

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

Hi Sunset Beach friends and neighbors --

The following is our DRAFT Comment #2 on the next 11 pages of the 50 pages of proposed changes by the California Coastal Commission (CCC) staff to the Sunset Beach Specific Plan (also known as the Local Coastal Plan.) This brings our current total to 17 pages reviewed. We will continue to evaluate the proposed changes and distribute the DRAFT comments to the community and to the City. We solicit your comments and any concerns regarding our DRAFT comments. Please submit comments and concerns to gailbrice@roadrunner.com We will schedule additional meetings to discuss them.

Background Information: When Sunset Beach was annexed by Huntington Beach, the CCC invalidated our LCP plan. We are now tasked with obtaining approval of a new LCP plan. As a starting point, the CCC has provided "suggested modules" for the modifications that mostly focus on their mandate for public access and preparing for sea level rise. The City of Huntington Beach has requested that comments be submitted regarding these proposed modifications through the Sunset Beach LCPRB the Local Coastal Plan Review Board.

Currently development in Sunset Beach must go through the staff of the CCC for approval. Once our new plan is approved and accepted by the CCC, Huntington Beach will be designated as the sole reviewer. This will be much more desirable for many reasons.

This is a big project and we'll need to pick our battles, but we believe that we can make a difference by focusing on our local realities rather than accepting the "one size fits all" suggested modules provided by the CCC staff. We look forward to your comments.

Your Sunset Beach LCP Committee

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. 11

Modify Land Use Plan Guidelines 2.2.7 – 2.2.11 Visitor Serving Commercial (page 19) as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Visitor Serving Commercial

2.2.7 Existing commercial facilities should be retained.

2.2.x Priority shall be given to the development of visitor serving commercial and recreational uses designed to enhance and complement public recreational areas and supplement public recreational opportunities. New visitor-serving uses shall not displace existing low-cost visitor serving uses unless an equivalent replacement is provided.

2.2.x Coastal recreational and visitor-serving uses and opportunities, especially lower cost facilities and opportunities, shall be protected, encouraged, and where feasible, provided by both public and private means. Removal or conversion of existing lower cost facilities or opportunities shall be prohibited unless they will be replaced with comparable visitor serving facilities or opportunities within the Sunset Beach Specific Plan area.

2.2.8 Should any existing **legal, non-conforming** residence presently on property designated for commercial use be destroyed, such may be rebuilt as a residence providing it conforms to **Huntington Beach Zoning and Subdivision Ordinance Section 245.08 E as well as to the provisions of the Sunset Beach Specific Plan** residential guidelines.

2.2.9 Where commercial uses abut residential property, no balconies, decks or open areas intended for public use shall be allowed to infringe on adjacent residential property.

2.2.10 Ensure that lower cost hotels and motels are maintained for short-term visitor occupancy. Establish a method to define whether a facility providing overnight accommodation is low, moderate, or high cost.

2.2.11 Maintain an inventory of the number of existing motel and hotel rooms and room rates.

2.2.12 Existing lower cost accommodations within Sunset Beach shall be maintained and protected to the maximum feasible extent feasible. If it is not feasible to maintain existing lower cost units, then mitigation for the lost units must be provided.

SUG MOD No. 12

Modify Land Use Plan Guidelines 2.2.12 – 2.2.16 Residential (page 20) as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Residential

2.2.12 All legally created residential building sites shall be permitted only two dwelling units per site, unless approved otherwise prior to ~~adoption of this Specific Plan~~ **the date of final certification of this Specific Plan by the Coastal Commission.**

2.2.13 Affordable housing shall be provided consistent with the City of Huntington Beach Zoning and Subdivision **Ordinance**. Low/moderate cost rental units ~~should~~ **shall** be **preserved** ~~replaced~~ when redevelopment occurs.

Commented [U1]: What is the intent of policy 2.2.13? This section needs to be more specific. As currently written it's not clear whether low/moderate cost units should be replaced with non-low/moderate units or should be replaced in-kind. It should say whether the housing units need to be retained on-site or off-site, etc. If no changes are made, we would likely recommend deleting it because as it currently is it is too vague and can't be implemented.

LCP: The following are comments from Huntington Beach regarding this section:

“What is the intent of policy 2.2.13? This section needs to be more specific. As currently written, it's not clear whether low/moderate cost units should be replaced with non-low/moderate units or should be replaced in-kind. It should say whether the housing units need to be retained on-site or off-site, etc. If no changes are made, we would likely recommend deleting it because as it currently is it is too vague and can't be implemented.”

The LCP agrees that 2.2.13 is confusing and potentially very onerous with the proposed replacement of “should” with “shall.” This change should either be clarified or deleted. As an alternative, the existing wording should be kept in order to maintain flexibility in the implementation of this policy.

2.2.14 Conversion of multi-unit buildings into condominiums shall be allowed only if the building meets the Specific Plan standards.

2.2.15 Public service facilities shall be a permitted use in a residential use area.

2.2.16 Short-term vacation rentals consistent with the Specific Plan and compatible with the community are supported to encourage lower cost overnight accommodations.

SUG MOD No. 13

Modify Land Use Plan Guidelines 2.3.7 – 2.3.14 Parking (page 23) as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Parking

2.3.7 To the maximum extent feasible, to maximize visitor ~~servie~~ing needs and ensure public safety, the City shall encourage CalTrans to stripe Pacific Coast Highway to provide a safe width for parallel parking.

2.3.8 All existing on-street parking shall be retained within Sunset Beach and wherever possible establish programs to maximize their use **in a manner that promotes public access**, except when public safety is compromised.

2.3.9 **Public parking along the Greenbelt shall be continued and maintained to support public access to the beach.** There shall be no parking on North and South Pacific Avenues

immediately adjacent to the residential development, except in front of **private** driveways by permit only.

LCP: It should be noted here that the public parking in Sunset Beach is free. As noted in Comment #1, the LCP agrees that free public parking should be maintained as an example of the community's outstanding commitment to public access. This and many other examples of existing public access commitments in Sunset Beach should be taken into consideration relative to the additional (often inappropriate) public access proposed requirements in these suggested modules. These concerns will be discussed in later comments.

2.3.10 In order to facilitate visitor serving needs, diagonal parking shall be allowed on Anderson Street and Broadway Avenue.

2.3.11 All street ends, except for emergency access, opening onto the beach shall be fully developed for public parking ~~prior to any other public parking development.~~

2.3.12 Street ends on the inland side of Pacific Coast Highway will be evaluated for opportunities to develop public parking.

2.3.13 Innovative programs to maintain the existing parking supply in residential areas and to provide flexibility for commercial uses ~~shall~~ **may be considered encouraged when parking to serve public beach access is maintained and increased.**

2.3.14 Signage and parking control to manage parking supply **may be considered when public beach access is maximized and is subject to coastal development permit requirements in accordance with Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.** shall be implemented.

SUG MOD No. 14

Modify 2.4 Shoreline Management, Flooding and Sea Level Rise, Flooding, page 26, 4th paragraph, as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

The County designated the homes seaward of South Pacific Avenue as being in a –FP3 district, subject to flood hazard. The Coastal Flood Plain Development Study requires that any new structure in this area be raised to a specific height above a point on South Pacific Avenue. In addition to providing protection against flood damage, the requirement to build on piling along South Pacific Avenue provides a safety margin should conditions at Sunset Beach return to the way they were in the 1930s when homes were vulnerable to attack by waves. Homes on shallow footings can be rapidly damaged or destroyed if their sand support is lost to erosion. Existing lawful nonconforming residential uses may be severely impacted by the Coastal Flood Plain Development Study and will require special consideration.

Commented [CIT2]: I'm not sure what this last sentence is supposed to mean? The Study won't impact the residences. Is this intended to mean that the Study indicates that older homes that haven't been brought into conformance with the recommendations of the Study are at severe risk? If so, this should be re-worded.

LCP: These proposed additions are confusing and misleading as they don't take into consideration the major changes that have been made in Sunset Beach since the 1930's. These include (1) a sand replenishment program which has been significantly widened the sandy beach; (2) A permanent berm in front of the South Pacific Avenue residences; and (3) the construction of the seasonal berm. With these changes there has not been any damage from ocean flooding in almost 40 years. What "Coastal Flood Plain Development Study" are they referring to? If this is a forward-looking study, they should start with the proper current baseline and not reference back to the 1930's.

Additionally, this section should acknowledge and address the recent changes in the former LCP that allow for pilings or slabs. This change was based on the reduction in the chance for flooding for South Pacific Avenue residents verses a higher risk from liquefaction from earthquakes than from flooding. As slabs provide better protection from liquefaction, residents should have the option to weigh the potential hazard from earthquakes verses flooding to determine whether to build on pilings vs. a slab. This option should especially be afforded to residents as the specific hazards to development projects will be addressed in the required Coastal Hazard Analyses discussed in later suggested modules.

The following are the Huntington Beach comments regarding the last sentence of this section:

I'm not sure what this last sentence is supposed to mean? The Study won't impact the residences. Is this intended to mean that the Study indicates that older homes that haven't been brought into conformance with the recommendations of the Study are at severe risk? If so, this should be re-worded.

Again, please clarify what the "Coastal Flood Plain Development Study" is and, if it doesn't have anything to do with the residences, it shouldn't be cited relative to foundation construction standards.

NOTE: Overall, a major problem with these suggested modules are the need for sever editing and the elimination of repetition. This module is a good example. The sole purpose appears to require pilings, most of the rest of this verbiage is either not needed or applicable.

SUG MOD No. 15

Modify Shoreline Management Policy 2.4.1 and add the following new policies, after Policy 2.4.1, page 27, as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike-through~~; re-number each policy as appropriate):

Shoreline Management

2.4.1 The City shall prepare a Shoreline Management (~~Beach Management~~) Plan for Sunset Beach, which shall take into consideration (**but is not necessarily limited to**) beach nourishment (**including the on-going USACOE led program and the seasonal berm**), beach erosion, storm

Commented [CIT3]: Need to choose one name or the other. Can be either one, I just chose to strike the one in parentheses. Also, should be consistent throughout Specific Plan and in LUP.

season, the effects of sea level rise on these hazard conditions, beach habitat and protection of grunion spawning ground during spawning season, protection of the western snowy plover and recognition that recreational use of the beach by the public is a vital aspect of the beach's function. At a minimum, the following policies shall be included in the Shoreline Management Plan and shall be implemented in the interim until the Shoreline Management Plan is developed and implemented.

2.4.2 Changes to the (future) Shoreline Management Plan shall require certification of an amendment to the City's Local Coastal Program by the Coastal Commission, unless the Executive Director determines none is legally required.

LCP: Please explain how all these Plans work together and don't duplicate each other: (1) Specific Plan; (2) Shoreline Management Plan; (3) Sea Level Rise Vulnerability Study; (4) Coastal Hazard Analyses reports, etc ... Additional comments will be made later regarding these specific Plans and Reports but it does appear that there are opportunities to reduce costs and increase effectiveness if the amount of Planning and report creation were addressed.

2.4.3 The width of the beach in Sunset Beach shall be formally measured by the City at least twice per year, once in the Fall prior to the storm season and once in the Spring following the storm season. The measurements shall occur in at least three locations: at the prolongation of Anderson Street, at the prolongation of Broadway, and at the prolongation of Warner Avenue. The beach shall be measured across its entire width, at a minimum from the line of existing seaward private property line to the surf line.

LCP: This looks to be a good idea but what will happen to the data? Will it be made public? Will we see the trends broken down by seasons? How will it be used?

2.4.4 Recognizing that kelp has an important role in the ecological and structural condition of the beach, provides habitat and nutrients for coastal marine animal and vegetative species, and provides direct and indirect support for sand retention, the City shall:

- i. Remove excessive kelp in the dry sand areas, during the summer season, May 15th through September 15th, to provide maximum towel space for public use while protecting grunion spawning grounds in the wet sand areas, and while protecting western snowy plover;
- ii. Conduct scheduled summer season grooming on dry sand areas only, avoiding the wet sand areas, in an effort to protect grunion spawning ground and kelp wracks;
- iii. Summer season kelp removal shall be complete prior to 10 a.m. for each day that kelp removal activities occur.
- iv. Allow kelp to remain on the beach during the winter season, September 16 through May 14th;
- v. At any time of year, excessive kelp may be removed when the Orange County Health Care Agency Environmental Health Ocean Water Protection Program determines that:

- a. kelp on the beach is a significant factor causing bacterial contamination that is creating a public health hazard due to bacteria counts in excess of state safe water quality standards and
- b. that removing it for these purposes is absolutely necessary to abate the health hazard.
- c. In such a case, it is recognized that OC HCA EH Ocean Water Protection Program will post temporary advisory signs on the beach that warn the public of potential disease causing bacteria in the water. When such signage is posted, the OC HCA EH Ocean Water Protection Program shall notify the City.
- d. Any such public health/water quality related kelp removal activities shall be protective of active grunion spawning grounds and the western snowy plover (when present).
- e.

LCP: See later comments regarding the protection of the Western Snowy Plover.

- f. In addition, for any public health/water quality related kelp removal activities below the wrack/high tide line, removal shall occur only during low tide periods and only the front loader or bucket of any equipment used may extend into the water and the remainder of the equipment shall stay on the dry sand portion of the beach as much as possible.

2.4.5 Recognizing that native beach vegetation has a natural role in the ecological, structural, and aesthetic conditions of the beach, providing habitat for coastal marine species, and sand retention support, the City shall:

- i. Protect existing native beach vegetation in established beach hummocks and dunes;
- ii. Seek to identify locations where planting of native beach vegetation can be established and work with volunteer and non-profit groups for planting and establishment.
 - a. The berm (artificial dune) that exists on the beach approximately 40 feet seaward of the seaward property line of beach-fronting development, presents an excellent opportunity to implement the planting of native beach vegetation.

LCP: As noted in Comment #1, the identification of the berms should remain consistent throughout the Plan with the temporary berm being referred to as the “seasonal berm” and the berm in front of the seaward properties being referred to as the “permanent berm.” With this, the term “artificial berm” should be changed to “permanent berm.”

Also, as noted in Comment #1, the LCP agrees to the desirability of planting native beach vegetation in the permanent berm, but it should be made clear as to who would pay for this.

It should also be made clear that currently there are no “existing native beach vegetation in established beach hummocks and dunes” in Sunset Beach that require protection.

2.4.6 Recognizing that sand has a primary role in the use and enjoyment of the beach, the City shall:

i. Conduct sand pushing twice a year. Sand pushing is the action of moving sand mechanically with the intention to:

- **Create the seasonal berm in the Fall to prevent inland flooding and to protect existing primary development;**
- **Prevent loss of usable public beach area into the ocean;**
- **Remove the seasonal berm in the late Spring (at the conclusion of the winter storm season) to prepare the beach for towel space during the summer season.**

LCP: Is there any additional “sand pushing” besides that which results in the seasonal berm? If this is the case, can this be simplified to just focus on the construction of the seasonal berm? Also, please see Comment #1 for reference to the engineering study that was conducted for Huntington Beach regarding the optimal design of the seasonal berm.

ii. Plan to preserve the sandy beach area for public access and recreation through planned retreat and other adaptation measures.

LCP: “Planned retreat and other adaptation measures” sounds like it could be quite onerous with wide-reaching ramifications. Please expand and provide examples regarding what this means.

2.4.7 Recognizing that the education of the public plays a vital role in sustaining the multiple functions the beach serves (e.g. habitat, shoreline protection, recreation), the City shall:

- i. **Develop educational messages on beach safety, ecosystems, and the role of kelp, native beach vegetation, snowy plovers, sand, and human impacts in maintaining the beach in a sustainable condition.**
- ii. **Develop educational message about “coastal squeeze” – the eventual loss of beach caused by fixing the back beach (e.g. with development including shoreline protection devices, etc.) as sea level rise causes the shoreline to migrate inland.**
- iii. **Use existing communication channels such as City and Department websites, public service announcements, public signage and outreach events, and develop new sources to provide public education.**
- iv. **Provide support for volunteer and non-profit based groups to provide educational messages and events promoting the City’s program for sustaining a healthy beach ecosystem.**

2.4.8 Western Snowy Plover

LCP: This following section discusses protection of the Western Snowy Plover. Before making comments below regarding duplication of effort and unnecessary additional costs, it's helpful to understand the existing Western Snowy Plover survey and reporting that's already happening on Sunset Beach:

The Sea & Sage Audubon Society conducts these surveys four times a year in Sunset Beach (January, March, May and September) through grants and support from United States Fish & Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and the San Diego Zoo Global. Additionally, monthly surveys of identified roosts are also conducted. These surveys began in 2013 to gather important spatial and temporal data on Snowy Plovers and to provide information on how wintering and breeding plovers use Orange County beaches over time, including Sunset Beach.

To better understand the Western Snowy Plover presence on Sunset Beach and ensure that the proposed general requirements proposed by the Coastal Commission staff are appropriate, the Audubon Society survey supervisor will update LCP member Gail Brice in early February. After this tour and briefing, additional comments will be added to this section. Note: Ms. Brice has an M.S. in Biology from the University of Minnesota.

- i. **The City shall implement a survey of the Sunset Beach beach area for the presence of snowy plovers, to be conducted by a qualified ecological professional in June and again in July of each year. A map depicting the locations of all nesting and roosting snowy plovers detected during each survey shall be produced. The City may contract with a qualified volunteer and/or non-profit group for this survey in conjunction with a qualified ecological professional (Orange County Sea & Sage Audubon, in conjunction with Ryan Ecological Consulting, currently conducts snowy plover surveys on Orange County beaches through a grant and with the support of USFWS and CDFW <http://www.seaandsageaudubon.org/Conservation/SNPLsurvey/OCSNPLsurvey.html>).**

LCP: As noted, these surveys are already being done by the Sea & Sage Audubon four times per year. The City shouldn't have to duplicate this effort, it should just secure the information regarding Sunset Beach from the Sea & Sage Audubon Society.

- ii. **All drivers of vehicles and machinery that are operated on sections of beach where Snowy Plovers have been mapped or otherwise known to occur shall be made aware of the presence of snowy plovers, given a copy of the map described in (i) above, and trained annually in measures and maneuvers to avoid adverse impacts to Snowy Plover. Such training shall be developed in conjunction with the USFWS and the CDFW.**

LCP: As noted above, a member of the LCP is meeting with the supervisor of the Sea & Sage Audubon Society in early Feb. Comments based on the actual status and locations of Snowy Plovers will be added to this section after the meeting.

- iii. **Vehicles shall avoid operating on sections of beach where Snowy Plovers have been mapped or otherwise known to occur, with the exception of essential activities such as emergency lifeguard rescues where avoidance is not feasible, essential patrols that cannot otherwise avoid the snowy plover range, trash pick-up and other activities deemed essential and which cannot otherwise achieve their purpose, and agreed to by USFWS and CDFW. Vehicles simply transiting between points shall not be allowed within these areas.**

LCP: As noted above, a member of the LCP is meeting with the supervisor of the Sea & Sage Audubon Society in early Feb. Comments based on the actual status and locations of Snowy Plovers will be added to this section after the meeting.

- iv. **Visible markers, with signage, shall be placed along the perimeter of locations where snowy plovers are known to occur to remind beach goers and vehicle operators of their presence. Placement shall be determined in conjunction with a qualified ecological professional.**

LCP: As noted above, a member of the LCP is meeting with the supervisor of the Sea & Sage Audubon Society in early Feb. Comments based on the actual status and locations of Snowy Plovers will be added to this section after the meeting.

SUG MOD No. 16

Modify Flooding Policy 2.4.2 (page 27), as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~; re-number each policy as appropriate):

Flooding

2.4.2 New development shall be required to comply with **Chapter 222** #Flood-plain **Overlay District** regulations of the Huntington Beach Zoning and Subdivision Ordinance and the 1985 County’s **Coastal Flood Plain Development Orange County Coastline** study (**January 1985**), until such time that it is superseded, as required by Section **2.4.3** ~~3.3.8~~ of this Specific Plan.

LCP: This section should be removed as the 1985 Coastal Flood Study is no longer applicable to Sunset Beach. As noted earlier, the conditions in Sunset Beach relative to flooding potential have changed significantly since 1985, especially on the sandy beach side of the community. These changes include the increased width of the beach, the construction of the permanent berm and the addition of the seasonal berm. Also, since 1985, an additional ocean access has been created in the Bolsa Chica wetlands. This has resulted in the creation of Sunset Beach as an island and significantly expanding the extent of the tideland

wetlands that protects it. See additional comments under Sug Mod No. 17 and 18 regarding alternatives to this Suggested Mod.

SUG MOD No. 17

Modify the first, second and third paragraphs under the heading Sea Level Rise (SLR), (page 28), as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Sea Level Rise (SLR)

The potential impacts of SLR are within the planning and regulatory responsibilities of the Coastal Commission and the City under the Coastal Act. **According to recent studies***, sea level rise will cause significant impacts to Sunset Beach.** The City is in the process of completing a comprehensive update to its General Plan. This effort includes the preparation of a citywide SLR Vulnerability Assessment and Coastal Resilience Plan. The SLR Vulnerability Assessment will guide the strategies (policies and implementation actions) that the City **will** ~~could~~ ultimately adopt.

LCP: * Which study? Please cite study and pages applicable to Sunset Beach.**

The City is proposing to address SLR citywide by including policies in the Coastal Element and changing the implementing ordinances **as** ~~if~~ necessary, including the citywide floodplain ordinance. This approach will result in a centralized location for SLR policies and regulations, allow a comprehensive approach in addressing SLR, and build upon existing provisions in the City's certified Local Coastal Program. **In order to achieve this, an amendment to the City's Local Coastal Program (including the Sunset Beach Specific Plan area) will be submitted within five years (e.g. by 2022), for review and consideration by the Coastal Commission.**

Planning for future sea level rise now is necessary for new development to ensure structural stability over the life of the development as required by the hazard policies of the City's certified Local Coastal Program Coastal Element/Land Use Plan; without sea level rise planning, it is not possible to ensure the LCP requirements that risks to life and property be minimized and that stability and structural integrity be assured can be met. Thus, an LCP amendment that addresses long-term sea level rise planning must be prepared.

Pending completion of the citywide approach to SLR and in order to comply with Coastal Act Section 30253, projects in Sunset Beach will need to be planned, located, designed, and engineered for SLR and associated impacts that might occur over the life of the development. Locations currently subject to inundation, flooding, wave impacts, erosion, or saltwater intrusion will be exposed to increased risks from these coastal hazards with rising sea level and will require review for SLR effects. **For these reasons, Section 3.3.9 Coastal Hazards Analysis of this Specific Plan will be applied, when required, throughout the Sunset Beach Specific Plan area.**

LCP: See comments at the end of SUG MOD No. 18.

SUG MOD No. 18

2.4.3 Within five years of certification of the Sunset Beach Specific Plan, the City shall address SLR citywide through preparation of a Sea Level Rise Vulnerability Assessment and Coastal Resiliency Plan, which shall identify the vulnerable assets and recommend adaptive measures and preparedness goals for each planning area, including Sunset Beach. The SLR Vulnerability Assessment and Coastal Resiliency Plan shall be prepared in accordance with the California Coastal Commission's adopted SLR Policy Guidance Document. **While the full scope of the effort will be established in accordance with this Guidance Document and the current best available science on sea level rise and best practices for adaptation measures, the effort will include the following topics at a minimum to address issues of known concern as they relate to sea level rise: the efficacy of ongoing beach nourishment, berms, and seasonal beach berms; beach width and related public access, recreation, and habitat values; saltwater intrusion and groundwater levels; storm flood elevations and storm drain effectiveness; and the function of existing bulkheads. Adaptation measures shall be developed for implementation within the policies or programs of the LCP.**

Add new Sea Level Rise policy 2.4.x (number as appropriate):

2.4.x Adaptive measures and preparedness goals identified in the SLR Vulnerability Assessment and Coastal Resiliency Plan described in 2.4.3 above shall be incorporated into this Specific Plan via a Local Coastal Program amendment within five years of the effective date of Coastal Commission certification of this Sunset Beach Specific Plan. Five years after the effective certification date of this Sunset Beach Specific Plan, no new development shall be permitted unless found consistent with this required LCP amendment addressing sea level rise planning. Prior to certification of such an amendment by the Coastal Commission, the requirements of Section 3.3.9 Coastal Hazards Analysis shall apply to all development in Sunset Beach that requires a coastal development permit pursuant to Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance. If no such amendment is certified within ten years of the effective date of certification of this Sunset Beach Specific Plan by the Coastal Commission, new development within the Sunset Beach Specific Plan area shall be prohibited in areas identified as hazardous pursuant to the required Coastal Hazards Analysis, until such amendment is effectively certified by the Coastal Commission.

Modify Sea Level Rise policy 2.4.4 (page 28), as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~; re-number as appropriate):

2.4.4 Applicants proposing **new** development **including major remodel (as that term is defined in Coastal Element/Land Use Plan Glossary)** ~~on vacant land~~ in **the** Sunset Beach **Specific Plan area** shall comply with the following steps for addressing SLR in coastal development permits as outlined in the Coastal Commission's adopted SLR Policy Guidance **(and as more specifically described in Section 3.3.9 Coastal Hazards Analysis of this Specific Plan)**:

1. Establish the projected SLR range for the proposed project;

2. Determine how SLR impacts may constrain the project site;
3. Determine how the project may impact coastal resources over time, considering SLR;
4. Identify project alternatives to both avoid resource impacts and minimize risks to the project; and
5. Finalize project design and submit permit application.

LCP: There are numerous plans and reports to address Sea Level Rise (SLR) in the suggested modules, these include:

- 1) Per Sug Mod No. 17: An amendment to the City's Local Coastal Program (including the Sunset Beach Specific Plan area) will be submitted within five years (e.g. by 2022), for review and consideration by the Coastal Commission.
- 2) Per Sug Mod No. 18: Sea Level Rise Vulnerability Assessment and Coastal Resiliency Plan.
- 3) Until the city-wide Plan is completed and approved, projects in Sunset Beach will require review for SLR effects on an individual basis by submitting a Coastal Hazards Analysis proposed in the draft Section 3.3.9 of the Specific Plan.

Note: These Hazards Analyses are already being required by the Coastal Commission staff.

The discussion above is confusing, please make it clearer and edit where possible. It might be helpful to include Coastal Hazard Analyses with this other planning efforts. Additional comments will be provided later for the draft Coastal Hazard Analyses Section 3.3.9. including, to reduce consulting costs, allowing the sharing of Plans developed for other projects with the same hazards.

SUG MOD No. 19

Modify the Water Quality section on page 28 – 29, as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Water Quality

The City of Huntington Beach is a coastal community noted for its beaches, which attract numerous people to the area. The beaches support the City's economy, and the well-being of the City's economy is dependent on maintaining **the** quality of coastal waters.

The flow of ~~untreated~~ stormwater and urban runoff, **particularly if untreated**, can have an adverse impact on the quality of coastal waters, since **the City's** storm drains eventually discharge into the ocean. Water pollution degrades surface waters, **making which may make** them unsafe for drinking, fishing, and swimming. The 1972 federal Clean Water Act ~~amendments to the Federal Water Pollution Control Act~~ prohibits the discharge of any pollutant to navigable waters unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Since 1990, the City of Huntington Beach has been ~~required to~~ **regulated as a co-permittee under the Orange County Municipal NPDES Storm Water Permit, which requires the City to** develop and implement a stormwater management program designed to prevent harmful pollutants from being washed by storm water runoff into the storm drain system ~~and to obtain a NPDES permit~~. The City's **Municipal NPDES Stormwater Permit** requires new development and significant redevelopment to minimize short and long-term impacts **of changes in stormwater runoff quality and quantity** on receiving waters, ~~quality~~ to the maximum extent practicable.

The City's General Plan and Local Coastal Program note that the City can upgrade water quality by controlling pollutants that **The City's General Plan and Local Coastal Program contain water quality and marine resource policies requiring that measures be implemented to mitigate the adverse impacts of human activities on the marine environment. These policies require the City to protect water quality by minimizing pollutants that** enter coastal waters through **stormwater and** urban runoff, **and by minimizing post-development increases in stormwater runoff volume and velocity**. The City's General Plan and Local Coastal Program contain the water and marine resource policies requiring that measures be implemented to mitigate the adverse impacts of human activities on the marine environment. To protect coastal waters, the following water quality measures shall be implemented in conjunction with any new development or significant redevelopment:

- All new development and significant redevelopment, shall comply with the Orange County Municipal NPDES Storm Water Permit issued by the ~~State of California, California~~ **Santa Ana** Regional Water Quality Control Board ~~Santa Ana Region, (Order No. R8-2009-0030), (NPDES No. CAS 618030)~~ or subsequent permits. Projects shall comply with the Orange County Drainage Area Management Plan (DAMP), all applicable local ordinances and applicable provisions of **and** the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (~~State Board~~ Order No. 2009-0009-DWQ), and any subsequent amendments, revisions, or re-issuances thereof. **Projects shall also comply with the Orange County Drainage Area Management Plan (DAMP) and all applicable local ordinances. Where conflicts occur between requirements, such conflicts shall be resolved in a manner which on balance is most protective of significant coastal resources.**
- Prior to issuance of a Coastal Development Permit (CDP), a Preliminary Water Quality Management Plan (WQMP), shall be submitted for review **and acceptance** by the Public Works

Department, ~~and~~ **Prior to issuance of a Grading or Building Permit, a final WQMP shall be submitted for review and acceptance by the Public Works Department. The WQMP** shall be based on consistency with the provisions herein.

- **The WQMP shall demonstrate that** ~~N~~ew development and significant redevelopment projects shall incorporate Low Impact Development (LID) principles, design elements, and/or Best Management Practices (BMPs) that will effectively prevent runoff contamination, and minimize **post-development changes in stormwater** runoff volume **and velocity** leaving the site ~~in the developed condition~~, to the greatest extent feasible.
- ~~Prior to issuance of a Grading or Building Permit, a final WQMP shall be submitted for review and acceptance by the Public Works Department.~~
- All projects that include dewatering shall obtain coverage under the ~~State of California, California~~ **Santa Ana** Regional Water Quality Control Board ~~Santa Ana Region~~ de minimis permit, ~~currently~~ (Order No. R8-2009-0003 (NPDES No. CAG998004)), and subsequent iterations of this permit.

LCP: Is all this background information needed? The bottom line for the Sunset Beach Specific Plan appears to be that: (1) There are Federal, State, County regulations and permits in place with the goal of controlling the quality of the stormwater discharged into the ocean from Sunset Beach. (2) To implement this goal, prior to issuing a Grading or Building permit a Water Quality Management Plan must be submitted for review to the City Public Works Department; and (3) These Plans must demonstrate that the project “shall incorporate Low Impact Development (LID) principles, design elements, and/or Best Management Practices (BMPs) that will effectively prevent runoff contamination, and minimize post-development changes in stormwater runoff volume and velocity leaving the site to the greatest extent feasible.”

Rather than all this background information that leads to vague guidelines that require consultants to interpret, it would be more helpful and protective of the ocean to list the actual things to do such as minimizing paved areas to promote rainwater infiltration and reduce flows to stormwater, controlling runoff during rainy season construction, etc.

SUG MOD No. 20

Modify the last paragraph on page 29, carrying over to page 30 under the heading Storm Drainage, as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Only drainage that is required by the City of Huntington Beach Codes and the ordinances of the Sunset Beach Sanitary District shall be drained into the Sunset Beach Sanitary System lines. All other drainage, such as rain water, irrigation and other on-site drainage shall **be filtered prior to leaving the site to** drain into the public street or public storm drainage system. All development shall meet the provisions of this requirement.

LCP: What do you mean by “filtered” prior to leaving the site? See also SUG MOD No. 22.

SUG MOD No. 21

3. Development Standards; 3.2 General Provisions

3.2.4 Refers to 17.56 of the Muni Code (Fire Code) – is this the section/reference we were going to delete b/c the Muni Code is not part of the LCP. [Section 3.2.4 seems to be dealing with aisle widths in parking lots.]

3.2.8 . . . New building sites created by a tract map, parcel map, lot consolidation, or any other legal method are also limited to two dwelling units per building site.

Is this language ok? Doesn't seem like we'd want more building sites created b/c of very small lot sizes already – but maybe that's not the question here?

LCP: Not sure what this question is referring to: On residential lots the dwelling units per building site are already restricted to two units. Additionally, complying with parking requirements per lot also limit the number of units per building site. If this is confusing, it should be clarified that the building sites are limited to two dwelling units and not increased beyond the two units.

SUG MOD No. 22

Modify the Provision 3.2.10 on page 33, as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

Due to the high groundwater conditions, only drainage that is required by the City of Huntington Beach Codes and Ordinances, and the ordinances of the Sunset Beach Sanitary District shall be drained into the Sunset Beach Sanitary District lines. All other drainage, such as rain water, irrigation, and other on-site drainage shall **be filtered and** drain to the public street or public storm drainage system. All development shall meet the provisions of this requirement.

LCP: As noted regarding SUG MOD No. 20, please clarify what is meant by “filtered.” Is this at each residential or commercial lot? If so, how can this be implemented with the small lot sizes? If not each lot, are you talking about the Sunset Beach storm drainage system? If this is the case, rather than “filtered” do you mean automatic retractable screens at inlets or connector pipe screens (CPS) in catch basins?

End of LCP Comments #2. Please send comments to these draft comments to gailbrice@roadrunner.com. Additional comments will be coming out soon.