



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, JUNE 14, 2016

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

5:15 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CANCELLED – NO STUDY SESSION

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Crowe

P P P P A P P

ROLL CALL: Crowe, Kalmick, Semeta, Pinchiff, Mandic, Brenden, Hoskinson

Commissioner Mandic was absent.

AGENDA APPROVAL

A MOTION WAS MADE BY BRENDEN, SECONDED BY SEMETA, TO APPROVE THE PLANNING COMMISSION AGENDA OF JUNE 14, 2016, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Semeta, Pinchiff, Brenden, Hoskinson

NOES: None

ABSENT: Mandic

ABSTAIN: None

MOTION APPROVED

A. PUBLIC COMMENTS

Mike Van Voorhis, resident, thanked the Community Development Department for including the Sunset Beach LCP Review Board in the planning process for land use issues in Sunset Beach. He also described and distributed copies of the Sunset Beach Walking Tour Map.

Bobbi Ashurst, resident, spoke regarding the need to install four way stops at all numbered street intersections.

B. PUBLIC HEARING ITEMS

B-1. APPEAL OF THE ZONING ADMINISTRATOR'S DENIAL OF ENTITLEMENT PLAN AMENDMENT NO. 16-003 (BARBATA RESIDENCE WINDOW)

Applicant/Appellant: Karen Otis, Otis Architecture **Property Owner:** Mike and Gail Barbata **Request:** To amend Condition of Approval No. 1 of Coastal Development Permit No. 04-005 to allow transparent glass in the two most southerly windows of the second floor master bedroom within an existing single family home. **Location:** 16581 Peale Lane, 92649 (west side of Peale Ln., between Maiden Cr. and Gilbert Dr.) **Environmental Status:** The project is categorically exempt pursuant to Section 15301, Class 1 of the California Environmental Quality Act. **City Contact:** John Ramirez

STAFF RECOMMENDATION: Motion to: "Deny Entitlement Plan Amendment No. 16-003 with findings for denial (Attachment No.1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site.
- Commissioner Kalmick met with the applicant and spoke with staff.
- Vice-Chair Semeta visited the site and spoke with staff.
- Chair Pinchiff visited the site and spoke with representatives of the applicant.
- Commissioner Brenden met with the applicant and the applicant's representative.
- Commissioner Hoskinson had no disclosures.

John Ramirez, Contract Planner, gave the staff presentation and an overview of the project.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, applicant, spoke in support of Item No. B-1, stating that the project is in full compliance with the infill ordinance and the obscure glass would impose an unfair hardship on the owner.

Mike Barbata, property owner, spoke in support of Item No. B-1, stating that the proposed project meets the infill requirements and that the obscured windows are not required. He stated that the burden for the neighbor's privacy should be placed on the neighbors themselves.

Robert Reed, resident, spoke in support of Item No. B-1, noting there are no infill ordinance issues with this project. He noted that the casement windows would allow greater ventilation in the room.

Robert Bailey, resident, spoke in opposition to Item No. B-1, citing the negative privacy impacts on the adjacent resident. He noted that the angle and height of the windows allowed for a view through the entire master bedroom of his house.

Pamela Bailey, resident, spoke in opposition to Item No. B-1. She stated that the original condition requiring obscured glass on the windows was a direct result of the potential privacy impacts. She noted that a house on Baruna Lane had to

install similarly obscured glass windows due to potential privacy impacts. Commissioner Kalmick confirmed with Ms. Bailey that an obscure window partially open at a reasonable angle is acceptable to her.

Mike Adams, applicant, spoke in support of Item No. B-1, stating that the project is consistent with the zoning code and that the obscure glass condition is inconsistent with similar houses in the neighborhood.

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

There was a brief discussion regarding the difference between code requirements and conditions of approval. Commissioner Brenden confirmed with staff that a condition of approval is required to be met and is still in effect even after a change in property ownership.

There was a brief discussion regarding potential compromise such as requiring window coverings, or restricting the angle of window openings.

A MOTION WAS MADE BY KALMICK TO CONTINUE ENTITLEMENT PLAN AMENDMENT NO. 16-003 WITH DIRECTION TO STAFF TO MODIFY THE CONDITIONS OF APPROVAL TO DEFINE THE WINDOW SIZE AS THE CURRENT SIZE, MOVE THE OBSCURE GLASS UP TO THE ORIGINAL WINDOW AT SIX FEET, AND LIMIT WINDOW OPENING ANGLE TO INSURE PRIVACY.

MOTION WAS NOT SECONDED

A MOTION WAS MADE BY SEMETA, SECONDED BY BRENDEN, TO DENY ENTITLEMENT PLAN AMENDMENT NO. 16-003 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

**AYES: Crowe, Semeta, Pinchiff, Brenden, Hoskinson
NOES: Kalmick
ABSENT: Mandic
ABSTAIN: None**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the project involves the replacement of and expansion of windows within an existing single family home.

FINDING FOR DENIAL – ENTITLEMENT PLAN AMENDMENT NO. 16-003:

1. Entitlement Plan Amendment No. 16-003 to amend Condition of Approval No. 1 of Coastal Development Permit No. 04-05 to allow transparent glass in the two most southerly windows of the second floor master bedroom within an existing single family home does not conform to the General Plan. The project is inconsistent with Land Use Policy LU 9.2.1, which requires that all new residential development within existing neighborhoods (i.e. infill) be compatible with existing structures, including the maintenance of privacy on abutting

properties. The removal of the obscure glass and replacement with transparent glass in the two most southerly windows of the second floor master bedroom will not maintain the privacy between the living areas of the two single family homes as originally approved. The condition requiring the obscure glass within these windows was intended to preserve the privacy between the residences and removal of such will enable a direct view from the respective homes into the adjacent bedroom areas.

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.

COMMISSIONER SEMETA RECUSED HERSELF FROM ITEM NO. B-2, DUE TO THE PROXIMITY OF HER PROPERTY TO THE SUBJECT SITE, AND LEFT THE ROOM.

- B-2. APPEAL OF ZONING ADMINISTRATOR'S DENIAL OF TENTATIVE PARCEL MAP NO. 15-163/ CONDITIONAL USE PERMIT NO. 15-058/COASTAL DEVELOPMENT PERMIT NO. 15-030 (DAVENPORT MARINA RESIDENTIAL)**
Applicant: Karen Otis, Otis Architecture **Appellant:** Planning Commissioner Michael Hoskinson **Property Owner:** Stanko Family Trust, John Stanko
Request: **TPM/CDP:** To subdivide one existing parcel into three parcels to establish two residential lots and reconfigure an existing marina parking lot. **CUP:** To permit a reduction in the number of required marina parking spaces based on a parking survey. **Location:** 4052 Davenport Drive, 92649 (south side of Davenport Dr. between Edgewater Ln. and the Channel- Huntington Harbor)
Environmental Status: The project is categorically exempt pursuant to Section 15315, Class 15 of the California Environmental Quality Act. **City Contact:** John Ramirez

STAFF RECOMMENDATION: Motion to: "Deny Tentative Parcel Map No. 15-163, Conditional Use Permit No. 15-058, and Coastal Development Permit No. 15-030 with findings for denial (Attachment No. 1)."

The Commission made the following disclosures:

- Commissioner Crowe visited the site and spoke with staff.
- Commissioner Kalmick spoke with staff, the applicant, adjacent residents, the property owner, and visited the site.
- Chair Pinchiff spoke with the applicant, adjacent residents, and visited the site.
- Commissioner Brenden spoke with residents, the applicant, and visited the site.
- Commissioner Hoskinson spoke with residents, staff, the applicant's representative, and visited the site.

John Ramirez, Contract Planner, gave the staff presentation and an overview of the project.

There was a brief discussion regarding the proposed parking plan. Mr. Ramirez indicated that the previously submitted parking plan had been deemed adequate by staff; however, the parking plan has since been amended and no longer meets the requirements.

At Chair Pinchiff's request, staff gave an overview of the Local Coastal Program.

There was a brief discussion regarding the uses allowed by the residential zoning of the subject site.

THE PUBLIC HEARING WAS OPENED.

Karen Otis, applicant, spoke in support of Item No. B-2, giving an overview of the project. She cited that the coastal views from Davenport Bridge will not be affected and that the site layout provides good emergency services access for the proposed homes. She also described a revised proposal to remove the coastal accessway across the rear of the two lots and relocate it to the front.

Joseph Stanko, property owner's son, spoke in support of Item No. B-2. He spoke in opposition to staff's concerns with the project and stated that there would be adequate parking and improved public access and public amenities.

Mark Prouse, resident, spoke in opposition to Item No. B-2, citing concerns with the potential negative parking and coastal view impacts.

Bill Younis, resident, spoke in opposition to Item No. B-2, citing concerns with the potential negative traffic, safety, and coastal view impacts.

Tarrik Shawa, resident, spoke in opposition to Item No. B-2, citing concerns with potential safety, quality of life, and property rights impacts to adjacent residents.

Tom Fipp, resident, spoke in opposition to Item No. B-2, citing concerns with potential safety impacts.

Julie Ford, resident (time donated by Donald Truitt), spoke in opposition to Item No. B-2, citing concerns with the potential negative coastal views, parking, and safety impacts. She stated that the marina was originally constructed to provide boat slips for non-waterfront lots and that the parking lot is currently in a blighted condition.

Bobbi Ashurst, resident, spoke in opposition to Item No. B-2, citing concerns with potential negative impacts to the adjacent residents. She expressed disappointment in Commissioner Hoskinson's appeal of this item.

Craig Ferguson, resident (time donated by Lorin Kristoff), spoke in opposition to Item No. B-2, citing concerns with potential negative impacts to parking, coastal access, property values, and public safety. Mr. Ferguson described a good working relationship with the marina during the annual boat parade. He also stated that the parking lot is full during Catalina events.

Mike Adams, representing the applicant, spoke in support of Item No. B-2, stating that the project would be a benefit to the community through site improvements and the addition of public parking. He also stated that the desired open feel and open views will still be in place with the proposed project.

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

At Commissioner Brenden's request, Mr. Ramirez reviewed the Coastal Commission approval process. Mr. Ramirez noted that Coastal Commission staff's concerns mirrored city staff's concerns.

There was a brief discussion regarding the number of boat slips and the corresponding parking. Ms. Otis confirmed that there are 66 boat slips at the marina.

There was a brief discussion regarding safety of the ingress and egress of the proposed development on Edgewater and in proximity to the bridge. Darren Sam, Senior Traffic Engineer, indicated that there appears to be no visual obstruction but staff would require a precise grading plan to confirm.

Commissioner Kalmick expressed concern with the public view corridor impacts and stated that he did not believe the proposed subdivision configuration was viable. Chair Pinchiff questioned the project's compatibility with the surrounding neighborhood. He expressed concern with the potential safety concerns and stated that he would need more analysis on the egress and ingress in order to be able to approve the project.

A MOTION WAS MADE BY KALMICK, SECONDED BY CROWE, TO DENY TENTATIVE PARCEL MAP NO. 15-163, CONDITIONAL USE PERMIT NO. 15-058, AND COASTAL DEVELOPMENT PERMIT NO. 15-030 WITH FINDINGS FOR DENIAL, BY THE FOLLOWING VOTE:

AYES: Crowe, Kalmick, Pinchiff, Brenden
NOES: Hoskinson
ABSENT: Mandic
ABSTAIN: Semeta

MOTION APPROVED

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15315 of the CEQA Guidelines, because the project involves the subdivision of property into four or fewer parcels with no variances or exceptions.

FINDINGS FOR DENIAL - COASTAL DEVELOPMENT PERMIT NO. 15-030:

1. Coastal Development Permit No. 15-030, to subdivide one existing parcel into three parcels, does not conform with the General Plan, including the Local Coastal Program. Although the site plan includes the required public access, the entirety of the project does not conform

with the General Plan and Local Coastal Program. The General Plan and Local Coastal Program contain policies intended to preserve and enhance local coastal resources. The subdivision is not consistent with the following objectives and policies of the General Plan and Local Coastal Program:

A. Coastal Element

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 use 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 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. – f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

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

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. This parking lot is utilized by the public during the annual boat parade (both for parking and watching the parade) and provides direct view and access to the shoreline. Although the project as designed provides the required vertical and lateral access, the proposed location of the two residential lots will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach. The development of the project at the west end of the site will preclude the potential for future coastal-related developments or visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation. Furthermore, locating the proposed homes along the water's edge will effectively block the view of these amenities and impact the visual resources and public view to the shoreline and other coastal amenities.

2. The subdivision is not consistent with the base zoning district. The site landscaping proposed for the reconfigured parking lot does not meet the minimum requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) for off street parking facilities. The HBZSO requires a minimum perimeter planting area of five feet for the parking lot and no landscaping is proposed along the south boundary of the parking lot. The HBZSO requires a minimum planting area of six feet along the both street frontages. The planting area along Edgewater Lane is less than six feet at the southern area of the street frontage. The HBZSO also requires that interior landscaping be distributed throughout the parking area and equal five percent of the perimeter landscaping area. These areas need to include a minimum of one minimum 24-inch box tree for every 10 parking spaces and be located throughout the parking area. A two-foot wide planter is also required at the end of each row of parking spaces. No interior landscaping is proposed within the reconfigured parking lot. The request also includes a reduction in the number of required marina parking spaces. The Community Development Department has determined that a minimum ratio of 0.75 spaces be provided for marinas. The revised parking layout reflects 50 proposed parking spaces, 12 of which are in tandem in order to provide trailer parking for the marina customers and/or the public. The site is required to replace the two on street spaces being lost on Edgewater Lane for the new driveway. These two spaces will be provided on site for public use and therefore would not be available for marina uses. Since the HBZSO does not allow tandem parking spaces and two spaces on site will be for public use, a total of 36 spaces would be proposed on site for the 66 slip marina in lieu of the minimum required 50 spaces. Although the parking study reflects that only 34 spaces would be needed for the marina, the study does not take into account peak activity that occurs in the Harbour during holiday weekends (4th of July, Labor Day) and local special events (Boat Parade).
3. The development does not conform with the public recreation policies of Chapter 3 of the California Coastal Act (CCA) and the goals and policies of the City's Local Coastal Program. The CCA indicates that development shall not interfere with the public's right of access to the sea where acquired through historic use. The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. This parking lot is utilized by the public during the annual boat parade (both for parking and watching the parade) and provides direct view and access to the shoreline. The development of this subdivision will reduce the access acquired through use of the site for coastal-related

activities. As such, staff recommends denial of the requested coastal development permit based on the findings contained herein and the specific public access findings below:

- a. Project Effects on Demand for Access and Recreation. The project site is located within Huntington Harbour along one of the inland channels. There are several private docks and the site serves as parking for a private commercial marina. Directly north across Davenport Drive is a small public beach owned and maintained by the City. In the vicinity there are a handful of opportunities for public coastal views along the Harbour bridges and small public beach, however much of the coastline view is obscured by private residential development. The proposed location of the new residential lots will impact 240 feet of the 320 feet of coastline visible from Davenport Drive. Additionally, the placement of the lots along this area will impact future opportunity for this oceanfront land to be developed for visitor serving or local recreational use. As identified in the Coastal Act, oceanfront land suitable for recreational use and development should be protected and the use of private lands suitable for visitor-serving commercial recreational facilities should have priority over private residential development (CCA Sections 30221 & 30222). This location is unique in that it is the only one of two locations in the Harbour where the coastline is visible from a public road for an extended length (the other location is located at the terminus of Countess Drive at the northwest border of the Harbour). This unique coastal view opportunity is important in preserving the character of this portion of the Harbour and the existing already-limited coastal view opportunities and future potential public access to the coastline.
- b. Shoreline Processes. The existing 320 feet of shoreline on the project site is improved with asphalt concrete for an existing parking lot and there is a six-foot high chain link fence along the perimeter of the site adjacent to the water, precluding direct access from the site to the water. At the east edge of the shoreline, there is an access gate and ramp to the boat docks for lessees of boat slips at the marina. The gate is typically locked and lessees have a key for individual access. The very edge of the shoreline along the perimeter of the parking lot contains an unimproved landscape area that is a mixture of dirt and shrubs that lead to an approximate 12-foot drop to the water. There is no beach or direct entry into the water at the site. The shoreline and associated marina are visible from Davenport Drive. The proposed location of the new residential lots will impact approximately 240 feet of the 320 feet of coastline. Minor grading is proposed that will raise the elevation of the shoreline edge varying from four to 15 inches. The subdivision incorporates a ten-foot wide public access way along the shoreline between the channel and the two proposed lots. Additionally, a small grass and seating area is proposed adjacent to the access for use by the public. Although the project as redesigned provides the required vertical and lateral access, the proposed location of the two residential lots along the westerly portion of the property will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach.
- c. Historic Public Use. Since the Harbour was developed in the 1960's, this property was set aside to serve the marina as an amenity and coastal resource for residents in the area. The subdivision incorporates a ten-foot wide public access way along the shoreline between the channel and the two proposed lots, as well as a small grass and seating area adjacent to the access for use by the public. However, the placement of two

residential lots and construction of two single family homes will have an adverse impact on both the public view of the shoreline from the public streets and from the bridge on Davenport Drive. The proposed development of two single family homes adjacent to the shoreline would create both a physical and psychological barrier/impediment to public views of the shoreline and water and would directly affect the character of the neighborhood and public beach along Davenport Drive.

- d. Physical Obstructions. The proposed location of the new residential lots will impact 240 feet of the 320 feet of coastline visible from Davenport Drive. Since the shoreline is visible by the public from Davenport Drive, the placement of two residential lots and construction of two single family homes on the westerly end of the property will have an adverse impact on the public view of the shoreline from the public street and from the bridge. The two homes and associated accessory structures (perimeter fencing) will block the public view of the shoreline and marina from Davenport Drive and the bridge. This location is unique in that it is the only one of two locations in the Harbour where the coastline is visible from a public road for an extended length (the other location is at the terminus of Countess Drive at the northwest border of the Harbour). This unique coastal view opportunity is important in preserving the existing and already limited coastal view opportunities in the area.
- e. Other Adverse Impacts on Access and Recreation. The two new residential lots will be located within ten feet of the shoreline with single family structures as close as fifteen feet from the shoreline. The location of the two new lots and homes along the shoreline will significantly alter the aesthetic and visual character of this portion of Davenport Drive and the small public beach on the north side of the street. These two homes will impact the view of the shoreline from the street and beach by impacting 240 feet of the 320 linear feet of coastline visible from Davenport Drive and the beach.

FINDINGS FOR DENIAL - CONDITIONAL USE PERMIT NO. 15-058:

1. Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey will not be compatible with surrounding uses in the vicinity. Although the parking survey data indicates the number of spaces will be adequate for the marina use, the proposed location of the parking lot on the easterly portion of the property is not consistent or compatible with the existing development pattern in the area. The parking lot effectively separates the proposed residential lots from the developed residential neighborhood and the placement of the residential lots along the shoreline does not take into consideration coastal views as part of the proposed development's massing, height, and site orientation. One of the objectives of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Additionally, the General Plan requires that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or seek to minimize the visual impacts to the sea since two single family homes and accessory structures, when constructed will block the view to the shoreline.
2. Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey does not comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and

Subdivision Ordinance. The site landscaping proposed for the reconfigured parking lot does not meet the minimum requirements of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) for off street parking facilities. The HBZSO requires a minimum perimeter planting area of five feet for the parking lot and no landscaping is proposed along the south boundary of the parking lot. The HBZSO requires a minimum planting area of six feet along the both street frontages. The planting area along Edgewater Lane is less than six feet at the southern area of the street frontage. The HBZSO also requires that interior landscaping be distributed throughout the parking area and equal five percent of the perimeter landscaping area. These areas need to include a minimum of one minimum 24-inch box tree for every 10 parking spaces and be located throughout the parking area. A two-foot wide planter is also required at the end of each row of parking spaces. No interior landscaping is proposed within the reconfigured parking lot. The request also includes a reduction in the number of required marina parking spaces. The Community Development Department has determined that a minimum ratio of 0.75 spaces be provided for marinas. The parking layout reflects 50 proposed parking spaces, 12 of which are in tandem in order to provide trailer parking for the marina customers and/or the public. The site is required to replace the two on street spaces being lost on Edgewater Lane for the new driveway. These two spaces will be provided on site for public use and therefore would not be available for marina uses. Since the HBZSO does not allow tandem parking spaces and two spaces on site will be for public use, a total of 36 spaces would be proposed on site for the 66 slip marina in lieu of the minimum required 50 spaces. Although the parking study reflects that only 34 spaces would be needed for the marina, the study does not take into account peak activity that occurs in the Harbour during holiday weekends (4th of July, Labor Day) and local special events (Boat Parade).

3. The granting of Conditional Use Permit No. 15-058 to permit a reduction in the number of required marina parking spaces based on a parking survey will adversely affect the General Plan. The project is not consistent with the following objectives and policies of the General Plan:

A. Coastal Element

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 use 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 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. – f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

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

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The intent of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Moreover, new development needs to be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or seeks to minimize the visual impacts to the sea since two single family homes and accessory structures when constructed will block the view to the shoreline. Additionally, the General Plan intends to ensure that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance, requiring that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas. As proposed, the design and location of the development of two single family homes will impact public views of the coast and harbor from Davenport Drive, Edgewater Lane and Davenport Beach.

FINDINGS FOR DENIAL - TENTATIVE PARCEL MAP NO. 15-163:

1. Tentative Tract Map No. 15-163 to subdivide one existing parcel into three parcels to establish two residential lots and reconfigure an existing marina parking lot is not consistent with the goals, policies and objectives of the General Plan. The General Plan contains policies intended to preserve and enhance local environmental and coastal resources. The subdivision is not consistent with the following objectives and policies of the General Plan:

A. Coastal Element

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 use 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 2.4.1 - Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2 - Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.
- b. – f. . . .

Objective C 3.1 - Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3 - Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C4.1.1 - The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2 - Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1 - Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.
- b) . . .
- c) Evaluation of project design regarding visual impact and compatibility.
- d) . . .

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

B. Urban Design Element

Objective UD2.1 - Minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands.

Policy UD 2.1.1 - Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The General Plan and Local Coastal Program contain policies intended to preserve and enhance local coastal resources such that new residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast. The

project precludes the potential for future coastal-related developments or visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation. Additionally, the design and location of the single family homes will impact public views of the coast and channel from Davenport Drive, Edgewater Lane and Davenport Beach. The proposed location of the two residential lots is currently a parking lot with a small single story structure that does not impede views of the coastline, waterway or boating activity from the public streets or beach. One of the objectives of the General Plan is to minimize the visual impacts of new development on public views to the coastal corridor, including views of the sea and wetlands. Moreover, the General Plan requires that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character. Locating the proposed homes along the water's edge will effectively block the view from the public streets and impact the visual resources and public view to the shoreline and other coastal amenities. The proposed location and site design of the parking lot and the two residential lots do not take into consideration the unique characteristics of the site adjacent to the shoreline or minimize the visual impacts to the sea since two single family homes and accessory structures will be constructed along, and block the view to, the shoreline. Since the project does not consider coastal views in its massing, height, and site orientation, or seeks to minimize the visual impacts to the sea, the project is not consistent with the General Plan.

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.

COMMISSIONER SEMETA RETURNED TO THE ROOM.

C. CONSENT CALENDAR - NONE

D. NON-PUBLIC HEARING ITEMS - NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Scott Hess, Director of Community Development - reported on the items from the previous City Council Meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Scott Hess, Director of Community Development – reported on the items for the next City Council Meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Jane James, Planning Manager– reported on the items for the next Planning Commission Meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS - NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Brenden thanked the public for speaking on Item No. B-2. He also reported on upcoming events in the city and noted that his wife and daughter were in attendance at tonight's meeting.

Chair Pinchiff reported on upcoming events in the city. He also thanked his fellow commissioners for their work on recent public hearing items and thanked the public for their participation in the public hearing process.

ADJOURNMENT: Adjourned at 10:21 PM to the next regularly scheduled meeting on Tuesday, June 28, 2016, at 5:15 PM.

APPROVED BY:



Scott Hess, Secretary



Edward Pinchiff, Chair