

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



June 14, 2011

W 9b**ADDENDUM**

To: Commissioners & Interested Persons

From: South Coast District Staff

Re: Commission Meeting of Wednesday, June 15, 2011, Item W 9b, City of Huntington Beach LCP Amendment 1-10 (Downtown Specific Plan Update), Huntington Beach, Orange County.

A. Letters of Opposition Received

Three letters opposing the LCP amendment as proposed by the City and with the suggested modifications recommended by Coastal Commission staff have been received in the Commission's South Coast District Office as of today's date. The letters object to the amendment based on concerns regarding impacts to public access due to lack of parking and increased development capacity. The three letters are attached. One of the three letters also expresses concerns with the suggested modifications regarding beach curfews (suggested modification Nos. 38 and 41), indicating that greater limits on access to beaches and piers are appropriate.

B. Changes to the Suggested Modifications

After discussion with City staff regarding the suggested modifications, Commission staff recommends making the following refinements to the suggested modifications contained in the staff report. With the exceptions described below in Section C on pages 4, 5, 34 and 56, the supporting findings in the staff report remain unchanged.

Suggested Modification No. 9:

Make the following changes to suggested modification No. 9 on pages 13-14 of the staff report (all language below represents suggested additions, but for clarity only the revision to the suggested modification is shown in **bold underline**):

DSP Book I, Chapter 2, Page 2-7: Add the following new section:

2.5.13 Other Review Procedures

The City shall be responsible for assessing the effectiveness of the parking requirements contained within Section 3.2.26 of this Specific Plan to ensure that an adequate amount of parking is provided to serve the anticipated development while maintaining access to the beach and other visitor amenities. Upon completion of construction of up to a maximum of

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 2

150,000 square feet of net new commercial (retail, restaurant, office) development in District 1, the City shall conduct a cumulative parking analysis for all development in District 1 that shall, at a minimum, provide the following details:

1. A project-level account of the amount, type, and location detailing all of the following:
 - a. new (non-hotel) commercial development square footage constructed within District 1 totaling approximately 150,000 square feet;
 - b. residential units and hotel rooms constructed within District 1 since the effective date of the Downtown Specific Plan Update LCPA 1-10;
 - c. number of parking spaces required and provided per use for the 150,000 square feet of new (non-hotel) commercial development as well as any other parking programs implemented for each project;
 - d. number of parking spaces required and provided with each residential and hotel development;
2. A parking utilization study and an assessment of parking demand compared to parking supply for the new development (150,000 square feet of net new (non-hotel) commercial development) within the District 1 area;
3. A determination of whether adequate parking is available to serve development in District 1; and
4. If parking is determined to be inadequate to serve the existing and additional new development in District 1, the parking analysis shall include recommendations for implementation of additional measures, programs, or other changes to the Downtown Specific Plan to ensure that an adequate supply of parking will be available to accommodate the identified deficiency and any future development beyond 150,000 square feet. Such measures may include means of providing additional parking, means of providing alternate forms of transportation, and/or reductions in allowable future development within the Downtown Specific Plan District 1.
5. The recommendations of the parking analysis shall be implemented through a Local Coastal Program amendment (LCPA) processed in conjunction with an amendment to the Downtown Specific Plan. Future development shall not proceed **pursuant to the parking requirements contained in this Specific Plan** until resolution of the measures contained in the LCPA is final. **Any further development proposed prior to completion of the Downtown Specific and LCP amendments would require parking consistent with parking ratios specified in Chapter 231 of the HBZSO and shall accommodate 100% of the required parking on-site.**

The parking analysis shall be completed and a copy forwarded to the Planning Commission, City Council and the Executive Director of the California Coastal Commission prior to the approval of any project proposing new development that would exceed the 150,000 square-foot new non-hotel, commercial development threshold for District 1.

Suggested Modification No. 13:

Make the following changes to suggested modification No. 13 on page 16 of the staff report (City's proposed language is in plain text, Coastal Commission staff's final version of the suggested modification including the most recent revisions are shown in **bold underline** text for suggested additions, and in ~~strike-through, underline~~ text for suggested deletions):

Modify Section 3.2.8 Exceptions to Height Limits, on page 3-7, as follows:

Chimneys, vent pipes, cooling towers, flagpoles, towers, spires, domes, cupolas, parapet walls not more than 4' high, water tanks, fire towers, fly towers associated with performing arts theaters, transmission antennae (including wireless communication facilities), radio and television antennas (except satellite dish antennae), and similar structures and necessary mechanical appurtenances (except wind-driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10'. ~~The Zoning Administrator may approve greater height with a conditional use permit.~~
Adverse impacts to public views shall be minimized.

Suggested Modification No. 20:

Make the following changes to subsections 3 and 5 of suggested modification No. 20 on pages 18-19 of the staff report (City's proposed language is in plain text, Coastal Commission staff's final version of the suggested modification including the most recent revisions are shown in **bold underline** text for suggested additions, and in ~~strike-through, underline~~ text for suggested deletions):

Section 3.2.26.11 District 1 Special Parking Standards, on page 3-32 and 3-33, modify as follows:

- 3) Commercial development is permitted to satisfy some or all of the required parking off-site upon approval of a **Shared Parking Agreement pursuant to No. 8 below** ~~Conditional Use Permit by the Planning Commission~~ **and is subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.** Any parking not provided on-site ~~or off-site with~~ **and approved Shared Parking Agreement** will require the payment of an in-lieu fee **pursuant to No. 7 below.**
- 5) ~~For intensification of an existing use, only a~~ **All** net new square footage shall provide parking as required by this Specific Plan. **If 50% or more of existing square footage is demolished, all replacement square footage shall provide all required parking consistent with this Specific Plan. For**

constrained sites parking may be provided on-site, off-site with a Shared Parking Agreement per No. 8 below, or via the In-Lieu Parking Fee program per 7 below. There shall be no reduction in the number of existing parking spaces for retained square footage. Existing square footage is grandfathered including tear down of building sf — parking associated with this square footage is not required to be parked at a higher number than what is existing.

Suggested Modification No. 31

Delete suggested modification No. 31 in its entirety. By deleting this suggested modification, the City's proposed language will remain as is. This suggested modification dealt with the public open space required for development located within District 3 Visitor Serving Recreation. After further discussion with City staff, Commission staff believes the existing language within both the certified and proposed DSP (no change is proposed to the currently certified language) is adequate to assure that an appropriate amount of public open space will be provided within this district. This area is known as the Waterfront site, which is currently developed with two hotels. A third hotel is approved for this area. The City has indicated that project approvals in this area, and as developed by the project proponent, provide over 15% public open space in the form of public plazas, etc. as well as more than 15% of recreational uses such as health clubs, gyms, pool area, etc available for fee based use to the general public. Therefore, Commission staff agrees that adequate public open space is and will be provided with development and thus, changes to the existing language are not necessary.

C. Corrections to the Staff Report

On page 4 of the staff report (in the Executive Summary), in the third complete paragraph, the sentence beginning in the fourth line, the word "not" was inadvertently omitted and should be corrected as follows:

Commission staff agrees that parking spaces to meet the full parking demand for new development are **not** always necessary, or desirable.

And on page 5 of the staff report (also in the Executive Summary), in the first paragraph (which begins at the bottom of page 4), the last line should be corrected in order reflect changes to suggested modification No. 9 described Section B above. The change to suggested modification No. 9 would allow additional development to proceed within proposed District 1 if the required parking analysis finds that an LCP amendment is necessary prior to approval of an LCP amendment only when all parking required pursuant to Chapter 231 of the HBZSO is provided on-site.

Further development within District 1 would **then** be **allowed only when all parking required pursuant to Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (the City's certified LCP Implementation Plan) is provided on-site.** ~~precluded until the public access issues are resolved through an LCP amendment.~~ The City disagrees that a cumulative parking analysis is necessary.

The same change should also be made **on page 56** of the staff report, in the first paragraph (which begins at the bottom of page 55) in the sentence beginning in the 12th line from the top of the page. The change should be made as follows:

Further development within District 1 should **then** be **allowed only when all parking required pursuant to Chapter 231 of the Huntington Beach Zoning and Subdivision Ordinance (the City's certified LCP Implementation Plan) is provided on-site.** ~~precluded until resolution of the public access issues are resolved through the LCP amendment.~~

On page 34 of the staff report the sentence beginning in the second line from the top of the page should be corrected as follows. The staff report erroneously states that District 1 no longer exists within the currently certified DSP. However, the visitor serving area along Pacific Coast Highway between 6th Street and 9th Street is, under the currently certified DSP, District 1 Visitor Serving Commercial.

Thus, District 1 of the originally certified DSP **is now only comprised of the third node located along Pacific Coast Highway between 6th Street and 9th Street.** ~~no longer exists.~~ The area of the former third node **is proposed to be** and the area ~~between it and the downtown core are~~ included within proposed District 1.

D. Link to Electronic Version of Proposed Downtown Specific Plan

To view an electronic copy of the Downtown Specific Plan as proposed by the City, go to the following links:

http://www.huntingtonbeachca.gov/files/users/planning/DTSP_Book1_021210.pdf
http://www.huntingtonbeachca.gov/files/users/planning/DTSP_Book2_021210.pdf

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 6

RECEIVED
South Coast Region

JUN 10 2011

CALIFORNIA
COASTAL COMMISSION

Agenda Item: W 9b
Application No.: HNB 2-06
Richardson Gray
OPPOSE PROJECT
Page 1 of 3

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

June 9, 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

**Re: June 15, 2011 California Coastal Commission Meeting
Agenda Item W 9b
Application Number HNB 2-06
City of Huntington Beach Downtown Specific Plan (DSP)
OPPOSE PROJECT**

Dear Members of the California Coastal Commission:

I own my home in the area of the DSP. I am writing you to voice my **OPPOSITION TO THE PROJECT**. **This letter replaces the letter that I sent to you yesterday, June 8, 2011, as my earlier letter had one substantive typographical error that this current letter corrects.**

My opposition to the Project is based upon the fact that the City's supporting parking study is fatally inadequate under the California Environmental Quality Act (CEQA) and the Coastal Act (CA). For this reason, before the Project can be approved under CEQA and the CA, a new, legally adequate parking study must be completed. As such, the DSP's permitted development and parking requirements will deny reasonable beach access to the public as required by the CA.

The DSP's EIR states that, "the development thresholds indentified in the [existing] Downtown Master [Parking] Plan have been met." Though the thresholds have been met, the City now intends to add an additional net new development of approximately 1.33 million square feet in the DSP area, which number includes the square foot areas of all new hotel rooms and residential units permitted by the DSP. Moreover, the City's new parking plan under the DSP reduces the ratio of required parking per square foot of gross floor area in the Downtown Core.

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 7

Agenda Item: W 9b
Application No.: HNB 2-06
Richardson Gray
OPPOSE PROJECT
June 9, 2011
Page 2 of 3

The DSP's supporting parking study was conducted on August 18 and 23, 2007. It was defective for the following reasons:

1. This survey was conducted during the second half of August 2007, after many students had returned to school or were preparing to return to school. The primary demographic group visiting the DSP area during the peak summer season is young people, from 15 to 25 years old. One can only surmise that the City conducted this study at these times so as to get the most favorable parking statistics possible during the summer time period.
2. New businesses in the DSP area, such as the Strand mixed-use and hotel development of approximately 220,000 square feet, have opened and occupancies have increased since August 2007. Parking today is in significantly higher demand and the parking shortages have gotten worse since August 2007, almost four years ago.
3. The parking study did not analyze building occupancy, a basic requirement for any sufficient parking study. Many DSP area buildings had significant vacancies in August 2007 that, upon stabilized occupancy, would significantly increase parking demand.
4. The parking study failed to analyze the effects of certain proposed projects, for example, the Poseidon, Ocean Breeze, Edinger/Beach Specific Plan, the proposed Cultural Center for the Library Subdistrict, and the Edison Community Sports Complex; would have in the DSP area. Especially with the Sports Complex, it is uncertain whether all parking will be within the Sports Complex facility. With respect to the Specific Plan for the Edinger/Beach Corridor Study, a project within one mile of the DSP area, 847,600 square feet of retail, 350 hotel rooms, and 112,00 square feet of office space will be added. These projects will severely impact the parking in the DSP area.

In addition, the in-lieu Parking Program identified in the DSP Parking Section does not adequately describe the number of outstanding in-lieu parking stalls that the City needs to construct or the outstanding fees needed to fund alternative parking facilities. The DSP's parking study found that it is difficult to find parking 35 days per year and an actual parking deficiency exists for 15 days per year. In particular, the City found that the existing parking demands greatly exceed the parking capacity during peak summer weekends, holidays, and special events.

Under the DSP, a developer can make a payment of in-lieu fees, rather than actually create additional parking as part of the development. The DSP and its EIR do not address how the City will use these in-lieu fees to address the impacted parking situation, and if and where this new parking will be constructed.

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 8

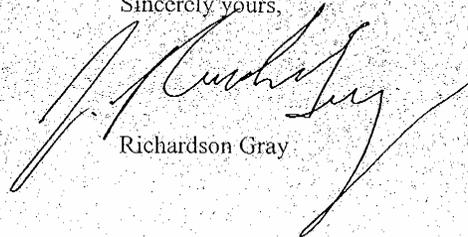
Agenda Item: W-9b
Application No.: HNB 2-06
Richardson Gray
OPPOSE PROJECT
June 9, 2011
Page 3 of 3

With the addition of approximately 1.33 million square feet of net new development area, and the proposed reduced ratio of parking space per square-foot of gross floor area in the Downtown Core, demand for parking will increase significantly. In fact, the DSP parking study identifies the need for approximately 300 to 400 additional off-site parking spaces. Moreover, the Project proposes to completely eliminate the existing on-street parking along Main Street from Pacific Coast Highway to Orange Avenue (three blocks), and to reconfigure parking on Fifth Street, which together will result in the net loss of 50 on-street parking spaces.

The DSP's EIR fails to explain that the minimum code requirements are being reduced to accommodate the significant parking demands that this Project will have. By reducing the required parking, the City is simply manipulating the code. Though that approach may be a way for the City to disregard the impact on a paper document, the impacts in real terms on the environment and on beach visitors remain significant. The only thing that occurs with reducing the ratio of required parking is to eliminate parking space code requirements for commercial, restaurant, or retail businesses. It does not create more parking.

For all of the foregoing reasons, I urge you to deny the referenced application and require the City to complete a new parking study at this time. Only this course of action will ensure that the DSP complies with CEQA and the CA, and will provide adequate parking for the DSP area's many beach visitors for the decades to come. Thank you for your consideration and support.

Sincerely yours,



Richardson Gray

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 9

Page 1 of 2

Meg Vaughn

From: Angela Rainsberger [arainsberger@gmail.com]
Sent: Friday, June 10, 2011 8:05 AM
To: Meg Vaughn
Subject: OPPOSE PROJECT - APL# HNB 2-06

Agenda Item: W 9b
Application No.: HNB 2-06
OPPOSE PROJECT

Angela Rainsberger
738 ½ Main Street
Huntington Beach, CA 92648
714 906 6253
arainsberger@gmail.com

June 10th 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

**Re: June 15, 2011 California Coastal Commission Meeting
Agenda Item W 9b
Application Number HNB 2-06
City of Huntington Beach Downtown Specific Plan (DSP)
OPPOSE PROJECT**

Dear Members of the California Coastal Commission:

I am in opposition to the Project, because the City's parking study is inadequate under CEQA and the Coastal Act (CA). Before the Project can be approved under CEQA and the CA, a new parking study must be completed. The DSP's permitted development and parking requirements will deny reasonable beach access to the public because downtown business and residential parking needs will steel beach parking away from beach visitors.

The City found that the existing parking demands greatly exceed the parking capacity during peak summer weekends, holidays, and special events. The DSP parking study identifies the need for approximately 300 to 400 additional off-site parking spaces. The project proposes to completely eliminate the existing on-street parking along Main St from PCH to Orange Ave, and to reconfigure parking on 5th St. Together will result in the net loss of another 50 on-street parking spaces.

The plan allows 1.33 million sq/ft of new development in the DSP area. The associated parking plan reduces the ratio of required parking per sq/ft of gross floor area in the Downtown, thus increasing the parking shortage. The DSP's supporting parking study was conducted on August 18 and 23, 2007. It was defective for the following reasons:

- Conducted in late August after many students had returned to school or were preparing to return to school; not at the peak of the summer tourist season.
- Many buildings in the DSP area were vacant or at less than full occupancy when the study was

6/13/2011

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 10

Page 2 of 2

completed, and the study did not analyze building occupancy.

- The parking study failed to analyze the effects of proposed projects in the area that would impact parking.
- The in-lieu Parking Program does not adequately describe the number of outstanding in-lieu parking stalls that the City needs to construct or the outstanding fees needed to fund alternative parking facilities.

I urge you to deny the application and require the City to complete a new parking study to ensure that the DSP complies with CEQA and the CA, and will provide adequate parking for the DSP area's many beach visitors for the decades to come. Thank you for your consideration and support.

Sincerely yours,
Angela Rainsberger

6/13/2011

Addendum
Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 11

HB Neighbors
Richard Plummer – Board Member

June 10, 2011

California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Downtown Huntington Beach District 1 Issues

- Proposed DSP lowers parking ratios and increase development densities that will result in displacing beach parking.
- City of Huntington Beach is currently abusing the current Shared Parking and Parking In-Lieu Programs.
- The Proposed DSP will destroy the current "Village Concept" by allowing massive development including additional 400,000 square feet of commercial development.

HBN Agrees with CCC Staff recommendations on the following issues:

1. Parking triggers are required for parking alternatives.
2. Need tracking system for Shared Parking Program and for the Parking In-Lieu Program.
3. After 150,000 square feet of new commercial development, a cumulative Parking Analysis should be conducted to determine if there is adequate parking before any additional development may be allowed.
4. Building Heights should be reduced from four stories to three stories.

HBN Disagrees with CCC Staff recommendations:

1. CCC current policy of giving priority to visitor servicing uses is contributing to the expansion of bars and beer malls.
2. It is not practical nor a good use of police services to keep beaches and piers open 24/7 in urban settings

HB Neighbors is a neighborhood organization with over 2,200 members



Richard J. Plummer
HB Neighbors Board Member

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W 9b

June 3, 2011

TO: Commissioners and Interested Persons

FROM: Sherilyn Sarb, South Coast Deputy Director (Orange County)
Teresa Henry, District Manager, South Coast District
Karl Schwing, Supervisor, Regulation & Planning, Orange County Area
Meg Vaughn, Coastal Program Analyst

SUBJECT: Major Amendment Request No. HNB-MAJ-1-10 (1-10) to the City of Huntington Beach Certified Local Coastal Program (LCP). For public hearing and Commission action at the Commission's June 15-17, 2011 meeting in Marina del Rey.

SUMMARY OF HNB LCP AMENDMENT REQUEST NO. 1-10

The proposed Local Coastal Program Amendment (LCPA) request would update the City's Downtown Specific Plan (DSP) as reflected in City Council Resolution No. 2009-63. The proposed LCPA would delete the existing, certified DSP and replace it in its entirety with the proposed DSP. Changes are also proposed to the City's certified Land Use Plan (LUP) to maintain consistency with the changes proposed within the revised, updated DSP and to update certain text to reflect current circumstances including approved projects that have been or are in the process of being implemented.

Issues raised by the proposed LCPA include: assuring that adequate visitor serving uses remain within District 1 of the proposed DSP; assuring that increased development potential does not adversely impact public access due to lack of adequate parking and/or lack of alternate means of transportation; addressing other potential public access issues due to parking; assuring the residential densities of the Land Use Plan and the Implementation Plan are consistent; assuring continued access to State tidelands; clarification of the meaning of "visitor serving recreation"; and preserving public views. The potential issues raised are addressed in the suggested modifications beginning on page 6.

Local Coastal Program Amendment 1-10 affects both the Land Use Plan and the Implementation Plan portion of the certified LCP.

SUMMARY OF STAFF RECOMMENDATION

Modifications to the LUP/IP amendment are necessary to ensure that public access and recreation are maximized, priority uses are promoted, and public views are protected in conformity with the requirements of the Chapter 3 policies of the Coastal Act and of the City's certified LUP. **The suggested modifications begin on page 9.** Staff is recommending that the Commission, after public hearing:

1. **Deny the LUP amendment request as submitted; and,**
2. **Certify, only if modified, the LUP amendment request; and,**
3. **Reject the LIP amendment request as submitted; and,**
4. **Certify, only if modified, the LIP amendment request.**

The motions to accomplish this recommendation begin on Page 7.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUMMARY OF PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in Local Coastal Program development. It states:

During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission.

The City held four community workshops in conjunction with the preparation of the proposed revised Downtown Specific Plan on 11/27/07; 2/20/08; 4/23/08; and 12/4/08. The draft Specific Plan update was made public on 12/4/08. Public comments on the draft DSP were accepted from 12/5/08 to 1/23/09. During that time, a City Council study session was held on 12/15/08. In addition, City planning staff and economic development staff held smaller group meetings with members of the Chamber of Commerce and the Marketing and Visitors Bureau on 1/15/09, 1/29/09, and 3/31/09. Staff of the City's Economic Development Department met with various members of the public and downtown groups throughout the process. The Planning Commission held six study sessions on 1/23/09; 7/14/09; 7/28/09; 8/14/09; 9/1/09; and 9/9/09. Planning Commission public hearings on the matter were held on 10/6/09 and 10/12/09. City Council held public hearings on the matter on 11/2/09 and 1/19/10.

The City made all staff reports and agendas for public hearings related to this LCPA available for public review in the Planning Department, the Huntington Beach Public Library, and on the City's website.

SUBSTANTIVE FILE DOCUMENTS

1. City of Huntington Beach Certified Local Coastal Program (LCP).
2. City of Huntington Beach Submittal Resolution No. 2009-63 (with attachments)
3. Downtown Specific Plan No. 5 Program Environmental Impact Report

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov

For additional information, contact Meg Vaughn in the South Coast District office at (562) 590-5071.

LIST OF EXHIBITS

- A.** Location Map
- B.** Certified DSP Subdistrict Configurations
- C.** Proposed DSP Subdistrict Configurations
- D.** Proposed Extract of Figure C-8 (Proposed Land Use Plan Changes)
- E.** Proposed Extract of Figure C-10 (LUP Table C-2 Subarea Map)
- F.** Visitor Serving Commercial Overlay: Suggested Modification No. 22
- G.** City of Huntington Beach Submittal Resolution No. 2009-63
- H.** City of Huntington Beach Resolution No. 2010-49 In-Lieu Parking
- I.** City of Huntington Beach Ordinance No. 861 Beach Curfew
- J.** City of Huntington Beach Ordinance No.1743 Parking Lot Hours of Operation

Executive Summary

The proposed Local Coastal Program Amendment (LCPA) would delete the existing, certified Downtown Specific Plan (DSP) and replace it in its entirety with the proposed DSP. Changes are also proposed to the City's certified Land Use Plan (LUP) to maintain consistency with the changes proposed within the revised, updated DSP and to update certain text to reflect current circumstances including approved projects that have been or are in the process of being implemented.

Major issues raised by the proposed LCPA include: assuring that increased development potential does not adversely impact public access due to lack of adequate parking and/or lack of alternate means of transportation; addressing other potential public access issues due to parking; assuring that adequate visitor serving uses remain within District 1(downtown core area) of the proposed DSP; and assuring continued access to State tidelands as well as maximum public access to the sandy beach area.

Increased Development Potential and Parking

The proposed Downtown Specific Plan (DSP) would allow an increase in development within proposed District 1(downtown core area) of up to 400,000 square feet of commercial uses, up to 648 new residential units, up to 235 new hotel rooms, and the option of a new cultural arts center, up to 30,000 square feet in size. Of the proposed additional development potential, the non-hotel commercial development would be allowed to provide parking at a lower ratio than is currently required by the certified Implementation Plan (IP) for the remainder of the City's

coastal zone. All new residential, hotel and cultural arts uses would be required to provide parking consistent with the ratio required by the parking standards of the certified IP for the remainder of the City's coastal zone. The proposal would allow the continuance and expansion of the reduced parking ratio allowed under the Downtown Parking Master Plan (DPMP) contained within the currently certified DSP. The DPMP was approved by the Commission in 1995 and with revisions in 2001. The DPMP was approved based on the captive market and recognition of off-set peak demand concepts. The DPMP's reduced parking ratios were allowed up to a certain amount of development within the DPMP area.

The DPMP identified a specific amount of development (715,000 square feet) that could be accommodated with the existing and required future parking spaces. The DPMP relied on this overall pool of parking within the DPMP area, and not all new development was required to provide new parking spaces. The maximum square footage of development was based on the amount of parking that was identified to serve as the parking pool for the DPMP area. The 715,000 square foot development threshold has been reached.

The proposed DSP would retain, and for certain categories of development, actually further reduce, the reduced parking ratios of the DPMP. However, the amount of future development would no longer be tied to the amount of parking available within the DPMP. Instead, new development would be required to provide the required parking spaces necessary it meet its parking demand. New development would be allowed to provide the required parking spaces in any combination of the following ways: on-site; through shared use agreements; through off-site/remote parking agreements; valet parking; valet and/or remote parking for special events during peak summer season; and by payment of an in-lieu fee. In addition, the proposed DSP identifies, but does not require a number of alternative means of transportation that could be applied within proposed District 1. The City asserts that these measures will also contribute to an overall decrease in parking demand.

The City feels that parking shortages will be avoided under the proposed scenario based on the same parking strategies and concepts that made the DPMP successful: shared market and off-set peak demands as well as the reduction in parking demand created by the provision of alternate transportation. Commission staff agrees that parking spaces to meet the full parking demand for new development are always necessary, or desirable. However, approval of the proposed DSP would result in even further reductions to already reduced parking standards, while none of the proposed alternate methods of transportation would be required to be implemented. As proposed, the alternate transportation methods are identified and their benefits described, but there is no trigger that would actually cause them to be implemented. Thus, development, with it's related impacts to public access, would be allowed while the measures necessary to off-set the impacts may not be implemented. Therefore, staff is recommending denial of the LCPA as submitted.

Staff is also recommending suggested modifications that would address the above issues. In order to assess whether the proposed parking standards along with the provision of alternate means of transportation is in fact working as expected by the City, staff is recommending that a cumulative parking analysis for District 1 be conducted when a development threshold of 150,000 square feet of commercial development (the proposed DSP would allow up to 400,000 square feet) is reached (Suggested Modification 9.). The parking analysis would assess

whether adequate parking exists to serve the development existing at the time of the assessment as well as the remaining 250,000 sq. ft. of new development that would be allowed by the proposed DSP. If parking is found to be inadequate, the parking analysis should identify ways to address the issues identified including: means of providing additional parking, means of providing additional alternate transportation, and/or reducing the amount of allowable development within District 1. The suggested modification requires that if the parking analysis indicates that public access is adversely impacted due to lack of adequate parking, then an LCP amendment would be required that addresses these issues. Further development within District 1 would be precluded until the public access issues are resolved through an LCP amendment. The City disagrees that a cumulative parking analysis is necessary.

Other Impacts to Public Access Due to Parking

The proposed DSP would allow an in lieu fee to be paid rather than providing the required parking. Payment of an in lieu fee is allowed in the certified DSP. The City has an existing in lieu parking fee program which is outside of the certified LCP. However, neither the specifics of the in lieu fee program, nor a reference to the program are included in the DSP. Further, the proposed DSP suggests that establishing a resident permit parking system may be desirable in order to preserve parking on public streets in residential areas for residents only. In addition, the proposed LUP does not explicitly prohibit parking restrictions (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, and preferential parking programs) that adversely impact public access. The proposed DSP would allow parking to be provided through shared use parking agreements. However, as proposed, there is no requirement to track the use of the shared spaces to assure that they are not being used by multiple developments.

Staff addresses these public access issues by recommending suggested modifications to include the City’s existing, defined In Lieu Parking Fee Program within the proposed DSP (Suggested Modification 20), to add language to the DSP that prohibits new preferential parking districts (Suggested Modification 16), and to prohibit parking restrictions that adversely impact public access (Suggested Modifications 14 and 15).

Visitor Serving Uses

Under the currently certified DSP, the blocks nearest the coast within proposed District 1 are required to have visitor serving uses on the entire ground floor level, and lower priority office and residential uses are limited to above the ground floor level. The proposed DSP would only require visitor serving uses in this area to be provided on the ground floor street frontage on new development. This vague requirement could be met by providing an insignificant amount of visitor serving area along the street frontage. This vague standard, coupled with the proposed increase in allowable residential development, could result in a shift from the higher priority visitor serving commercial uses to the lower priority residential, office, and/or general commercial uses in the downtown core area. This is inconsistent with the higher priority placed on visitor serving uses in both the Coastal Act and in the City’s certified LUP. To address this issue, staff is recommending a suggested modification that would require a visitor serving overlay within the downtown core area that would require all developments within the overlay to provide visitor serving uses on the entire ground floor level (Suggested Modification 32).

Beach Curfew/Closure

The proposed DSP includes District 6 Pier Related Commercial and District 7 Beach. These districts include all the area within the DSP boundary seaward of Pacific Coast Highway, which is the first public road paralleling the sea in this area. As such, these districts present an opportunity to address the question of beach closure or curfew. It is important to make clear that access to State tidelands, submerged lands and public trust lands, including the area seaward of the mean high tide line, cannot be limited. This includes access to the portion of the pier that extends over State tidelands. Limits on the use of the beach and parking areas inland of the State tidelands areas should also be minimized. As proposed, the DSP does not address this issue. However, staff is recommending suggested modifications to make clear that, access to State tidelands cannot be limited and that in the area between Pacific Coast Highway and State tidelands, that beach closure is not used liberally but only the minimum limitation necessary to achieve documented public safety needs can be considered (See Suggested Modifications 35, 37, 38 and 41).

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Deny the LUP Amendment Request as Submitted

MOTION I: *"I move that the Commission certify Land Use Plan Amendment No. 1-10 as submitted by the City of Huntington Beach."*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny Certification of the LUP Amendment as Submitted

The Commission hereby denies certification of Land Use Plan Amendment No. 1-10 as submitted by the City of Huntington Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Certify the LUP Amendment Request if Modified as Suggested

MOTION II: *"I move that the Commission certify Land Use Plan Amendment No. 1-10 for the City of Huntington Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution to Certify the LUP Amendment with Suggested Modifications

The Commission hereby certifies Land Use Plan Amendment No. 1-10 for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Reject the IP Amendment Request as Submitted

MOTION III: *"I move that the Commission reject Implementation Plan Amendment No. 1-10 as submitted by the City of Huntington Beach."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Reject the IP Amendment as Submitted

The Commission hereby denies Amendment Request No. 1-10 to the LCP Implementation Plan for the City of Huntington Beach as submitted and adopts the findings set forth below on grounds that the Implementation Plan Amendment does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan Amendment would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. Certify the IP Amendment Request if Modified as Suggested

MOTION IV: *"I move that the Commission certify Implementation Plan Amendment No. 1-10 of the City of Huntington Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment to the LCP Implementing Ordinances with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment with Suggested Modifications

The Commission hereby certifies Amendment Request No. 1-10 to the LCP Implementation Plan for the City of Huntington Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementation Plan with the suggested modifications conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS TO THE LUP/IP AMENDMENT

Certification of City of Huntington Beach LCP Amendment Request No. 1-10 is subject to the following modifications.

The Commission's suggested additions are shown in **bold, underlined text**.

The Commission's suggested deletions are shown in ~~underlined, strike out text~~.

Numbering may be revised as appropriate to accommodate revisions.

LAND USE PLAN – SUGGESTED MODIFICATIONS

Suggested Modification No. 1

Modify the proposed figure titled "Extract of Figure C-8" in the legend at the bottom of the figure as follows:

Density Schedule

...

->30(greater than 30 dwelling units per acre **up to the density allowed in the Downtown Specific Plan, Book 1, Section 3.3.4.7 Maximum Density.**)

...

Suggested Modification No. 2

Modify Table C-2 within the subarea 1C Downtown Residential (in currently certified LUP title is "Abutting Downtown Core), under subheading Density/Intensity as follows:

Category: ">30" **Up to the density allowed in the Downtown Specific Plan, Book 1, Section 3.3.4.7 Maximum Density.**

Suggested Modification No. 3

Modify Table C-2 within the subarea 3A PCH Frontage, under subheading Density/Intensity as follows:

Category: ">30" **Up to the density allowed in the Downtown Specific Plan, Book 1, Section 3.3.4.7 Maximum Density.**

Suggested Modification No. 4

Modify the proposed figure titled "Extract of Figure C-10" (see Exhibit E) such that the southeast-most extension of subarea 3A along Walnut Avenue ends at 7th Street.

IMPLEMENTATION PLAN DOWNTOWN SPECIFIC PLAN - SUGGESTED MODIFICATIONS

BOOK 1

Chapter 1 Introduction:

Suggested Modification No. 1

In Goal 1.5.1.1 Tourism, on page 1-12, make the following additions:

1.5.1.2 Tourism

Create an environment that promotes tourism to **maximize public access and recreation**, increase revenues to support Community services, and transform the City's economy.

Suggested Modification No. 2

In 1.5.2.5 Objective 3, on page 1-13, make the following changes:

Ensure that adequate parking is available **with existing and new development** and is integrated into the framework of pedestrian pathways within the downtown, taking into account Pacific City and the Strand.

Suggested Modification No. 3

In 1.5.2.6 Objective 3 policies, on page 1-13, make the following changes:

- 1) Create clear pedestrian linkages from parking areas to core retail areas.
- 2) Develop a plan to provide a pedestrian link between Pacific City, the Strand, and existing downtown sites.
- 3) ~~Revisit~~ Existing parking regulations **may be revisited** to encourage consolidation and development of underutilized parcels, **while assuring that public access and recreation are maximized**.
- 4) Consider all available options for additional parking within the downtown core.
- 5) **Provide** ~~Enhance~~ directional signs to inform motorists of available public parking **locations** ~~standards~~.
- 6) Simplifying the parking regulations ~~of the Downtown Parking Master Plan to be~~ **so that they are** easily understood by decision-makers, the public, and the development community.
- 7) Develop a tracking mechanism that can be modified to track shifts in land use that affect the parking model.
- 8) **Develop tracking mechanism to monitor the number and use of available parking spaces.**

- 9) **Encourage projects that promote and enhance the availability of public coastal access and recreation. Developments that have the potential to adversely impact public parking available for coastal access shall be discouraged.**

BOOK 1

Chapter 2 Administration:

Suggested Modification No. 4

Section 2.5.6 Special Permit, on page 2-4, modify the third paragraph as follows:

Special Permits shall only be allowed when, in the opinion of the **approval authority** ~~Planning Commission or Zoning Administrator~~, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. Some additional benefits that may make a project eligible for approval of Special Permits include: greater open space, greater setbacks, unique or innovative designs, public parking, public open space, and the use of energy conservation or solar technology.

Suggested Modification No. 5

In Section 2.5.6 Special Permit, on page 2-4, add the following to the bulleted list of findings that must be made in order to approve a Special Permit (located at the bottom of page 2-4):

For rehabilitation with less than 10 percent expansion and more than 50 percent demolished/reconstructed, AND/OR for any expansion of floor area of more than 10 percent, the following applies:

...

- **No adverse impacts to public access, public recreation, public views, and/or environmentally sensitive habitat areas will result.**

Suggested Modification No. 6

Modify Section 2.5.10 Minor Amendments, on page 2-5, as follows:

The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information, or other relevant factors. The Director shall review the proposed changes for conformance with the intent of the **approval authority's** ~~Planning Commission's or Zoning Administrator's~~ action. If the proposed changes are of a substantial nature, an amendment to the original entitlement ~~reviewed by either the Planning Commission or Zoning Administrator~~ may be required pursuant to HBZSO Sections 241.18 **and 245.38**. Amendment made by the Director of Planning may be appealed by the Planning Commission pursuant to HBZSO Section 248.28. **In addition, if a proposed change/amendment to approved plans and/or conditions affects an approved coastal**

development permit, a new coastal development permit or an amendment to the existing coastal development permit may be required. If the development is appealable to the Coastal Commission, the requirements of Chapter 245 shall apply.

Suggested Modification No. 7

Modify Section 2.5.11 Nonconforming Uses, on page 2-6, as follows:

All nonconforming uses or structures, or uses which have been abandoned for more than six months, shall be required to meet all applicable provisions of this Specific Plan for each of the following scenarios:

- 1) For rehabilitation with less than 10 percent expansion and less than 50 percent demolished/reconstructed, the following applies:
 - An Administrative Permit is required.
 - Setbacks are required.
 - The amount of existing parking shall be maintained and ~~is deemed adequate.~~ **shall be evaluated for adequacy. Additional parking and/or means of serving the development with alternative methods of transportation may be required.**
 - Economic Development review is required.
 - Design Review Board review is required pursuant to **Section 2.5.9 Design Review.**
 - If less than 1/3 of the value of the building, no dedications or off-site improvements in the public right-of-way are required.
 - If greater than 1/3 of the value of the building, dedications and off-site improvements in the public right-of-way are required.
 - Public Works Department review is required for water meter upgrade and backflow protection device requirements.
 - **A coastal development permit may be required in accordance with Chapter 245 of the HBZSO.**
- 2) For seismic retrofit or tenant improvement with the same use and no increase in height or density, the following applies in addition to the above requirements:
 - No CUP is required.
 - No setbacks are required.
 - If exterior improvements, Design Review Board review is required.
- 3) For rehabilitation with less than 10 percent expansion and more than 50 percent demolished/reconstructed, AND/OR for any expansion of floor area of more than 10 percent, the following applies:
 - A CUP from the Zoning Administrator is required.
 - Setbacks are required.
 - Parking shall meet the requirements of this Specific Plan.
 - Economic Development review is required.
 - Design Review Board review is required pursuant to 2.5.9
 - Dedication and off-site improvements in the public right-of-way are required.

- Public Works Department review is required for water meter upgrade and backflow protection device requirements.
- **A coastal development permit may be required in accordance with Chapter 245 of the HBZSO.**

Suggested Modification No. 8

Modify Section 2.5.12 Appeals, on page 2-7, as follows:

Appeals shall be made pursuant to Chapters **245 and** 248 of the HBZSO.

Suggested Modification No. 9

Book I, Chapter 2, Page 2-7: Add the following new section:

2.5.13 Other Review Procedures

The City shall be responsible for assessing the effectiveness of the parking requirements contained within Section 3.2.26 of this Specific Plan to ensure that an adequate amount of parking is provided to serve the anticipated development while maintaining access to the beach and other visitor amenities. Upon completion of construction of up to a maximum of 150,000 square feet of net new commercial (retail, restaurant, office) development in District 1, the City shall conduct a cumulative parking analysis for all development in District 1 that shall, at a minimum, provide the following details:

- 1. A project-level account of the amount, type, and location detailing all of the following:**
 - a. new (non-hotel) commercial development square footage constructed within District 1 totaling approximately 150,000 square feet;**
 - b. residential units and hotel rooms constructed within District 1 since the effective date of the Downtown Specific Plan Update LCPA 1-10;**
 - c. number of parking spaces required and provided per use for the 150,000 square feet of new (non-hotel) commercial development as well as any other parking programs implemented for each project;**
 - d. number of parking spaces required and provided with each residential and hotel development;**
- 2. A parking utilization study and an assessment of parking demand compared to parking supply for the new development (150,000 square feet of net new (non-hotel) commercial development) within the District 1 area;**
- 3. A determination of whether adequate parking is available to serve development in District 1; and**
- 4. If parking is determined to be inadequate to serve the existing and additional new development in District 1, the parking analysis shall include recommendations for implementation of additional measures, programs, or other changes to the Downtown Specific Plan to ensure that an adequate**

supply of parking will be available to accommodate the identified deficiency and any future development beyond 150,000 square feet. Such measures may include means of providing additional parking, means of providing alternate forms of transportation, and/or reductions in allowable future development within the Downtown Specific Plan District 1.

5. The recommendations of the parking analysis shall be implemented through a Local Coastal Program amendment (LCPA) processed in conjunction with an amendment to the Downtown Specific Plan. Future development shall not proceed until resolution of the measures contained in the LCPA is final.

The parking analysis shall be completed and a copy forwarded to the Planning Commission, City Council and the Executive Director of the California Coastal Commission prior to the approval of any project proposing new development that would exceed the 150,000 square-foot new non-hotel, commercial development threshold for District 1.

BOOK 1

Chapter 3 Land Uses & Development Standards:

3.2 GENERAL PROVISIONS

Suggested Modification No. 10

Modify Section 3.2.4 Encroachments, on page 3-4 as follows:

No permanent private encroachment shall occur in the public right-of-way (ROW) or onto public property unless otherwise approved by the Director of Public Works and the Director of Planning and Building. Any such encroachment shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.

Suggested Modification No. 11

Modify Section 3.2.5 Street Vacations, on page 3-4, as follows (re-number as appropriate):

The following conditions will apply to City vacation of streets and alleys due to lot consolidation.

1. The City shall review ~~approve~~ analysis of the impacts on circulation patterns and shall determine whether the vacation will be detrimental.
2. A General Plan conformance analysis shall be completed.
3. Vacations shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
4. Vacations may only be approved when public access and public views are not significantly adversely impacted.
5. State and local code requirements for processing and notifications shall be met.

6. The cost of relocating all utilities and other public improvements shall be borne by the developer.
7. Any public parking removed must be replaced on a one-for-one basis either on-site and/or off-site within walking distance of existing the site prior to removal of the existing parking spaces in accordance with the coastal zone replacement parking provisions of Section 231.28 of the HBZSO. ~~and/or c)~~ through the in-lieu fee program. Such replacement parking shall be available to the general public and is in addition to required parking for the proposed use. The public parking spaces shall be conspicuously posted.
8. Any development proposing the vacation of streets intersecting Pacific Coast Highway in District 1 shall provide a view corridor that meets the following criteria:
 - 1) Shall be located between Walnut Avenue and Pacific Coast Highway
 - 2) Width shall be no less than the former right-of-way
 - 3) No permanently installed solid structures greater than 42" in height shall be allowed within such view corridor.
 - 4) A minimum 10' wide public pedestrian easement shall be provided through the development generally parallel to the vacated street.
9. At the discretion of the City Council, all or portions of Main Street between Pacific Coast Highway and Orange Avenue may be used for a pedestrian mall, subject to a public hearing, in accordance with existing State law procedures and subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO. Prior to implementation, any on street parking lost shall be replaced as described in Item 7 above.

Suggested Modification No. 12

Modify Section 3.2.6.1 Alley Vacation/Relocation, on page 3-6, as follows:

Approval of alley vacations are allowed upon shall be subject to evaluation and consideration of the following and necessary infrastructure studies required by the City.

1. The City shall review ~~approve~~ analysis of the impacts on circulation patterns and shall determine whether or not the vacation will be detrimental.
2. A General Plan conformance analysis shall be completed.
3. Alley vacations are subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.
4. Significant adverse impacts to public access are prohibited.
5. State and local code requirements for processing and notifications shall be met.
6. The cost of relocating all utilities and other public improvements shall be borne by the developer.
7. An alley may be shifted or relocated upon the condition that any items (e.g. parking, service/loading areas, utilities and infrastructure) located within the alley are relocated along with vacating and dedicating the new alley.

Suggested Modification No. 13

Modify Section 3.2.8 Exceptions to Height Limits, on page 3-7, as follows:

Chimneys, vent pipes, cooling towers, flagpoles, towers, spires, domes, cupolas, parapet walls not more than 4' high, water tanks, fire towers, fly towers associated with performing arts theaters, transmission antennae (including wireless communication facilities), radio and television antennas (except satellite dish antennae), and similar structures and necessary mechanical appurtenances (except wind-driven generators) may exceed the maximum permitted height in the district in which the site is located by no more than 10'. The Zoning Administrator may approve ~~greater height~~ **the height exceptions stated herein** with a conditional use permit. **Adverse impacts to public views shall be minimized.**

Suggested Modification No. 14

Modify Section 3.2.22.1 General Sign Standards, on page 3-17, as follows:

Add to the list:

Signs that limit public access or recreation are not permitted except in instances where such signage is necessary to implement restrictions 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.

Suggested Modification No. 15

Following Section 3.2.26.1 General Parking Requirements, on page 3-26, add the following new subsection as #3 to Section 3.2.26.1 (re-number as appropriate):

Section 3.2.26.1

3. The implementation of restrictions on public parking along public streets that would impede or restrict public access to beaches and/or other visitor serving amenities (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Prior to implementing restrictions on public parking along public streets, the public safety concerns justifying such restrictions shall be on-going and clearly documented by the City in a manner consistent with the City's standard procedures for documenting public safety concerns. Where restrictions are imposed, an equivalent number of new public parking spaces shall be provided within 500 feet of the public parking restriction as mitigation for impacts to coastal access and recreation. Such restrictions shall require a coastal development permit in accordance with Chapter 245 of the HBZSO.

Suggested Modification No. 16

Following the new subsection 3.2.26.1 ½ (above), on page 3-26, add the following new subsections (number as appropriate):

4. Modification of existing, legally established preferential parking districts shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO. Establishment of new preferential parking districts in the coastal zone shall be prohibited.

5. Coastal development permit applications that include special permit or 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.

6. Changes to parking hours and/or fees for on-street public parking shall be subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.

Suggested Modification No. 17

On Figure 3-15 Vehicle Spaces Required/Non-Residential Uses (1 of 2), on page 3-27, under Exceptions, modify subsection b as follows:

b) No additional parking shall be required for new development in District 7. However, ~~construction~~ **development** that proposes the removal of existing parking shall provide for the replacement of that parking at a 1:1 ratio **within District 7.**

Suggested Modification No. 18

Modify Section 3.2.26.5 Bicycles Spaces Required, on page 3-29, as follows:

Bicycle spaces required shall be per Figure 3-16, **however, additional bicycle spaces may be required as deemed necessary during the review process.**

Suggested Modification No. 19

Revise Section 3.2.26.9 (Book I, page 3-30) as follows:

3.2.26.9 Other Parking Considerations

A. For projects with 10,000 square feet or more of net new commercial development that do not propose to provide 100 percent of the required parking on-site, a parking management plan shall be submitted. The parking management plan shall

Identify for implementation one, all, or a combination of the following parking strategies:

1. Valet parking.
2. ~~Commercial projects greater than 10,000 square feet shall submit a parking management plan.~~ **(re-number following list)**
3. Valet and/or remote parking for special events and activities and during the peak summer season.
4. **Provision of** ~~Applicant shall provide additional on-site and/or off-site parking for any development.~~
5. Provision of additional signs consistent with the Downtown Directional Sign Program to direct motorists to primary parking facilities.
6. **Any of the parking strategies described in Chapter 5 of Book II of this Specific Plan or any strategy that would provide additional parking spaces or opportunities to ensure that an adequate supply of parking is available to meet the project's parking demand.**

B. For projects that propose to provide 100 percent of the required parking on-site, the Planning Commission or City Council may impose any or all of the parking strategies listed above as necessary to avoid adverse impacts to public access.

Suggested Modification No. 20

Section 3.2.26.11 District 1 Special Parking Standards, on page 3-32 and 3-33, modify as follows:

- 1) Parking for residential development shall be provided on-site.
- 2) Parking for hotel, motel, and bed and breakfast development shall be provided on-site.
- 3) Commercial development is permitted to satisfy some or all of the required parking off-site **when located within 350 feet of the subject development** upon approval of a **Shared Parking Agreement pursuant to No. 8 below** Conditional Use Permit by the Planning Commission **and is subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.** Any parking not provided on-site **or off-site with and approved Shared Parking Agreement** will require the payment of an in-lieu fee **pursuant to No. 7 below.**
- 4) All new development will be required to replace any on-site parking associated with an existing use to be retained that is lost due to redevelopment as well as providing any net new parking required.
- 5) ~~For intensification of an existing use, only a~~ **All net new square footage shall provide parking as required by this Specific Plan. If existing square footage is demolished, all replacement square footage shall provide all required parking consistent with this Specific Plan. For constrained sites parking may be provided on-site, off-site within 350 feet of subject site, or via the In-Lieu Parking Fee program per 7 below.** ~~Existing square footage is grandfathered including tear down of building sf — parking associated with this square footage is not required to be parked at a higher number than what is existing.~~

- 6) Vehicular access to parking lots and structures must be taken from an alley or side street.
- 7) In-lieu Fee **(as described in City Council Resolution No. 2010-49)**
 - i. Participation in the parking in-lieu fee program shall require approval of a conditional use permit from the Planning Commission **and is subject to coastal development permit requirements in accordance with Chapter 245 of the HBZSO.**
 - ii. The parking in-lieu fee amount shall reflect the market-rate value of constructing the additional parking space, which shall be established by the City Council.
 - iii. The parking in-lieu fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval.
- 8) Shared Parking Arrangements
Shared parking agreements may be developed if 2 or more land uses or businesses have distinctly different hours of operation or hours that do not substantially coincide or overlay with each other (e.g. theater vs. office). Parking required for a residential use shall not be included in a shared parking agreement.

When the above criteria are met, such uses may develop shared parking agreements to satisfy the parking requirements of this Specific Plan, **subject to the** approval of a Conditional Use Permit by the Planning Commission **and may require a coastal development permit in accordance with Chapter 245 of the HBZSO** and in accordance with the following:

- i. Only 50% of the required parking may qualify for the shared arrangement.
- ii. A minimum of 50% of the required parking must be met on-site notwithstanding the parking reduction provisions of this Specific Plan.
- iii. Required parking must be calculated based on the land use that demands the largest amount of parking.
- iv. The shared parking facility must be within a 350' radius of the subject use. If shared parking spaces are located on a different lot, approved off-site parking spaces shall be obtained by a covenant, lease, bond, or other agreement, acceptable to the City Attorney, between the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site.
- v. **All sites participating in a shared parking agreement shall be tracked by the City of Huntington Beach in order to avoid "double counting" of parking spaces. This shared parking tracking system shall be available for public review.**

Suggested Modification No. 21

Modify Section 3.2.29 Water Quality, on page 3-34 and 3-35, by adding the following sentence at the end of the section:

All new development shall be consistent with the water quality requirements of the General Plan, Local Coastal Program, and the NPDES (as each may be amended).

3.3 DISTRICT-SPECIFIC PROVISIONS

3.3.1 District 1 – Downtown Core Mixed-Use

Suggested Modification No. 22

Insert new Figure 3-24 **X** (re-number as appropriate) following Figure 3-24 *Permitted Uses in District 1* (Book 1, page 3-42) depicting the location of the overlay area where all ground floor square footage is required to be visitor-serving commercial use. Non visitor-serving uses are permitted only above the ground floor within this overlay area. The new Figure 3-24 **X** is attached as Exhibit F of this staff report.

Suggested Modification No. 23

Modify Figure 3-24 Permitted Uses District 1 (1 of 2), on page 3-41 to add a new footnote at “Commercial Parking” stating:

Commercial Parking – not permitted on street level, street frontage for properties fronting Main Street and/or Pacific Coast Highway.

Suggested Modification No. 24

Between Section 3.3.1.13 and Section 3.3.1.14, on page 3-46, add the following development standard (re-number as appropriate):

3.3.1.13 ½ Public Views

Development proposals in District 1 located between Pacific Coast Highway and Walnut Avenue shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts of the development proposal on public views of the ocean.

Suggested Modification No. 25

Modify Section 3.3.1.14 Public Open Space, on page 3-46, as follows:

Public open space shall mean outdoor or enclosed area on the ground floor or above floor levels designed and accessible for use by the general public. Public open space may include one of the following: plazas; patios; balconies; gardens or view areas accessible to the general public; ~~and open air commercial space~~, open to the street on the first floor, ~~or~~ on at least one side above the first floor, or open to the sky.

- 1) **Public open space and pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving, pedestrian orientation.**
- 2) 5% minimum of the gross site area for all non-residential development.
- 3) Mixed use developments that include residential units may reduce the public open space to 3% of the net site area but must provide all private open space as required per Section 3.2.16 Open Space.
- 4) All exclusively residential development (**allowed only in the Lake Street Overlay area and within the Neighborhood Subdistrict 1B**) shall be exempt from the public open space requirements but must meet the requirements found in Section 3.2.16 Open Space.
- 5) ~~Parcels within District 1 having less than 150' of street frontage may satisfy the public open space requirement by paying a public amenity in-lieu fee, unless the parcel is located on either corner of the intersection of Pacific Coast Highway and Main Street, in which case provision 6) below applies.~~
- 6) 30% minimum of the public open space area shall contain landscaping, including shade trees, accent trees, and other soft landscaping. Hard surfaced areas and specialty paving shall also be incorporated into the public open space design.
- 7) 25% maximum of the required public open space may be provided above the street level, e.g. balconies, decks, etc. **Open space provided above street level shall be readily, visibly, and obviously accessible to the general public and public access signage shall be provided.**
- 8) Public plazas are required at the corner of Pacific Coast Highway and Main Street, which may count **toward** the public open space requirement.
 - a. 1,000 square feet minimum area, excluding public right-of-way
 - b. All paved areas shall be textured.
 - c. Shall include a sculpture, fountain, information kiosk, public art, or similar visual amenity, as well as seating.
- 9) 50% maximum of the public open space area may be used for outdoor sales as identified in Section 3.2.25. Outdoor Display Areas and Sales
- 10) Shall not be satisfied through the utilization of parking areas, driveways, service areas.
- 11) Shall include seating, as well as other pedestrian amenities, such as decorative lighting, planters, fountains or water features, distinctive paving, decorative tiles, public art, landscaping, and bicycle racks.
- 12) Shall be designed to contribute to real and perceived public safety.

Suggested Modification No. 26

Modify Section 3.3.1.20 Main Street Library Subdistrict 1A, on pages 3-50 through 3-53, as follows:

At the top of page 3-53

5) Parking

a) Shall be provided **as required in Section 3.2.26.**

3.3.2 District 2 – Visitor-Serving Mixed Use

Suggested Modification No. 27

Add new subsection 3.3.2.7 ½ (re-number as appropriate) as follows:

Development proposals in District 2 shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts to public views of the ocean.

Suggested Modification No. 28

Modify Section 3.3.2.13 Public Open Space, on page 3-62, as follows:

Public open space and/or pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving, **pedestrian** orientation.

3.3.3 District 3 - Visitor-Serving Recreation

Suggested Modification No. 29

Add new subsection 3.3.3.7 ½ (re-number as appropriate) as follows:

Development proposals in District 3 shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts to public views of the ocean.

Suggested Modification No. 30

Modify Figure 3-44 *Permitted Uses District 3* on page 3-70, to include an additional footnote at “Recreational Facilities” on the list of uses, as follows:

Footnote 4: Recreational Facilities - see Section 3.3.3.13 ½
(re-number as appropriate).

Suggested Modification No. 31

Modify Section 3.3.3.13 Public Open Space, on page 3-72, as follows (re-number as appropriate):

Development projects within this district shall provide public open space **in order to assure a predominantly visitor-serving, pedestrian orientation.**

- 1) 30% minimum of the net site area, ~~which shall be~~ **dedicated to public open space. available for public or semi-public uses for recreational purposes.**
- 2) 25' minimum dimensions in every direction.
- 3) Paved areas devoted to streets, driveways, and parking areas may not be counted toward the public open space requirement.
- 4) ~~15% maximum of the required 30% public open space may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers, or similar facilities. A fee may be imposed for the use of such facilities.~~

Suggested Modification No. 32

After Section 3.3.3.13, on page 3-72, add the following new section

3.3.3.13 ½ Public Recreation

Public, semi-public, or private recreational uses are permitted. Beach oriented recreational uses are encouraged (kayak, bicycle, and surf/body board sales, rentals or instruction, etc.). Interpretive centers may also be allowed. Non-priority uses may also be allowed including gyms, handball courts, health clubs, or similar facilities provided they are restricted to floors above the main pedestrian level of the development. A fee may be imposed in conjunction with such uses.

3.3.4 District 4 - Established Residential

No Changes.

3.3.5 District 5 – Multi-family Residential

Suggested Modification No. 33

Modify Section 3.3.5.15, on page 3-87, as follows:

A portion of District 5 is designated with a Conservation Overlay. Within this area, all **the** following requirements of the Conservation Overlay shall apply.

1) Purpose

The conservation overlay is intended to regulate those areas ~~that~~ identified as wetlands. The California Department of Fish and Game (CDFG) identified an area within District 5 as containing 0.8 acres of existing wetland and 1.4 acres of restorable wetland. This area was restored in 2004 in conjunction with the Waterfront Residential development. **An existing deed restriction limits, in perpetuity, use of the area to natural open space for wetland preservation and restoration uses. The deed restriction runs with the land and shall not be removed or changed without a coastal development permit issued by the California Coastal Commission.**

3.3.6 District 6 – Pier-Related Commercial

Suggested Modification No. 34

Modify the Name of District 6 as follows:

3.3.6 District 6 – Pier & Pier-Related Commercial

Suggested Modification No. 35

Modify Section 3.3.6.1 Purpose, on page 3-91, as follows:

This district is intended to **insure that the majority of the pier will remain open and accessible to the public at all times at no charge for strolling, fishing, and/or observation.** ~~provide for~~ **C**ommercial uses on and alongside the pier that will enhance and expand the public's use and enjoyment of this area **may also be permitted.** Uses are encouraged that capitalize on the views available from the pier and the unique recreational or educational opportunities it affords. ~~At the same time, care must be exercised to insure that the major portion of the pier will remain accessible to the public at no charge, for strolling, fishing, or observation. Specifically, -~~The main thoroughfare of the pier should remain clear for public safety.

Suggested Modification No. 36

Modify Section 3.3.6.8 Maximum Building Height, on page 3-94, as follows (re-number as necessary):

- 1) 25' and 2 stories above the pier level.
- 2) 1 story maximum building height on the pier, excluding the end of the pier café, ~~and northwest of the pier shall be one story.~~
- 3) No maximum building height shall be required for lifeguard towers or other facilities necessary for public safety, **however, adverse impacts to public views should be avoided to the maximum extent where feasible.**
- 4) ~~No parking surface or structure shall exceed the minimum of 1' below the maximum height of the adjacent bluff.~~
- 5) **Development proposals shall include a public view analysis.**
- 6) **Public views shall be considered and maximized.**

Suggested Modification No. 37

Modify Section 3.3.6.13 Public Open Space, on page 3-94, as follows:

Promotion and retention of public open space, and pedestrian access, and public views shall be major considerations of development in this district. Free and clear public pedestrian access along the outer (seaward) perimeter of the pier shall be maximized and, at a minimum, a 10 foot wide area shall be maintained for public access between the outer (seaward) perimeter of the pier and any development, with the exception of the area of the lifeguard tower. In particular, the required setback area along the pier's perimeter shall be maintained at all times at the seaward end of the pier beyond any outdoor dining or other use that is or may be established.

In addition, All new development shall provide sufficient clear width along the length of the pier for public access and emergency and service vehicles. In addition, Public walkways along the pier edge or around the perimeter of new development must be provided.

Suggested Modification No. 38

Add new subsection 3.3.6.14 on page 3-94 as follows:

Any public pier curfew/closure cannot apply to any portion of the pier which is over State tidelands and within the Coastal Commission area of original jurisdiction. Closure to the public of any portion of the pier inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Any inland closure shall provide for continued public access to any portion of the pier over State tidelands and requires an approved coastal development permit.

Measures that limit public use of the pier shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited duration closures for periodic maintenance (not to exceed one year) are permissible when approved pursuant to a coastal development permit. Limited duration closures due to public safety concerns arising from severe storm events shall be permitted only for the duration of the storm event and as necessary to effect repairs. An emergency coastal development permit shall be processed with the California Coastal Commission in such cases as soon as the situation permits.

3.3.7 DISTRICT 7 - BEACH

Suggested Modification No. 39

Modify **Section 3.3.7.1 Purpose** as follows:

This district is intended to preserve and protect the sandy beach area within the Specific Plan Area boundaries while allowing parking and auxiliary beach-related commercial and convenience uses. ~~The beach will also be used for special events throughout the year, such as the U.S. Open of Surfing, the AVP Pro Beach Volleyball tournament, the Shoreline Marathon, the NPPL Paintball Tournament, and the Duck-a-thon. The beach parking and plaza areas north of the pier are also used weekly for a Farmers' Market and craft fair.~~ Approximately half of the beach frontage in the district is City beach; the remainder of the beach frontage is owned by the State of California.

Suggested Modification No. 40

Modify **Section 3.3.7.9 Maximum Building Height**, on page 3-98 as follows:

20' maximum building height. No maximum building height shall be required for lifeguard towers or other facilities necessary for public safety. No parking surface or structure shall exceed the adjacent elevation of Pacific Coast Highway. **Adverse impacts to public views shall be considered and minimized.**

Suggested Modification No. 41

Add the following language in District 7 Beach, after Section 3.3.7.14 on page 3-98, as new **Section 3.3.7.15 Public Access**:

Section 3.3.7.15 Public Access

- A. **A public beach closure/curfew cannot apply to the area of Coastal Commission original jurisdiction (State tidelands, submerged lands and public trust lands) including but not necessarily limited to the area seaward of the mean high tide line. Public access to the water's edge and at least 20 feet inland shall be permitted at all times. Closure to public use of any portion of the beach inland of the mean high tide line is not encouraged and requires a coastal development permit which must maintain the public's right to gain access to State tidelands. Measures that limit public use of the beach shall be limited to those necessary to address documented public safety events that cause a risk or hazard to the general public and shall be the minimum necessary to address the potential risk or hazard to the general public. The need for continuation of safety measures that limit public access shall be reassessed on a periodic basis to assure maximum public access is provided. Limited closure for beach maintenance may be allowable pursuant to a coastal development permit.**
- B. **The implementation of restrictions on public parking along public streets with the potential to impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, physical barriers, and preferential parking programs) shall be prohibited except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety. Where such parking restrictions are determined to be necessary due to demonstrated public safety need with no feasible alternative, they shall be subject to a coastal development permit in accordance with Chapter 245 of the HBZSO. An equivalent number of public parking spaces shall be provided as mitigation for impacts to coastal access and recreation. Replacement public parking spaces shall be located within the closest, feasible proximity to the spaces lost.**
- C. **Public recreation and access opportunities at public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource.**
- D. **All beach amenities available to the general public on the City's public beaches (including those owned and operated by the City and the State) shall be available to all members of the general public on an equal basis.**
- E. **Public beaches and parks shall maintain lower-cost user fees and parking 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 HBZSO.

- F. No development shall be permitted that would result in the loss of sandy beach area.**

III. FINDINGS

The Commission hereby finds and declares as follows:

A. Description of the LCP Amendment Request

The proposed Local Coastal Program Amendment (LCPA) request would update the City's Downtown Specific Plan as reflected in City Council Resolution No. 2009-63 which contains Local Coastal Program Amendment No. 08-002 amending the City's Coastal Element, and, Zoning Text Amendment No. 08-004 which replaces the current Downtown Specific Plan with the updated version contained in Downtown Specific Plan No. 5, Book 1 and Book 2, approved by the City Council on January 19, 2010.

The City's currently certified LCP Implementation Plan includes a Downtown Specific Plan (DSP). The current LCPA would delete the existing, certified DSP and replace it in its entirety with the proposed DSP, however portions of the existing DSP are proposed to be included in the revised DSP. Changes are also proposed to the City's certified Land Use Plan (LUP) to maintain consistency with the changes proposed within the revised, updated DSP and to update certain text to reflect current circumstances including approved projects that have been or are in the process of being implemented.

1. LUP Amendment Description

The City's LCPA request to revise and update the currently certified DSP includes an LUP component in order to reflect the changes proposed in the DSP area within the LUP. Most significant among these changes are the changes proposed to allowable residential density and revisions to the LUP's Table C-2 (described below). However, some of the changes are more minor in nature and are proposed as updates to reflect existing uses approved since the LUP was last comprehensively updated in June 2001 via LCPA 3-99. For example, these updates include changes to reflect the Waterfront and Pacific City developments that have been approved during that time (and also were the subject of LCPA 2-06 "Timeshares").

A major component of the LUP amendment is the proposed revisions to *Table C-2 Community District and Subarea Schedule* (see exhibit G 7 – 25). This table provides an area by area description (including existing development, permitted uses, and allowable density/intensity for each subarea) for the City's coastal zone. Under the proposed LUP amendment, Table C-2

would be modified to reflect changes proposed to height and density, design standards and uses within the Downtown Specific Plan area. The downtown core area (District 1 of the proposed DSP) is contained within Table C-2's Subarea 1. Subarea 1 is further divided into smaller subareas, 1A through 1D. Below is a table relating the LUP's subareas to the proposed Downtown Specific Plan District areas (also see exhibit E for map of proposed LUP subareas and Exhibit C for a map showing proposed DSP boundaries including proposed District 1). The subarea numbers of Table C-2 don't correspond to the District numbers in the proposed DSP because the subareas in Table C-2 were developed prior to the DSP District numbers and also are numbered to include all areas in the City's coastal zone, not just those within the DSP area.

Table C-2 Subareas	Proposed DSP Districts	Location
1A, 1E, 1B, and 1D, 1E	District 1-Downtown Core	Along Main Street, inland of PCH
2	District 6-Pier	Pier and Restaurant Area at PCH end of pier
3A and 1C	District 4-Established Residential	Along PCH inland to Walnut Ave.
4C	District 2-Visitor Serving Mixed Use	"Pacific City" Inland and along PCH between Huntington and 1 st St
4D	District 3-Visitor-Serving Recreation	"Waterfront" Inland and along PCH between Huntington and Beach Blvd.
4I	District 5-Multi-family Residential	Inland of 4C Pacific City and 4D Waterfront
4J	District 7 Beach	Seaward of PCH

New Subarea 1E

The proposed LUP amendment would revise Subarea 1D to separate out a new *Subarea 1E Main Street Library*. Currently, Subarea 1D includes a mix of general commercial, commercial neighborhood, cultural and civic, and residential uses. Subarea 1D is located along Main Street, inland of Orange Avenue (this area is the inland-most area of the downtown core area). Proposed Subarea 1E (see exhibit E) is comprised of a single, triangular block and currently is developed with the City's Main Street public library and a grassy area. Uses proposed to be allowed within Subarea 1E are: Public and Open Space uses including cultural and civic uses, and open space. Proposed subarea 1E also includes a requirement for the provision of open space areas and the preservation of historical structures.

Additional Changes Proposed to Subarea 1D:
Elimination of General Commercial Use & Increased Density

Additionally, existing Subarea 1D is proposed to be modified by: 1) eliminating General Commercial as an allowable use and adding single family residential use (multi-family is already allowed) to the list of allowable uses; 2) increasing the allowable density from a maximum of up to 30 units per net acre to a maximum allowable density of greater than 30 units per net acre, and, 3) eliminating the maximum floor area ratio of 1.25.

Subarea 3A – Increased Density

Table C-2's Subarea 3A is comprised of the established residential area that fronts along the inland side of Pacific Coast Highway, extending inland to Walnut Avenue (a depth of approximately one block, see exhibit E). In this area of the City, Walnut Avenue represents the inland extent of the coastal zone boundary. The existing density allowed within Subarea 3A is also proposed to increase from the existing maximum density of up to 30 units per net acre to the proposed maximum allowable density of greater than 30 units per net acre. The LUP does not define the upward limit of the "greater than" 30 units per acre.

Subareas 1A, 1B and 1D, within the downtown core area are also proposed to increase their existing allowable densities from "30 units per acre" to "greater than 30 units per acre". But these subareas are designated Mixed Use which requires any residential proposal to be integrated with commercial uses.

Height Limits

The proposed LUP amendment would newly establish a "minimum" building height of 25 feet within Table C-2 subareas 1A and 1B (both located within the downtown core area). The proposed LUPA would also revise the language of the height limit within these subareas. Currently the maximum height limit is based on the area of the project site. The proposed height limit is also to be based on the area of the project site, but rather than describing the project area as "less than a full block" or "more than a full block", the project area would be described as "less than 8,000 square feet of net site area" or "net site area 8,000 square feet or greater". The height limits of three stories for the smaller site area and four stories for the larger site area would remain. In subarea 1D, the option of four stories is proposed to be eliminated, resulting in a maximum height limit in this area of three stories.

Additional LUP Changes Proposed

A new figure is proposed to be added to the LUP titled Extract of Figure C-14 which depicts proposed bike lanes within the downtown area. Also proposed are new figures, Extract of Figure C-8 and Extract of Figure C-10, which provide more detail of the downtown area. Extract of Figure C-8 identifies the land uses within the Downtown Specific Plan area and also reflects the proposed change in density in the subareas discussed above. Extract of Figure C-10 identifies the locations of all the Table C-2 subareas within the Downtown Specific Plan area. In addition, existing Figures C-8, C-10 and C-14 are proposed to be modified to include a reference to the proposed Extract figures. Updated information is proposed to be added for the

areas known as Pacific City (formerly identified as “31 acres”) and the Waterfront to reflect recently approved development in those areas. Live/work units are proposed to be added as an allowable use within the Mixed Use land use category. Design standards are proposed to be added to facilitate pedestrian use and to enhance the design character within the downtown area.

Various minor clarifications and corrections are also proposed

2. IP Amendment Description

The object of the proposed LCP amendment is to replace the currently certified Downtown Specific Plan (DSP) with the revised, proposed DSP. To accomplish this, the Implementation Plan portion of the amendment proposes to delete in its entirety the currently certified DSP, and replace it with the proposed DSP. Portions of the existing certified DSP are proposed to be carried over into the revised DSP, but overall the proposed revisions and expansion comprise a new document. No other part of the certified Implementation Plan is proposed to be modified.

Structure of Proposed DSP

The proposed Downtown Specific Plan (DSP) is comprised of Book 1 and Book 2. Book 1 includes the goals, objectives, and policies as well as identifying allowable land uses and defining development standards. Book 1 also includes the administration section, establishing the procedures for the different types of permits, and the definitions section. Book 2 includes design guidelines for new development and for streetscapes and public amenities. Book 1 establishes the mandatory regulations that must be met by all development within the DSP, while Book 2 establishes the design guidelines intended to provide a defined framework of design principles. The proposed design guidelines of Book 2 are intended to supplement the development standards of Book 1. In general, as proposed, Book 1 is mandatory and Book 2 is guidance. The existing, certified DSP is roughly the equivalent of a less detailed Book 1.

Districts Reconfigured

No change is proposed to the DSP area’s boundary. However, some of the interior boundaries within the DSP are proposed to change. The currently certified DSP is comprised of 11 districts. The proposed DSP is comprised of 7 Districts. The reduction in the number of districts is due to the fact that the separate districts in the “downtown core” area are proposed to be combined into a single district (proposed District 1). The downtown core is the area that flanks Main Street inland of Pacific Coast Highway (PCH), and is currently the DSP area’s main visitor destination, along with the beaches. Main Street extends directly inland of the pier, across from Pacific Coast Highway. Proposed District 1 is widest at PCH (about 5 blocks upcoast and about 3 blocks downcoast) and narrows inland to a single block bounded by Palm Avenue, Lake Street, Acacia Avenue, and 6th Street. In the currently certified DSP, the downtown core is comprised of four separate districts (Districts 3, 4, 5, and 6). Under the proposed DSP these districts would be combined into a single district: District 1 Downtown Core Mixed Use. (See exhibit B for a graphic depicting the certified DSP district boundaries; and exhibit C for a graphic of the proposed district boundaries). No significant content changes are proposed within proposed Districts 2, 3, 4 and 5.

The main residential area of the currently certified DSP (existing District 2, proposed District 4) is proposed to be slightly reconfigured by adding two nearby residential areas into the district: a part of existing District 4 adjacent to 6th Street between Walnut Avenue and Orange Avenue; and the inland most part of existing District 6 (the area bounded by Palm Ave., Main St., the parcel line approximately 11- feet north of Acacia Ave. and Lake Street). These areas contain established residential development and no change is proposed or expected. The currently certified District 2 Residential is located along and inland of Pacific Coast Highway from Goldenwest Street to 9th Street (along PCH) and to 7th Street (from the alley inland of PCH to Walnut Avenue). The parts of existing Districts 4 and 6 described above are proposed to be added to the area of existing District 2 and this combined area is proposed to become proposed District 4 Established Residential.

Proposed District 6 Pier-Related Commercial, is District 10 in the currently certified DSP. The proposed District 6 corrects an existing inconsistency between the LUP and the DSP. The LUP identifies only the pier and the restaurant site immediately downcoast of the pier (currently the area that includes Duke’s restaurant) in Table C-2 Subarea 2 Pier and on the land use plan map. However, the existing DSP also includes the parking lots up- and down-coast of the pier within the District 10, the pier district. The proposed amendment would correct this boundary inconsistency. The parking lots are proposed to be added to the Beach district in proposed District 7 Beach, consistent with the description and depiction in the certified LUP.

Other than the boundary changes described above, district boundaries are proposed to remain unchanged. No change in district boundary is proposed for proposed Districts 2, 3, and 5 (see table below).

Proposed District Number & Name	Currently Certified District Number & Name	Location
1 Downtown Core Mixed Use	3 Visitor Serving Commercial 4 Mixed-Use: Office Residential 5 Mixed-Use: Commercial/Office/Residential 6 Mixed Use: Commercial/Office/Residential	First Block Along Main Street inland to Walnut Avenue, from 6 th Street to 1 st /Lake Street (now includes area up to 9 th St. along PCH) Outer Flanks of Downtown Core between Walnut and Orange Avenues Flanking Main Street between Walnut and Orange Avenues Flanking Main Street between Orange and Palm Avenues
2 Visitor-Serving Mixed Use	7 Visitor Serving Commercial	Along and inland of PCH to Pacific View Avenue (equivalent to Walnut Avenue), from 1 st /Lake Street to Huntington Avenue
3 Visitor-Serving Recreation	9 Commercial/Recreation	Along and inland of PCH to

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 33

		Pacific View Avenue (equivalent to Walnut Avenue), from Huntington Street to Beach Blvd.
4 Established Residential	2 Residential 4 Mixed Use: Office/Residential 6 Mixed Use: Commercial/Office/Residential	Along and inland of PCH to Walnut Avenue, from Goldenwest Street to 9 th Street at PCH and to 7 th Street inland of alley. Parcels fronting 6 th Street between Walnut & Orange Streets. The area bounded by Palm Ave., Main St., the parcel line approximately 11- feet north of Acacia Ave. and Lake Street.
5 Multi-Family Residential	8 High Density Residential	Two consolidated parcels; one is bounded by Atlanta Ave., Huntington St., Pacific View Ave., 1 st St.; the second parcel is bounded by Pacific View Ave., the prolongation of Sunrise Dr. and Beach Blvd.
6 Pier-Related Commercial	10 Pier-Related Commercial	Proposed 6: Pier and restaurant site immediately southeast. Existing 10: Pier and area extending 60 feet on northwest side and 125 feet on the southeast side; & strip of land from PCH to sand from pier to Lake St. on the southeast side and northwest of pier to 7 th St.
7 Beach	11 Beach Open Space	PCH to the ocean from Goldenwest to Beach Blvd., except for the area which is part of District 6 (proposed)/ 11 (existing)

The originally certified DSP included three visitor serving nodes along Pacific Coast Highway between Goldenwest Street and 8th Street. These nodes were included in the originally certified DSP as District 1 (Visitor Serving Commercial). However, the two upcoast-most nodes (between Goldenwest Street and 22nd Street and between 18th and 16th Streets, see exhibit B) were allowed to convert to residential use via LCP amendments 3-98 (approved 3/9/99) and 1-99 (approved 2/13/01). These areas are now included within proposed District 4 Established Residential. The third node, closest to the downtown core, remains visitor serving commercial and the area between that node and the downtown core (between 6th Street and 8th Street along PCH) was also converted from residential to visitor serving commercial use via LCPA 3-94 (approved 3/9/95). Thus, the downtown core, as a result of LCPA 3-94, was extended along

PCH upcoast to encompass the third visitor serving node and the formerly residential two blocks between. Thus, District 1 of the originally certified DSP no longer exists. The area of the former third node and the area between it and the downtown core are included within proposed District 1.

Parking & Alternative Transportation

A significant change proposed to the DSP effects parking within the DSP's downtown core area, which is contained within proposed District 1. Currently, proposed District 1 is made up of existing Districts 3, 4, 5, and 6; these are proposed to be combined into a single district, proposed District 1 (with minor exceptions identified above). This area represents the popular visitor serving area along Main Street, just inland of the City's pier. The currently certified DSP includes a Downtown Parking Master Plan (DPMP) that addresses parking for the downtown core parking area. The DPMP applies to 42 acres within the downtown core area. Proposed District 1 encompasses 70 acres. The proposed DSP would eliminate the DPMP, and proposes specific parking requirements that would apply throughout proposed District 1.

The premise of the DPMP is, rather than require each use within the DPMP boundary to provide its own separate code required parking, the downtown area was viewed as a whole for purposes of parking. The DPMP was incorporated into the DSP via Coastal Commission approval of LCPA 3-94 on March 9, 1995. The DPMP was subsequently revised and updated via Coastal Commission approval of LCPA 2-00 on June 14, 2001. The DPMP allows reduced parking ratios within the 42 acre downtown core area based on the captive market and recognition of off-set peak demand concepts: the idea that many of the area's patrons will visit more than one use while there (restaurant and shops, for example) and acknowledging the different peak parking demands for different uses (theater versus office, for example). The reduced parking ratios were deemed acceptable based on parking studies submitted with the LCP amendment requests that demonstrated that there was an adequate parking pool in the downtown core area to support the identified development threshold. The DPMP's reduced parking ratios were allowed up to a certain amount of development within the DPMP area (initially 500,000 square feet per LCPA 3-94, and then increased to a total of 715,000 square feet per LCPA 2-00). The development threshold applies only to development within the 42 acre DPMP area. The proposed DSP parking standards would apply over the 70 acre proposed District 1 area. Thus, the potential additional development of up to approximately 400,000 square feet would be spread over 70 acres rather than the DPMP's 42 acres. It should be noted that some of that 400,000 square feet of development would have been allowed under the currently certified DSP in the area outside the 42 acre DPMP area because the 715,000 square foot development threshold did not apply beyond the DPMP area. Development under the currently certified DSP outside the DPMP area would be required to provide parking in accordance with Chapter 231 of the HBZSO.

The DPMP identified a specific amount of development (715,000 square feet) that could be accommodated by existing and required future parking spaces. The DPMP relied on this overall pool of parking within the DPMP area, and not all new development was required to provide new parking spaces. Under the DPMP, all new or expanded development drew from this parking pool, up to the threshold square footage identified by the study. The 715,000 square foot development threshold has been reached.

The proposed DSP would continue the reduced parking ratios of the DPMP, decreasing further some of the already reduced ratios. However, the proposed DSP would no longer tie the amount of future development to the amount of parking available in an area-wide parking pool. Instead, new development would be required to provide the required parking spaces, based on the reduced parking ratios. However, the proposed DSP would allow new development to provide the required parking spaces in any combination of the following ways: on-site; through shared use agreements; through off-site/remote parking agreements; valet parking; valet and/or remote parking for special events during peak summer season; and by payment of an in-lieu fee. In addition, tandem parking would be allowed for residential development and for up to 20% of required commercial parking. Also, the Planning Commission or City Council could require commercial projects greater than 10,000 square feet to submit a parking management plan. The proposed DSP would require, within District 1, that all residential, hotel, motel, and bed & breakfast developments provide all required parking on-site.

Reduced parking ratios proposed to be retained are: 3 spaces per 1,000 square feet for retail uses, and 2 spaces per 1,000 square feet for office use. The parking ratio that is required for restaurant use is proposed to be further reduced from the current DPMP's reduced requirement of 10 spaces per 1,000 square feet to the proposed 8 spaces per 1,000 square feet. In addition, the current DPMP standard for personal enrichment use is proposed to be further reduced from 5 spaces per 1,000 square feet to 3 spaces per 1,000 square feet. Also, multifamily residential development within proposed District 1 would be required to provide only 0.25 guest parking spaces per unit, rather than the otherwise required 0.50 spaces per unit (elsewhere in the proposed DSP as well as in Chapter 231 of the HBZSO). In addition, the area to which the reduced parking ratio would apply is proposed to be expanded from the 42 acre DPMP boundary to include all of proposed, reconfigured, 70 acre District 1. Based on the proposed DSP development standards, the maximum additional development that could occur within District 1 is approximately 400,000 square feet.

The City has indicated that parking shortages are expected to be avoided under the proposed scenario based on the same parking strategies and concepts that made the DPMP successful: the captive market and recognition of off-set peak demand concepts. Also, proposed DSP Book 2 discusses a number of alternative means of transportation that could be applied to the DSP area within proposed District 1. The City has indicated that these measures will also contribute to an overall decrease in parking demand. Alternative means of transportation discussed in Chapter 5 of Book 2 (Circulation & Parking) include: enhancing bicycle and pedestrian circulation including street and sidewalk improvements and additional bicycle parking; street realignments for more efficient traffic flow (including vehicle, bicycle, and pedestrian traffic); adding a Class II and a Class III bikeway; improved access to transit stops (based on increased pedestrian and bicycle circulation); a trolley system that would circulate between the Waterfront and Pacific City developments, the downtown core area, and the surrounding residential developments; and remote parking with shuttle service during high demand periods. Although these measures are described in proposed DSP Book 2, there is no trigger to require any of them.

Ratio of Higher Priority to Lower Priority Use

Another significant change proposed with the revised DSP are the changes regarding the amount of Visitor Serving Commercial uses that are required. The currently certified DSP requires that within current District 3 (located along PCH to Walnut Avenue between 6th Street and Lake Street, see exhibit B), “the ground floor or street level of all buildings in this District shall be devoted to visitor-serving commercial activities.” In addition, District 3 of the currently certified DSP requires that “Visitor serving commercial uses must be a part of all development proposed in this District with a minimum requirement that the entire street level, or at least one-third (1/3) of the total floor area be devoted to visitor serving commercial uses.” In addition, residential use is limited to the area northwest of Main Street and is prohibited within 125 feet of Main Street. And in District 5 (located just inland of District 3 along one block on either side of Main Street between Walnut and Orange Avenues, see exhibit B) of the currently certified DSP requires that the ground floor or street level of all buildings fronting Main Street be devoted to commercial activities and limits residential and office uses to above the ground floor or street level. The inland-most area of proposed District 1 is the current District 6. Current District 6 is located between 6th Street and Lake Street from Orange Avenue to Palm Avenue (see exhibit B). No ground level restrictions on residential or office uses apply within this district.

The proposed DSP District 1 would require visitor serving commercial uses on the ground floor only at the street frontage, with no minimum ground floor percentage necessary to meet that requirement. In addition, the density of residential development is proposed to change from the current maximum of 35 dwelling units per acre to the proposed 50 dwelling units per acre.

Ground level visitor serving commercial uses are proposed to be allowed but not required within the Lake Street overlay and are proposed to be prohibited in Subdistrict 1A Main Street Public Library and Subdistrict 1B Neighborhood Residential. Subdistrict 1B is located within the currently certified District 4 Mixed Use: Office/Residential, so the proposed use restriction is consistent with the allowable uses of the currently certified DSP. Likewise, Subdistrict 1A and the Lake Street Overlay area are located within the currently certified District 6 Mixed Use: Commercial Office/Residential, and the proposed use restrictions are consistent with those of the currently certified DSP.

B. Deny the LUP Amendment Request as Submitted

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30210 requires that public coastal access and recreational opportunities be maximized. Section 30222 of the Coastal Act establishes a higher priority for visitor serving uses over lesser priority uses such as residential, office or general commercial. The City's Downtown Specific Plan area contains most of the City's visitor serving opportunities as well as long stretches of the City's beaches. The amount of residential development relative to visitor serving development must be carefully considered in order to maintain the City's downtown core and adjacent beaches as the established visitor draw they are. The Downtown Specific Plan area provides visitor serving uses ranging from restaurants, shops and hotels to the public pier and beach areas. The City's downtown area is an excellent location for visitor serving commercial uses because many visitors drawn to the beaches and pier support the commercial area just inland across Pacific Coast Highway.

Parking can adversely impact public access when the parking demand within the coastal zone exceeds the supply. Many beach and coastal zone visitors arrive from inland destinations via automobile. If insufficient parking spaces are available, visitors (particularly those from inland areas) may be deterred from coastal visits. Thus, parking is an important consideration when assessing potential impacts development may have on public access. The provision of alternate forms of transportation (bicycle lanes, bus routes, shuttle systems, etc.) are also encouraged in the coastal zone, but the provision of adequate parking remains a major consideration in assuring that public access is maximized.

1. Residential Density

The LUP amendment proposes to increase allowable residential density within subareas 1C and 3A from 30 units per acre to greater than 30 units per acre. Subarea 1C is located as close as one block inland from the City's beaches and directly adjacent the other visitor serving amenities of the downtown core area. Subarea 3A is located just across Pacific Coast Highway from the City's beaches and just upcoast from the downtown core area. Subareas 1C and 3A correspond to proposed DSP District 4 Established Residential. An increase in residential development within these areas must be closely examined for impacts on visitor and beach-goer opportunities. The upper limit for the greater than 30 units proposed is not defined in the LUP, creating concerns as to the extent of residential development that could result.

The Commission recognizes the benefit of locating residential development within areas that include commercial and office uses. This juxtaposition of uses creates an environment where residents are less reliant on vehicles to conduct routine activities such as shopping, dining and commuting to working. However, unlimited residential development in this important visitor destination area can lead to conflicts between the higher priority uses of the Coastal Act and residential development. Such conflict could result in shifting the ratio from a greater degree of the higher priority visitor serving uses to greater emphasis on residential uses. Potentially this could lead to the displacement of higher priority visitor uses within the area, decreasing the area's role as a major visitor destination. In addition, residential development, when located in such close proximity to the beaches and visitor serving development, can sometimes result in

displacing public parking spaces currently available to the general public. This is often true especially with higher density developments when guest parking demand often needs to park on the adjacent public streets. When residential parking demand begins to displace general public on-street parking, these conflicts often create pressure to establish preferential parking districts to serve the residents at the expense of visitors.

The City's intent in proposing this density is to create consistency with the density that is currently allowed in the certified DSP. No change to the currently certified density is proposed in the revised DSP. Currently, the density in the DSP allows lots with frontage widths of more than 25 feet and less than or equal to 50 feet a maximum of four units. For lots with less than 25 feet of street frontage, one residential unit is allowed. For lots greater than 50 feet, 30 dwelling units per acre or one unit per 1,452 square feet of net lot area with lot areas greater than 5,000 square feet is allowed. Thus, the DSP language, in allowing four units on the mid-sized lots, allows a density of greater than 30 units per acre, but the maximum number of units for such lots is four. This allowance for four units on the mid-sized lots means there is currently an inconsistency between the certified Land Use Plan and the certified (and as proposed) DSP. The City has proposed to correct this by increasing the allowable density for subareas 1C and 3A to greater than 30 units per acre.

The City intends that the maximum density for the subareas will be guided by the density language of the DSP. However, no upper limit for residential density is included in the proposed LUP density language. Moreover, it is important to remember that the standard of review for any future IP amendment will be the standard contained in the LUP. Certifying an increased density allowance, especially as in this case with no upward limit, would make it difficult to limit residential density if a future IP amendment requested a higher density for these areas.

The density limit as it exists in the DSP has been found acceptable by the Commission in the past. The DSP density limit identifies the upper limit, and with regard to the mid-size lots specifically identifies the maximum number of units allowed on those lots. Thus, to achieve both the City's intent of correcting the existing inconsistency and to establish an upper density limit within LUP, a reference in the LUP to the specific density as described in the DSP is necessary. As proposed the LUP does not do this and so no upper limit on density would exist for areas 1C and 3A. Given their sensitive locations relative to the beach and visitor destinations, as proposed the LUP amendment could adversely impact public access and would not protect the higher priority uses of the Coastal Act. Thus, this portion of the LUP amendment could not be found to be consistent with Section 30210 of the Coastal Act with regard to maximizing public access or with Section 30222 of the Coastal Act with regard to the priority of uses within the coastal zone. Therefore, the LUP amendment request as submitted does not meet the requirements of, and is not in conformance with, the policies of Chapter 3 of the Coastal Act, and must be denied.

2. Figure "Extract of Figure C-10"

The LUP amendment proposes to add a number of new figures (graphics) to the LUP. Among these are proposed "Extract of Figure C-10". Figure C-10 is contained in the certified LUP and is the graphic that identifies the locations of the subareas included in Table C-2. Proposed

figure “Extract of Figure C-10” includes a detailed graphic of the LUP subareas that correspond to the areas of the Downtown Specific Plan districts. The graphic provides a more detailed scale, making it easier for the viewer to discern the locations of each of the Table C-2 subareas. However, an inadvertent error on the proposed figure has resulted in subarea 3A being depicted incorrectly. It is depicted correctly in proposed figure “Extract of C-8” and on the proposed DSP district maps graphic. The City has also recognized this graphical error and agrees that correction is needed. Thus, as proposed the correct subarea boundaries are incorrectly depicted and they are not consistent with their written description or with the other figures of this area in the LCP. Therefore, the LUP amendment request as submitted does not meet the requirements of, and is not in conformance with, the policies of Chapter 3 of the Coastal Act and must be denied.

The next section of this report describes the modifications necessary to bring the LCP amendment into conformance with the Coastal Act requirements.

C. Certify the LUP Amendment Request with Suggested Modifications

In order to be certified by the Commission, the LUP amendment must meet the requirements of, and be in conformance with the Chapter 3 policies of the Coastal Act. The Coastal Act contains policies that protect public access, recreation, and visual resources at public recreation areas like Shoreline Park. Pursuant to Section 30512 and 30514 of the Coastal Act, the proposed LUP amendment must have clear and concise policy language that carries out the requirements of the relevant Chapter 3 policies of the Coastal Act.

The findings for denial of the Land Use Plan portion of the LCPA amendment are hereby incorporated as thought fully set forth herein.

1. Subareas 1C and 3A Density as Modified

As discussed above, the proposed increase in density in subareas 1C and 3A raise issues of Coastal Act inconsistency with regard to Section 30222’s requirement that visitor serving commercial uses have priority over residential use and with Section 30210’s requirement that public access be maximized. However, the City’s intent is that the maximum density for these subareas be guided by the density language of the DSP. The DSP density limit identifies the allowable upper limit. In addition, the density limit allowed in the DSP was found acceptable by the Commission when it certified the DSP in the past. To achieve both the City’s intent of correcting the existing inconsistency between the density allowed in the LUP and the density allowed in the IP within these subareas, and to establish an appropriate upper density limit within the LUP, a reference in the LUP to the specific density as described in the DSP for these subareas is necessary. Thus, if modified to incorporate a reference to the DSP’s specific density language within the LUP, the amendment could be found to be consistent with Section 30210 and 30222 of the Coastal Act regarding priority of use and public access. Therefore, the Commission finds that only if modified as suggested (Suggested Modification Nos. 1, 2 and 3) can the proposed LUP amendment be found consistent with Sections 30210 and 30222 of the Coastal Act.

2. Extract of Figure C-10 as Modified

As submitted, "Extract of Figure C-10" does not correctly depict the boundaries of subarea 3A and adjacent subarea 1A. As proposed the subarea boundaries are incorrectly depicted and they are not consistent with their written description or with the other figures of this area in the LCP. However, if modified as suggested (Suggested Modification No. 4) to modify the figure to correct the boundaries, the proposed LUP amendment can be found to be consistent with the requirements of the Coastal Act.

3. Approval as Submitted

a) Subareas 1A, 1B, and 1D Density

Subareas 1A, 1B and 1D, within the downtown core area are also proposed to increase their existing allowable densities from "30 units per acre" to "greater than 30 units per acre". But these subareas are designated Mixed Use which requires any residential proposal to be integrated with commercial uses (subareas 1C and 3A are designated exclusively for residential development). In addition, the downtown core area (corresponding to proposed DSP District 1) will include provisions that will require that, while visitor serving uses may be allowed throughout the district, only visitor serving uses are allowed on the ground floor level of all developments within the most significant areas, closest to the beach. Thus, the proposed density in these subareas does not create the same density issues that are created in subareas 1C and 3A and consistent with the Coastal Act.

b) Subarea 1D

Subarea 1D is also proposed to be modified by: 1) eliminating General Commercial as an allowable use and adding single family residential use (multi-family is already allowed) to the list of allowable uses; and 2) eliminating the maximum floor area ratio of 1.25. Subarea 1D is a subset of the downtown core area and corresponds to the Neighborhood Subdistrict within proposed DSP District 1. This area is proposed to be limited to residential, office, personal enrichment, and personal service. This subarea, in the certified LUP and in the certified DSP, is identified as a mixed use area intended to serve residents and provide a buffer-like transition area between the downtown core area and surrounding residential by providing some housing and some neighborhood commercial uses, as well as allowing cultural or civic uses. Thus, the proposed modifications are consistent with the use intended in the certified LUP and consistent with the applicable provisions of the Coastal Act.

c) New Subarea 1E

Subarea 1E (see exhibit E) is comprised of a single, triangular block and currently is developed with the City's Main Street public library and a grassy area. Uses proposed to be allowed within Subarea 1E are: Public and Open Space uses including cultural and civic uses, and open space. Proposed subarea 1E also includes a requirement for the provision of open space areas and the preservation of historical structures. This proposed new subsection is intended to recognize existing uses and also recognize that this area be appropriately addressed separately from the overall downtown core area.

d) Minimum Building Height

The proposed LUP amendment would newly establish a “minimum” building height of 25 feet within Table C-2 subareas 1A and 1B (both located within the downtown core area). Current height limits in these two subareas, based on site area, range from three to four stories maximum. In addition, given existing development within the downtown core area, the proposed introduction of a minimum height requirement will not create adverse impacts on public views. Furthermore, existing measures can also be imposed on new development, including setback requirements based on view analyses, if view issues arise.

e) Remainder of Proposed LUP Changes

i. Addition of New Figures

The following new figures (graphics) are proposed to be added to the LUP: Extract of Figure C-14 depicts proposed Bike lanes within the downtown area; Extract of Figure C-8 identifies the land uses and densities within the Downtown Specific Plan area; and Extract of Figure C-10 identifies the locations of all the Table C-2 subareas within the Downtown Specific Plan area. All of the proposed new figures provide greater detail of the downtown area and are easier to read than the figures from which they are extracted as they depict a smaller area at a greater scale. The proposed new figures are useful tools for interpreting the LUP and are consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act as proposed.

ii. Updates and Clarifications

Updated information is proposed to be added for the areas known as Pacific City (formerly identified as “31 acres”) and the Waterfront to reflect recently approved development in those areas. Design standards are proposed to be revised and added to encourage pedestrian use and to enhance the design character within the downtown area. Various minor clarifications and corrections are also proposed.

iii. Live/Work Units

Live/work units are proposed to be added as a new allowable use within the Mixed Use land use category. Table C-2 subareas 1A, 1B, and 1D are land use designated Mixed Use and so this new use would apply within those areas. Subareas 1A, 1B, and 1C are all located within the downtown core area that corresponds to proposed DSP District 1 Downtown Core Mixed Use. District 1 is the main visitor serving area of the City’s DSP. The goal in allowing the live/work units is to reduce vehicle use and traffic by eliminating the need to commute away from home; and to greater pool of patrons for the downtown businesses in the non-visitor periods (non-peak use summer periods).

4. Conclusion

The suggested modifications will protect public access and the priority of uses as required by Chapter 3 of the Coastal Act. If modified as suggested above, the LUP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

D. Deny the Implementation Plan Amendment Request As Submitted

1. Public Access & Recreation

Regarding public access, the certified Land Use Plan includes the following goals, objectives and policies¹:

Policy C 2.4.1-Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Policy C 2.4.2-Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following:

- a. Apply the City's parking standards at a minimum.*
- b. Implement the Downtown Parking Master Plan **a comprehensive parking strategy for the Downtown area**. [Note: this change is proposed under the LUP portion of this LCPA.]*
- c. Consider developing new parking standards specific to the coastal zone, subject to Coastal Commission approval.*
- d. Develop parking assessment districts to fund off-site parking structures, if necessary.*
- e. Monitor parking programs to make the most effective use of parking resources.*
- f. Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.*

Policy C 2.4.4-Develop parking areas outside the Coastal Zone for passenger cars and the development of alternate transportation modes for beach users including incentives for parking in those locations.

Policy C 2.4.5-Prohibit the establishment of preferential parking districts, whenever it would adversely affect public access to the coast through a reduction in the availability of on-street spaces for public visitors to the coast.

Objective C 2.5-Maintain and enhance, where feasible, existing shoreline and coastal resource access sites.

¹ The LUP includes goals, objectives, and policies. Goals are described as general in nature and not necessarily quantifiable. Objectives are described as measurable goals. Policies are described as a specific statement guiding actions and implying clear commitment.

Policy C 2.5.1-Require that existing public access to the shoreline and Huntington Harbour waterways be maintained and enhanced, where necessary and feasible, not withstanding overriding safety, environmental or privacy concerns.

Objective C 2.6-Promote and provide, where feasible, additional public access, including handicap access, to the shoreline and other coastal resources.

Objective C 2.7-Promote public awareness of existing access opportunities to coastal resources.

Policy C 2.7.1-Maintain and enhance, where necessary, the coastal resource signing program that identifies public access points, bikeways, recreation areas and vista points throughout the Coastal Zone.

Regarding public recreation, the certified Land Use Plan includes the following goals, objectives and policies:

Goal C3-Provide a variety of recreational and visitor commercial serving uses for a range of cost and market preferences.

Objective C 3.1-Preserve, protect and enhance, where feasible, existing public recreation sites in the Coastal Zone.

Policy C 3.1.3-Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Objective C 3.2-Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low cost facilities and activities.

Policy C 3.2.1-Encourage, where feasible, facilities, programs and services that increase and enhance public recreational opportunities in the Coastal Zone.

Policy C 3.2.4-Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2-Enhance the Municipal Pier and surrounding area to function as the “hubs” of tourist and community activity.

Policy C 3.4.3-Require than any plans for restoration of replacement of the Municipal Pier include the following provisions:

- a) Areas for recreational fishing and support facilities.*
- b) Unobstructed public views seaward of the end of the Pier.*
- c) Significant opportunities for unobstructed public views of the shoreline.*
- d) Limit Pier access to pedestrians and trolley type transit.*
- e) Maintain a minimum of 70 percent of the total area of the Pier as public open space and ensure that adequate pedestrian flow is maintained along the Pier length.*

- f) *Provide adequate handicap access.*
- g) *Limit building heights on the pier to a maximum of 2 stories (35 feet).*
- h) *Require that public access be maintained around the entire perimeter of the pier.*

i. Adequate Parking and Alternative Forms of Transportation

The LUP policies cited above require that public coastal access be maintained and, where feasible, enhanced. The need for public access to both the beach and to other coastal resources is recognized in these LUP policies. The LUP policies also recognize that in order to promote public access, adequate parking and/or alternate means of transportation must be provided to serve development. Parking can adversely impact public access when the parking demand within the coastal zone exceeds the supply. Many beach and coastal zone visitors arrive from inland destinations via automobile. If insufficient parking spaces are available, visitors' ability to stay and enjoy the coast is diminished and may deter future visits. When new development does not provide adequate parking, patrons of that establishment are then forced to use parking that would otherwise be available to the general public, including the beach going public. Thus, fewer parking spaces are available, limiting access. Parking is an important consideration when assessing potential impacts development may have on public access. The provision for alternate forms of transportation (walking, bicycle lanes, bus routes, shuttle systems, etc.) is also encouraged in the coastal zone, but must be balanced with the provision of adequate parking.

The proposed DSP would retain and expand the reduced parking ratios of the DPMP, but would no longer tie the amount of future development to the amount of parking available within the DPMP. Instead, the proposed DSP would address parking demand by any combination of the following: provide the required parking (per the reduced ratio) on-site; through shared use parking agreements; through off-site/remote parking agreements; valet parking; valet and/or remote parking for special events during peak summer season; and by payment of an in-lieu parking fee. In addition, tandem parking would be allowed for residential development and for up to 20% of required commercial parking. Also, the Planning Commission or City Council could require commercial projects greater than 10,000 square feet to submit a parking management plan. The proposed DSP would require within District 1, however, that all residential, hotel, motel, and bed & breakfast developments provide all required parking on-site.

The reduced parking ratios proposed to be retained are: 3 spaces per 1,000 square feet for retail uses, and 2 spaces per 1,000 square feet for office use. The parking ratio that is required for restaurant use is proposed to be further reduced from the current requirement of 10 spaces per 1,000 square feet to 8 spaces per 1,000 square feet. In addition, the current standard for personal enrichment use is proposed to be reduced from 5 spaces per 1,000 square feet to 3 spaces per 1,000 square feet. Also, multifamily residential development within proposed District 1 would be required to provide only 0.25 guest parking spaces per unit, rather than the otherwise required 0.50 spaces per unit (elsewhere in the proposed DSP as well as in Chapter 231 of the HBZSO). In addition, the area to which the reduced parking ratio would apply is proposed to be expanded from the 42 acre DPMP boundary to include all of proposed, reconfigured 70 acre District 1. Based on the proposed DSP development standards, the maximum additional development that could occur within District 1 is approximately 400,000 square feet.

The City has indicated that parking shortages are expected to be avoided even with the proposed reduced parking ratios, allowances for various off-site parking scenarios, and payment of in lieu parking fees based on the same parking strategies and concepts that made the DPMP successful: the captive market and recognition of off-set peak demand concepts. Moreover, the City points to proposed DSP Book 2 which discusses a number of alternative means of transportation that could be applied to the DSP area within proposed District 1. The City has indicated that these measures will also contribute to an overall decrease in parking demand. Alternative means of transportation discussed in Chapter 5 of Book 2 (Circulation & Parking) include: enhancing bicycle and pedestrian circulation including street and sidewalk improvements and additional bicycle parking; street realignments for more efficient traffic flow (including vehicle, bicycle, and pedestrian traffic); adding a Class II and a Class III bikeways; improved access to transit stops (based on increased pedestrian and bicycle circulation); a trolley system that would circulate between the Waterfront and Pacific City developments, the downtown core area, and the surrounding residential developments; and remote parking with shuttle service during high demand periods. However, although these measures are described in proposed DSP Book 2, there is no trigger to require any of them.

The Commission in approving the Downtown Parking Master Plan (DPMP) in the past, has recognized that the captive market and off-set peak demand concepts are applicable to the City's downtown area. However, the proposed DSP would result in a significant increase in the amount of development that could be allowed within District 1 (up to 400,000) square feet. In essence the proposed DSP would effectively raise the previous development threshold from 715,000 square feet of non-hotel commercial development within the 42 acre DPMP boundary to an additional 400,000 square feet of non-hotel commercial development throughout the proposed District 1 70 acre area. Moreover, the proposed DSP would also allow an increase of up to 648 residential units within the proposed DSP area. Thus, the DSP as proposed would substantially increase the amount of allowable development while at the same time reducing the amount of parking required with development. In addition, the reduced amount of parking would not have to be provided on-site or at the time of construction. The proposed DSP would allow parking to be provided off-site, either through shared use parking agreements (within 350 of the development site), though a remote parking and shuttle system for special events and/or through valet parking arrangements. If development is approved subject to the payment of in-lieu parking fees, parking spaces to meet the development's parking demand may not be available for use for years.

A parking study was prepared for the proposed DSP by Kimley-Horn, dated September 2009. The study found that the proposed DSP's parking requirements were adequate to meet the parking demand expected to be generated by development allowed by the proposed DSP revisions. However, this conclusion is based in part on the understanding that the alternate means of transportation described in Book 2 of the proposed DSP will be put into effect.

The Commission agrees that it is not always desirable to require the maximum amount of parking for new development. It has become clear that promotion of alternate methods of transportation is equally important. Walking, biking and use of public transit all promote public access, in the same way that the provision of automobile parking spaces do. These alternate methods of transportation have the added benefits as well of reducing traffic and reducing air

pollution and green house gas emissions. The Commission supports these transportation methods and the benefits they provide. However, approval of the proposed DSP would result in immediate reductions in the amount of parking that would be required with new development, while none of the proposed alternate methods of transportation would be required to be implemented. As proposed, the alternate transportation methods are identified and their benefits described, but there is no trigger that would actually cause them to be implemented. Thus, development with its related impacts to public access would be allowed while the measures necessary to off-set the impacts may not be implemented.

The City has indicated that a summer shuttle program was in effect for the downtown area during the summer of 2010. The shuttle ran a regular schedule between the remote parking location at the City Hall parking lot to the downtown core along Main Street on evenings and weekends. Shuttle ridership grew throughout the summer as visitors and inland residents became aware of it. Likely, the longer the summer shuttle program is in place, the greater the ridership will be. In addition, the City initiated a successful valet bicycle parking program last summer. The City also recently approved (via City Council Resolution No. 2010-049 on 7/19/2010) an update to the in lieu parking fee, making the fee more reflective of the actual cost of providing individual parking spaces and also allowing the collected fee to be directed, in addition to the actual provision of physical parking spaces, toward valet, re-striping, shuttle, trolley and other similar programs. Pursuant to the City's adopted resolution, the in lieu parking fee was raised from \$17,297.86 per space to \$27,350 per space. In addition, as approved by the City Council, the in lieu parking fee is now required to be adjusted annually based on the Annual California Department of Transportation Index for Selected Construction Items. As well, the City has provided additional bicycle parking with the provision of additional bicycle racks within the DSP area, particularly within proposed Districts 1 (downtown core) and 6 (pier).

Another alternate means of transportation described, but not required, in the proposed DSP is a trolley system. This is envisioned as a wheeled vehicle that would follow a regular route on a regular schedule throughout District 1 (the downtown core), Districts 2 and 3 (with a number of hotels), District 6 (the pier) and District 7 (the beach). This system, if implemented would let visitors easily move within and between the main visitor serving districts of the DSP area, further reducing vehicle trips, traffic and parking demand in the area.

It is clear that it is the City's goal to implement the alternate transportation methods outlined in the proposed DSP Book 2. Book 2 also includes an Implementation Action Plan (Figure 8-3) that prioritizes the various actions described in Book 2, including parking measures and alternate transportation measures. Each action identified on the Implementation Action Plan chart is assigned a certain priority level of 1, 2, or 3. Level 1 is considered Short Range (action within one year); Level 2 is considered Mid Range (action within two to five years), and Level 3 is considered Long Range (five or more years). Some of the identified action items have already taken place, such as the "Review and refine parking in-lieu fee amount and program" per City Council Resolution No. 2010-049 described above. The other action items relating to alternate transportation are identified as either level 1 or 2 priorities. However, the trolley system is not even included on the Implementation Action Plan (Figure 8-3).

While it is clear that the City hopes to implement the off setting measures identified in Book 2 of the proposed DSP, there is no guarantee that they actually will be implemented. In the mean

time, adverse impacts to public access will accrue as new developments are allowed with inadequate parking and/or no implementation of alternate means of transportation. Thus, continued or increased public access, through the provision of adequate parking to serve development or through provision of alternate means of transportation, is not assured or protected. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

ii. In Lieu Fee Parking Program

The City recently approved an updated Parking In-Lieu fee program pursuant to City Council Resolution No. 2010-049, as described above. Thus, the City has a specific in lieu parking fee program. Both the certified and the proposed DSP allow development to meet some degree of the parking requirement through the payment of an in lieu parking fee. However, neither the specifics of the in lieu fee program, nor a reference to the program are included in the DSP. At a minimum, a reference to the City's existing in lieu fee program should be included in the DSP. This would assure that the fee amount, the mechanism for collecting the fee, that the fees would be deposited in a separate and specific fund for these fees only, and the uses to which the fees may be directed are defined and implemented. The proposed DSP does not include the in lieu fee program or a reference to the City's program. Thus, appropriate implementation necessary to assure that public access impacts are offset when in lieu fees are allowed is not assured. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

iii. Parking Restrictions & Preferential Parking Districts

Book 2 of the proposed DSP at Section 5.6.3.1 Residential Parking, suggests that establishing a resident permit parking system may be desirable in order to preserve parking on public streets in residential areas for residents only. Section 5.6.3.1 states, in part:

“Visitors to the beach and Downtown and employees of downtown businesses often park on residential streets. On a typical day, this is an issue primarily on the streets closest to the downtown commercial businesses. On high demand days, such as summer weekends and downtown event days, parking encroachment into the neighborhoods extends further. Implementation of a parking meter/residential permit system would preserve the spaces for residents as long as they have a permit.”

This language suggests that the public streets in residential areas near the beach and the downtown core area provide an important reservoir of public parking. Proposed District 4 Established Residential is located within the first block closest to the beach and stretches from Goldenwest Street for sixteen blocks to 7th Street. This represents a significant amount of public parking, that as is suggested by the language above, is necessary to serve visitors and beach-goers especially during peak demand periods. As proposed this reservoir of available public parking could be lost. Other residential areas within the DSP area may also provide public parking on public streets that also could be lost. The public access policies of the certified LUP require that an adequate supply of parking that supports the present level of

demand and allows for the expected increase in private transportation use be maintained. In addition, the certified LUP prohibits the establishment of preferential parking districts, whenever it would adversely affect public access to the coast through a reduction in the availability of on-street spaces for public visitors to the coast. Although Section 5.6.3.1 of Book 2 of the proposed DSP does not directly require a preferential parking district to serve residents at the expense of visitors, it may be interpreted as a basis for allowing one if the language above if it is not countered with specific prohibitions in Book 1 of the proposed DSP.

In addition, the proposed DSP does not explicitly prohibit parking restrictions (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, and preferential parking programs) that adversely impact public access. As such, adverse impacts to public access due to such parking restriction are not precluded.

The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

iv. Shared Parking Tracking System

Section 3.2.26.11 District 1 Special Parking Standards in Book 1 of the proposed DSP establishes the requirements for shared parking arrangements. As described previously, shared parking arrangements can be used as an effective tool in providing adequate parking to serve development. However, it is important that parking that has been identified as the parking that will meet the parking demand for a specific approved development, be retained for that development and not allowed to be used again for a second development. Obviously this type of “double counting” would result in inadequate parking because the second development is not actually providing the parking necessary to serve that development. “Double counting” of off-site, shared use parking spaces would create adverse impacts on public access and so would not be consistent with the certified LUP policies regarding public access, particularly with regard to the provision of adequate parking. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

v. Replacement Parking

The proposed DSP includes a requirement that any public parking that is removed be replaced at a one to one ratio and specifies the distance within which it must be replaced relative to the location from which the parking is lost. In most cases the acceptable replacement distance is 350 feet. However, the requirement for the one to one replacement and the replacement distance is identified sometimes but omitted at other times. In order to assure that this requirement is applied in every case, the requirement should be included in additional locations within the proposed DSP. For example, proposed Section 3.2.5 Street Vacations of Book 1 of the proposed DSP requires that any public parking lost as a result of a street vacation must be replaced. But it omits the requirement that the replacement parking must be one for one and within 350 feet of the location from which the parking was lost. This omission could result in inadequate provision of replacement parking, which is inconsistent with the certified LUP’s public access policies. In addition, this same section of the DSP would also

allow public parking that is removed as a result of a street vacation to be replaced by the payment of an in lieu parking fee. Payment of an in lieu fee is not acceptable for the loss of existing, available public access parking. Nowhere in the DSP area is very far from the beach or from the downtown core visitor serving area. Loss of existing public parking within the DSP area would adversely impact public access. Payment of an in lieu fee involves a delay before the lost parking is physically replaced. In the case of existing public parking that supports public access, such a delay in replacement is unacceptable due to the immediate and on-going adverse public access impacts. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

vi. Signs Restricting Public Access

Section 3.2.22.1 General Sign Standards of Book 1 of the proposed DSP identifies the requirements and standards for any signs within the DSP. Signs can be used to eliminate or curtail public access. It should be clear that such signs are prohibited except when necessary for public safety and no other feasible alternative exists. However, as proposed the DSP does not include this explicit prohibition. This could result in adverse impacts to public access, inconsistent with the certified LUP's public access policies. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

vii. District 6 Pier and Pier Related Commercial & District 7 Beach

The proposed DSP includes District 6 Pier Related Commercial and District 7 Beach. These districts include all the area within the DSP boundary seaward of Pacific Coast Highway, which is the first public road paralleling the sea in this area. As such, these districts present an excellent opportunity to address the question of beach closure or curfew. It is important to note that City of Huntington Beach Ordinance No. 861 (see exhibit I), adopted on August 7, 1961, approved a beach curfew on the City beach precluding public use of the beach between the hours of 12:01 a.m. and 5:00 a.m. Additionally, City of Huntington Beach Ordinance No. 1743 (see exhibit J), adopted April 17, 1972, limits (among other things) the hours of operation of the City's beach parking lots to from 5:00 a.m. to 12:00 midnight. Thus, both of these ordinances took effect prior to the effective date of the Coastal Zone Conservation Act of 1972 (aka Proposition 20, "the Coastal Initiative") which became effective on February 1, 1973. It should be noted, however, that since the effective date of the Coastal Act, the City's beach now closes at 10 p.m., with no coastal development permit. The City has indicated that maintenance measures necessary to clean the beach require closure of the beach. According to the City, beach maintenance is performed at night to avoid crowds, and keeping the beach open would create a safety hazard if the public were allowed use of the beach while the beach is being cleaned.

Nevertheless, it is important to make clear that access to State tidelands, submerged lands and public trust lands, including the area seaward of the mean high tide line cannot be limited. This includes access to the portion of the pier that extends over State tidelands. Limits on the use of the beach and parking areas inland of the State tidelands areas should also be minimized. Further restrictions on the City's sandy beach and parking areas are discouraged,

which should be reflected in both of District 6 and District 7 within the proposed DSP. It should be made clear that, in the area between Pacific Coast Highway and State tidelands, only the minimum limits necessary to achieve documented public safety or beach maintenance needs can be considered. In addition, other public access measures specific to the beach and pier district areas would also appropriately be included within these districts. These measures should address the following: public beach parking, equal availability of all public amenities on public beaches to all members of the general public; consideration of public views; and a prohibition on development that would result in the loss of sandy beach area. However, as proposed, the DSP does not address these issues, and thus maximum public access is not assured. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

viii. Public Recreation

Existing District 9 is titled Visitor-Serving Recreation. This is the same as the title proposed for this area in the proposed DSP District 3. However, no description of what constitutes visitor serving recreation is included, although the district allows “recreation” as a use along with other uses such as hotels, motels, restaurants, retail sales and tourist related uses. These are all recognized visitor serving uses, but a description of what is meant by visitor serving *recreation* should be included. District 3 is located along Pacific Coast Highway, directly across from the beach, thus the District’s location is uniquely situated to provide recreational opportunities related to its location adjacent to the beach. One of the proposed DSP’s aims is “providing a strong link to the ocean for visitors to Huntington Beach.”

Proposed District 3 Section 3.3.3.13 Public Open Space includes the following list of recreation uses: “gyms, handball courts, health clubs, interpretive centers, or similar facilities”. Thus, it appears, because these are the only recreational uses described in proposed District 3, that the intent is to recognize gyms, handball courts, and health clubs as *visitor serving recreation*. Gyms, handball courts and health clubs do not need to be adjacent to the beach and can readily be provided inland. These uses are recreational uses, but they are not particularly *visitor serving*. They do not enhance recreational use of the coast. These uses in and of themselves do not draw visitors to the area, although it’s possible that a hotel guest might avail him/herself of these uses. These uses could be accommodated within District 3, but should be limited to areas such as above the ground floor level. Visitor serving *recreation* should include uses that emphasize a visitor serving aspect and that benefit from the proximity to the beach. Uses such as kayak, bicycle, and surf/body board sales, rentals and/or lessons, etc. would be appropriate. District 3 does propose to include interpretive centers as an allowable use, which is also appropriate.

Proposed Section 3.3.3.13 Public Open Space would allow that “15% maximum of the required 30% public open space may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers, or similar facilities” and that “A fee may be imposed for the use of such facilities.” Proposed District 3 would allow these uses to meet up to half to the public open space requirement within the Visitor Serving Recreation district. However, these uses are not typical public open space uses. Although gyms, handball courts and health clubs generally can be used by the public for a fee, this is not the same as a public open space use.

Public open space is generally made up of passive areas, open to the public, most often located outdoors. Typical examples of public open space include public plazas, benches, and fountains, available to the general public without charge. One of the proposed DSP's aims is "establishing strong pedestrian connectivity". Allowing public open space to be provided as private indoor commercial, albeit recreational, development does not promote this aim of the proposed DSP.

Although the proposed DSP and the certified LUP glossary do not define Open Space, LUP, in Table C-1 Land Use, Density and Overlay Schedule, describes the various open space land use categories. The descriptions in Table C-1 include public parks and recreational facilities providing activities such as picnics and nature trails, publicly owned coastal beaches, properties retained for environmental and visual resource conservation, and water bodies used for recreational purposes such as boating or swimming. The uses described in proposed District 3, gyms, handball courts and health clubs, are recreational uses but they are not typically considered public open space.

Visitor serving recreation should include those uses that emphasize a visitor serving aspect and that benefit from the proximity to the beach. Uses such as kayak, bicycle, and surf/body board sales, rentals and/or lessons, etc. would be appropriate. District 3 does propose to include interpretive centers as an allowable use, which is also appropriate. The proposed uses within the Visitor-Serving Recreation district are not adequate to promote public recreation as required by the recreation policies of the certified land use plan. In addition, these uses are not typically considered public open space, although the proposed DSP would allow them to meet that requirement. The proposed DSP is not consistent with the certified LUP's policies regarding visitor serving uses or public recreation. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

2. Priority Uses

Policy C 1.1.3 of the certified Land Use Plan states:

The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Policy C 1.1.3 identifies the priority afforded visitor serving uses over the lesser priority uses of residential, office or general commercial. Residential, office and general commercial uses are not considered priority visitor serving uses. Unlike typical visitor serving uses like restaurants and hotels that draw visitors because of their location in the coastal zone and/or facilitate visitation to the coast, these uses would not typically draw or be a reason for people to visit the coastal zone. In addition, these uses are not normally dependent on a coastal location. As the population increases, greater demand for is placed on those limited amounts of visitor serving developments that are available, making it all the more important that they remain. However, these uses would also not necessarily be prohibited in a visitor-serving commercial zone, when

ample visitor serving uses are also provided in the area, and when provisions are in place to prevent the displacement of priority uses with non-priority uses.

The revised DSP proposes changes regarding the amount of Visitor Serving Commercial uses that are required within proposed District 1. The currently certified DSP requires that within current District 3 (located along PCH to Walnut Avenue between 6th Street and Lake Street), “the ground floor or street level of all buildings in this District shall be devoted to visitor-serving commercial activities.” In addition, District 3 of the currently certified DSP requires that “Visitor serving commercial uses must be a part of all development proposed in this District with a minimum requirement that the entire street level, or at least one-third (1/3) of the total floor area be devoted to visitor serving commercial uses.” In addition, residential use is limited to the area northwest of Main Street and is prohibited within 125 feet of Main Street. And the existing District 5 (located just inland of District 3 along one block on either side of Main Street between Walnut and Orange Avenues) in the currently certified DSP requires that the ground floor or street level of all buildings fronting Main Street be devoted to commercial activities and limits residential and office uses to above the ground floor or street level. The inland-most area of proposed District 1 is the current District 6. Current District 6 is located between 6th Street and Lake Street from Orange Avenue to Palm Avenue. No ground level restrictions on residential or office uses apply within this district.

The proposed DSP District 1 would require visitor serving commercial uses on the ground floor only at the street frontage, with no minimum ground floor percentage necessary to meet that requirement. The proposed DSP visitor serving requirement could be met with a minimum amount of area, for example a small 100 square foot kite shop in an otherwise large, multiple thousands square foot development. In addition, the density of residential development is proposed to change from the current maximum of 35 dwelling units per acre to the proposed 50 dwelling units per acre. The Commission recognizes the benefit of locating residential development within areas that include commercial and office uses. This juxtaposition of uses creates an environment where residents are less reliant on vehicles to conduct routine activities such as shopping, dining and commuting to working. However, potentially the proposed amendment could result in up to 648 additional residential units within the downtown core area. Taken either separately or together, these two proposed changes could result in a shift of dominant ground floor uses within the downtown core area from the higher priority visitor serving commercial uses to the lower priority residential, office, and/or general commercial uses.

The change in the minimum amount of visitor serving commercial development within proposed District 1 could result in a much higher ratio of non-priority uses at the expense of visitor serving uses. The downtown core area is one of if not the main visitor serving area of the City. It is critical that visitor use remain a priority in this area. The proposed decrease in the minimum required amount of high priority visitor serving uses is not consistent with Policy C 1.1.3 of the certified Land Use Plan.

In addition, commercial parking is allowed as a visitor serving use within proposed District 1. Commercial parking does constitute a visitor serving support use which is appropriate within visitor serving commercial areas. However, it is not appropriate along the street level, street frontage of the main visitor thoroughfares of Main Street and Pacific Coast Highway. These prime street front areas are most appropriate for primary visitor uses such as shops,

restaurants and the like, not the support use of parking. The proposed DSP does not limit the commercial parking use to avoid street level, street fronting parking on Main Street or Pacific Coast Highway. Potentially allowing prime visitor serving street frontage to be used for the lesser, support use of parking is not consistent with Policy C 1.1.3 of the certified Land Use Plan. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

3. Public Views

Regarding visual resources, the certified LUP contains the following goals, objectives and policies:

Goal C 4

Preserve and, where feasible, enhance and restore the aesthetic resources of the City's coastal zone, including natural areas, beaches, harbors, bluffs and significant public views.

Objective C 4.1

Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

Objective C 4.1.1

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas.

Objective C 4.2

Promote the protection of the Coastal Zone's visual and aesthetic resources through design review and development requirements.

Policy C 4.2.1

Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:

- a) Preservation of public views to and from the bluffs, to the shoreline and ocean and to the wetlands.*
- b) Adequate landscaping and vegetation.*
- c) Evaluation of project design regarding visual impact and compatibility.*
- d) Incorporate landscaping to mask oil operations and major utilities, such as the electrical power plant on Pacific Coast Highway.*

Policy C 4.2.2

Require that the massing, height, and orientation of new development be designed to protect public coastal views.

Policy C 4.2.3

Promote the preservation of significant public view corridors to the coastal corridor, including views of the sea and wetlands through strict application of local ordinances, design guidelines and related planning efforts, including defined view corridors.

Policy C 4.4.4

Develop implementation programs that will preserve and maintain the physical features of the wetlands, bluffs, and beaches.

Objective C 4.5

Minimize the negative aesthetic impacts of signage in the Coastal Zone.

Proposed Districts 1, 2, and 3 all front along Pacific Coast Highway, just inland from the beach. In addition, District 6 is seaward of the Pacific Coast Highway and includes the pier. However, neither the existing or proposed DSP includes a requirement that applications for development within these areas include a public view analysis. The policies of the LUP cited above clearly require that public views be considered and protected with new development. In addition, an acknowledgement that projects that otherwise meet the development standards may require modification to protect public views, consistent with the requirements of the LUP visual resource policies. As proposed, the DSP does not include requirements that address preservation of public views. Thus, protection of public views within the DSP areas identified above is not assured, inconsistent with visual resource policies of the certified Land Use Plan. The proposed LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

4. Wetlands

The certified LUP includes the following goal:

Goal C 7 - Preserve, enhance and restore, where feasible, environmentally sensitive habitat areas (ESHAs) in the City's Coastal Zone, including the Bolsa Chica which is in the City's Sphere of Influence.

Proposed District 5 includes a restored wetland area, known informally as Little Shell wetland. In both the currently certified and the proposed DSP, a conservation overlay is placed on this wetland area. The wetland was originally identified by the Department of Fish and Game as containing 0.8 acres of existing wetland and 1.4 acres of restorable wetland. This area was

restored and preserved in 2004 in conjunction with the Waterfront Residential development. A deed restriction was placed on the area at that time. However, although the conservation overlay is proposed to remain and new language is proposed stating that restoration has occurred, no language referencing the fact that the wetland area is subject to a deed restriction is proposed. The language regarding the wetland could be updated to reflect that it is subject to a deed restriction that limits use of the area in perpetuity for wetland preservation and restoration, assuring conservation of the wetland area. In order to be consistent with the certified LUP regarding preservation and enhancement of sensitive habitats (the LUP includes wetlands as sensitive habitats), such update language should be added. As proposed, the LCPA cannot be found to be consistent with or adequate to carry out the policies of the certified land use plan with regard to public access and therefore must be denied as submitted.

5. Conclusion

For all the reasons identified above, the proposed Implementation Plan amendment cannot be found to be consistent with and adequate to carry out the policies of the certified Land Use Plan and therefore must be denied.

E. Certify the Implementation Plan Amendment Request with the Suggested Modifications

The standard of review for the proposed amendment to the LCP Implementation Plan (IP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed IP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The findings for denial of the Implementation Plan portion of the LCPA amendment are hereby incorporated as thought fully set forth herein.

1. Public Access

i. Adequate Parking and Alternative Forms of Transportation

As described in greater detail in Section D of this staff report, the proposed amendment is inconsistent with the certified LUP policies regard the protection of public access by means of providing adequate parking to serve development and/or providing alternate means of transportation. The proposed amendment would allow significantly increased development within proposed District 1, while reducing the overall parking requirements and identifying, but not requiring, possible alternative transportation methods. For various reasons described previously the City believes that public access will not be adversely impacted as a result of the proposed amendment. These reasons include the fact that the captive market and recognition of off-set peak demand concepts, as well as the alternative means of transportation described in the proposed DSP will have the effect of reducing the parking demand. In addition, the City suggests that with increased residential and office development, these occupants will walk to the commercial establishments within the area, further reducing overall parking demand.

The Commission agrees that it is not always desirable to require the maximum amount of parking for new development and that alternate methods of transportation also important. It is possible that, for the reasons expressed by the City as outline in this staff report, the proposed

increase in development may be adequately accommodated by the proposed DSP's parking requirements and alternate transportation described in the DSP without resulting in adverse impacts on public access. In order to assess whether this is the case, a cumulative parking analysis District 1 of the proposed DSP should be conducted when a development threshold of 150,000 square feet of commercial development (the proposed DSP would allow up to 400,000 square feet) is reached in District 1. The parking analysis would assess whether adequate parking exists to serve existing and potential future development. If parking is found to be inadequate, the parking analysis should identify ways to address the issues identified including, means of providing additional parking, means of providing additional alternate transportation, and/or reducing the amount of allowable development within District 1. If the parking analysis indicates that public access is adversely impacted due to lack of adequate parking, then an LCP amendment should be required that addresses these issues. Further development within District 1 should be precluded until resolution of the public access issues are resolved through the LCP amendment. If the amendment is modified to incorporate the changes described here, then the IP amendment could be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan with regard to protecting public access by providing adequate parking to serve development and providing alternate means of transportation. Therefore, only if modified as suggested can the Commission find the proposed IP amendment consistent with and adequate to carry out the policies of the certified Land Use Plan.

ii. In Lieu Parking Program

The City recently approved an updated Parking In-Lieu fee program pursuant to City Council Resolution No. 2010-049, as described above. Thus, the City has a specific in lieu parking fee program. Both the certified and the proposed DSP allow development to meet some degree of the parking requirement through the payment of an in lieu parking fee. However, neither the specifics of the in lieu fee program, nor a reference to the program are included in the DSP. At a minimum, a specific reference to the City's existing in lieu fee program should be included in the DSP. This would assure that the fee amount, the mechanism for collecting the fee, that the fees would be deposited in a separate and specific fund for these fees only, and that the uses to which the fees may be directed are defined and implemented. The proposed DSP does not include the in lieu fee program or a reference to the City's program. Thus, appropriate implementation necessary to assure that public access impacts are offset when in lieu fees are allowed is not assured. However, if the proposed amendment is modified as suggested to specifically reference the City's existing in lieu fee program, then direction on how the fees are dealt with would be included within the DSP, and the in lieu fee program could be found acceptable. Therefore, the Commission finds that only if modified as suggested to include reference to the City's existing, defined In Lieu Parking Fee Program, can the proposed IP amendment could be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan with regard to protecting public access by providing adequate parking to serve development.

iii. Parking Restrictions & Preferential Parking Districts

The proposed DSP suggests that establishing a resident permit parking system may be desirable in order to preserve parking on public streets in residential areas for residents only.

The proposed language suggests that the public streets in residential areas near the beach and the downtown core area provide an important reservoir of public access parking. As the DSP is proposed, this reservoir of available public parking could be lost. The public access policies of the certified LUP require that an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use be maintained. Moreover, the certified LUP prohibits the establishment of preferential parking districts, whenever it would adversely affect public access to the coast through a reduction in the availability of on-street spaces for public visitors to the coast. In addition, the proposed LUP does not explicitly prohibit parking restrictions (including, but not limited to, the posting of “no parking” signs, red curbing, physical barriers, and preferential parking programs) that adversely impact public access. As such, adverse impacts to public access due to such parking restriction are not precluded. However, if the proposed IP amendment is modified as suggested to add language to the DSP that prohibits new preferential parking districts, then the IP amendment, by assuring protection of public access through the prohibition of new preferential parking districts, could be found to be consistent with the policies of the certified Land Use Plan. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

iv. Shared Parking Tracking System

The proposed DSP establishes the requirements for shared parking arrangements. As described previously, shared parking arrangements can be used as an effective tool in providing adequate parking to serve development. However, it is important that parking that has been identified to meet the parking demand for a specific approved development, be retained for that development and not allowed to be used again for a second development. Obviously this type of “double counting” would result in inadequate parking because the second development is not actually providing the parking necessary to serve that development. “Double counting” of off-site, shared use parking spaces would create adverse impacts on public access and so would not be consistent with the certified LUP policies regarding public access, particularly with regard to the preserving public access by the provision of adequate parking. However, if the proposed IP amendment is modified as suggested to require a shared use parking tracking system, the IP amendment could be found to be consistent with the LUP’s public access policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

v. Replacement Parking

The proposed DSP includes a requirement that any public parking that is removed be replaced at a one to one ratio and specifies the distance within which it must be replaced relative to the location from which the parking is lost. In most cases the acceptable replacement distance is 350 feet. However, the requirement for the one to one replacement and the replacement distance is identified sometimes and omitted others. In order to assure that this requirement is applied in every case, the requirement should be included in additional locations within the proposed DSP. For example, proposed Section 3.2.5 Street Vacations of Book 1 of the proposed DSP requires that any public parking lost as a result of a street vacation must be

replaced. But it omits the requirement that the replacement parking must be one for one and within 350 feet of the location from which the parking was lost. This omission could result in inadequate provision of replacement parking, which is inconsistent with the certified LUP's public access policies. In addition, this same section of the DSP would also allow public parking that is removed as a result of a street vacation to be replaced by the payment of an in lieu parking fee. Payment of an in lieu fee is not acceptable for the loss of existing, available public access parking. Nowhere in the DSP area is very far from the beach or from the downtown core visitor serving area. Loss of existing public parking within the DSP area would adversely impact public access. Payment of an in lieu fee involves a delay before the lost parking is physically replaced. In the case of existing public parking that supports public access, such a delay in replacement is unacceptable due to the immediate and on-going adverse public access impacts. However, if the proposed IP amendment is modified as suggested to consistently refer to the need for one to one replacement of parking and that the replacement parking must be within 350 feet of the impact site (reasonable walking distance) and to clarify that no existing public parking spaces can be replaced by payment of an in lieu parking fee, the IP amendment could be found to be consistent with the LUP's public access policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

vi. Signs Restricting Public Access

Section 3.2.22.1 General Sign Standards of Book 1 of the proposed DSP identifies the requirements and standards for any signs within the DSP. Signs can be used to eliminate or curtail public access. It should be clear that such signs are prohibited except when necessary for public safety and no other feasible alternative exists. However, as proposed the DSP does not include this explicit prohibition in the proposed section addressing signs. This could result in adverse impacts to public access, inconsistent with the certified LUP's public access policies. However, if the proposed IP amendment is modified as suggested to include in the sign section language that prohibits signs that adversely impact public access unless necessary for public safety, the IP amendment could be found to be consistent with the LUP's public access policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

vii. District 6 Pier and Pier Related Commercial & District 7 Beach

The proposed DSP includes District 6 Pier Related Commercial and District 7 Beach. These districts include all the area within the DSP boundary seaward of Pacific Coast Highway, which is the first public road paralleling the sea in this area. As such, these districts present an excellent opportunity to address the question of beach closure or curfew. It is important to note that City of Huntington Beach Ordinance No. 861 (see exhibit I), adopted on August 7, 1961, approved a beach curfew on the City beach precluding public use of the beach between the hours of 12:01 a.m. and 5:00 a.m. Additionally, City of Huntington Beach Ordinance No. 1743 (see exhibit J), adopted April 17, 1972, limits (among other things) the hours of operation of the City's beach parking lots to from 5:00 a.m. to 12:00 midnight. Thus, both of these ordinances took effect prior to the effective date of the Coastal Zone Conservation Act of 1972

(aka Proposition 20, “the Coastal Initiative) which became effective on February 1, 1973. It should be noted, however, that since the effective date of the Coastal Act, the City’s beach now closes at 10 p.m., with no coastal development permit. The City has indicated that maintenance measures necessary to clean the beach require closure of the beach. According to the City, beach maintenance is performed at night to avoid crowds, and keeping the beach open would create a safety hazard if the public were allowed use of the beach while the beach is being cleaned.

Nevertheless, it is important to make clear that access to State tidelands, submerged lands and public trust lands, including the area seaward of the mean high tide line cannot be limited. This includes access to the portion of the pier that extends over State tidelands. Limits on the use of the beach and parking areas inland of the State tidelands areas should also be minimized. Further restrictions on the City’s sandy beach and parking areas are discouraged, which should be reflected in both of District 6 and District 7 within the proposed DSP. It should be made clear that, in the area between Pacific Coast Highway and State tidelands, only the minimum limits necessary to achieve documented public safety or beach maintenance needs can be considered. In addition, other public access measures specific to the beach and pier district areas would also appropriately be included within these districts. These measures should address the following: public beach parking, equal availability of all public amenities on public beaches to all members of the general public; consideration of public views; and a prohibition on development that would result in the loss of sandy beach area. However, as proposed, the DSP does not address these issues, and thus maximum public access is not assured. However, if the proposed IP amendment is modified as suggested to include language in Districts 6 and 7 to address these issues, the IP amendment could be found to be consistent with the LUP’s public access policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

viii. Public Recreation

Existing District 9 is titled Visitor-Serving Recreation. This is the same as the title proposed for this area in the proposed DSP District 3. However, no description of what constitutes visitor serving recreation is included, although the district allows “recreation” as a use along with other uses such as hotels, motels, restaurants, retail sales and tourist related uses. These are all recognized visitor serving uses, but a description of what is meant by visitor serving *recreation* should be included. District 3 is located along Pacific Coast Highway, directly across from the beach, thus the District’s location is uniquely situated to provide recreational opportunities related to its location adjacent to the beach. One of the proposed DSP’s aims is “providing a strong link to the ocean for visitors to Huntington Beach.”

Proposed District 3 Section 3.3.3.13 Public Open Space includes the following list of recreation uses: “gyms, handball courts, health clubs, interpretive centers, or similar facilities”. Thus, it appears, because these are the only recreational uses described in proposed District 3, that the intent is to recognize gyms, handball courts, and health clubs as *visitor serving recreation*. Gyms, handball courts and health clubs do not need to be adjacent to the beach and can readily be provided inland. These uses are recreational uses, but they are not particularly *visitor serving*. They do not enhance recreational use of the coast. These uses in and of

themselves do not draw visitors to the area, although it's possible that a hotel guest might avail him/herself of these uses. These uses could be accommodated within District 3, but should be limited to areas such as above the ground floor level. Visitor serving *recreation* should include uses that emphasize a visitor serving aspect and that benefit from the proximity to the beach. Uses such as kayak, bicycle, and surf/body board sales, rentals and/or lessons, etc. would be appropriate. District 3 does propose to include interpretive centers as an allowable use, which is also appropriate.

Proposed Section 3.3.3.13 Public Open Space would allow that "15% maximum of the required 30% public open space may be enclosed recreation space such as gyms, handball courts, health clubs, interpretive centers, or similar facilities" and that "A fee may be imposed for the use of such facilities." Proposed District 3 would allow these uses to meet up to half to the public open space requirement within the Visitor Serving Recreation district. However, these uses are not typical public open space uses. Although gyms, handball courts and health clubs generally can be used by the public for a fee, this is not the same as a public open space use. Public open space is generally made up of passive areas, open to the public, most often located outdoors. Typical examples of public open space include public plazas, benches, and fountains, available to the general public without charge. One of the proposed DSP's aims is "establishing strong pedestrian connectivity". Allowing public open space to be provided as private indoor commercial, albeit recreational, development does not promote this aim of the proposed DSP.

Although the proposed DSP and the certified LUP glossary do not define Open Space, LUP, in Table C-1 Land Use, Density and Overlay Schedule, describes the various open space land use categories. The descriptions in Table C-1 include public parks and recreational facilities providing activities such as picnics and nature trails, publicly owned coastal beaches, properties retained for environmental and visual resource conservation, and water bodies used for recreational purposes such as boating or swimming. The uses described in proposed District 3, gyms, handball courts and health clubs, are recreational uses but they are not typically considered public open space.

Visitor serving recreation should include those uses that emphasize a visitor serving aspect and that benefit from the proximity to the beach. Uses such as kayak, bicycle, and surf/body board sales, rentals and/or lessons, etc. would be appropriate. District 3 does propose to include interpretive centers as an allowable use, which is also appropriate. The proposed uses within the Visitor-Serving Recreation district are not adequate to promote public recreation as required by the recreation policies of the certified land use plan. In addition, these uses are not typically considered public open space, although the proposed DSP would allow them to meet that requirement.

The proposed DSP is not consistent with the certified LUP's policies regarding visitor serving uses or public recreation. The proposed uses within the Visitor-Serving Recreation district are not adequate to promote public recreation as required by the recreation policies of the certified land use plan. However, if the proposed IP amendment is modified as suggested to include examples of the types of uses that constitute visitor serving recreation, and if modified to delete the option of allowing private, commercial recreation uses to fulfill the public open space requirement, the IP amendment could be found to be consistent with the LUP's public access

policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

2. Priority of Use

The certified LUP identifies the priority afforded visitor serving uses over the lesser priority uses of residential, office or general commercial. The revised DSP proposes changes regarding the amount of Visitor Serving Commercial uses that are required within proposed District 1 that could result in a shift of dominant ground floor uses within the visitor serving downtown core area from the higher priority visitor serving commercial uses to the lower priority residential, office, and/or general commercial uses. The downtown core area is one of if not the main visitor serving area of the City. It is critical that visitor use remain a priority in this area. The proposed decrease in the minimum required amount of high priority visitor serving uses is not consistent with Policy C 1.1.3 of the certified Land Use Plan. However, proposed District 1 could be modified to apply a visitor serving overlay district to the prime core area as depicted on exhibit F, requiring that all ground floor square footage within in the overlay to be visitor serving commercial uses, then an appropriate ratio of visitor serving uses to lesser priority uses would be assured. Application of such an overlay would assure that the downtown core area would remain primarily a visitor serving destination area.

In addition, commercial parking is allowed as a visitor serving use within proposed District 1. Commercial parking does constitute a visitor serving support use which is appropriate within visitor serving commercial areas. However, it is not appropriate along the street level, street frontage of the main visitor thoroughfares of Main Street and Pacific Coast Highway. The proposed DSP does not limit the commercial parking use to avoid street level, street fronting parking on Main Street or Pacific Coast Highway, inconsistent with Policy C 1.1.3 of the certified Land Use Plan. However, if the proposed IP amendment is modified as suggested to apply a visitor serving commercial overlay within District 1 and to prohibit ground level, street frontage parking along Main Street and Pacific Coast Highway, the IP amendment could be found to be consistent with the LUP's public access policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the public access policies of the certified Land Use Plan.

3. Public Views

Proposed Districts 1, 2, and 3 all front along Pacific Coast Highway, just inland from the beach. In addition, District 6 is seaward of the Pacific Coast Highway and includes the pier. However, neither the existing or proposed DSP requires that applications for development within these districts include a public view analysis. The policies of the LUP cited above clearly require that public views be considered and protected with new development. In addition, an acknowledgement that projects that otherwise meet the development standards may require modification to protect public views, consistent with the requirements of the LUP visual resource policies is absent from the DSP. As proposed, the DSP does not include requirements adequate to assure preservation of public views. However, if the proposed IP amendment is modified as suggested to require view analyses within Districts 1, 2 and 3 as well as language that acknowledges that projects may be modified when necessary to

preserve public views, the IP amendment could be found to be consistent with the LUP's visual resources policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the visual resource policies of the certified Land Use Plan.

4. Wetlands

Proposed District 5 includes a restored wetland area, identified by the Department of Fish and Game as containing 0.8 acres of existing wetland and 1.4 acres of restorable wetland. In both the currently certified and the proposed DSP, a conservation overlay is placed on this wetland area. This area was restored and preserved in 2004 in conjunction with the Waterfront Residential development. A deed restriction was placed on the area at the time of restoration. However, although the conservation overlay is proposed to remain and new language is proposed stating that restoration has occurred, no language referencing the fact that the wetland area is subject to a deed restriction is proposed. The language regarding the wetland should be updated to reflect that it is subject to a deed restriction that limits use of the area in perpetuity for wetland preservation and restoration, assuring conservation of the wetland area. In order to be consistent with the certified LUP regarding preservation and enhancement of sensitive habitats (the LUP includes wetlands as sensitive habitats), such update language should be added. However, if the proposed IP amendment is modified as suggested to add language updating the conservation overlay section is District 5, the IP amendment could be found to be consistent with the LUP's sensitive habitat policies. Therefore, the Commission finds that only if modified as suggested, can the proposed IP amendment be found to be consistent with and adequate to carry out the sensitive habitat policies of the certified Land Use Plan.

9. Conclusion

The IP amendment can be certified only if it is modified as suggested in Section II of this staff report. If modified as suggested, the IP amendment will conform with, and be adequate to carry out, the provisions of the certified LUP, as modified.

F. California Environmental Quality Act (CEQA)

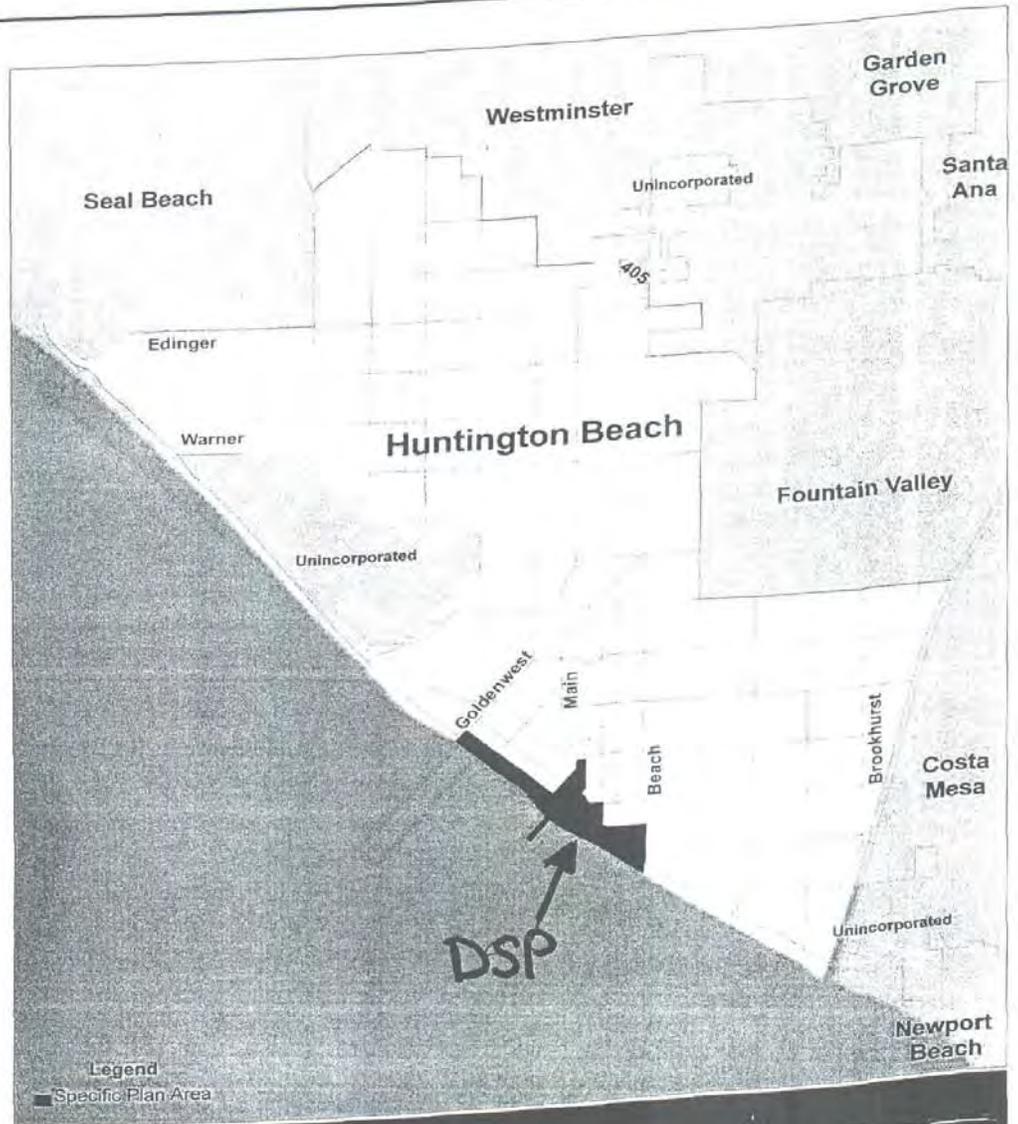
The City of Huntington Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed Update to the Downtown Specific Plan. The City of Huntington Beach City Council certified the Downtown Specific Plan No. 5 Program Environmental Impact Report that is directly related to this LCP amendment. The certified Environmental Impact Report concludes that the project would not create any significant impacts that cannot be mitigated to a level of insignificance.

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the LCP if modified as suggested complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment if modified as suggested will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

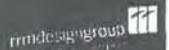
3.1 - Project Description



CITY LOCATION MAP

HUNTINGTON BEACH DOWNTOWN SPECIFIC PLAN

APRIL 2, 2008



COASTAL COMMISSION
HNB LCPA 1-10 DSP

EXHIBIT # A
PAGE 1 OF 1

Exhibit 3.1-2 - Location Map

- District #1- Visitor-Serving Commercial
- District #2- Residential
- District #3- Visitor-Serving Commercial
- District #4- Mixed Use; Office/Residential
- District #5- Mixed Use; Commercial/Office/Residential
- District #6- Mixed Use; Commercial/Office/Residential
- District #7- Visitor-Serving Commercial
- District #8- High Density Residential
- District #9- Commercial/Recreation
- District #10- Pier-Related Commercial
- District #11- Beach Open Space



HUNTINGTON BEACH CALIFORNIA
 PLANNING DIVISION

FIGURE 4.0

Specific Plan Zoning Districts

3 - LAND USES & DEVELOPMENT STANDARDS

Chapter 3
 All Districts

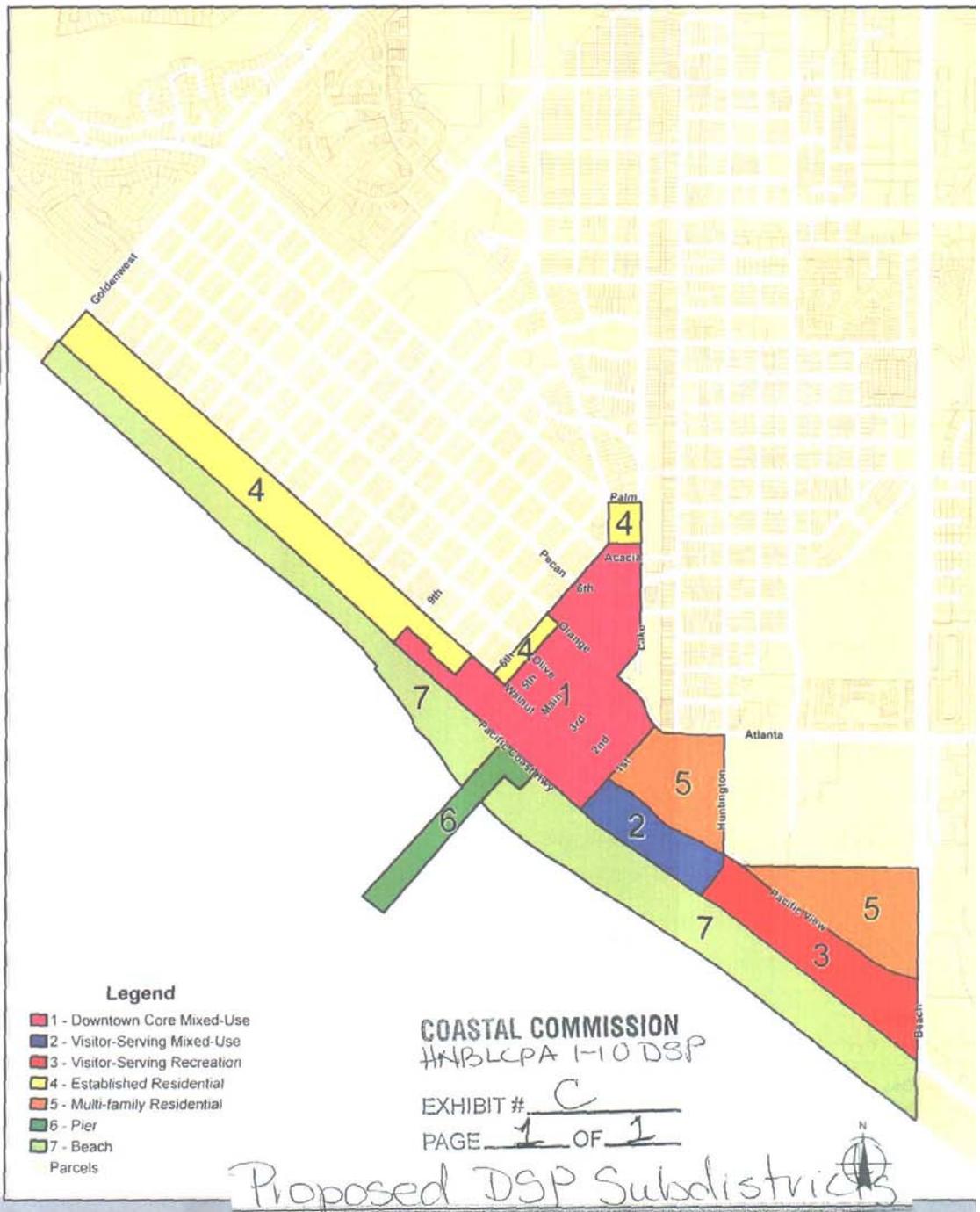
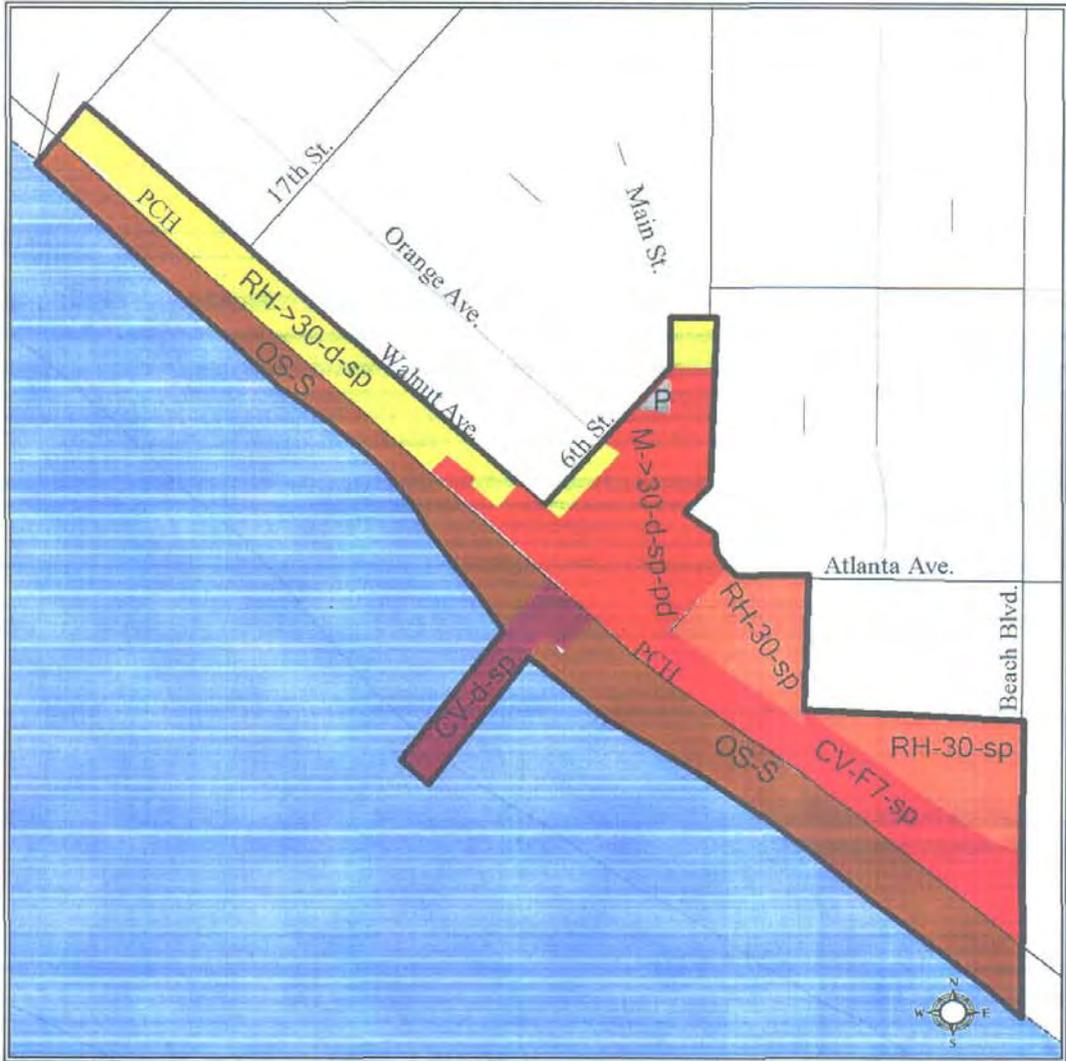


Figure 3-1 Specific Plan Districts Map

**Proposed Land Use Plan Changes (Extract of C-8)
 Downtown Specific Plan Update**

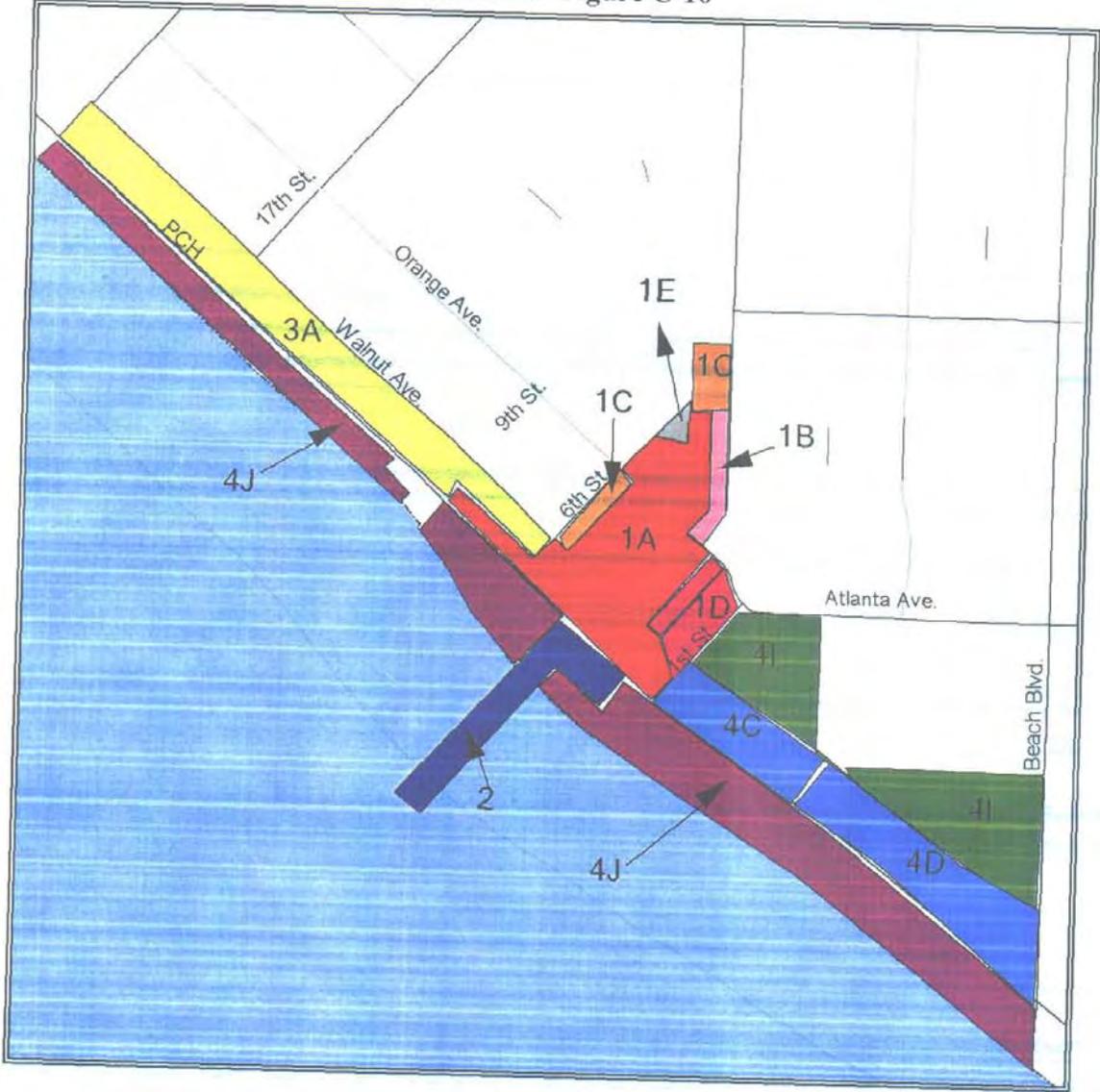


Extract of Figure C-8

Legend	
	Downtown Specific Plan boundary
Land Use Designation	
CV	Commercial Visitor
OS-S	Open Space – Shore
M	Mixed Use
RH	Residential High Density
P	Public
Density Schedule	
-F7	(3.0 Floor Area Ratio)
->30	(greater than 30 dwelling units per acre)
-30	(30 dwelling units per acre)
Overlay Suffix	
-sp	(specific plan overlay)
-pd	(pedestrian overlay)
-d	(design overlay)

COASTAL COMMISSION
 HNB LCPA 1-10 DS
 EXHIBIT # D
 PAGE 1 OF 1

Proposed DTSP Subarea designations
Extract of Figure C-10



COASTAL COMMISSION
HNPB LCPA 1-10 DSP
EXHIBIT # E
PAGE 1 OF 1

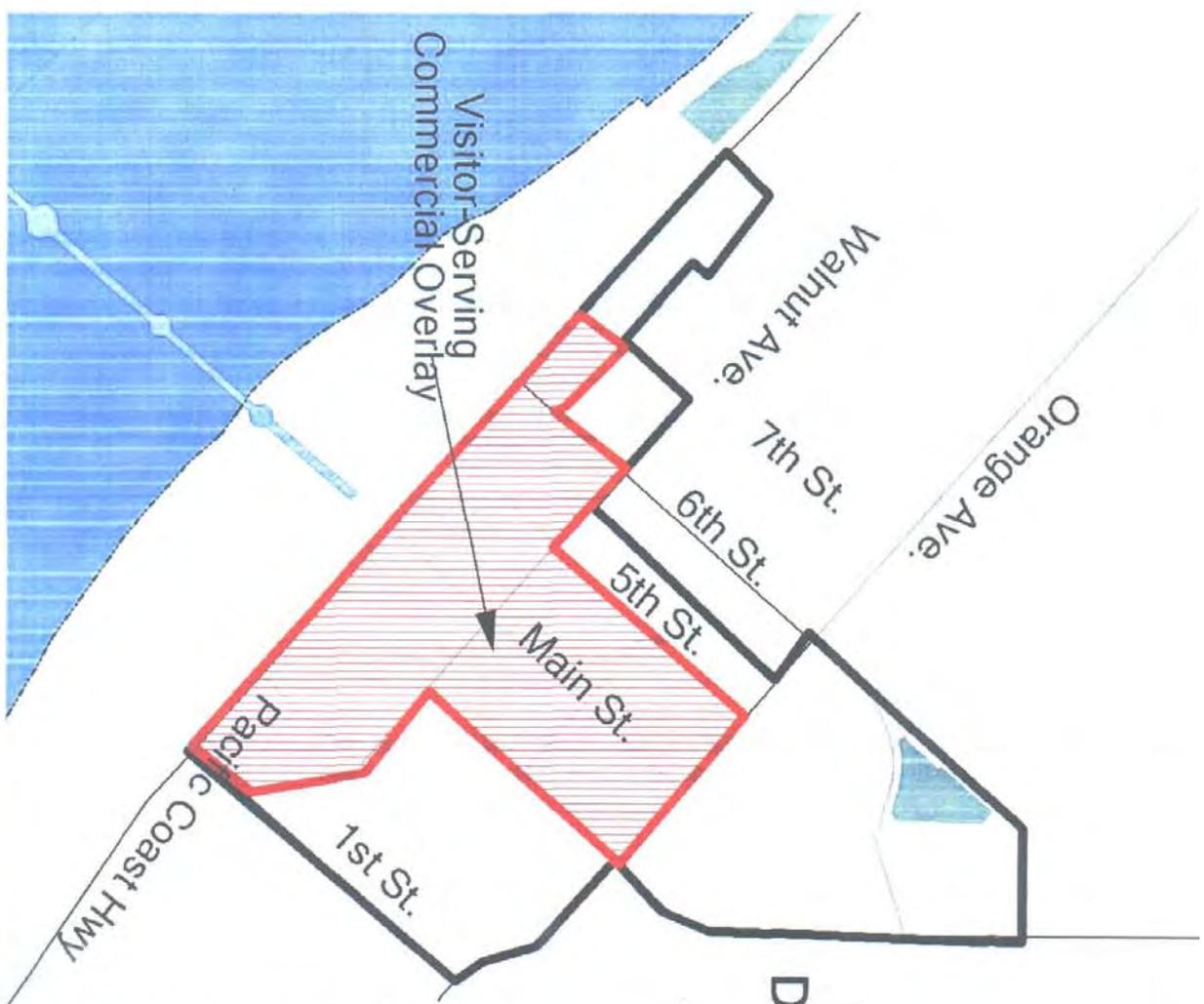


Figure 3-24 ½ Downtown Specific Plan
District 1
Visitor Serving Commercial Overlay

All ground floor square footage within the Visitor Serving Commercial Overlay depicted above shall be Visitor Serving Commercial uses. Non-Visitor Serving Commercial Uses may be permitted only above the ground floor within this overlay area.

DTSP
District 1

COASTAL COMMISSION
HNB LCPA 1-10 Dis
EXHIBIT # F
PAGE 1 OF 1

Suggested Modification
No. 22

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 70

RESOLUTION NO. 2009-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH, CA, ADOPTING LOCAL COASTAL PROGRAM AMENDMENT NO. 08-002 TO AMEND THE LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCES TO AMEND ZONE 4 – LAND USE PLAN AND ACCOMPANYING TEXT OF THE CITY'S COASTAL ELEMENT FOR THE REAL PROPERTY GENERALLY DESCRIBED AS THE DOWNTOWN SPECIFIC PLAN AREA (SPECIFIC PLAN NO. 5) AND TO REFLECT ZONING TEXT AMENDMENT NO. 08-004 AND REQUESTING CERTIFICATION BY THE CALIFORNIA COASTAL COMMISSION

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Section 30503 and 30510, the Planning Commission of the City of Huntington Beach held public hearings to consider the adoption of the Huntington Beach Local Coastal Program Amendment No. 08-002; and

Such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public hearing on the proposed Huntington Beach Local Coastal Program Amendment No. 08-002, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Local Coastal Program (including the Land Use Plan), and Chapter 6 of the California Coastal Act; and

The City Council of the City of Huntington Beach intends to implement the Local Coastal Program in a manner fully consistent with the California Coastal Act,

09-2218.002

Submittal
Resolution 1

COASTAL COMMISSION
HNBS LCPA MOD
EXHIBIT # G
PAGE 1 OF 27

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 71

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the real property that is the subject of this Resolution is located starting from the intersection of Goldenwest Street with Pacific Coast Highway and curves along the coastline, including the Huntington Beach Pier, down to Beach Boulevard. The inland boundary of the Specific Plan Area follows the prolongation of Sunrise Drive from Beach Boulevard to Pacific View Avenue where the boundary curves along Huntington Street and Atlanta Avenue. From Atlanta Avenue, the boundary flows along Orange Avenue and continues up Lake Street to Palm Avenue where it connects over to Main Street and along Pacific View Avenue to link down along 6th Street. From 6th Street, following along Walnut Avenue to Goldenwest Street, parcels within the first block adjacent to Pacific Coast Highway are included in the Specific Plan Area and consists of approximately 336 acres within the City of Huntington Beach (Exhibit A).
2. That the Local Coastal Program (Coastal Element) for the Subject Property is hereby changed to reflect modified district boundaries and circulation improvements for the *Downtown Specific Plan area*, associated changes to the land use and subarea designations and updated narrative (Exhibit B).
3. That the Huntington Beach Local Coastal Program Amendment No. 08-002 also consists of Zoning Text Amendment No. 08-004, a copy of which is attached hereto as Exhibit C, and incorporated by this reference as though fully set forth herein.
4. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 08-002.
5. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 08-002 will take effect

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 72

automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513 and 30519.

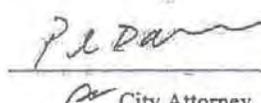
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting hereof held on the 2nd day of November 2009.


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk

 5/26/09
City Attorney 11/8/2009

REVIEWED AND APPROVED:

INITIATED AND APPROVED:


City Administrator


Director of Planning

Exhibits:

- A. Specific Plan Map
- B. Changes in Land Use Plan (Coastal Element)
- C. Zoning Text Amendment No. 08-004

City Council Resolution No. 2009-63 LCPA Submittal Resolution

The following exhibits to CC Resolution No. 2009-63 are not attached because they do not copy legibly:

Exhibit A
Specific Plan Map

See Staff Report Exhibit:
Exhibits A, B, and C

Exhibit B
LUP Modified Figure C-8
Zone 4 Land Use Plan

LUP Proposed Extract of Figure C-8
Proposed General Plan Land Use Designation

Exhibit D

LUP Proposed Extract of Figure C-10
Proposed DTSP Subarea Designations

Exhibit E

LUP Modified Figure C-14
Trails and Bikeways

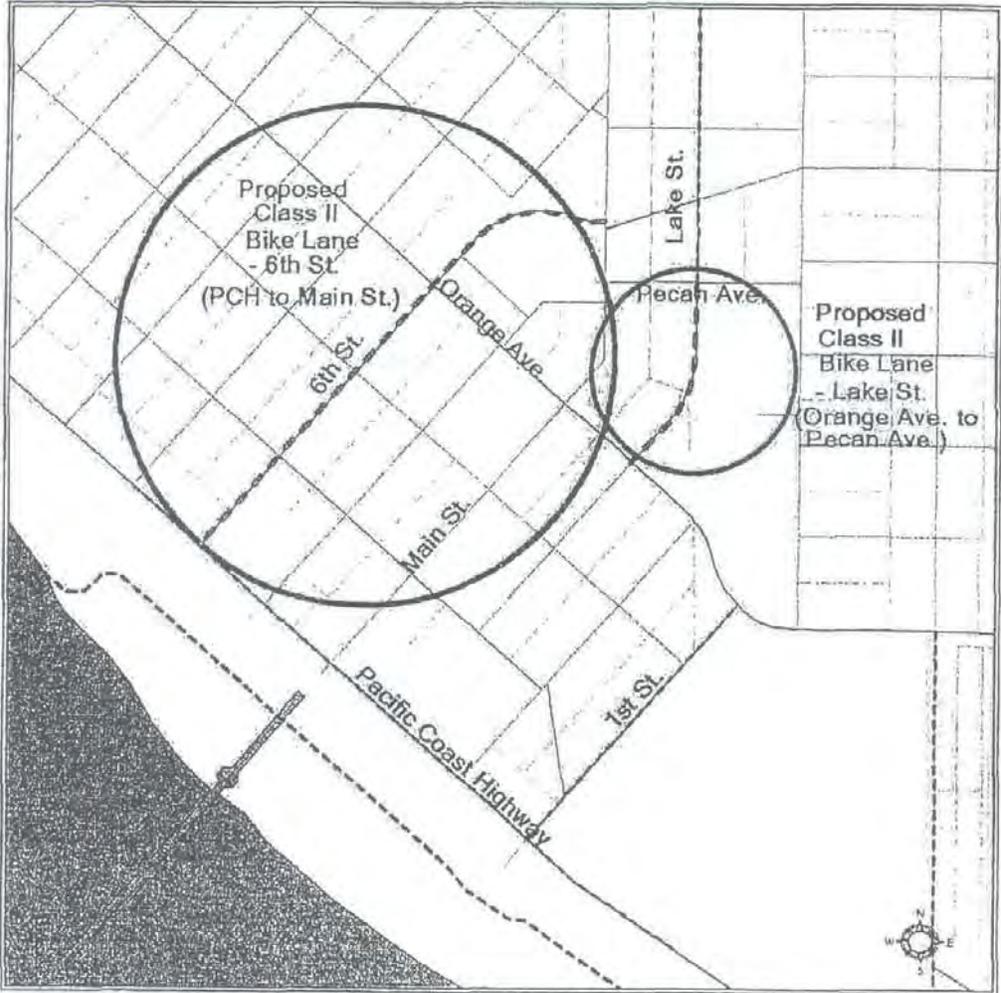
Resolution No. 2009-63

EXHIBIT B

G5

Resolution No. 2009-63

Proposed Bike Lanes (Changes to Figure C-14)



Extract of Figure C-14

Legend	
- - - -	Existing Class I Bike Lane
- - - -	Existing Class II Bike Lane
- - - -	Proposed Class II Bike Lane

G76

the adopted conceptual master plan. Existing oil production facilities are permitted to continue. However, the Coastal Element Land Use Plan provides for an ultimate change in use on the site from oil production to mixed use, including residential, commercial, open space and civic/recreational uses.

The Coastal Element Land Use Plan for the remainder of Zone 3 designates the vacant bluff at the eastern edge of the Bolsa Chica as open space. It is intended to accommodate the proposed Harriett M. Wieder Regional Park. The private golf course area and neighborhood park are also designated as open space. The residential portion is designated as low, medium, medium high and high density residential, consistent with existing development.

Coastal (Seaward of Pacific Coast Highway)

The entire land area is designated as OS-S, Open Space-Shoreline.

ZONE 3 – LAND USE DESIGNATIONS	
RESIDENTIAL	RL-4, RL-7, RM-15, RMH-25, RH-30
MIXED USE	MH-F2/30 (AVG.15)-sp
OPEN SPACE	OS-P, OS-S, OS-CR
ZONE 3 – SPECIFIC PLAN AREAS	
Holly Seacliff Specific Plan, Palm/Goldenwest Specific Plan	
ZONE 3 – GENERAL PLAN OVERLAYS	
4B, 4J	

See Table C-1 for land use category definitions.

Zone 4 – Downtown

This portion of the Coastal Zone extends from Goldenwest Street south to Beach Boulevard, (Figure C-8.)

Existing Land Uses

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Zone 4 is known as the City’s “Downtown.” Existing land uses include recreational beach amenities, single and multi-family residential uses, and a rich variety of visitor serving commercial facilities that serve to make the area the primary activity node for visitors to the Coastal Zone. Within the Downtown area, project areas, with their own distinctive character and purpose, have been developed. Significant commercial project areas include Main Street, the Waterfront Development and **Pacific City**, a site **formerly** known as “31 acres.” Many of the commercial areas also integrate housing. However, the “Old Town” and “Town Lot” areas are the primary residential nodes in this area.

Main Street

Main Street runs north south from Pacific Coast Highway to Palm Avenue within the Coastal Zone. The Main Street “core area,” where development is most concentrated, lies between Pacific Coast Highway and Orange Street. **However, the expansion of the Main Street “core” area is envisioned to extend north on Main Street to Palm Avenue.** With the head of Main Street leading directly into the Municipal Pier, Main Street itself serves as an extension of the Pier for Coastal Zone visitors. Main Street and its environs have been developed

G17

as a mixed use, pedestrian oriented district, with visitor-serving commercial uses, integrated housing and upper story office uses.

The Waterfront

The Waterfront development area encompasses approximately 44 acres located at the northwest corner of Pacific Coast Highway and Beach Boulevard. The site presently includes a high rise hotel with ballroom and conference facilities, a luxury hotel with conference facilities, specialty retail uses and a spa and a multi-family residential component. Planned uses for the remaining undeveloped portion include additional luxury hotel accommodations; conference facilities, specialty retail, spa facilities and a residential component. This area also includes a small wetlands which ~~will be protected and conserved~~ was restored and conserved in 2004. Existing uses north of the Waterfront development area to Atlanta Avenue include multi-family residential and a residential mobile home park.

31 Acres-Pacific City

The "31 Acres" Pacific City site is bounded by Pacific Coast Highway and Atlanta Street to the north, and Huntington and First Street to the east and west. This site is presently ~~vacant~~ planned under construction for development with visitor serving commercial and high density residential uses.

Oldtown

The area inland from Lake Street and Atlanta Avenue is known as the Oldtown section of the City. This area is developed with a mix of single and multi-family residential uses.

Townlot/PCH Frontage

This area comprises approximately 17 blocks ~~north of~~ between Pacific Coast Highway and Walnut Avenue, east of Goldenwest Street and west of Sixth Street and south of Palm Avenue. Existing land uses in the area are primarily residential.

Coastal (Seaward of Pacific Coast Highway)

The seaward portion of this zone includes a high density residential development located northeast of the Pier on the sandy beach area. Also included in this sub-area are the Municipal Pier with restaurant uses and recreational fishing opportunities; the Pier Plaza located at the base of the Pier with public open space, an amphitheater and palm court; restaurant uses at the southwest base of the Pier, and Huntington Beach City Beach.

The Municipal Pier

The City's Municipal Pier is located at the intersection of Main Street and Pacific Coast Highway and serves as the focal point of the City's Coastal Zone. The Pier, which was re-built and opened in 1992, is 1,856 feet long, 30 feet wide and 38 feet above the mean low water level. It is constructed of reinforced concrete. It includes a variety of visitor serving and recreational amenities, including a restaurant, community access booth, lifeguard tower, restrooms and observation and recreational fishing platforms. Visitors can use the Pier to sight see, stroll, fish and/or dine. Proposed enhancements include a funicular/trolley system to transport pedestrians from the Plaza area to the end of the Pier and back. Coastal Element policy restricts the height of buildings on the pier to no more than 2 stories/35 feet and requires that the entire perimeter of the pier be retained for public access.

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 78

COASTAL ELEMENT

Pier Plaza

The Main Pier Plaza is located at the base of the Municipal Pier. It consists of more than eight acres of public space. The public plaza includes a palm court, a 230 seat amphitheater, a spectator area, accessways to the beach and lawn, restrooms and concessions, bicycle parking facilities and automobile parking. It also includes 18,000 square feet of visitor serving commercial uses (restaurants). Pier Plaza was designed as a community focal area where public speaking forums, surfing competitions, foot races, outdoor concerts and similar events are held.

Coastal Element Land Use Plan Designations

Inland (Pacific Coast Highway and areas north to the Coastal Zone boundary.)

Coastal Element land use designations for the inland portion of this sub-area include mixed use and medium and high density residential. The majority of the sub-area is covered by a specific plan overlay (The Downtown Specific Plan). The Main Street core is subject to the "pedestrian overlay" provisions in addition to the Downtown Specific Plan. Portions of the Community District and Sub-area Schedule apply to the area as well. (See Figure C-10 and Table C-2.)

Coastal (Seaward of Pacific Coast Highway)

The shoreline area, including the site that currently houses residential development, is designated as open space. The Municipal Pier and the area southwest of its base are designated for visitor serving commercial uses. With the exception of the residential use, development in the area is consistent with the Coastal Element Land Use Plan.

ZONE 4 – LAND USE DESIGNATIONS AND GENERAL PLAN OVERLAYS	
OLDTOWN	OS-P, RMH-25-d Design District 3B
<u>TOWNLOT/PCH FRONTAGE</u>	RH->30-d-sp, MV-F8-d-sp Design Districts 3A, C and D Downtown Specific Plan
WATERFRONT	CV-F7-sp, RH-30-sp Design District 4D and I RM-15 Downtown Specific Plan
MAIN STREET/ENVIRONS	MH-F4/30-sp-pd, MV-F12-sp-pd, P, M-F11/25-sp-pd, MV-F6/25-sp-pd <u>M->30-d-pd-sp, P</u> Design Districts 1A, B, C, D, E Downtown Specific Plan
<u>31 ACRES-PACIFIC CITY</u>	RH-30-sp, CV-F7-sp Design District 4C, I Downtown Specific Plan
PIER AND SHORELINE	CV-d-sp, OS-S Design Districts 2, 4J Downtown Specific Plan

See Table C-1 for land use category definitions.

G9

Huntington Beach LCPA 1-10
 Downtown Specific Plan Update
 Page 79

COASTAL ELEMENT

COASTAL ELEMENT LAND USE PLAN
 LAND USE, DENSITY AND OVERLAY SCHEDULE
 TABLE C-1 (Continued)

LAND USE CATEGORY	TYPICAL PERMITTED USES
PUBLIC INSTITUTIONAL	
Public (P)	Governmental administrative and related facilities, such as public utilities, schools, libraries, museums, public parking lots, infrastructure, religious and similar uses.
MIXED USE	
Mixed Use (M)	<ul style="list-style-type: none"> ▪ Mixed use areas that may include Vertically Integrated Housing (MV) or Horizontally Integrated Housing (MH) uses, townhomes, garden apartments, live/work units and mid-/high-rise apartments, Commercial Visitor (CV), Commercial Neighborhood (CN) and Commercial General (CG) uses. ▪ Mixed use development in the coastal zone will focus on providing visitor serving commercial opportunities along the inland side of Pacific Coast Highway and within the Downtown Specific Plan Area. ▪ The exact density, location and mix of uses in this category shall be governed by a Specific Plan ("-sp") to allow greater design flexibility and to address the uniqueness of a particular area.

G.ii

COASTAL ELEMENT

COASTAL ELEMENT LAND USE PLAN
LAND USE, DENSITY AND OVERLAY SCHEDULE
TABLE C-1 (continued)

DENSITY CATEGORY	MAXIMUM PERMITTED DENSITY/INTENSITY
Residential	Residential densities indicate the maximum density which may be permitted on a site. The actual development density may be reduced to account for site conditions and constraints.
4.0	Maximum of 4.0 dwelling units per net acre.
7.0	Maximum of 7.0 dwelling units per net acre.
15	Maximum of 15 dwelling units per net acre.
25	Maximum of 25 dwelling units per net acre.
>30	Greater than 30 dwelling units per net acre.
Commercial and Industrial	Commercial and industrial intensities indicate the maximum floor area ratio (FAR) which may be permitted on a site. The actual development intensity may be reduced to account for site conditions and constraints. FAR represents the total building area (floor space, excluding basements, balconies, and stair bulkheads) on a lot divided by the total area of the lot. (Note: commercial FARs exceeding 0.4 normally necessitate subterranean or <u>semi</u> -subterranean parking to provide adequate space to meet code required parking.)
-F1	Maximum floor area ratio of 0.35
-F2	Maximum floor area ratio of 0.5
-F2A	Maximum floor area ratio of 0.75
-F3	Maximum floor area ratio of 1.0
-F4	Maximum floor area ratio of 1.25
-F5	Maximum floor area ratio of 1.5
-F6	Maximum floor area ratio of 2.0
-F7	Maximum floor area ratio of 3.0

G11

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2

Subarea	Characteristic	Standards and Principles
1 Downtown (cumulative)	Area wide Functional Role	Maintain the City's downtown as a principal focal point of community identity, containing a mix of community-serving and visitor-serving commercial uses, housing, and cultural facilities. Development should achieve a pedestrian-oriented, "village-like" environment that physically and visually relates to the adjacent shoreline.
1A Main-Street/ PCH "Core" Downtown Core	Permitted Uses	Category: Mixed Use-Vertical-Integration-of-Housing ("MV") ("M") Uses permitted by the "CG" and "CV" land use categories, shared parking facilities, cultural and civic uses and mixed-use structures vertically-integrating housing with commercial uses.
	Density/Intensity	Category: "F12" ">30" <ul style="list-style-type: none"> Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures Height: minimum building height is 25 feet; three stories maximum for developments with less than 8,000 square feet net site area; four stories maximum for net site area 8,000 square feet or greater
	Design and Development	Categories: Specific Plan ("-sp"), Special Design District ("-d") and Pedestrian District ("-pd") <ul style="list-style-type: none"> Requires the preparation of a Specific Plan. Development must be designed and sited to establish a pedestrian-oriented character. Maintain and expand streetscape amenities. Establish an unified architectural character and highly articulated facades. Require vertical setbacks of upper stories. Emphasize design elements that maintain viewsheds of the shoreline and Pier. Encourage the preservation of historical structures. Establish linkages (walkways) to adjacent streets; providing connectivity of public open spaces and plazas.
1B Main-Street/ Olive "Core" Abutting Downtown Core	Permitted Uses	Category: Mixed Use-Vertical-Integration-of-Housing ("MV") ("M") Same uses as Subarea 1A. Uses permitted in Commercial General ("CG"), Commercial Visitor ("CV") and Commercial Neighborhood ("CN") land use categories, cultural and civic uses, mixed use structures integrating housing and commercial uses and freestanding single- and multi-family housing.
	Density/Intensity	Category: "F6/25" (">30") <ul style="list-style-type: none"> Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures

G11

COASTAL ELEMENT

	<ul style="list-style-type: none"> • <u>Height: minimum building height is 25 feet; three stories maximum for developments with less than 8,000 square feet net site area; four stories maximum for net site area 8,000 square feet or greater; three stories for residential only developments</u>
<p>Design and Development</p>	<p>Categories: Specific Plan (“sp”) and Pedestrian District (“pd”) Same as Subarea 1, except standard for shoreline viewshed. Categories: Specific Plan (“sp”), Pedestrian District (“pd”) and Special Design District (“d”)</p> <ul style="list-style-type: none"> • <u>Buildings should be sited and designed to facilitate pedestrian activity</u> • <u>Require vertical setbacks above the second story</u> • <u>Require that the scale and massing of structures be consistent with the downtown character and serve as a transition to adjacent residential neighborhoods</u> • <u>Provide linkages with the Downtown Core (Subarea 1A)</u>

G

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 83

COASTAL ELEMENT

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
1C Abutting Downtown "Core" Downtown Residential	Permitted Uses	Category: Mixed-Use Horizontal Integration of Housing ("MH") Professional offices, supporting retail-commercial, restaurants, cultural, and civic (as permitted in "CO" land use category) shared parking facilities, and free-standing multi-family residential. Residential High ("RH")
	Density/Intensity	Category: " F4/30 " (" >30 ") <ul style="list-style-type: none"> Height: three (3) stories
	Design and Development	Categories: Specific Plan ("sp") and Pedestrian District ("pd")- Special Design District ("d") <ul style="list-style-type: none"> Requires the preparation of a Specific Plan. Buildings should be sited and designed to facilitate pedestrian activity. Establish an unified architectural character and highly articulated facades. Require vertical setbacks above the second story. Require that the scale and massing of structures be consistent with the downtown character and as a transition to adjacent residential neighborhoods. Provide linkages with the Main Street/PCH "cores" (Subareas 1A and 1B) Design multi-family units to convey the visual character of single-family units and incorporate extensive mass and façade modulation and articulation
1D Main Street, North of Orange Downtown Neighborhood	Permitted Uses	Category: Mixed Use ("M") Uses permitted in Commercial General ("CG") and Commercial Neighborhood ("CN") land use categories, cultural and civic, mixed use structures vertically-integrating housing and commercial, and free-standing single- and multi-family housing. Uses that conflict with residential units should be excluded.
	Density/Intensity	Category: " F11/25 " (" >30 ") <ul style="list-style-type: none"> Height: three (3) stories for buildings occupying less than a full block; four (4) stories for full block structures
	Design and Development	Same as Subarea 1CB Categories: Specific Plan ("sp"), Pedestrian District ("pd") and Special Design District ("d") <ul style="list-style-type: none"> Buildings should be sited and designed to facilitate pedestrian activity Require that the scale and massing of structures be consistent with the downtown character and serve as

G114

COASTAL ELEMENT

<u>1E</u> <u>Main</u> <u>Street</u> <u>Library</u>		<u>a transition to adjacent residential neighborhoods</u> <ul style="list-style-type: none"> • <u>Provide linkages with the Downtown Core (Subarea 1A)</u>
	<u>Permitted Uses</u>	<u>Category: Public and Open Space</u> <u>Uses permitted in public land use categories, cultural and civic uses, open space</u>
	<u>Design and Development</u>	<ul style="list-style-type: none"> • <u>Require open space areas</u> • <u>Provide for preservation of historical structures</u>

G1

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
2 Pier	Functional Role	Maintain the Huntington Beach Pier and adjacent properties for beach-related recreational purposes, emphasizing its identity as a coastal and cultural amenity.
	Permitted Uses	Category: Commercial Visitor ("CV") Visitor-serving commercial (surf, bicycle and skate rentals, bait and tackle shops, etc.), restaurants/cafes, beach-related cultural facilities, and parking lots.
	Density/Intensity	<ul style="list-style-type: none"> • Pier: limit development to be compatible with the recreational role of the Pier • Shoreline: limit development to the existing Maxwell's building "footprint" • Height: two (2) stories; maximum 35 feet
	Design and Development	Category: Specific Plan ("-sp") and Special Design District ("-d") <ul style="list-style-type: none"> • Design structures to reflect its beachfront location. • Establish a unifying architectural character for all structures. • Maintain public view of the ocean. • Maintain public access around the entire perimeter of the pier. • Emphasize the Huntington Beach Pier as a community landmark. • Facilitate pedestrian access. • Link the Pier to the Main Street Downtown "Core" (Subarea 1A).
3 "Old Town"	Area wide Functional Role	Maintain the "Old Town" residential area as a distinct neighborhood of the City, incorporating local-serving commercial and community "focal" points to enhance its "village" character. The single family character of the small lot subdivisions shall be maintained.
3A PCH Frontage	Permitted Uses	Category: Residential High ("RH")
	Density	Category: " 30 " (" >30 ")
	Design and Development	Category: Specific Plan ("-sp") and Special Design District ("-d") <ul style="list-style-type: none"> • Design multi-family units to convey the visual character of single family units and incorporate extensive mass and facade modulation and articulation. • Site and design development to maintain public views of the coast from public places.

G7

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
3B Town Lots	Permitted Uses	Category: Residential Medium High ("RMH")
	Density	Category: "-25"
	Design and Development	<ul style="list-style-type: none"> • Incorporate front yard setbacks to maintain the existing residential neighborhood character. • Site and design development to maintain public views of the coast from public places.
3C PCH Nodes	Permitted Uses	<p>Category: Mixed Use Vertical Integration of Housing ("MV") Visitor-serving commercial uses permitted by the Commercial Visitor ("CV") land use category, excluding uses that may adversely impact character of surrounding residential, and mixed-use structures vertically integrating housing with commercial.</p>
	Density/Intensity	<p>Category: "-F8"</p> <ul style="list-style-type: none"> • Height: three (3) stories
	Design and Development	<p>Category: Specific Plan ("sp")</p> <ul style="list-style-type: none"> • Design structures to achieve a consistent visual character and be compatible with adjacent residential units in scale and mass. • Require structures to be sited along the PCH frontage, with parking to the rear, sides, or within structures. • Site and design development to maintain public views of the coast from public places.
3D 3C	Permitted Uses	Category: Commercial Neighborhood ("CN")
	Density/Intensity	<p>Category: "-F1"</p> <ul style="list-style-type: none"> • Height: two (2) stories
	Design and Development	<p>Category: Special Design District ("-d")</p> <ul style="list-style-type: none"> • Design structures to be visually consistent and compatible with adjacent residential units. • Design and site structures to achieve a "village" character.

G1

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 87

COASTAL ELEMENT

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
4C PCH/First (Lake) Street Pacific City	Design and Development	<p>Category: Specific Plan ("-sp")</p> <ul style="list-style-type: none"> Requires the preparation of and development in conformance with a Conceptual Master Plan of Development and Specific Plan. The preparation of a Specific Plan may be phased in conformance with the conceptual Master Plan. Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for "New Residential Subdivisions" (Policies LU 9.3.1 and LU 9.3.4). Allow for the clustering of mixed density residential units and integrated commercial sites. Require variation in building heights from two (2) to four (4) stories to promote visual interest and ensure compatibility with surrounding land uses. Commercial development shall be prohibited along the Palm Avenue frontage. Residential development along Palm Avenue shall be compatible in size, scale, height, type, and massing with existing development on the north side of Palm Avenue. Visitor Serving Commercial development shall be oriented along the Pacific Coast Highway frontage. Minimize vehicular access points onto arterial streets and highways including Palm Avenue, Golden West Street, Pacific Coast Highway, and Seapoint Street. Open space and neighborhood parks, which may be private, shall be provided on site.
	Permitted Uses	<p>Category: Commercial Visitor ("CV")</p> <p>Visitor-serving and community-serving commercial uses, restaurants, entertainment, hotels/motels, a Fractional Ownership Hotel subject to restrictions, and other uses (as permitted by the "CV" land use category)</p>
	Density/Intensity	<p>Category: "-F7"</p> <ul style="list-style-type: none"> Height: eight (8) stories
	Design and Development	<p>Category: Specific Plan ("-sp")</p> <ul style="list-style-type: none"> Establish a unified "village" character, using consistent architecture and highly articulated facades and building masses. Require vertical setbacks of structures above the second floor. Incorporate pedestrian walkways, plazas, and other common open spaces for public activity. Provide pedestrian linkages with surrounding residential and commercial areas. Establish a well-defined entry from PCH. Maintain views of the shoreline and ocean.

G

COMMUNITY DISTRICT AND SUBAREA SCHEDULE
TABLE C-2 (continued)

Subarea	Characteristic	Standards and Principles
4I Atlanta-First (Lake)-Street Pacific City & Waterfront Residential	Permitted Uses	Category: Residential High ("RH") Multi-family residential, parks and other recreational amenities, schools, and open spaces.
	Density/Intensity	Category: "-30" <ul style="list-style-type: none"> Height: four (4) stories
	Design and Development	Category: Specific Plan ("-sp") <ul style="list-style-type: none"> Requires the preparation and conformance to a specific or master plan. Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for "New Residential Subdivisions" (Policies LU 9.3.1-9.3.4). Allow for the clustering of mixed density residential units and integrated commercial sites. Require variation in building heights from two (2) to four (4) stories to promote visual interest and ensure compatibility with surrounding land uses.
4J Beach	Permitted Uses	Category: Shoreline ("OS-S") <ul style="list-style-type: none"> Coastal and recreational uses.
	Design and Development	In accordance with Policy LU 14.1.3.
4K (Cont. on next page)	Permitted Uses	Categories: Residential ("RL" or "RM") and Open Space-Conservation ("OS-C")
	Density/Intensity	Residential <ul style="list-style-type: none"> Maximum of fifteen (15) dwelling units per acre
	Design and Development	See Figure C-6a A development plan for this area shall concentrate and cluster residential units in the eastern portion of the site and include, consistent with the land use designations and Coastal Element policies, the following required information (all required information must be prepared or updated no more than one year prior to submittal of a coastal development permit application): 1. A Public Access Plan, including, but not limited to the following features: <ul style="list-style-type: none"> Class 1 Bikeway (paved off-road bikeway; for use by bicyclists, walkers, joggers, roller skaters, and strollers) along the north levee of the flood control channel. If a wall between residential development and the Bikeway is allowed it shall include design features such as

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 89

COASTAL ELEMENT

TABLE C-3
Public Parking Opportunities within Coastal Divisions

Coastal Zone Division (Figure C-4)	Parking Location	Free Parking Spaces	Metered Parking Spaces	Total Parking Spaces	Comments
Zone 1	PCH (on-street)*	300		300	
	Peter's Landing	630		630	
	IHI Yacht Club		76	76	\$1.00/hour
	Sunset Beach*	672		672	4 hr. maximum
Zone 2	Bolsa Chica State Beach		2200	2200	\$5.00/day
	PCH (on-street)		324	324	\$1.50/hour
Zone 3	PCH (on-street)		260	260	\$1.50/hour
	Surf Theatre Lot		39	39	Permit Only
Zone 4	Pier Plaza		421	421	\$1.50/hour
	Main Promenade		815	815	\$1.50/hour Hour (\$12.00 daily maximum)
	PCH (on-street)		486	486	\$1.50/hour
	Business Streets		206	206	\$1.50/hour
	Residential Streets		218	218	\$1.50/hour
	City Beach Lot		250	250	\$1.50/hour (\$12.00 daily maximum)
	City Beach Lot		1813	1813	\$7.00/day
	<u>Pierside Pavilion**</u>		<u>283</u>	<u>283</u>	<u>\$3.75/hour</u> (\$11.25 daily maximum)
	<u>Plaza Almeria**</u>		<u>171</u>	<u>171</u>	<u>\$2.00/hour</u> (\$15.00 daily maximum)
	<u>The Strand**</u>		<u>410</u>	<u>470</u> (includes valet spaces)	<u>\$2.00/hour</u> (\$12.00 daily maximum)
Zone 5	HB State Beach		1200	1200	\$5.00/day
	PCH/River (inland)	110		110	
	PCH/River (ocean)	75		75	
	Beach Blvd. (1600' inland)		83	83	\$1.50/hour
	Newland to channel	75		75	
	Magnolia to channel	81		81	
	Brookhurst to channel	22		22	
TOTAL		1,965	8,481 9,345	10,446 11,370	

G3

Note: *Most or all located outside of the City's Coastal Zone boundary.

****Privately operated parking structures available for public use. Rates for summer months and valet vary.**

Commercial Parking

Much emphasis has been placed on providing adequate parking for commercial facilities in the Coastal Zone to ensure that commercial parking demands do not negatively impact recreational beach user parking. This issue was especially significant when planning for the re-development of the City's Downtown area into a dense node of visitor serving commercial facilities. The unique parking issues of the Downtown area ~~have~~ **had** been resolved through the development and implementation of the Downtown Huntington Beach Parking Master Plan (see Technical Appendix). The Downtown Huntington Beach Parking Master Plan, **a component of the Downtown Specific Plan**, was adopted in 1993 and provided for shared parking facilities including on-street parking, lots and nearby municipal parking structures. ~~Annual reports and modifications of the Master Plan, if needed, will serve to ensure that adequate parking facilities are provided for existing and planned commercial uses in the Downtown area.~~ **In 2009, the Downtown Specific Plan was updated to accommodate for new development within the downtown area. Part of the update process was the elimination of the Downtown Parking Master Plan, which had reached established development thresholds. Although the Downtown Parking Master Plan was eliminated, the downtown still employs a shared parking concept and the Downtown Specific Plan has added other tools for managing the parking demand of existing and future downtown development such as a trolley, a shuttle to remote lots and a parking directional sign system.** Other commercial areas within the City's Coastal Zone, but outside the downtown area, meet their parking needs through implementation of the City's Zoning Ordinance. Adequate parking must be provided on site at the time of development. Shared parking is permitted on a case by case basis, if justified.

Residential Parking

Residential uses within the Coastal Zone are required to provide parking facilities on-site. In some areas of the Coastal Zone, residents may purchase parking permits to exempt them from parking time limits and/or metered parking. Certain residents also have the opportunity to purchase parking stickers that permit them to park in areas where the general public is not permitted. However, Coastal Element policy prohibits the establishment of new preferential parking districts whenever public access to the coast would be adversely affected.

Trails and Bikeways

Bicycling provides both recreation and an alternative mode of transportation to access the City's coastal resources. The City's bikeway program is one of the most extensive in Orange County and includes both Class I and Class II. Bikeways are marked with signs and street painting. Existing and proposed bikeways in the City's Coastal Zone are depicted in **Figure C-14**.

Figure C-14 also depicts riding and hiking trails, including a proposed equestrian trail that will be included in the planned Harriett M. Wieder Regional Park (The Huntington Beach Regional Riding and Hiking Trail). This trail will extend from the existing equestrian facilities and trails in Central Park to the inland side of Pacific Coast Highway at Seapoint Avenue. This trail will provide views of the Bolsa Chica wetlands and shoreline.

G.

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 91

COASTAL ELEMENT

Downtown

The downtown area has been designed as the primary visitor serving node in the Coastal Zone. Development of the area is guided by the Downtown Specific Plan. Coastal Element policy promotes the continuation of the area as a visitor serving node. Significant project areas within the downtown area include the Main/Pier area, the Waterfront area and **Pacific City**, a site **formerly** known as "31 acres." The Main/Pier area includes the Municipal Pier, the public plaza at the base of the Pier, adjacent restaurants, and commercial/retail development on Main Street and 5th Street. The Waterfront development area is located at the northwest corner of Pacific Coast Highway and Beach Boulevard. It is designated for uses such as hotels, specialty retail and residential uses. The "~~31 Acres~~" **Pacific City** site is located on the north side of Pacific Coast Highway at First Street, just south of the Municipal Pier. This site is **planned approved** to be developed as a mixed use project including visitor serving commercial, office and residential uses. Planned and existing projects within these development areas are summarized in Table C-5.

TABLE C-5
Existing Downtown Area Commercial Facilities

Existing Visitor Serving Projects Within the Downtown Area	Description
<p>The Waterfront Development The Waterfront Hilton Beach Resort</p> <p><u>Hyatt Regency Resort and Spa</u></p>	<p>296 hotel rooms, 15,000 square feet of ballroom/meeting space, restaurant pool and fitness center.</p> <p><u>517 hotel rooms with a conference center, retail and restaurant uses and a spa and fitness center</u></p>
<p>Main/Pier Pier Pavillion</p>	<p>19,100 square feet retail, restaurant and office uses.</p>
<p>Oceanview Promenade</p>	<p>42,000 square feet of visitor serving retail</p>
<p>Main Promenade</p>	<p>34,000 square feet of visitor serving retail, restaurant and office uses. Includes 830 space municipal parking structure.</p>
<p>Adjacent to Municipal Pier</p>	<p>15,000 square feet of restaurant area. Currently houses Duke's and Chimayo's restaurants.</p>
<p>Municipal Pier</p>	<p>8,000 square feet of visitor serving commercial at end of Pier.</p>
<p>Pier Plaza</p>	<p>No commercial uses.</p>
<p>Plaza Almeria</p>	<p>301 Main Street. 30,000 square feet of commercial/retail with 10,000 square feet of office on upper stories. Also includes 42 townhomes.</p>

G

C 2.3.3

Encourage the Orange County Transportation Authority to locate bus turnouts along Pacific Coast Highway and other major arterial roads within the City, if feasible and appropriate. (I-C 9, I-C 22d)

C 2.3.4

Continue to reserve the abandoned rail right of way, located parallel to Lake Street, for a future transportation use such as a transit, pedestrian and/or bicycle facility. (I-C 9, I-C 22d)

C 2.3.5

Encourage the development of a transportation center in the Coastal Zone in or near the Downtown area. The transportation center should be located to serve both local and commuter traffic, to promote coastal access, and sited to minimize adverse impacts from the use on adjacent land uses. (I-C 1, I-C 9, I-C 22d)

C 2.3.6

New development, such as multi-unit housing and commercial centers, should maintain and enhance public access to the coast through provisions for enhancing or encouraging ridership on public transportation. (I-C 7, I-C 9)

C 2.3.7

Provide for future use of water borne passenger services along ocean frontages and harbor waterways. (I-C 1, I-C 9, I-C 22d)

Parking

Objective

C 2.4

Balance the supply of parking with the demand for parking.

Policies

C 2.4.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use. (I-C 9)

C 2.4.2

Ensure that adequate parking is maintained and provided in all new development in the Coastal Zone utilizing one or a combination of the following: (I-C 9)

- a. Apply the City's parking standards at a minimum.
- b. Implement the ~~Downtown Parking Master Plan~~ **a comprehensive parking strategy for the Downtown area.**
- c. Consider developing new parking standards specific to the coastal zone, subject to Coastal Commission approval.
- d. Develop parking assessment districts to fund off-site parking structures, if necessary.
- e. Monitor parking programs to make the most effective use of parking resources.
- f. Replace any on-street parking lost in the coastal zone on a 1:1 basis within the coastal zone prior to or concurrent with the loss of any parking spaces.

C 2.4.3

Consider the cost effectiveness of new parking facilities and encourage those that re-coup the cost of providing the land, structures, maintenance and management of the facilities in order to minimize ongoing municipal costs. (I-C 9)

C 2.4.4

Develop parking areas outside the Coastal Zone for passenger cars and the development of alternate transportation

resources until a determination can be made as to the significance of the paleontological/ archeological resources. If found to be significant, the site(s) shall be tested and preserved until a recovery plan is completed to assure the protection of the paleontological/ archeological resources. (I-C 2, I-C 3, I-C 8)

C 5.1.6

Reinforce downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district, as follows: (I-C 1, I-C 2, I-C 4)

1. Preserve older and historic structures;
2. Require that new development be designed to reflect the Downtown's historical structures and **Downtown design guidelines** ~~adepted-Mediterranean theme~~;
3. Amend the Downtown Specific Plan (as an LCP amendment subject to Commission certification) to:
 - a. Coordinate with the Citywide Design Guidelines; and
 - b. Incorporate historic preservation standards and guidelines.
 - c. Coordinate Downtown development and revitalization with polices and programs of the Historic and Cultural Resources Element.

WATER AND MARINE RESOURCES

Goal

C 6

Prevent the degradation of marine resources in the Coastal Zone from activities associated with an urban environment.

Objective

C 6.1

Promote measures to mitigate the adverse impacts of human activities on marine organisms and the marine environment through regulation of new development, monitoring of existing development, and retrofitting necessary and feasible.

Policies

C 6.1.1

Require that new development include mitigation measures to enhance water quality, if feasible; and, at a minimum, prevent the degradation of water quality of groundwater basins, wetlands, and surface water. (I-C 2, I-C 8)

C 6.1.2

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. (I-C 6, I-C 8, I-C 12, I-C 15, I-C 22e)

C 6.1.3

Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. (I-C 7, I-C 8)

C 6.1.4

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain organisms and for the protection of human health shall be maintained and, where feasible, restored. (I-C 7, I-C 8, I-C 12)

C 6.1.5

Require containment curtains around waterfront construction projects on inland

3. The City's traffic model to the extent it is consistent with the City's Local Coastal Program;
4. The City's Trail Master Plan to the extent it is consistent with the City's Local Coastal Program;
- d) Coordinate with neighboring jurisdictions regarding circulation for autos, pedestrians and cyclists to promote coastal access opportunities.
- e) Explore the use of water taxis in Huntington Harbour and ocean frontages, especially those near commercial land uses.
- Parking Management**
- f) Prohibit the implementation of preferential parking districts whenever it would adversely affect public access to the coast through a reduction in the availability of public parking spaces used by public visitors to the coast.
- g) Develop parking and traffic control plans to promote public access to the coast for those neighborhoods that are adversely impacted by spill over parking and traffic.
- h) Explore areas where park and ride facilities can be implemented at existing shopping center parking lots where the available parking is under utilized.
- i) ~~Continue to i) Implement the Downtown Master Parking Plan a parking strategy for the Downtown area within the Downtown Specific Plan. Monitor the Plan on an annual basis, and update when necessary. Evaluate the impact of downtown parking on coastal access, public transit, and vehicle miles traveled. Updates to~~ the Downtown Master Parking Plan **Specific Plan** shall be processed as an amendment to the City's Coastal Program and shall not become effective until certified by the California Coastal Commission.
- j) Continue to implement the City's Zoning Ordinance to the extent it is not inconsistent with the City's Local Coastal Program as it pertains to parking requirements.
- k) Promote public parking opportunities through the establishment of new or enlarged off-site parking facilities, creation of on-street public parking opportunities, shared parking, and requiring that adequate on-site parking be provided in relation to any development.
- l) Enhance public transit to improve public access to the coast and to minimize energy consumption and vehicle miles traveled.
- Direct Access**
- m) Provide directional signage for cyclists, pedestrians and autos to guide beach bound traffic.
- n) Annually assess existing access points for maintenance needs. Repair/maintain as needed, or as prioritized per capital improvement program. Acquire new access points where feasible and appropriate through the development review process.
- o) Evaluations for new access points should focus on pedestrian safety.
- Transit**
- p) Coordinate with the Orange County Transportation Authority to develop a transportation center within the Coastal Zone, if feasible.

Resolution No. 2009-63

EXHIBIT C

G.

Resolution No. 2009-63

EXHIBIT C

FINAL ADOPTED SPECIFIC PLAN NO. 5
DOWNTOWN SPECIFIC PLAN

NOT ATTACHED

SEE EXHIBIT "A" OF RESOLUTION NO. 2009-61
FOR THE DOCUMENT

G₂

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 97

RESOLUTION NO. 2010-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH ADOPTING AN IN-LIEU PARKING FEE
AND IMPLEMENTATION PLAN FOR DISTRICT 1 OF THE
DOWNTOWN SPECIFIC PLAN

WHEREAS, the Downtown Specific plan provides that parking requirements may be met by payment of an "in-lieu" fee pursuant to Section 3.2.26.11 of the Downtown Specific Plan and Section 231.10 of the Huntington Beach Zoning and Subdivision Ordinance; and

The City Council has determined that an in-lieu parking fee is necessary to create future parking opportunities, and to facilitate vehicular traffic and pedestrian movement as part of the Downtown Specific Plan; and

The Downtown Specific plan requires business owner(s) to provide parking for a new commercial use in District 1 if fifty-percent or more of an existing non-conforming structure is demolished and reconstructed. The parking requirements may be met by payment of an "in-lieu" fee; and

The fee creates opportunities for additional parking, including but not limited to, programs such as valet, re-striping, shuttle, trolley, and other similar programs resulting in the provision of additional parking or construction of surface or structured parking and associated design costs in District 1 of the Downtown Specific Plan; and

A plan for implementation and allocation of the fee is necessary to effectuate the program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1. The City Council hereby sets an in-lieu parking fee of \$27,350.00 per parking space as required by Section 3.2.26.1 1 of the Downtown Specific Plan. The fee shall be automatically adjusted on October 1" of each year by the amount of percentage increased or decreased (not to exceed 3%) in the 3-year rolling average of the Annual California Department of Transportation Price Index for Selected Highway Construction Items beginning with a baseline index of 244.8.

SECTION 2.

- (a) The fee may be paid in a lump sum, or on a maximum of up to a 15-year term, subject to a variable annual interest rate equal to that of the Fed Funds Rate plus 500 basis points. The interest rate shall be set on October 1 of each fiscal year. All agreements signed during the fiscal year shall use the October 1 set rate of interest. If on the following October 1, the interest rate is changed, the next year's billing for all parties would be based on the new interest rate.

10-2506.005/50342

1

DSP District 1
In Lieu Parking Fee Ordinance

COASTAL COMMISSION
HNB LCPA 1-11
EXHIBIT # H
PAGE 1 OF 3

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 98

Resolution No. 2010-49

- (b) Any private property owner who requests to participate in the In-Lieu Parking Fee Program shall submit an application for a conditional use permit, which shall be presented to the Planning Commission for review and approval. The conditional use permit application shall request the establishment of the proposed use, indicate the number of parking spaces required for the proposed use, and the proposed extent of participation in the In-Lieu Parking Fee Program.
- (c) A conditional use permit application shall be accompanied by a draft In-Lieu Parking Fee Agreement specifying the total number of parking spaces required, the amount of spaces to be provided by payment of the in-lieu fee, the total in-lieu fee payment, the proposed payment schedule if applicable, the mechanism to secure subsequent annual payments (for instance, a bond or a secured lien recorded against the property), and any other terms and conditions deemed appropriate by the City. If the conditional use permit is approved, the Agreement shall be reviewed and approved as to form and content by the City Attorney prior to recordation with the County of Orange. The Agreement shall run with the land. A copy of the recorded document shall be submitted to the Planning and Building Department for inclusion in the subject file prior to issuance of a Certificate of Occupancy or building permit, whichever occurs first.
- (d) If the conditional use permit application is approved, the private property owner may submit a written request for financial participation to the Redevelopment Agency. The Economic Development Department shall process the request for the Agency's financial participation and present it to the Agency for consideration. The Redevelopment Agency may or may not agree to provide financial participation at its sole and absolute discretion. If the Redevelopment Agency agrees to financially participate, the percentage of financial participation shall be included, along with any other terms and conditions, in a Financial Participation Agreement between the private property owner and the Agency. A copy of the Financial Participation Agreement shall be reviewed by the Agency Counsel and submitted to the Planning and Building Department for inclusion in the conditional use permit file prior to issuance of a Certificate of Occupancy or building permit, whichever occurs first.
- (e) Payment of the in-lieu fee shall be the responsibility of the private property owner. The in-lieu parking fee shall apply only to private property, not public property.
- (f) In the event of installment payments, the first payment shall be made by the private property owner prior to issuance of a Certificate of Occupancy or building permit, whichever occurs first. Subsequent payments may be made on an annual basis upon the one-year anniversary of the first payment. Payments shall be received no later than 30 days after the due date. Failure to pay in a timely manner may result in revocation of the conditional use permit and foreclosure upon the security mechanism as provided in the In-Lieu Parking Fee Agreement. Notification to the private property owner of each annual payment shall be provided by the City Treasurer.

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 99

Resolution No. 2010-49

(g) The City Treasurer shall deposit all fees collected from the property owner in a separate fund. The funds shall be used only for creating opportunities for additional parking including but not limited to, programs such as valet, re-striping, shuttle, trolley, and other similar programs resulting in the provision of additional parking or construction of surface or structured parking and associated design costs in District 1 of the Downtown Specific Plan.

(h) Subsequent to conditional use permit approval for participation in the In-Lieu Parking Fee Program, a change of use located on the same parcel or within the same suite may only be permitted if the approved number of parking spaces does not increase.

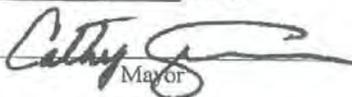
SECTION 3. Implementation of the In-Lieu Parking Fee Program shall be the responsibility of the Departments of Planning and Building, and Economic Development.

SECTION 4. If the Redevelopment Agency approves a Financial Participation Agreement, the Agency shall provide all documents necessary to effectuate its participation and forward the documents to the Planning and Building Department for inclusion in the conditional use permit file.

SECTION 5. The Director of Planning and Building or his/her assignee is authorized to execute documents (unless otherwise noted) to effectuate the above implementation measures and the In-Lieu Parking Fee Program.

SECTION 6. City Council Resolutions No. 6720 and 6721 are hereby repealed.

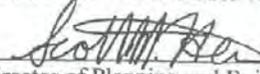
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of July, 2010.


Mayor

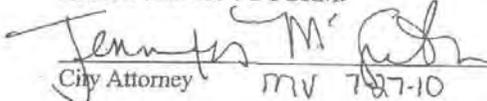
REVIEWED AND APPROVED:


City Administrator

INITIATED AND APPROVED:


Director of Planning and Building

APPROVED AS TO FORM:


City Attorney MV 7-27-10

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 100

Ordinance No. 861

AN ORDINANCE OF THE CITY OF HUNTINGTON
BEACH AMENDING THE HUNTINGTON BEACH OR-
DINANCE CODE BY AMENDING SECTION
7572.28 RELATING TO BEACH CURFEW.

The City Council of the City of Huntington Beach, Calif-
ornia, do ordain as follows:

Section 1. That Section 7572.28 of the Huntington
Beach Ordinance Code is hereby amended, and as amended,
shall read in words and figures as follows:

Section 7572.28. Beach Curfew. to be on the public
beach within the City of Huntington Beach, between the
hours of 12:01 A.M. and 5:00 A.M. of the same day, except
upon official business of the City of Huntington Beach.
In the event of special circumstances so warranting, the
City Administrative Officer, in his judgment, is hereby
authorized and empowered to modify, temporarily, the hours
during which the beaches are closed by first filing each
said modification, and the specified period thereof, with
the City Clerk and mailing a notice thereof to each council-
man at least ten (10) days prior to the time when each
said modification shall be effective. This does not apply
to the public buildings located on the Huntington Beach
beach.

Beach Curfew
Ordinance 1.

COASTAL COMMISSION
HNB LCPA 1-10 10
EXHIBIT # 1
PAGE 1 OF 3

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 101

Ord. No. 861

Section 2. That the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published by one insertion in the Huntington Beach News, a weekly newspaper published, printed and circulated in the City of Huntington Beach, Orange County, California, and thirty (30) days after the adoption thereof, the same shall take effect and be in force.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach, California, this 7th day of August, 1961.

Ernest H. Gisher
Mayor

ATTEST:

Paul C. Jones
City Clerk

I 2

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 102

Ord. No. 861

STATE OF CALIFORNIA)
County of Orange) ss
City of Huntington Beach)

I, PAUL C. JONES, the duly elected, qualified and acting City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is five; that the foregoing ordinance was first read to said City Council at a regular meeting thereof held on the 17th day of July, 1961, and was again read to said City Council at a regular meeting thereof held on the 7th day of August, 1961, and was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council as follows:

AYES: Councilmen:
 Wells, Lambert, Stewart, Waite, Gisler

NOES: Councilmen:
 None

ABSENT: Councilmen:
 None

Paul C. Jones
City Clerk and ~~ex~~-officio Clerk of the
City Council of the City of Huntington
Beach, California

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 103

ORDINANCE NO. 1743

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH ORDINANCE CODE BY AMENDING SECTIONS 7511.2, 7511.9, 7511.19.1, 7525.3, 7525.4, 7526.3, AND 7531.2, AND BY ADDING THERETO SECTIONS 7511.23 and 7555 CONCERNING BEACH, PIER, AND PARKING LOT REGULATIONS.

The City Council of the City of Huntington Beach does ordain as follows:

SECTION 1. The Huntington Beach Ordinance Code is hereby amended by amending Sections 7511.2, 7511.19, 7511.19.1, 7525.3, 7525.4, 7526.3, and 7531.2 to read as follows:

7511.2 LITTERING. To deposit or discard or leave any handbill, bottle, can, or rubbish or trash or debris on the beach or in the Pacific Ocean, other than in those receptacles provided for such purpose, or to deposit in any commode or urinal in any public toilet any newspaper, rag, part of clothing, or any item likely to clog said commode or urinal. This section shall not be interpreted to prohibit distribution of any constitutionally protected material.

7511.9 HAZARDOUS WATER SPORTS. No person shall use any surfboard, paddleboard, bellyboard, or any similar objects exceeding three and one-half feet in length (excluding soft rubber and/or canvas inflatable apparatus not exceeding four and one-half feet) between the hours of 11:00 A.M. and 5:00 P.M., from June 15 to September 10 of each year, in the Pacific Ocean, within 300 yards of the beach, within the city limits of Huntington Beach, provided, however, that the prohibition against surfboards and paddleboards shall not apply to the areas specifically set apart therefor, at the westerly city limits.

7511.19.1 MIRRORS. No person shall use a mirror, glass, or any similar object to cause the sun to reflect thereon so as to interfere with the vision of any lifeguard or other person(s).

7525.3 CYCLING. No person shall possess any bicycle, tricycle, skateboard or any similar type vehicle upon the municipal pier at any time.

7525.4 PARKING. No vehicle shall be permitted to park on the pier except for the express purpose of loading or unloading supplies, unless he possesses a written permit from the Director of Harbors and Beaches allowing him to do so. No vehicles parked upon the pier shall be left unattended at any time.

DJW:lm

Parking Lot
Hours of Operation

-1-

COASTAL COMMISSION
HNRB LCPA 1-10 I
EXHIBIT # 1
PAGE 1 OF 3

7526.3 PRIVATE BOATS. Nothing contained in this Article shall be construed to prevent the embarking or disembarking of passengers from privately owned or operated boats and other craft, when the same are not in any commercial business, but are operated by the owners thereof without profit, for their own pleasure and amusement, and without charging or receiving any compensation from persons or passengers riding upon said boats or other craft. During emergency operations, no vessel shall use any boat landing upon said pier until said emergency operations are concluded.

7531.2 PARKING LOT HOURS. 5:00 A.M. to 12:00 midnight.

SECTION 2. The Huntington Beach Ordinance Code is hereby amended by adding thereto Sections 7511.23 and 7555 to read as follows:

7511.23 SPEAKER SYSTEMS. No person shall play, use, or operate, or permit to be played, used or operated, any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for producing or reproducing of sound upon the beach, pier, beach service road or municipal parking lot, at such a volume as to disturb the peace, quiet and comfort of persons who are not voluntary listeners thereto. This section does not apply to the regularly employed safety service personnel of the city who use said safety equipment in the course of their daily operations, nor to any public address system authorized by Section 7554.

7555 SPECIAL USE PERMITS. The Director of Harbors and Beaches may, at his discretion, designate special use areas.

SECTION 3. This ordinance shall take effect thirty days after its adoption. The City Clerk shall certify to the passage of this ordinance and cause same to be published within fifteen days after adoption in the Huntington Beach News, a weekly newspaper of general circulation, printed and published in Huntington Beach, California.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 17th day of April, 1972.


Mayor

ATTEST:

APPROVED AS TO FORM:


City Clerk


City Attorney

Huntington Beach LCPA 1-10
Downtown Specific Plan Update
Page 105

Ord. No. 1743

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, PAUL C. JONES, The duly elected, qualified, and acting City Clerk of the City of Huntington Beach and ex-officio Clerk of the City Council of the said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing ordinance was read to said City Council at a regular _____ meeting thereof held on the 3rd day of April 1972, and was again read to said City Council at a regular _____ meeting thereof held on the 17th day of April, 1972, and was passed and adopted by the affirmative vote of more than a majority of all the members of said City Council.

AYES: Councilmen:

Shiple, Bartlett, Gibbs, Green, Matney, Duke, Coen

NOES: Councilmen:

None

ABSENT: Councilmen:

None

Paul C. Jones
City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

I, PAUL C. JONES, CITY CLERK of the City of Huntington Beach and ex-officio Clerk of the City Council, do hereby certify that this ordinance has been published in the Huntington Beach News on April 20, 1972.
In accordance with the City Charter of said City.
PAUL C. JONES
Alisia M. Newbold City Clerk
Deputy City Clerk

J3