

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

Hi Sunset Beach friends and neighbors --

The following is our DRAFT Comment # 3 on the next 6 pages of the 50 pages of proposed changes by the California Coastal Commission (CCC) staff to the Sunset Beach Specific Plan (aka the "Local Coastal Plan.") This totals 23 pages reviewed. We will continue to evaluate the proposed changes and distribute the DRAFT comments to the community and to the City. We solicit your comments and any concerns regarding our DRAFT comments. Please submit comments and concerns to gailbrice@roadrunner.com. Once we have commented on all the pages, we will hold meetings to discuss them.

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

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

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

Your Sunset Beach LCP Committee

Sunset Beach SPECIFIC PLAN Sug Mods

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

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

SUG MOD No. 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~~):

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.

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.

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: 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 (new Modules that will be commented on later). 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: As discussed in earlier comments, there is much redundancy and extra verbiage in these Mod suggestions. For example, much of the above is in SUG MOD No. 15, that only results in addressing pilings. Here it’s the same information, but rather than pilings, caisson requirements are added plus curb elevation requirement. Couldn’t these be combined?

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 Coastline” 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.

Additionally, as discussed in Comment #2 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 earlier, 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 its 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.

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.

Commented [U1]: Do any Limited Use Overnight Visitor Accommodations currently exist in SNB? If so, please include a list identifying them. If not – why is this needed?

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:

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.

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.

eg. 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.~~

Commented [CIT2]: I believe City staff mentioned that there is a City definition for “gross square footage.” Where is that defined and what is the definition?

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: Will address when we review 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.

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 restrooms. 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 Snowy Plover discussions in later comments.)

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.

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.”

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. The engineering report should be referenced in this document.

Note: The relationship between the seasonal berm and the habitat of the Western Snowy Plover will be addressed in later comments based on a meeting between LCP members and the Audubon Society who has been surveying the presence of the snowy plover on Sunset Beach for the past six years.

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:

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 and increase stormwater runoff and reduce the habitat for the western snowy plovers.

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

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.

End of LCP Comments #3. Please send comments to these draft comments to gailbrice@roadrunner.com. Additional comments will be coming out soon.