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Dept. of Planning  
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**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

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

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

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 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 shall have priority over other 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

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 establishments within 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:

<u>ZSO Section</u>	<u>Standard</u>	<u>Variance Request</u>
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

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.