

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

Hi Sunset Beach friends and neighbors --

The following is our combined final draft comments on 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.). Previous draft comments have been distributed to Sunset Beach residents in six installments. Changes have been made in this final draft based on this input. Please submit additional comments and concerns to gailbrice@roadrunner.com.

THIS DRAFT FINAL INCLUDES THE TEXT ONLY. THE ATTACHMENT 1 CITED WHICH WILL PROVIDE PHOTOS TO SUPPORT COMMENTS WILL BE DISTRIBUTED NEXT WEEK.

Note: There will be a meeting on Tuesday, June 4 at 6 pm with the Coastal Commission and the City of Huntington Beach to discuss these potential modifications to the Sunset Beach Specific Plan. The meeting will be held in Room B-8 at the Huntington Beach City Hall, 2000 Main Street, Huntington Beach CA 92648

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 on this final draft.

Your Sunset Beach LCP Committee

The following begins what was previously Comment #1.

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.

LCP: GENERAL NOTE: Throughout proposed changes, requirements from other parts of the Plan and other Federal, State and Local regulations (or other Plans created by these regulations) are often cited. Every effort should be made to make the Sunset Beach Specific Plan a stand-alone document and import the specific requirements from other regulations that are directly applicable to the issue at hand regarding the proposed pages. As the document stands now, to comply would require working through thousands of pages of other regulations and ordinances and/or flipping back and forth throughout the SB Specific Plan.

SUG MOD No. 1

Section 2.1 Existing Conditions (page 9, second paragraph)

NOTE: In general, the page numbers referenced throughout the suggested modules do not match the previous Sunset Beach Specific Plan that these changes are proposed to modify.

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.

There is no longer a “volunteer fire station.” This building is now the community center referenced above.

Attachment 1 provides photos to better understand the uniqueness of Sunset Beach. Included in these photos are features listed above that support public access. These include the “green belt,” free parking, bike trails and restrooms.

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 (shown on Attachment 1) as a part of the community's commitment to public access and the recreational use of resources. However, it should be made clear that requirements in the Specific Plan are applicable to these businesses, plus due to the safety issues associated with these activities, these businesses should have safety rules in place that adequately protect the public.

Also, it should be understood that the "merit protection" status does not infer a right on the existing business owners that is guaranteed. The "public right of access" should be guaranteed, however, the private business owner should not be protected, or guaranteed an exclusive right to provide those services. Therefore the text above should be rewritten to "ensure facilities are available to support community public access."

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 northeastwest 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.

Included in Attachment 1 are photos that demonstrate above, including: Width of Sunset Beach over time (“width’ being defined as the sand beach from the mean tide line to the ocean-side residents’ property line). Current width of Sunset Beach at four locations demonstrating the similarity of the sandy beach throughout Sunset Beach. Permanent and Seasonal Berms. Surrounding wetlands. Western Snowy Plovers micro-habitats on Sunset Beach.

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

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. **Photos of Sunset Beach public land are provided on Attachment 1.**

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 201~~50~~ review of existing development in Sunset Beach indicates that there are approximately 55 residential units in the areas designated for principally commercial uses.

LCP: Examples of Mixed Use residential/commercial uses are included in Attachment 1.

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.” Photos provided in Attachment 1.

A sand replenishment project is currently underway as part of the Seal Beach Weapons Station modification. It’s expected to significant increasing the width of the ocean fronting sandy beach. See Attachment 1 for photos.

- 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." This will be discussed later regarding the snowy plover habitat but ... The LCP recommends that the City of Huntington Beach review its beach wrack removal activities to balance the benefit of beach wrack removal for beach access vs. the benefits as a food source for shore birds including the Western Snowy Plover, especially during the winter months. See later comments. **Photo of an overly-groomed winter beach is included in Attachment 1.**

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: An effort has been made by the LCP to understand the presence of western snowy plovers on Sunset Beach and the best way to protect them. This understanding has been provided by the Audubon Sea and Sage Chapter that has conducted a quarterly snowy plover monitoring program in Orange County since 2014, including on Sunset Beach. Additionally, the State of California Department of Fish & Wildlife provides reports on the presence and protection of snowy plovers. The LCP study conducted included: walking Sunset Beach with the director of the Audubon snowy plover surveys; witnessing the habitat and the presence of the snowy plovers during a field trip during March '19; and discussing the best way for their efforts to support the City of Huntington Beach snowy plover protection program.

The following is key information the LCP collected regarding the snowy plovers on Sunset Beach:

- They do not nest here, but they do use Sunset Beach as a winter roosting location. Winter roosting is important for the recovery of the western snowy plovers as a threatened species as it builds up fat reserves for nesting.
- The closest nesting location is in the Bolsa Chica wetlands.
- The western snowy plovers feed on invertebrates. To be near their food supply, on Sunset Beach they have only been seen between the winter berm and shore. As shown later in this document, the backs of the snowy plovers are the color of sand. With this, they also stay on the sandy beach as their coloring serves as camouflage to protects them from predators.

According to Audubon and California Fish & Wildlife, the degradation of the snowy plover winter roosting habitat in areas such as Sunset Beach is due to the following:

1. The main problem is too-frequent beach grooming/removal of naturally-occurring kelp "beach wrack" which drastically reduces the invertebrate population that has adapted to break down the kelp and is a primary source of the snowy plovers' food supply. Note: Studies have also shown the excessive beach grooming increases rates of beach erosion.

2. Lack of training and information on location of snowy plover roosts among City staff that drive and operate equipment on the beach, including beach grooming equipment and the seasonal berm construction and maintenance equipment. (LCP members witnessed this lack of training relative to the speed of life guard trucks and ability of plovers to avoid them.)
3. A lack of public awareness of the presence of snowy plover roosts and a lack of information about how to avoid disturbing the plovers while enjoying the beach. This includes keeping dogs on leashes in the areas where snowy plovers are present.
4. Predators drawn to the beach due to human refuse.

The LCP agrees that the snowy plovers need to be protected. However, the protections proposed throughout this document should meet the hazards to and needs of the snowy plovers. For example, rather than the Coastal Commission modifications being concerned about the dredging and sand replenishment hazard, it's much more likely that the beach grooming would destroy the plover roosting habitat and food supply. Also, if the sand replenishment is conducted during the winter to protect sunbathing and use of the beach, contrary to what is noted above -- if sand replenishment does impact snowy plovers, it should not be done during the winter months because that is primary time of the year that the snowy plovers are present in Sunset Beach.

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 rooting sites.

See additional comments and recommendations later regarding protecting the western snowy plovers and the need to implement programs to minimize beach grooming and increase employee training and public awareness to meet needs identified above.

NOTE: The protection of western snowy plovers is referenced throughout these modifications. They should be all grouped into one place.

- 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 and the potential impact to the snowy plovers are also minimized (see earlier discussion). Before the seasonal berm 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. But even if no plovers are seen, the seasonal berm location should to be located far away from the shore in order to meet the requirements of the engineering report for optimal flooding protection and provide adequate winter roosting locations for the snowy plovers. The engineering report should be referenced in this document. **Photos of the seasonal berm are provided in Attachment 1.**

- 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. As discussed later, this is supported by the LCP. Therefore, vi and vii are not applicable and 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 opportunities, as well as sensitive biological resources, including western snowy plover, spawning grunion, and beach rack.**

LCP: It’s 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 and seasonal berm in 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 including the appropriate “recreational activities” for Sunset Beach. Note: beach rack is spelled “wrack.” See earlier and later comments regarding the importance of beach wrack to snowy plovers and preventing beach erosion.

- 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 vegetation is desirable but it should be made clear who’s allowed to do this and/or who would pay for this. See later proposal that this may be a good use for encroachment fees.

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. See later very detailed discussion that definitively demonstrates that fire rings are not appropriate for Sunset Beach. Attachment I include photos of the Huntington Beach State Park fire rings.

- 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 identifying two viewpoints on PCH. This will increase the viewpoints in Sunset Beach to a total of 28, 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. See photos of public access viewpoints in Attachment 1.

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.

The following begins what was previously Comment #2.

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

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.

LCP: Concerned that the comment “New visitor-serving uses shall not displace existing low-cost visitor serving uses” could lead to devaluation of business properties and reduced investment in the community. The driver for the California Coastal Commission should be “affordable visitor-serving uses”.

Note: This section should be referred to the City Attorney to consider the limitations on replacing or upgrading new visitor-serving uses.

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.

LCP: Protecting low-cost businesses should not be the objective of the California Coastal Commission. Replacement of lower cost facilities should not be prohibited. Providing high-quality access to the natural resources at an affordable price should be the goal.

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.

LCP: As noted earlier, protecting low-cost businesses should not be the objective of the California Coastal Commission. Providing affordable high-quality access to the natural resources should be the goal. Will the City of Huntington Beach be required to do economics to establish whether the hotels and motels are “low cost?” This is an unrealistic expectation, the wording should be reconsidered.

Note: The numerous hotels currently in Sunset Beach are significantly lower-cost than the beach communities south of Sunset Beach and also those throughout the California beach communities.

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.

LCP: See earlier comments regarding protecting low-cost businesses.

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.

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

At the end of 2.2.12, the following should be added: “consistent with applicable State of California Laws & Regulations.” The LCP agrees with this.

What is the intent of policy 2.2.13? Does the Coastal Commission have authority of housing in its Charter? If so, 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 recommend deleting it because as it currently is it is too vague and can’t be implemented.”

The LCP agrees with the City 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.

LCP: If wording is kept, “preserved” should be replaced by “preserved, whenever possible.”

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 ~~servicing~~ 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 all the public parking in Sunset Beach is free. This includes parking along the greenbelt; the south parking lot; and the overflow parking on the east side of PCH on the north end of Sunset Beach. As noted in earlier comments, 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.

Photos of free parking are included in Attachment 1.

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.**

LCP: This should not include developing public parking at the end of the streets heading to the beaches. This should continue to be permit parking only with the existing condition that permit holders cannot block beach access. This will maximize the free parking on the green belt and ensure that the paths remain clear for public beach access.

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.

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. See photos in Attachment I. 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 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. **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.**

LCP: Please see earlier comments regarding the great importance of “beach wrack” (which includes kelp) relative to the western snowy plovers during the winter months. Inconsistencies regarding beach wrack/kelp management should be resolved in earlier modules. Efforts to remove **all** the kelp from sandy beach areas during the summer should be reassessed as it is source of food for the shore birds. The entire beach is not needed for sun bathing. The City’s overall beach wrack removal program should be assessed specifically for Sunset Beach in order to balance trash removal, kelp as a food sources for shore birds, including the snowy plover, and protection for beach users. The beach grooming equipment is also a threat to the snowy plovers. Throughout this winter, excessive beach grooming appears to have been conducted. See photo in Attachment 1. This needs to be reassessed for inclusion in this Specific Plan.

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.**

LCP: Agree that it is desirable to utilize volunteer/non-profit groups experienced in planting native vegetation. However, in the event these groups are not available, should have the option to use for-profit organizations experienced in this work.

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 earlier, 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 dune” should be changed to “permanent berm.”

Also, 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. As noted later, this might be a good use of the encroachment fees.

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. See photos in Attachment 1.

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 earlier comments 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.**

LCP: What's the extent of the educational program anticipated to be required? As this could require significant funding, the scope should be clarified prior to the City agreeing to this requirement.

LCP: As discussed earlier, the most effective educational efforts to protect the snowy plovers is to educate city staff regarding the identification and roosting habits of the snowy plovers during the winter. The greatest threat to these birds is the City equipment for beach grooming and berm maintenance and the speed of non-emergency life guard patrols. With a little awareness and minor changes in operation, these threatened birds can be protected. Additional education programs should be provided to the public in conjunction with the Sea & Sage Audubon Society. See next section for additional comments.

See later comments regarding the "shoreline protection devices" prohibition on the sandy beach side of Sunset Beach. If this is acceptable, education programs regarding shoreline protection devices on the sandy beach will not be needed.

2.4.8 Western Snowy Plover

LCP: See earlier comments regarding the Western Snowy Plover. Their protection should all be combined into this section. Before making additional 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, representatives of the LCP met with the Audubon Society survey supervisor in early February. As provided earlier, the following is based on this tour and additional information provided by California Fish and Wildlife regarding the snowy plovers on Sunset Beach:

- They do not nest here, but they do use Sunset Beach as a winter roosting location. Winter roosting is important for the recovery of the western snowy plovers as a threatened species as it builds up fat reserves for nesting.
- The closest nesting location is in the Bolsa Chica wetlands.
- The western snowy plovers feed on invertebrates. To be near their food supply, on Sunset Beach they have only been seen between the winter berm and shore. As shown later in this document, the backs of the snowy plovers are the color of sand. With this, they also stay on the sandy beach as their coloring serves as camouflage to protect them from predators.

According to Audubon and California Fish & Wildlife, the degradation of the snowy plover winter roosting habitat in areas such as Sunset Beach is due to the following:

1. The main problem is too-frequent beach grooming/removal of naturally-occurring kelp “beach wrack” which drastically reduces the invertebrate population that has adapted to break down the kelp and is a primary source of the snowy plovers’ food supply. Note: Studies have also shown the excessive beach grooming increases rates of beach erosion.
2. Lack of training and information on location of snowy plover roosts among City staff that drive and operate equipment on the beach, including beach grooming equipment and the seasonal berm construction and maintenance equipment. (LCP members witnessed this lack of training relative to the speed of life guard trucks and ability of plovers to avoid them.)
3. A lack of public awareness of the presence of snowy plover roosts and a lack of information about how to avoid disturbing the plovers while enjoying the beach. This includes keeping dogs on leashes in the areas where snowy plovers are present.
4. Predators drawn to the beach due to human refuse.

- 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 duplicate this effort, it should just secure the information regarding Sunset Beach from the Sea & Sage Audubon Society. The Audubon Society has requested a point person at the City to provide this information. See next comments.

- 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.**

- 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.**
- 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 earlier, the greatest threat to the snowy plovers are City vehicles. The Sea & Sage Audubon Society has been funded for over 6 years to track the presence of western snowy plovers down the coast of Orange County, including Sunset Beach. Therefore, an initial meeting should be held between them and the City to solicit their advice regarding the best way to implement above. Quarterly meetings (especially in the winter) should follow in order for Audubon to report on the location of the snowy plovers on Sunset Beach and adjust the protection program as needed. Also, as the Sea & Sage Audubon Society and California Fish & Wildlife are already conducting education program regarding the western snowy plovers, they should also be used to help develop the public education programs required above.

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. (See photo showing change in Attachment 1.) 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.

Note: The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Sunset Beach should be referenced in this Section. An update of the FEMA flood maps became effective in March, 2019.

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? The Coastal Commission SLR Policy Guidance Document which contains data from several scientific studies (as discussed in SUG MOD #18? If so, please reference it.

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):

LCP: The Coastal Commission SLR Policy Guidance Document is 307 pages. The suggested modifications of the Sunset Beach Specific Plan (SBSP) dictate a 75-year life of the project with the design based on the highest SLR using Appendix G of the Coastal Commission SLR Policy Guidance Document. Based on that document, the SLR by 2090 is expected to range from 2.7' to 8' above the current high tide. Based on the requirements below, the SBSP should apply an 8' maximum SLR estimate above the current maximum sea level. **Using those guidelines, nothing can be built in Sunset Beach because PCH would be entirely covered in water.** Later comments suggest a phase-in of requirements.

This issue and the potential issues related to the yellow highlighted text below needs to be discussed with the Coastal Commission as the proposed recommendations are not feasible. Due to the legal issues contained in this section, it should also be referred to the City Attorney.

Note: Regarding the 75-year flooding projection, there doesn't seem to be anywhere in this Plan that allows for adaptation. Instead, the California Coastal Commission proposes that flooded properties be returned to the State by default. Besides bulkheads on the harbors side, no other options for engineering solutions to support structures impacted by flood are considered or allowed to be proposed. There are numerous examples of adaptive solutions: The entirety of the Netherlands would be underwater if it weren't for their engineering solutions. Fisherman's Wharf in San Francisco has all its structures supported on piling, with the water under the structures. And even in Sunset Beach, prior to the widening of the beach through the sand replenishment projects, the first southern-most homes along the ocean were supported on timber piles with the water and waves running under the structures. As noted throughout these comments, the 75-year flood projections should be phased in over time. Added to this, should be options for adaptations implemented over time to raise the roads, buildings, utilities, etc. One solution for houses on the harbor side could be to have the homes on piling with a boat dock as the first floor.

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.**

LCP: How does the OC Drainage Area Management Plan deal with the maximum projected SLR dictated by the CCC for new developments?

- 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~~new 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. CAG998001), 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?

Beginning of previous draft Comments #3.

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

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. 23

3.3.1 SUNSET BEACH RESIDENTIAL

Modify the Section 3.3.1 Sunset Beach Residential, Section 3.3.1 B. Principal Permitted Uses, 5 (page 36, as follows (City's proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

5. Additions to lawful non-conforming residential uses. Additions must comply with all applicable development standards. **This provision shall not apply to additions that constitute a Major Remodel as that term is defined in the Coastal Element/Land Use Plan Glossary.**

Development meeting the definition of Major Remodel must bring existing non-conforming elements into conformance.

LCP: This is confusing. It appears that (1) Additions to “lawful non-conforming residential uses” must (1) comply with all applicable development standards; but if it’s a Major Remodel (+50%) then it must bring “existing non-conforming elements into conformance.” What’s the difference between “all applicable development standards” and “conforming elements?” Compliance should only apply to Major Remodels, therefore with the addition of the “Major Remodel” requirements elsewhere in the Plan, this section should be able to be eliminated.

Note: If the new Section 3.3.9 Coastal Hazard Analysis (provided later) is included in the Sunset Beach Specific Plan, bringing existing building elements into conformance with the new Coastal Commission requirements would most likely necessitate a complete teardown (instead of a 50% teardown) if the entire property needs to comply with the highest SLR estimate (for a 75-year project life) that is provided in the CCC SLR Guidance document. Another reason for these requirements to be phased-in.

SUG MOD No. 24

Modify the Section 3.3.1 Sunset Beach Residential, Section 3.3.1 C. Other Permitted Uses, 7 (page 36, as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

7. Short term vacation rentals (stays of 30 days or less)

- a. Amortization Period: Any existing short term vacation rental (stays of less than 30 days) use shall be discontinued 12 months following the effective date of the adoption of this specific plan by the California Coastal Commission, unless an application is filed with the Community Development Department pursuant to this section to establish the use ~~prior to the discontinued date~~. **This requirement is intended to regulate such rentals, not prohibit them.**
- b. **New short term vacation rental (stays of less than 30 days) use may be permitted subject to approval of a coastal development permit.**

LCP: In conjunction with Huntington Beach, Sunset Beach is currently developing its short-term vacation rental policy. The requirements of this policy should be incorporated into this section.

SUG MOD No. 25

Modify the Section 3.3.1 Sunset Beach Residential, Section 3.3.1 F. Site Development Standards 2. Bottom Elevation (page 37, as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

2. Bottom Elevation – For structures outside the – ~~FP3~~ ~~FP-3~~ District, the finished floor elevation for new construction **and/or major remodel** should be a minimum of two feet above the centerline of the frontage street or two feet above the highest perimeter curb elevation of the property, whichever is greater, unless the applicant can prove, using detailed hydrologic and

hydraulic calculation, that the proposed finished floor elevation is protected from being flooded from a 100-year flood in a manner meeting the approval of the Community Development Director.

LCP: For new construction or a major remodel, a Coastal Hazard Analyses is required (see later comments). Rather than citing the “detailed hydrologic and hydraulic calculation,” shouldn’t the results of Coastal Hazard Analyses replace this requirement as the method for waiving this requirement, especially for a Major remodel?

For structures located in the –FP3 District, the finished floor elevation for new construction and/or major remodel shall, at a minimum, comply with the requirements of the Coastal Flood Plain Development Orange County Coastline, January 1985 including constructing the bottom elevation at two feet above the centerline of the frontage road or two feet above the highest curb elevation of the property, whichever is greater, and construction on 20 foot caissons, and that the underside of the structure be elevated a minimum of 18 inches above the elevation of the ground beneath the structure.

LCP: Since the suggested modifications are only on certain sections of the SBSP, there seems to be a distinct possibility that some of the changes proposed by “Section 3.3.9 Coastal Hazard Analysis” could potentially reduce all future building heights to two stories. This is because the 35’ maximum building elevation is measured from the curb, not from the future high SLR that sets the ground floor elevation. The potential impact on other sections of the SBSP may not be apparent until after the final suggested modifications are completed. Because of the potential “unintended consequences” that changes in one section of this Plan can seriously impact another, care must be taken with these modifications.

As noted earlier but applicable again here: The reference to the 1985 Plan is no longer applicable as they don’t take into consideration the major changes that have been made in Sunset Beach since 1985. 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 requirements are included in the “Coastal Flood Plain Development Orange County Coastal” are we also supposed to be complying with? If this is a forward-looking study, they should start with the proper current baseline and not reference non-applicable studies. **See Attachment 1 for applicable photos.**

Additionally, as discussed regarding Mod 18, any foundation requirements 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 because the specific hazards to development projects will be addressed in the required Coastal Hazard Analyses discussed in later suggested modules.

Those building sites abutting the Sunset Beach Waterways District, Bayview Drive, or Park Avenue shall have the additional requirement that the finished floor elevation also be set at a minimum two feet above the bulkhead elevation.

In addition, the finished floor elevation for new construction and/or major remodels shall comply with the requirements of Section 3.3.9 Coastal Hazards Analysis.

LCP: This will be addressed when reviewing the Coastal Hazards Analysis module.

SUG MOD No. 26

Modify the Section 3.3.1 Sunset Beach Residential, Section 3.3.1 F. Site Development Standards 6 Off Street Parking (page 40, as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

6. Off street parking shall be in conformance with Section 3.3.4 of the Sunset Beach Specific Plan Regulations. Additional parking shall not be required when additions, not exceeding 50 percent of the floor area of the total structure, are made to lawfully nonconforming residential uses, **except when the addition constitutes a Major Remodel as defined in the Coastal Element/Land Use Plan Glossary. If the addition constitutes a Major Remodel, then all nonconformities must be brought into conformance.**

LCP: This appears to be another redundancy example. The existing language says if the addition is < 50% then the residential property does not have to comply with the off-street parking requirement. Why then do you need to add that if it’s a major remodel > 50% you do have to comply with the off-street parking. Why do you need both statements? It just makes it more confusing, especially as you have to search through the Plan to find the “Major Remodel” definition.

SUG MOD No. 27

3.3.2 SUNSET BEACH TOURISTS

LCP: This section addresses the Sunset Beach Tourist requirements for the strip of commercial/residential (“Mixed Use”) property down PCH. An additional totally-separate suggested modules address “Mixed Use” which includes many of the same requirements in this “Sunset Beach Tourists.” These modules should be combined as “Sunset Beach Tourists/Mixed Use” with the redundancies removed.

Modify the Section 3.3.2 Sunset Beach Tourists, Section 3.3.2 F. ~~Site Development Standards 6 Off Street Parking~~ (page 40, as follows (City’s proposed language in plain text; CCC staff recommended additions in **bold, underline**; deletions in ~~strike through~~):

3.3.2 Sunset Beach Tourists

page 41:

first paragraph – fix typo: . . . will supply the needs of ~~f~~ tourists, visitors, and the local . . .

second paragraph – Modify as follows:

Whenever the occupancy or use of any premise is changed to a different use or the existing use is altered, enlarged, expanded or intensified, parking to meet the requirements of this section shall

be provided for the new use or occupancy. This provision shall not apply to the addition of rooms or other alterations to lawful nonconforming residential dwellings in a commercial zone, **unless the addition and/or alteration constitutes a Major Remodel (as defined in the Coastal Element/Land Use Plan Glossary).**

LCP: As noted at the beginning of these comments, this should be a stand-alone Plan. The current draft keeps sending those that are trying to comply off to other regulations, ordinances or Plans. This is a good example: just provide the definition rather than sending readers off to a glossary of another Plan. It appears to be something close to the previous requirement of a Major Remodel being > 50 percent. If it's much more complicated than that, then the definition should be revisited.

A Major Remodel shall be required to bring non-conforming elements into conformance, including the provision of required parking. that do not increase the total floor area more than 50 percent.

LCP: It's not clear how much additional parking is required.

3.3.2 Sunset Beach Tourists, B. Permitted Uses (page 41) modify as follows:

9. Limited Use Overnight Visitor Accommodations – only those for which a business license or certificate of occupancy has been issued on or before the effective date of adoption of this Specific Plan shall be permitted.

10. Commercial boat docks, **and limited accessory development necessary to serve commercial boat docks (i.e. ticket sales both, queuing area, etc.).**

LCP: This appears to be applicable to commercial boat docks that have ticket booths and queuing areas, e.g. such as commercial boats going to Catalina. This is not applicable to Sunset Beach.

SUG MOD No. 28

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.2 Sunset Beach Tourist, C. Other Permitted Uses, 4. Residential Uses (Page 42) as follows:

4. Residential Uses:

a. When the subject site is able to accommodate both the principal use and the residential use or when such a shared use already exists at the site (as of the final certification date of the Sunset Beach Specific Plan by the Coastal Commission).

b. The ability to accommodate both the principal and residential uses shall be determined by:

LCP: The following requirements are already in the previous Specific Plan.

i. the site's ability to provide all required parking (per the HBZSO and this specific plan) on-site or within 470 feet of the subject site and for which legal use of the off-site parking spaces to serve the development for the life of the project is legally demonstrated in writing;

LCP: HBZSO? This is another example of sending reader off to someplace else. If the requirements are already in the Sunset Beach Specific Plan, why does the HBZSO need to be referenced here too?

ii. reasonable and safe street ingress and egress is provided;

LCP: Agree with this addition. In the past we've advised disapproval of projects because the proposed ingress and egress would have been extremely unsafe due to local conditions.

iii. the project does not require curb cuts or otherwise result in the loss of existing, on-street parking spaces, and;

iv. the proposed development is also otherwise consistent with the standards and policies of the certified Local Coastal Program including any applicable specific plan.

LCP: Again, referencing other requirements to check. If there are any additional "standards and policies" that must be complied with, they should be included here.

ac. Any residential use must be ~~L~~located **entirely** above the first floor of a Principal Permitted Use.

bd. Parking for both the primary commercial uses and the residential use conforms to Section 3.3.4 of these regulations.

ee. Such residential use shall not exceed 50 percent of the gross square footage of the entire structure **(as "gross square footage" is defined in)**. Additions to lawful nonconforming residential uses are permitted if their cost does not exceed 50 percent of the market value of the residential use.

LCP: We agree with City's comments that the definition should be included here.

f. Where a site can accommodate only one of the two uses (Sunset Beach Tourist or Residential), then only Sunset Beach Tourist may be allowed (except when both already legally exist at the site (as of the date of final certification this Sunset Beach Specific Plan by the Coastal Commission).

LCP: Agreed.

SUG MOD No. 29

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.2 Sunset Beach Tourist, E. Accessory Uses Permitted (Page 42) as follows:

4. Outdoor dining areas **when the required parking spaces are provided.**

SUG MOD No. 30

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.2 Sunset Beach Tourist, G. Site Development Standards (Page 43) as follows:

2. Bottom elevation – the finished floor elevation for new construction should be a minimum of two feet above the centerline of the frontage street or two feet above the highest perimeter curb elevation of the property, whichever is greater, unless the applicant can prove, using detailed hydrologic and hydraulic calculation, that the proposed finished floor elevation has protection from being flooded from a 100-year flood in a manner of meeting the approval of the Community Development Director.

Those building sites abutting the Sunset Beach Waterways District shall have the additional requirement that the finished floor elevation also be set a minimum of two feet above the bulkhead.

In addition, the finished floor elevation for new construction and/or major remodels shall comply with the requirements of Section 3.3.10 Coastal Hazards Analysis.

LCP: As noted previously, the SLR values in the California Coastal Commission documents are much higher than 2' above the top of the existing bulkhead that's noted here. The difference between these two documents should be clarified in order understand the true impact of the above requirements.

See additional comments in the Coastal Hazards Analysis section.

SUG MOD No. 31

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.2 Sunset Beach Tourist, H. Lawful Nonconforming Residential Use of Property (Page 44) as follows:

- H. Lawful nonconforming residential use of property:
Should any existing lawful nonconforming residential structure presently on property zoned commercial be destroyed such may be rebuilt providing it conforms to the **Huntington Beach Zoning and Subdivision Ordinance Section 245.08 E as well as to** provisions of the residential uses and standards contained in the SBR District. The replacement residential use/structure may

not be increased more than 10 percent in height or footprint beyond what was existing and must be rebuilt in the same location.

LCP: Another example of needing to chase down other requirements. If applicable and straightforward they should be included in the Specific Plan. If not, rather than tossing in other requirement in the text, there should just be a statement at the beginning of the Specific Plan that, in addition to the requirements here, all new and Major Remodel projects must also comply with Huntington Beach Zoning, development and building requirements.

Note: The 10% height limit may not be consistent with some other limitations.

SUG MOD No. 32

Modify the Title of Section 3.3.3 (page 44 and throughout specific plan) as follows:

3.3.3-PUBLIC FACILITIES: OPEN SPACE:

SUG MOD No. 33

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), A. Purpose (Page 44) as follows:

LCP: In addition to the “Beach Area, free parking lot and spaces, and Waterways,” the greenbelt should also be included in the “Open Space.” This is important as later draft modifications propose additional public facilities on the Sandy Beach. This includes bike trails and four restrooms, one every five blocks. The addition of these man-made structures to the sandy beach are not needed as they are already present on the greenbelt which is readily accessible to the Public at 26 locations, i.e. every 200 feet. Also, both North and South Pacific Avenue should be considered “Open Space” as it is dedicated as a bike trail, with a speed limit of 15 mph for cars. It runs for a mile and connects with the beach-side bike trail in Huntington Beach State Park. Therefore, there isn’t any reason to put a bike trail on the Sandy Beach, especially as it would impact the serenity of the beach experience for the public, support beach erosion and potential impact roosting habits of the Western Snowy Plover. See Attachment 1 for greenbelt photos.

A. Purpose

The Public Facilities **Open Space** District, including the Beach Area (SBB), Parking Facility (SBP), and Waterways (SBW) districts, is intended to permit the establishment and maintenance of **public and visitor serving needs in areas best suited to support them.** ~~community services in locations that will best service the uses in Sunset Beach. It is intended that these community facilities be compatible with the other land uses and included beachfront and parks, public parking facilities, and inland waterways.~~

LCP: There are many beach experiences that are of value to the public (including Sunset Beach residents) and visitors. Sunset Beach is adjacent to the beaches at Huntington Beach State Park and the City of Huntington Beach. Those beaches, stretching for 10+ miles are heavily used, noisy and very urban. The public comes to Sunset Beach because it is quiet, family-friendly, with public access with those with

disabilities and one of the few places in California that parking is free. In the effort to “serve” the public, we need to consider all the various sectors of the “public.” Those who want a “wild scene” with vendors on the beach have the adjacent beaches, therefore, every effort should be made to keep Sunset Beach as the very special and unique place that it is. See photos in Attachment 1.

SUG MOD No. 34

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), B. Sunset Beach Beach Area (Page 44) as follows:

LCP: See comments in No. 33 regarding the value of maintaining the unique nature of Sunset Beach.

- ~~1. To protect beachfront residences and maintain public and private ocean views and access and to preserve the unique public recreational character of Sunset Beach, the existing beach and sand area shall be maintained in their present form.~~
- 1. The on-going sand management program described in Section 2.4 of this Specific Plan, including the USACE led sand replenishment projects, the seasonal construction of a sand berm on the beach, and retention of the berm (artificial dune), shall be maintained as long as the program remains necessary to protect existing development from storm and tidal actions, to provide and maintain the public sandy beach for public access and recreation.**

LCP: Why does this need to be included if already addressed? All proposed changes that are redundant to other sections should be removed. Also, as noted earlier there needs to be consistency of terms, therefore the wording should be changed to “the seasonal construction of sand berm on the beach (seasonal berm)” and the berm in front of the residences that was constructed in 1983 should be referred to as the “permanent berm.” See photos of berms in Attachment 1.

If this redundant section is kept, here is a repeat of earlier comments: 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. However, by pushing the seasonal berm inland, this does provide additional western snowy plover habitat. (see earlier comments). The engineering report should be referenced in this document.

SUG MOD No. 35

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), B. Sunset Beach Beach Area (Page 44) as follows:

- ~~2. From the ocean front property line to the ocean there shall be no roadway, bike path, hiking trail, or parking facility.~~

LCP: This provision should NOT be struck out. See earlier comments on Sug Mod No. 33 regarding the unique nature of Sunset Beach. This includes a current adjacent roadway, bike path, green belt, free parking along the greenbelt and free parking lot on the south end of Sunset Beach plus 26 public access points every 200 feet to the Sandy Beach. Therefore, there is ABSOLUTELY NO REASON to have a “roadway, bike path, hiking trail or parking facility from the ocean front property line to the ocean.” Besides not being needed, they would replace the natural beach features, change the nature of the beach (see comments on No. 33), cause soil erosion, increase stormwater runoff and reduce the habitat for the western snowy plovers.

SUG MOD No. 36

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), B. Sunset Beach Beach Area (Page 44) as follows:

4. Permanent above-ground structures on the sandy beach ~~and sand~~ areas shall be prohibited, except for:
 - a. Lifeguard towers
 - b. Other facilities necessary for public safety.

LB: If this section is kept, why is No. 35 crossed off? This appears to be a contradiction.

Beginning of former draft Comment #4.

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

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. 37

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), B. Sunset Beach Beach Area (Page 45) as follows:

5. Temporary uses and structures accessory to residential development ~~may shall~~ be permitted within the ~~20 foot strip~~ of beach property contiguous to SBR properties subject to the standards and requirement of Section 3.3.10 Beachfront Encroachments and a Coastal Development Permit.

~~Improvements shall be limited to temporary/removable deck units, the top elevation of which shall not exceed four feet above the street level of South Pacific Avenue; landscaping not exceeding 30 inches in height above patio/deck surface at full growth; and portable furniture.~~

LCP: What is the decision criterion for review/approval for “temporary uses and structures accessory to residential developments” that “may” be permitted? If the suggested change in the text from “shall” to “may” is implemented, there needs to be guidelines on what is, and what is not, permitted.

Additional comments regarding beachfront decks will be made when reviewing the standards and requirements of Section 3.3.10 Beachfront Encroachments.

SUG MOD No. 38

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), B. Sunset Beach Beach Area (Page 45) as follows:

~~6. Fire rings or any other fire on the beach shall be prohibited.~~

LCP: The prohibition of the fire rings should NOT be removed from the Plan for the following reasons (photos are provided in Attachment 1 to support the following):

- 1) Sunset Beach was established in 1905 and is fortunate to still have many of the vintage, 80-100+ year old vintage wooden beach cottages in the town, many of which provide the lowest cost housing in Sunset Beach.
- 2) Sunset Beach is a very windy beach as demonstrated by the popularity of kitesurfing here. The prevailing winds are usually off the ocean. Ash and ambers from fire rings create a hazard to the homes in Sunset Beach, especially to our vintage, wooden cottages. Many of which are located beachfront.
- 3) Sunset Beach has a history of residential fires. Because the homes in Sunset Beach are very close together, if one home catches on fire, additional homes can also be destroyed. This was the case with a fire in 2012 which was a result of a small barbeque tipping over from the high winds

coming off the ocean. The fire destroyed two adjacent beachfront homes and severely damage two more. This is link to a video of this fire <https://www.youtube.com/watch?v=CKjk9aCz8H0>.

- 4) As discussed in earlier comments, different sectors of the public enjoy different types of beach experiences. Sunset Beach is known as a quiet beach where one can escape the crowds and loud parties (including those associated with fire rings). If one is interested in fire rings –
- 5) There are over 500 fire rings available immediately south of Sunset Beach at the Huntington Beach State Park. These fire rings also have large parking lots and public facilities to support crowds and loud parties. There are also no residents to be disturbed or be exposed to hazardous emissions (discussed below). This is not the case with Sunset Beach which is just one mile long and, although 75% of the town is open space, all the available space for public parking has been utilized. Also, in Sunset Beach...
- 6) There is public access every 200 feet between the beachfront homes. These access points between the home magnify the sound coming from the beach, especially in the evening. The beachfront residents are proud Sunset Beach's outstanding public access and the enjoyment shared by all during the daylight hours, however, fire rings on Sunset Beach is much less appropriate than using the 500 fire rings at the adjacent Huntington Beach State Park, especially as...
- 7) Besides the fire hazard and noise, the Sunset Beach residents would be exposed to the second-hand smoke and ash from the fire rings. The emissions from open fires have a fine particulate size of < 2.5 microns (known as PM 2.5). The health effects of fine particulates include cardiovascular effects such as cardiac arrhythmias and heart attacks, along with respiratory problems such as asthma attacks and bronchitis. PM 2.5 emissions pose the greatest health risk as these fine particles can get deep into lungs and get into the bloodstream.

Note: PM 2.5 fine particulates is what creates the horrendous air quality problems in Beijing China. Like smoking cigarettes, those who decide to build bomb fires in fire rings are choosing to expose themselves to these health hazards. But why should the residents of Sunset Beach be exposed to this second-hand smoke, especially when there are 500 alternative fire rings immediately south of Sunset Beach where there are no residents upwind to be exposed to the PM 2.5 fine particulate fire ring emissions? Documentation that fire rings are a public health risk...
- 8) This is demonstrated by the fact that the South Coast Air Quality Management District (SCAQMD) routinely issues "No-Burn Alerts" that require mandatory bans on burning wood. As noted in their alerts: "No burn alerts are mandatory in order to protect public health due to high concentrations of fine particulates of air pollution" ... "Fine particulates in wood smoke – also known at particulate matter of PM 2.5 – can get deep into the lungs and cause respiratory illness, increases in emergency room visits and hospitalizations." This is especially true for senior citizens which make up a high percentage of Sunset Beach residents. The SCAQMD also recognizes particulate emissions (e.g. from fire rings) as smog forming agents, and also ...
- 9) Fine particulates (PM 2.5) are a greenhouse gas (GHG) which contributes to global warming and climate change with the resultant sea level rise -- one of the Coastal Commission drivers for the

suggested changes in the Sunset Beach Specific Plan. It's ironic and confusing why the Coastal Commission, whose mission includes environmental protection, would be promoting an additional source of pollution with new fire rings in Sunset Beach, especially when 500+ alternative fire rings (that would cause less harm) are available just south of Sunset Beach.

10) For all these reasons, the prohibition of fire rings on Sunset Beach should be maintained.

SUG MOD No. 39

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), C. Sunset Beach Parking Facility (Page 46) as follows:

1. Parking control shall be in accordance with the City of Huntington Beach certified Local Coastal Program Municipal Code.
2. The present general configuration, ~~and~~ facilities, and existing minimum number of parking spaces shall be retained.

LCP: The Huntington Beach "Local Coastal Program" references the "Municipal Code," therefore the change in text appears to bet circular. In other paragraphs in the following sections, the Municipal Codes are referenced. If the Municipal Code controls the issue, then it should be referenced directly.

SUG MOD No. 40

Modify Section 3. Development Standards, 3.3 Regulations, 3.3.3 Public Facilities (to be re-named Open Space), D. Sunset Beach Waterways (Page 46 and 47) as follows:

D. Sunset Beach Waterways (SBW)

1. For greater use by the general public, all channels and public waterways shown in Exhibit 3.2 shall be maintained and operated as public waterways, subject to City of Huntington Beach regulations and certified Local Coastal Program. They shall be properly bulkheaded to prevent erosion and resultant land filling, and dredged to maintain navigable depth and regulated to prevent impediment of channel. All navigable channels shall be retained and maintained at the present width, no part of the channels shall be filled, and no encroachments shall be allowed except for bulkheads, gangways, and docks as provided in item number 2 below. Channel maintenance, including dredging, shall be accomplished by the least environmentally damaging measures feasible.
2. In addition to a Coastal Development Permit from the State, a Harbor Permit (encroachment permit) is required for all existing and proposed bulkheads, gangways, and docks within the Sunset Beach Waterways. Bulkheads not within the SBW will require evidence of sound

construction (building permit) concurrent with the application for a harbor permit for dock and gangway attachments. The right to said permit shall be attached to the property and run with the ownership of the bulkhead frontage.

As part of the harbor permit application process, a determination will be made for existing facilities as to whether they are in a state of good repair or a state of disrepair. Docks with inadequate floats resulting in partial submersion, sinking, or listing, broken or inappropriate decking material, inadequate supports or improper fastening devices (such as PVC pipe), and illegal and unsafe electrical wiring shall be deemed to be in a state of disrepair.

Where a new bulkhead or repair or replacement of an existing bulkhead is deemed necessary to protect existing primary structures based upon an Engineering Assessment prepared by a qualified professional, fill of coastal waters shall be avoided to the maximum extent feasible, and the project shall be the least environmentally damaging feasible alternative, and adequate mitigation to offset any adverse impacts shall be provided. In addition, for all new and/or repair of existing bulkhead projects Section 3.3.9 Coastal Hazards Analysis shall apply.

LCP: Who will establish what constitutes “least environmentally damaging feasible alternative?”

This is another example of new requirements being “sprinkled” throughout modules and often providing redundant requirements. All new requirements regarding issues relative to sea level rise should be included exclusively in the new Coastal Hazards Analysis modules. LCP comments regarding this requirement will be addressed later.

All applications for a harbor permit shall be submitted to the Sunset Beach LCP Board for their review and recommendations prior to the issuance of said permit.

...

4. To provide maximum public use of inland waterways in the channels running at 90 degrees to Pacific Coast Highway, the channel encroachment line shall be at 40 feet as measured from lot property lines (see Exhibit 3.2, Permitted Encroachment Areas Within Sunset Beach Channel).

...

7. To meet visitor serving needs, the 11th Street public beach and sandy area opposite 17th Street shall be retained in ~~its~~ **their** present general configuration, or if reconfigured, shall provide equivalent recreational opportunities **in the same location with no reduction in service to visitors** and shall be properly maintained. Small boats may be launched at both areas provided there is no use of trailers, sand dollies, or mechanical launching equipment. ~~The launching of boats is specifically prohibited at all other publicly owned properties adjacent to Sunset Channel.~~

LCP: Sunset Beach is only a mile long with the access to the harbor only being along Pacific Coast Highway. The harbor side of Sunset Beach doesn’t have any other possible public boat launch areas. Therefore, the last sentence shouldn’t be deleted.

SUG MOD No. 41

Modify 3.3.4 Parking Requirements, A. Off-Street Parking as follows (page 51 - 53):

Off-street parking regulations, including minimum parking stalls required and bicycle parking, shall be provided in compliance with the City of Huntington Beach Zoning and Subdivision Ordinance Chapter 231 except that:

1. Residential

- a. Parking stall size for residential uses shall be a minimum of nine feet by 18 feet, whether the stall is covered or uncovered.
- b. One half of the required parking may be tandem for residential lots having less than 46 feet of street frontage.

2. All Other Permitted Uses

- a. No owner or tenant shall lease, rent, or otherwise make available to intended users any off-street parking spaces required by this article.
- b. Parking stalls for commercial uses requiring backing onto public streets shall be prohibited, except where they presently exist **(as of the final certification date of the Sunset Beach Specific Plan by the Coastal Commission)**. In the case of minor alterations to existing structures, nonconforming parking stalls may remain subject to **approval of** a Coastal Development Permit. Minor alterations are defined as those that 1) do not increase the intensity of use and 2) do not increase the existing parking capacity.
- c. Subject to **approval of** a Coastal Development Permit by the Planning Commission, the off-street parking facilities may be located on separate non-contiguous building sites subject to recorded covenant that would guarantee their continuous maintenance **exclusively** for the use(s) they **are required to** serve. Non-contiguous building sites shall be within 470 feet of the site of the use(s) they serve.

LCP: Rather than the "Planning Commission," it would be clearer to state that the approval of the Coastal Development Permit would be done by the "City of Huntington Beach."

- d. Up to 50 percent of the required parking for commercial uses may be compact size, eight feet by 15 1/2 feet, subject to a Coastal Development Permit. The point of entry or exit for compact space shall be no closer than 20 feet from the ultimate right-of-way at the street opening.

LCP: This should be kept in order to optimize parking and promote public access.

~~ed.~~ One-way accessways shall have a minimum width of 14 feet unless it is a fire lane which requires a minimum of 20 feet. However, see also General Provision 3.2.4.

~~fe.~~ Two-way accessways shall have a minimum width of 24 feet. However, see also General Provision 3.2.4.

~~gf.~~ The point of exit or entry from any off-street parking space, ~~except compact~~, may be at the ultimate right-of-way to a street opening.

~~hg.~~ Aisle width requirements of the City of Huntington Beach Zoning and Subdivision Ordinance shall prevail, except that one-way aisles with parallel parking on one or both sides shall be a minimum of 12 feet.

~~i.~~ Up to 40 percent of the required parking spaces may be tandem parking subject to a Coastal Development Permit by the Planning Commission.

LCP: This should be kept for commercial purposes when parking can be accessed safely, e.g. the Post Office (which currently has tandem parking), restaurants with valet parking, etc.

~~jh.~~ Subject to **approval of** a Coastal Development Permit by the Planning Commission, a reduction in the number of required parking spaces may be allowed for uses which utilize shared parking site between uses that have different peak parking periods **when the shared parking use is supported by an approved Shared Use Parking Management Plan that demonstrates that adequate parking will be available to serve the expected demand of the subject development. The Shared Use Parking Management Plan shall be submitted at the time of the coastal development permit application.**

LCP: This Plan is filled with additional sub-Plans. When possible, additional plan requirements should be eliminated when possible such as in this example. Shared Use Parking is an agreement between private parties who have different schedule of operation. For example, a restaurant open in the evening and business' operating during the day. This has been on-going in Sunset Beach which allows for additional parking to support additional public access. New language and Plan requirement should be eliminated. See Attachment I for example of shared parking.

SUG MOD No. 42

Modify 3.3.4 Parking Requirements, A. Off-Street Parking 4, as follows (page 54):

4. Coastal development permit applications that include variance requests to deviate from off-street parking requirements may be approved, except that requests that are found to impact public parking available for coastal access shall not be granted. **Any such request shall include a Parking Management Plan supporting the request as part of the coastal development permit application.**

LCP: This additional language is not needed. If you're applying for a variance to deviate from off-street parking requirement it's inherent in this type of request that one would include a description as to how the parking would be managed. This is another suggest Plan within Plans and more Plans. When alternative options meet the same ends, additional Plans should be eliminated from new language.

SUG MOD No. 43

Modify 3.3.5 Fences and Walls, as follows (page 54):

For purposes of this section, "fences and walls" include any type of fence, wall, retaining wall, sound attenuation wall, or screen. Fences/walls shall be in compliance with the following regulations. However, walls that are located within the interior of an approved tract map and are part of the initial development of that tract map shall be exempt from these regulations. Subsections "4" and "5" only shall also apply to hedges, or thick growth of shrubs, bushes, or trees. Fence/wall heights shall be measured from the base of the fence/wall to the top on interior or exterior side, whichever is greater. **Fences and walls shall not interfere with public views of the beach, harbor, natural landscape, scenic corridors and highways, recreational facilities, and routes used for access to recreational areas and facilities.**

LCP: This is not applicable to Sunset Beach. Public access and views of the beach are provided every 200 feet, none of which have fences or walls. Any other "fences or walls" would be located "within the interior of an approved tract map" which is exempt from these requirements i.e. as access to the beachfront homes. How else would these fences and walls be applicable in Sunset Beach? Not for Mixed Use/Tourist and the other locations, these are all under the control of the City of Huntington Beach or CalTrans. We understand that there are locations in California that don't respect public access to the beach. This does not apply to Sunset Beach. This Mod should justify as to how it's specifically applicable to Sunset Beach and what problem it solves. If this isn't possible, the module should be eliminated. See **Attachment 1 for photos demonstrating lack of value providing "views" between oceanfront homes.**

SUG MOD No. 44

Modify Section 3.3.6 Sign Regulations, 2. General Provisions, as follows (page 56):

4. Permitted Temporary Signs

Temporary Signs are permitted in any district (except where prohibited).

A Coastal Development Permit will not be required if the sign does not exceed the height of existing structures on a site **and otherwise does not constitute development as defined in Chapter 245 of the Huntington Beach Zoning and Subdivision Ordinance.**

LCP: Another example of referring to additional requirements. If this includes significant requirements, please incorporate applicable requirements here from the ordinance.

5. Prohibited Signs

c. Outdoor advertising signs/off premises advertising signs (e.g. billboards).

LCP: Isn't "outdoor advertising signs (e.g. billboards) clear enough? Additional language should not be proposed for changes when not needed. Eliminate new language.

...

9. Sign Measurements

a. Sign Area:

The entire area within which a single continuous perimeter of not more than eight straight lines enclose the extreme limits of writing.

Signs shall not exceed one square foot of sign area for each linear foot of building frontage. The total aggregate sign area for such signs shall not exceed 125 square feet for each property. If the building frontage of any business is less than 25 feet, only one sign, having a maximum area of 25 square feet, shall be permitted for each such business.

Signs for the purpose of identifying public access to the Ocean/Beach located at Anderson/Pacific Coast Highway and at Warner shall **be of the size necessary to be readily readable from vehicles passing along Pacific Coast Highway** ~~not~~ exceed four square feet.

LCP: Why should this included in the Sunset Beach Specific Plan? Signage requirements on Pacific Coast Highway is determined and installed by CalTrans which has its own standard public access signs.

SUG MOD No. 45

Modify Section 3.3.8 Flood Plain District (page 60):

3.3.8 Flood Plain District

Those portions of ~~the~~ Huntington Beach Zoning and Subdivision Ordinance Floodplain Overlay District Regulations **that are certified by the Coastal Commission and the** County of Orange Coastal Flood Plain Development Study **(January 1985)** ~~as amended~~ are hereby incorporated into the Sunset Beach Specific Plan and shall be applicable as designated by the County of Orange Coastal Flood Plain Development Study, January 1985. ~~floodplain map.~~ Finished floor elevations shall also be in compliance with Section 3.3 Site Development Standards. **As described in Section 2.4 Shoreline Management, Flooding, and Sea Level Rise, of this Specific Plan, since the mid-1980s, the homes seaward of South Pacific Avenue have been designated as in the –FP3 floodplain district, pursuant to the recommendations contained in the County of Orange Coastal Flood Plain Development Study, January 1985 (attached as Appendix B to this Specific Plan) as necessary to protect against flooding. In addition, since the mid-1980s and also pursuant to the County's Flood Plain Study, new structures seaward of South Pacific Avenue are required to raise the bottom elevation and construct on piles extending below the ground surface. These requirements remain in effect and shall also include consideration of sea level rise. Section 3.3.10 Coastal Hazards**

Analysis shall also apply. Without implementation of these measures, the risk of hazards from flooding, exacerbated by sea level rise, would not be avoided.

LCP: SUG MOD No. 45 is redundant with the new Section 2.4 Shoreline Management, Flooding and Sea Level rise section of the Coastal Hazardous Analysis Section discussed later. Similar information is also included in SUG MOD No. 14. With this, the following are the LCP comments regarding SUG MOD No. 14 provided earlier that are also applicable here:

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 1985 study referenced above. 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 beach front 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. Therefore, the "County of Orange Coastal Plan Development Study, January 1985 is no longer applicable to Sunset Beach and should not be incorporated into the Sunset Beach Specific Plan. Besides these concerns, the history added by the Coastal Commission isn't relevant, the text should only be limited to information required to make the decisions regarding approval of permit applications.

Additionally, if the Mod is retained, it should acknowledge and address the changes in the former LCP that allowed for pilings or slabs. This change was based on the reduced risk from flooding of beach front residences versus the higher risk from liquefaction from earthquakes. As slabs provide better protection from liquefaction, beachfront residents should have the option to weigh the potential hazard from earthquakes versus flooding to determine whether to build on pilings vs. a slab. This option should especially be afforded to residents as the specific hazards to projects will be addressed in the required Coastal Hazard Analyses discussed in later suggested modules.

See applicable photos in Attachment 1.

SUG MOD No. 46

Modify Section 4.2 Methods and Procedures (page 61):

Coastal Development Permits

Coastal Development Permits shall be processed pursuant to **Chapter 245 Coastal Development Permits of** the Huntington Beach Zoning and Subdivision Ordinance.

LCP: Again, the applicable requirements from other sources should be added to the Specific Plan whenever possible. In this case of the "Huntington Beach Zoning and Subdivision Ordinance," rather than reference some of its requirements in the Specific Plan, a disclaimer could be added to beginning of the Plan that permit applicants must also comply with the Huntington Beach development/building/zoning ordinances. Or ... Don't include at all as, once the Specific Plan is approved, the coastal permits will be processed by Huntington Beach. Therefore, wouldn't it be assumed that compliance with the City of Huntington Beach's own ordinances would be part of the approval process by the City?

SUG MOD No. 47

Modify Section 4.2 Methods and Procedures (page 61):

Appeals

Any decision or determination may be appealed in accordance with applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance. In addition, the majority of Sunset Beach is in an appealable area such that **most** coastal development permits approved by the local jurisdiction may be appealed to the California Coastal Commission. ~~Permitted uses~~ **Any approved or conditionally approved coastal development permit for development located within the Coastal Commission’s appeals jurisdiction** are subject to appeal to the California Coastal Commission **per Chapter 245 of** the Zoning and Subdivision Ordinance ~~if within an appealable area.~~ **In addition, the Coastal Commission retains original permit jurisdiction for areas seaward of the mean high tide line and on lands subject to the public trust.**

LCP: The “most” addition here replaces “all.” This should be noted with a strikeout. Also, it should be made clear what type of applications would not be able to appeal decisions to the Coastal Commissions. This is additionally confusing as won’t these appeals go through the City of Huntington Beach after the Specific Plan is approved? Both these issues need to be clarified, especially as --

The Mod also states that: “In addition, the Coastal Commission retains original permit jurisdiction for areas seaward of the mean high tide line and on lands subject to the public trust.” For Sunset Beach aren’t “lands subject to the public trust” the same as “areas seaward of the mean high tide line”? If this is the case, there aren’t any beachside residence that are anywhere close to the “mean tide line.” Also, per the coastal hazard plans done to date, this will not happen in the next 75 years. Of course, if sea level rises to the extent that the beach front residences are in the mean high tide line (like some homes in Malibu), that’s of great concern, but in the interim, the above language should be clarified to have it match closer to reality, especially as it could be misunderstood to apply to the current or an imminent situation and possibly unfairly impact current home values. See Attachment 1 to appreciate width of Sunset Beach.

SUG MOD No. 48

Modify Section 4.3 Specific Plan Amendments (page 62):

4.3 Specific Plan Amendments

The Specific Plan may be amended **pursuant to the requirements of the certified Local Coastal Program.** ~~The Community Development Director shall have the discretion to determine if requests for modification to the Specific Plan are minor or major. Minor modifications may be accomplished administratively by the Director. Major modifications will require the processing of a Zoning Text Amendment and Local Coastal Program Amendment, subject to the City’s processing regulations in place at the time of the request.~~

~~Minor modifications are simple amendments to the exhibits and/or text that are intended to clarify and not change the meaning or intent of the Specific Plan. Major modifications are amendments to the exhibits and/or text that are intended to change the meaning or intent of the Specific Plan.~~

Proposed amendments ~~for both minor and major modifications~~ shall be forwarded to the Sunset Beach LCP Review Board by the Community Development Director at least 21 days prior to action by the Planning Commission.

LCP: This is supported by the LCP. Proposed amendment to the Specific Plan should not be made by the City of Huntington Beach without going through the Sunset Beach LCP Review Board.

SUG MOD No. 49

Attach most recent/complete version of Appendix A Legal Description with final dates of annexation etc.

SUG MOD No. 50

Attach other appendices:

Appendix B – Coastal Flood Plain Development Orange County Coastline, January 1985

LCP: As noted under SUG MOD No. 45, this should not be included as significant changes have occurred regarding Sunset Beach since 1985.

Appendix C – Orange County Coastal Regional Sediment Management Plan, June 2013

Appendix D – City of Huntington Beach Sea Level Rise Vulnerability Assessment, December 2014

LCP: Prior to including as an appendix, the LCP would like to review a copy of this assessment report.

SUG MOD No. 51

The City shall prepare and submit for the review and approval of the Coastal Commission a post-certification map depicting the Coastal Commission original and appeals jurisdictions for the Sunset Beach Specific Plan area.

LCP: This SUG MOD should be incorporated into SUG MOD No. 45 to help clarify the appeals jurisdiction issues identified by LCP and make these suggested mods more understandable.

LUPA Part 1 Sug Mods

For context, compare sug mods below to Proposed Amendment, LUPA Part 1

LCP: This entire “LUPA Part 1 Sug Mods” can be eliminated as all these “Mixed Use” requirements are already included under the “Sunset Beach Tourist District” requirements. The LCP agrees that “Mixed Use” is a good (and more current) description but to avoid confusion and eliminate redundancy, the “Sunset Beach Tourist District” section of the Specific Plan should be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod be eliminated.

SUGGESTED MOD. NO. 1

LCP: As discussed above under “LUPA Part 1 Sug Mods,” the LCP suggests that the “Sunset Beach Tourist District” section of the Specific Plan be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod regarding “Mixed Use” be eliminated.

SUG MOD LANGUAGE TABLE C-1:

Sug mod as follows (to section under Characteristics/Requirements):

(Entire paragraph is newly proposed by the City, but shown here in plain text; CCC staff additions shown in **bold, underline**; deletions shown in ~~strike-through~~)

Table C-1

Overlay Category	Characteristics/Requirements
<p><u>Mixed Use</u> -mu</p>	<p>Permits the <u>Mixed Use</u> development <u>consisting of Commercial uses and residential uses. All residential use shall be limited to</u> above the ground floor and must <u>shall</u> not exceed 50 percent of the gross floor area <u>(as “gross floor area is defined in [wherever it is the City said this was defined].</u> in conjunction with the underlying commercial designation.</p> <p><u>Residential use may only be allowed in Visitor Serving Commercial designations when the subject site is able to accommodate</u></p>

	<p><u>both uses concurrently. When a site can accommodate only one of the two uses (Visitor Commercial or Residential), only Visitor Commercial may be allowed.</u> The overlay permits the development of horizontally or vertically integrated mixed-use projects (housing with commercial uses).</p> <p><u>The ability to accommodate both the principal and residential uses shall be determined by:</u></p> <ul style="list-style-type: none"><u>i. the site’s ability to provide all required parking (per the HBZSO) on-site or within 470 feet of the subject site and for which legal use of the off-site parking spaces to serve the development for the life of the project is legally demonstrated in writing;</u><u>ii. reasonable and safe street ingress and egress is provided;</u><u>iii. the project does not require curb cuts or otherwise result in the loss of existing, on-street parking spaces, and;</u><u>iv. the proposed development is also otherwise consistent with the standards and policies of the certified Local Coastal Program including any applicable specific plan.</u> <p>In Commercial Visitor land use designations, any residential use must be above the first floor level.</p> <p>The design and density for a mixed use project shall be as shown on the Figures C-5 through C-9 or as set forth in a Specific Plan. If a mixed use project is not proposed, then the density of the underlying commercial designation shall be utilized.</p>
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SUGGESTED MOD. NO. 2

LCP: As discussed above under “LUPA Part 1 Sug Mods,” the LCP suggests that the “Sunset Beach Tourist District” section of the Specific Plan be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod regarding “Mixed Use” be eliminated.

SUG MOD TABLE C-2:

Sug mod as follows (Subarea 4L is newly proposed by the City under Standards & Principles of Table C-2):

(Entire subsection is newly proposed language and is shown in plain text; CCC staff sug mod shown in **bold, underline;** or ~~strike-through~~)

Subarea	Characteristic	Standards & Principles
4L Sunset Beach	Permitted Uses	Category: Residential High Density (“RH”), Commercial Visitor (“CV”), Shoreline (“OS-S”), Water Recreation (“OS-WR”) and <u>Parks (OS-P) Public (“P”)</u> uses pursuant to the Sunset Beach Specific Plan (SP 17)
	Density/Intensity	Pursuant to the Sunset Beach Specific Plan (SP 17)
	Design & Development	Category: Specific Plan (“-sp”) and Mixed Use (“-mu”) <ul style="list-style-type: none"> • Requires the conformance with a specific or master plan. • Mixed Use Overlay for the CV area for the allowance of residential uses pursuant to the <u>Sunset Beach Specific Plan and Table C-1 Land Use, Density and Overlay Schedule, -mu overlay</u>

SUGGESTED MOD. NO. 3

LCP: As discussed above under “LUPA Part 1 Sug Mods,” the LCP suggests that the “Sunset Beach Tourist District” section of the Specific Plan be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod regarding “Mixed Use” be eliminated.

Table C-4 Coastal Zone Parks

Add Huntington Harbour Bay Club Beach to list of coastal zone parks on Table C-4.

SUGGESTED MOD. NO. 4

Modify the following LUP Figures to reflect Sunset Beach within the City’s boundary and to reflect coastal resources within Sunset Beach:

Figure C-2 Coastal Zone Boundary – add SNB into City boundary

Figure C-4 Coastal Zone Divisions – add SNB into City Boundary

Figure C-10 Huntington Beach Sub-Area Map – add proposed subarea 4L Sunset Beach to map

Figure C-16 Significant Recreational Resources – add Sunset Beach ocean beach area

Figure C-17 Bluff Areas and Scenic Opportunities – either add SNB viewpoints or reference the
SNB Specific Plan

SUGGESTED MOD. NO. 5

LCP: As discussed above under “LUPA Part 1 Sug Mods,” the LCP suggests that the “Sunset Beach Tourist District” section of the Specific Plan be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod regarding “Mixed Use” be eliminated.

Add the following, bold, underline language to the paragraph proposed to be modified on page IV-C-65 (City’s proposed change to the existing language shown in **bold** only. The sug mod addition is in **bold, underline**):

Huntington Harbour/Sunset Beach

The Huntington Harbour **and Sunset Beach** area includes commercial uses to serve residents and visitors. Visitor serving commercial uses include **hotels, motels, restaurants, retail shops, entertainment and private recreational facilities** such as the Huntington Harbour Yacht Club and a fitness/racquet club. **Sunset Beach includes a number of overnight visitor accommodations, a high priority in the coastal zone. (see list of existing overnight accommodations attached as Appendix B [attach list sent by City], following Appendix A California Coastal Act).**

Note: Huntington Harbour is part of the City of Huntington Beach but is not part of the Sunset Beach Specific Plan.

SUGGESTED MOD. NO. 6

LCP: As discussed above under “LUPA Part 1 Sug Mods,” the LCP suggests that the “Sunset Beach Tourist District” section of the Specific Plan be changed to “Mixed Use/Sunset Beach Tourist District” and this Mod regarding “Mixed Use” be eliminated.

Make the following modifications on page IV-C-68 of the LUP (Part 1) to the existing Coastal Element/LUP language (additions shown in **bold underline**; deletions shown in ~~**bold strike-through**~~):

Note: Huntington Harbour is part of the City of Huntington Beach but is not part of the Sunset Beach Specific Plan.

Huntington Harbour

Huntington Harbour is **also** a visual asset ~~to those residences that front the channel~~. The concentration of recreational boats and related activity on the waterways provides scenic resources not found elsewhere in the City’s Coastal Zone. Although **existing public access to the harbour is** limited ~~access makes this asset somewhat exclusive to area residents~~, **improvements to public access have occurred (such as at the Portofino Cove, Piedmont Cove, and Huntington Harbour Bay Club public walkways along the bulkhead. In addition public access opportunities are available at Peter’s Landing, Trinidad Island, Seabridge Park, Eleventh Street Beach and various pocket beaches and parks throughout the Harbour,** is provided to visitors. **Continued efforts to improve public access and the related provision of public views is desired.** Private views are not protected by the Coastal Act or Huntington Beach Coastal Element policy.

Beginning of previous draft Comments #5.

Huntington Beach LCPA 1-16 (Sunset Beach Specific Plan)
DRAFT Hazard Analysis Sug Mod
Working Document/Not for general circulation.

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

3.3 Regulations (page 34)

3.3.9 Coastal Hazards Analysis (page 60)

Add new Section 3.3.9 below after Flood Plain District Section 3.3.8 (page 60). (Entire section below is a sug mod but not in bold underline to make reading easier):

LCP: Before getting into specific comments below, we’d like to discuss an alternative process that should provide the equivalent collection of data and the same level of hazards analyses and sea level rise protection but will save hundreds of thousands of dollars for the community and time required for review by the City of Huntington Beach by removing redundancies in the process.

Currently, the proposed process per the requirements of this suggested modules is the following:

A. EXISTING PROPOSED PROCESS

1. EACH owner needs to have a specific “Coastal Hazards Analysis” report done for each development project. As described in 3.3.9 below, these reports require extensive work and will cost tens of thousands of dollars if not more especially as, to meet the requirements, they will probably need to be certified by a professional coastal engineer or equivalent.
2. The City of Huntington Beach is required to complete a “Shoreline Management Plan” within the next 5 years. Per earlier comments, the extent of this Plan is unclear.

B. ALTERNATIVE PROPOSED PROCESS

Note: The following is proposal is based the ocean-side of Sunset Beach being only one mile long and the issues that are required to be assessed (per 3.3.9 below) are uniform across the entire length of Sunset Beach with just minor possible exception. This is different from the coastal hazards of other communities where the beach is miles long and/or the conditions vary significantly. See Attachment 1 for photos that demonstrate the uniformity of Sunset Beach.

Therefore, rather than “each owner” producing an almost identical Sunset Beach “Coastal Hazards Analysis” report that cost tens of thousands of dollars, the LCP proposes the following:

1. Prior to the preparation of the Huntington Beach “Shoreline Management Plan” for Sunset Beach:

- a) The City of Huntington Beach creates a digital library of the “Coastal Hazards Analysis” reports that have already created for Sunset Beach, including the certification of the coastal engineer who has produced the report.
- b) The owner applying for a new project (or > 50% modification) hires a coastal engineer who has access to the existing digital reports. The engineer for the new “Coastal Hazards Analysis” report utilizes the data from the existing reports and either certifies that it is the same for the new project or identifies applicable modification and associated conclusions.
2. The Huntington Beach “Shoreline Management Plan” should include all the data that is required to prepare the Sunset Beach “Coastal Hazards Analysis” report. Rather than the 5-year deadline, this Plan should be completed as soon as possible using a coastal engineering firm with the most experience in the local coastal area.
3. After the certification of the Huntington Beach “Shoreline Management Plan” for Sunset Beach by the CCC, the Plan should be updated regularly with the data available for the “Coastal Hazards Analysis” reports.

The owner applying for a new project (or > 50% modification) hires a coastal engineer who reviews the Coastal Hazard data in the Shoreline Management Plan and either certifies that it is the same for new project or identifies applicable modification and associated conclusions.

Note: Based on Exhibit 3.2 in the current SBSP (Dated January 2017), **the harbor side water way in Sunset Beach is only 0.3 miles (1,600 ft)**, so all of Sunset Beach could be covered by one comprehensive Coastal Hazard Analysis (or one document for the ocean and one document for the harborside to take into consideration the different requirements for shoreline protection devices).

MOD GOAL-BASED ANALYSES

LCP: This section is a “Goal-based” analyses provided by the Coastal Commission staff. It is followed up by the actual suggested changes to the Sunset Beach Specific Plan.

A. SEA LEVEL RISE

- 1) **Hazard Analyses Suggested Mod (HASM) – Prepare Coastal Analyses Report** – Minimum 75 years, each owner needs to have own analyses done.

LCP: See comments above regarding alternative to each owner spending thousands to have own analyses done and report produces due to the uniformity of Sunset Beach.

LCP: Should every project need to immediately consider the worst-case sea level rise based on a 75-year project life? A more gradual phase-in of the projected sea level rise should to be considered – otherwise the requirements could immediately impact property values in Sunset Beach.

- 2) **HASM – Siting Oceanside--** New development shall be sited outside areas subject to hazards (including, but not limited to, beach erosion, inundation, wave run-up, or flooding as modified by projected sea level rise) at all times during the full projected economic life of the development (assumed to be no less than 75 years). On Oceanside – can't factor in using "shoreline protection device at any time during the economic life of the development."

LCP: It is the understanding of the LCP that Coastal Hazards Analysis Reports meeting these requirements have been completed and submitted to the Coastal Commission for current oceanside projects in Sunset Beach. We have been told that even with a 75-year time frame, the projected sea level rise does not impact new development siting within the existing oceanside property lines (although they may possibly flood from the harbor side.) This includes not using "shoreline protection devices." It is unclear whether these existing reports meet all the requirement of this suggested module. Also, whether there has been a Coastal Hazards Analysis Report for a Harbor Front project. The LCP appreciates feedback on these two issues from the community, including experience with the Coastal Commission.

LCP: The following is background data (provided by a Sunset Beach resident who is an engineer) demonstrates that the current proposed California Coastal Commission requirement for all new property developments to design for the maximum 75-year sea level rise now would drive property values to zero for all of Sunset Beach. The plan should be to phase in new building requirements per the following:

Based on Google Earth, the approximate elevations of the streets in Sunset Beach are:

1. The sand berm on the beach west of the home on South Pacific Ave has a nominal top elevation of about 20 ft.
2. In the area west of the homes on South Pacific Ave to the berm, the sand elevation varies between 14 ft and 17 ft.
3. The middle of South Pacific Ave has an elevation that varies between 11 ft and 13 ft.
4. The middle of North Pacific Ave has an elevation that varies between 9 ft and 11 ft with a few isolated areas where the elevation is between 12 ft and 13 ft.
5. The middle of PCH has an elevation that varies between about 8 ft and 10 ft with a few spots where the elevation if only 7 ft (at the inlet to Park Ave for example where standing water forms during King Tides).
6. The middle of most streets on the harbor side of Sunset Beach have elevations that vary between 8 ft and 9 ft (with a few isolated spots where the elevation is 10 ft).

These bullet items show the South Pacific Ave property line of the ocean front homes have an elevation between 11 ft and 13 ft, but all of the streets and other properties in Sunset Beach are located below this elevation. **Therefore, the real focus of the LCP should not be potential flooding of the ocean front homes on South Pacific Ave.**

The normal tides listed in the Los Angeles Port Tide Table typically vary up to around 6'-9" with King Tide level of approximately 7 ft. During the King Tides, there is standing water a few inches deep at the entrance to Park Ave where Google Earth indicates the elevation is 7 ft. During King Tides, when the sea level is at 7 ft, the water level is just below the top of the typical bulkhead elevation on the harbor side of Sunset Beach. This indicates the street elevations in Google Earth are consistent with the tide table, and the conclusion would be that most of PCH and all of the streets on the harbor side of PCH will flooded if the sea level rises between 1 ft and 3 ft. In addition, South Pacific Ave would be flooded if the sea level rises between 4 ft and 5 ft from the current King Tide elevation.

- **Note** – The latest FEMA FIRM Panels (#227 & #229) that become effective on 21-MAR-19 show the majority of PCH is flooded at a sea level of 8 ft. The FIRM Panels also shows that most of the harbor side homes, and many of homes on the ocean side of PCH in Sunset Beach, will flood when the sea level elevation is 8 ft.

The 8 ft elevation in the FEMA FIRM Panel information is at 8 ft, so to comply with the CCC suggested modifications, any property developments reviewed by the LCP would potentially need to be elevated at least 5'-6" above that values, which equates to 6'-6" above the existing harbor bulkhead! That's a huge change in building requirements over an almost instantaneous period of time. Not to mention that most of South Pacific Ave, and everything to the north of PCH in Sunset Beach would be flooded (with PCH under about 5 ft of water). Therefore, as stated above, the currently proposed California Coastal Commission requirement for all new property developments to design for the maximum 75-year sea level rise will drive property values to zero for all of Sunset Beach. Therefore, the Plan should include a phase-in of new building requirements.

- 3) **HASM – Siting Harbor Front** -- Development on harbor-front sites shall be sited and designed to minimize risk from coastal hazards (including erosion, flooding, wave attack, wave run-up scour, storm surge, seiches) over the economic life of the development (a minimum of 75 years). Will consider existing and new bulkheads.

LCP: On the Harbor Front, it should be made clear that existing and new bulkheads should be more than "considered," they should be allowed.

4) HASM – Project Approval only if –

- a) Assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area;

LCP: What’s significantly?

For clarity, “stability” should be changed to “soil stability”.

- b) Oceanfront site, that the development does not rely on existing or future shoreline protection devices to establish geologic stability or protection of the development from coastal hazards.
- c) Shoreline protective device, that it is necessary to protect an **existing** principal structure, public facility or beach in danger from erosion, and that it is designed or conditioned: 1) to be sited as far landward as feasible, 2) to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, 3) to assure that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources, and 4) to assure that it is the least environmentally damaging alternative.

LCP: Item 4 (in paragraph “c”) should be deleted or clarified as it is currently a very qualitative assessment of damage.

5) HASM – Conditions

- a) Even if meet above, additional conditions can be applied such as to height, setback, size, design, or location on the site ...

LCP: Height, set-back, and design requirements are covered elsewhere, so Item “a”) should be deleted.

- b) Permits will include waving rights in the future to construct a new shoreline protection device

LCP: This is a legal issue. The City of Huntington Beach should be referred to the City Attorney.

- c) Assume risks of possible ceasing of utility services in the future
- d) Development shall be removed and the affected area restored to a natural condition if government agency says it can’t be occupied due to coastal hazards or cannot provide utilities.

LCP: Item d) should also be referred to the City Attorney. The “removal of future developments” looks to possibly be the desired end game for the California Coastal Commission. However, even if this is

ultimately what happens due to sea level rise, there needs to be more information provided on this point to understand who the “government agency” is. There are many issues that need to be defined. Also, it’s unclear if the decision to “restore to a natural condition” will be made when a permit is applied for, or at some point in the future based on the actual sea level rise (instead of a range of predicted sea level elevations). Please have the City Attorney look into this.

LCP: Due to the uniformity of Sunset Beach, it’s difficult to see how one development project or one existing principal structure on the ocean side would benefit from a shoreline protection device without potentially causing significant harm farther down the beach due to impacting sand replenishment and/or increased erosion. Therefore, although current private Coastal Hazards Analysis Reports on the oceanside indicate that shoreline protection devices should not be needed for Sunset Beach within the 75-year timeframe, if needed, shouldn’t they be considered within a local beach-wide and regional context regarding the potential negative impact of the shoreline protection devices? For example –

As sand replenishment projects move sand from north to south, should one or all the oceanfront residents in Surfside be allowed to use shoreline protection devices if they impact the supply of sand to Sunset Beach? Wouldn’t the hazard be the same for shoreline protective devices that just consider Sunset Beach and not also consider the impact to beaches/properties south of Sunset Beach? This has recently been a problem in Laguna Beach with one house building a sea wall which caused significant sand loss and erosion of the beaches and properties of their adjacent southern neighbors. In summary, it seems that shoreline protection should not be considered on a property by property basis, including to protect existing properties. Rather, if needed, shoreline protection devices should only be considered on a regional-wide basis through coordination of the affected cities after a major study is conducted to assess risks vs. benefits and identify the potential unintended consequences for the affected coastline. This could possibly be done through coordination of the Shoreline Management Plans required by the various cities.

See Attachment 1 photos for demonstration of uniformity of the ocean-side of Sunset Beach.

Note: It should be made clear that “shoreline protection devices” does not include the permanent berms in front of the oceanfront properties.

LCP: Overall, in the proposed modules, there is too much focus on the ocean side of Sunset Beach. All the suggested text under “Section 5 HASM – Conditions” is relevant to properties located on, and north of PCH – especially on the harbor side. The LCP needs to consider the impact on all Sunset Beach properties – not just the ocean front properties. The properties on the south side of PCH and properties north of PCH are at much higher risk due to sea level rise than the ocean front properties; therefore, the LCP should not be solely focused on the ocean front and the west facing beach properties.

3.3.9 Coastal Hazards Analysis (page 60)

Add new Section 3.3.9 below after Flood Plain District Section 3.3.8 (page 60). (Entire section below is a sug mod but not in bold underline to make reading easier):

3.3.9 Coastal Hazards Analysis

All new development including major remodels proposed within the Sunset Beach Specific Plan Boundaries (as shown on Exhibits 1.1 Vicinity Map, 1.2 Aerial Photograph, 1.3 Zoning Map, 21. Land Use Plan, 3.1 Specific Plan Districts, and in Appendix A Legal Description) shall provide the information and comply with the requirements identified below. All new development proposals shall be designed in conjunction with sea level rise scenarios described in (b) and (c) below.

1. Coastal Hazards Analysis Report

LCP: See earlier comments on cost-effective/equivalently-protective alternative to each new development owner preparing a Coastal Hazards Analysis Report.

All coastal development permit applications for new development including major remodel in the Sunset Beach area (described above) shall submit a Coastal Hazards Analysis Report with the information identified below, prepared by an appropriately licensed professional(s) with expertise in coastal processes. The Coastal Hazards Analysis Report shall include:

- a) Analysis of potential coastal hazards from erosion, flooding, wave attack, wave run-up, scour, storm surge, seiches, tsunamis and other hazards/conditions. These shall be evaluated in conjunction with sea level rise scenarios indicated below and shall also consider localized uplift or subsidence, tide range, wave climate, local topography, bathymetry, geologic conditions, water table elevation, and potential tsunami inundation areas. The status of the U.S. Army Corps of Engineers led periodic sand replenishment program and the width of the ocean fronting beach at the time of the report and over the economic life of the development shall also be considered.

LCP: Agree that sand replenishment programs by the U.S. Army Corp of Engineers should be considered. Also, the additional sand that will be generated from the deepening of the ship channel access to the Seal Beach Weapons Station should also be allowed to be considered.

See Attachment 1 for photos of Seal Beach Weapons Station Channel deepening.

- b) Conditions that shall be considered must include: a seasonally eroded beach combined with long-term projections for beach erosion over the economic life of the development (minimum 75 years), high tide conditions combined with long-term

(minimum 75 year) projections for sea level rise, storm waves from a 100-year event or a storm that compares to the 1982/83 El Nino event, and at least one scenario shall consider long-term erosion that assumes that one or more replenishment cycles are missed, such that there is a 15 year period between nourishment projects.

- c) The hazard analysis shall be used to identify current and future site hazards, to help guide site and development design and hazard mitigation and to identify sea level rise thresholds above which limitations in the development's design and siting would cause the improvements to become significantly less stable.

LCP: What does "cause the improvements to become significantly less stable" mean and who makes that determination? This seems like an issue that has the potential to cause problems because the analysis is supposed to be done by someone who knows how to make sure the proposed system is stable.

- d) A statement of the preparer's qualifications.

LCP: It would be helpful to specify the minimum qualification that would make the report acceptable. For example, due to the interdisciplinary nature of assessing the impact of forces of water on shorelines, a degree in Geology may be determined to be unacceptable but rather a coastal engineering background may be required. It would be very unfortunate to complete a costly Coastal Hazards Analysis report only to have it not accepted because of the preparer's qualifications.

- e) Identification of coastal hazards affecting the site.
- f) Identification of all legally existing principle structures.

LCP: To clarify, add "on the proposed site" at the end of item f).

- g) All input parameters for hazard analysis shall be clearly described in the analysis and, if a range of values is considered, the basis for the selection shall be described.
- h) Any additional sea level rise related impacts that could be expected to occur over the life of the project, such as saltwater intrusion or elevated water table must also be evaluated. This may be especially significant for areas with a high groundwater table, wetlands, or coastal resources that might rely upon groundwater.
- i) On harbor front sites, the Coastal Hazards Analysis Report shall include an assessment of the effectiveness of existing bulkheads or the need for a new bulkhead on unbulkheaded sites for the life of the structure (75 years).
- j) The best available scientific information with respect to the level of future sea level rise and effects of long-range sea level rise shall be considered in the preparation of findings and recommendations for all requisite geologic, geo-technical, hydrologic, engineering investigations, and wave uprush studies used to prepare the Coastal Hazards Analysis Report.

LCP: This provision can be eliminated as the "best available science" is defined in the next item.

- k) Accepted sea level rise scenarios shall be based on best available science. As a starting reference point, the current best available science is the National Research Council's 2012 report, *Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future* (NRC 2012). This report provides sea level rise projections of 2-12 inches by 2030, 5-24 inches by 2050, and 17-66 inches by 2100 for Southern California. Within these ranges, the high scenarios should be selected, at minimum. Sea level rise amounts expected by years other than 2030, 2050, and 2100 should be calculated by interpolating or extrapolating data points using best fit equations. Sea level rise projections that match the anticipated project life of the development under consideration should be used.

LCP: Sea level rise isn't a "one size fits all" situation in Southern California. Sunset Beach is fortunate to be located adjacent to two of the largest wetlands in California. The combination of the Bolsa Chica wetlands and the Seal Beach Weapons Station will provide a significant mitigating factor. Therefore, it should be made clear that the "high scenarios" are probably not appropriate for Sunset Beach and that a justified lower projection by qualified professional will be acceptable.

LCP: As noted earlier, the maximum sea-level rise for proposed projects need to be phased-in over time.

Significant community support functions (such as waste water treatment, provision of potable or firefighting water, or fire and life safety command and equipment centers), energy production and distribution infrastructure, critical community shelter facilities used in an emergency, or structures that house vulnerable populations that cannot readily be evacuated, including hospitals, schools, and care facilities for the elderly and/or disabled, shall be subject to a higher level of design scrutiny with analysis based on a minimum of either 55 inches (4.6 feet) of sea level rise or an extrapolation of projected sea level rise rates for the expected economic life of the structure (assumed to be no less than 75 years) whichever is greater.

LCP: Due to the small size of Sunset Beach, except for the fire station on Warner, none of these other "significant community support functions" are applicable to our community and should be removed from the Plan.

- l) Identification of necessary mitigation measures to address the current and reasonably expected future hazardous conditions identified in the Coastal Hazard Analysis Report. Mitigation measures to address current hazards include siting development away from hazardous areas and/or elevating the finished floor of structures to be at or above the base flood elevation (as calculated pursuant to this Section 3.3.9 and to Sea Level Rise Policies 2.4.3 through 2.4.5 of this Specific Plan. Mitigation measures to address reasonably expected future hazards include waterproofing, flood shields, watertight doors, moveable floodwalls, partitions, water-resistive sealant devices, sandbagging and other similar flood-proofing techniques. The basis for the expected effectiveness of all mitigation measures proposed shall be described in the Coastal Hazard Analysis Report.

LCP: The presence of the permanent berms in front of oceanfront properties should be included in the acceptable mitigation measures. See additional comments regarding the permanent berms in the “Encroachment” Section

- j) Assessment of the availability of and potential risks to services to the site, including risks to public or private roads, stormwater management, water, sewer, electricity, etc. facilities over the life of the development (minimum 75 years), when taking sea level rise into account, as described above.

LCP: Based on assumed maximum 75-year sea level rise projections, without any mitigation efforts the flooding of the roads will mostly from the harbor side. Is the State of California and/or the city of Huntington Beach considering any mitigation plans to reduce potential flooding on the harbor side? As such, part of the overall Hazard Assessment for Sunset Beach needs to include any potential current, or future, State and/or City measures to help mitigate future flooding. It’s difficult to understand how this evaluation could be made solely by owners who want to develop existing properties.

2. Siting of Development

Based upon the information and analysis provided by the Coastal Hazards Analysis Report, as required in Subsection 1 above, new development shall (underline added by LCP) be sited outside areas subject to hazards (including, but not limited to, beach erosion, inundation, wave run-up, or flooding as modified by projected sea level rise) at all times during the full projected economic life of the development (assumed to be no less than 75 years). If complete avoidance of hazard areas is not feasible, (underline added by LCP) all new development shall be designed to avoid areas subject to hazards to the maximum extent practicable and to withstand anticipated hazard impacts (including, but not limited to, beach erosion, inundation, wave run-up, or flooding). Such design considerations shall include, but are not limited to, elevating development above the Base Flood Elevation¹ as modified to reflect sea level rise scenarios, to the maximum extent practicable. Development plans shall consider hazards currently affecting the property as well as hazards that can be reasonably anticipated over the economic life of the structure.

LCP: This section is confusing. The initial use of “shall” would indicate that one can’t site a new development in areas “subject to hazards.” But later in the section, it provides conditions where this is possible. The use of “shall” should be changed to avoid this confusion.

¹ Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

LCP: Per earlier, a phase-in of the sea level elevation rise over time needs to be considered instead of suddenly mandating a requirement to use the maximum range of the estimated sea level rise in 75 years.

All new development shall be designed to assure stability, assure that it will not be endangered by erosion, and to avoid the need for protective devices (other than necessary bulkheads on harbor-fronting sites consistent with Section 5 below)) during the economic life of the structure (a minimum of 75 years). If there is an existing protective device on the property (other than necessary bulkheads on harbor-fronting sites consistent with Section 5 below), any proposed new development (including major remodels) shall not rely on the protective device to meet the minimum factor of safety for the development or to assure that the development will be geologically stable for life of the project (a minimum of 75 years).

LCP: See earlier comments regarding the use of shoreline protection devices for existing properties.

LCP: The “minimum factor of safety for the development” is not defined anywhere. It appears that this is a soil requirement, and the factor of safety should be defined elsewhere. Ambiguous subjective terms like this should not be included in this document. Everything needs to be clearly defined.

Except as expressly described Subsection 3.3.11 *Encroachments*, no private development shall be allowed seaward of an oceanfront site property line.

LCP: See earlier comments that, besides no “private developments” (except those allowed under Subsection 3.3.11 *Encroachments*), that due to the extensive public access and public facilities already provided in Sunset Beach, no “public developments” (except for lifeguard towers and volleyball courts) should also not be allowed seaward of the oceanfront property line.

3. Shoreline Protection Device on Oceanfront Sites

Development on oceanfront sites shall be sited and designed to minimize risk from wave run-up, flooding and beach erosion hazards without requiring a shoreline protection device at any time during the economic life of the development. Development on oceanfront sites shall be required to utilize a foundation system adequate to protect the structure from wave and erosion hazard without requiring the construction of protective devices that would substantially alter natural landforms along the coast.

LCP: See earlier comments regarding the use of shoreline protection devices. Also see earlier comments regarding the selection of foundations systems based on balancing hazards from sea level rise vs. liquefaction from earthquakes.

4. Existing Structure

“Existing structure” for purposes of this section shall consist only of a legally existing principal structure(s), e.g. residential dwelling, and required garage existing as of the effective date of certification of this Sunset Beach Specific Plan by the Coastal Commission, 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.

LCP: See earlier comments regarding the use of shoreline protection devices for existing properties.

5. Harbor Bulkheads

Development on harbor-front sites shall be sited and designed to minimize risk from coastal hazards (including erosion, flooding, wave attack, wave run-up scour, storm surge, seiches) over the economic life of the development (a minimum of 75 years).

a) Harbor Front Sites with Existing Bulkheads

For properties with legally constructed bulkheads as of the effective date of certification of this Sunset Beach Specific Plan, evaluation of the need for and effectiveness of the bulkhead to protect existing principal structures shall be included as part of the Coastal Hazards Analysis required in Subsection A.1 above.

New development on harbor front sites shall be permitted only when the bulkhead at the site is necessary to protect existing principal structures and is deemed adequate, based upon the information required by this Coastal Hazards Analysis section, to support the proposed and existing development. Modifications to an existing bulkhead shall be required as a condition of approval to meet this requirement; however, fill of coastal waters shall be avoided to the extent feasible. Revisions to an existing bulkhead shall be accommodated no further channelward than the footprint of the existing bulkhead to the extent feasible. New fill of coastal waters shall be avoided, and, if unavoidable, shall be minimized and mitigated.

LCP: The text “deemed adequate” in the first sentence of the last paragraph is a subjective term and it’s unclear who will make the assessment of “adequate.” Text should be changed to clarify requirements.

b) Harbor Front Sites with No Bulkheads

For properties where no legally constructed bulkhead exists as of the effective date of certification of this Sunset Beach Specific Plan, a new bulkhead shall only be allowed when it is demonstrated, based upon the information contained in the required Coastal

Hazards Analysis Report, that it is required to serve coastal-dependent uses or to protect legally existing principal structures (as of the effective date of this Sunset Beach Specific Plan) or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Fill of coastal waters shall be avoided to the extent feasible, and any fill shall be minimized and mitigated.

- c) Bulkhead Condition Report. Where a coastal hazards analysis report shows that an existing bulkhead on the site cannot be removed and/or an existing or replacement bulkhead is required to protect existing principal structures, public facilities or beaches in danger from erosion, the applicant shall submit a bulkhead condition report that includes the following:

LCP: The following numbers should be 1), 2) etc. so it's clear that they are a subset of c) especially as this section ends in 6 and the next major topic is 6.

1. A statement of the preparer's qualifications;
2. An analysis of the condition of any existing bulkhead including whether the top elevation meets current City standards, the condition of the sheetpiles or panels, the condition of existing tiebacks and/or deadmen or similar, and any other relevant conditions;
3. Recommendations regarding the need for repair, augmentation or replacement of the bulkhead or any parts thereof;
4. If augmentation or replacement in the existing alignment is necessary, recommendations that will avoid channelward encroachment of the bulkhead;
5. If replacement is necessary and the existing bulkhead is channelward of adjacent bulkheads, recommended alternatives that will relocate the bulkhead in as much alignment with adjacent bulkheads, and as far landward, as necessary to minimize fill of coastal waters.

6.Required Findings and Analysis

LCP: This section is confusing as to who does what. It initially seems that it may be a requirement under the Coastal Hazards Analysis report preparation, but it appears to be the Coastal Development application review requirement by the City of Huntington Beach (after the Specific Plan approval by the Coastal Commission). The title of this section should be changed to clarify this and also made clear in the text below.

In addition to any other required findings, written findings of fact, analysis and legal conclusions addressing coastal hazards must be included in support of all coastal development permit

approvals, conditional approvals, or denials. These findings shall support a determination of whether or not the proposed development conforms to the requirements of this section. Such findings shall address the specific project impacts identified by the Coastal Hazards Analysis as required by Section 1 above or shall substantiate why such impacts are not anticipated. The findings shall explain the basis for the conclusions and decisions on the coastal development permit and shall be supported by substantial evidence in the record. Findings for approval or conditional approval shall conclude that the project as proposed, or as conditioned, conforms to the certified Local Coastal Program. A coastal development permit shall be granted only if the decision-making body finds:

LCP: “Decision-making body” is too vague. It should be changed to the City of Huntington Beach as they will be the “decision-making body” after the certification of the Sunset Beach Specific Plan.

- i. The project, as proposed or as conditioned, assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site or surrounding area; and,
- ii. If the project involves new development, and/or an addition to an existing structure on an oceanfront site, that the development does not rely on existing or future shoreline protection devices to establish geologic stability or protection of the development from coastal hazards; or,
- iii. If the development includes a shoreline protective device, that it is necessary to protect an existing principal structure, public facility or beach in danger from erosion, and that it is designed or conditioned: 1) to be sited as far landward as feasible, 2) to eliminate or mitigate to the maximum feasible extent adverse impacts on local shoreline sand supply and public access, 3) to assure that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources, and 4) to assure that it is the least environmentally damaging alternative.
- iv. No shoreline protective device shall be allowed for the sole purpose of protecting an accessory structure.

LCP: See earlier comments regarding the use of shoreline protection devices for existing properties.

7. *Conditions*

- a) If found necessary to conform to the development standards contained in this specific plan or any other applicable policy or standard of the certified LCP, the proposed new development shall be modified, by special condition, relative to height, setback, size, design, or location on the site and may be required to incorporate other project design approaches or otherwise make the project conform to the requirements of the

LCP to avoid or minimize the adverse impacts that the proposed development may have on coastal resources.

LCP: The text “if found necessary” in the first sentence and the term “other design approaches...” are very subjective. Verbiage should be changed to make it clear how these requirements are defined and implemented.

LCP: “Coastal resources” should be defined and not arbitrary. For example, a “coastal resource” could be “view” and a condition could be arbitrarily applied for required change relative to height, even though there are public view sights and beach access every 200 feet on the oceanside of Sunset Beach and already have height limitations.

If special conditions of approval are required in order to bring the project into conformance with the certified Local Coastal Program, the findings shall explain how the special condition(s) alleviate or mitigate the adverse effects which have been identified. Mitigation shall not be permitted to substitute for implementation of a feasible project alternative that would lessen or avoid impacts to shoreline sand supply, public access or other coastal resources.

LCP: Again, this seems too open ended, broad and potential arbitrary. This should be clarified.

- b) Except as provided in Section 6iii above, a condition of any permit for new development (which includes an addition to an existing structure) on oceanfront sites, shall expressly require the applicant to waive on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct a new shoreline protection device in the future to protect the development approved pursuant to the permit, and record this waiver of future shoreline protection device on the title of the property as a deed restriction.

LCP: It should be clarified that “addition to an existing structure” only applies to > 50% modification to the existing facility. See earlier definitions. See also earlier comments regarding shoreline protection devices, including regarding existing primary construction. If as noted earlier, it is determined that shoreline protection devices cannot be approved on a property-by-property basis, but rather they’re a beach-wide/regional decision, then it seems redundant to require this deed restriction.

LCP: Item b) requires “...a waiver of future shoreline protection device on the title of the property as a deed restriction.”. As this is a legal matter, it should be referred to the HB City Attorney’s office.

- c) Assumption of Risk. As a condition of approval of all new development where coastal hazards have been identified pursuant to the Coastal Hazards Analysis as required pursuant to this section (3.3.10), the applicant and property owner shall acknowledge any hazards present at the site, or that could affect services to the site (e.g. stormwater management, roads, water, sewer, electricity, etc.), assume the risk of injury and damage from such hazards, unconditionally waive any claim of damage or liability against the decision making authority from such hazards, including damage or liability caused by the abandonment or other loss of services to the site, and to indemnify and hold harmless the decision making authority against any and all liability, claims, demands, damages, costs, expenses, and amounts paid in settlement arising from any injury or damage due to such hazards. The applicant shall record this assumption of risk on the title of the property as a deed restriction.

LCP: This issue is also a legal matter and should be referred to the HB City Attorney's office.

- d) Development Duration. Development shall be removed and the affected area restored to a natural condition if: (a) any government agency has ordered that the structures are not to be occupied due to coastal hazards, or if any public agency requires the structures to be removed; (b) services to the site can no longer be maintained (e.g., utilities, roads); (c) the development is no longer located on private property due to the migration of the public trust lands; (d) removal is required pursuant to LCP policies for sea level rise adaptation planning, including through the Community Resilience Program and/or a Shoreline Management Plan; or (e) the development requires new and/or augmented shoreline protective devices. The applicant shall record this development duration requirement on the title of the property as a deed restriction.

LCP: This issue is also a legal one and should be referred to the HB City Attorney's office especially as the terms "any government agency" and "any public agency" are exceptionally broad. This is the first mention of removal requirements. This is a major issue, and beyond the scope of the LCP.

Beginning of previous draft Comments #6 (final comments).

ENCROACHMENTS SUGGESTED MODS:

IP Sug Mods

Add new Section 3.3.10 Beachfront Encroachments:

3.3 Regulations

Add new Section 3.3.10 below following proposed Section 3.3.8 Flood Plain District (page 60) and 3.3.9 Coastal Hazards Analysis (all language below would be new to the Specific Plan but is not bold, underlined for ease of reading):

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

3.3.11 Beachfront Encroachments

A. Definitions.

LCP: As shown below, an additional category should be added to this Section for “existing encroachments” that do not have permits. This is especially needed as there was much confusion and different guidance provided by the various government entities over the past few years regarding encroachment permitting; these include the Coastal Commission staff, County of Orange and the City of Huntington Beach. Therefore, those with existing encroachments that do have permits should not be arbitrarily punished but rather, a one-year “grandfather” provision should be included that allow for compliance with this section.

1. For the purpose of this Section, the following words and phrases shall be defined as specified below:
 - a. “Existing encroachment with permit” shall mean any encroachment or improvement installed or constructed before the effective date of Huntington Beach Local Coastal Program Amendment LCP-5-HNB-16-0003-1 (Sunset Beach Specific Plan) for which a valid coastal development permit exists.
 - b. “Existing encroachment without permit” shall mean any encroachment or improvement installed or constructed before the effective date of Huntington Beach Local Coastal Program Amendment LCP-5-HNB-16-0003-1 (Sunset Beach Specific Plan) for which a valid coastal development permit does not exist. These properties will be allowed to secure a valid coastal development permit for up to one year after the effective date of the certification of the Sunset Beach Specific Plan by the California Coastal Commission.
 - c. “New encroachment” shall mean any encroachment or improvement installed or constructed after the effective date of Huntington Beach Local Coastal Program Amendment LCP-5-HNB-16-0003-1 (Sunset Beach Specific Plan).
 - d. “Encroachment” shall mean any object, thing or landscaping oceanward of the seaward property line of any oceanfront residential parcel within Sunset Beach.
 - e. “Application” shall mean any coastal development permit application that includes a request for an encroachment located seaward of the oceanfront property line of any oceanfront residential parcel pursuant to the provisions of this policy and the policies and requirements of the certified Local Coastal Program.

B. Encroachment Area.

LCP: Section A and B should be switched in order to know what the “Encroachment Area” means when reading the definitions.

Subject to compliance with the provisions of Sunset Beach Specific Plan Section 3.3.10 (this section) and upon approval of a Coastal Development Permit for an encroachment: The owner of an ocean front residential parcel in Sunset Beach may install improvements (as described in Section D, below) on the oceanside of the parcel up to 15 feet*** oceanward of the private property line and within an oceanward prolongation of the property lines on the side of the parcel, subject to the restrictions below.

LCP: ***The existing “improvements” (as described in Section D, below) in the encroachment areas are primarily decks that meet the restrictions below, i.e. without permanent foundations. However, historically, most of these decks extend to 20 feet oceanward of the private property line. There is no justification as to why this precedent should be arbitrarily changed to 15 feet. The primary reasons for these suggested modules are to: (1) ensure public access; and (2) plan for sea level rise. It’s totally unclear how requiring the removal of 5 feet from the existing decks would accomplish either of these goals. As discussed earlier in these comments, Sunset Beach is unmatched in providing public access to the beach. This includes providing 24 public access points to the one mile of sandy beach, this results in public access every 200 feet for the total length of Sunset Beach.

See photos in Attachment 1 that shows the lack of value to public access and sea level rise protection provided by reducing the decks in encroachment areas from 20 feet to 15 feet.

There is also a parkway along the entire length of Sunset Beach (with entirely free parking) and a pedestrian path the entire length of the parkway which provides access to the 24 public access points, every 200 feet to the sandy beach. The two roadways parallel to the sandy beach (with 15 mph speed limits) are also two wide bike paths that connect immediately south of Sunset Beach to the beach side bike trail in Huntington Beach State Park. See photos in Attachment 1.

Within this context, let’s consider the lack of value of reducing the encroachment improvement decks from 20 to 15 feet. Currently, there is limited space between the existing 20-foot decks and the permanent berms built in the early 1980’s on the oceanside of the residential property line (and required to be maintained per the Sunset Beach Specific Plan). Increasing the space from the decks to the permanent berm by 5 feet provides no additional access space that would be usable and/or desirable by the public, especially as there is 200+ feet of sandy beach for the public to enjoy beyond the permanent berm.

Also, requiring the decks to be shortened by 5 feet will also not provide added protection from sea level rise. As described in Section D below, the decks must be built as “temporary/removable patio/deck units,” i.e. without a permanent foundation, therefore in the future if, due to sea level rise, a 20-foot deck is no longer appropriate (e.g. if the mean tide line reaches x number feet oceanside of the permanent berm), then the reduction of the allowed encroachment area can be considered.

See photos in Attachment 1 that shows the lack of value to public access and sea level rise protection provided by reducing the decks in encroachment areas from 20 feet to 15 feet.

C. Prohibited Encroachments.

1. Any encroachment for which no coastal development permit has been approved is prohibited.

LCP: As noted above in definitions, encroachments should also be allowed for properties that secure a valid coastal development permit for up to one year after the effective date of the certification of the Sunset Beach Specific Plan by the California Coastal Commission.

2. Any structural, electrical, plumbing or other improvements which require issuance of a building permit.

LCP: This is confusing and contradicts allowed encroachments. One would think that a “structural” improvement would include decks which require the issuance of the building permit. The definition of structural needs to be provided.

3. Pressurized irrigation lines and valves.
4. Anything, including but not limited to, structures and landscaping, exceeding four feet in height above the street level of South Pacific Avenue.

LCP: Existing landscaping exceeding four feet should be allowed to be maintained on the property. Sunset Beach is fortunate to have numerous mature trees, their continued presence on Sunset Beach should be encouraged, especially as they sequester greenhouse gases.

See photos in Attachment 1 of existing landscaping exceeding four feet.

LCP: Statement C.4 isn't consistent with Item D.1 below. Statement C.4 needs to be revised or deleted as the patio decks on the ocean side are several feet above the high point of South Pacific Avenue. Therefore, Statement C.4 could potentially prohibit anything above 1' – 2' high on, or around, the patio decks.

5. Encroachments that would adversely impact sensitive habitat.

LCP: There are no current “sensitive habits” in the encroachment area of Sunset Beach. See earlier discussions and ones the follow regarding Western Snowy Plover habitats.

D. Subject to compliance with the provisions of this policy, permitted Encroachments shall be limited to the following types of development:

1. Temporary/removable patio/deck units, the top elevation/surface of which shall not exceed four feet above the street level of South Pacific Avenue;

LCP: Statement D.1 isn't consistent with Item C.4 above. Some houses have patios with hand rails; however, it is not clear whether the hand rail top elevations need to be 4' maximum above the South Pacific street elevation. Statement D.2 is clearer, changes should be consistent with the definition of “top surface”.

LCP: Use of “temporary/removal” is confusing, best to describe as “without a permanent foundation.”

2. Landscaping not exceeding 30 inches in height above patio/deck surface at full growth and which is compatible with any existing native habitat within 100 feet of the proposed encroachment;

LCP: See earlier comment regarding existing vegetation/trees.

3. Portable furniture.
4. Existing encroachments which were constructed in conjunction with development for which a valid building permit and coastal development permit were issued may be approved by the Community Development Director, or Coastal Commission on appeal, upon a finding that the improvement is consistent with or is modified to be consistent with this chapter.

LCP: After the certification of the Sunset Beach Specific Plan by the Coastal Commission, the appeal approval should just be by the appropriate staff person (s) at the City of Huntington Beach.

E. Permit Process.

LCP: Major portions of this Permit Process section goes into a level of detail that is not appropriate for the Sunset Beach Specific Plan. They should be removed from this Section and where appropriate, included in the City of Huntington Beach building/planning ordinances. These sections have been highlighted below in yellow.

Note: The following is reference below as #9: *The coastal development permit application for the proposed encroachment shall be processed in accordance with the requirements of Chapter 245 Coastal Development Permits, of the Huntington Beach Zoning and Subdivision Ordinance. If this is moved to #3 in this section, the details highlighted in yellow should be able to be eliminated.*

1. An application for an encroachment may be included in a coastal development permit for development on the private parcel adjacent to the requested encroachment; or an application for an encroachment may be submitted as a separate coastal development permit application. However, for development on any site with an existing encroachment, the coastal development permit application must include either: a) request for retention of the encroachment or, b) removal of the encroachment from the project the site; the choice must be reflected on the project plans.

LCP: Isn't there a simpler way to say this?

2. The coastal development permit application shall be filed with the City of Huntington Beach Planning Department on a form provided by the City. The application shall be signed by the owner of the private property adjacent to the area of the requested encroachment, or an agent of the owner if the application is accompanied by a document,

signed by the owner, granting the agent the power to act for the owner with respect to the application and property.

3. The coastal development permit application shall be accompanied by:
 - a) A site plan, drawn to scale and fully dimensioned, which accurately depicts the location, height, nature and extent of all proposed and/or existing improvements and objects within the encroachment zone; and shall request either:
 - i) retention of the encroachments (as modified if necessary to meet the standards of this Section 3.3.10), or
 - ii) removal of the encroachments.

LCP: See comments above regarding the removal of the detail highlighted in yellow.

b) When proposing to construct or retain an encroachment, a biological survey, prepared by an appropriately licensed professional, of all flora and fauna within 300 feet of all proposed or existing to be retained improvements and objects within the encroachment zone. The biological survey shall evaluate, among other things, the presence and extent of native dune vegetation and the presence of snowy plovers or evidence of snowy plover use of the area. If any sensitive and/or native species are present, the application shall include measures to be implemented to assure protection of the sensitive and/or native species, including but not limited to buffer zones between the sensitive/native species and any proposed encroachment, planting of additional native plant species to support the sensitive species in the area, and agreement to prohibit allowance of invasive landscaping species in the encroachment area. When the required biological survey reveals the presence of sensitive species, the application shall also be accompanied by a mitigation plan as described in Section K, below.

LCP: The length of Sunset Beach is approximately one mile long or 5280 feet (or a total number of 17.6, 300 feet sections). Like the rest of the oceanside section of Sunset Beach, the encroachment area is very uniform consisting of: (1) the existing decks and (2) the permanent berm, with ice plant being the primary vegetation (per the previous direction of the County of Orange). There is minimal or no “native dune vegetation,” although this could change based on earlier provisions of the suggested modules.

See Attachment 1 for photos demonstrating the uniformity of the encroachment areas.

Regarding the western snowy plover there is no evidence that they would be (or want to be) in the “encroachment areas” of Sunset Beach. As discussed in greater detail in earlier comments, snowy plovers are present on Sunset Beach but, per the monthly surveys of the local Audubon Society, they are present near the shoreline in order to be near to their food source (see later comment). For example, in the winter they have always been found on the oceanside of the seasonal berm.

This behavior is supported by the following sections of the Audubon field guide regarding the beach habitat and diet of snowy plovers (shown in *italics*):

Habitat: Beaches, sandy flats. At all seasons, tends to be found in places where habitat matches pale color of back -- dry sand beaches along coast. Usually in places with very little vegetation.



The western snowy plover is an inconspicuous, pale little bird, easily overlooked as it runs around on white sand beaches. Diet: Along coast, feeds mostly on tiny crustaceans, mollusks, and marine worms, also some insects,” (i.e. food not found in the encroachment areas).

Nesting: The closest nesting area of the snowy plovers to Sunset Beach is in the Bolsa Chica wetlands near the least tern colonies (they are known to nest near Tern colonies). If they did nest in Sunset Beach, the nest would be on open bare ground, sometimes close to a grass clump or piece of driftwood. Nests are shallow scrapes in ground, lined with bits of shell, grass, pebbles, other debris, sometimes surrounded with similar items.” This does not meet the description of the encroachment area in Sunset Beach.

Regarding other wildlife in the encroachment areas, they are primarily passerine (perching) birds, rabbits, gophers and coyotes. Because of the uniformity of the encroachment area, and the short length of Sunset Beach, each homeowner should not have to contract for their own flora & fauna survey by a “licensed professional” (especially as there are no licensing authorities for botanists and wildlife biologists). Rather, like the alternative proposed for the Coastal Hazards Analyses, the City should retain digital copies of the initial flora & fauna surveys. With this the homeowner can contract with a biologist that certifies that this survey applies to their encroachment area or note the minor differences and mitigation if needed.

4. Applications with incomplete or inadequate information and/or drawings will not be accepted.
5. Upon receipt of the application, the Community Development Director shall, within thirty (30) days after the date of filing, determine if the application is complete or if additional information is necessary or appropriate in order to adequately analyze the application. In the event the application is incomplete and/or additional information is necessary, written notice to that effect shall be sent to the property owner and/or his/her

designee (consistent with subsection E.2 above) within thirty (30) days from the date the application is received by the Planning Department.

LCP: See comments above regarding the removal of the detail highlighted in yellow.

6. With respect to applications for existing encroachments, an inspection shall be conducted of all improvements within the encroachment zone before a permit may be approved. With respect to applications for new encroachments, an on site inspection shall be conducted after installation of the improvements to insure conformity with provisions of the coastal development permit and this policy. Inspections shall be conducted by appropriate City staff or Coastal Commission staff on appeal.

LCP: Inspections should just be done by the appropriate staff person (s) at the City of Huntington Beach not the Coastal Commission.

7. The Community Development Director, or the Coastal Commission upon appeal, shall approve the coastal development permit upon a determination that a) the encroachment(s) proposed to be constructed, or to remain, are consistent with this policy, b) the applicant has agreed to abide by all of the terms and conditions imposed on the coastal development permit, and, c) the applicant has paid all fees required by this policy.

LCP: Approvals and appeals should just be done by the appropriate staff person (s) at the City of Huntington Beach not the Coastal Commission.

8. The Community Development Director, or the Coastal Commission upon appeal, shall have the authority to condition his/her approval of the coastal development permit as necessary or appropriate to insure compliance with the provisions of this policy. The Community Development Director or the Coastal Commission upon appeal shall have the specific authority to condition approval of an encroachment permit on the removal of any existing encroachment that is inconsistent with this section within a specified period of time.
9. The coastal development permit application for the proposed encroachment shall be processed in accordance with the requirements of Chapter 245 Coastal Development Permits, of the Huntington Beach Zoning and Subdivision Ordinance.
10. Once a coastal development permit is approved for an encroachment, an annual encroachment fee shall be required. This requirement shall be included in the approval of any coastal development permit that includes a request for encroachment. The requirements for the annual encroachment fee is described below.

F. Annual Encroachment Fee.

1. The City Council shall establish, by resolution***, the amount of the annual encroachment fee required for any encroachment subject to this section. The annual encroachment fee shall be directed specifically to offsetting the impacts caused by the encroachments, including impacts to public access and/or impacts to sensitive habitat.

(underlines added by LCP) The City Council resolution shall establish a fund with the sole purpose of administering the collected annual encroachment fees and shall establish and describe the method by which the fund will be administered by the City. The City Council resolution shall provide a mechanism by which the annual fee may be increased (such as linking the fee to the Consumer Price Index or similar mechanism). Allowable uses of the encroachment fee fund are described in greater detail in Subsection 4 below.

*** The City Council should only establish the encroachment fee, “by resolution” after: publishing a proposed fee, identifying how the funds will be spent (see comments below) and securing comments from the public, especially those who would be paying these fees.

LCP: See comments regarding underlined sections in Subsection 4 below.

Note: This Subsection refers to Subsection 4 which then refers to Section J. All the uses of the annual encroachment fee should be combined into one section.

2. A condition of the approval of the coastal development permit shall require that the encroachment fee be paid annually for as long as the encroachment persists.
3. The first annual fee shall be due and payable prior to issuance of the approved coastal development permit and annually thereafter. The condition of approval shall establish the due date of the subsequent annual encroachment fee, which shall be no more than one year from the date of the first payment of the annual fee. The fee shall be considered delinquent thirty (30) days thereafter. Delinquent fees shall be established by resolution of the City Council.
4. The annual fee shall be used to defray City costs of administration, costs to enhance public access and use of the ocean beaches, and/or to establish/expand dune habitat on the adjacent berm/dune (located approximately 40 feet from the oceanward private property line) necessitated by impacts to public access and habitat caused by the private encroachments onto the public beach area of Sunset Beach. At least eighty-five (85%) percent of the fees shall be used by the City for specific projects that enhance public access in Sunset Beach or in Huntington Harbour and/or for habitat restoration of the adjacent berm/dune (see Section J, below). No more than fifteen percent (15%) of the fees shall be used by the City to defray costs of administration.

LCP: As discussed throughout these comments, Sunset Beach already provides unmatched public access to the community’s sandy beach. This is done through 100% free parking and public access to the sandy beach every 200 feet for a total of 24 access points along the one mile of the community’s sandy beach. As discussed above, why would the public want access to the < 20 feet of viewless sand between the encroachments (decks) and the adjacent permanent berm when -- It has total public access to + 200 feet of sandy beach that has incredible views of the Pacific Ocean!

See photos in Attachment 1 that demonstrate the lack of space and low value of using the encroachment area for public access.

Therefore, the funding is not needed to “enhance public access” to the encroachment area but rather, the LCP does encourage these funds to be used to establish dune habitat on the permanent berm. As noted earlier in these comments, the LCP supported the idea to replace the existing ice plants with native vegetation but questioned who would pay for this. The encroachment fee could address this issue.

The LCP does not, however, support the idea of using these funds to “expand dune habitat” if this means to arbitrarily make the permanent berm higher or wider. As discussed earlier, the permanent berm (located approximately 40 feet from the oceanward private property line) was originally constructed in the 1980’s as a result of a one-time flooding event in 1983. Due to the blowing sands from the prevailing winds, the permanent berm keeps growing higher and higher, to the point of eliminating first floor views for some oceanfront residents.

See Attachment 1 for photos showing loss of views due to excessive height of permanent berm.

The County of Orange had periodically reduced the height of the permanent berms but that hasn’t been done for 20+ years. Although the permanent berm has not been needed for flood control, i.e. potential flooding from winter storms have been stopped by the seasonal berm, the LCP recognizes the value of the permanent berm now and probably even more so in the future, but we also acknowledge the value in ensuring that the permanent berm is the appropriate height now based on science. A solution to this is discussed earlier but the issue is revisited here in the context that the encroachment funds should not be used to **expand** the permanent berm without a justified reason.

Finally, no Sunset Beach encroachment fees should be used for any purpose for Huntington Harbour. They will have their own Specific Plan.

G. Continued Encroachment

The approved encroachments shall be allowed to continue only as long as the following occur:

- a. The applicant has complied with all standard and special conditions of approval;
- b. The applicant has constructed only those improvements and encroachments authorized by the permit;
- c. The applicant is current with payment of the annual fee requirement as described in subsection F above.
- d. The applicant is in compliance with all the provisions of this policy.

H. Standard Conditions.

1. The Community Development Director, or the Coastal Commission upon appeal ***, shall impose standard conditions of approval on all coastal development permits for approval of encroachments. These standard conditions shall include, without limitation, the following:
 - a. The obligation of permittee to comply with all of the provisions of this policy and all conditions imposed upon the permit.
 - b. The right of the Community Development Director, or the Coastal Commission upon appeal ***, to revoke any permit after notice and hearing if the permittee is in violation of this policy or conditions to the permit.

- c. The right of the City to summarily abate (underline added by LCP) encroachments which are prohibited by this policy or conditions of the permit upon ten (10) day's written notice.

LCP: Per <https://definitions.uslegal.com/s/summary-abatement/> -- "*Summary abatement*" is the *abatement of a nuisance without any judicial proceeding. It involves the actual removal of conditions constituting a nuisance without resorting to judicial means. Summary abatement would mean to put down or destroy without process.*" What type of violation could a deck/encroachment cause that would be so onerous that the City could destroy in 10 days without process? This should be eliminated especially as alternative remedies are provide below in Section I.

- d. The obligation of permittee to pay all costs incurred by the City in summarily abating any prohibited improvement. LCP: See above comment.
- e. The obligation of permittee to defend, indemnify and hold the City (and the Coastal Commission where appropriate***) and its employees harmless from and against any loss or damage arising from the use or existence of the encroachment.
- f. Permittee's waiver of any right to contest the City's street and public access easement over property within or oceanward of the encroachment areas.

LCP: In addition to eliminating summary abatement document, the waiver of any right to contest such actions is also inappropriate and should also be eliminated.

LCP: As noted earlier, there is already 24 points of public access, every 200 feet, over the one-mile length of Sunset Beach, plus ... The Sunset Beach Community itself is surrounded by water and totally built-out, there is no room for an additional street. Therefore, this condition is not applicable to Sunset Beach and should not be added to the encroachment permit standard conditions.

- g. The right of the Community Development Director or his or her designee to inspect improvements within the encroachment area without notice to the permittee.
- h. The right of the City to cancel or modify any, or all, encroachment permit(s) upon a determination by the City Council or other public agency to construct a public access facility or improvement or habitat restoration within or adjacent to the encroachment zone in which the permittee's encroachment negatively impacts the ability of the City or other public agency to construct, operate, or maintain the proposed public access facility or improvement or habitat restoration.

LCP: What public access facility or improvement or habitat restoration would require the City to need the 20 feet space in front of the oceanfront residences? This should not be added to conditions without some justification as to why this is needed.

- 2. The construction of any seawall, revetment or other shoreline protective device necessary to control erosion and to protect existing primary development, if approved, shall occur

on private property if feasible, or as close to private property line as feasible. No shoreline protective device shall be allowed for the sole purpose of protecting an encroachment(s).

LCP: See earlier comments regarding Oceanfront shoreline protective devices.

3. The Community Development Director, or the Coastal Commission on appeal^{***}, may impose additional standard conditions necessary or appropriate to insure compliance with, or to facilitate City administration of this policy.

***** As noted throughout, after the certification of the Sunset Beach Specific Plan by the Coastal Commission, all approvals and appeals should be done exclusively by the City of Huntington Beach.**

I. Violations/Remedy.

1. The City shall, in addition to any right or remedy provided by law, have the right to do any or all of the following in the event a permittee is in violation of the provisions of this policy or any condition to the permit, or any encroachment violates the provisions of this policy:
 - a. Revoke the permit after giving the permittee notice and an opportunity to be heard upon a determination that there is substantial evidence to support a violation of this policy. The Community Development Director shall establish the specific procedures designed to ensure that permittee receives due process of law.

LCP: These “specific procedures” should be submitted to the community for review and comment prior to incorporating into the Sunset Beach Specific Plan.

- b. Summarily abate any encroachment violative of this policy after giving the permittee or property owner ten (10) day's written notice of its intention to do so in the event the permittee or property owner fails to remove the encroachment. The permittee or property owner shall pay all costs incurred by the City in summarily abating the encroachment or improvement. The determination of the Community Development Director, or the Coastal Commission on appeal, with respect to abatement shall be final.

LCP: Subsection b. duplicates H. 1. above. Therefore these earlier comments also apply here: Per <https://definitions.uslegal.com/s/summary-abatement/> -- “**Summary abatement**” is the **abatement of a nuisance without any judicial proceeding**. It involves the actual removal of conditions constituting a nuisance without resorting to judicial means. **Summary abatement would mean to put down or destroy without process.**” What type of violation could a deck/encroachment cause that would be so onerous that the City could destroy in 10 days without process? This should be eliminated with only the remedy developed for Section I.1.a. used (see comment in I.1.a. above).

J. Mitigation Plan.

To mitigate any impact on beach access and/or native/sensitive habitat resulting from the encroachments, the City shall specify the mitigation project to which the annual encroachment fee

(per Section F.4) is to be directed as part of the City Council Resolution described in Section F above.

LCP: Section F. 1 and Subsection 4 and this Section J all refer to uses of the annual encroachment fee. All these requirements should be combined into one section. Also see earlier comments regarding the use of encroachment fees, including that they are not needed for “public access” in Sunset Beach.

K. If in a legal action to quiet title a court determines the area seaward of an applicant’s oceanfront property lines is not public land, then these encroachment requirements will not apply to that applicant’s proposed development.

End of LCP Final Draft Comments. Please send comments regarding this document to gailbrice@roadrunner.com.

See Attachment 1 for photos that support above comments.

DRAFT Not for Public Review

Attachment 1

Sunset Beach Photos Supporting Comments

[RESERVED – WILL BE DISTRIBUTED DURING THE WEEK OF MAY 6]

DRAFT Not for Public Review