

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Associate Planner
DATE: July 8, 2015

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 10-010/ NEGATIVE DECLARATION NO. 11-005 (TENNIS ESTATES TREE TRIMMING AND MANAGEMENT PLAN)**

LOCATION: 16380 Wimbledon Lane, 92649 (southwest corner of Saybrook Lane and Humboldt Drive – Huntington Harbour)

Applicant: Dan Schultz, Tennis Estates Homeowners Association, 16419 Wimbledon Lane, Huntington Beach, CA 92649

Property Owner: Huntington West Properties, c/o Jack Williams, 13812 Goldenwest St. Suite 100, Westminster, CA 92683

Request: **CDP:** To permit: 1) a tree trimming and management program; 2) a mitigation plan for the unpermitted trimming/removal of seven pine trees; and 3) all maintenance work performed under six California Coastal Commission issued emergency coastal development permits on a site determined to have major vegetation per the Coastal Act and City's Local Coastal Program. **ND:** To analyze the potential environmental impacts associated with a proposal to permit the establishment of a Tree Trimming and Management Plan, mitigation plan, and to make permanent all previous work approved under six emergency coastal development permits.

Coastal Status: Appealable

Zone: RL-CZ (Residential Low Density – Coastal Zone Overlay)

General Plan: RL-7 (Residential Low Density – 7 dwelling units per acre)

Existing Use: Townhomes

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR APPROVAL – NEGATIVE DECLARATION NO. 11-005:

1. Negative Declaration No. 11-005 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 30 days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration. The City received one comment letter from the general public. The comment letter attested to the former presence of birds nesting at the property and did not indicate any issues with respect to the adequacy of the environmental analysis.
2. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project will have a significant effect on the environment. The project involves a proposal to permit the establishment of a tree trimming and management plan that will be implemented at the Tennis Estates Homeowners Association property in the coastal zone. The tree trimming and management plan addresses maintenance and management procedures of trees on the subject site including trees that have provided heronry functions for birds protected under the Migratory Bird Treaty Act. The project includes a mitigation plan and provisions to make permanent all previous work approved under six emergency coastal development permits that were issued by the California Coastal Commission (CCC). The mitigation plan, required by the CCC, describes the methods for installation and monitoring of 21 pine trees to be planted as mitigation and replacement of seven trees that were previously removed or trimmed without permits.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-010:

1. Coastal Development Permit No. 10-010 to permit a tree trimming and management program; a mitigation plan for the unpermitted trimming/removal of seven pine trees; and all maintenance work performed under six California Coastal Commission issued emergency coastal development permits, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the following General Plan goal, policy and objective:

Policy LU 4.1.3: Require property owners to maintain landscaping, remove and abate weeds, and replace unhealthy or dead landscape.

Goal LU 5: Ensure that significant environmental habitats and resources are maintained.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

The tree trimming and management plan allows the Tennis Estates Homeowners Association (TEHOA) to proceed with the maintenance of trees within the subject site. Since 2009, the trees have overgrown and have become a life safety concern for residents and visitors in the community. Because the site has a history of providing heronry functions, the tree trimming plan requires maintenance work primarily outside the breeding season, with allowances for emergencies during the breeding season. The project incorporates provisions to minimize potential impacts to migratory birds, including using hand tools, having a monitoring biologist survey the site, and avoiding work during the nesting season to the greatest extent feasible. Additionally, the planting of 21 replacement trees serves as

mitigation for the trimming/removal of seven pine trees without permits in 2009 and may help restore the habitat and use of the site by migratory birds.

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 project occurs on property zoned Residential Low Density (RL). It consists of permitting a tree trimming and management plan. The site will be visually improved with proper maintenance of the trees and strategic practices to minimize potential impacts to migratory birds. The project will avoid work within the nesting season to the greatest extent feasible.
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. Existing water lines and utilities will not be affected by the tree trimming and management plan. Any necessary irrigation improvements required for the planting of mitigation trees will connect with the existing irrigation system.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impact or interfere with any public access or views to coastal resources. The project will improve the safety of public access in and around the site by properly maintaining the trees and reducing overgrown vegetation.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 10-010 /NEGATIVE DECLARATION NO. 11-005:

1. The tree trimming and management plan received and dated May 4, 2015 shall be the conceptually approved plan with the modification that trees proposed to be removed (that have no prior heronry function) shall be replaced at a 2:1 ratio, unless the tree is not required pursuant to the HBZSO and therefore shall be replaced at a 1:1 ratio.
2. The narrative request to make permanent all work undertaken for six emergency coastal development permits received and dated March 2, 2015, and the mitigation plan received and dated November 26, 2014 shall be conceptually approved.
3. Coastal Development Permit No. 10-010 shall become null and void unless exercised within two years of the date of final approval, 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 and Building Department a minimum 30 days prior to the expiration date.
4. The Development Services Departments and divisions (Planning & Building, Fire, 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 Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment

to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.

5. Incorporating 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.