conforms with the certified land use designation and zoning. It would be helpful to know how the restriction cited above regarding eating and drinking establishments within the OS-PR zone has been implemented in the past within the City and particularly within the City's coastal zone. However, if the proposed eating and drinking establishment does conform to the requirements of the land use designation and zoning, it does appear to be a priority use under both the City's certified LCP and the Coastal Act. If the eating and drinking establishment proposed constitutes a sit-down restaurant or otherwise does not conform to the requirements of the OS-P land use designation and the OS-PR zoning, then a land use designation and zone change to Commercial Visitor (CV) would be required. CCC-4

Marine Resources/Sensitive Habitat

Section 30233 of the Coastal Act limits fill and dredging of wetlands and coastal waters to specifically enumerated uses, requires that the project be the least environmentally damaging alternative, and requires that adequate mitigation be provided to offset any allowable, unavoidable impacts. The placement of marina piles constitutes fill that must be minimized and mitigated. In addition, the rip rap repair would need to be carefully evaluated to determine whether any fill results from that work. The project also includes 12,000 cubic yards of dredging. Both the fill and the dredging, while apparently allowable uses under Section 30233, would need to provide adequate mitigation to offset impacts and would need to be the least environmentally damaging alternative.

A detailed Biological Assessment, prepared by a qualified professional and no more than one year old, must be included with the coastal development permit application. The Biological Assessment must identify the existing biological resources at the subject site and assess any impacts the project would have on those on-site resources, as well as whether any impacts would be expected to the surrounding area including the adjacent Bolsa Chica Ecological Reserve. Impacts due to pile placement and pile driving must be assessed, including noise impacts. Also, whether impacts will accrue due to the proposed repair of the existing rip rap revetment must be assessed. Generally, the Commission considers like for like values when considering mitigation for habitat impacts (when such impacts are allowable and unavoidable). In addition, Eelgrass and Caluerpa taxifolia surveys must be included. Increased water coverage and shading impacts should be identified. For any unavoidable impacts identified, a mitigation plan must also be prepared and submitted. CCC-5

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The MND states that the proposed development will include 12,000 cubic yards of dredging to accommodate the new 23 slip marina. Section 30233(a)(3) of the Coastal Act allows dredging in open coastal waters, other than wetlands, for new or expanded boating facilities. Section 30233(d) encourages the placement of suitable dredge spoil material to be placed at appropriate points along the shoreline when feasible and when feasible mitigation is provided to minimize adverse environmental effects. To that end, sediment testing results (US Army Corps of Engineers (USACE) and US Environmental Protection Agency (USEPA) protocol) assessing whether the dredged material is suitable for beach replenishment will be required as part of the coastal development permit application. This would include sediment grain size analysis of the dredging site and receiver beach (if any); and may also involve chemical testing (consult with USACE and USEPA regarding such testing requirements). Evidence of USACE and USEPA review and approval of both the testing plan and results/disposal plan will be required as part of the coastal development permit application. If the dredged sediment is suitable for beach nourishment then the identity of a suitable beach site to receive the sediment will also be required with the coastal development permit application. In any case, the final location of the dredge spoils will need to be identified at the time a coastal development permit application is submitted.

In addition, information on the expected need and frequency of maintenance dredging to support the proposed marina should be developed. Is the area dredged periodically or at all now? What changes to the current dredging practice (if any) would the proposed development require? New dredging or more frequent dredging would have greater impacts on the marine environment. If such use is found to be consistent with the requirements of Section 30233, impacts arising from this use would need to provide adequate mitigation. CCC-5

The MND also states that the existing rock rip rap revetment will be repaired. Would the proposed repair result in any fill of wetlands and/or coastal waters? Supporting documentation demonstrating and quantifying the amount of fill resulting from the proposed project will be required. Alternatives need to be considered that minimize fill, including but not limited to use of a vertical wall instead of rip rap. Typically, a mitigation ratio for allowable fill of coastal waters or wetlands is 3 or 4 (mitigation) to 1 (impact).

Moreover, the subject site's location adjacent to the Bolsa Chica Ecological Reserve should be considered in greater detail. The subject site is connected via tide gates to the sensitive habitat and wetlands of the Bolsa Chica Ecological Reserve. Could the contemplated development have adverse impacts on the ecological reserve? What type of exchange between the subject site and the reserve currently exists? How will that exchange be affected by the proposed development (both during construction and long term)? The MND states: "The area has experienced sedimentation in the past, resulting in the formation of a shoal that presents a hazard to navigation. To allow safe navigation, the area of the proposed marina will be dredged." It seems this sedimentation would continue. Will additional and/or on-going siltation occur in this location? How often would

maintenance dredging for the marina be required? How will maintenance dredging effect marine resources at the subject site, at the adjacent ecological reserve, and in the surrounding vicinity in general? CCC-5

Engineering Assessment

An Engineering Assessment must be prepared for the proposed project in conjunction with the coastal development permit application. The Engineering Assessment must be prepared by a qualified registered engineer familiar with coastal processes. This analysis must include consideration of hydrological/hydraulic impact of placement of the proposed marina at the outlet point of the East Garden Grove/Wintersburg (EGGW) flood control channel into Huntington Harbour. Is a marina feasible in the proposed location? Is the proposed slip placement the best configuration from an engineering standpoint, especially given its location at the outlet point of the EGGW flood control channel? Will the proposed marina create adverse impacts upstream or downstream? Will it create or contribute to instability at the project site or in the project vicinity? CCC-6

The Engineering Assessment should evaluate the need for dredging at the site and any impacts arising from the dredging on the stability of the site. The Assessment should also evaluate the expected frequency for future maintenance dredging and related impacts. The Engineering Assessment should also address the need for shoreline protection and the proposed repair of the rip rap rock revetment and address its impacts on shoreline sand supply. The Engineering Analysis must take into account anticipated effects of sea level rise.

Alternatives Analysis

The coastal development permit application for the proposed project must include an Alternatives Analysis. The Alternatives Analysis must include consideration of the "no project" alternative as well as other potential variations of the project or a different project. One part of a potential alternative that should be included in this analysis is the inclusion of dock materials that allow light to pass through. Each alternative should identify the benefits and drawbacks from biological and hydrological impacts and any other environmental impacts associated with the development. The alternatives analysis should draw a conclusion, supported by the evidence, as to which is the environmentally superior, feasible alternative. The Analysis must provide an assessment of how the proposed project is the least environmentally damaging alternative. CCC-7

Public Access/Recreation

The MND indicates that the proposed project will include a public sidewalk along the harbor frontage, a transient side tie boat slip available to the public, and a "floating pedestrian access ramp" (page 42 of MND). Also, the 23 slip marina is proposed to be a public marina. The MND also references a "public dock to launch recreational CCC-8

ATTACHMENT NO. 88

watercrafts." Also, a restroom is proposed at the subject site and 44 metered parking spaces. A 600 square foot kiosk for the rental/sales of kayaks, paddleboards and other equipment is also part of the proposed project.

A Public Access Plan should be included in the coastal development permit application. The Public Access Plan should:

- Identify all public amenities included in the proposed project;
- Identify the mechanisms for assuring continued public use of these amenities (e.g. will the public sidewalk be offered for dedication to the City? Will the proposed restroom be available to the general public?);
- Include a parking plan that clearly delineates all parking at the site and clarifies how public parking will be made available (e.g. will all parking spaces be available on a "first come- first served basis? What time frame will the meters allow?);
- Describe the Public Trust Easement (PTE) that exists on the site and how the proposed development is consistent with that PTE;
- Provide a description of how fishing will remain available to the general public at the site (as required by the PTE and the California Constitution). Will any portion of the marina float(s) be accessible to the general, non-boating public for this use?
- Include a detailed Public Access Signage Plan (including sign sizes, wording, locations, etc.).

CCC-8

Section 30222 of the Coastal Act promotes lower cost visitor serving recreational uses. Typically, smaller boat slips are considered to provide lower cost recreational uses. Also, facilities to launch smaller watercraft such as kayaks and paddleboards promote lower cost visitor recreational use.

History of Ownership and Land Use at the Site

The site was previously developed with a public fishing dock served by a public parking lot. Such use is consistent with both the Public Trust Easement and with the certified LCP land use designation and zoning, LCP policies, and the Chapter 3 policies of the Coastal Act. Information and background regarding why this use ceased should be included with the coastal development permit application. It is unclear how land subject to the Public Trust Easement and land use designated and zoned for public use came into private ownership. Therefore, a detailed chain of title and history of ownership must be prepared and will be required for submittal of a coastal development permit application. In addition, a history of how the site came to be developed as a park (Percy Park), how that park use ceased, and how the site came into private ownership should be included in this history of ownership. The MND indicates that the site was subject to a revocable easement held by the city, but that the easement was revoked in 2002. The information requested above should include clarification as to the nature of that easement and whether there were any limitations on why the easement could be revoked. Although the proposed use appears to be a higher

CCC-9

priority use under the City's LCP and the Coastal Act, this information is necessary to understand the site history and to make informed decisions as to the appropriate use at the site. CCC-9

Water Quality

A comprehensive Water Quality Management Plan (WQMP) must be prepared for the proposed project and submitted with the coastal development permit application. The MND indicates that the project will include two flow-through planter boxes to capture and treat site runoff. In addition, the two existing catch basins would remain and will continue to collect the majority of the site runoff, but will be newly outfitted with catch basin filter inserts. The MND indicates that the impervious area of the subject site will increase from 70% to 81%. This increase should be avoided. An explanation of why a decrease in pervious area cannot be accommodated on site would need to be provided. Site design and source control BMPs are preferred to mechanical treatment BMPs. Consideration should be given to accommodating site design and source control BMPs into the proposed development. If they are not part of the proposal, a detailed explanation and supporting documentation should be provided. The WQMP should address both construction activities and long term, post construction. CCC-11

It is not clear whether dewatering is part of the current proposal. If so, a detailed description of the proposed site dewatering and dewatering plan (prepared by a qualified professional) must be included in conjunction with the coastal development permit application. This should identify any impacts expected from the dewatering and BMPs to address and/or avoid adverse impacts.

Navigation

The proposed marina development would extend development significantly channelward. Public safety boats (lifeguard/marine services) are docked, stored, and/or launched directly across the channel from the subject site. In addition, a public boat launch ramp, and public dock with pump out station all exist directly across the channel from the proposed development. Attachment 2.1 of the MND identifies a "state turning radius" in the northern part of the proposed marina and a "turning circle" in the western part of the proposed marina. It appears that the proposed marina encroaches into both of these turning features. A discussion of how the proposed marina will impact navigation must be included with the coastal development permit application, including a discussion of impacts to these turning features. In addition, a discussion of how the ability to readily access the public serving features (including the above mentioned lifeguard/marine services, and public boat launch) and to freely negotiate the channel must be included in the coastal development permit application. In addition, please provide details on how the proposed marina development will impact the ability of the properties on the opposite side of the channel to expand their docking capacities. Review by the Coast Guard may be required. CCC-1

Tentative Tract Map

The MND includes a Tentative Parcel Map in the list of entitlements required for the proposed project. The Tentative Parcel Map would be "to subdivide the existing privately-owned portion of the site (1.91 acre parcel) into two parcels (0.94 acre parcel for the marina portion of the site and 0.97 acre for the land portion of the site). It seems the proposed uses at the site are intricately related (marina in the water portion, marina office, water oriented retail/rental facility, and parking on the land portion). It does not appear appropriate to separate these portions of the proposed project into two separate parcels. It seems the uses proposed on the land portion of the site are necessary to serve the proposed marina use, and thus should not be separated in a manner that may allow them to potentially come into separate ownership at some point in the future. What purpose is the parcel map intended to serve? These questions must be addressed in the coastal development permit application submittal. CCC-12

California Department of Fish and Game

Please provide written evidence of review and comment of the proposed project from the California Department of Fish and Game, including review of any proposed mitigation plan. CCC-13

Technical Studies

MND cites a number of technical studies, but these were not included in the MND for review and so Coastal Commission staff has not had the ability to review them. Additional comments may be generated when such studies have been reviewed. CCC-14

Again, thank you for the opportunity to comment and please do not hesitate to contact me if you have questions regarding these comments.

Sincerely,

M Vaughn

Meg Vaughn
Staff Analyst

Harmony Cove Rvsd MND cmnt ltr 6.26.12 mv

ATTACHMENT NO. 8.11

STATE OF CALIFORNIA

EDMUND G. BROWN JR., *Governor*

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

CURTIS L. FOSSUM, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1900**
Contact FAX: **(916) 574-1885**

June 7, 2012

File Ref#: SCH 2010041051

Tess Nguyen
Associate Planner
Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RECEIVED
JUN 07 2012
Dept. of Planning
& Building

SUBJECT: Mitigated Negative Declaration (MND) for the Proposed Harmony Cove Marina Development, Main Channel of Huntington Harbour, Adjacent to 4121 Warner Avenue, Huntington Beach, Orange County

Dear Ms. Nguyen:

The California State Lands Commission (CSLC) staff has reviewed the subject MND for the proposed Harmony Cove Marina Development Project (Project), which is being prepared by the city of Huntington Beach (City). The City, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is designated as a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Because the Project involves work within sovereign lands, the CSLC will also act as a responsible agency. CSLC-1

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust. CSLC-2

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat

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preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections. CSLC-2

Project Description and Location

The proposed Project involves the development of a recreational boat marina, including a 100-foot-long transient dock and 50-foot-long public dock open to the public, and 22 boat slips available for lease to the public. As part of the Project, ancillary uses are also proposed, including (1) a 1,200 square-foot building incorporating a marina office, eating and drinking establishment, 800 square-foot enclosed outdoor patio dining and seating area, (2) a 600 square-foot rental/retail kiosk space, and (3) associated access, utilities, parking, landscaping and drainage/water quality improvements. The proposed project is located in the city of Huntington Beach, north of the Bolsa Chica Ecological Reserve. The upland portion of the site is currently improved with a public parking lot. CSLC-3

The majority of the Project would be developed on a 1.91-acre parcel of private property, consisting of 42,463 square feet (0.97 acre) of developed upland area and 40,935 square feet (0.94 acre) of slope area and submerged land. However, a 16,119 square foot (0.37 acre) area where a portion of the proposed public marina will be located is State sovereign land under the jurisdiction of the CSLC and therefore, is subject to a CSLC lease.

Environmental Review

Because the CSLC will need to rely on the MND for issuance of a lease, CSLC staff requests the City consider the following comments and suggestions and incorporate appropriate revisions into the final MND.

General Comments

1. Project Description: A thorough and complete Project Description describing the in-water construction activities should be included in the MND in order to facilitate meaningful environmental review of potential impacts, and mitigation measures. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more meaningful analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required. CSLC-4

Biological Resources

2. Sensitive Species: Marine impacts resulting from construction activities and increased activity may potentially impact marine resources and, therefore, CSLC staff also recommends that the City analyze impacts to marine resources, and develop and implement a Marine Mammal and Turtle Contingency Plan to minimize impacts to marine resources. CSLC-5

3. Invasive Species: One of the major stressors in California waterways is introduced species. Therefore, the MND should consider the Project's potential to encourage the establishment or proliferation of aquatic invasive species (AIS) or other nonindigenous, invasive species including aquatic plants. The California Department of Fish and Game (DFG) Invasive Species Program could assist with this analysis as well as with the development of appropriate mitigation (information at http://www.dfg.ca.gov/invasives/). CSLC-6

4. Construction Noise: The MND should evaluate noise and vibration impacts on marine animals and birds from construction of the proposed facilities. In particular, the City proposes to install an unknown number of concrete pilings into the substrate in shallow water. Barotrauma effects to fish and other marine species could occur if the underwater sound pressure levels (SPL) caused by pile-driving activities exceed known injury thresholds. The MND should discuss the methods proposed for pile installation and analyze the potential for these activities to disturb, injure, or kill sensitive fish (including eggs and larvae) or other organisms. Mitigation measures could include species-specific work windows as defined by DFG, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). Again, CSLC staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species. CSLC-7

5. Hazards and Hazardous Materials: Before any dredging or ground-breaking activities can begin several reports will need to be reviewed and approved by the appropriate local regulatory authority. Dredging of the proposed 12,000 cubic yards of sediment should be approved by the Southern California Dredged Material Management Team (SCDMMT). Appropriate analyses should be recommended by the SCDMMT for the proposed dredging and disposal of the dredge spoils. Once the results of the proposed dredging has been sampled and evaluated by the applicant's third-party sampling contractor, approvals for disposal from the SCDMMT are usually forthcoming unless elevated levels of contaminated sediments are found. A Phase I and Phase II Environmental Site Assessment (ESA I and II) is required to determine the condition of the upland Site sediments and make any determination of the material with regard to appropriate disposal requirements before any ground-breaking activity occurs. As part of the ESA II, a Health and Safety Plan (HSP) and Sampling and Analysis Plan (SAP) for the sediment testing will be required and reviewed prior to any digging or dredging. The results of this testing and evaluation will need to be reviewed as well. These are material testing procedures that are usually conducted concurrently with physical sediment testing. If any of these CSLC-8

reports have been prepared or reviewed during the MND process, please provide them to CSLC staff to review. CSLC-8

Climate Change

6. Sea Level Rise: The MND should also consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. The MND does not mention or reference the potential effects of sea level rise on the construction or the operation of the facility. At a minimum the MND should state what implemented facility improvements will be incorporated to ensure future sea level rise will be addressed for future operation. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. The Report can be found on the CSLC's website, http://www.slc.ca.gov. One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases. Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access. CSLC-9

Cultural Resources

7. Submerged Resources: The MND should evaluate potential submerged cultural resources in the Project area. The MND does not have an adequate discussion and analysis of the potential for shipwrecks/cultural resources to be impacted within the footprint of the planned construction. Please provide a thorough evaluation of any shipwreck/cultural resources which potentially could be impacted by the planned construction. The CSLC maintains a shipwrecks database, available at http://shipwrecks.slc.ca.gov that can assist with this analysis. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in state waters for more than 50 years is presumed to be significant. CSLC-1

8. Title to Resources: The MND should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The recovery of objects from any submerged archaeological site or shipwreck may require a salvage permit under Public Resources Code section 6309. CSLC staff requests that the District consult with Senior Staff Counsel Pam Griggs CSLC-1

CSLC-11

at the contact information noted at the end of this letter, should any cultural resources be discovered during construction of the proposed Project.

Thank you for the opportunity to comment on the MND for the Project. As a responsible agency, the CSLC will need to rely on the adopted MND for the issuance of any new lease as specified above and, therefore, we request that you consider our comments when finalizing the MND. Please send additional information on the Project to the CSLC as plans become finalized.

CSLC-1

Please send copies of future Project-related documents, including an electronic copy of the adopted MND, Mitigation Monitoring Program, and Notice of Determination when they become available. If you have any questions regarding the Public Trust or the Lease Application process for the development of a commercial marina on sovereign lands, please feel free to call Grace Kato, Public Land Manger, at grace.kato@slc.ca.gov or (916) 574-1227. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at pamela.griggs@slc.ca.gov. If you have any questions regarding the environmental concerns for the proposed project, please feel free to call Christopher Huitt, Staff Environmental Scientist, at christopher.huitt@slc.ca.gov or (916) 574-1938.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Meg Vaughn, California Coastal Commission (w/o enclosure)
Grace Kato, LMD, CSLC
Chris Huitt, DEPM, CSLC
Pam Griggs, Legal, CSLC
Kathryn Colson, Legal, CSLC

ATTACHMENT NO. 8.16

Nguyen, Tess

From: Loni Adams [LAdams@dfg.ca.gov]
Sent: Thursday, June 21, 2012 5:21 PM
To: Nguyen, Tess
Cc: mvaughn@coastal.ca.gov; Matthew Chirdon; Vicki Frey; Jon_Avery@fws.gov; bryant.chesney
Subject: Mitigated Negative Declaration for the Harmony Cove Marina Development Project
Importance: High

RECEIVED
JUN 21 2012
Dept. of Planning & Building

Dear Ms. Nguyen:

The Department of Fish and Game (Department) has reviewed the Mitigated Negative Declaration (MND) received on May 11, 2012 for the proposed Harmony Cove 23-Boat Marina Project (Project). The site is located in the southern portion of Huntington Harbor in the City of Huntington Beach and is adjacent to the Bolsa Chica Ecological Reserve. The Project would entail the following activities:

DFG

- Construction of a new 9,898 square foot boat dock, including thirty new piles.
- Repair of a sea wall, including rock revetment.
- Installation of bulkheads and access ramps.
- New dredging of approximately 12,000 cubic yards of sediment.

As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and habitat necessary for biologically sustainable populations. In this capacity, the Department administers the California Endangered Species Act, the Native Plant Protection Act, as well as other provisions of the California Fish and Game Code and Title 14 of the California Code of Regulations that afford protection to the State's fish and wildlife. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act (MLPA) in coastal marine waters of California. Pursuant to our jurisdiction, the Department submits the following concerns and recommendations regarding the Project.

DFG

The MND does not include sufficient biological baseline information to allow an adequate assessment of the Project related impacts to fish and wildlife resources that utilize this area. A detailed baseline biological assessment is needed for this Project. The Project area includes eelgrass habitat, mudflat habitat, salt marsh and wetland habitat. The MND does include a baseline eelgrass survey.

However, the MND fails to discuss the mudflat, salt marsh or wetland habitats that will be adversely affected by the proposed Project. The Department recommends that baseline surveys of these habitats, associated species and an analysis of effects be conducted prior to certification of the final MND. If the baseline surveys and effects analysis find that significant impacts will be realized as a result of the proposed Project, then mitigation for those impacts should be identified and approved.

DFG

Recommendations

The following items should be fully addressed and included in a final MND:

1. 1.A detailed biological assessment of all affected habitats and the development of mitigation and monitoring plans should be completed prior to the finalization of the MND.

2. 2. The recommended mitigation and monitoring plans for habitat impacts should be developed in collaboration with the Department and the other resources agencies.

As always, Department personnel are available to discuss our concerns, comments, and recommendations in greater detail. To arrange a discussion, please contact Ms. Loni Adams, Environmental Scientist, Marine Region, 3883 Ruffin Rd., San Diego, CA 92123, telephone (858) 627-3985 or ladams@dfg.ca.gov.

ATTACHMENT NO. 8.17

Nguyen, Tess

From: Loni Adams [LAdams@dfg.ca.gov]
Sent: Monday, June 25, 2012 3:40 PM
To: Nguyen, Tess
Cc: mvaughn@coastal.ca.gov; Jon_Avery@fws.gov; Adam Obaza
Subject: Re: Harmony Cove New Marina Construction Project

RECEIVED

JUN 25 2012

Dept. of Planning & Building

Tess,

We also need you to send a PDF of the MND to all of us.

Please be advised that the biological assessment you sent me was reviewed today. The 2011 revised biological impact assessment does not address mudflat habitat loss. A new assessment of permanent losses to the native bottom habitats related to new dredging and shading impacts in the project area is recommended as per the previous email with recommendations. Please note that eelgrass transplanting alone does not compensate for permanent loss of soft bottom substrates or mudflats (a sensitive and productive habitat). In kind habitat mitigation is the preferred method for permanent marine or mudflat habitat losses. These are not temporary losses as described in the assessment. DFG-1

Additionally, adding artificial dock substrates do not compensate for open water foraging habitat losses to plunge diving birds. Also, the artificial dock substrates proposed does not compensate for the impacts related to the shading of the open water and bottom habitats unless the materials used will allow sufficient light to pass through the docks and into the waters below it. Recent studies have shown that reduced light below docks, reduces the general native marine life productivity and increases the abundance of non-native species as per NMFS's draft overwater structures document related to essential fish habitat. DFG-2

A separate mitigation and monitoring plan should be developed for this project along with input from all resources agencies as previously recommended.

Sincerely,

Loni Adams
Environmental Scientist
Department of Fish and Game
Marine Region
3883 Ruffin Rd.
San Diego, CA 92123

Office: 858-627-3985
Cell: 858-750-8803
Fax: 858-627-3984

ATTACHMENT NO. 8.18

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2000
Fax: (949) 724-2592

RECEIVED
JUN 4 2012
Dept. of Planning & Building

Flex your power!
Be energy efficient!

FAX & MAIL

May 30, 2012

Tess Nguyen
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2010041051
Log #: 3005
SR-1

Subject: 3901 Warner Avenue

Dear Ms. Nguyen,

Thank you for the opportunity to review and comment on the **3901 Warner Avenue development, Environmental Assessment (EA)** . The proposed project would result in a 23-boat slip marina, an eating and drinking establishment with alcoholic beverage sales, ancillary uses to the marina (marina office, retail/rental uses), metered parking, and outdoor display of sale and rental equipment, located at the north side of Warner Avenue, west of Weatherly Lane. The nearest State route to the project is SR-1.

The California Department of Transportation (Department), District 12 is a commenting agency on this project and has no further comments at this time.

DOT-

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Farhad Edward Khosravi at ed_khosravi@dot.ca.gov or (949) 724-2338.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

ATTACHMENT NO. 8.19

STATE OF CALIFORNIA Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

RECEIVED
MAY 30 2012
Dept. of Planning & Building

May 25, 2012

Ms. Tess Nguyen, Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: SCH#2010041051; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the **"Harmony Cove Marina Development Project;"** located in the City of Huntington Beach; Orange County, California.

Dear Ms. Nguyen:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. NAHC-1

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were identified.

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r). NAHC-

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American

ATTACHMENT NO. 8.20

contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources. NAHC-2

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq*. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.' NAHC-3

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'. NAHC-4

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

ATTACHMENT NO. 8.22

Native American Contacts
Orange County
May 25, 2012

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net

(909) 262-9351 - cell

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675 m
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Anthony Rivera, Chairman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
arivera@juaneno.com
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
,
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Alfred Cruz, Cultural Resources Coordinator
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
alfredgcruz@sbcglobal.net
714-998-0721
714-998-0721 - FAX
714-321-1944 - cell

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010041051; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Harmony Cove Marina Development; locarted in the City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 8.23

Native American Contacts
Orange County
May 25, 2012

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Juaneño Band of Mission Indians
Sonia Johnston, Tribal Chairperson
P.O. Box 25628 Juaneno
Santa Ana , CA 92799
sonia.johnston@sbcglobal.
714-323-8312
714-998-0721

Juaneno Band of Mission Indians
Anita Espinoza
1740 Concerto Drive Juaneno
Anaheim , CA 92807
neta777@sbcglobal.net
(714) 779-8832

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
949-293-8522

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2010041051; CEQA Notice of Completion; proposed Mitigated Negative Declaration for the Harmony Cove Marina Development; locarted in the City of Huntington Beach; Orange County, California.

ATTACHMENT NO. 8.24

ORANGE COUNTY
OC PublicWorks
Our Community. Our Commitment.

RECEIVED
JUN 15 2012
Dept. of Planning & Building

Jess A. Carbajal, Director
300 N. Flower Street
Santa Ana, CA

P.O. Box 4048
Santa Ana, CA 92702-4048

Telephone: (714) 834-2300
Fax: (714) 834-5188

NCL 12-014

June 13, 2012

Ms. Tess Nguyen, Associate Planner
City of Huntington Beach Planning and Building Department
2000 Main Street
Huntington Beach, California 92648

SUBJECT: Notice of Availability of a Draft Mitigated Negative Declaration for the Harmony Cove Marina Development located in the City of Huntington Beach

OCPW-

Dear Ms. Nguyen:

The County has reviewed Notice of Availability of a Draft Mitigated Negative Declaration for the Harmony Cove Marina Development and has no comments at this time. We would like to be advised of any further developments, therefore, please keep us on the distribution list for future notifications related to this project.

Sincerely,

Michael Balsamo
Manager, OC Community Development
OC Public Works/OC Planning
300 North Flower Street
Santa Ana, California 92702-4048
Michael.Balsamo@ocpw.ocgov.com

MB/mmc

ATTACHMENT NO. 8.25

ORANGE COUNTY COASTKEEPER

3151 Airway Avenue, Suite F-110
Costa Mesa, CA 92626
Phone 714-850-1965
Fax 714-850-1592
www.Coastkeeper.org

RECEIVED
JUN 11 2012
Dept. of Planning & Building

June 8, 2012

Tess Nguyen
Associate Planner
City of Huntington Beach Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

Re: Draft Mitigated Negative Declaration No. 12-004 (Harmony Cove Marina Development)

Dear Ms. Nguyen,

Orange County Coastkeeper (Coastkeeper) is a non-profit organization whose mission is preserve, protect, and restore the watershed and coastal environment of Orange County. In addition to protecting and restoring water quality and marine and coastal habitat, Coastkeeper has a deep commitment to protecting public access to the beaches and waterways. Coastkeeper works with the California Coastal Commission and the city of Huntington Beach (City) in exercising the public's right to coastal access. OCC-1

Coastkeeper appreciates the opportunity to share our concerns regarding the Harmony Cove Marina Development (Development) and the Draft Mitigated Negative Declaration (MND). OCC-2

As proposed, the Development presents Coastkeeper with several concerns. First, the MND describes a "revocable" easement that was subject to a notice of termination; however, according to our investigation, easement appears to remain valid and enforceable. Second, Coastkeeper is concerned that the increase in recreational slips will place further strain on Huntington Harbor's few pumpout stations. Finally, Coastkeeper is concerned about the lack of publicly available unmetered parking at the proposed facility and protections for public access. OCC-3

Public Access to the Property must be a requirement for this project to go forth

The proponents of the Development assert an easement granted to the City by the Huntington Harbour Corporation providing public access to the property has been terminated. The easement provided, among other things, free public parking from 1984 until 2002.

The MND states that Tierrasanta, the previous owners of the property, recorded a Notice of Termination of the Easement on the Property in 2002. Coastkeeper legal interns conducted a review of the record prior to drafting this comment letter and discovered that Tierrasanta withdrew its Notice of Termination in October 2002. Therefore, Coastkeeper requests clarification as to whether the public access easement survived the 2002 actions by Tierrasanta. If the record is complete and the easement survived, then Coastkeeper supports continued public access to the free parking lot and the bulkhead. OCC-4

ATTACHMENT NO. 8.26

Huntington Harbour's Chronic Pumpout Station Deficiencies Should Encourage the City to Require a New Pumpout Station at the Harmony Cove Marina Development

The City should require the construction of at least one pumpout station at the Development because Huntington Harbour does not possess sufficient pumpout stations and dump stations to adequately service the number of recreational vessels operating in the harbor. State Water Resources Control Board, Water Quality Order No. 2004-0017-DWQ requires owners and operators of specified vessel terminals located in Huntington Harbour to install, maintain, and operate the pump-out facilities and dump stations where necessary to protect water quality. The Federal Clean Vessel Act prohibits "the discharge of sewage into No Discharge Zone (NDZ) waters." An NDZ is an area where boat owners are prohibited from emptying their holding tanks into the harbor. Huntington Harbour was designated NDZ by the U.S. EPA in 1976. Further, in 1994, Huntington Harbour was listed on the federal Clean Water Act Section 303(d) list of impaired water bodies due to bacterial contamination.

The Development should be required to install at least one new pumpout station. Orange County is home to approximately 17,000 boats throughout Newport Harbor, Dana Point, and Huntington Harbour. Most of these vessels contain "holding tanks" that retain sewage generated during their normal operation. These tanks are limited in size and require regular emptying. If the tanks are not emptied, sewage will overflow and discharge directly into the harbor, causing a variety of environmental problems.

The Development proposes to increase the capacity of Huntington Harbour's available recreational slips by 23 without committing to construct and operate any new pumpout stations or dump stations. Adding 23 new slips will exacerbate the inadequate distribution of the few existing pumpout stations, which cannot efficiently manage the sewage created around and within the marinas. Many problems arise when vessel sewage is not properly disposed of, including: life-threatening diseases, contamination of shellfish and decreased oxygen levels that stress or kill marine life. Sewage dumping also results in a less attractive destination for tourism and boaters. The 1992 Clean Vessel Act identifies vessel discharge as "[A] substantial contributor to localized degradation of water quality in the United States."

OCC-5

In Huntington Harbour, there are eight (8) privately owned vessel terminals, a number vastly less than needed to enough to ameliorate the existing situation. In October 2002, Coastkeeper conducted a survey of pumpout facilities in Huntington Harbour and found inoperable pumpout facilities, poor housekeeping, and limited or no access to the existing pumpout facilities. Based on the surveys and consideration of relevant federal and state guidelines, Regional Water Quality Control Board, Santa Ana Region, (Regional Board) prepared a "Pumpout Facilities Need Report" (Report).

The Report listed the existing publicly and privately owned vessel terminals in Huntington Harbour. It specifies whether these vessel terminals are for public and/or private use; and, identifies the locations of existing pumpout facilities. The Report describes the observed deficiencies in the vessel sewage disposal program in both water bodies and specifies a recommended "Vessel Sewage Disposal Program." Based on the Report, three (3) additional pumpout facilities and three (3) dump stations are necessary in Huntington Harbour. The installation and maintenance of these facilities are necessary to comply with NDZ provisions and to protect REC1 and Huntington Harbour.

On August 22, 2003, the Regional Board approved Resolution No. R8-2003-0074, approving the pumpout facility needs delineated in the "Pumpout Facility Need Report" and requesting that the State Board adopt requirements implementing the recommended "Vessel Sewage Disposal Program" for Huntington Harbour. These include requirements for the installation of additional vessel waste disposal facilities and the implementation by responsible parties of specified operation, maintenance, public education and outreach, and monitoring programs.

The fact that Huntington Harbour is designated NDZ and the inadequate number of available pumpout facilities prior to the Development speaks to the sensitivity of these waters and the need to build at least one new pumpout station to service the increased demand. As such, Coastkeeper strongly encourages the City to require the proponents of the Development to install at least one new pumpout station. OCC-5

The Harmony Cove Marina Development Should Be Required to Keep a Reasonable Number of Non-Metered Parking Spaces in Order to Protect Public Access

Coastkeeper is concerned the proposal to place meters on all parking spaces may be inconsistent with Section 30213 of the California Coastal Act. Section 30213 provides that, "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Prior to the Development, the site was a popular public park that provided a number of valuable services to the community, including free public parking. This public parking furthered the interest of the easement and encouraged public access. OCC-6

Coastkeeper encourages the City to require surplus or undesignated parking spaces in the parking lot to be set aside for unmetered public parking in furtherance of the interest of public access. Coastkeeper commits to advocating for the inclusion of well-reasoned public access requirements via the City and the California Coastal Commission.

In conclusion, it is important to note that Coastkeeper does not oppose the Development. However, Coastkeeper has identified issues that raise important concerns with regard to public access and water quality. OCC-7

If you have any issues or concerns with out comment letter, then please do not hesitate to contact our offices at (714) 850-1965.

Regards,

Garry Brown
Executive Director
Orange County Coastkeeper

ATTACHMENT NO. 8.28

RECEIVED
JUN 08 2012
Dept. of Planning
& Building

TO: Tess Nguyen, Associate Planner

FROM: HB Environmental Board

SUBJECT: **ENVIRONMENTAL ASSESSMENT NO. 12-004 (Draft Mitigated Negative Declaration—Harmony Cove Marina Development)**

DATE: June 8, 2012

The Environmental Board reviewed this project on Thursday, June 7th, 2012. We are pleased to note the Owner's interest in developing this prime private property site immediately adjacent to Bolsa Chica Wetlands – a gem in our City's environmental treasury. HBEB-

With regard to the owner's request for several variances, the board is concerned by the general lack of specificity regarding project parameters, which is at least partially caused by the owner simply not using free and widely-available graphics software. Such software would allow all stakeholders to properly analyze potential benefits and concerns regarding this Dock/Restaurant design and construction effort. For example, Figure 1, below, illustrates how a free graphic makes it easier to visualize the site, boundaries of State Lands Commission's 1/3 acreage, its habitat sensitivity, and the real requirements of requested variances in rooftop, landscaping, etc. HBEB-

Figure 1. Google Map exhibit – showing many landscape and waterscape issues and requested entitlements

ATTACHMENT NO. 8.29

We request the owner utilize these simple and effective tools in order to properly address the following areas of concern:

1. The owner's request should properly identify the site on Channel and Warner Ave. as the gateway to vulnerable Bolsa Chica Wetlands;
2. The request should show at least some architectural details or specifics so that the board can address the impacts of the requested variances on the project site;
3. The request should more specifically demonstrate the **total** footprint of the planned restaurant, including both inside and outside dining areas, ingress, egress, and waiting areas, and any other areas the owner plans to associate with the proposed restaurant. The board notes that the inside dining area is designated as 880 square feet, however the variance request provides insufficient detail regarding the total restaurant facility to properly evaluate the request. HBEB-3
4. The request should, at minimum, outline the general plan for vehicle and bicycle parking spaces so the stakeholders can properly evaluate the impact of the requested variances on the site; and
5. The request should show specific entitlement costs and economic benefits in more detail using Google Sketch-up 3-D Warehouse or other free visualization tools.

With these requests in mind, the board makes the following recommendations to all stakeholders with regard to this variance request:

1. The owner should work with community partners (e.g. representatives from Ocean Friendly Gardens) to develop a site plan that acknowledges and incorporates the unique and highly sensitive ecological environment immediately adjacent to the site; HBEB-4
2. Any site plan should strive for LEED silver equivalence as a precondition for zoning variances; HBEB-5
3. The city should consider requiring the owner to operate and maintain litter and debris booms immediately adjacent to sensitive ecological habitats and entry points as a precondition for the granting of the requested variances; HBEB-6
4. The plan should examine ways to improve rainwater permeability and retention given the significant concrete pad space at the site; HBEB-7
5. Any possible future expansion of the Marine Safety facilities on the west side of the channel needs further clarification, and should be addressed in this variance request; HBEB-8
6. The site plan should incorporate noise blankets and/or noise barriers to minimize noise and ground vibration insurance risks; HBEB-9
7. The site plan should show where and how storm water mitigation elements could be located in the event the storm water drainage facility is determined inadequate per the Hydrology and Hydraulics Study. The board realizes that construction impacts of the HBEB-1

replacement of the private storm water facility will be addressed by the future required Grading Plan, Storm Drain Improvement Plan, and Storm Water Pollution Prevention Program; HBEB-10

8. The plan should demonstrate opportunities for litter abatement, trash recycling, and potential food waste diversion. Again, the board encourages the owner to address these issues by consulting with specialists at Rainbow Environmental Services; HBEB-11
9. The restaurant design plans for low energy, water, waste, and effective equipment typically raise many issues which can be answered at no cost to the owner by restaurant specialists at the Southern California Gas or Southern California Edison company. HBEB-12

In summary, the owner's interests in a successful restaurant and water sports facility can be realistically obtained by using existing visualization tools and working with willing community volunteer organizations to reduce costs and improve value. HBEB-13

Respectfully submitted

_____

Michael Marshall, Esq.

Chairman, HB Environmental Board

ATTACHMENT NO. 8.31

May 20, 2012

RECEIVED

MAY 21 2012

Dept. of Planning
& Building

Ms. Tess Nguyen
City of Huntington Beach
Department of Planning and Building
2000 Main Street, City Hall, 2nd Floor
Huntington Beach, CA

RE: Proposed Harmony Cove Marina Development, Warner Avenue, Huntington Beach

Dear Ms. Nguyen:

My husband and I have major concerns regarding the traffic that will be generated by the proposed Harmony Cove Marina Development.

Warner Avenue is a very heavily traveled street. Vehicles making left turns across two lanes of the street for ingress and egress will pose a significant hazard.

Probably the best solution would be to install a traffic signal at the entrance to the project. If this is not possible due to the proximity of the traffic signal at the entrance to the fire station, then we suggest the following mitigation:

Do not allow any left turns for vehicles leaving the project and going east (inland) on Warner Avenue because those vehicles would have to cross two busy lanes of traffic. Do not allow vehicles to turn left into the project because they would be crossing two lanes of traffic and backing up traffic on Warner Avenue.

We believe that the project should not be allowed unless traffic mitigation is included.

MAYW-

ATTACHMENT NO. 8.32

Letter sent by e-mail. Thank you for considering our concerns.

Very truly yours,

Francis Maywhort

Phyllis Maywhort
(562) 243-0787

16851 Bay View Drive
P. O. Box 198
Sunset Beach, CA 90742

APPENDIX B
RESPONSES TO COMMENTS ON THE DRAFT MND

STATE DEPARTMENTS

- **CALIFORNIA COASTAL COMMISSION (CCC), JUNE 27, 2012**

CCC-1 The comment states that the comments provided are directed primarily to identify information that will be necessary at the time the Coastal Development Permit for the project is pursued at the California Coastal Commission. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-2 This comment provides introductory or general information regarding the project and its location, and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-3 The comment pertains to the jurisdictional authority and standards of review of applications for development on the land and water portions. Coastal Commission staff is recommending that the required Coastal Development Permit be processed by the Coastal Commission as a consolidated permit. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-4 The comment relates to the land use designation and zoning of the project site in the City's certified Land Use Plan (LUP) and Implementing Plan (IP) and corresponding allowable uses. Coastal Commission staff is recommending that the zone be changed if the proposed uses (eating and drinking establishment) are not allowed under the LUP and IP land use and zoning designation. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-5 The comment relates to the submittal of a detailed biological assessment, dredging and disposal of dredged materials information, repair of existing rock rip rap revetment information, and impacts to the Bolsa Chica Ecological Reserve for the Coastal Development Permit with the California Coastal Commission. A Biological Assessment was prepared by MBC Applied Environmental Sciences and the information was included in the Biological Resources Section of the Draft MND. A preliminary Water Quality Management Plan was prepared by R.T. Quinn and Associates, Inc. and the

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information regarding dredging was included in the Hydrology and Water Quality Section of the Draft MND. A preliminary Geology and Soils Report was prepared by TerraCosta Consulting Group, Inc. and the information regarding repair of the existing rock rip rap revetted slope was included in the Geology and Soils Section of the Draft MND. The area has not been dredged in recent years and there is no information on the frequency of future maintenance dredging for the proposed marina. The comment will be forwarded to the applicant for their information.

CCC-6 The comment discusses the need to submit an Engineering Assessment for the hydrological/hydraulic impact of the project on Huntington Harbour, information regarding the impact of dredging on the stability of the site, and need for shoreline protection for the Coastal Development Permit with the California Coastal Commission. An Analysis of Changes in Water Levels, Current Speeds, and Sedimentation was prepared by Everest International Consultants, Inc. and the information regarding the hydrological/hydraulic impact of the project was included in the Hydrology and Water Quality Section of the Draft MND. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND.

CCC-7 The comment relates to the submittal of an Alternatives Analysis, i.e. "no impact" alternative, other project variations, or a different project, for the Coastal Development Permit with the California Coastal Commission. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-8 The comment indicates that a Public Access Plan should be included in the Coastal Development Permit application to the California Coastal Commission. The Public Access Plan should identify all public amenities, mechanisms for assuring continued public use of those amenities, public parking plan, existence of Public Trust Easement on the site and maintenance of uses under the easement, public access signage plan. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-9 The comment relates to the submittal of information and background on the history of the ownership and land use at the site for the Coastal Development Permit with the California Coastal Commission. The former use of the site as a public boat dock/parking facility was mentioned in the Project Description section of the Draft MND. The comment will be forwarded to the applicant for their information. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CCC-10 The comment indicates that a comprehensive Water Quality Management Plan (WQMP) must be prepared for the proposed project and submitted with the Coastal Development Permit application with the California Coastal Commission. A preliminary WQMP was prepared by R.T. Quinn and Associates, Inc. and the information was included in the Hydrology and Water Quality Section of the Draft MND. No dewatering is proposed as part of the proposed project. The comment will be forwarded to the applicant for their information.

CCC-11 The comment relates to the submittal of a discussion of the proposed marina's impact on navigation in the channels, including the ability of uses across the channel to access the channel and to expand their docking capacities, for the Coastal Development Permit application with the California Coastal Commission. The comment is not a direct comment on the adequacy of the Draft MND and will be forwarded to the applicant for their information.

CCC-12 The comment relates to the appropriateness of the Tentative Parcel Map to subdivide the privately owned portion of the site into two parcels since the proposed uses are intricately related. A discussion of the reasoning behind the subdivision must be submitted as part of the Coastal Development Permit application with the California Coastal Commission. The comment will be forwarded to the applicant for their information.

CCC-13 The comment relates to providing the written evidence for review and comment of the proposed project from the California Department of Fish and Game (DFG) for the Coastal Development Permit application with the California Coastal Commission. The Draft MND was reviewed by the Department of Fish and Game and comments (dated June 21 and June 25) from DFG were received by the City and are included in this Response of Comments document. The comment will be forwarded to the applicant for their information.

CCC-14 The comment states that the Coastal Commission staff may have additional comments once the technical studies for the project are reviewed. The list of technical studies for the project was included in the Draft MND (Source List) with the reference that they were available for review at the City of Huntington Beach Planning and Building Department. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

- **CALIFORNIA STATE LANDS COMMISSION (CSLC), JUNE 7, 2012**

CSLC-1 This comment explains the role of the City and California State Lands Commission. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CSLC-2 This comment describes the California State Lands Commission's jurisdictional and management authority. In addition, background on State of California's ownership of all tidelands and submerged lands and beds of navigable lakes and waterways was provided. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CSLC-3 This comment provides introductory or general information regarding the project and its location, and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CSLC-4 The comment relates to describing the in-water construction activities in the project description to be included in the Draft MND. The in-water construction activities are described in the Geology and Soils, Hydrology and Water Quality, and Noise sections of the Draft MND. For more complete information regarding the in-water construction activities, refer to the Preliminary Geology and Soils Study, prepared by TerraCosta Consulting Group, Inc. (December 2011), which is referenced as source item #16 in the Draft MND.

CSLC-5 The comment relates to analyzing impacts to marine resources from construction activities and increased activity in the water. The Biological Resources section of the Draft MND discusses sensitive species, including marine mammals. The Biological Assessment, prepared by MBC Applied Environmental Sciences (January 2012), provides more detailed information regarding marine mammals and turtles. Mitigation Measure BIO-5 would minimize impacts to marine resources, specifically marine mammals and turtles. Additional mitigation measures (see below and in Errata) would require a biological observer to monitor the presence of marine mammals during pile driving activities and stop construction activities in the event that any marine mammals is observed. In addition, pile driving activities would be done by a soft start sequence to allow marine mammals to move away from the area when pile driving activities begin.

BIO-6: A biological observer shall be present during the pile driving and dredging activities and shall have the authority to cease operations if a marine mammal or turtle comes within the exclusion zone, fish species are observed to be dead, and California least terns are present within the exclusion zone.

BIO-7: If any marine mammal is observed within 100 meters of the work site, all pile driving and dredging activities shall cease until the marine mammals or turtle has left the area of concern. If a marine mammal enters the safety zone after pile-driving of a segment has begun, pile-driving shall continue. If a marine mammal in the 100-meter safety zone is observed, but more than 10 meter away, the contractor shall wait at least 15 minutes to commence pile-

driving. If the marine mammal has not left the 100-meter safety zone after 15 minutes, pile-driving can commence.

All pile driving activities shall be accomplished by a soft start sequence. At the beginning of each pile driving event and after breaks of more than 15 minutes, the soft start method shall be employed for impact pile driving. The hammer shall be operated at less than full capacity (i.e. approximately 40-60% energy levels) with no less than a 1-minute interval between each of five strikes for a 5-minute period. After the 5-minute soft-start period, full capacity strikes shall be allowed during the duration of each individual pile driving event.

CSLC-6 The comment relates to analyzing the project's potential to encourage the establishment and proliferation of aquatic invasive species. According to Michael Curtis of MBC Applied Environmental Sciences, there is very little potential of the proposed project to introduce invasive species and the project will not directly introduce any non-native species. Studies have shown that invasive species are a very low percentage versus native species that will grow in communities of organisms found on the sides of docks, marinas, harbors, and boats. In the vicinity of the proposed project, there is a proliferation of docks and bulkheads which are common throughout Huntington Harbour and they have already provided all the increase in habitat necessary to any invasive species. The proposed project site would add only a very small increment to the potential habitat available.

CSLC-7 The comment relates to evaluating noise and vibration impacts on marine animals and birds from construction of the proposed facilities. As described in the Geology and Soils Section of the Draft MND, the applicant, not the City, proposes to install approximately 30 guide piles in the channel. See Response CSLC-5, which provides discussions about impacts to marine mammals and turtles. Below is a discussion of impacts to fish and bird species:

Fish Species—According to Michael Curtis of MBC Applied Environmental Sciences, there are several fish species for which Huntington Harbour is included as part of their Essential Fish Habitat. However, none of these species are known to be affected by typical pile driving activities. There are no threatened or endangered fish species that utilize Huntington Harbour. The soft start sequence for pile driving activities should be sufficient to allow any disturbed fish to leave the area. In addition, the biological observer shall watch for fish kills and stop pile driving activities should any be observed.

Bird Species—According to Michael Curtis of MBC Applied Environmental Sciences, the biological observer would be present to stop pile driving and dredging activities during any period where California least terns are present in order to minimize feeding disruptions by construction noise. In addition, the area planned for dredging would be very small (about 100 meters by 40 meters) and would not compromise a significant portion of the potential feeding area for California least terns.

CSLC-8 The comment relates to analyzing the potential impacts of dredging and disposal of dredged materials. The Hazards and Hazardous Materials section of the Draft MND discusses the proposed dredging and disposal of the dredged materials. The Preliminary Geology and Soils Study, prepared by TerraCosta Consulting Group, Inc. (December 2011), provides more detailed information regarding the dredging method and disposal of dredged materials. The project would be required to comply with all applicable regulations by regional, state and federal agencies for the testing and disposal of dredge materials. A Phase I and Phase II Environmental Site Assessment, prepared by Cornerstone Technologies, Inc. (February 2006), were submitted and included in the Draft MND sources list.

CSLC-9 This comment suggests that the Draft MND should consider the effects of sea level rise on all resource categories potentially affected by the proposed project. The comment states that CSLC staff is directed to request information related to the effects of sea level rise in lease applications with the agency. The discussion and analysis of the potential impacts of sea level rise is not required by the California Environmental Quality Act. In addition, the sea level rise information is related to the lease of land from the CSLC and not related to the City of Huntington Beach entitlement applications. The comment will be forwarded to the applicant for their response to the CSLC in the lease application.

CSLC-10 The comment relates to evaluating the potential submerged cultural resources (shipwrecks) in the project area. Huntington Harbour, the area where the project site is located, is a man-made residential marina complex that was dredged out of mudflats and filled to develop the land for the new community in the 1960s. As mentioned in the Draft MND, the site is not located within the vicinity of any identified archaeological sites, paleontological sites, or cultural resources. In addition, there are no shipwrecks at the project site according to the shipwrecks database, maintained by the CSLC.

CSLC-11 The comment states that the title of all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

CSLC-12 The comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

- **DEPARTMENT OF FISH AND GAME (DFG), JUNE 21 AND JUNE 25, 2012**

DFG-1 This comment provides introductory or general information regarding the project and its location, and is not a direct comment on the content or

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adequacy of the Draft MND, and does not raise any specific environmental issue.

DFG-2 This comment describes the California Department of Fish and Game's jurisdictional and management authority. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

DFG-3 The comment relates to providing sufficient biological baseline information to assess the project related impacts to fish and wildlife resources. A Biological Assessment was prepared by MBC Applied Environmental Sciences (January 2012) and the information regarding marine biological resources was included in the Biological Resources Section of the Draft MND. According to Michael Curtis of MBC Applied Environmental Sciences, the Biological Assessment described fish species, marine habitats, birds, and marine mammals. The Biological Assessment did not discuss the mudflat, salt marsh, or wetland habitats because these habitats do not exist on the project site and hence no baseline observations. Therefore, no analysis of the project impacts on these habitats, identification of mitigations, or collaboration with resources agencies are necessary.

DFG-4 The comment relates to providing information on the potential impacts to mudflat habitat and native bottom habitats. The Biological Assessment did not discuss the mudflat habitat because there is no mudflat at the project site. According to Mike Curtis of MBC Applied Environmental Sciences, the soft bottom habitats would remain, only deeper but still classified as shallow subtidal soft bottom habitats. Some animals that inhabit the soft bottom would be lost due to dredging, but they would quickly recolonize the soft bottom habitat, so there is no loss of soft bottom habitat and the loss of benthic infauna is only temporary. Since the loss is only temporary, no in kind habitat mitigation is necessary.

DFG-5 The comment relates to dock substrates and potential impacts to open water foraging habitat losses to plunge diving birds. According to the Biological Assessment by MBC Applied Environmental Sciences, the placement of docks on the surface would decrease access to the area by plunge diving birds such as terns and pelicans, but would increase feeding opportunities for more common diving birds such as grebes, cormorants, mergansers, surf scoters, bufflehead, and ruddy ducks. Based on the research provided by Mike Curtis of MBC Applied Environmental Sciences, there is no evidence that the shading of the dock substrates leads to measurable impacts on the bottom habitats. Research shows that the concerns about fostering of non-native species as a result of reduced light below docks are valid but not quantifiable as to the degree of the effect and whether the effect is positive or negative. Therefore, mitigation would not be necessary for either shading effects or the

introduction of non-native species as there are no valid studies that quantify these effects.

- **DEPARTMENT OF TRANSPORTATION (DOT), MAY 30, 2012**

DOT-1 Comment noted. The California Department of Transportation, Caltrans District 12, has no comments on the Draft MND at this time.

- **NATIVE AMERICAN HERITAGE COMMISSION (NAHC), MAY 25, 2012**

NAHC-1 This comment provides introductory or general information regarding the role of the Native American Heritage Commission and applicable CEQA statutes, and is not a direct comment on the content or adequacy of the Draft MND, does not raise any specific environmental issue.

NAHC-2 The comment relates to the identification of Native American cultural resources and the need for early consultation with Native American tribes to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Huntington Harbour, the area where the project site is located, is a man-made residential marina complex that was dredged out of mudflats and filled to develop the land for the new community in the 1960s. As mentioned in the Draft MND, the site is not located within the vicinity of any identified archaeological sites, paleontological sites, or cultural resources. In addition, the project site was used a public boat dock/parking facility with a 6-ft. long floating dock and a 35-space parking lot. Because a Sacred Lands File search by the NAHC identified Native American cultural resources within the "area of potential effect", mitigation measures have been added to ensure that cultural resources would not be damaged in the unlikely event they are discovered during construction activities. The additional mitigation measures (see below and in Errata) would require monitoring of construction activities by a qualified professional archaeologist and require the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

CUL-1: Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Huntington Beach, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development.

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The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Huntington Beach for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with CUL-4.

CUL-2: If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center.

CUL-3: Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can

provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
2. Assess effects on identified sites
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
4. Obtain comments from the researchers
5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

NAHC-3 The comment relates to consultation with tribes and interested Native American consulting parties to ensure compliance with the requirements of federal regulations. As mentioned in the Draft MND, the site is not located within the vicinity of any identified archaeological sites, paleontological sites, or cultural resources. In the event that archaeological, paleontological, or cultural resources are discovered at the project site, mitigation measures would be required to ensure proper handling of the discovery. Implementation of mitigation measures CUL-1 and CUL-2 would require (a) a qualified professional to conduct site-specific cultural resource investigations and impact mitigation for future development that could encounter undisturbed soils, and (b) all earth-disturbing activity to be halted within 100 ft. of any discovered cultural resources until a qualified professional can assess the significance of the find and implement appropriate mitigation.

NAHC-4 The comment relates to the proper processes to be followed in the event of a discovery of human remains in a project location. Response NAHC-2 and Response NAHC-3 provide discussions about mitigation measures for accidentally discovered archaeological resources including human remains, during construction.

REGIONAL/LOCAL AGENCY

- **ORANGE COUNTY PUBLIC WORKS (OCPW), JUNE 13, 2012**

OCPW-1 Comment noted. The Orange County Public Works Department has no comments at this time.

ORGANIZATIONS

- **ORANGE COUNTY COASTKEEPER (OCC), JUNE 8, 2012**

OCC-1 This comment explains the role of the Orange County Coastkeeper. The comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

OCC-2 The comment contains general information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

OCC-3 The comment points out three concerns were raised by Coastkeeper, including the status of the "revocable" easement on the site, the potential impact on Huntington Harbour's pumpout stations, and the potential impact on public parking and public access. Please refer to responses to specific comments below.

OCC-4 The comment relates to the status of the easement on the site for small boat launching and parking use. In 1985, the Huntington Harbor Corporation (HHC) granted the City a revocable easement to use the property for small boat launching and associated parking purposes (Document No. 85-259601). In 2008, the City of Hunting Beach quitclaimed to BayviewHB LLC, the property owner, the easement granted to the City by that Corporate Easement Deed recorded on July 15, 1985 as Document No. 85-259601 of Official Records of Orange County, California (Document No. 2008000590614). Therefore, the easement is no longer in effect.

OCC-5 The comment relates to the potential that the proposed project would put further strain on Huntington Harbour's pump-out stations if the project is not required to install at least one new pump-out station. The proposed project shall comply with all applicable requirements of the Municipal Code. According to Chapter 13.44 of the Huntington Beach Municipal Code (Harbor Sanitation), the owner and operator of every commercial marina shall provide a permanent holding tank pump-out facility or equivalent service which is operable and available for use at all times and which is capable of servicing all vessels berthed, docked or moored at the marina.

OCC-6 The comment relates to the metering of parking spaces at the project site. Metered parking may be permitted when authorized by a Conditional Use Permit per Section 231.18.E of the City of Huntington Beach Zoning and Subdivision Ordinance. The applicant has applied for the Conditional Use Permit for metered parking and the application will be acted on by the Planning Commission. Section 30213 of the California Coastal Act does not mention parking spaces. In addition, the concern regarding metered parking is not a direct comment on the content or adequacy of the Draft MND, and does

not raise any specific environmental issue. All comments will be forwarded to decision-makers prior to their consideration of whether to approve the proposed metered parking.

OCC-7 The comment contains concluding information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

- **HUNTINGTON BEACH ENVIRONMENTAL BOARD (HBEB), JUNE 8, 2012**

HBEB-1 This comment provides introductory or general information regarding the project and its location, and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

HBEB-2 The comment states that the Board is concerned by the general lack of specificity regarding the project parameters, which is caused by the owner not using the free and widely available graphics software. The project site plan, floor plan, and elevations were attached to the Draft MND as Attachment No. 2. This comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

HBEB-3 The comment relates to providing detailed information such as the location of the project site, proposed restaurant, and parking areas. The project site plan, floor plan, and elevations were attached to the Draft MND as Attachment No. 2. The project narrative was attached to the Draft MND as Attachment No. 3. The project was also described in the Project Description Section of the Draft MND. The discussion of project entitlement costs and economic benefits is not required by CEQA and not related to environmental issues. This comment is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

HBEB-4 The comment suggests that the owner should work with community partners to develop a site plan that acknowledges and incorporates the unique and highly sensitive ecological environment immediately adjacent to the site. The comment will be forwarded to the applicant for their information.

HBEB-5 The comment relates to obtaining LEED silver equivalence as a precondition for zoning variances. Development projects are encouraged to incorporate sustainable or "green" building practices (LEED or Building It Green) into the design of the proposed structures and associated site improvements as a condition of approval. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.

HBEB-6 The comment relates to requiring the owner to operate and maintain litter and debris booms immediately adjacent to sensitive ecological habitats and entry

points as a precondition for granting requested variances. The East Garden Grove–Wintersburg Channel drains past the Bolsa Chica Wetlands into Outer Bolsa Bay, Huntington Harbour, Anaheim Bay, and finally into the Pacific Ocean. Any litter and debris from the East Garden Grove-Wintersburg Channel would first drain into the Bolsa Chica Wetlands. Any litter and debris booms adjacent to the subject site would not be effective in protecting the sensitive ecological habitats of the Bolsa Chica Wetlands since the project site is downstream from the Bolsa Chica Wetlands. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.

HBEB-7 The comment suggests that the plan should examine ways to improve rainwater permeability and retention given the significant concrete pad space at the site. A Preliminary Water Quality Management Plan was prepared by R.T. Quinn & Associates (December 2011) and the information regarding stormwater runoff was included in the Hydrology and Water Quality Section of the Draft MND. The preliminary WQMP included a discussion of onsite retention and treatment of stormwater. In addition, the site is not permeable because of the high water table and proximity to the harbor.

HBEB-8 The comment relates to further clarification on the possible future expansion of the Marine Safety facilities on the west side of the channel and the need to address the issue in the variance request. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.

HBEB-9 The comment relates to incorporating noise blankets and/or noise barriers to minimize noise and ground vibration. An Environmental Noise and Vibration Analysis was prepared by Gordon Bricken & Associates (February 2012) and the information regarding noise and vibration reduction was included in the Noise Section of the Draft MND. Mitigation Measures NOISE-1, NOISE-2, and NOISE-3 address the implementation of noise attenuation measures, location of construction staging areas and equipment, and timing and duration of noise activities.

HBEB-10 The comment relates to the need to show where storm water mitigation elements could be located in the event the storm water drainage facility is determined inadequate per the Hydrology and Hydraulics Study. A Preliminary Water Quality Management Plan was prepared by R.T. Quinn & Associates (December 2011) and the information regarding stormwater runoff was included in the Hydrology and Water Quality Section of the Draft MND. The Preliminary Water Quality Management Plan identifies a stormwater treatment system (flow-through planters) as one potential treatment control BMP for the commercial portion of the project. The flow-through planters are proposed to be located along the eastern property line.

HBEB-11 The comment suggests that the owner should consult with specialists at Rainbow Environmental Services in litter abatement, trash recycling and potential food waste diversion. The comment will be forwarded to the applicant for their information.

HBEB-12 The comment suggests that the owner should consult with restaurant specialists in designing a restaurant with low energy and water consumption and waste generating features. The proposed project is required to comply with all applicable requirements of the local, State and Federal codes, including Title 24 Energy Efficiency Standards. The comment will be forwarded to the applicant for their information.

HBEB-13 The comment contains concluding information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

INDIVIDUAL

- **FRANCIS MAYWHORT (MAYW), MAY 20, 2012**

MAYW-1 The comment relates to installing a traffic signal at the project driveway due to the amount of traffic generated by the project and potential hazard of vehicles turning left into and out of the project site. The Transportation Division of the City's Public Works Department evaluated the necessity of installing a traffic signal at the project driveway. Based on the vehicular traffic generated by the proposed project, the current operating conditions, and the existing improvements and geometrics of the travel lanes on Warner Avenue at the project driveway, the location would not qualify for a signal installation. The analysis was based on standards and guidelines established by the State of California for installation of new traffic signals.

For left turns entering and exiting the site, the applicant is responsible for signing and striping Warner Avenue for providing safe ingress and egress. For left turns entering the site, an eastbound left turn pocket to access the project driveway could be provided. The left turning vehicles would be removed from the eastbound travel lanes and allowed to queue in the left turn pocket to enter the site. Adequate gaps in traffic exist throughout the day for left turning vehicles to enter the site. For left turning vehicles exiting the site, Warner Avenue can be striped east of the project driveway to provide a merging lane for those vehicles to enter the eastbound lanes safely. Adequate gaps in traffic exist throughout the day for vehicles to cross the westbound lanes and make left turns onto Warner Avenue.

APPENDIX C
ERRATA TO THE DRAFT MND

Text changes are intended to clarify or correct information in the Draft MND in response to comments received on the document, or as initiated by Lead Agency staff. The changes to the Draft MND do not affect the overall conclusions of the environmental document. Revisions are shown below as excerpts from the Draft MND text, with a ~~line-through~~ deleted text and an underline beneath inserted text. In order to indicate the location in the Draft MND where text has been changed, the reader is referred to the page number of the Draft MND.

Page 2-3, Project Description

- Variance—To permit a reduction in required setbacks, rooftop equipment location, backflow prevention device location, trash enclosure location, and landscaping.
  - setbacks: 10 ft. interior side setback in lieu of 25 ft., 8 ft. water side setback in lieu of 25 ft.
  - rooftop equipment: 3 ft. roof equipment setback in lieu of 15 ft. from the edge of building
  - backflow prevention device: locate in the front yard setback in lieu of 25 ft. setback
  - trash enclosure: locate in the side yard setback in lieu of outside the required setback
  - landscaping: 10 ft. landscape setback along street in lieu of 25 ft., no landscaping in lieu of 750 sq. ft. of perimeter landscaping for off-street parking facilities, no trees in lieu of 9 trees per 90 sq. ft. of perimeter landscaping, 48 sq. ft. of interior landscaping in lieu of 397 sq. ft. of interior landscaping for off-street parking facilities
  - minimum lot size: 0.97 acre minimum lot area in lieu of 5 acres

Page 7, Land Use and Planning, item a.

The project includes variance requests to deviate from the following development standards of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) (refer to discussion under Section XIII.—Aesthetics item c): 1) minimum interior side and water side setbacks; 2) location of the rooftop equipment; 3) location of backflow prevention device; 4) location of trash enclosure; ~~and~~ 5) landscaping requirements along street frontage, perimeter and interior landscaping for off-street facilities; and 6) minimum lot size. The proposed project complies with other provisions of the OS-PR (Open Space-Parks Recreation) zoning district and other applicable provisions of the HBZSO including building height, off-street parking, and lot coverage. The requested variances would not change the permitted uses, hamper the use of the project site, affect the aesthetic quality of the site, or generate significant noise or other adverse physical environmental impacts.

Page 26, Biological Resources, item a.

BIO-6: A biological observer shall be present during the pile driving and dredging activities and shall have the authority to cease operations if a marine mammal or turtle

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comes within the exclusion zone, fish species are observed to be dead, and California least terns are present within the exclusion zone.

BIO-7: If any marine mammal is observed within 100 meters of the work site, all pile driving and dredging activities shall cease until the marine mammals or turtle has left the area of concern. If a marine mammal enters the safety zone after pile-driving of a segment has begun, pile-driving shall continue. If a marine mammal in the 100-meter safety zone is observed, but more than 10 meter away, the contractor shall wait at least 15 minutes to commence pile-driving. If the marine mammal has not left the 100-meter safety zone after 15 minutes, pile-driving can commence.

All pile driving activities shall be accomplished by a soft start sequence. At the beginning of each pile driving event and after breaks of more than 15 minutes, the soft start method shall be employed for impact pile driving. The hammer shall be operated at less than full capacity (i.e. approximately 40-60% energy levels) with no less than a 1-minute interval between each of five strikes for a 5-minute period. After the 5-minute soft-start period, full capacity strikes shall be allowed during the duration of each individual pile driving event.

Page 41, Cultural Resources, item a.

The project site is located in Huntington Harbour, a man-made residential marina that was dredged out of mudflats in the early 1960s. In addition, the project site is previously graded and disturbed and does not have any existing structures. Intact cultural, paleontological, archeological or historic resources would not be expected to exist within the project site. The site is not located within the immediate vicinity of any identified archaeological sites, paleontological sites, or cultural resources. ~~No impacts are anticipated.~~ Although no impacts are anticipated, the mitigation measures below provide appropriate actions that should take place prior to earth-disturbing activities to protect potential resources and in the event that cultural resources are unexpectedly encountered during construction activities.

CUL-1: Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Huntington Beach, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System, updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary,

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appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. The technical report or memorandum shall be submitted to the City of Huntington Beach for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with CUL-3.

CUL-2: If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity ("midden"), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Huntington Beach shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior's Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the appropriate Information Center.

CUL-3: Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:

1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high
2. Assess effects on identified sites
3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted
4. Obtain comments from the researchers
5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible

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In considering any suggested mitigation proposed by the consulting paleontologist, the City of Huntington Beach staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

ATTACHMENT NO. 8.5l

STATE OF CALIFORNIA

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

CURTIS L. FOSSUM, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service from TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: **(916) 574-1227**
Contact FAX: **(916) 574-1835**

February 23, 2012

File Ref: W 26455

RECEIVED
FEB 23 2012
Dept. of Planning
& Building

John Trommald
Bayview HB LLC
13912 Seal Beach Blvd
Seal Beach, CA 90740

SUBJECT: Proposed Harmony Cove Development, Located in the Main Channel of Huntington Harbour, Adjacent to 4121 Warner Avenue, Huntington Beach, Orange County

Dear Mr. Trommald:

Please accept this letter as a response to your request for the California State Lands Commission (CSLC) to review your latest plans for the proposed development within the main channel of Huntington Harbour, adjacent to 4121 Warner Avenue, Huntington Beach, Orange County.

As you are aware, the CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (PRC §6301 and §6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

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Based on a Site Improvement Plan and brief project description provided to CSLC staff, the proposed project will consist of a 22-berth marina, a parking lot, and an 800-1,000 square foot structure that will be used for marina facilities, and possibly a small restaurant and rental shop (kayaks, bicycles, etc.). A subsequent telephone conversation with Colin Connor, Assistant Chief of the Land Management Division, confirmed that the marina will be open to the public on a first-come, first-serve basis.

A portion of the proposed public marina will be located on lands owned in fee by the Commission and will require a lease from the Commission (application enclosed for your convenience and is also available at www.slc.ca.gov). On lands where the Commission asserts a sovereign Public Trust Easement claim, any development must be consistent with the common law Public Trust. Since there is currently no proposal to include dockominiums (i.e., the sale of a sovereign interest, fractional or otherwise, in either sovereign land or of a leasehold on sovereign land) and the proposed project includes a public marina and restaurant, staff concludes that this project, according to the information provided, is not inconsistent with the common law Public Trust.

If you have any questions, please feel free to contact me at (916) 574-1227 or via email at grace.kato@slc.ca.gov. Thank you.

Sincerely,

Grace Kato

Grace Kato
Public Land Manager

Enclosure

ATTACHMENT NO. 9.2