

DRAFT COMMENTS BY THE SUNSET LCP. COMMENTS ON DRAFT COMMENTS SHOULD BE EMAILED TO: LCP Vice-chair gailbrice@roadrunner.com

HNB LCPA 1-16 Sunset Beach Specific Plan
DRAFT Sug Mods

Commented [G1]:

Sunset Beach SPECIFIC PLAN Sug Mods

City's proposed language is shown in plain text; CCC staff suggested modifications are shown in **bold underline** (additions), ~~strike through~~ (deletions). Additional CCC staff suggested modifications for a new section on encroachments and coastal hazards analysis are included in separate documents.

Draft comments from the Sunset Beach LCP are provided below noting "LCP" red & underlined.

SUG MOD No. 1

Section 2.1 Existing Conditions (page 9, second paragraph)

The area also benefits from a 13 acre linear park/public parking facility, constructed by the County of Orange in the old Pacific-Electric right-of-way, with picnic areas, a tot lot, five restroom buildings, pathways, and 624 **free public** parking spaces. This area is also referred to as the "greenbelt." Other notable public uses include the Sunset Channel, 11th Street beach, a post office and a volunteer fire station. The Sunset Beach Community Association also owns and operates a community center, which functions as a quasi-public use.

LCP: A major goal of the California Coastal Commission and one of the driving forces behind requesting these changes to the Sunset Beach Specific Plan is public access. The public access provided in Sunset Beach is significant and possibly unrivaled in California. Therefore, throughout these comments, the LCP will take this opportunity to identify our existing commitment to public access and challenge expanded requests that are not applicable to Sunset Beach and/or will not result in expanded public access.

Regarding SUG MOD No. 1, the LCP suggests that changes make it clear that Sunset Beach is one of the few communities throughout California with free parking and that we are committed to the on-going policy of free parking to support public access, especially for those on limited incomes.

SUG MOD No. 2

Section 2.1 Existing Conditions (page 9, fourth paragraph)

Private land uses in Sunset Beach are residential and commercial. The residential uses consist of 652 single and multiple family type dwelling units, on typically 2,700 square foot lots, which are well mixed throughout both residential and commercial areas. Densities range from approximately 22 to 45 units per acre. There are approximately 70 commercial establishments. Existing commercial uses range from neighborhood convenience facilities such as markets, to more area-wide facilities such as motels, restaurants, and specialty shops that generally front on Pacific Coast Highway. **At least three private, commercial kayak, stand up paddle board, and/or boat rental facilities are present, located between Pacific Coast Highway and Sunset**

Channel. As coastal dependent, visitor serving uses, they are higher priority uses that merit protection. Because of the compact size and special nature of the Sunset Beach community and the limited area for commercial uses, the convenience facilities and goods provided serve the visitors and tourists as well as local residents. The Sunset Beach area consists of 497 parcels, the beach, and right-of-way. All but four of these parcels are fully developed or used in substantial part by an adjacent parcel for yard area, parking or accessory structures. Of the four parcels, three are vacant and one parcel is occupied by a billboard. The existing residential and commercial areas are 99 percent developed.

LCP: We support the above changes regarding the kayak, paddle board and boat rentals as a part of the community's commitment to public access and the recreational use of resources.

SUG MOD No. 3

Section 2.1 Existing Conditions (page 10, sixth paragraph)

Sunset Beach exhibits generally low relief with elevations ranging from sea level to five feet above sea level. **Due to these low elevations, the area has experienced flooding during high water level events, and these impacts are expected to worsen in the future with sea level rise.** Much of the area ~~northwest~~^{east-west} of Pacific Coastal Highway was once a marsh and slough and was dredged and redeveloped to establish part of Sunset Island and Huntington Harbour in the 1960s. The development of these communities destroyed the marsh-slough habitat, **though the harbor channels still provide marine habitat value.** The developed area of Sunset Beach does not provide a suitable habitat for wildlife or native vegetation because of its highly urbanized character, although **the western snowy plover (a Federally listed threatened species) is known to be present on the beach at Sunset Beach, and** certain **other** avifauna may forage on the beach.

LCP: Existing Condition description should make is clear that the flooding during high water level events is primarily on the harbor side and that currently the threat of flooding on the ocean side has all but eliminated due to the widened beach, permanent berm and seasonal berm.

This section should also acknowledge that, although marshlands has been lost due to the establishment of Huntington Harbour, that the majority of Sunset Beach is an island that is surrounded by an extensive marsh-slough present in the Seal Beach Weapons Station and the Bolsa Chica wetlands. The existence of these wetlands will help mitigate sea level rise.

Question (see comment):

Section 2.2 Land Use (page 11 & 12)

The Sunset Beach Plan designates the 134 acre Specific Plan area as follows:

Land Use Designation	Acres
Residential High Density-30	22.32
Commercial Visitor-Mixed Use Overlay	9.16
Public	13.00
Open Space-Shoreline	57.74
Open Space-Water Recreation	3.40
Right of Way	28.26
Total	133.88

Commented [CIT2]: Does this ROW figure include the ROW where the encroachments occur? Or is this only other ROW areas within SNB?

LCP: To help document the commitment of Sunset Beach to public access (and challenge requests for additional access), along with this land use designation chart it should be noted that 78% of Sunset Beach is public land that is available to the public.

SUG MOD No. 4

Modify Section 2.2 Land Use (page 12, first paragraph) as follows:

The Residential High Density designation has a General Plan/Local Coastal Program density category of greater than 30 units per net acre, denoted by “-30” to reflect the existing density condition of some parts of Sunset Beach. The Commercial Visitor designation has a Mixed Use (“-mu”) Overlay, which permits **limited** residential uses in conjunction with the underlying commercial designation **pursuant to Section 3.3.2 Sunset Beach Tourist, C.4**. This is in recognition that the Specific Plan **has historically** allowed ~~for~~ residential units above the ground floor in the CV/**Sunset Beach Tourist** area². In addition to the underlying land use designations, and the notations for RH and CV described above, the entire area has a Specific Plan Overlay (“-sp”) designation in recognition of the need and existence of a specific plan for the Sunset Beach area.

Footnote (page 12)

2. The County’s existing Specific Plan allows residential uses above the ground floor in the Commercial Visitor (Sunset Beach Tourist District) area. A 2015~~0~~ review of existing

development in Sunset Beach indicates that there are approximately 55 residential units in the areas designated for principally commercial uses.

SUG MOD No. 5

Modify Section 2.2 Land Use (page 12, second paragraph) as follows:

The City of Huntington Beach General Plan and Local Coastal Program also use Subarea designations to identify areas that are unique in the city, serve certain functions or have area-specific goals or regulations. The Sunset Beach Specific Plan area will be designated as Subarea 4L on the City's Community District and Subarea Schedule in the General Plan and Local Coastal Program **Coastal Element/Land Use Plan**. Those Subarea Schedules refer the reader to this Specific Plan for development regulations.

SUG MOD No. 6

Modify Land Use Plan Guidelines, paragraph 2, page 14, as follows:

The Land Use Plan Guidelines below are designed to: implement the **Coastal Element/Land Use Plan**, specifically; carry out the intent of the General Plan and Coastal Act, **sensitive to** ~~consistent with~~ the desires of the community; and be a supplement to the City's General Plan and **a component of the** Local Coastal Program, which also contain relevant policies. The Guidelines consist of the Land Use Map (see Exhibit 2.1) and the following text:

LCP: The requested modification changes "consistent with" to "sensitive to." Does this open the door to being less responsive to the desires of the community? Please, clarify the reason for these changes and what practical ramifications this change might cause.

SUG MOD No. 7

Modify Land Use Plan Guidelines 2.2.1 – 2.2.5 Beach and Sand Area (starting on page 14) as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletion in ~~strike through~~):

Oceanfronting ~~Beach and Sandy~~ **Beach** Area

2.2.1 ~~The Existing, historic management of the ocean fronting sandy beach and sand management areas shall be maintained in their present form: is encouraged to continue.~~ **Existing, historic beach management includes the U.S. Army Corps of Engineer's (USACE) led periodic sand replenishment program at Surfside in the City of Seal Beach, annual construction of a seasonal berm (formerly by the County and now by the City), and retention of the berm constructed by the County in 1983. The goals of this beach management are:**

LCP: To avoid confusion and consistency throughout the Specific Plan, the “seasonal berm” should continue to be described as the seasonal beam throughout the document (it’s later referred to as “temporary berm). The berm in front of the residences that were constructed in 1983, should be referred to as the “permanent berm.”

i. to **maximize public access and** preserve the unique public recreational character of Sunset Beach; recreation shall be defined as passive and active recreation ~~that is in conformance with the development guidelines of the Sunset Beach Land Use Plan.~~

ii. in cooperation with the State Department of Fish and Wildlife, to protect and preserve the natural habitat of spawning grunion, **snowy plovers**, pismo clam and other shellfish beds, **beach rack**, porpoise feeding and sporting grounds, feeding grounds for the California brown pelican, grebes, cormorants, terns, gulls and all other natural sea life and waterfowl.

LCP: “Beach rack” is referred to numerous times throughout modifications. It’s assumed that this should be “beach wrack” as defined by the California Coastal Commission as “organic material such as kelp and sea grass that is cast up onto the beach by surf, tides, and wind.”

iii. to protect beachfront residences **from flooding and storm activities** and maintain ~~both public and private open ocean view and~~ access.

2.2.2 The following shall be adhered to to maintain the existing **sandy** beach ~~and sand~~ areas:

i. The City shall encourage dredging and sand replenishment activities be scheduled during fall and winter months to reduce conflict with sunning, swimming and other shoreline water activities, as well as grunion spawning **and snowy plover nesting or roosting**.

LCP agrees that snowy plovers may be present during part of the year but unclear how dredging and sand replenishment activities could impact their roosting activities which tend to happen farther from the shore. The LCP agrees that they need to be protected (even if they just roost and don’t nest here). However, the protections proposed throughout this document should meet the hazards to and needs of the snowy plovers. For example, rather than the City being concerned about the dredging and sand replenishment hazard, it’s much more likely that the beach grooming would destroy the plover roosting areas. Also, as discussed later the City should be careful relative to the location of the seasonal berm, i.e. that the beach is checked to adjust the location to protect roosting sites.

ii. The City shall cooperate with the United States Army Corps of Engineers (USACOE) and other applicable agencies regarding all sand replenishment activities.

iii. The City will continue to advocate to the USACOE that sand replenishment shall be deposited at the northwest end of the beach (in Seal Beach) in the area contiguous to the U.S. Navy Ammunition & Net Depot harbor groin, the point of primary and maximum erosion. From that

point sand is distributed southeastward down the beach by natural wave and current action. This avoids the destruction of natural marine life habitat. At the same time it preserves the recreational character of the beach and the fine grain and cleanliness characteristic of alluvial ocean sands. Sand shall not be pumped directly on the beach within Sunset Beach except in response to immediate danger to residences.

iv. No government or private agency shall construct or cause to be constructed any structure including but not limited to jetties, groins, berms, etc., that may alter natural shoreline processes such as wave action, channel depths or general beach configuration except when such protective structures are required for existing structures or public beaches in danger of erosion.

v. If necessary, a seasonal, temporary berm may be constructed **by the City during or immediately prior to** storm season to minimize erosion and flooding impacts. **Construction of the seasonal, temporary berm shall avoid impacts to spawning grunion and western snowy plovers, and maximize public access and recreational opportunities.**

LCP: To optimize the benefits of the seasonal berm and promote public access, the City of Huntington Beach contracted for an engineering study to design the seasonal berm. This study identified that the optimal seasonal berm that provided the most protection was lower, wider and farther away from the shoreline than the previous berms. This design also promoted public access, especially with the additional ramps at public access points. Also, as it is located + 150 feet from the shore, impacts to spawning grunion are not applicable. As noted above, before the seasonal construction, the City should survey the proposed path of the temporary berm to determine if any snowy plover roosts are present and adjust the berm location appropriately. The engineering report should be referenced in this document.

vi. If a protective structure is deemed necessary to protect existing development, site and design of such protective device shall be as far landward as possible. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, **approved prior to implementation of the Coastal Act or for which a valid coastal development permit was approved**, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc. No shoreline protective device shall be allowed for the sole purpose of protecting an accessory structure.

vii. No development shall be permitted that would result in permanent loss of sandy beach area.

LCP: Later in this document, protective structures on the sandy beach side are prohibited. If this is the case, vi and vii should be eliminated.

viii. To fulfill visitor serving needs, to minimize personal injuries and to reduce liability, sanitation shall be maintained by properly and routinely cleaning and maintaining the **sandy beach and sand area** from ocean edge to the berm (artificial dune) pursuant to a **Beach Shoreline Management Plan Program**. The **protective growth barrier berm (artificial dune)** shall be maintained by adjacent property owners. **The Shoreline Management Plan shall include measures, in addition to those cited above, to protect public access and recreational**

Commented [CIT3]: Newly proposed language in the LUPA refers to a future Shoreline Management Plan. Are these two plans related? Are they the same thing? If so, the same name should be used. If not, what is the difference? Is one to apply citywide and one to apply in Sunset Beach only?

opportunities, as well as sensitive biological resources, including western snowy plover, spawning grunion, and beach rack.

LCP: Confusing that the “Shoreline Management Plan” is referenced here. Isn’t that a separate document? If so, this section should just make it clear that the sandy beach is maintained by the City but the permanent berm is maintained by the adjacent property owners. This inclusion will support comments made later in these modifications.

2.2.3 To protect **existing development** residences and **including** the Sunset Beach sanitary **sewer** system from flood waters and excess wind-driven sand, to preserve that sand in the beach area thereby reducing replenishment costs, and to enhance the appearance for the benefit of visitors, preservation and maintenance of the **berm** (artificial dune) shall be retained and encouraged. **Re-planting the berm (artificial dune) with dune plants native to coastal Orange County with the goal of enhancing both the visual appearance as well as habitat value shall be encouraged.**

LCP: The idea of encouraging planting native dune plants to replace the current ice plant is desirable but it should be made clear whose allowed to do this and/or who would pay for this.

2.2.4 No Changes Recommended

2.2.5 Public access to the beach shall be maintained.

- i. The 27 existing public access points to the beach shall be retained in perpetuity, see Exhibit 2.3, Existing Beach Access.
- ii. Public recreation and access opportunities at public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource.
- iii. All beach amenities available to the general public on the City’s public beaches shall be available to all members of the general public on an equal basis.
- iv. Public beaches and parks shall maintain lower-cost user fees, and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in user fees or parking fees shall be subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.

LCP: Sunset Beach currently has no user fees and parking is free. It should be made clear that this will continue to be the case to maximize public access. However, the 10:00 curfew should be maintained especially as fire rings and late-night hours of use are readily available at the Huntington Beach State Park which is immediately south of Sunset Beach and there are no residents in the area.

v. Signs denoting the Public Beach shall be maintained at the signalized intersections of Anderson Street, Broadway Avenue and Warner Avenue along Pacific Coast Highway. ~~Signs shall not exceed four square feet.~~

vi. Signs that limit public access or recreation are not permitted except in instances where such signage is necessary to implement restriction to protect public safety where no other feasible alternative exists to provide public safety, and shall be reviewed in conjunction with the coastal development permit for said restrictions.

SUG MOD No. 8

Modify Exhibit 2.2 Scenic Vista Viewpoints by adding viewpoints that look onto Huntington Harbour, including at 11th Street Beach, Broadway bridge, opposite 17th Street, and at street ends/alleys along Bayview Drive (within the Specific Plan).

LCP: Agree to adding two viewpoints on PCH. This will increase the viewpoints in Sunset Beach to 28 total over the 1 mile length of Sunset Beach, with almost all being ocean view. Suggest not including 17th Street and Bayview Drive as there is limited parking and not much of a view.

Commented [CIT4]: What is the status of the parking spaces at the street end/alley located between Bayview Drive and Sunset Channel within the specific plan?

SUG MOD No. 9

Modify Exhibit 2.3 Existing Beach Access by adding an access point at 11th Street Beach.

LCP: This access already exists, arrow needs to be added to the map.

End of LCP Comments #1. Please send comments to these draft comments to gailbrice@roadrunner.com. Additional comments will be coming out soon.